

Jack Anawak

# WHO IS EQUAL?

THE PASSAGE OF  
NUNAVUT'S FIRST  
HUMAN RIGHTS ACT

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FIRST HUMAN RIGHTS ACT

WITH THANKS TO

Iqaluit Pride and Friend of Pride

PSAC North

PSAC Human Rights Committee

PSAC Iqaluit Regional Women's Committee

Northern Territories Federation of Labour

Arctic Ventures



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## INTRODUCTION

Nunavut is a mixture of many challenges and, as it struggles to develop, it wears much of its history on its sleeve for the world to see.

Decades of colonialism intermingled with outsider's attempts to sway the population with other's particular brand of politics, "world view" and religion; traditional values and understandings are confronted by newer, legal requirements and policy logistics. A fairly homogenous population confronts new demands, and the politics of a greater, more diverse community. All of this was happening among only less than thirty thousand inhabitants in the most isolated portion of our country!

The need to introduce into legislation a Human Rights Act had been recognized by the new Government of Nunavut at its inception in 1999, however, it was not introduced until the Nunavut Legislative Assembly Session in Iqaluit in November of 2003.

In the past, the North had more or less been the home of two mainstream churches who had learned, through trial and error, the benefits of living in peaceful co-existence. Only during the past three decades have Inuit seen the introduction of other religions and conversion of Inuit who are encouraged to be more assertive in their judgment of others.

This has led to some tendencies toward aggression that run counter to our own historical values and has made for conflicts which previously did not exist. It has caused polarization in an area of the world where people are more used

to values of interconnectedness and dependence upon each other. This is a culture in which harmony is traditionally sought when conflicts develop and where cooperation and goodwill is quickly restored.

The introduction of the Human Rights legislation into this situation showcased all aspects of this dilemma; many of the legislators were deeply confused and divided when this bill came before them. Some felt the enormous pressure of newer religious groups who were not content to sit on the side and who questioned their overall commitment to God and to their constituents. Others, not familiar with either the legislation before them or the issue of sexual orientation were alternately baffled and intimidated by the polarization around them. Many were unaware of the aspects afforded to people as part of a Human Rights Bill elsewhere or the accompanying court decisions and growing public acceptance of rights for all. This was the setting for a fiery exchange in the House and at times sinking hopes that all people would indeed be equal...

In the end we prevailed but it showed how far some of the population has wholeheartedly taken the religious teachings of the churches in terms of it's biases and turned away from the Inuit culture that always taught acceptance of people different from yourself.

I am honored to have had a role in ensuring the passage of the Human Rights Bill for Nunavut.

– JACK ANAWAK

OCTOBER, 2005

MR. ANAWAK Thank you, Mr. Chairman. I have been considering this Bill for quite a while and I am not opposed to it, but I do want to speak to it. I do know that there are equality rights, and I know where we stand on the issue. We have to have fairness, and I do support Bill 12. I believe that we should have done this a lot earlier than now.

As the previous Minister of Justice, I was prepared to bring forward a strong, clear Bill to the House. I think this action should serve as a clear signal to all that Nunavut is a safe, welcoming, hospitable and open environment where all people are shown respect, where it is acknowledged that human beings are equal and valued.

I feel, at this time, that both in the eyes of the world and in the eyes of my fellow Nunavummiut that we have a public responsibility to assure to all citizenry that we have a peace loving, progressive and empathetic homeland for all of our people.

We have an enormous responsibility to live up to those same high standards and always have. I firmly believe in the clear separation of church and state, as is the case in all democracies.



I believe that fear, suspiciousness and discrimination against other people have no place in this new Territory we have worked so hard for so long to create. I believe that as Inuit, we had always treated people with acceptance, care and consideration.

These very positive traits help to define who we are. Our openness and respect for others has been the envy of many. This is something to continue to promote and honour now and in the future.

Our willingness to work along with people who are different from us, to collaborate and to cooperate with others has taken us a very long way. These characteristics are worth preserving and they are worth upholding in this situation.

I have always envisioned a place where people of all ages work together, and do not work against any minority group.

I have seen ahead to a society here in which people of all walks of life could cooperate as peers to problem solving, to initiate change to continue building and seeking innovative ways of living and developing.

Because as Inuit, we have suffered greatly in our own land I was sure that we would not want to inflict suffering upon others.

Do we want to see equality? Do we want gays and lesbians to suffer? We talk about religion and elders speak of traditional laws and beliefs, which included unity, cooperation, trust and respect.

I did not believe we, as Inuit, could ever set these aside and take a dislike to a portion of the population who we see as different.

Because we functioned in the most challenging environment in the world, I believed our ability to be flexible, accommodating, adaptable and progressive under our conditions formed the foundation of our success and that these were the keys to our very survival.

Mr. Chairman, I believed all these things as I reflected on the subject of Human Rights.

I was sure that they were to be accorded to all – not only to some.

You can imagine my surprise as I watched a host of other things being brought in to these considerations as I watched the Bill being watered down and still being severely challenged.

I have watched issues dragged in this discussion, which are not even included in this Bill. In this case, I mean the subject of same sex marriages which is currently so much a focus within the news media in southern Canada.

I have watched people work up a sweat about this without stopping to realize that is not what we are even speaking of in this particular Bill that is before us in this House today.

We are simply saying in this Bill that one of the categories that we will not discriminate against, is about people's sexual orientation. I have watched pressure and judgment being exerted by religious groups (and even our Prime Minister) suggesting in the strongest terms that if a person did not vote against this, they would be forever suspect and must be against God.

I have listened to hatred and paranoia coming out of the mouths of some people who should have known better. In

some cases they would even be the first to complain if they lost any rights. I have listened to the confusion of some of those who do not seem to clearly understand what this is really about.

I have heard statements by those purporting to be leaders who seem to say that it is all right to be against some people and that it is okay that their rights should not be included. When did freedom-loving people become so selective?

Since when is it okay to discriminate? When did it become acceptable to treat people as less and more according to how we perceive them? When did we place more value on some than on others? What makes it okay to assume the role in our society that says we love you so you can have rights like us and we don't like you, so you can't have any.

How did we get to choose who is equal? Where did we get the power to give rights or take away rights? When did we decide to set aside our time honored values and beliefs about the value and integrity of all people.

In other words, what are we doing as members of our society supporting such non-democratic behavior, judgment and attitudes? If anything, as leaders, we should be confronting this unacceptable way of thinking loudly and clearly.

We should be very busy reaffirming and protecting the rights of all. We should be rushing, almost tripping over ourselves, to say loudly in no uncertain terms that we will never accept hatred or discrimination against any group in our society for any reason.

We, as the leadership, should be very busy reminding everyone in the population that if any one person's rights are ignored or weakened, then everyone's rights are at risk. We should be leading the way in educating ourselves and making our society more responsible and more aware that human rights are for all humans, not just the ones you happen to agree with.

And while we are at it, we should be equally aware of the hundreds of people within our own population here in Nunavut whose sexual orientation may be different from our own. Whether you are in agreement with them or not, the reality is you must, in fact, you are obligated to serve them and to advocate for their rights too. No one gives us the right to organize against them or to promote exclusion or hatred towards them.

Some people have totally failed to understand this point and feel there is some divine right now bestowed upon them to mercilessly attack, ignore or spread ignorance and fear about gay and lesbian people.

As former Prime Minister Pierre Trudeau once said, the state has no business being in the bedrooms of the nation. He went on to say that where there are two consenting adults of equal power and persuasion that it is not up to the state to judge.

Yet many years later tiny little Nunavut, the last to come on board in the map of Canada is kicking up such a fuss about this subject as if it was new and unknown. We seem to

all be in the bedroom pointing our fingers and not in the boardroom using our heads.

Some of the statements being made in the House purport to speak for everybody when, in fact, many of their constituents are offended that anyone would assume that they thought like that. In some cases the wall of ignorance stands firm and refuses to let any new information in, nor does it stop and consider some very important facts, despite some of the pressing issues we are dealing with.

It is well known that there is a much higher incidence of suicide attempts and completions among youth who are grappling with their own sexuality issues. This fact is born throughout Canada and the US and is documented throughout much of the world. Nunavut leads this entire continent in suicide completions, yet we can take harsh and cruel stands that place further pressures on a youth population that is already vulnerable.

The negativity and judgement that people see as appropriate, when directed against those they do not like, goes a long way towards causing both direct and indirect harm to others. Gay, lesbian and transgendered people often feel isolated and this is one more effective way of excluding them and discriminating about those whose lifestyle may be different from your own.

There are many people out there who do not think the way I do but in many cases, the people doing this do not even know that many of their own relatives, friends and co-workers are gay, bisexual or transgendered.

They seem to have no idea that the group they many have targeted are in fact their own sons, daughters, nephews and nieces, sisters and brothers, close friends, and colleagues whose lives we made absolutely miserable through their judgement and total ignorance.

Who put us on this earth to cause such pain and suffering? Who set us up to refuse to treat people equally and respectfully and why do we think we get to be treated just as badly? It is time Nunavut and its leadership take a significant leap forward, not backward and immediately rethink what is coming out of their mouths on this issues.

People have had to struggle throughout southern Canada to overcome such unacceptable levels of discrimination and fear. It has been a long road to educate the public and achieve awareness that human rights cannot be denied, altered or set aside. We have to reconsider this in Nunavut.

Mr. Chairman, I do not think we can get away with the way many in this House are talking. We should not be so comfortable in demonstrating our ignorance. We have no authority to do harm. We have no license to cause or contribute to unrest, social divisiveness and/or lynch mob mentality.

No matter which culture we are, we do not get to act out against others or to isolate or refuse to offer the same rights and protections that are afforded to all other citizens. There are those who wish to speak out against negativity but they are afraid because through careless reactionary remarks, including those in this House, they have been made afraid.

Teaching people to know fear and suffering in silence is not a lesson we should be teaching in Nunavut. I do not wish to teach my children hatred. I do not wish to pick and chose who I may be comfortable discriminating against.

I do not wish my friends and neighbours to know fear and hatred against any group who is seen as different from us. I do not wish to sit here quietly in fear allowing my very silence to appear to lend support to those who withdraw people of their rights in a democracy.

I do not want people to start to think we have lost our minds and not support exclusion, hatred and differing reasons to those we agree with versus those we chose to fear and misunderstand.

I do not want to sit among law makers who are in such a hurry to disrespect the law that says we are equal on this earth and deserve to receive equal treatment, equal access and equal respect.

During the Second World War, some of us are aware of the horrible treatment experienced by the Jews who were targeted and saw their entire careers, houses and possessions taken from them after they had become subjects of fear, hatred and discrimination.

They and their families were carted off to concentration camps where they were worked to death, were stripped of all their rights and died and were killed by a majority who thought they were less than themselves so they deserved no protection and no respect.

I am reasonable sure we all agree this was a terrible thing. Well, unknown to many people, there was a second group of people who were sent to those same camps, who were targeted along with Jews. This second group suffered the same treatment and daily indignities, loss of rights and personhood and eventual death. They were gay.

After the war, when the extent of these atrocities became fully known, the World Court agreed that this must never be allowed to be repeated. That humankind must never again sit back in silence when any group is targeted and seen as less than deserving of the same rights, protections and freedoms enjoyed by others.

World Governments were united that this must never be allowed to happen again, that all persons are created equal. There was an agreement at every level that all citizens must remain vigilant and be prepared to defend the rights of all people, in case, in the future, anyone could ever again have their rights down-graded, withheld, restricted or ignored.

Mr. Chairman, I stand here today, not in silence, for that would condone what is wrong. I stand here and loudly proclaim the true need of every person to feel safe and secure in their society, to make a positive contribution, to be heard, to be acknowledged, to be respected, to have the same access and services, to be just as valued and connected as everyone else.

I implore you to remember our long struggle in Nunavut for our rights and to remain firm in your belief that no one else should ever be denied their rights either.



I urge this House to move forward in the spirit of respect and cooperation of unity and of connectedness and support this Bill to ensure your children and mine can grow up in a world that takes care of and serves all of its citizens equally well.

We can fight this Bill and show our smallness, our paranoia and our disdain for our fellow human beings, or we can embrace this Bill and lead the way as progressive, empathetic, and forward-thinking members of society.

Let's do the right thing, Mr. Chairman: human rights, respect, and equality for all.

I have stood in this House many times and quoted from the Nunavut Vision Statement. It calls upon us to create a government that is open and fair to all its people, that belongs to the people, that is accountable to the people.

This is the Nunavut we fought for. This is the Homeland that protects, acknowledges, defends and takes good care of its people. Thank you, Mr. Chairman.

JACK ANAWAK WAS BORN near Repulse Bay, Nunavut. He has served as hamlet Councillor and Mayor of Rankin Inlet and on the executive board of the Tunngavik Federation of Nunavut. He has been Speaker of the Keewatin Regional Council and former President of the Keewatin Chamber of Commerce as well as Executive Director and President of the Keewatin Inuit Association.

Mr. Anawak served two terms as Member of Parliament for Nunatsiak and in 1997 was appointed as the Interim Commissioner for Nunavut, where he was responsible for establishing the administrative framework for the new Nunavut Government. He was elected to the Nunavut Legislative Assembly in 1999 as the member for Rankin Inlet North. In that role he was the Minister of Justice; Community Government and Culture, Language, Elders and Youth.

In 2004 Mr. Anawak was appointed the Ambassador for Circumpolar Affairs with Foreign Affairs Canada.