

## 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  
 YOU  
 Poverty  
 Mental Health Challenges  
 Residential Schools  
 Family Dysfunction  
 Family Violence  
 Colonization  
 Displacement  
 Abandonment  
 Addiction

Elders  
 Treatment  
 Teachings  
 Employment  
 Family Values  
 Culture  
 Language  
 YOU  
 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.