

RECONCILING INUIT ELDERS' LONG-TERM CARE NEEDS

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Abstract

Inuit Elders who have chronic health needs are removed and relocated to distant non-Inuit communities and institutions for long-term palliative and hospice care. There is an obvious systemic problem where governments with limited funding, in harsh and complex environs, are unable to provide the requisite health care, housing, and other social services and infrastructure that Inuit communities and people direly need. This essay seeks to describe the tragic irony the system of Inuit Elder long-term residential care represents. Reminiscent of Residential Schools, Inuit only can best judge how well they have progressed or achieved their goals of self-determination and self-governance.

Résumé

Les aînés inuits souffrant de problèmes de santé chroniques subissent un déracinement du fait qu'on les envoie dans de lointaines communautés non-inuits pour recevoir des soins de longue durée et/ou palliatifs. Un problème systémique se présente manifestement lorsque divers gouvernements, sous diverses contraintes budgétaires, dans des milieux durs et complexes, ne peuvent fournir les soins de santé, le logement, et d'autres infrastructures et services sociaux dont ont directement besoin les inuits (tant les communautés que les individus). Dans cet essai, on cherche à décrire la tragique ironie que constitue le système de soins de santé de longue durée pour les aînés inuits. Ce système évoque celui des pensionnats autochtones. Seuls les inuits eux-mêmes peuvent décider dans quelle mesure ils s'approchent de leurs objectifs (l'auto-détermination et l'autonomie gouvernementale), ou alors s'ils les ont atteints.

This article examines the implications of Canada's Inuit aging policy, its impact on Canadian Inuit society and the Inuit people's chronic need for improved access to health care services and products. Generally, the world is aging as a result of a decline in both birth and death rates, i.e., low birth rates and increased longevity. Other contributing factors include improved technology, health care, and education levels. In contrast, the health needs of Inuit elders are magnified by determinants of health such as poverty, poor and crowded housing, racism, language barriers, and cultural differences. Many are in poor physical and mental health due to the disruption of their way of life caused by colonization, particularly the inter-generational effects and trauma of the residential school experience.¹ As well, they prefer to live in their home communities or other Inuit hamlets, where they can be connected to their homeland, family and culture. The result is that Inuit elders with complex health needs live in remote, small, isolated arctic communities where health facilities, health services and long-term care for seniors are limited or non-existent, and logistically more complex and expensive to provide.

Inuit elders with the most basic surgery needs, or requiring palliative and hospice care, need to travel to distant southern urban centres thousands of kilometers from their homes, with separation from their family, disruption to their lives and at a great cost to the government. Chronic ill health among Inuit elders is further exacerbated because of poverty, the accompanying lack of means to acquire good dietary and health care products, lack of knowledge of them and very limited access to health care products and services in their remote Inuit hamlets. These Inuit communities are essentially fly-in, accessible in a limited way, and only during the majority of the calendar year, with typically only one or two annual ice-free cargo ship sea-lifts into the community, whose cargo delivery has to be planned and ordered months in advance, and which are considered lifelines for these remote arctic communities.²

Sadly, given their location and climate, residents in Inuit communities do not have the same level of care available as the rest of Canada. As a result, cumulatively over a lifetime the health conditions of Inuit elders can be severe, increasing the amount of care they need. And, disjunctively, Inuit seniors must leave their communities and live out their lives in distant institutions not culturally sensitive or safe, often thousands of miles or more from their communities and families. "The very small, isolated, and northern communities where Inuit live create a unique set of circumstances and health care challenges that affect Inuit elders' ability to remain in their homes. Overall Inuit elders have poorer health than non-Inuit elders, with higher rates of chronic diseases and other conditions" (Canada 5). As the number of older Inuit continues to grow, researchers predict there will be greater challenges in providing health care services. "Although age 65 is typically considered the start of senior years, some organizations and health care providers

offer seniors services to Inuit people age 55 and older, largely because statistics show an earlier onset of chronic conditions and a lower life expectancy compared to other Canadians.”³ Traditional cultural foods, such as wild meat, fish and berries are very important to the diet of seniors. Inuit communities have moved from a diet comprised largely of nutrient-dense wild foods to predominantly western food, which likely contributes to a higher incidence of disease. Many Inuit elders cannot afford to buy healthy foods (i.e., in the hyper-expensive North) and struggle just to have enough to eat. This makes it difficult for them to maintain the nutrition needed to manage chronic conditions. Also, eating less-expensive processed foods, high in fat and sugar, leads to obesity.⁴

There is a severe shortage of housing in the North. What is available is often in poor condition, and Inuit elders may live in overcrowded conditions,⁵ which creates stress in the family and, coupled with poor nutrition, puts Inuit elder and their families at higher risk for disease.⁶ Inuit elders are also subject to elder abuse, defined as the financial, emotional and physical neglect; for example, seniors who receive Old Age Security may be the only family member with income, which may lead to stretching of the funds to support the rest of the household.⁷ Sharing is a core value in Inuit culture. Inuit elders share what they have (housing, food, money) with family members, even if unable to care for their own needs. Inuit elders are also victims of the effects of colonization and residential schools. These effects are described as a form of post-traumatic stress disorder for whole communities and cultures, which left many Inuit seniors socially isolated.⁸ Families are less able to care for elders because they have their own challenges, including mental health issues,⁹ addictions, poverty, and family violence¹⁰ (family members whose own childhoods were dysfunctional are often reluctant to care for their parents). Literacy and language are a major issue,¹¹ as Inuit elders often do not understand their health conditions.¹²

Inuit colonization and residential school experiences, along with the continuing experience of racism, have created a significant mistrust of mainstream institutions including the health care system. Too many Inuit seniors need to travel for care that could be offered in their communities which are rural and remote, in the Arctic, with limited access to medical technology, equipment, supplies and medication.¹³ Medical travel is physically, emotionally, and financially challenging for Inuit seniors, and hospitals often have sent frail elderly Inuit patients home to their communities without checking if there are appropriate support services or home accommodations in place. Frail Inuit elders in need of extended permanent care do not have sufficient facilities in their communities and need to be moved to distant southern Canadian cities, away from their family, culture and land. The solution, obviously, is for federal policy-makers to recognize the “double whammy” Inuit residential school

survivors who are now seniors face in the final stage of their lives. The history of removal and loss is repeated when once again they will likely be pulled from their families and sent to southern Canada and housed in facilities where the language, food and people are unfamiliar, for Inuit elders seeking peace and dignity in their final years.¹⁴

In response, government must meet the chronic need for Inuit seniors by investing in facilities,¹⁵ programs and services to be managed by the Inuit in their own communities, for their elders, and which are intended to help preserve their culture. These steps are crucial, rather than depriving families of their senior members, who are the backbone and link to past Inuit traditions and language,¹⁶ and needlessly moving them thousands of miles away from their community¹⁷ where they will be isolated and seldom seen by their loved ones.

Indigenous peoples in North America have long experienced lower health status when compared with the rest of the population. Lower life expectancy and the disproportionate disease burden exist because of inadequate education, disproportionate poverty, discrimination in the delivery of health services, and cultural differences. These are broad quality of life issues rooted in economic adversity and poor social conditions."¹⁸

Historically after the British conquest of North America, in 1763, Britain began a process of entrenching control over its domain, and after the American War of Independence, rapidly began the process of settling its colonial realm and enabling colonial governance within its remaining North American territory.¹⁹ Initially, the British directed the colonial government's approach with respect to handling both the Aboriginal peoples and the pre-existing French Acadian settlers who had been the empire's adversaries and loyal to the French. The British favoured assimilation, but in the case of the latter, undertook a mass expulsion.²⁰

Colonial governments to this day, entrenched in their own professed sovereignty, still "struggle with how to accommodate properly the needs and claims [rights] of Native / Indigenous peoples within their jurisdictions whose presence long predates European conquest and occupation."²¹

For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described

as “cultural genocide.”²²

In 1982 Canada emancipated its constitution from Great Britain, and in creating a new constitution (which replaced the 1867 British North America Act creating Canada) included a Charter of Rights and Freedoms. Section 35 of the Constitution Act, 1982, provides constitutional protection to the Indigenous and treaty rights of Indigenous peoples in Canada.²³

It is important to understand that Section 35 *recognizes* Aboriginal rights, but did not create them – Aboriginal rights have existed before Section 35.

Section 35 of *the Constitution Act* states:

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, “aboriginal peoples of Canada” includes the Indian, Inuit and Métis peoples of Canada.

(3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.”²⁴

Furthermore, on a complimentary basis but not overriding the Canadian Constitution Section 35 on aboriginal rights, the Charter of Rights and Freedoms Section 26 provides

“other rights or freedoms that pertain to the aboriginal peoples of Canada” [which] indicates that the rights included in section 25 are broader than the “aboriginal rights” and “treaty rights” recognized and affirmed by section 35 of the Constitution Act, 1982: This latter phrase indicates that the rights included in section 25 are broader than those in section 35, and may include statutory rights.”²⁵

In 1991, Canada’s Royal Commission on Aboriginal Peoples (RCAP) was established by an Order in Council, and it submitted in October 1996 the Report of the Royal Commission on Aboriginal Peoples. Its mandate

was “to investigate and propose solutions to the challenges affecting the relationship between Aboriginal peoples (First Nations, Inuit, Métis), the Canadian government and Canadian society as a whole.”²⁶ In the report recommendations were made “affecting virtually every aspect of Aboriginal people’s lives. [The government has] sought to grapple with entrenched economic and social problems in Aboriginal communities while also seeking to transform the relationship between Aboriginal nations and Canadian governments.”²⁷ As a partial result of the recommendations, subsequently a Truth and Reconciliation Commission of Canada, 2015,²⁸ was formed, and its 94 calls to action have become an ambitious blueprint for reconciliation between Aboriginal and non-Aboriginal Canadians.²⁹

If only we could confidently speak about this legacy of colonialism in the past tense. For example, the latest statistics show that the percentage of inmates in Canadian prisons that are Aboriginal has reached a record high of over 25%. Correctional Investigator of Canada, Howard Sapers (*sic*) attributed the increasing numbers to poverty, colonialism and the effects of the residential school system as reasons why alcoholism and other problems bring so many Aboriginal people in conflict with the justice system. Another example of colonialism continuing to operate in Canada is the doctrine of discovery, which is a fundamental part of the Canadian law of Aboriginal title. Faced with the daunting scale of the task of reconciliation, it was appropriate for the TRC to recommend changing many laws, norms and practices of Canadian society. The TRC defined reconciliation as “an ongoing process of establishing and maintaining respectful relationships.”³⁰

Recognizing the plight of the world’s Indigenous people, the United Nations after lengthy consultations and review, in September 2007, announced that “The Declaration on the Rights of Indigenous Peoples (the Declaration) affirms the minimum standards for the survival, dignity, security and well-being of Indigenous peoples worldwide and enshrines Indigenous peoples’ right to be different.”³¹ Yet, the four nations with the largest indigenous populations (the U.S., Canada, New Zealand and Australia)³² initially voted against the United Nations Declaration on the Rights of Indigenous Peoples on September 13, 2007, while 144 nations approved the declaration.³³ These four nations now, subsequently, support the declaration, which represents important steps in the right direction:

The Declaration addresses both individual and collective rights, cultural rights and identity, rights to education, health,

employment, language and others. It outlaws discrimination against indigenous peoples and promotes their full and effective participation in all matters that concern them. It also ensures their right to remain distinct and to pursue their own visions of economic, social and cultural development. The Declaration explicitly encourages harmonious and cooperative relations between States and Indigenous Peoples.³⁴

This brief summary cannot do justice to the body of Canada's domestic common law, statutes, traditional aboriginal laws³⁵ and the applications of the United Nations Conventions applicable to indigenous people. My purpose has been to awaken the reader to the prevailing crisis levels in the social, economic, and health issues facing Canada's Indigenous people and to a looming ecological challenge in the face of global warming with its infringement on nature and the traditional Indigenous connection with the land, sea and animals, as a way of life.

It would seem clear from international laws with respect to the rights of Indigenous people and per Canada's own Aboriginal Commission and Truth and Reconciliation Reports that the government of Canada recognizes its obligation to provide its Indigenous people with the opportunities and quality of life the rest of the citizens of the nation enjoy. And whereas demographic data shows that Canada is failing in this regard, there is nevertheless a fiduciary obligation³⁶ to remedy and reconcile all the grievous social, economic and health issues that have been described above and which face the Indigenous population, particularly the Inuit and their vast arctic environs. Foremost of all, the Inuit elders must not be overlooked or dishonored; they are a people who have been hauled in off the land by the colonial government from their traditional fluid way of life, which follows the seasons of the year and draws on nature to provide the best for them. Alternatively, they face cramped, congested and pauper-like dwellings in twenty-five distant communities accessible only by air or by sea in short summer seasons when the sea-ice has cleared. They are ruled by a southern-imposed legal system and dominated by a foreign (English) language. Now, in their golden years, when their life's wisdom is most cherished and when societally their families and communities are grievously challenged, the same elders whose children were taken from them and sent to harsh, distant residential schools or who were sent there themselves, now ironically face the same jeopardy in their final moments; they risk having to be transported thousands of miles from their family, home and land to residential elder care facilities in the south. These facilities are staffed predominantly by non-Inuit who do not speak Inuit, and the food is a non-traditional diet that the elders are not accustomed to. This colonial legacy is unacceptable and a breach of Canada's obligations to the Indigenous people of our land, and their elders.

Notes

1. Health Council of Canada, *Canada's Most Vulnerable: Improving Health Care For First Nations, Inuit, And Metis Seniors*, November, 2013, at 9.
2. Peter Warden, *Sealifts a Lifeline to Remote Hamlets in the North*, Toronto Globe and Mail, May 11, 2018. <https://www.theglobeandmail.com/news/national/the-north/sealift-a-lifeline-to-remote-hamlets-in-the-north/article16398189/>
3. Ibid, at 7.
4. Ibid.
5. National Collaborating Centre for Aboriginal Health, *Housing as a social determinant for First Nations, Inuit and Metis*, "According to the most recent data, "nearly 4 in 10 (39%) Inuit living in Inuit Nunangat lived in crowded homes, about 10 times the proportion of non-Indigenous people (4%) nationally" (Statistics Canada, 2015a, p. 14).² One third of all Inuit households in northern regions are in need of major repairs, such as plumbing and electricity, compared to the national rate of 7%, and one third are in core housing need compared to 12.5% of Canadian households (CMHC, 2015). Much of the housing for Inuit in the northern regions is social housing. In 2000, social housing accounted for 80% of units in Nunavik; while in Nunavut, as of 2006 almost 54% of Nunanavummiut lived in Public Housing Program units and only 7% of Nunavut's dwellings were privately owned (Knotsch & Kinnon, 2011). In 2014, the Inuit Tapiriit Kanatami (ITK) estimated that 15% of Nunavut's population was on a waiting list for public housing, and approximately 3300 houses were currently needed to meet the housing shortage (Knotsch & Kinnon, 2011). As a result of the housing crisis, approximately "one-fifth of Inuit homes reported providing shelter to the homeless" (Minich et al, 2011, p. 526). In the Inuvialuit region, 34% of households live in public housing, however, in some Inuit communities, more than half of households live in social housing (Inuvialuit Regional Corporation, 2016)."
6. Ibid, at 14.
7. Bonita Beulah Beatty, *Health Care and Aboriginal Seniors in Urban Canada: Helping a Neglected Class*, The International Indigenous Policy Journal, Volume 2, Issue 1 Health and Well Being, Article 10, May 2011. Retrieved from: <http://ir.lib.uwo/iipj/vol2/iss1/10>
8. *Supra* note 1, at 8.

9. M.J. Kral, *Postcolonial Suicide among Inuit in Arctic Canada*. Culture, Medicine, and Psychiatry, (2012), 36(2): 306-325.
10. "If only we could confidently speak about this legacy of colonialism in the past tense. For example, the latest statistics show that the percentage of inmates in Canadian prisons that are Aboriginal has reached a record high of over 25%. Correctional Investigator of Canada, Howard Sapers attributed the increasing numbers to poverty, colonialism and the effects of the residential school system as reasons why alcoholism and other problems bring so many Aboriginal people in conflict with the justice system." Felix Hoehn, *BACK TO THE FUTURE – RECONCILIATION AND INDIGENOUS SOVEREIGNTY AFTER TSILHQOT'IN*, at 112, UNBLJ RD UN-B [VOL/ TOME 67
11. Elyse Skura. *Unilingual Inuit in Ottawa seniors' homes need translators, argues Nunavut MLA*, CBC News · Posted: Oct 24, 2016 4:00 AM CT | Last Updated: October 24, 2016
12. Adam Wiebe, et al., *Understanding Aging Experiences of Aboriginal Seniors: Looking Back to Plan Ahead*, "socialsciences.mcmaster.ca/sedap/p/S1_Wiebe.pdf, approx.. 2016, at 6.
13. Jane Sponagle, "Nunavut Struggles To Care For Elders Closer To Home." CBC Canada News North, 5 June, 2017, at 1. <http://www.cbc.ca/news/canada/north/nunavut-seniors-plan-1.4145757>
14. "Inuit interpreters are key players in end-of-life (EOL) care for Nunavik patients and families. This emotionally intensive work requires expertise in French, English and Inuit dialects to negotiate linguistic and cultural challenges. Cultural differences among medical institutions and Inuit communities can lead to value conflicts and moral dilemmas as interpreters navigate how best to transmit messages of care at EOL (End of Life)." Shawn Renee Hordyk, Mary Ellen MacDonald & Paul Brassard (2017) *Inuit interpreters engaged in end-of-life care in Nunavik*, Northern Quebec, International Journal of Circumpolar Health, 76:1, 1291868, DOI: 10.1080/22423982.2017.1291868 To link to this article: <http://dx.doi.org/10.1080/22423982.2017.1291868>
15. John Van Dusen, *Overhaul of Elder Care Needed As Dementia Rates Set To Skyrocket in Nunavut: Report*, 17 May, 2016, at 1. <http://www.cbc.ca/news/canada/north/nunavut-needs-dementia-care-health-report-1.3494772>
16. *Supra* note 9.

17. The Inuit prior to colonization and forced settlement into Hamlets from their nomadic lifestyle “managed to maintain social order without the existence of a formal system of legal rules. The moral and social principles developed by the elders interviewed in the book were firmly rooted in a cosmological framework, which in many respects still represented the worldview of the Inummariit before they settled in the contemporary communities.” Mariano Aupilaarjuk, Marie Tullimaaq, Akisu Joamie, Emile Imaruittaq, and Lucassie Nutaraaluk, *Inuit Laws: Tirigusuusit, Piqujait, and Maligait*, Nunavut Arctic College, Nacmedia.ca, Volume 2, 2nd Ed., 2017, at X.
18. United Nations, *The State of The World’s Indigenous People*, Economic and Social Affairs, Feb. 29, 2016. See Conclusion.
19. (now Canada, with the exception of two small islands, St. Pierre and Miquelon in the midst of the mouth of the Gulf of St. Lawrence which remain with France, per the Treaty of Paris, 1763).
20. University of Maine, Canadian-American Center, “Acadians were shipped to many points around the Atlantic. Large numbers were deported to the continental colonies, others to France. Some managed to escape to New France (Quebec). A handful arrived in the Upper Saint John Valley. Many moved several times; a great number left the American colonies at the end of the war and returned to Nova Scotia; many of those in France moved to the French Caribbean or to Louisiana, where they formed the basis of the Cajun population.”
21. Ronald Kakungulu, *The United Nations Declaration of the Rights of Indigenous Peoples: A New Dawn for Indigenous Peoples Rights?*, Cornell University, 4/13/2009, at Abstract. Available at https://scholarship.law.cornell.edu/lps_clacp/18/
22. .” Felix Hoehn, *Back to the Future – Reconciliation And Indigenous Sovereignty After Tsilhqot’in*, UNBLJ RD UN-B [VOL/TOME 67, at 112.
23. The section, while within the Constitution of Canada, falls outside the Canadian Charter of Rights and Freedoms. Section 35 of The Constitution Act, 1982 recognizes and affirms existing Aboriginal rights, but does not define them. “What Aboriginal rights include has been the topic of much debate and discussion, and they have been defined over time through Supreme Court cases such as *R. v. Calder* and *R. v. Sparrow*. Aboriginal rights have been interpreted to include a range of cultural, social, political, and economic rights including the right to land, as well as to fish, to hunt, to practice one’s own culture, and to establish treaties.” University of British

- Columbia, *Indigenous Foundations*. Available at https://indigenous-foundations.arts.ubc.ca/aboriginal_rights/
24. University of British Columbia, *Indigenous Foundations*. Available at https://indigenousfoundations.arts.ubc.ca/aboriginal_rights/ "Aboriginal rights are collective rights which flow from Aboriginal peoples' continued use and occupation of certain areas. They are inherent rights which Aboriginal peoples have practiced and enjoyed since before European contact."
 25. <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art25.html>
 26. <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/royal-commission-aboriginal-peoples/Pages/introduction.aspx>
 27. The Final Report of the Truth and Reconciliation Commission of Canada, Montreal: McGill-Queen's University Press, 2015) [TRC Final Report]. <http://data2.archives.ca/e/e448/e011188230-05.pdf>
 28. Ibid.
 29. Ibid.
 30. "This is a multi-faceted process, and includes apologies, reparations, and actions that demonstrate a true change in society. Indigenous laws and governance systems should be revitalized, and "as non-Aboriginal Canadians increasingly come to understand Indigenous history within Canada, and to recognize and respect Indigenous approaches to establishing and maintaining respectful relationships, Canadians can work together to forge a new covenant of reconciliation."
 31. Australian Human Rights Commission. Available at <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/un-declaration-rights>
 32. Ronald Kakungulu, *The United Nations Declaration of the Rights of Indigenous Peoples: A New Dawn for Indigenous Peoples Rights?*, Cornell University, 4/13/2009, at 1. These four states represent almost half of the world's indigenous peoples. Available at https://scholarship.law.cornell.edu/lps_clacp/18/
 33. Ibid, at 8. "All these States share one thing in common; they have a history of using the now discredited doctrines of discovery and

terra nullis to grab indigenous people's land."

34. United Nations, *General Assembly to Take Action on Declaration on Indigenous Rights*, Sep. 11, 2007. https://www.un.org/esa/socdev/unpfii/documents/Declaration_Media_advisory_11Sept07.pdf
35. University of British Columbia, *Indigenous Foundations*. Available at https://indigenousfoundations.arts.ubc.ca/aboriginal_rights/ "Aboriginal rights are collective rights which flow from Aboriginal peoples' continued use and occupation of certain areas. They are inherent rights which Aboriginal peoples have practiced and enjoyed since before European contact."
36. *Supra* note 21, at 121. "The Crown's fiduciary interest, as currently understood, reflects the hierarchical relationship between the Crown and Aboriginal peoples that is at the heart of the doctrine of Aboriginal title. This fiduciary interest was first articulated by the Supreme Court in *Guerin*. The Crown had breached its fiduciary obligation to the Musqueam Indian Band when it leased surrendered reserve land to a third party on terms less favourable to the Band than the terms approved by the Band upon surrender of the lands to the Crown. Dickson stated that the fiduciary relationship had its roots in the concept of Aboriginal title, "but also depends on the additional proposition that the Indian interest in the land is inalienable except upon surrender to the Crown." He said the Crown first "took this responsibility upon itself" in the Royal Proclamation of 1763 and that it was still recognized in the surrender provisions of the Indian Act." See, *Guerin v The Queen*, [1984] 2 SCR 335, [1985] 1 CNLR 120 [*Guerin* cited to SCR]