

The Supreme Court orders new trial for Cindy Gladue case

Friday May 24, 2019



Today is a step forward in restoring the dignity of Indigenous women within the justice system. As interveners in the case, we welcome the Supreme Court decision in *Barton v. Her Majesty the Queen* as it relates to their decision on instructions to jury addressing prejudice against Indigenous women and girls.

Cindy Gladue, a 36-year-old mother of three children from Northern Alberta, was found dead in an Edmonton hotel room in June 2011. On March 18, 2015 a jury found Bradley Barton not guilty of first-degree murder. This case stands out not only for the brutality of her murder, but also for the way she was treated after her death. The court's dehumanization of Gladue is an example of how Indigenous women are treated as "less than" and how their rights are often denied by the criminal justice system.

The Supreme Court of Canada's decision notes trial judges are the gatekeepers with respect to the admissibility of evidence, and therefore must provide express instructions aimed at countering prejudice against Indigenous women and girls. This is essential to better ensure they receive the full protection and benefit of the law. In the Barton case, the trial court failed to do this and it had ripple effects throughout the trial.

We are concerned that the new trial ordered is only for manslaughter, instead of for both murder and manslaughter. We believe the only remedy for the unfairness of the first trial is for a new trial on all original charges.

The Supreme Court's decision today affirms that there must be no room for false assumptions, racism and discrimination within the judicial system. It upholds safeguards and protection and creates new obligations on judges to actively prevent bias and prejudice against indigenous women and girls. This comes at a critical time when they face high numbers of deaths, disappearances and violence.

Cindy Gladue's experience with the criminal justice system is not unique; we heard stories of violence and survival where justice did not seem to prevail, in every community over the course of our mandate. Many cases remain unsolved, and in cases that did go to trial, we often heard that family members and survivors felt unsupported, marginalized and reduced to stereotypes. We must preserve the rights and dignity of these women.

The timeliness of this decision is important because this country and our laws have to become awake to the systematic causes and failures to respond to the crisis of missing and murdered Indigenous women, girls, 2SLGBTQIA people. Canadians need to know that Indigenous women, families and communities along with advocates and allies---will no longer tolerate injustice towards Indigenous peoples.

Kinana'skomitinnow-ow

Marion Buller
Chief Commissioner

Tshinashkumitnau

Michèle Audette
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Chi-meegwetch

Brian Eyolfson
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Qajaq Robinson
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