

## LEAF to appear before Supreme Court in case concerning conditional sentence limits

February 9, 2022 – Conditional sentences help reduce the over-incarceration of Indigenous women in Canada and need to be more broadly available, says the Women's Legal Education and Action Fund (LEAF).

Last week, the Supreme Court of Canada determined that LEAF can make submissions to the Court as an intervener in [R. v. Sharma](#). This case concerns limits on the use of conditional sentences, a community-based alternative to a jail sentence. As a result of these limits, Ms. Sharma – a young Indigenous woman, an intergenerational residential school survivor, and a low-income single mother – was sent to a provincial jail instead of being allowed to serve her sentence in her community.

“Without conditional sentences, individuals like Ms. Sharma face sentences that continue the alienation they experience within the criminal justice system,” says Alisa Lombard, counsel for LEAF. “For mothers, this harmful legacy is passed on to their young children.”

This case cannot be separated from the reality that Indigenous women are vastly over-represented in the prison system, and to an increasing degree. The Office of the Correctional Investigator recently released [new data](#) that show that the proportion of federally-incarcerated women who are Indigenous will soon constitute over half of the women in federal prisons, up from 30% in less than two years.

“The over-incarceration of Indigenous women in Canada is a national injustice,” says Pam Hrick, Executive Director & General Counsel of LEAF. “Through this case, the Court has the opportunity to take a small but important step towards addressing this inequality.”

Alisa Lombard and Aubrey Charette will represent LEAF before the Supreme Court when it hears the case on March 23, 2022. The hearing will be available [by webcast](#).

LEAF is grateful to the members of the case committee that are guiding, informing, and supporting this intervention: Gillian Balfour, Maria Dugas, Mary Eberts, Koren Lightning-Earle, Naomi Metallic, and Maggie Wentze.

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