



Queen's  
UNIVERSITY

Feminist  
Legal Studies

**Promises, Praxes, Paradigms:**

*Knowing and Acting for Change 30 years after the Beijing Declaration  
and Platform for Action*

*International Women's Day Annual Conference, Feminist Legal Studies and the  
Faculty of Law Queen's University  
Kingston Ont., March 28-29, 2025*

Biographies and Abstracts

## Featured Keynote



**Nicole Redvers, DPhil, ND, MPH**

**Bio:** Dr. Nicole Redvers, DPhil, ND, MPH, is a member of the Deninu K'ue First Nation (NWT) and has worked with Indigenous patients, scholars, and communities around the globe her entire career. She is an Associate Professor, Western Research Chair, and Director of Indigenous Planetary Health at the Schulich School of Medicine & Dentistry at Western University. She also currently serves as the Vice President Research at the Association of Faculties of Medicine of Canada (AFMC). She has been actively involved at regional, national, and international levels promoting the inclusion of Indigenous perspectives in both human and planetary health research and practice. Dr. Redvers is the author of the trade paperback book titled, 'The Science of the Sacred: Bridging Global Indigenous Medicine Systems and Modern Scientific Principles'.

**Abstract: The Indigenous Determinants of Planetary Health: Respect of the Feminine**

Indigenous Peoples are resilient peoples who have honorably carried deep ecological knowledge over thousands of years. With wider planetary health movements taking hold, this presentation emphasizes the importance of ensuring a grounding in the stewardship practices, the relationship building, and the innate sense of reciprocity embodied in Indigenous Traditional Knowledges (TEK)—including a deep respect of the feminine.

## Special Guest



**Kim Brooks**

**Bio:** Dr. Kim Brooks began her five-year term as Dalhousie's 13th President and Vice-Chancellor in August 2023, after serving as Acting Provost and Vice-President Academic. She previously served as Dean of the Schulich School of Law from 2010-15 and as Dean of the Faculty of Management from 2020-22.

A 3M Teaching Fellow, Dr. Brooks has held the H. Heward Stikeman Chair in the Law of Taxation at McGill University and the Purdy Crawford Chair in Business Law at Dalhousie in addition to academic appointments at Queen's University and the University of British Columbia. Prior to entering the academy, she worked as a tax lawyer with Stikeman Elliott in their Toronto and London (UK) offices. Among her

numerous board and professional roles, she has been Chair of the Halifax Public Libraries Board, President of the Canadian Centre for Legal Innovation in Sexual Assault Response, President of the Canadian Association of Law Teachers, and Chair of the Women's Legal Education and Action Fund. She is currently Chair of the Canadian Research Knowledge Network Board.

Dr. Brooks holds a PhD from the University of Western Australia, a LL.M. from York University, a LL.B. from UBC and a BA from the University of Toronto.

## Conference Panelists



### **Ladan Adhami-Dorrani**

**Bio:** In a world that has madly become violent, Ladan after successfully completing her Ph.D. in Social and Political Thought at York University decided to stay a student for life. She has embarked on a journey to learn how to unlearn what she has learned. In a manuscript book entitled *The Mainstay of the Law and the Perpetuation of Inequalities* that will be published by Bloomsbury Publishing. Ladan questions Western reason and the value neutrality at the self-centered liberal democratic and legal system in the United States. From racial/ethnic inequality, to gender disparity, from class discrepancy to unequal treatment of those whose sexual orientation has historically relegated them to the periphery, Ladan with a passionate conviction joins the counter-hegemonic voices raised by postmodern, postcolonial and critical feminist perspectives. Given that there is no way but to act with hope, Ladan calls for political participation accompanied with inclusive Love that invites substantial changes for a peaceful and sustainable future.

### **Abstract: The Tyranny of the Patriarchal Past into Present: Originalism and Women's Reproductive Bodies**

The insistence of the law on universality, impartiality and value-neutrality invites respect and awe. Yet, there is a deep abyss between what the law asserts and what the law does. From the feminization of poverty to intersectional inequalities where women are one of the great constituents in inequality cycles, and from violence against women in both the domestic and the public realm to originalism and its interference with women's reproductive bodies, women have been under the yoke of the tyranny of the patriarchal past from religious, cultural and political potencies to the present. Despite the grandiose and performative claim of the law that it is protective of all, the objective of this eclectic paper-presentation is to discuss how the Dobbs' v. Jackson's decision (2022) overruled an almost half a century of legal protection in Roe v. Wade (1973) at the expense of women's right to their reproductive bodies. Drawing on texts like Jonathan Gienapp's *Against Constitutional Originalism: A Historical Critique*, Kerri Froc's "Is Originalism Bad for Women? The Curious Case of Canada's 'Equal Rights' Amendment", David Richards' "Patriarchal Religion in U.S. Constitutional Law (Dobbs v. Jackson): Originalism as 'Political Religion' (Burke) Unmasked", Susan Liebell's "The Politics of Law: Capricious Originalism and

the Future of The Supreme Court”, and Malinda Seymore’s “Originalism: Erasing Women from the Body Politic”, the contention of this paper is to argue that the Supreme Court of the United States is resorting to the tyrannical “past” by upholding conservative political, patriarchal and religious value systems, instead of relying on a “living constitution”. In short, originalism is a mask over the overarching historical hegemony of the law against the women “Other.”



### **Sharry Aiken**

**Bio:** Sharry Aiken is a Professor at Queen’s Law and Academic Director of the Graduate Diploma in Immigration and Citizenship Law. She is also co-chair of the Legal Affairs Committee of Canadian Council of Refugees and president of the FCJ Refugee Centre in Toronto.

### **Abstract: Migrants, Refugees and the Shrinking Right to Equal and Effective Protection in Canada**

The 1995 Beijing Declaration and Platform for Action, Agenda 2030 for Sustainable Development and the Global Compact for Safe, Orderly and Regular Migration, emphasize the critical importance of addressing gender-based disparities to achieve sustainable and inclusive development. Yet racialized, poor and disabled women and gender-diverse migrants continue to experience profound and systemic inequalities at every stage of the migration process and upon arrival in countries of destination (IOM 2024). Canada’s record in this regard, is illustrative. The evidence-based analysis that underpins the federal government’s reporting on GBA+ in the immigration context has done little to meaningfully move the dial. From policies that exclude access to basic health care and other social protections, employer-tied, temporary work permits, and the recently “modernized” safe third country agreement with the United States, women and gender-diverse migrants and refugees face compounding disadvantage in achieving recognition of their equality rights in Canada. This paper elaborates upon these examples of discriminatory exclusions to highlight the urgent need for both law and policy reform.



### **Sarah Ailwood**

**Bio:** Dr Sarah Ailwood is Associate Professor in Law at the University of Wollongong. Her research investigates the politics and practices of women's voices in legal contexts, with a particular focus on law and justice responses to #MeToo.

### **Abstract: Did #MeToo matter? Translating Feminist Digital Activism into Law Reform**

This paper investigates law and justice responses to the #MeToo and related feminist social media movements, with a particular focus on workplace sexual harassment law reform in Australia and the United Kingdom. In both jurisdictions, #MeToo triggered a comprehensive institutional law reform process into workplace sexual harassment and a suite of legislative reforms. Yet the degree to which the voices that ignited and propelled #MeToo, and were elicited within and contributed to law reform processes, have been listened and responded to in recommendations and legislative change enacted by the state, is doubtful. This paper explores the politics and practices of listening within these law reform processes and evaluates the hierarchies of attention that privilege some voices over others in the framing of legal problems and the development of solutions. I conclude that listening practices that devalue lived experience have muted the power of law reform to address workplace sexual harassment as a systemic problem.



### **Bitá Amani**

**Bio:** Bitá Amani is full professor at the Faculty of Law, Queen's University in Kingston and affiliated faculty for Cultural Studies. She also serves as adjunct faculty at Osgoode Hall Law School. She is one of the founding members of Feminist Legal Studies Queen's, serving as a Co-Director since its inception and organizing an annual visiting speaker series and International Women's Day Conference for over fifteen years. She is currently on sabbatical as a Visiting Professor at the Faculty of Law at Oxford University, and Visiting Research Fellow with the Oxford Intellectual Property Research Centre. Bitá teaches courses in intellectual property (IP), information privacy, and feminist legal studies (workshop), and is currently working on several issues related to equality, including AI governance and discrimination, food law, intellectual property and care work and caring relations. Book publications include: *State Agency and the Patenting of Life in International Law: Merchants and Missionaries in a Global Society*, (Aldershot: Ashgate Publishing Company, 2009) and *The Elgar Companion to*



*Intellectual Property and the Sustainable Development Goals*, (Northampton: Edward Elgar, 2024, with Caroline B. Ncube and Matthew Rimmer (eds)).

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) as editor and annotations editor for the online delivery of access to laws, 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 was a delegate of the Women's Intercultural Network, an NGO with Special Consultative Status to the Economic and Social Council (UN ECOSOC), for UNCSW 67 in New York in 2023. She is currently engaged in a 7-year funded SSHRC partnership for strengthening a families research ecosystem for defence and public safety sectors. She has served as a legislative drafter with the OLC and is called to the Bar of Ontario (2000).



### **Jane Bailey**

**Bio:** Jane Bailey is a full professor at the University of Ottawa Faculty of Law (Common Law Section) where she teaches Cyberfeminism, Technoprudence, and Contracts. As co-leader of The eQuality Project, a 7-year SSHRC funded partnership initiative focused on young people's experiences of privacy and equality in digitally networked environments, her research centres on technology-facilitated violence, including its privacy and equality implications. She is co-editor of The Emerald International Handbook on Technology-facilitated Violence and Abuse, a 2021 online open access publication. In 2023 was a member of the Canadian delegation at UNCSW 67 in New York. She has also acted as lead counsel for the intervenor CIPPIC in two Supreme Court of Canada cases related to voyeurism (*R v Jarvis* and *R v Downes*), and is looking forward to her upcoming Research Fellowship at the Center for Protecting Women Online at Open University in the UK.

### **Abstract: Technology-Facilitated Gender-Based Violence and the BHR Normative Framework**

Abstract: Technology-facilitated gender-based violence (TFGBV) is an international human rights issue (CIGI, 2023) with serious consequences for women's and girls' human rights. TFGBV manifests in multiple forms including discrimination, sexual

harassment, doxxing, extortion, non-consensual distribution of intimate images, deepfakes, and hate propaganda, with far-reaching emotional, physical, psychological and cultural impacts on those it targets (Bailey & Dunn, 2023). Technology corporations not only facilitate TFGBV by providing tools and platforms for its creation and dissemination and through their content moderation practices, they perpetrate structural colonial violence through practices including discriminatory algorithmic profiling, with disproportionately negative effects on members of already-marginalized communities (Bailey, Burkell, Dunn, Gosse & Steeves, 2021). In 2023, the UN Commission on the Status of Women recognized the role that technology corporations play in TFGBV and called on them to undertake due diligence to prevent such harm and on states to enact regulation that takes into account the United Nations Guiding Principles on Business and Human Rights (UNGPs) (UNCSW, 2023, paras 41, 45). The OHCHR, through its B-Tech project is developing guidance on how the UNGPs can inform state and business action to prevent and address human rights violations caused by digital technology, including in relation to its gendered impacts. Yet there remain serious concerns as to the ability of the Western androcentric BHR normative framework, that fails to challenge the root causes of corporate impunity, to address gender-based violence (Simons & Handl, 2019), let alone TFGBV. Drawing on feminist intersectional analysis, this paper will critically examine the strengths and limitations of the UNGPs, the draft BHR treaty and select European mandatory human rights due diligence laws in addressing TFGBV and providing redress for survivors.



### **Beverley Baines**

**Bio:** Beverley Baines is a Professor of Public and Constitutional Law with a passion for illuminating how substantive equality can subvert judicial analyses that deny equality rights to women and other disadvantaged groups. Her passion dates from her involvement as a feminist constitutional consultant, first to the Canadian Advisory Council on the Status of Women and then to the Ad Hoc Committee of Women on the Constitution during the Charter debates of 1980-1982. Subsequently she co-edited *The Gender of Constitutional Jurisprudence* (2005) and *Feminist Constitutionalism: Global Perspectives* (2012). Her current preoccupation, a SSHRC project examining how feminist constitutionalism can contribute to Transforming Judicial Outcomes for Women in Canada and Brazil, is a collaboration with seven exceptional Canadian, Brazilian and UK women scholars.



## **Title: Persons, Rights, Challenges (Evening Panel)**



### **Jwalika Balaji**

**Bio:** Jwalika Balaji is a Research Fellow at the Vidhi Centre for Legal Policy, a policy think-tank in India, where she advises the Central and State Governments in India on law and policy. She graduated from the University of Oxford with a Bachelor of Civil Law degree and obtained the Law Faculty Prize in Comparative Equality Law. She completed her undergraduate law degree at the National Law School of India University, Bangalore. She has worked with Professor Barbara Havelkova, Associate Professor (Oxford), on assessing the status of gender equality and intersectionality in the EU. Her areas of research are equality law, human rights, and family law, with a focus on gender and sexuality. She is on the Board of Directors at OutLawed India, a Not-for-Profit working to improve access to justice for marginalised communities in India. Jwalika's email address is [jwalika00@gmail.com](mailto:jwalika00@gmail.com).

### **Abstract: Fixing the Fragments: Mainstreaming Gender and Intersectionality in Indian Equality Jurisprudence**

Indian equality jurisprudence is severely fragmented. On the one hand, only five protected grounds are mentioned in the Constitution's anti-discrimination guarantee (one of which is 'sex'). These protections do not apply horizontally. Further, since the corresponding remedy is court-driven, it is both individualised and subject to judicial discretion. On the other hand, there are some specific laws tackling identity-based discrimination, namely the Rights of Persons with Disabilities ('RPWD') Act, 2016 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) ('POA') Act, 1989. However, this schema has several issues- first, there is no singular law addressing gender equality; second, there are several sectors where gender mainstreaming is not legally mandated or practically practiced; and third, there is no way to comprehensively account for intersectional identities. For example, there is only a throwaway reference in the RPWD Act directing the government to 'take measures to ensure that women and children with disabilities enjoy their rights equally' and the POA Act makes it an offence to dishonour or exploit *Dalit* and *Adivasi* (indigenous) women. The unique concerns of women with disabilities, indigenous women, and other intersectional groups are inadequately addressed through these legislations. An intersectional and structural approach to the sustainable goal of gender equality, as has been encouraged by the Beijing+5 Political Declaration and the CEDAW General Recommendation No. 25, remains missing in

India. Against this backdrop, to incorporate such an approach, this paper argues that gender needs to be mainstreamed within sector-specific legislation, similar to the Canadian and South African Employment Equity Act. Further, the paper explores the possibility of introducing a separate equality legislation that integrates gendered inclusion and intersectionality more thoughtfully, similar to the United Kingdom's Equality Act. In a world which is racing to urgently eliminate all forms of inequality and discrimination, it is imperative that Global South countries do not trail in the quest—this paper aims to be a step in that direction.



### **Katherine Bischooping**

**Bio:** Katherine Bischooping's trajectory from statistics to applied survey research, and then to qualitative approaches in sociology and beyond, including playwriting, derives from her abiding fascination with language, storytelling, and methods. In her research collaborations, she examines the behind-the-scenes work and awkward moments of methodologists, applies narrative and discourse analysis methods to oral history data, and avidly reads plays. With Amber Gazso (York University) she coauthored *Analyzing Talk in the Social Sciences: Narrative, Conversation, and Discourse Strategies* and with Yumi Isshi (University of Tokyo) she coedited a special issue of *Oral History Forum d'histoire orale* entitled "Generations and memory: Continuity and change". She serves as Lead Research Associate and Reading Committee member for Hedgepig Ensemble Theatre's "Expand the Canon" project.

### **Abstract: Behind the Scenes of a Project to Expand the Theatre Canon**

Since January 2021, I have been a Research Associate for a project entitled "Expand the Canon", being conducted by Hedgepig Ensemble Theatre in New York. The project's aim to expand the theatrical canon by annually curating lists of outstanding—yet overlooked—plays by women from around the globe and across the centuries, and calling the theatre community to action in producing them. This project aligns with SDGs 5, 10, and 16 by addressing the historic biases that have prevented the works of women playwrights—particularly racialized ones—from receiving equal representation, and strengthening the inclusivity and equity of a cultural institution. My presentation will reflect on how, as feminist, polyglot, and occasional playwright whose day job is as a professor of sociology, I have aligned my praxis with that of

Hedgepig Ensemble Theatre, identifying factors that have been unexpectedly felicitous or inopportune along the way.



**Lindsay Borrows:**

**Bio:** Lindsay Borrows is an Assistant Professor at Queen's University, Faculty of Law, where she teaches special topics in the field of Indigenous law. Previously she worked as a lawyer and researcher at the Indigenous Law Research Unit (University of Victoria Faculty of Law), and as a staff lawyer at West Coast Environmental Law. In both positions she provided legal support to Indigenous communities and organizations engaged in the revitalization of their own laws for application in contemporary contexts. She has worked on community-engaged projects with different legal traditions including Anishinaabe, Denezh, Haałzaqv, Nlaka'pamux, nuučaanuł, St'át'imc, Syilx and Tsilhqot'in. She is particularly passionate about the possibilities within land-based legal education, and since 2014 she has co-facilitated various 'on-the-land', community-engaged Anishinaabe Law Camps in partnership with different law schools and communities across Ontario. Her book *Otter's Journey Through Indigenous Language and Law* (UBC Press, 2018) explores the connections between language and law. Lindsay is Anishinaabe and a member of the Chippewas of Nawash First Nation.

**Abstract: Learning Law from Plants**

This presentation will focus on the article I wrote, "Learning Law from Plants". The article sows three seeds that tend to the question, *how does the canon of Anishinaabe plant knowledge inform Anishinaabe law?* Seed One is rooted in questions about how plants inform Anishinaabe law, and Canadian law by contrast, through various ecological and legal traditions. The Anishinaabe traditions considered include the practice of *akinomaage* (learning from the Earth), contemporary Constitution writing and legal declarations, methods of drawing out law from Anishinaabe plant narratives, and learning through direct experience from Anishinaabe-trained ecologists. The Canadian traditions considered include legislation that interacts with plants, scientific input into contemporary judicial and legislative processes, and expert evidence in courts including from ethnobotanists. Seed Two raises questions about how plant bias operates within these two legal orders, and why we should be attentive to mitigating bias. Finally, Seed Three produced an example of how and what we might learn about law from stinging nettle, drawing from the literature exploring what it means to be in an apprenticeship-like relationship with plants. This article shows

how ecological traditions can enrich legal traditions when thoughtfully woven together.



### **Nancy Coldham**

**Bio:** Nancy is the founding partner of The CG Group, a public affairs management consulting firm based in Toronto, Canada. Nancy leads the strategy practice as well as issues, crisis and reputation management. In addition to her career highlights and recognitions, Nancy is dedicated to advancing women through entrepreneurship and political advocacy. Nancy's volunteer commitment was recognized by her Order of Ontario (2019).

Nancy, with her social enterprise CriticalMassWomen, was the 2017 recipient of the Global Compact Network Canada Gender Equality Award in the category United Nation Women's Empowerment Principle 4, the promotion of education, training and professional development of women. In 2014, Nancy's commitment to advancing women and girls was acknowledged with the YWCA Toronto Women of Distinction Award for Advocacy & Political Action. Nancy has been a mentor in the Peace Through Business program of the Institute for Economic Empowerment of Women (IEEW) since 2011, working with women entrepreneurs in Afghanistan and Rwanda.

Nancy's commitment to women entrepreneurship in post-conflict countries provided the foundation to her Master's thesis entitled "The Gendered Enterprise of Nation-Building" which earned her, in 2013, the Governor General Gold Medal Award for academic excellence. Nancy completed her Masters in International and Intercultural Communication, MAIIC, at Royal Roads University. Her undergraduate degree in Journalism and Political Science was completed at Carleton University.

Nancy is currently pursuing a Doctor of Social Sciences at Royal Roads University, Victoria, B.C. Her doctoral research is focused on addressing the systemic barriers to women's leadership at the political C-level.

### **Abstract: The Standard Deviation of Broken Promises: A Review of the Unfulfilled Commitments of Women's Equality Declarations +30 Years Beijing Action Plan**

Women's inequality prevails globally despite United Nations (UN) declarations, conventions, treaties, conferences, and annual monitoring of signatories' compliance and advancements. Thirty

years after 189 countries unanimously adopted the 1995 Beijing Platform Action Plan, women's inequality is entrenched, not eliminated. UN Women proclaimed the Beijing Plan, the most comprehensive blueprint for women's and girl's equality in history. The Plan followed the 1975 International Year of Women, the 1975-1985 Decade of Women, and four world conferences hosted every five years (Allotey & Denton, 2020). Talk, pronouncements, goals, plans, and unfulfilled, if not broken, promises. Activists have dropped the gauntlet on hope and resilience insisting 2025 is a pivotal time in the global pursuit of women's equality and empowerment. Most have surrendered that Agenda 2030 will not be achieved, again leaving women's equality on the mountainous pile labeled renegation. Feminists are exhausted (Gouws & Madsen, 2021). The shattered possibilities can be assessed thanks to UN-developed matrices and indices (Berik, 2022). This paper explores the standard deviation of the reported global failure that is women's inequality, using established UN measurement tools such as the GII-Gender Inequality Index; the FEI-Female Empowerment Index; and, several others demonstrating the precarity and illusiveness of women's equality. Addressing women's inequality, three decades past the Beijing Plan, through the gendered lens of power imbalance is reinforced by the inability of women to secure C-Suite level political leadership as an elected president or prime minister, particularly in North America (Mah, et al., 2023). The recent loss by Democratic nominee Kamala Harris, in the American presidential race, further undermines any consensus that political agency, political power, and political equality are within reach.

Keywords: Beijing Action Plan, women's inequality, women's C-Suite leadership



### **Erin Durant**

**Bio:** Erin Durant (she/her) represents her clients with [considerable skill and in keeping with the best traditions of the bar](#). She founded Durant Barristers after practicing law as a partner at one of Canada's largest law firms. Her mission is to build a law firm that is a healthy and safe place for all its team members.

Durant Barristers is one of the few law firms in Canada that does a significant amount of work in the sports industry. Our sports experience is very broad and includes safe sport, risk management, anti-doping, team selection, discrimination, human rights, appearances before the Sport Dispute Resolution Centre of Canada, sports arbitrations, and issues related to access to safe sport and recreation by gender diverse persons. She accepts mandates from



sports organizations of all sizes, athletes, coaches, universities, colleges, national or provincial bodies and professional sports clubs. Skilled and knowledgeable in the areas of procedural fairness and natural justice, Ms. Durant is called upon regularly to conduct confidential, high-profile investigations and reviews of all sorts for businesses, municipalities, universities and colleges, not-for-profit corporations, franchises and sports associations. As a former competitive athlete and NCCP certified coach, Ms. Durant has become a highly sought after investigator for harassment, abuse complaints and other misconduct allegations in the sport world, with her work regularly discussed in the press. Ms. Durant has an interest in representing parties or commission counsel in Public Inquiries and reviews.

In her civil litigation practice, Ms. Durant represents sophisticated clients, public institutions, insurance companies and corporations of all sizes in significant, high-profile litigation. She regularly acts on behalf of professionals in negligence claims and disciplinary complaints before professional regulators. Ms. Durant is also regularly retained by other law firms to assist with their complex litigation matters, trials and appeals. She argues before all levels of court in Ontario as well as at various tribunals. She has also defended against leave applications to the Supreme Court of Canada. She is known for her sound advice, experience with high profile scandals, fearless advocacy and positive outcomes for clients both at court and through negotiated settlements.

Ms. Durant frequently receives invitations to speak at legal conferences, corporate events and at law schools. She is frequently invited to speak to audiences of other lawyers about trial advocacy, evidence, expert witnesses, building and managing a law firm, investigations, motor vehicle accident litigation, and summary dismissal of frivolous claims. Ms. Durant has also spoken at corporate events both for clients and for other law firms about workplace culture, investigations, risk management, wellness and burnout, and understanding the Millennial worker. Ms. Durant spent four years as an Assistant Professor at the University of Ottawa Faculty of Common Law where she taught Civil Procedure and Insurance Law to law students. She has also given guest lectures at most of Ontario's law schools. A frequent writer, Ms. Durant demystifies the Canadian legal market for other lawyers, clients and law students through her newsletter, [Durant Rants](#). She is also the author of [It Burned Me All Down](#), an Amazon Best Seller in categories of interest to the legal profession, and is currently working on various other writing projects.



Ms. Durant's to the legal profession have earned her numerous accolades, including the County of Carleton Law Association's Regional Senior Justice Award (2022) for excellence as a litigator and community leader, and is "repeatedly recommended" in Lexpert's Directory for personal injury litigation. Ms. Durant is consistently ranked in Best Lawyers in Canada (2021–2025) across multiple practice areas and has received prestigious honors such as the Canadian Defence Lawyers Richard B. Lindsay QC Exceptional Young Litigator Award, the Advocates' Society Writer's Award (2020), and Lexpert's Zenith Award (2019) as a Change Agent in law. Ms. Durant's influence within the legal profession was solidified in 2022 when she was named one of the top twenty-five most influential lawyers in Canada by Canadian Lawyer Magazine.

**Abstract: The Cost of Exclusion: Gender and Power in Canada's Sport System**

I have been researching and working in sport since I was in law school. At that time, I presented research on women in sports governance in Canada (or, more accurately, the lack thereof) at the Play the Game conference in Coventry, UK thanks to funding from Queens University. At prior Feminist Legal Studies Queens (FLSQ) Conferences, I organized panels that discussed issues related to gender in sport. Nearly 15 years later, these issues have come to a head and are resulting in significant controversy, litigation and harm both in the United States and, increasingly, in Canada. As one of Canada's most sought-after investigators and lawyers for national and provincial sports organizations, I have witnessed the worst that sport has to offer. But as a former athlete and coach, I have personal experience with the significant benefits that come with participating in organized sport – for those who are welcomed into the culture. At the FLSQ conference I would like to provide an update on the state of the challenges facing women and gender diverse participants in the Canadian sport system, provide a review of the current underlying structures of Canada's sport system, and provide suggestions for a better system. As Canada is currently in the process of funding the "Future of Sport in Canada Commission", this is a timely topic that is likely to remain in the headlines for years to come.



## **Jessica Eisen**

**Bio:** Jessica Eisen is an Associate Professor at the University of Alberta Faculty of Law. Her research interests include animals and the law, constitutional and comparative constitutional law, equality and antidiscrimination law, feminist legal theory, intergenerational justice, and law and social movements. Her research has been published in the *Journal of Law and Equality*; *Animal Law Review*; *Canadian Journal of Poverty Law*; *Transnational Legal Theory*; *Queen's Law Journal*; *ICON: International Journal of Constitutional Law*; the *Berkeley Journal of Gender, Law, and Justice*; and elsewhere.

### **Abstract: The Unwritten Constitution and the More-than-Human World**

Typically, Canada's unwritten constitution is understood to consist of praiseworthy commitments that are so core, stable, and binding that they need not be written, including such principles as democracy, the rule of law, and the protection of minorities. This presentation will argue that, in reality, there are also more disreputable elements of Canada's invisible constitution: "shadow" commitments that shape and reflect durable hierarchies under Canadian law. Since the nation-state's founding and continuing to the present day, Canadian law has embraced two (related) shadow commitments: to the subordination of Indigenous legal orders and to the exploitation of earth and animals. Through analysis of legislation, case law, and academic scholarship, this presentation will show how earth exploitation and the presumption of Crown sovereignty operate as shadow commitments of the Canadian constitution. Recognition that these harmful commitments are core, stable, and binding features of the Canadian state should not, however, be taken as reason for apathy. To the contrary, those seeking to transform unjust constitutional relations can profit from an honest recognition of the depth and entrenchment of the status quo relationships they seek to change. After all, we cannot change what we cannot tolerate knowing.



## **Lise Gotell**

**Bio:** Lise Gotell is a Professor in the Department of Women's and Gender Studies at the University of Alberta. She holds a Bachelor of Public Administration (Carleton), an MA and PhD in Political Science (York), and she completed a postdoctoral fellowship at the Institute for Feminist Legal Studies (Osgoode). She has published widely in the area of Canadian feminism and law, including works on Charter equality litigation, obscenity law, and anti-feminist movements. Much of her research concerns criminal law's regulation of sexual violence and the Canadian legal standard for consent. She is currently working on a research project (with Elizabeth Sheehy and Isabel Grant) on the rough sex defence. Her work has been cited in law reform initiatives in Australia, New Zealand, England and Wales and Scotland, as well as by the Alberta Court of Appeal and the Supreme Court of Canada. A strong believer in public intellectualism, Professor Gotell is the winner of the University of Alberta's 2021 Community Scholar Award. She is on the National Steering Committee of the National Association of Women and the Law, has served as National Chair of the Women's Legal Education and Action Fund, as well as on Edmonton's Safe Cities Collaboration Committee and the Alberta Courts Restorative Justice Project.

## **Abstract: On Display: Pornography and the Rough Sex Defense in Canadian Law**

Pornography is deeply embedded in trials in which the rough sex defence is raised, giving new meaning to Carol Smart's claim that the rape trial constitutes a "pornographic vignette" (1989). Drawing on study (with Isabel Grant and Elizabeth Sheehy) on the rough sex defence in Canadian law, this paper explores the complex ways that pornography is implicated in these trials. As I will demonstrate, rough sex trials often create a "theatre of pornography" in which women's pain is reconstructed as pleasure (Edwards 2020). The forms of objectifying and violent sexual activities at issue in the rough sex decisions in our database read like the scenes typically depicted in online, mainstream pornography. Indeed, the facts correspond with what researchers have labelled the "pornographic sexual scripts" prevalent in mainstream pornography, including hair pulling, slapping, spanking, facial ejaculation, aggressive penetration, gang rape, double penetration, penile gagging, and various forms of strangulation. In several decisions, including *R. v Barton* (2024), a high-profile case in which the accused was initially acquitted in the death of an Indigenous woman, defendants' use of rough sex pornography is explicitly implicated. Perhaps most

disturbing are cases in which the links between rough sex and pornography take the form of video creation, memorializing the sexual violence and intensifying the degradation experienced by survivors. In these cases, rough sex becomes a spectacle of misogyny, with the display of women being violated and sexually humiliated, and perpetrators actively staging scenes for the camera.



### **Debra Haak**

**Bio:** Debra M Haak is an Assistant Professor in the Faculty of Law at Queen's University. She holds a BA(Hons) from Western University, an LLB from the University of New Brunswick, an MPhil from the University of St Andrews, Scotland, and a PhD from Queen's University. Dr Haak's research focusses on how legal decision makers contend with interests, rights, and values in tension. She is particularly interested in how legal decisions are made when women's interests do or appear to conflict and in how social science research and law intersect in areas of complex and contested public policy. For over a decade, she has critically examined laws regulating the commercial exchange of sexual touching in Canada and claims those laws violate sex workers' *Charter* rights. Dr Haak is currently researching at the intersection of sex and gender-focussed rights' protections. Her research project, *Sex in the Age of Gender: Conceptual Clarity as a Foundation for Reconciling the Interests, Rights, and Experiences of Women, Transgender, and Gender Nonconforming People in Canada*, is funded by SSHRC and the CBA LFFF. She teaches IL Criminal and Constitutional Law, and an upper year course on Section 7 of the *Charter* that considers how constitutional cases bring about social change, with recent examples including commercial exchange of sex and medical assistance in dying. Until 2016, Dr Haak was a partner at a large multi-service law firm in Toronto where she practiced commercial and insolvency litigation.

### **Abstract: When Violence Against Women is Called Sex: Common Law Limits on Consent to Bodily Harm**

In the 1993 Declaration to Eliminate Violence Against Women, the United Nations General Assembly recognized that violence against women is a manifestation of historically unequal power relations between men and women. They defined violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women." The concept of "rough sex" blurs the boundary between sex and violence against women. Contemporary "rough sex" includes biting, slapping, punching, and choking (strangulation). The "rough

sex defence” suggests that women enjoy violence as part of “sex play.” By treating some violence as sex, consent operates to legitimate male violence against women. Nicola Gavey observes that violence against women is enabled, minimized, and condoned in the name of sex. While criminal law has paid some attention to how unequal power relations in sexual contexts may impact the validity of consent generally, little direct attention has been paid to the physical, sexual or psychological harm or suffering that “violence as sex” may cause to women. That may be changing. Two Courts of Appeal in Canada have now invalidated consent to sexual activity where bodily harm occurred. The circumstances where consent will be vitiated currently differ between Ontario and Alberta in two important ways: (1) the degree of bodily harm required to render consent invalid; and (2) whether consent will be vitiated only when a (male) perpetrator has subjective knowledge of the risk of bodily harm and intends to cause that harm. This paper examines and compares the decisions of the Ontario Court of Appeal in *R v Zhao* (2013) and the Alberta Court of Appeal in *R v Barton* (2024) in the context of the 1993 Declaration and the question of whether “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women” should be treated as a crime in Canada.



### **Natalie Holmes**

**Bio:** Natalie Holmes is a registered nurse, student scholar, and community leader with a background including military service, nonprofit leadership, and healthcare.

Natalie has served in the Royal Canadian Navy since 2014 as a Naval Warfare Officer. In 2022, she deployed to West Africa to conduct anti-piracy exercises in the Gulf of Guinea and collaborate with Canada’s regional partners. Her military experience has solidified the importance of teamwork, adaptability, and creativity in problem-solving.

Throughout nursing school, Natalie began pursuing research concerning maternal birth evacuation policies of Indigenous mothers in Canada. Committed to primary healthcare, Natalie is passionate about improving healthcare accessibility in underserved Canadian communities.

**Abstract: Colonization Through Canadian Healthcare: Maternal Medical Evacuations**

In this paper, I utilized Adele Clark's method of situational analysis (SA) to elucidate the history of medical evacuations of pregnant Indigenous women in Canada. I will specifically explore the period of their primary inception, the post-World War II era. According to the SA methodology, I used three types of maps: situational maps, social worlds/arenas, and positional maps. My analysis elucidates how the initiation of medical evacuations of pregnant Indigenous women served a dual purpose: 1) to compensate for the harms of colonization. Harms, which had not at that point been directly linked to the promotion and furthering of colonization; and 2) the medical evacuations of pregnant Indigenous women served as a strategic tool of colonial control, which extended colonization into the birthing experience of Indigenous women and communities. Medical evacuations served as a critical method for destabilizing Indigenous resistance and reinforced the enduring link between healthcare and colonial objectives.



### **Bahar Karbakhsh-Ravari**

**Bio:** Bahar is an immigration lawyer and mediator in private practice since 2012. Bahar provides clients services in the area of immigration and refugee law, including Appeals to the Immigration and Appeal Division of the Immigration and Refugee Board of Canada and Judicial Reviews to the Federal Court of Canada. After having finished her LLM in Alternative Dispute Resolution, Bahar gained her Qualified Mediator designation from the ADR Institute of Ontario, and provides mediation services and is a roster mediator for the Mandatory Mediation program in Toronto for civil cases.

Besides a passion for human rights orientated law, Bahar has a deep love for nature, music, dance, writing and for the creative arts. For her M.A. Major Research Project, Bahar explored through documentary how dance and movement can be used for conflict resolution and personal transformation. Bahar believes in peace and the power of love and hopes to spread this message through her legal and literary work.

### **Abstract: The Heart of the Matter**

What is it about the human heart that captivates and comes to shape our meaning of our emotional world, perhaps most acutely in an increasingly violent world? After years of listening, bearing witness to and drafting testimonies and narratives of those fleeing persecution and in search of a new home, I present a narrative that aims to give voice to those who have suffered and yet who still hold hope in their hearts. The Heart of Matter is a creative project, weaving lines, as inspired by client refugee narratives into one



narrative in order to convey the shared sense of loss, grief, fear, and hope. The Heart of the Matter has sprung forth out of the need to put at the centre of our collective imagination the vital importance of our emotions in the pursuit of justice.



### **Sabrina Khela**

**Bio:** Sabrina Khela is a third-year juris doctor (JD) candidate at the Lincoln Alexander School of Law, Toronto Metropolitan University. Sabrina holds an honours bachelor of arts degree (HBA) from the University of Toronto (English literature and French) and a master's degree (MSt) from the University of Oxford (English literature). Sabrina will clerk at the Ontario Superior Court of Justice from 2025-2026 and intends to pursue a career in academia and litigation, specializing in criminal law, constitutional law, human rights law, and women's rights.

### **Abstract: Rethinking the Burden of Proof for Sexual Harassment Survivors and Victims**

The Supreme Court's decision in Janzen about sexual harassment in the workplace was set down over 35 years ago. Since then, social and legal understandings about the experience of sexual harassment have shifted and evolved. A greater number of women are choosing to come forward instead of remaining silent about their experiences and an increasing number of survivors and victims are choosing to bring sexual harassment claims that include allegations of sexual assault in human rights tribunals. Sexual harassment adjudication and human rights law must keep pace with these developments.

The dominant purposes of human rights law are to protect and promote equality, including sex equality in the workplace, and to remedy experiences of discrimination for individual claimants. However, the analytical framework for sexual harassment adjudication is currently ill-equipped to adequately mitigate the harmful influence of gender-based myths and stereotypes in legal reasoning, support survivors and victims as they seek to reclaim their autonomy and dignity and meaningfully address the sexual harassment crisis that is disproportionately impacting women. Addressing these challenges calls for a reconfiguration of sexual harassment adjudication and the current analytical framework. Through a doctrinal analysis of tribunal decisions from British Columbia and Ontario, this paper puts forward a reformed framework for sexual harassment adjudication. This framework proposes to expand the current limited definition of "prohibited conduct," shift the burden to the respondent to avoid

responsibilizing the SV, adopt an affirmative consent model, and establish a revised objective-subjective standard that accounts for the full experience of the SV and the broader gender and power dynamics informing the claim.



### **Kathleen Lahey**

**Bio:** Kathleen Lahey is a Professor and Queen's National Scholar, Faculty of Law, Queen's University, Patricia Monture Distinguished University Scholar, 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, Advisor, Garden Court Chambers, UK, steered restructure of the UK-based Tax Justice Network, and is a member of the Africa-based Global Alliance for Tax Justice's steering committee for the Tax and Gender Working Group, which addresses gender, Indigenous, and diverse issues in all regions of the globe.

Specializing in all forms of taxation, corporate, property, human rights laws, Indigenous peoples, LGBTTIQ2S rights and laws, feminist impact analysis domestically and internationally, her current research revolves around three core questions: Until substantive equality of outcomes for all individuals can be attained, how can societies eliminate deeply-rooted structural inequalities and discriminatory practices? How can the power and wealth concentrated in both global 'north' and 'south' corporations and individuals through unequal property, political, tax, and budget laws be replaced with redistributive policies that maintain dignified and secure individual sustain/abilities throughout life? And, what truths arise from Indigenous and diverse peoples' living knowledges and learnings about how to match rates of human innovation and development with evolutionary rates of other members of the biosphere in order to increase the sustain/abilities of all forms of life? She has pursued these questions while on numerous government commissions, while meeting with and advising governments, civil society, academic groups in Canada, across China, Russia, and on every continent, as well as when working with the European Parliament, EU governments, the UN and other treaty bodies, international financial institutions, and with Indigenous, Circumpolar North Countries, human rights, and diverse peoples' organizations, watching and learning how to expand current research and dissemination methods capable of addressing the urgent issues surrounding gender, Indigenous, diversity, and development equality issues.



## **Danielle Macdonald**

**Bio:** Dr. Danielle Macdonald is a Registered Nurse and an Assistant Professor at the Queen's University, School of Nursing in Canada. Her research interests are focused on global birth and birthing care experiences, including the experiences of women and birthing people, families, and health care providers. She uses critical methodologies such as feminist poststructuralism and case study to understand and challenge the status quo. Danielle also has expertise using JBI methodologies. She facilitates the CIRCLE (Creating Inclusive Relationships to Collaborate and Learn about global Experiences of birth), to bring together people interested in birth experiences.

### **Abstract: Praxis of Pandemic Birth: Exploring Women's Birth Experiences in Kingston, Ontario**

**Background:** The Beijing Declaration and Platform for Action calls for a global commitment to gender equality, while Sustainable Development Goals (SDGs) 3 (Good Health & Well-Being) and 5 (Gender Equality) advocate for these systemic changes. Central to these commitments is the recognition of safe and positive childbirth experiences. Yet paradigms of birthing care, especially during crisis contexts like the COVID-19 pandemic, remain underexplored. The COVID-19 pandemic altered birth and birthing care globally, which have had subsequent influences on families.

**Purpose:** The purpose of this study was to explore how the COVID-19 pandemic shaped the birth experiences of women, birthing people, and healthcare providers in Kingston, Ontario. Understanding how social and institutional discourses influenced birth during the pandemic is important for the deconstruction of harmful paradigms that compromise positive birth experiences.

**Methods:** We are conducting a qualitative case study using feminist poststructuralism. We have completed phase one which involved semi-structured virtual interviews with women ( $n = 9$ ) who gave birth during the COVID-19 pandemic. Interviews were transcribed and checked for accuracy. We used discourse analysis to analyze the interviews. Additionally, a document review was conducted, which included institutional documents and social media reports. Phase two will involve interviews with health care providers.

**Results:** We will share the preliminary analysis of phase one of our case study, which involved interviews with women. We have constructed four preliminary themes 1) Responses and supports 2) Tensions caused by the pandemic 3) Preparations and guidance for

birth 4) Implications and variations in the contexts of birth. Our research has the potential to inform future policy and birthing care praxis to ensure that positive birth experiences are a priority for all, reflecting local and global commitments to gender equality, good health and wellbeing.



### **Jennifer Nedelsky**

**Bio:** Jennifer Nedelsky received her Ph.D from the interdisciplinary Committee on Social Thought at the University of Chicago in 1977. She began her full-time teaching career at the Politics Department at Princeton University (1979-1985). She joined the University of Toronto in 1985 and held a joint appointment between the Faculty of Law and the Department of Political Science until 2018. She left to join Osgoode Hall Law School at York University in part because Osgoode created a 50% appointment for her. Her first book was *Private Property and the Limits of American Constitutionalism*, followed by *Law's Relations: A Relational Theory of Self, Autonomy, and Law* (2011). Her latest book is jointly authored with Tom Malleson, *Part Time for All: A Care Manifesto* (Oxford University Press, 2023). She is now returning to her book manuscript, "Judgment in Law and Life," building on the unfinished theory of judgment of Hannah Arendt, her dissertation supervisor. (In 2001 she co-edited, with Ronald Beiner, *Judgment, Imagination, and Politics: Themes from Kant and Arendt [Roman and Littlefield]*.) She is also returning to her work on property, to re-envision property law as founded on a sense of mutual care for and from the earth. The property project will be part of a larger project on revisioning constitutionalism from a more than human perspective. She is married to Joe Carens with whom she has two sons, Michael (1987) and Daniel (1990); their care and relationship have shaped all her work.

### **Abstract: Puzzles of Hierarchy, Intimacy, and Respect**

From the perspective of climate change and ethical relations between humans and their more-than-human co-habitants of Earth, one of the dominant norms that most needs changing is the presumption of a moral hierarchy that accords greater value to humans than to anyone/anything else. These same norms have tacit rankings of other life forms, animals over plants, mammals over insects, preference for creatures similar to humans in salient ways. For human-to-human relations, official norms in most Western societies place a high value on a premise of basic equality and, notionally, oppose formal hierarchies of intrinsic value. At the same time, these societies accept the hierarchy of power and status

accorded to wealth (virtually without regard to its origin), and ranking of humans is ubiquitous, conferring life shaping advantage and disadvantage. This paper is a reflection on hierarchy and equality puzzles, with a focus on human relations in the natural world, but it also briefly considers as background context, the human-to-human relations in which hierarchy is unavoidable, considered desirable, or widely agreed to be ethically wrong.



### **Mónica Arango Olaya**

**Bio:** Mónica Arango Olaya recently defended her thesis at the University of Oxford exploring the interplay between law, gender and digital technologies for social change through the lens of the #MeToo movement in India. Her work explores how women's rights are conceived, recognised, applied, developed, mobilised, contested and denied outside and within the law. She teaches strategic litigation, public international law, law, society and technology as well as research methods. She holds a Bachelor of Laws from Los Andes University in Colombia and an LL.M. from Harvard University. She is a Podcaster for the Oxford Human Rights Hub. She was a Graduate Research Resident at the Bonavero Institute of Human Rights between 2020 and 2022 and the Editor of the Borderlands section of the Frontiers of Social Legal Studies Blog 2021- 2022. Before going to Oxford, she was Deputy Justice at the Colombian Constitutional Court and Regional Director for Latin America and the Caribbean at the Center for Reproductive Rights.

### **Abstract: Can We Never Escape the Law? Digital Feminism in India**

Considering Fricker's notion of testimonial injustice, this paper explores how gender influences credibility perceptions outside and within the law. To answer this question, I conduct a discourse analysis of 8,200 tweets from three iterations of the #MeToo movement in India from 2017 until 2021. I frame the #MeToo movement in India as digital feminism, defined as networked activism to spread feminist political ideas, provide visibility to gender-based problems and connect protest movements across places. The paper argues that digital feminism functioned as a diagnostic process of how testimonial injustice influences truth paradigms about the law and as a form of influence on legal and extralegal sites. It also argues that digital feminism can produce alternative knowledge to the law and shape behaviour. By focusing on discourses outside the law, this analysis also shows how, as a counterhegemonic movement, digital feminism traces testimonial



injustice and credibility constructions in the law. It provides a case for the epistemic hierarchy of the law and how the power of social media can shift credibility paradigms, delineating a social construction of gendered harm. Ultimately, the paper argues that by intervening in public sphere discussions about sexual harassment and rape, the #MeToo movement in India exposed structural injustices of the legal system based on a socially situated preconception of trustworthiness. In doing so, digital feminism altered the credibility economy of gendered harm and might have produced a repository of gendered stereotypes useful to assess the law's justice.



### **Samantha Peters**

**Bio:** Samantha Peters (she/her/they/them) is a non-binary Black queer femme lawyer, educator, and writer specializing in workplace law and human rights. She is the Founder and Principal Lawyer at Black Femme Legal (BFL), an initiative dedicated to providing legal and non-legal resources on workers' rights to Black queer cis and trans women, femmes, and gender-expansive individuals in Ontario. Samantha holds an LLM from Queen's University, focusing on judicial legal ethics and social context evidence. She serves on the Court Challenges Program of Canada's Human Rights Expert Panel and the Law Society of Ontario's Equity Advisory Group. Her contributions to legal scholarship include winning the Canadian Bar Association's Women Lawyers' Forum's inaugural "Writing Her In" (now: "Writing Them In") award for her essay on mandatory social context education in the courtroom. Currently, she is a co-recipient of the 2024-2025 OBA Foundation Chief Justice of Ontario Fellowship in Legal Ethics and Professionalism Studies, furthering her research in this critical area.

### **Abstract: Intersectional Justice: Black Feminist Reimagining and Legal Rewriting**

The transformative potential of Black feminist legal rewriting to advance intersectional justice within Canada's legal system is often overlooked. Building upon Kimberlé Crenshaw's theory of intersectionality, which examines how overlapping identities such as race, gender, and class contribute to unique experiences of oppression, traditional legal narratives frequently marginalize Black women, femmes and gender-diverse individuals.

The 2013 case of *R. v. Desjourdy*, involving the unlawful strip search of Stacy Bonds, a Black woman, by Ottawa police sergeant Steven Desjourdy, exemplifies the necessity for an intersectional



approach in judicial decision-making. The original judgment's failure to recognize the compounded discrimination faced by Bonds underscores this need.

The pioneering efforts of the Women's Court of Canada, a collective that rewrites legal judgments from a feminist perspective, demonstrate how legal outcomes can differ when informed by diverse experiences. Building upon their work, offering a Black feminist rewriting of pertinent cases illuminates the urgency of addressing both individual and systemic misogyny—the specific intersection of racism and sexism faced by Black women—in the law and courtroom.

Integrating Black feminist analysis into judicial education and legal practice is essential for a more equitable legal system that acknowledges and addresses the complexities of intersecting identities. Such an approach not only enhances the fairness of legal outcomes but also strengthens public trust in the justice system by ensuring that all individuals, regardless of their identities, receive impartial and informed consideration under the law. Incorporating Black feminist perspectives into legal frameworks is crucial for achieving intersectional justice. Reimagining legal reasoning and judicial education to centre the experiences of those at the intersections of multiple forms of oppression could foster a more inclusive and equitable legal system.



### **Dana Repka**

**Bio:** Dana Repka is an Argentine lawyer and current LLM candidate in Health Law at the University of Toronto, where she is a Fellow in the International Reproductive and Sexual Health Law Program. She holds a postgraduate degree in Gender and Law from the University of Buenos Aires and has extensive experience working on sexual and reproductive rights litigation and advocacy in Latin America. Her current research focuses on adolescent autonomy in abortion access and the role of legal frameworks in enabling or restricting reproductive decision-making. Dana's work brings together feminist legal theory, international human rights law, and a comparative approach to reproductive justice in the Global South.

**Abstract: Adolescent Decision-Making in Abortion Access: A Comparative Analysis of Argentina and Colombia Through the Lens of the Convention on the Rights of the Child**

Adolescent access to abortion remains heavily restricted in most Latin American countries, where legal frameworks often rely on rigid age thresholds and parental consent requirements. These barriers undermine adolescents' autonomy and contradict global commitments such as the Convention on the Rights of the Child and the ICPD Programme of Action adopted in Cairo. Argentina stands out as an exception. Since its 2020 legal reform, it has implemented a progressive and relational model of autonomy that recognizes adolescents as rights-holders capable of making informed reproductive decisions. This presentation, based on my LLM thesis at the University of Toronto, examines how this model operates in practice and why it offers a compelling framework for rights-based legal reform in the region.



### **Katyayani Sanjay Bhatia**

**Bio:** Katyayani Sanjay Bhatia is an officer in the Indian Revenue Service (Income Tax) in the Government of India and is currently posted as Deputy Commissioner in the Tax Policy Research Unit, Department of Revenue, Ministry of Finance, Government of India. She holds a B.Tech in Computer Science, Masters in Public Administration, Post Graduate Diploma in Business Laws and has also completed the Advanced Management Programme in Public Policy from the Indian School of Business. Her articles on various issues have been published in various journals, newspapers, etc. She is passionate about gender issues and has been associated with various fora on gender, including being in the drafting committee of the Guide on Gender-Inclusive Communication released by the Hon'ble Minister of Women and Child Development, India.



### **Elizabeth Sheehy**

**Bio:** F.R.S.C., O. Ont., recipient of the Ramon Hnatyshyn Justice Award and the Governor General's Persons Award, is Professor Emerita at the University of Ottawa Faculty of Law. Her publications include a special issue of the *Journal of Social Welfare and Family Law* "Family Violence and Parental Alienation", *Sexual Assault in Canada: Law, Legal Practice and Women's Activism* and *Defending Battered Women on Trial: Lessons from the Transcripts*, which was awarded the David Walter Mundell Medal 2014 for fine legal writing. Elizabeth's research has contributed to criminal law reform and feminist litigation regarding violence against women. Her current research is focused on the "rough sex" defence, along with her co-authors Lise Gotell and Isabel Grant. She is also involved in a multijurisdictional study of the law of self-defence as it applies to women who kill their abusers and in research regarding

the impact of Track 2 Medical Assistance in Dying on women with disabilities with Janine Benedet and Isabel Grant.

### **Abstract: The Normalization of Strangulation**

Our previous studies of the “rough sex” defence (Sheehy, Gotell & Grant, 2023; Gotell, Grant & Sheehy 2024), as deployed in cases where men are prosecuted for sexual assault and/or intimate partner assault, demonstrate that strangulation appears in approximately 50% of these cases. This should not be surprising, given that strangulation appears to be a widespread practice in sexual relationships in Canada. Strangulation is, however, deeply gendered in that it is done almost exclusively by men, to women. Among “rough sex” acts, it also carries the highest potential for lethality and for serious—sometimes invisible—injury. And, while assault and sexual assault accompanied by strangulation have since 2019 been recognized in the Criminal Code as a more serious form of assault/sexual assault, akin to causing “bodily harm”, it is rarely treated as such in the legal decisions we examined. This paper will focus on the trends we noted in the cases law involving strangulation, as well as the research regarding its prevalence and risks.



### **Penelope Simons**

**Bio:** Penelope Simons is a Full Professor and the Gordon F. Henderson Chair in Human Rights at Faculty of Law (Common Law Section), University of Ottawa. A global leader in business and human rights, her research focuses on the human rights implications of domestic and transnational extractive sector activity, state responsibility for corporate complicity in human rights violations, the regulation of transnational corporations, gender and resource extraction, gender and business and human rights, as well as the intersections between transnational corporate activity, human rights and international economic law. She is the co-author with Audrey Macklin of *The Governance Gap: Extractive Industries, Human Rights, and the Home State Advantage* (Routledge 2014). She also co-author with Tony VanDuzer and Graham Mayeda of *Integrating Sustainable Development into International Investment Agreements: A Guide for Developing Countries* (Commonwealth Secretariat, 2013). Penelope is a member of the Human Rights Research and Education Centre, the Interdisciplinary Research Group on the Territories of Extractivism (GRITE) and the Center for Environmental Law and Global Sustainability, at the University of Ottawa. In 2018, Penelope was awarded the Walter S.

Tarnoplosky Award, recognizing her as “an individual who has made a significant contribution to human rights.”

**Abstract: Technology-Facilitated Gender-Based Violence and the BHR Normative Framework**

Abstract: Technology-facilitated gender-based violence (TFGBV) is an international human rights issue (CIGI, 2023) with serious consequences for women’s and girls’ human rights. TFGBV manifests in multiple forms including discrimination, sexual harassment, doxxing, extortion, non-consensual distribution of intimate images, deepfakes, and hate propaganda, with far-reaching emotional, physical, psychological and cultural impacts on those it targets (Bailey & Dunn, 2023). Technology corporations not only facilitate TFGBV by providing tools and platforms for its creation and dissemination and through their content moderation practices, they perpetrate structural colonial violence through practices including discriminatory algorithmic profiling, with disproportionately negative effects on members of already-marginalized communities (Bailey, Burkell, Dunn, Gosse & Steeves, 2021). In 2023, the UN Commission on the Status of Women recognized the role that technology corporations play in TFGBV and called on them to undertake due diligence to prevent such harm and on states to enact regulation that takes into account the United Nations Guiding Principles on Business and Human Rights (UNGPs) (UNCSW, 2023, paras 41, 45). The OHCHR, through its B-Tech project is developing guidance on how the UNGPs can inform state and business action to prevent and address human rights violations caused by digital technology, including in relation to its gendered impacts. Yet there remain serious concerns as to the ability of the Western androcentric BHR normative framework, that fails to challenge the root causes of corporate impunity, to address gender-based violence (Simons & Handl, 2019), let alone TFGBV. Drawing on feminist intersectional analysis, this paper will critically examine the strengths and limitations of the UNGPs, the draft BHR treaty and select European mandatory human rights due diligence laws in addressing TFGBV and providing redress for survivors.



## **Leah Sookhoo**

**Bio:** Leah is a registered nurse and PhD student at the School of Nursing, Queen's University. With a passion for obstetrical care, she is driven to provide compassionate support to new mothers during their postpartum journey. Through her thesis work, Leah is dedicated to understanding the postpartum experiences of immigrant mothers. Committed to advocacy, she strives to amplify the voices of immigrant mothers and advocate for their unique needs within the healthcare system. Leah's dedication to compassionate care and research underscores her commitment to improving maternal health outcomes for all.

### **Abstract: Praxis of Pandemic Birth: Exploring Women's Birth Experiences in Kingston, Ontario**

**Background:** The Beijing Declaration and Platform for Action calls for a global commitment to gender equality, while Sustainable Development Goals (SDGs) 3 (Good Health & Well-Being) and 5 (Gender Equality) advocate for these systemic changes. Central to these commitments is the recognition of safe and positive childbirth experiences. Yet paradigms of birthing care, especially during crisis contexts like the COVID-19 pandemic, remain underexplored. The COVID-19 pandemic altered birth and birthing care globally, which have had subsequent influences on families.

**Purpose:** The purpose of this study was to explore how the COVID-19 pandemic shaped the birth experiences of women, birthing people, and healthcare providers in Kingston, Ontario. Understanding how social and institutional discourses influenced birth during the pandemic is important for the deconstruction of harmful paradigms that compromise positive birth experiences.

**Methods:** We are conducting a qualitative case study using feminist poststructuralism. We have completed phase one which involved semi-structured virtual interviews with women (n = 9) who gave birth during the COVID-19 pandemic. Interviews were transcribed and checked for accuracy. We used discourse analysis to analyze the interviews. Additionally, a document review was conducted, which included institutional documents and social media reports. Phase two will involve interviews with health care providers.

**Results:** We will share the preliminary analysis of phase one of our case study, which involved interviews with women. We have constructed four preliminary themes 1) Responses and supports 2) Tensions caused by the pandemic 3) Preparations and guidance for birth 4) Implications and variations in the contexts of birth. Our



research has the potential to inform future policy and birthing care praxis to ensure that positive birth experiences are a priority for all, reflecting local and global commitments to gender equality, good health and wellbeing.



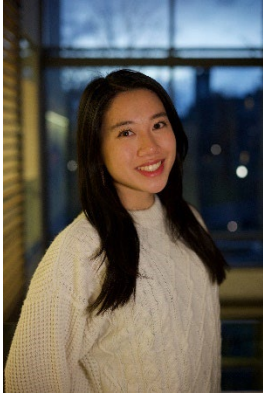
### **Pamela Spalding**

**Bio:** Pamela Spalding is a Mellon Postdoctoral Fellow in the Center for Global Indigenous Cultures and Environmental Justice at Syracuse University. She is also an Adjunct Professor and Sessional Lecturer at the University of Victoria, British Columbia. Pamela is an ethnobotanist whose research examines dimensions of Indigenous people's relationships with native plants, ecosystems, resource stewardship, Indigenous legal orders, property, and customary legal landscapes. In her current book project, she foregrounds Indigenous women's legal interests in native plants and terrestrial ecosystems and therein the resurgence of Indigenous laws in plant and resource stewardship, ecosystem health and environmental legislation in Canada and the US. Her collaborative research with T'Sou-ke Nation indicates that the magnitude of native plant use in the traditional economies and lifeways of Indigenous peoples across North America warrants a much larger discussion about Indigenous plant use and ecosystem management in Canadian, US, and tribal law and Indigenous governance. Pamela is a Métis Canadian and an enrolled citizen of Métis Nation BC.

### **Abstract: Making Space for Indigenous relationships with Plants in Aboriginal Law**

Indigenous long-term relationships with plants receive little attention in Canadian law and governance. Even though the use and management of native plants is a foundation of Indigenous cultural and legal practice, these important relationships are generally overlooked in legislation, case law, environmental assessments, and modern treaty negotiations. Using my ethnobotanical research conducted in collaboration with T'Sou-ke First Nation, I examine how plant use and management meets the Supreme Court of Canada's governing tests for Aboriginal and Treaty rights under s. 35 of the Constitution Act, 1982. From this analysis, I critique the limits of the current governing legal tests in considering evidence of Indigenous uses and management of plants, with particular focus on gender bias, inattention to the significance of plants in Indigenous economies, and erroneous assumptions about the significance of agriculture and the continuity of cultural practices in the face of ongoing colonial disruptions.





## Chloe Wong

**Bio:** Chloe Wong (she/her) is a Health Sciences student passionate about gender equity and women's health. As the leader of the Queen's Feminist Collective, she has co-organized *Take Back the Night*, a movement to end sexual and domestic violence, and led discussion circles on gender equity among the undergraduate population. Chloe also has a background in anti-gender-based violence work as a workshop peer facilitator with the Sexual Violence Prevention and Response Services at Queen's. Chloe is dedicated to integrating trauma-informed care into reproductive and maternal health. Currently, she is working with Dr. Macdonald to study birth experiences of women and birthing people during the pandemic. She intends to pursue a career in family medicine or obstetrics and gynecology, and is always eager to explore new fields of knowledge.

## **Abstract: Praxis of Pandemic Birth: Exploring Women's Birth Experiences in Kingston, Ontario**

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