

**For Immediate Release:**

***LEAF* Intervenes in *R. v. L.B.* at Ontario Court of Appeal  
to address the gendered social context of the crime of infanticide**

**September 22, 2010, Toronto** – On September 23 and 24, 2010 the Ontario Court of Appeal will be asked to consider the offence of infanticide in the *Criminal Code*. LEAF is intervening in the appeal to offer the Court a perspective on the ongoing relevance and importance of infanticide as a homicide offence that is separate and distinct from murder.

“In the past few years, we have seen what appears to be an emerging trend of the Crown charging women who have killed their newly born children with murder as opposed to infanticide. The result is that these women face life imprisonment with no eligibility for parole” says LEAF Legal Director, Joanna Birenbaum. “This is a significant concern to LEAF since the offence of infanticide, which carries a maximum sentence of 5 years imprisonment, is intended to account for the complex and gendered social, economic, psychological and medical context in which the offence occurs.”

“The women who commit infanticide in Canada tend to be young, poor, socially isolated and without adequate social and economic supports to cope with childbirth or caring for a child. They have often experienced sexual or other abuse and have often denied the pregnancy to others and even to themselves. Many accused women have given birth alone, and commit the offence in a state of panic, intense pain, shock, disassociation, exhaustion and alienation” explains Birenbaum. “The offence of infanticide is treated differently in law than murder because of the many overlapping social, cultural, psychological and medical factors which may affect the state of mind of accused women following childbirth. It is a very serious crime, but it is a crime which recognizes the reduced culpability of women whose minds are “disturbed” due to the interaction of these complex factors related to childbirth.”

Infanticide is one of only two gender-specific crimes in the *Code*. It applies only to women who have recently given birth. The offence recognizes the reproductive functions and caregiving roles of women and the unique stressors accompanying those roles.

LEAF’s factum argues that where the elements of infanticide are present, the infanticide offence should be available to women regardless of whether the Crown charges murder. This approach is consistent with the clear intention of Parliament to include the offence of infanticide in the *Criminal Code*.

Marie Henein will be representing LEAF at the hearing.

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