

***Gender, Equalities, Knowledges, Lands and Sustain/abilities:  
Truths vs. 'Climate Adaptations' for all Forms of Life***

March 6-7, 2020

Feminist Legal Studies and the Faculty of Law,  
Queen's University, Kingston



## Val Napoleon (KEYNOTE)

Dr. Val Napoleon, IPC, Law Foundation Chair of Aboriginal Justice and Governance, and Director of the Indigenous Law Research Unit and the JID-JD, Faculty of Law, University of Victoria.

I research and partner with Indigenous peoples on Indigenous legal traditions, legal theories, feminisms, citizenship, self-determination, human rights, lands and resources, and governance. My recent major initiatives include establishing the Indigenous Law Research Unit in 2012, and the JID/JD (dual law degree) program now in its second year. I teach Indigenous feminist legal studies, property (common law and Gitksan land and property law), and Indigenous legal theories and methodologies. I am Cree from Saulteau First Nation (Treaty 8 northeast BC) and I am adopted into the House of Luuxhon, Ganada, Gitanyow (northern Gitksan).

### **Indigenous Women Talking: The Work of Indigenous Feminisms in the World**

In this paper, I explore several issues emerging in the discourse about the recording of indigenous law by drawing on several examples of my research and work with indigenous law in Canada. This is an important inquiry because there are limiting and disturbing fundamentalist premises underlying the debate regarding the recording of indigenous law. To take up these issues, I analyse and articulate the law and legal processes from two indigenous oral histories. The question under consideration is whether by this recording and analysis, I have somehow damaged Gitksan law. In other words, did I break it?



## Ladan Adhami-Dorrani

In a world that has increasingly become violent, Ladan Adhami-Dorrani writes on the importance of plurality, care and love as she advocates about the significance of peace through non-violent resistance. She is in the process of finishing her Ph.D. dissertation in Social and Political Thought at York University. Her dissertation, titled, "The Law, the State of Exception: the Spatialization of Emotion and Engulfed Apathy" is an interdisciplinary project. Ladan's focus is on what lies beyond the law and the state of exception and the spatialization of emotion leading into engulfed apathy. She therefore looks at the space of exception, Guantanamo Bay detention camp (GTMO), where fifteen-year-old Omar Khadr, a Canadian citizen by birth was held captive. She maintains that GTMO is the epitome of engulfed apathy, where hegemony is transmuted into sheer force in the state and the space of exception. While apathy is generally understood as lack of concern or care, in Thomas Scheff's articulation (1997), engulfment refers to the tripartite of alienation which indicates "blind obedience and conformity at the expense of curiosity, intuition or feelings." Ladan's personal interest encompasses the elderly health care in Canada and issues surrounding intersectional inequalities. Her poetry reflects on the importance of care and love in one's personal, political and social existence. Ladan is of the belief that without care for the "other" peace cannot be realized.

### **Towards an Enabled World: Ascending from World Alienation**

**Abstract:** In response to The United Nation's Women's Day 2020 theme, "an equal world is an abled world," the aim of this paper through a postmodern and interpretive methodology is to shed light onto how political participation is one of the most significant steps towards the extenuation of intersectional inequalities of race, class and gender and the ascendance from world alienation. If in *The Origins of Totalitarianism* Hannah Arendt speaks of systemic violence in the house of modernity as was internalized in Western colonial and imperial discourses and practices, in *The Human Condition* and *Eichmann in Jerusalem* she speaks of origins of world alienation and how a deep-seated historical mistrust of politics withdraws individuals to their perceived security of the inward realm. It is through such an act of withdrawal from the world that anti-pluralistic tendencies and totalitarian regimes find fertile grounds to flourish and perpetuate intersectional inequalities and violence of other-making in society. In *The Promise of Politics*, Arendt persuasively calls for a participatory democracy where all individuals enter the public realm, to appear through their speech and action, and act in concert. To Arendt, as she shows us in her texts, we cannot attain an equal world/an enabled world without resorting to politics and acting in concert.

## Evis Alimehmeti

Evis Alimehmeti is an academic and researcher from the Faculty of Law, University of Tirana. Her academic and research profile includes public law, international human rights law and legal ethics; her research extends to both civil law and common law systems. She has the full professorship title and a doctorate research degree from the University of Tirana, a Master of Laws (LLM) degree from Queen's University, Ontario, Canada and a Master of Philosophy (MPhil) degree from Open University, UK, a joint degree with Central European University, Hungary. During 2009- 2016 she also chaired the Public Law Department of the Faculty of Law, University of Tirana. In addition to the academic background, she has a long international counselling experience on issues related to principles of international law, protection of human rights and rule of law governance within the mandate of various international organizations; she has provided expertise for many years to the Organisation for Security and Cooperation in Europe (OSCE), USAID Rule of Law Program for Albania, Council of Europe, International Organisation for Migration, etc. Since 2018 she is a member of the Advisory Committee of the Framework Convention for the Protection of National Minorities of the Council of Europe and currently serves as a Gender Rapporteur of the Committee.

She returns to Queen's University to perform an extensive comparative study of the case law of European Court of Human Rights and the Supreme Court of Canada on the right to freedom of religious expression in public sector, in view of the guarantees provided in the European Convention of Human Rights and the Canadian Charter of Rights.

### **The Right to Freedom of Religious Expression in the Case law of the European Court of Human Rights**

The jurisprudence of the European Court of Human Rights (ECtHR) in relation to the right to freedom of religion (article 9 of the European Convention on Human Rights) has increased significantly only in the last two decades, signaling however few strong articulations by the ECtHR on the requirements of article 9. Through erratic precedents and in view of legislative bans of the use of religious symbols in public sector in several European countries, the ECtHR is appearing hesitant with regard to the development of a solid position to address justifiable limitations to religion expression rights in public sector. The presentation will offer an overview of the case law of the ECtHR on the right to freedom of expression of religion, with focus on complaints submitted by women, to show that the ECtHR has narrowly constructed the requirements of justifiable limitations to the expression of religion in public sector and at the same time address the dangers of the new Bill 21 adopted in Quebec with regard to the protection of women's rights to freedom of religion along the international standards of human rights protection.



## Bitia Amani

Bitia Amani, B.A. (York University, with Distinction), LL.B. (Osgoode), S.J.D. (UofT), is Associate Professor at the Faculty of Law, Queen's University in Kingston, Canada and Co-Director of Feminist Legal Studies Queen's. She is adjunct faculty at Osgoode Hall Law School, in Toronto. She teaches courses in intellectual property, information privacy, and feminist legal studies (workshop), and is currently working on a number of issues related to food law and governance. Her publications include two books: *State Agency and the Patenting of Life in International Law: Merchants and Missionaries in a Global Society*, (Aldershot: Ashgate Publishing Company, 2009) and *Trademarks and Unfair Competition - Cases and Commentary on Canadian and International Law Second Edition* (Toronto: Carswell, 2014, with Carys Craig). Dr. Amani has served as consultant to the provincial government on gene patenting, on the e-Laws project for the Ministry of the Attorney General (Ontario) Office of the Legislative Counsel (OLC), and was co-investigator on a report on the policy implications for women and children of recognizing foreign polygamous marriages in Canada, funded by the Status of Women Canada and the Department of Justice. She has served as a legislative drafter and is called to the Bar of Ontario (2000).

### **Branding Race and New Slants on Trademark Slurs and Immoral Marks: Overcoming Discriminatory Properties of Intellectual Property**

This presentation is based on a co-authored work with Dr. Carys Craig, LL.B. (Hons 1<sup>st</sup>Cl), LL.M., S.J.D. Assoc. Professor, Osgoode Hall Law School, York University [non-presenting author]: "New *Slants on Trademark Slurs and Immoral Marks*"

Article 6<sup>quinquies</sup> of the Paris Convention, incorporated into TRIPS by Article 15(2), allows member states to deny registration to trademarks when they are "contrary to morality or public order." Many nations have provisions in their domestic trademark legislation that prohibit the registration and/or the commercial use of "immoral" trademarks. While such exclusions are permissible under the international intellectual property regime, questions remain as to whether they violate traders' freedom of expression. High profile U.S. cases regarding the WASHINGTON REDSKINS, THE SLANTS and FUCT trademarks have found the US Lanham Act's s. 2(a) proscriptions on the registration of disparaging, immoral and obscene marks to be unconstitutional restrictions on free speech. In what circumstances, and subject to what conditions, should the registration and commercial use of offensive marks be prohibited? With a view to the Canadian context, we argue in favour of the constitutionality of the immoral marks prohibition when employed to target racial slurs and culturally offensive trademarks. In Canada, an Indigenous activist recently sought to enjoin a US baseball team's use of the CLEVELAND INDIANS name and CHIEF WAHOO logo. The trademark system can and should be harnessed to prevent the proliferation of such marks, which offend against fundamental values of equality and non-discrimination. A distinction must be drawn, on this rationale, between offensive marks (REDSKINS, INDIANS, BLACKHAWKS) and identity-affirming re-appropriations of discriminatory slurs (THE SLANTS, DYKES ON BIKES). Whether the prohibition of an "immoral" mark is constitutionally—or normatively—justifiable therefore demands a contextual analysis of the trademark *as used*, taking into account the relationships between the commercial indicia (as speech), the applicant (as speaker), and the public (as audience). Fortunately, attention to the communicative function and shifting meaning of trademark symbols in the allocation or denial of rights is already an essential feature of how our trademark system works.



## Elahe Amani

Elahe Amani is a gender, peace and human rights activist. She served California State University (CSU ) System in the capacity of lecturer of CSU Women Studies Programs & administrator for 31 years. As delegate of Women's Intercultural Network ( WIN ) presented workshop at the 4<sup>th</sup> UN Women Conference in Beijing China and attended the Post Beijing Conference in Cuba in 1998, Beijing plus 5, 10, 15, 20 CSW at UN HQ in NY.

- Outstanding Staff Woman - California Women in Higher Education - 1994
  - [Outstanding Staff of the Year –CSULB 1998.](#)
  - Women of Distinguished Award - Category of Human Rights – Soroptomist International 2001
  - ["It's Not the Years, It's the Milestones"](#) 30<sup>th</sup> anniversary of Women Center @ CSULB 2002
  - Delegate of WIN to Afghanistan to do training and establish Afghan Circle of WIN- 2003
  - [Lillian Robles Award for Feminist Activism](#) - Women Studies Program, CSULB – 2007
  - [Leading Change Heroines and Heroes](#) – WIN – 2010
  - Visiting Scholars Program, for international speaker - **FLSQ Workshop, Guest Lecture: *Women and Democracy in Struggling Politics* -March 4, 2011**
  - Presented to the [UN Human Rights Council 20<sup>th</sup> session briefing on Stoning.](#) June 2012
  - [A Lifetime of Activism](#) – California State University Fullerton – 2012
  - Chair of the inaugural Training Institute of [Mediators Beyond Borders](#) (MBB) for women leaders in MENA region - 2013
  - One of the seven Jurors of [World Court of Women](#) in Bangalore, India – 2016
  - Keynote speaker at the [CSUF Violence Prevention Conference](#).
  - City of Long Beach – [Community Leadership Award](#) – March 2017
  - Peacebuilder Spotlight – [Mediators Beyond Borders 9/2017](#)
  - [Long Beach Area Peace Network](#) – Lifetime Award for Peace and Justice – Dec. 2017
  - Keynote speaker of [US Women Caucus at UN](#) - March 2018
  - Grace Hopper Celebration 2019 - Women in Tech at the United Nations Panel – Oct 2019  
<https://ghc.anitab.org/news/announcements/ghc-19-communities-hall/>
- One of the thirteen women selected nationally for the “100th Year Celebration Women Win the Vote! 2020 Tournament of Roses Parade - The Power Of Hope”  
<https://tournamentofroses.com/wp-content/uploads/2019/12/Pasadena-Celebrates-2020.pdf> - January 2020
- Speaker of Women's March LA 2020 that brought together 350,000 people to Downtown Los Angeles <https://www.womensmarchla.org/>

### **'Beijing Plus': From History to Modern Day Politics**

The [Beijing Declaration and Platform for Action of 1995](#) is the most visionary and progressive road map for the women's human rights and empowerment of women and girls everywhere. In 2020, it will be 25 years since the Beijing Platform for Action set strategic objectives and actions for the achievement of gender equality in 12 critical areas of concern.

The unprecedented 35,000 participants gathered in Beijing for the Fourth World Conference on Women came from across the globe with the goal of bringing gender equality and the empowerment of women everywhere.

The 189 countries that signed the Beijing Platform for Action committed to translated the Platform for Action into actionable items in their countries and civil society, and the public hold them accountable. Regular 5-year reviews of progress on fulfilling the Beijing commitments have sustained the momentum. The rise of religious extremism and rightwing populist movements both threaten women's human rights and aim to define and redefine the role of women at home and in society. So, while some progress has achieved but there are still structural barrier to women's participation in government and society and many unfulfilled commitments to Platform for Action that 189 countries signed it.



## Bev Baines

Bev Baines is a Professor at the Faculty of Law, Queen's University. She advised women's groups who lobbied for the inclusion of sections 15 and 28 in the Canadian Charter of Rights and Freedoms, and criticizes the Canadian Supreme Court for denying women's sex equality claims for 36 years – in 2018 women won their first sex equality case (*Alliance*) and lost their seventh (*CSQ*). Her current SSHRC research, *No Rights are Absolute: the Legacies of Three Chief Justices*, applies a feminist lens to section 1 of the Charter.

### **Lessons from LEAF's Intervention in *Christian Medical and Dental Society of Canada v. College of Physicians and Surgeons of Ontario***

The Ontario Court of Appeal (ONCA) granted the application of the Women's Legal Education and Action Fund (LEAF) to intervene in *Christian Medical and Dental Society of Canada v College of Physicians and Surgeons of Ontario*. The Christian Medical and Dental Society of Canada (Society) along with other religious organizations and some individual physicians had invoked their rights to religious freedom and equality under the *Canadian Charter of Rights and Freedoms* (Charter) to challenge two "effective referral" policies of the College of Physicians and Surgeons of Ontario (College). One is the Medical Assistance in Dying Policy (MAiD Policy) and the other, the Professional Obligations and Human Rights Policy (Human Rights Policy). The latter includes reproductive health services such as abortion, contraception (including tubal ligation and vasectomy), pre-natal screening, assisted reproduction, prescription of erectile dysfunction medication, and gender re-assignment surgery. LEAF's Factum and ONCA's decision both focus primarily on section 1 analysis to justify the College's policies. What is less clear is whether they share the same cultures of justification and if not, what lessons might follow.





## Terrine Friday Bruno

Terrine Bruno is a doctoral student at the University of Ottawa Faculty of Law and a part-time professor of Media Law at Carleton University. Her graduate research centers on fundamental freedoms under s. 2 of the Charter and uses *Ktunaxa v BC* as an entry point of discussion. In her spare time, Terrine runs half marathons and writes epic poetry.

### **Reconciling the Sacred: Narratives of Religion in Canadian Constitutional Law**

This research project focuses on Canadian constitutional law and contemporary narratives of religion. My entry point for discussion and analysis is *Ktunaxa v British Columbia* in relation to preamble to the *Canadian Charter of Rights and Freedoms* which states “Canada is founded upon principles that recognize the supremacy of God and the rule of law.” While the rule of law is a commonly held legal principle underpinning democratic constitutionalism, **notions about God in constitutional application are less concrete**. A preliminary conclusion is that Canada’s current constitutional legal order, though founded on Christian principles, has – rather ironically – no applied method for interpreting religious narratives. Freedom of religion therefore increasingly holds a space as *onoma* with decreasing space for its *rhema* or *logos* significance. In semiotic terms, the signifier is ill defined.

My theoretical lens is informed by three bodies of scholarly work: constitutional law and jurisprudence; legal theology; and critical theory. It is important to note that in my research, Indigenous law is viewed as law. Religious narratives are read through the lens of law as well, whereas law is but one component of a wider religious narrative.



## Angela Cameron

Angela Cameron is an Associate Professor at the University of Ottawa Faculty of Law, and holds the Greenberg Chair in Women and the Legal Profession. She teaches property law, Gender, Sexuality and the Law, a graduate course in legal theory, and co-teaches Indigenous Advocacy with Dr. Tracey Lindberg. She is on the Board of the Canadian Journal of Women and the Law, and is the in-coming English editor.

### A Gendered Approach to Impact Benefit Agreements

As a general rule, Indigenous feminist scholarship is inimical to large-scale resource extraction taking precedence over environmental stewardship, human rights protection, the integrity of Indigenous laws, and Indigenous understandings of gender equality.<sup>[1]</sup> We argue here that the use of Impact Benefit Agreements (IBA) to facilitate large-scale resource extraction renders them subject to similar scrutiny. Knowledge, that Indigenous women<sup>[2]</sup> inequitably bear the burdens of resource extraction, grounds deep resistance to the use of IBAs to mitigate the negative environmental and social impacts of resource development, and to its use to obtain the necessary social and legal license to operate.<sup>[3]</sup>

While cognizant that legal devices that facilitate unsustainable or harmful resource extraction may be irreconcilable with many Indigenous feminist worldviews, the authors use intersectional feminist theories to interrogate the capacity of bilateral private negotiations in the extractive sector to speak to the impacts of resource development on Indigenous women.<sup>[4]</sup>

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<sup>[1]</sup> See for example, Joyce Green (ed) *Making Space for Indigenous Feminism* (2<sup>nd</sup> ed) (Fernwood Publishing, 2017); Brenda L Gunn, "Self-Determination and Indigenous Women: Increasing Legitimacy through Inclusion" (2014) 26:2 CJWL 241; Isabel Altamirano-Jimenez, *Living on the Land: Indigenous Women Understandings of Place* (AU Press, 2016); Minnie Grey "From the Tundra to the Boardroom to Everywhere in Between: Politics and the Changing roles of Inuit Women in the Arctic" in Cheryl Suzack, Shari M. Huhndorf, Jeanne Perreault and Jean Barman eds. *Indigenous Women and Feminism: Politics, Activism, Culture* (Vancouver: UBC Press, 2010) 21 at 25; Joyce Green, "From Colonialism to Reconciliation Through Indigenous Rights" in Joyce Green ed, *Indivisible: Indigenous Human Rights* (Halifax; Fernwood Press, 2014) 18 at 33. Similar concerns are shared by Indigenous women who attend to gender in Indigenous and colonial law but don't necessarily identify as feminist. See for example, Leanne Betasamosake Simpson As *We have Always Done: Indigenous Freedom Through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 72-73; Sylvia McAdam (Saysewahum) *Nationhood Interrupted: Revitalising nehiyaw Legal Systems* (Saskatoon: Purich, 2015) at 54-55 and Lynn Gehl (Gii-Zhigate-Mniddo-Kwe) *Mkadengwe: Sharing Canada's Colonial Process through Black Face Methodology* (Algonquin Anishnabe-Kwe Publishing, 2014) at 9

<sup>[2]</sup> The term Indigenous is used here to include those persons that would not be included by the legal term, Aboriginal peoples. The term 'woman' here includes cis-gendered women, and gender variant and trans people who identify as women.

<sup>[3]</sup> Deborah Stienstra, et al. *Gendered and Intersectional Implications of Energy Resource Extraction in Resource Based Communities in Canada's North* (Canada: Feminist Northern Network, 2016); Deborah Stienstra, "Northern Crises: Women's Relationships and Resistances to Resource Extractions" (2015) 17:4 International Feminist Journal of Politics 630; Gibson, Ginger and Deanna Kemp. "Corporate Engagement with Indigenous Women in the Minerals Industry: Making Space for Theory" in O'Faircheallaigh and Ali, eds, *Earth Matters: Indigenous Peoples, the Extractive Industries and Corporate Social Responsibility* (London: Greenleaf Publishing, 2008) 104; Archibald, Linda and Mary Crnkovich, *If Gender Mattered: A Case Study of Inuit Women, Land Claims and the Voisey Bay's Nickel Project* (Ottawa: Status of Women Canada, 1999); Canada, Native Women's Association of Canada, *Where We Stand: Serious Questions Deserve Some Serious Answers*, January 2016 (Canadian Mining Journal).

<sup>[4]</sup> For examples of an intersectional approach to Indigenous matters see Valerie Napoleon "Aboriginal Discourse: Gender, Identity, and Community," in Benjamin J. Richardson, Shin Imai and Kent McNeil, eds, *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (Oxford: Hart, 2009) 233; Emily Snyder, *Gender, Power and Representations of Cree Law* (UBC Press, 2018); Emily Snyder, *Gender and Indigenous Law, A Report Prepared for the University of Victoria Indigenous Law Unit, the Indigenous Bar Association and the Truth and Reconciliation Commission* (March 31, 2013); Emma LaRocque, "The Colonization of a Native Woman Scholar," in Christine Miller and Patricia Chuchryk, eds., *Women of the First Nations: Power, Wisdom, and Strength* (Winnipeg: University of Manitoba Press, 1996) 11



## Nancy Coldham

Nancy Coldham is an entrepreneur, an advocate and a feminist academic. Nancy's career started in journalism, shifted to public affairs consulting and has taken a new path following her Master's degree in 2011-2013. Nancy shares her Master's of Arts in Intercultural and International Communication, from Royal Roads University, graduating top of class and receiving a Governor General of Canada Gold Medal Award for Academic Excellence was life-changing. A self-professed "late bloomer" to academic research, Nancy's career-long passions advancing women in entrepreneurship and women in politics found a new focus with the addition of academic research tools. Nancy expects to begin her doctoral studies, again at Royal Roads, this year. The focus of her studies will be on a gender parity topic.

Nancy founded her public affairs consulting firm, The CG Group in 1981. She is the firm's Strategic Communications Practice Lead and is of only a few people in Canada certified by global expert and Dutch Culturalist, Fons Trompenaars in Cross-Cultural Business Models. Nancy's under-graduate degree, Honours Journalism with a Major in Political Science from Carleton University, helped launch her career in communications. She completed her journalism apprenticeship with Canadian Press Wire Service and an Ottawa radio station. Nancy is also the chief advocate for two social enterprises – the EVE Society and CriticalMass Women. Globally, she is as an active mentor and advisor to the Institute for Economic Empowerment of Women with its Peace through Business program in Afghanistan and Rwanda.

Nancy is a member of the International Women's Forum (Toronto Chapter). She serves currently as Chair of the McMichael Art Collection's Women's Advisory Council where she has spearheaded the McMichael's first tribute exhibition, in June 2020, to women Canadian artists of the 1920s & 30s: UNINVITED.

## WHY NOT? SDG#5 Gender Equality and the Politics of the 2030 Agenda

Here we are again tenaciously and enthusiastically responding to the annual call to action on gender equality. It's International Women's Day -- week or month -- however long most choose the time during the month of March to acknowledge that gender equality is the one SDG principle that could enable achievement of the other 16 goals. The legal infrastructure to agency and advocacy around gender equality is in place, but it has failed to legislate action on the socio-economic priorities linked to the eradication of all forms of structural barriers and intersectional inequalities perpetuating disadvantage and degradation while keeping sustainability illusive. I think I can hear the voices of women from marches and campaigns long past bellow out, "Are we there yet?" Again, now 2020, decades from the first UN Declaration of 1975 as International Women's Year (IWY) and 1976 to 1985 as the Decade for Women, we seem no closer to arriving at gender equality. 1979 the UN Convention on the Elimination of All Forms of Discrimination Against Women similarly prioritized government action, but 40 years later we are counting down to 2030 and the next promise that Sustainable Development Goal#5 Gender Equality may be within reach. Why NOT?

Why NOT? The Canadian government used its response to the 1975 IWY milestone to simply ask us all Why NOT? Why not women's equality? Why not women MPs? Why not women doctors, lawyers, Supreme Court judges? Why not equal pay for work of equal value? Canada was ready wasn't it? Canadian women sure seemed ready. In 1967, just 8 years earlier, a coalition of over 30 women's groups, led by Laura Sabia, the president of the [Canadian Federation of University Women](#), declared victory with the establishment of a federal [Royal Commission on the Status of Women](#) (RCSW). The RCSW's recommendations included equal pay for work of equal value, maternity leave, daycare, [birth control](#) and [abortion](#), [family law](#) reform and revision of the [Indian Act](#); Why NOT?!! Many of those RCSE recommendations remain unattained.

This presentation will address the question Why NOT? within the context of the politics of the 2030 Sustainable Development Agenda and the findings, recommendations and gaps identified and articulated by considerable research, working papers, UN documents and reports and the UN's own HLPF 2020; the High-Level Political Forum. The central platform for follow-up and review of the 2030 Agenda recognizes SDGs and equality make business sense, but they have failed to make the business case for real, enabling social impact investment needed from the private sector. Change you can bank on requires, according to the UNCTAD, between \$5-7 Trillion USD with an investment gap in developing countries of about \$2.5 trillion.

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## Pierre Cloutier de Repentigny

Pierre Cloutier de Repentigny is a doctoral candidate at the Centre for Environmental Law and Global Sustainability and Faculty of Law at the University of Ottawa. They are a 2017 Pierre Elliott Trudeau Foundation Scholar and a Social Sciences and Humanities Research Council Joseph-Armand Bombardier Canada Graduate Scholar. Pierre is a Part-Time Professor at the University of Ottawa, Faculty of Law, Common Law Section. They work as a legal researcher with Dr. Yacouba Cissé, member of the International Law Commission of the United Nations. Pierre is also Co-Chair of JusticeTrans, an NGO dedicated to access to justice for trans people.

Pierre is a member of the Law Society of Ontario and practiced law in Toronto as a sole practitioner before beginning his PhD. They obtained his law degrees from the Civil Law Section (LL.L.) and the Common Law Section (LL.B.) of the Faculty of Law, University of Ottawa. They then completed a Master of Law (LL.M.) at the Peter A. Allard School of Law, University of British Columbia where they completed a thesis in environmental law.

Prior, Pierre practiced law in Toronto and Pierre was law clerk to Justice Richard Mosley of the Federal Court and the Court Martial Appeals Court. They also worked as a legal researcher at the Cohen Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River, and as a Policy Analyst at the Legislative Policy Section of Environment and Climate Change Canada, and at the Law and Ethics Program of the Public Health Agency of Canada. They held various research positions in environmental, aboriginal and refugee law.

### **These aren't the Sustainable Development Goals you're looking for: Queering Sustainable Development Law**

Since its modern conceptualisation through *Our Common Future*, the 1987 final report of the World Commission on Environment and Development, sustainable development—development that takes into account social and environmental factors—has become the central concept of environmental law. The sustainable development goals (SDGs) were adopted by the United Nations General Assembly (UNGA) in 2015 as a plan of action to achieve sustainable development. The preamble of the UNGA Resolution adopting the SDGs states that the international community is determined “to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment.” In fact, the promises of “equality” and “equal access to”, and of ending inequalities and discrimination are omnipresent in the SDGs. While this language may seem laudable at first view, the potential of the SDGs to dismantle the power structures responsible for inequalities is minimal, if not inexistent. This paper offers a queer reading of the SDGs in light of its parent concept. It argues that the SDGs perpetuate liberal understanding of equality by offering increased access to exploitative systems to certain marginalised groups. SDGs do not address the interrelated root causes of inequalities and environmental degradation, and instead promote a neo-liberal vision of law and policy through its “green” economy rhetoric. The language of sustainable development is mobilised to legitimise existing (unequal) social structures by attempting to mitigate their worst impacts. The paper concludes that while sustainability has the potential to be an emancipatory concept for law, a good dose of queerness is first needed to disentangle contemporary sustainable development law from its socially normative roots.



## Daniel Del Gobbo

Daniel Del Gobbo ([daniel.delgobbo@mail.utoronto.ca](mailto:daniel.delgobbo@mail.utoronto.ca)) is an SJD Candidate and Pierre Elliott Trudeau Foundation Scholar at the University of Toronto Faculty of Law. His research interests fall at the intersections of ADR and civil procedure, human rights and equality law, and feminist and queer legal theory. Previously, Daniel earned an LLM from Harvard Law School and JD from Osgoode Hall Law School.

### **Queer Rights Talk: The Rhetoric of Equality Rights for LGBT Peoples at International Human Rights Law**

Critiques of the structural limitations and potentially unintended consequences of rights claims have abounded in transnational feminist and queer legal theory for decades. This paper intervenes in these debates by mapping the structure and rhetoric of equality rights for LGBT peoples in the international human rights system, charting the fundamental contradictions and ambivalences of equality rights discourse. Applying a legal analytical framework that originates in Eve Kosofsky Sedgwick's writing, the paper focuses on the Yogyakarta Principles, conducting a forensic analysis of the manner in which rights claims are represented, organized, and rationalized by equality rights discourse in the text. Ultimately, the paper argues that contemporary gay governance movements are trapped in a radical and irreducible incoherence between conflicting conceptions of gender and sexuality that has constrained the mission of substantive equality worldwide, yet which may be fundamental to the traditional praxis of rights claiming in the international human rights system. LGBT peoples and other equality-seeking groups should think about how we might negotiate the conflicts of equality rights rhetoric more strategically and responsibly by operating, paradoxically, both within and without the constraints of international system as it is currently constituted.





## Sari Graben

Sari Graben is an Associate Professor in the Faculty of Law, Ryerson University. Dr. Graben writes about Indigenous peoples and development, with a special focus on regulatory institutions, emergent property systems and risk. She is the co-editor (with Angela Cameron and Val Napoleon) of the upcoming book, *Creating Indigenous Property: Power Rights, and Relationships* (2020) and is published in journals such as the *University of Toronto Law Journal*, the *University of British Columbia Law Review*, the *Canadian Journal of Law and Jurisprudence*, *Leiden Journal of International Law*, and *Osgoode Hall Law Journal*.

She obtained her L.L.B from Dalhousie University (2000), her L.L.M from Queen's University (2003), and her Ph.D. from Osgoode Hall Law School (2010). Prior to joining the Faculty of Law, she was appointed in the Department of Law and Business, Ted Rogers School of Management, was counsel at McMillan LLP, held a SSHRC postdoctoral fellowship at the Faculty of Law, University of California (Berkeley), and the Canada-US Fulbright Visiting Research Chair at the University of Washington (Seattle). Dr. Graben is currently on leave as a Visiting Scholar at the Buchmann Faculty of Law, Tel Aviv University and will be a visiting scholar at the Faculty of Law, Hebrew University (2020).

### **Stories and the Participation of Indigenous Women in Natural Resource Governance**

In this talk, Dr. Graben and Dr. Patricia Hania will present an upcoming article (co-authored with Dr. Hania) on whether the participation of Indigenous women in resource management can be bolstered by recognizing their governance authority, as expressed through stories. Participatory governance is the dominant organizational arrangement relied upon by provincial and territorial governments to manage natural resources in concert with Indigenous peoples. However, Indigenous feminist scholarship has raised serious questions about the exclusion of Indigenous women from public and private governance, the method of their exclusion, and conditions for rectification. The authors have drawn on Indigenous feminist scholarship to generate three principles of storying that scholars appear to share for the purposes of women's participation: 1) stories facilitate exchange and dialogue; 2) stories revitalize Indigenous women's governance authority; and 3) stories pluralize the principles of resource governance. Relying upon these three principles, she will discuss several policy prescriptions that may bolster public participation by recognizing women's responsibilities and abilities.



## Debra Haak

Debra Haak is an Adjunct Professor at Osgoode Hall Law School where she teaches criminal law. She guest lectures in constitutional law and legal research courses, including at Queen's Law and UNB Law.

Debra's research is motivated by a concern over how law and policy in Canada contend with the different and at times divergent interests of individuals and groups in a diverse society. Differently situated individuals and groups increasingly make conflicting demands on the state, often framing demands as rights claims. Legal decision makers, including judges and policy makers, make difficult choices between and among individuals and groups in a liberal and constitutional legal context. They increasingly rely on empirical and theoretical scholarship. Debra's research considers whether and how the state does and ought to respond to and reconcile stakeholder demands, including how legal decision makers balance competing rights claims and use scholarly literature. She currently focusses on the intractable debate over prostitution and sex work policy in Canada. Her research has been published in the UBC Law Review, the Windsor Review of Legal and Social Issues, The Globe & Mail, National Post, and The Conversation.

Drawing on 20 years of practice experience, Debra approaches her research through the conceptual and analytical lens of interest focussed legal problem-solving – an example of the study of law in context she calls “thinking like a practicing lawyer.” Debra practiced commercial and insolvency litigation at Gowling WLG and appeared regularly before all levels of court in Ontario. She spent one court year at the Inns of Court in London, England, as the recipient of the prestigious Harold G Fox Foundation Scholarship. She marshaled for The Hon Mr. Justice John Thomas (later Baron Thomas of Cwmgiedd, Lord Chief Justice of England and Wales).

### **(Dis)abling Equality for Women through (Un)equal Knowledge Production**

Calls for the decriminalization of sex work in Canada rest on claims about how criminal laws increase risks for sex workers and infringe their security of the person rights guaranteed by the *Charter*. Activists consistently point to the Supreme Court's decision in *Bedford* as authority for both the knowledge claim and the rights claim. However, the question of how, whether, and for whom different legislative approaches to prostitution improve women's situations and promote women's individual and group equality rights is not clear based on the existing body of empirical literature. Canada's new criminal prostitution laws came into force on December 6, 2014. A comprehensive review of the provisions and operation of the new legislative regime was mandated to take place within 5 years of the coming into force of those laws. This paper presents the results of a scoping review conducted to assess the scope and nature of available empirical research literature about prostitution, sex work, and sex trafficking from social sciences, health sciences, and psychology in Canada for the period 2014 to 2019, since the enactment of the *Protection of Communities and Exploited Persons Act*. It identifies gaps in the literature, including which sellers and which harms are and are not reflected in the body of empirical literature to date. It identifies areas for future research. It highlights concerns over the potential effect of unequal knowledge production on women's individual and group equality rights claims.





## Patricia Hania

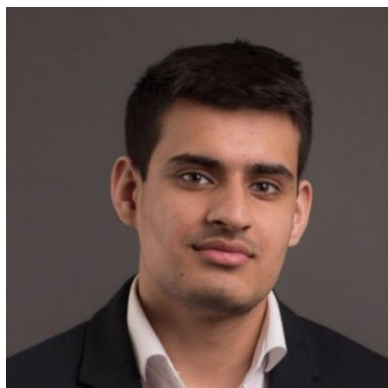
Patricia Hania is an Assistant Professor at the Law & Business Department, Ted Rogers School of Management. She joined the Ted Rogers School of Management in July 2017.

Patricia holds a PhD from Osgoode Hall Law School, York University (York), Toronto. She also holds a LL.M. (Osgoode), LL.B. (Osgoode), M.E.S. (Faculty of Environmental Studies, York), MBA Grad. Dipl. (Schulich, York) and BAS, York.

As an interdisciplinary social-legal researcher, Patricia is interested in the interaction of market actors in natural resource governance regimes – in particular, water governance in Canada. Her research considers the intersection of law and policy to understand how norms interact, regulate and become embedded in legal sites of contested and complex decision-making.

### **Stories and the Participation of Indigenous Women in Natural Resource Governance**

In this talk, Dr. Hania with Dr. Graben will present an upcoming article on whether the participation of Indigenous women in resource management can be bolstered by recognizing their governance authority, as expressed through stories. Participatory governance is the dominant organizational arrangement relied upon by provincial and territorial governments to manage natural resources in concert with Indigenous peoples. However, Indigenous feminist scholarship has raised serious questions about the exclusion of Indigenous women from public and private governance, the method of their exclusion, and conditions for rectification. The authors have drawn on Indigenous feminist scholarship to generate three principles of storytelling that scholars appear to share for the purposes of women's participation: 1) stories facilitate exchange and dialogue; 2) stories revitalize Indigenous women's governance authority; and 3) stories pluralize the principles of resource governance. Relying upon these three principles, she will discuss several policy prescriptions that may bolster public participation by recognizing women's responsibilities and abilities.



**Momin Janjua**

**Momin Janjua** is an analyst with the Open Government team at the Treasury Board of Canada Secretariat. In his role, Momin works closely with Canadian civil society through the multi-stakeholder forum, he also works closely with developers of the open government portal to implement design changes and ensure upkeep of data quality and accessibility. Momin is currently co-leading youth and academia engagement.

Prior to his career in government, Momin studied Public Administration and Business Management at the University of Ottawa. Outside of work, Momin is the director of Sidra Treehouse which is a not-for-profit that works on the ground with newcomers and refugee families in helping them integrate into Canadian society while ensuring they are able to preserve their personal values.



**Darine Benkalha**

**Darine Benkalha** is a policy analyst with the Open Government Team at the Treasury Board of Canada Secretariat. In this role, she mostly works on international files but she also contributes to the advancement of the feminist and inclusive open government file in Canada. This has led her to speak to Canada's inclusive open government initiatives with international and domestic actors as well as with civil society.

Before working for the government, Darine studied International and European Law (Sorbonne University), East Asian Studies (University of Montreal) as well as International and Public affairs (University of Montreal). Her academic path has led her to conduct some research on women's rights advocacy networks in South East Asia, as well as women's movements in Japan and South Korea.

### **Inclusive Open Government: A Tool for Improving Inclusion**

Transparency, accountability and citizen participation are the foundations of open government, which is seen by many countries and international organizations as a promising model for good governance. This presentation will show how the inclusive approach recently taken by many countries such as Canada in their open government initiatives has led to improved inclusion of various voices and perspectives in civic participation as well as in governmental processes like the creation of national action plans. By showcasing some of our initiatives, our continuous efforts to make our public consultations more inclusive and our sustained collaboration with women and Indigenous groups, we hope to demonstrate the value proposition of the open government model for sound inclusion. Since we are entering into a consultation period for our next National Action Plan on Open Government (2020-2022), we would also like to take this opportunity to integrate a mini-workshop in our presentation so we can gather ideas from participants on what they would like to see in the plan as well as on how to make our initiatives more inclusive in the future.



## Kathy Lahey

Kathleen Lahey is Professor and Queen's National Scholar, Faculty of Law, Queen's University, Co-director, Feminist Legal Studies Queen's, cross-appointed to Queen's Gender Studies, and affiliated faculty, Queen's Cultural Studies Interdisciplinary Graduate Program. She is a member of the Ontario and Illinois bars, Associate member, Garden Court Chambers, UK, sits on the boards of the UK-based Tax Justice Network and the steering committee of its global parent, the Global Alliance for Tax Justice, and specializes in tax, corporate, gender, international tax, property, and human rights law.

### **Taxing for Substantive Gender Equality and Sustain/abilities: Why, how to, and when?**

#### **Abstract**

Shortly after the Beijing Platform for Action (PfA) was adopted in 1995, Canada was ranked #1 on the UN human development and gender equality indexes, and stayed in that position until 2000. Unfortunately, during the same timeframe, Canadian governments decided that 'tax cuts for economic growth' should be a priority, and began steadily cutting tax rates from the early 2000s onward. Not surprisingly, these cuts undercut progress toward economic gender equality in Canada too. By 2015, Canada was ranked just 25th on the UN gender development index, and, even though some progress has been regained, at present, stands at just 18th.

Also not surprisingly, the cumulative impact of two decades of systematic tax cuts has left men with much larger shares of the tax savings produced by these cuts than women can obtain. Under these circumstances, failure to address deeply rooted structural and systemic barriers to women's economic equality has meant that women could not hope to close the resulting aftertax income gaps caused by tax cuts by working longer and better paid work hours, because lack of access to affordable childcare, weak enforcement of pay equity rules, and women's continued responsibility for unpaid work in the home, in caregiving, and in family businesses has meant that paid work alone cannot close existing aftertax income gaps. These effects are further intensified by concentration of massive wealth in the hands of small numbers of wealthy international and domestic investors and corporations, all of which combine to keep women, those living in poverty, and marginalized groups including Indigenous, racialized, disabled, rural and urban, and migrant persons 'in their places.'

This paper outlines how women and disadvantaged groups in Canada -- and elsewhere -- can still attain substantive equality via enforcement of the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and PfA, and the Canadian Charter of Rights and Constitution Act, 1982, all of which are now being applied on the basis that they do indeed guarantee substantive equality, or equality of outcomes, for all -- and are linked and integrated into key Sustainable Development Goals, the Addis Ababa Action Agenda for Financing for Development, the Paris Agreement on climate and biosphere preservation, and the UN Declaration on the Rights of Indigenous Peoples. These documents call not just for substantive equality of outcomes in all tax and budgeting systems, but also for full durable equality between individuals and among all countries as well as preservation of the biosphere on a sustainable basis. This is now an urgent policy issue, because any government that fails to strengthen revenues and governance capacities both domestically and transnationally to achieve those goals as effectively as possible is not governing for all those it should be serving, and is putting the sustain/ability of all life on earth at serious risk.



## Patricia Peppin

Patricia Peppin is Professor of Law in the Faculty of Law and the School of Medicine at Queen's University. She researches and teaches in the areas of Health Law, Public Health Law and Tort Law. Her recent research explores vulnerability, equality and dignity in the areas of access to vaccines, the legal availability of medical assistance in dying, and the effects on women's health of underrepresentation in clinical trials. The research she will be presenting at the conference examines the Charter, equitable and legal principles applying to conscientious objection by health practitioners to providing an effective referral for certain types of health care such as abortion and MAID.

### **Conscientious Objection and Effective Referral: Protecting dignity and equitable access to health care .**

A 2019 decision of the Ontario Court of Appeal, *Christian Medical and Dental Society of Canada v College of Physicians and Surgeons of Ontario*, based on the principles of protecting vulnerable patients, dignity, and equitable access to health care, provided a significant addition to the rights of patients needing health care to which physicians objected on the basis of their religious beliefs. The Ontario College of Physicians and Surgeons had adopted two policy statements requiring physicians conscientiously objecting to providing certain types of care to make an "effective referral" to another care provider. In the challenge to this policy, the Court found that the policy did interfere with the freedom of religion of the physicians but did not infringe their equality rights, and went on to determine that the limitation on religious freedom was a reasonable limit under section 1 of the Charter, ultimately concluding that the treatment of vulnerable patients, their dignity, and their right to equitable access to health care required that an effective referral must be provided by the physicians.



## Elaine Power

Elaine Power is an associate professor in the School of Kinesiology & Health Studies, and the Head of Gender Studies at Queen's University. She holds a Ph.D. in Public Health Sciences from the University of Toronto. She conducts research in the areas of feminist food studies and public health, particularly on issues related to poverty, class, food, and health. Using qualitative research methods, she explores social, cultural, political and symbolic aspects of food, eating, the body, and health.

### **Invisible no more: Student food insecurity at Queen's University**

Qualitative research from 2013-14 suggested that food insecurity—inadequate or insecure access to food due to financial constraints—was virtually invisible at Queen's, despite the existence of a campus food bank since the late 1990s. Students who used the campus food bank expressed that the dominant culture of privilege and excess at Queen's was hiding a more complex reality that included poverty, with some students going hungry, eating erratically and cooking monotonous meals with few ingredients because of lack of money. Undergraduate students spoke of high levels of shame associated with food insecurity. As further evidence of a problem, the National College Health Assessment survey conducted at Queen's in 2016 found that 23% of respondents worried about their finances to the extent that it interfered with their studies. Over the past 5-6 years, there has been more research on food insecurity among university students in Canada and the United States, including my own qualitative interviews with food insecure Queen's students in the 2017-18 academic year. This presentation will reprise the highlights of that research and then focus on “knowledge mobilization” efforts, including the addition of food insecurity survey items on the 2019 version of the National College Health Assessment survey and the establishment of a food insecurity working group at Queen's. While there is growing awareness of the problem of food insecurity at Queen's and its roots in inadequate income, to date, there has been no serious effort to deal with the problem at a systemic level.



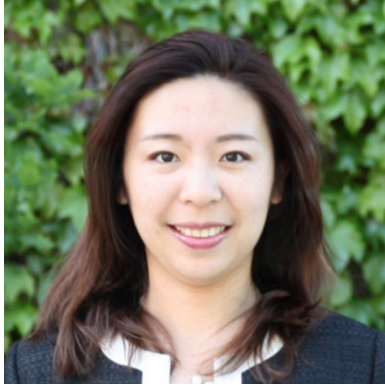
## Gloria Song

Gloria Song (BA, JD, LLM) is a PhD Candidate in Law at the University of Ottawa's Faculty of Law, under the supervision of Dr. Angela Cameron and Dr. Jackie Dawson as part of the Change and Economic Development in Arctic Canada research team and as a student member of the Human Rights Research Education Centre. Her doctoral research will focus on the intersections of access to justice, domestic violence, and housing insecurity for Inuit women in the Kitikmeot region of Nunavut. Gloria clerked at the Federal Court for the Honourable Mr. Justice Leonard Mandamin, the first Indigenous judge to serve on the federal bench in Canada. Gloria practiced as a poverty lawyer for the Legal Services Board of Nunavut while based in Cambridge Bay, Nunavut. She has worked on access to justice issues in domestic violence at the Legal Assistance Centre's Gender Research and Advocacy Project in Windhoek, Namibia as part of the Canadian Bar Association's Young Lawyers International Program. She continued researching these themes of access to justice in domestic violence in Georgetown, Guyana as the 2016 Governance and Justice Research Award recipient through the International Development Research Centre. Gloria was the recipient of the Nunavut Law Foundation's Lucien Ukaliannuk Award in 2015, the Shirley Greenberg Scholarship in feminist law in 2018 and the Joseph-Armand Bombardier CGS Doctoral Scholarship in 2019. In addition to her doctoral work, Gloria works as a policy analyst in Knowledge Management and Engagement at Polar Knowledge Canada (formerly the Canadian Polar Commission) and is responsible for supporting Canada's science diplomacy by developing international research partnerships in the Arctic and Antarctic regions. She has also served as a project consultant for the Law Society of Nunavut for over five years, supporting public legal education and access to justice projects.

### **Access to justice for Inuit women in the Kitikmeot: Exploring the intersection of gender-based violence and housing insecurity in Nunavut**

This presentation will discuss upcoming doctoral research exploring the intersections of domestic violence, housing insecurity, and the law in western Nunavut. This project proposes to study the role of Nunavut's legal processes in providing solutions for Inuit women in the Kitikmeot region of Nunavut seeking solutions for domestic violence in the context of the housing crisis that exists in the territory, as well as how the housing shortage and housing laws in the region affect access to justice for Inuit women dealing with domestic violence. It is hoped that this project will contribute to filling the knowledge gap on an important issue, while responding to local research priorities in order to benefit the communities in the Kitikmeot.





## Chen Wang

Chen Wang (L.L.B., B.A., M.A., L.L.M.) is a doctoral candidate at the Faculty of Law, University of Ottawa. She is a socio-legal researcher committed to the following areas of research: immigration and refugee law, public international law, feminist legal theory, social justice, and qualitative research methodology. From 2019 to 2010, she had the opportunity to teach graduate-level courses, such as international humanitarian law and legal theories, in the faculty of law and faculty of social sciences at the University of Ottawa. Her doctoral project adopts the Institutional Ethnography approach to reveal how social relations within the Canadian immigration system produce differences and inequalities for immigrant women. Her research focuses on the intersection of gender, race, ethnicity, and immigration status with regards to highly skilled immigrant women's situation in Canada. Aside from her doctoral project, she also works with the Refugee Hub at the University of Ottawa on research projects investigating the challenges and opportunities for Rohingya refugees to reunify with their families in Canada.

### **Gatekeeper for Professional Jobs: Language Barrier and Skill Transfer of Highly Skilled Chinese Immigrant Women in Canadian Labour Market**

Language proficiency as an important determinant of highly skilled immigrants' successful skill transfer has been an understudied topic. This presentation focuses on the linkages between language barriers and highly skilled Chinese immigrant women's disadvantages in finding professional jobs in the Canadian labour market. I argue that the language barrier impedes highly skilled Chinese immigrant women from accessing professional jobs that match their skills in two aspects: 1) the hiring process neglects the fact that highly skilled Chinese immigrant women with weaker language skills need to do extra work before having their essential skills being considered, and 2) these immigrant women were also neglected when attempting to benefit from social services in order to prepare for the restoration of their professional careers in Canada.

My research proceeds from a bottom-to-top approach and examines how the marginalized immigrant women's experiences were discursively constructed at the institutional level. Institutional Ethnography (IE) provides me with a highly flexible tool to explore and preserve the presences of the women participants' perspective(s). I first document how the women participants describe the language barrier preventing them from being considered for professional jobs. Next, I map out how these language barriers have been produced by the power relations that occur within a large-scale institution -- the Canadian labour market. Additionally, the findings also lend insight as to how these service providers could collaborate to reduce the negative impacts of language barriers on highly skilled Chinese immigrant women in the future effort.

Drawing on the interview data with 45 highly skilled Chinese immigrant women and 6 key informants in Canada, I refer to the social inclusion strategies to suggest a shift in the hiring process that focuses on core skills that are essential to the job responsibilities rather than language skills, in order to give highly skilled Chinese immigrant women the access to professional jobs. I also propose a shift in language training services provided to highly skilled Chinese immigrant women that would consider the employment-oriented learning needs of these working-age immigrant women.



## **Adrienne Xavier**

Adrienne Lickers Xavier lives at Six Nations of the Grand River Territory; is a Doctoral Candidate from Royal Roads University and Lecturer faculty at McMaster University. Adrienne's research centres on Indigenous food sovereignty, gender and community building. Adrienne teaches courses on sovereignty, health and well-being and Indigenous storytelling. Adrienne grows food, relationships and community.

### **Meet me in the garden: Telling the story of Indigenous food sovereignty**

This discussion will be a conversation of food security, Indigenous women's positionality and the places and spaces that we exist in. Women's places in Haudenosaunee food, community and social spaces.