

## Aboriginal Languages of Canada Bill

Second Reading—Debate Continued

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Eggleton, P.C., for the second reading of **Bill S-212**, An Act for the advancement of the aboriginal languages of Canada and to recognize and respect aboriginal language rights.

**Hon. Murray Sinclair:** Honourable senators, I rise to add some comments with regard to Bill S-212, which calls upon the government to take steps to address the status and restoration of indigenous languages in Canada.

I want to first of all congratulate our colleague Senator Joyal for reintroducing this bill, as he has in the past, and for his comments at the beginning.

I want to begin my remarks by asking you to think of the answer to this question: "Who are you?" It's not a rhetorical question. It's a question which asks you to contemplate the fundamental question of your identity and character. To be able to answer that, you need to know where you and your ancestors came from, what you stood for, your personal and collective history, what your influences have been, what your ambitions have been and are, and what your purpose in life is.

It's not a tough call for most of us because we have been informed and educated about those things within our families and in our institutions since the day we were born. Our answers to those questions and the ambitions they have provided to us, combined with the opportunities and the choices we have faced and made, have led us to this very place. Yet, while we are all senators, that is not who we are. It is what we do. We are all unique from each other, but we are confident of one thing, though, that we each know who we are. We are strong in our sense of self. We have an identity we believe in and which we know will sustain us throughout all of our challenges. We are what and who we want to be.

Language and culture are keys to personal identity. Personal identity is key to a sense of self-worth, and spiritual and mental wellness hinge on one's sense of self-worth.

Everyone wants to feel worthy and to belong to something valid. Education is the key by which we make our society and our membership within it seem valid.

Identity also gives one a sense of being valued and worthy if one's language and culture are considered valuable and worthy. If the language you speak and the culture you follow are denigrated or otherwise portrayed as unworthy of respect from your neighbours, disrespect is reciprocated and tension between you is inevitable.

That has significant implications for indigenous and non-indigenous people in Canada. From the time of Confederation until the end of the 20th century, a period of about 125 years, Canada did all that it could to eliminate Aboriginal cultures and Aboriginal languages. Through the use of law

approved and passed by our senatorial ancestors, among others, cultural practices were outlawed and access to justice was denied to anyone who wanted to do anything about it.

Undoubtedly, residential schools were the single most significant attack on indigenous languages and cultures. One hundred and fifty thousand children were forcibly removed from their families under threat of prosecution for those parents who resisted and were placed in institutions for the sole purpose of indoctrinating them into Canadian society.

Prime Minister Sir John A. Macdonald not only believed that Aboriginal people who practised their culture and languages were savages but that they needed to have those cultures and languages stripped away. In 1883, in Parliament, he stated:

**When the school is on the reserve, the child lives with its parents, who are savages, and though he may learn to read and write, his habits and training and mode of thought are Indian. He is simple a savage who can read and write.**

**It has been strongly impressed upon myself, as head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men.**

He made this statement at a time when federal government representatives had already entered into treaties with First Nations leaders and would continue to enter into other treaties within which promises were made by the government, among other things, to build schools on reserves, such as the provision you find in **Treaty 1**. That treaty says:

**And further, Her Majesty agrees to maintain a school on each reserve hereby made whenever the Indians of the reserve should desire it.**

(1520)

It would be fair to say that the federal government representatives were less than forthright and even deceptive in their dealings with First Nation leaders on the issue of schools and education during those treaty negotiations.

In a study of the impact of residential schools, the Assembly of First Nations noted in 1994 that:

**. . . language is necessary to define and maintain a world view. For this reason, some First Nation elders to this day will say that knowing or learning the native language is basic to any deep understanding of a First Nation way of life, to being a First Nation person. For them, a First Nation world is quite simply not possible without its own language. For them, the impact of residential school silencing their language is equivalent to a residential school silencing their world.**

The Royal Commission on Aboriginal Peoples in its report in 1996 similarly noted the connection between Aboriginal languages and what it called a "**distinctive world view, rooted in the stories of ancestors and the environment.**" The royal commission added that Aboriginal languages are

a "**tangible emblem of group identity**" that can provide "**the individual a sense of security and continuity with the past. . . maintenance of the language and group identity has both a social-emotional and a spiritual purpose.**"

Residential schools were a systematic, government—sponsored attempt to destroy Aboriginal cultures and languages and to assimilate Aboriginal peoples so that they no longer existed as distinct peoples.

English and, to a far lesser degree, French were the only languages permitted to be used in those schools. Students were physically punished, often severely, for speaking their own languages.

Rights to culture and language and the need for remedies for their loss have been recognized now in international law. They are specifically acknowledged in the United Nations Declaration on the Rights of Indigenous Peoples, which acknowledged the critical state of Aboriginal languages generally.

**Article 8.1 of the declaration recognizes that:**

**Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.**

**Article 8.2 provides that:**

**States shall provide effective mechanisms for prevention of and redress for . . . Any form of forced assimilation or integration.**

The declaration also includes specific recognition of the right to revitalize and transmit Aboriginal languages in **Article 13.1**, which recognizes that:

**Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.**

We see further similar provisions in **Articles 14.1, 14.3 and 16.**

The attempt to assimilate students by denying them access to and respect for their languages and cultures often meant that the students became estranged from their families, from their communities and even from themselves. Some survivors refused to teach their own children their Aboriginal languages and cultures because of the negative stigma that had come to be associated with them during their school years.

My grandmother, for example, who raised me and my siblings from the time that I was an infant, could speak Ojibway and Cree, as well as French and English. She taught all of those languages to me as a young boy, but she insisted that we only speak English once I started school. I always wondered why she did that and came to some understanding when one survivor told us during our hearings of the Truth and Reconciliation Commission that he had a similar experience. When

he asked his mother why she had never taught him the language, she told him simply, "Because I wanted to save your life."

In the Catholic school where she had been raised, she was taught that if she continued to practise her culture and to speak her language, she would end up in purgatory or in hell, places of eternal damnation. She simply wanted her children to have a chance at eternal life in heaven, so she refused to teach them their language.

This, I believe, was my deeply Catholic grandmother's motivation as well. But whatever the cause or motivation, the lack of transmission of language has contributed significantly to the fragile state of Aboriginal languages and culture in Canada today.

Many of the almost 90 surviving Aboriginal languages in Canada are under serious threat of extinction. In the 2011 Census, only 14.5 per cent of the Aboriginal population of Canada reported that their first language learned was an Aboriginal language. In the previous 2006 Census, 18 per cent of those who identified as Aboriginal reported an Aboriginal language as their first language learned. And a decade earlier, in the 1996 Census, the figure was 26 per cent. This indicates a drop in language use and transmission of nearly 50 per cent in the 15 years since the last residential schools were closed.

There are, however, variations among the Aboriginal populations: 63.7 per cent of Inuit speak their language compared to 22.4 per cent of First Nations people and only 2.5 per cent of Metis people.

Some languages are close to extinction because they have only a few remaining speakers of the great-grandparent generation. UNESCO says that 36 per cent of Canada's Aboriginal languages are being critically endangered in the sense that they are only used by the great-grandparent generation. They say 18 per cent are severely endangered in the sense that they are used by the grandparent generation, and 16 per cent are definitely endangered in the sense that they are used by the parental and the two previous generations combined.

The remaining languages are all vulnerable. If the preservation of Aboriginal languages does not become a priority both for governments and for Aboriginal communities, then what the residential schools failed to accomplish will come about through a process of systematic neglect.

In interpreting Aboriginal and treaty rights under section 35(1) of the Constitution Act, 1982, the Supreme Court of Canada has stressed the relation of those rights to the preservation of distinct Aboriginal cultures. The preservation of Aboriginal languages is essential to identity and, given its past treatment, must be recognized as a legal right in Canada.

In the report of the Truth and Reconciliation Commission, various calls to action were put forward to establish that point. **Call to Action 13**, for example, reads:

**We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.**

At a time when government funding is most needed to protect Aboriginal languages and culture, Canada has not upheld commitments it previously made to fund such programs.

In 2002, the federal government under Prime Minister Chrétien promised that \$160 million would be set aside for the creation of a centre for Aboriginal languages and culture and a national language strategy. But in 2006, the government retreated from that commitment, pledging instead to spend only \$5 million per year in permanent funding for the Aboriginal Languages Initiative, which had been started in 1998. The ALI is a program of government-administered heritage subsidies. It is not based on the notion of a respectful nation-to-nation relationship between Canada and Aboriginal peoples. Nor does it provide Aboriginal people with the opportunity to make decisions for themselves about how to allocate scarce resources and how to administer programs.

Other than ALI, the only significant programs for language preservation are the Canada Territorial Language Accords, with a \$4.1 million budget, which support territorial government-directed Aboriginal language services, which support as well community projects in Nunavut and the Northwest Territories. In Yukon, language revitalization and preservation projects there are supported through transfer agreements, with 10 of the 11 self-governing Yukon First Nations becoming eligible.

(1530)

The combined total annual federal budget for those Aboriginal languages programs in Canada, therefore, was \$9.1 million when that is factored in.

Compare that to the official languages program for English and French in Canada which has in recent years been allotted funding as follows: in 2012-13, \$353.3 million; in 2013-14, \$348.2 million; in 2014-15, \$348.2 million.

**The Hon. the Speaker:** Excuse me, Senator Sinclair, your time has expired. Are you asking for more time?

**Senator Sinclair:** Five more minutes.

Hon. Senators: Agreed.

Senator Sinclair: The commitment to French language retention and services is commendable, and I do not want to be taken as criticizing the amount or suggesting it be reduced. Rather I point out for comparison that the resources committed to Aboriginal language programs are far less than what has been committed to French, even in areas where French speakers number less than Aboriginal language speakers. For example, the federal government provides support to the small minority of francophones in Nunavut in the amount of approximately \$4,000 per individual annually. In contrast, the funding to support Inuit language initiatives in Nunavut is estimated at \$44 per Inuk per year.

In the report of the TRC, we put forward a call to action dealing with the need for legislation. We also saw the need for an official with authority to promote Aboriginal languages and to monitor and report upon federal government funding support.

In addition to promoting the use of Aboriginal languages, that official, we felt, would also educate non-Aboriginal Canadians about the richness and value of Aboriginal languages and how strengthening those languages can enhance Canada's international reputation.

As I said at the outset, cultural and language revival are keys for Aboriginal youth in their search for identity, and it is a legitimate cause of complaint for survivors of residential schools and other forms of cultural suppression. Cultural and language revival are a binding force for the Aboriginal community. However, while there is a significant role for government to play in that revival, in the final analysis cultural and language revival are the responsibility of the communities that want them.

There is no getting away from the very simple fact that if you want your culture, you must live it; if you want your language, you must speak it.

**I have some concerns about this bill, though I support it. In this respect I am not convinced it goes far enough. I don't think it goes as far as it could or should. I am nonetheless prepared to support the bill going on to committee in order to see if the committee members will support amendments to the bill, which I intend to propose, that I believe will make the bill stronger and consistent both with the TRC's calls to action as well as the principles espoused in the United Nations Declaration on the Rights of Indigenous Peoples.**

**I encourage all of you to show Canada, as well as the indigenous peoples in Canada living with the legacy of residential schools, that the Senate of Canada as an institution is prepared to support this bill as an act of reconciliation.**

(On motion of Senator Patterson, debate adjourned.)