

DO I HAVE *GLADUE* RIGHTS?

If you are:

- First Nations
- Métis
- Inuit

you have a right to a *Gladue* Report in a criminal proceeding.

Including if you:

- Have Indigenous heritage
- Live in a city, away from a reserve or Indigenous community
- Grew up in foster care or were adopted.

Resources

Legal Aid
Located at the Edmonton Law Courts

<https://www.legalaid.ab.ca/Pages/default.aspx>

Student Legal Services of
Edmonton

780-492-2226

<https://www.slsedmonton.com/>

Native Counseling Services of
Alberta

780-423-2141

<http://www.ncsa.ca/>

Justice and Solicitor General
<https://www.alberta.ca/justice-and-solicitor-general.aspx>

Your lawyer

Gladue Rights





What are *Gladue* rights?

When an Indigenous person has been charged with a crime and may spend time in prison or custody as a result, the judge must consider any special circumstances of Indigenous peoples, and the individual's connection to these factors, when sentencing them. This is in response to the historical discrimination towards Indigenous peoples in the justice system. Judges must also consider traditional Indigenous approaches to justice, and try to give a sentence that does not involve time in jail, if possible.

If you are Indigenous, have been charged with a crime, and may spend time in custody as a result, you have a right to a *Gladue* Report. This report will tell the judge about your unique *Gladue* factors, which may affect the sentence you are given.

GLADUE FACTORS

When an Indigenous person might go to prison, judges must consider how *Gladue* factors have affected that person when they decide a sentence. These factors address Indigenous peoples' unique backgrounds, challenges, and perspectives. Below are some examples of these factors.

60's Scoop
 Child Welfare
 Loss of Identity
 Cultural Genocide
 Abuse
 Racism
 Poverty
 Mental Health Challenges
 Residential Schools
 Family Dysfunction
 Family Violence
 Colonization
 Displacement
 Abandonment
 Addiction

Elders
 Treatment
 Teachings
 Employment
 Family Values
 Culture
 Language
 Wellness
 Sobriety
 Spiritual Values
 Reconciliation
 Counselling
 Education
 Tradition
 Ceremony
 Smudging
 Healing

A *Gladue* Report gives the judge information that helps them to understand how these factors apply to the offender's unique circumstances. This information will help a judge give an offender a just sentence that addresses the effects of discrimination and colonialization on Indigenous peoples. A lawyer can also help provide a judge information about how these factors have played a role in their client's life.

Gladue Factors:
 Historic, Community, and Personal Factors

A *Gladue* Report will sometimes result in a different sentence for an offender, but not always. However, a *Gladue* Report can tell the judge the story of the Indigenous person's life, and the impacts that racism and colonialization has had on them.