

Background for Media

Overview

On October 7th 2024, Alfred “Dewey” Pruden and his parents (the “Sumner-Pruden family”), the Manitoba Human Rights Commission and the Manitoba Government will sign a historic human rights settlement agreement. The Agreement will remove the eligibility restrictions for Children Disability Services and Home Care for all First Nations children residing on reserve.

About Dewey and his family

Dewey is an Anishinaabe youth who is now 22 years old. He was born with complex physical, cognitive, and intellectual disabilities. Dewey is also non-verbal and as a result of his disabilities, he has significant needs for supports and services to ensure his meaningful inclusion in society. Dewey and his parents are members of and reside in Pinaymootang First Nation, an Anishinaabe nation located between Lake Manitoba and Lake St Martin approximately 240 km northwest of Winnipeg and about 50 km north of Ashern. Dewey’s mother, Ms Sumner-Pruden, has been his main care provider for his entire life.

About the Human Rights Complaint

In April 2010, when Dewey was eight years old, Ms Sumner-Pruden filed a human rights complaint on Dewey’s behalf against Manitoba. The complaint alleges discrimination in the provision of services to Dewey and other First Nations children with disabilities based on the grounds of ancestry and disability contrary to the *Human Rights Code*.

Manitoba is responsible for providing supports and services to children with disabilities in Manitoba. There is a wide range of supports, service and equipment offered to children with disabilities and their families by Manitoba. However, Manitoba unilaterally created policies that excluded First Nations from being eligible from receiving Children disABILITY Services (CDS) and Home Care. But for the fact that Dewey was a First Nations child living on reserve, he would have been eligible for CDS and Home Care.

The Manitoba Human Rights Adjudicator Decision

Dewey’s human rights hearing began on 14 January 2019. Several witnesses were called by the parties to testify and the hearing spanned over 17 days. Having heard the evidence and reviewed thousands of pages of documents, the Adjudicator found that Manitoba did not make health care related services available to Dewey and his family. He found that Dewey had experienced denials, delays and withdrawals of services as a result of the effects of various policies, practices and laws. However, the Adjudicator’s decision only applied to Dewey and not all First Nations children on reserve. Both the Manitoba Government and the Manitoba Human Rights Commission judicially reviewed the decision.¹ While the matter was set to proceed to a hearing in October 2023, it was adjourned sine die for renewed settlement discussions with Manitoba.

A Milestone Human Rights Settlement

Fourteen years after the filing of the complaint, it is with overwhelming joy and relief that the Sumner-Pruden family announces that their complaint will be addressed through a monumental Settlement Agreement. The Settlement Agreement will:

¹ *Pruden v Manitoba*, 2020 MBHR 6.

1. Remove the discriminatory exclusion of First Nations children residing on reserve from the eligibility for Children disABILITY Services and Home Care;
2. Form a working group with invitations to Canada and First Nations' governments to determine how best to deliver CDS and Home Care Services to First Nations children residing on reserve without delays or disruptions based on upon residence on reserve.

The Settlement Agreement will be signed on October 7th 2024. A joint press release will be sent out on Tuesday October 8th 2024 morning.