



One little, too little: Counting Canada's indigenous people for improved health reporting



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ARTICLE INFO

Article history:

Available online 15 June 2015

Keywords:

Canada
Indigenous
Indian status
Data linkage
Health administrative databases
Indigenous rights

ABSTRACT

The way state governments, worldwide, count or do not count Indigenous peoples has contributed to inconsistent reporting of Indigenous health statistics. To address unreliable reporting in Canada, we reviewed laws on Indian status and the development of a national Indian Registration System (IRS) to track Indian status and eligibility. With this information as a guide, we linked the IRS to the Manitoba provincial health registry systems and were able to identify individuals with Indian status for health reporting. To improve reporting, we identified individuals often missed in this type of linkage. For instance, we identified children and adult children who were eligible for Indian status but not yet registered. Equally as important, we identified individuals not eligible for Indian status but have Indian heritage and/or represent potential individual Indian status eligibility cases before the courts to right a historic form of identity sex discrimination that has made them invisible in Canadian society and health reporting. A familial kinship approach was used to identify Indian children and adult children typically missed when a strict legal entitlement criteria is used for data linkage. Our reflective socio-legal data linkage approach expanded the number of Indian peoples for health reporting purposes and demonstrated a feasible, inclusive way to report on the health of Indians in Canada.

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1. Introduction

Most adult North Americans are familiar with the counting rhyme “one little, two little, three little Indians.” Walt Disney’s 1933 film *Old King Cole*, which featured headdress-wearing Indian boys dancing to a pounding drum, ensured the rhyme’s ubiquity. As these stanzas from the longer versions reveal, one by one each of the “little Injun boys” all disappear, many meeting a violent death:

Two little Injuns foolin' with a gun.
One shot t'other and then there was one.
One little Injun livin' all alone.
He got married and then there were none.

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The popular enthusiasm for counting “Indians” did not result in consistent and reliable data collection policies for Indigenous peoples. Rather assimilationist policies and disrespect for Indigenous concepts of citizenship have pushed Indigenous peoples towards the song’s nihilistic ending: “and then there were none”.

The way governments count Indigenous peoples has contributed to inconsistent reporting of Indigenous health statistics in Australia, New Zealand, United States and Canada (Elias, 2014; Freemantle et al., 2014). While vital statistics and other data collections may have high population ascertainment in these countries, the same cannot be said for key grouping fields, such as race/ethnicity particularly for Indigenous populations. In Canada, while federal and provincial governments have identified the need to improve health reporting for Canada’s founding Indigenous populations—Indians, Metis and Inuit, how best to improve health reporting is always limited by the quality of the Indigenous identifier in administrative databases. In Canada, the Indigenous identifier collected historically, albeit unsystematically, pertains to the Indian population, which is the focus of this study. To improve their identification, we briefly review the status of Indigenous health information reporting in Canada and then federal laws pertaining

to Indian status and the registration of status Indians. With this information as a guide, we then demonstrate through a novel data linkage program how to improve health information for status and non-status Indians in a Canadian provincial health administrative data system.

2. Status of health information reporting in Canada

In 2003, Canada's First Ministers agreed on a vision, principles and action plan for health system renewal to address the health disparities of Indigenous peoples and the jurisdictional issues that plagued health system delivery (Canada, 2003). Prime Minister Paul Martin met with Indigenous leaders and the provincial Premiers in Kelowna at a health care summit in April 2004, where a federal commitment was made to develop a blueprint to improve within ten years health care for Indigenous peoples to the same levels as other Canadians (Patterson, 2006). A 10-year transformative plan was developed to close the gap in health outcomes. Included in this plan was a commitment to monitor progress through innovative health information initiatives, such as comparable health reporting and the necessary data infrastructure to provide a baseline against which new investments could be tracked. Soon after the plan was announced, a conservative federal government was elected, and the plan was shelved. Today, health estimation for Canada's Indigenous population is still fraught with inconsistencies.

Indigenous grouping identifiers in federal and provincial administrative databases are weak. In a previous paper, we documented historically the way provincial governments inconsistently collected and reported on the vital statistics of Canada's Indigenous population, and how anti-racism legislation ended the collection of ethnicity/race fields on birth and death registrations (Elias, 2014). For the federal government to administratively account for the status Indian population, they developed an Indian Registry System (IRS). The way they defined and counted Indians dictated the breadth and quality of this registration system. While imperfect, this registry file is a critical data linkage database for improving the estimation of Indian health status and health service utilization in provincial administrative data systems. To inform how best to link a federal IRS database to a provincial health registry system, we conducted a historical legal review into the way Canada's Indigenous population, specifically Indians, were identified by Canada's pre-and post-Confederation systems. In a previous paper (Elias, 2014), we reported some of the legislation pertaining to Indians. In this paper, we expanded our legislative review and included court cases that challenged how Indians were defined and subsequently shifted the definition of Indians in Canada.

3. Colonial construction of the "Indian"

In Canada, the term "Indigenous peoples" is used when referring collectively to the descendants of the people who lived in the territory now known as Canada before colonization. Where possible, Indigenous peoples are referred to by their nation identity (e.g., Mohawk, Anishinaabe). Constitutionally, the federal government has jurisdiction over "Indians" and make laws and collects information about "Indians". While today many avoid using the word "Indian" to describe any Indigenous peoples living in Canada (such as First Nations, Metis and Inuit described below), the term cannot be avoided. In this paper, the subject matter requires consideration of federal laws and practices that shaped the IRS database we used for our analyses. "Indian", "status Indian" and "registered Indian" refer to those who are defined as Indians under the federal *Indian Act*. "Non-status Indian" refers to Indigenous peoples who by Canadian law lost Indian status by processes described later in this

paper. Many, but not all, status Indians have rights conferred by treaties, so where appropriate, treaty status and the incidents flowing from a particular treaty may be referenced. While today the description "First Nations" is closely synonymous to status/non-status Indians combined, we have used it to reflect, if still imperfectly, de-colonizing and supportive of control by First Nations peoples. What the *Indian Act* (1985) defines as "Indian bands" and "membership" most Indigenous peoples would now prefer to have been referred to as "First Nations" and "citizenship". Until 1985 all status Indians were band members/First Nations citizens but after that year these two classifications are no longer complimentary. The term "Métis" now "include[s] all people of mixed Indian and other ancestry who are not status Indians but who claim a culture distinction. [Métis] ... relates principally to the mixed ancestry descendants of the fur trade era who did not become registered as Indians during the treaty-making and registration processes" (Daniels v. Canada, 2013, para. 93). The term "Inuit" refers to a distinct people, different from other Indigenous peoples in Canada by virtue of their origins, language and history, but who do not hold *Indian Act* status.

Prior to European contact, Indigenous nations had robust laws regulating clan systems, matrilineal or patrilineal kinship classifications, and hereditary schemes. Indigenous laws, which varied from nation to nation, determined how citizenship or belonging could be attained through birth, marriage, adoption, or residency, and recognition could be based on self-identification, gender-neutral kinship, or community ties (Canada, 1996). Many nations retained these laws, running them on tracks parallel to imposed colonial laws. Canadian authorities, with very few exceptions, suppressed or ignored Indigenous status laws (see Baldassi, 2006, pp. 63–100).

The *Royal Proclamation of 1763* first established that "Indians" retained title to their land and the right of self-determination, including respect for their legal regimes. Subsequent colonial excursions, however, led to land transfers from Indigenous leaders to colonial authorities leaving only small land reserves for Indigenous peoples. New governing structures and legal instruments were developed to limit and divert Indigenous peoples away from their own regimes (Borrows, 1997, p. 155–172). Starting in the 1820s, the British Indian Department in the Lower and Upper colonies of Canada devised plans to assimilate Indigenous peoples. For the next 150 years, assimilation programs remained a central tenet of Indian policy.

Between 1842 and 1867, the British North America colonies passed various statutes relating to Indians. *An act for the better protection of the Lands and Property of the Indians in Lower Canada* (1850) defined who had status as an "Indian" as any person belonging to a band of Indians by blood, marriage, birth or adoption. In 1857, *An Act to encourage the gradual Civilization of the Indian Tribes in this Province* to encourage Indian men who were English or French-speaking, of good moral character, debt-free and able to manage their own affairs to renounce their Indian status and band membership and become British citizens. They also became eligible to "homestead", that is, to receive a small land grant and some money. Citizenship status was often called "enfranchisement" because it also conferred on Indigenous men the same rights as British male citizens including the right to vote. The wives and children of men who renounced Indian status also lost their status.

4. The "Indian" post-confederation

Under the *Constitution Act, 1867* (formerly known as The *British North America Act*) the federal government has power over the "Census and Statistics", "Naturalization and Aliens" and "Indians, and Lands reserved for the Indians". The provinces have jurisdiction

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