

ONLINE

16TH ANNUAL GRADUATE LEGAL STUDIES CONFERENCE

May 25, 2023 | 9:00 am

**DISCUSSING SOCIOLEGAL ISSUES: PAST,
PRESENT AND FUTURE**

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Erica Chen
Jahirul Islam
Amy Kopp
Nicole Lee
Mary McCluskey
Sylva Sheridan
Dan Scholte
Narges Qadirli



TABLE OF CONTENTS

Conference Agenda.....	4-5
Session #1.....	6
Session #2.....	6
Session #3.....	7
Session #4.....	7
Session #5.....	8
Presenter Abstracts.....	9-17
Message from the Organizer.....	18

ZOOM LINK DETAILS:

Topic: GLSA Conference

Time: May 25, 2023, 09:00 AM – 5:30 PM Eastern Time (US and Canada)

Join Zoom Meeting: <https://carleton-ca.zoom.us/j/98523434852>

The 16th Annual Carleton Legal Studies Graduate Conference

Land Acknowledgment

The organizers and supporters of this conference acknowledge that the land in which we gather today is the traditional and unceded territory of the Algonquin nation. The Canadian state laid claim to these territories through violent systems of colonization that resulted and continue to result in the dispossession, marginalization, and impoverishment of Algonquin people and the overexploitation of land and waters within their territory. We extend our ongoing solidarity to the Algonquin nation with our words, actions, time, skills, and resources.

CONFERENCE PROCEEDINGS

9:00a.m. to 9:30 a.m.	<u>Opening Remarks over zoom:</u> Land Acknowledgment, Departmental Welcome Speech, and 2023 Chet Mitchell Award Presentation
9:30 a.m. to 5:30 p.m.	Panels start

MORNING PANELS

Panel 1: Theoretical Approaches to International Socio-Legal Issues

Chair: Janakan Muthukumar

9:30 a.m. to 11:00 a.m.	Rachael Malott - Law of the Seeds: Peasant Resistances, Seed Commons, and the Reproduction of Capitalist Accumulation in International Law
	Esraa AbouAmin - The Psychological Functioning in Maritime Industry: Cognitive functioning challenges for seafarers working on commercial ships: A PRISMA-Compliant Systematic Review
	Hiwot Abebe Mekuanent - Participation of Persons with Disabilities in the Law-making Process in Ethiopia
	Mohammed Jahirul Islam - Prison and Resistance: From Subaltern Perspectives

Panel 2: Agency, Policies and Ethics

Chair: Sylva Sheridan

11:15 a.m. to 12:30 p.m.	Saly Ruiz - Rationalizing Ethical Ambivalence: The multidisciplinary everyday care of Sexual Assault Nurse Examiners within Canada
	Eden Hoffer - Protectionism, Paternalism, and Women's Agency: Intimate-Partner Violence, Mandatory Charging Policies, and the Victim-Offender Overlap.
	Eva Cupchik - Rethinking MAiD

~Lunch Break~
12:30 p.m. – 1:15 p.m.

AFTERNOON PANELS

Panel 3: (De)criminalization and regulation of substance use

Chair: Mary McCluskey

1:15 p.m. to 2:30 p.m.	Mai Wenger - Making Neoliberal Subjects: Harm Reduction and Abjection in an Online Drug User Forum
	Alexa Hajjar - Why Decriminalization in Canada is a Plan for Disaster
	Cassandra Pacholski - Side Effects May Include Criminal Behaviour: Examining Non-Illicit Drug Use and Crime

Panel 4: Human Rights and Governance

Chair: Mary McCluskey

2:45 p.m. to 4:00 p.m.	Julia McCabe - Incompatibilities of Care and Corrections: The use of Administrative Segregation for People Experiencing Mental Illness within Provincial Institutions in Ontario
	Chante Barnwell - Video Evidence, Excessive Force and The Hyper-Visibility of Black Mobility on Public Transit.
	Garry Balaganthan - Criminalizing People, Places and Affiliations Through the Use of Facial Recognition Technology and Big Data

Panel 5: Racialization, Migration and Colonization

Chair: Heather Gill-Frerking

4:15 p.m. to 5:30 p.m.	Elizabeth Venczel - Ontario youth workers' discourses on the overrepresentation of Indigenous youth in the criminal legal system
	Hijaab Yahyra - Reimagining Rights for Displaced Persons in a Global Pandemic: A Case Study of Undocumented Afghan Refugees in Tribal Pakistan
	Daniel Scholte - Settler Logics of Pipeline Critical Infrastructure

SESSION #1
9:30 am – 11:00 am

Theoretical Approaches to International Socio-Legal Issues
Session Chair: Janakan Muthukumar

Rachael Malott, Carleton University

“Law of the Seeds: Peasant Resistances, Seed Commons, and the Reproduction of Capitalist Accumulation in International Law”

Esraa AbouAmin, Memorial University

“The Psychological Functioning in Maritime Industry: Cognitive functioning challenges for seafarers working on commercial ships: A PRISMA-Compliant Systematic Review”

Hiwot Abebe Mekuanent, Queens University

“Participation of Persons with Disabilities in the Law-making Process in Ethiopia”

Mohammed Jahirul Islam, Carleton University

“Prison and Resistance: From Subaltern Perspectives”

Session #2

11:15 am to 12:30 pm

Agency, Policies, and Ethics
Session Chair: Sylva Sheridan

Saly Ruiz, Carleton University

“Rationalizing Ethical Ambivalence: The multidisciplinary everyday care of Sexual Assault Nurse Examiners within Canada”

Eden Hoffer, Toronto Metropolitan University

“Protectionism, Paternalism, and Women’s Agency: Intimate-Partner Violence, Mandatory Charging Policies, and the Victim-Offender Overlap”

Eva Cupchik, Carleton University
“Rethinking MAiD”

SESSION #3
1:15 pm – 2:30 pm

(De)criminalization and regulation of substance use
Session Chair: Mary McCluskey

Mai Wenger, Carleton University

"Making Neoliberal Subjects: Harm Reduction and Abjection in an Online Drug User Forum"

Alexa Hajjar, Carleton University

"Why Decriminalization in Canada is a Plan for Disaster"

Cassandra Pacholski, Simon Fraser University

"Side Effects May Include Criminal Behaviour: Examining Non-Illicit Drug Use and Crime"

Session #4

2:45 pm to 4:00 pm

Human Rights and Governance
Session Chair: Mary McCluskey

Julia McCabe, Carleton University

"Incompatibilities of Care and Corrections: The use of Administrative Segregation for People Experiencing Mental Illness within Provincial Institutions in Ontario"

Chante Barnwell, York University

"Video Evidence, Excessive Force and The Hyper-Visibility of Black Mobility on Public Transit"

Garry Balaganthan, University of Ottawa

"Criminalizing People, Places and Affiliations Through the Use of Facial Recognition Technology and Big Data"

SESSION #5
4:15 pm – 5:30 pm

Racialization, Migration and Colonization
Session Chair: Heather Gill-Frerking

Elizabeth Venczel, Carleton University

“Ontario youth workers’ discourses on the overrepresentation of Indigenous youth in the criminal legal system”

Hijaab Yahyra, Carleton University

“Reimagining Rights for Displaced Persons in a Global Pandemic: A Case Study of Undocumented Afghan Refugees in Tribal Pakistan”

Daniel Scholte, Carleton University

“Settler Logics of Pipeline Critical Infrastructure”

PRESENTER ABSTRACTS

Esraa AbouAmin, Memorial University

PhD Student, Interdisciplinary Studies

The Psychological Functioning in Maritime Industry: Cognitive functioning challenges for seafarers working on commercial ships: A PRISMA-Compliant Systematic Review

1.89 million of seafarers worldwide (Seafarer Workforce Report, 2021 Edition, n.d.) are infected with both physical and non-physical health-related issues. Growing evidence of the global impact of mental health issues in workplaces exists after decades that mental health disorders on individuals, community health, and productivity have long been underestimated. (MHCC, 2017). Psychological functioning and health are among the six themes that the International Maritime Health Association (IMHA) categorized the health-related challenges in the shipping industry. (MacLachlan et al., 2012) This research proposal is based on IMHA's recommendation to broaden maritime research on psychosocial functioning issues and develop a more vital systems perspective for promoting maritime health. The study uses the methodology of Preferred Reporting Items for Systematic reviews and Meta-Analyses (PRISMA)to report systematic reviews for Psychological Functioning and Health: This includes cognitive functioning. The research explores issues surrounding cognitive functioning identification and management in the Maritime Industry: commercial shipping industry. The study extracts 25 studies in cognitive function that can answer the research questions. Research activities include Umbrella/overviews (reviews of reviews) and systematic reviews of international studies discussing the cognitive functioning in the commercial shipping industry. Reported by Preferred Reporting Items for Systematic Reviews and Meta-Analysis PRISMA 2000 statement; PRISMA 2020 27-item checklist, an expanded checklist, the PRISMA 2020 abstract checklist, and the revised flow diagrams for original and updated reviews.

Garry Balaganthan, University of Ottawa

JD Candidate, English Common Law Program

Criminalizing People, Places and Affiliations Through the Use of Facial Recognition Technology and Big Data

The use of technology is not new to policing or the security nexus. From Automated Fingerprint Identification Systems (AFIS) to body cameras and CCTV networks, implementing technology has allowed policing to become a surveillance-gathering operation that prioritizes its efforts and strategies. However, there has been a shift where Policing, a traditionally reactive service where officers respond to calls of individuals in distress, has been enabled by Big Data to move towards a predictive approach, where police are increasingly proactive. The most controversial technology used in predictive policing is Facial Recognition Technology (FRT). FRT uses machine learning algorithms to analyze and recognize patterns in images or videos of human faces, to identify or verify individuals. This involves using complex mathematical models and neural networks to learn from a large dataset of facial images to make predictions based on that learning. FRT is a subfield of Artificial Intelligence. The proliferation of Big Data has allowed FRT to expand beyond its initial linear algebraic approach to an algorithmic model that

continues to embed itself in all aspects of society. Combining data sources and expanding the sharing network, Big Data has created a web of surveillance that threatens freedom of association, political expression, and expectations of privacy. Although the effectiveness of these technologies has been disputed and the use of FRT is highly politicized, expansion and implementation of their use continue. This paper analyzes how FRT threatens civil liberties and personal privacy by attributing factors to crime, especially in already over-policed communities.

Chante Barnwell, York University
PhD Student, Socio-Legal Studies

Video Evidence, Excessive Force and The Hyper-Visibility of Black Mobility on Public Transit

Complex discriminatory lines are often drawn when the effects of seeing, race, space and gender are considered in tandem. Scholar Lyndsey P. Beutin notes that “racialization remains a way of seeing—power’s embedded gaze—even if, and perhaps especially when, liberal institutions no longer “see” race” (Beutin, 2017, p. 12). In my presentation, I will explore how racialized seeing has manifested and affected Black mobility on public transit, examining the case of a Black Ontarian who was stereotyped as criminal, ridiculed and subsequently violently assaulted near a Toronto streetcar by off-duty Transit Fare Inspectors, whose actions violated the young man’s human rights. It was his prolonged gaze that sparked the severity of his surveillance. A mundane bodily gesture that was considered a threat to the passengers using a communal mode of transportation. Both CCTV and bystander video captured the incident. I suggest that the video evidence, the institutional investigation following the assault and the subsequent creation of an anti-racism strategy, speak to the “paradoxical role video evidence holds”, (Beutin, 2017, p. 1) in race-based cases where racialized ways of seeing play a role. Furthermore, through my presentation, I will demonstrate that the video footage fits what scholar J. Brendan Shaw has defined as open and closed temporalities (Shaw, 2018, p. 43) as it upholds and denounces the “gaze of the state” (Shaw, 2018, p. 44). Therefore, I determine that the video evidence contributes to a vilifying and vindicating outcome for the young man, which feeds a sliding scale of justice.

Eva Cupchik, Carleton University
MA Student, Law and Legal Studies
“Rethinking MAiD”

The federal government (2023) is passing MAiD (medical assistance in dying) legislation through parliament, Bill C-7, a revision of Bill C-14 (2016) that emerged from the Carter [2015] decision and s. 241 Criminal Code amendment to decriminalize assisted suicide in Canada. Recent bill amendments permit individuals with chronic mental health related disabilities to apply for MAiD. The *homo oeconomicus* view implicitly put forth by Carter [2015] and Bill C-14 grounds the claim that choice of death by euthanasia and assisted suicide gives control back to patients who are losing agency over their bodily autonomy. Psychiatric euthanasia and assisted suicide allegedly restore patients’ lost sense of dignity or autonomy within an economic model of death

as productive decision-making. I believe that it is beneficial for the ‘disabled’ subject to obtain MAiD, in conversation with the neoliberal state (health entities), thus reclaiming their autonomy from commoditization. Through a critical feminist perspective, this paper deliberates the neoliberal state cost-saving incentives that emerge through permitting mental health disability MAiD requests, patient agency from commoditization, and consultations that facilitate Bill C-7 amendments. Deconstructing the dialects of MAiD, as interpretive legislation requires a critique of inclusive state consultations with disability-identified groups. Questions include, can patients self-determine their palliative care experiences beyond the state’s biopolitical agenda? Is mental healthcare and disability inclusion in Bill C-7 a fair response to facilitate equitable MAiD access?

Alexa Hajjar, Carleton University
MA Student, Law and Legal Studies
Why Decriminalization in Canada is a Plan for Disaster

Canada has a severe drug use and substance dependency problem. From January 2016 to March 2022, Canada lost 30,843 lives due to opioid overdoses alone (Public Health Agency of Canada, 2022). Many experts – from police chiefs to medical professionals, to international agencies, advocate for the decriminalization of small amounts of controlled substances for personal consumption as a way to tackle this issue and reduce harm. Arguably, there is traction in this approach at the government level, as observed with the recently enacted three-year exemption trial in British Columbia. Suppose that Canada federally adopts the decriminalization model nationwide; will the issues presented resolve themselves? Simply put, I argue it will not. This paper will investigate how the current Canadian governance structure is unequipped to address the complexity of the substance dependency crisis. In order to successfully embed a framework of harm reduction, we must examine the systemic shackles that promote a cyclical pattern of punishing addicts and rewarding policymakers and prison operators. To be astoundingly clear, I do not discount decriminalization; rather, I am a strong advocate. I do, however, caution that approaching decriminalization without implementing the necessary social, mental, physical and well-being services, as well as professionally trained personnel, will result in a catastrophic disservice not only to the success of this model, but the country as a whole.

Eden Hoffer, Toronto Metropolitan University
MA Student, Criminology and Social Justice
“Protectionism, Paternalism, and Women’s Agency: Intimate-Partner Violence, Mandatory Charging Policies, and the Victim-Offender Overlap”

The implementation of mandatory charging policies for intimate partner violence (hereafter, IPV) in Canada in the 1980s significantly limited police officer’s discretion and required that they lay charges in cases where there were “reasonable and probable grounds to believe that an assault has taken place” (Landau, 2000, p. 142). These policies intended to offer victims of IPV some degree of protection while signalling to the public the IPV was being taken seriously and addressed as a crime (Landau, 2000; Brown, 2002; Girard-Brown, 2012). However, an unanticipated outcome of these policies has been the

criminalization of women who have been victimized by their intimate partner, often for self-defence (Busch & Rosenberg, 2004; Hirschel & Buzawa, 2002), with a variety of harmful implications. Since the implementation of these policies, there has been an increase in the number of women who have been arrested for IPV, either solely or with their partner (Hirschel & Buzawa, 2002). Correspondingly, scholars have argued that an incident-focussed justice system is ill-equipped to recognize sustained patterns of violence (Grace, 2019). There is a failure to acknowledge/address the victim-offender overlap in this context, with specific respect to how an individual can engage in a criminalized act, but still retain 'victim' status. Through an intersectional feminist theoretical framework, this paper explores the ways in which mandatory charging policies and the criminalization of victimized women illustrates the justice system's inability to acknowledge patterns of violence or context, and thus how victimized women are being criminalized through these policies. Since these policies have had wide-scale ramifications for employment, childcare, and financial stability, this work has important policy implications for the ways in which we approach intimate-partner violence in a justice context.

Mohammed Jahirul Islam, Carleton University
PhD Student, Law and Legal Studies
Prison and Resistance: From Subaltern Perspectives

I have attempted to review Prison Resistance from a subaltern theoretical perspective in this essay on my Literature Review projects. By highlighting the limitations of conventional theories of prison resistance, especially Marxist prison theories and Foucauldian poststructuralists theories in the sociology of prison and punishment, I argued that negotiation, rightful resistance and lawfare are more effective than revolutionary movement as a strategy for prisoners inside prisons in contemporary postcolonial society, especially in the Indian subcontinent. In this regard, I believe that O'Brien's (1996, 2006) 'rightful resistance' and 'lawfare resistance' and 'judicialization of law' theories of Comeroff and Comeroff (2006, 2011) are more relevant than the old subaltern theoretical perspectives, and these theories are James Scott (1996) is inextricably linked to the theory of 'everyday resistance' and 'weapon of the weak.' Similarly, I have argued, agreeing with David Arnold, Anand A. Yang's view, that the Indian prison is by no means only influenced by the concept of Foucauldian 'docility,' but here, the active 'soul' and 'agency' of the prisoner works in resistance. However, here, the active resistance of prisoners is due to the caste system, religion, subalternity, nationalist movement and/or political ideology in opposition to the messing system, government penal policies (Food, *Lotah*, clothing and medicalization), sexuality and other issues rather than class, gender and socio-economic reasons. In particular, Prisoners create and construct their identities and agencies in the more significant contexts of resistance in prison.

Rachael Malott, Carleton University
MA Student, Law and Legal Studies

Law of the Seeds: Peasant Resistances, Seed Commons, and the Reproduction of Capitalist Accumulation in International Law

In recent years, international legal scholarship has given more attention to the 'accumulation by dispossession' that peasants and other (rural) communities encounter and resist. Yet, seeds, providing the source of all life and human reproduction, and the enclosure of the seed commons have primarily remained absent and on the margins. In Colombia, the Red de Semillas Libres and other peasant seed networks have utilized strategies and tactics from within and outside the law to push back against the growing seed monopolization that has been endemic to trade agreements and the corporate food regime. This paper aims to shed light on what legal scholars can learn about the everyday materiality and operation of international law -in the fields and not just in textbooks or courts- and how this specific enactment of intellectual property rights (IPR) threatens humanity's reproduction through privatization and corporate control over seeds. By drawing upon digital ethnography, decolonial feminism(s) and Marxist legal theory, this paper will demonstrate the need to engage more deeply with issues of the enclosure of the seed commons, especially the urgency of reading class into international law. Thus, by reflecting on questions of laws violence through the production of international economic law to transform rural landscapes into the realm of capitalist accumulation, this paper outlines how the absence of understanding of law 'from below' and engaging with peasant movements engenders the Capitalocene.

Julia McCabe, Carleton University
MA Student, Law and Legal Studies

Incompatibilities of Care and Corrections: The use of Administrative Segregation for People Experiencing Mental Illness within Provincial Institutions in Ontario

Severe overreliance on administrative segregation due to deficient mental health care for persons serving provincial sentence is having significant impacts on the health and wellbeing of incarcerated people. This paper examines the case of Christina Jahn, a woman who spent an extended period in administrative segregation at the Ottawa-Carleton Detention Centre due to her mental illness. Specifically, this case will serve as a starting point to analyze how mental health status and gender intersect in the use of administrative segregation at the provincial level in Ontario. I apply insights from intersectional feminism and abolitionism to examine the historical and present status of administrative segregation as the privileged form of management for mentally ill persons in Ontario. I argue that the historical and contemporary use of administrative segregation within provincial institutions reflects the incompatibility of care and incarceration.

Hiwot Abebe Mekuanent, Queens University

PhD Candidate, Faculty of Law

Participation of Persons with Disabilities in the Law-making Process in Ethiopia

It is common to hear the slogan, "nothing about us without us." However, still, globally, the role of PWDs in the decision-making process is often devalued. Regarding this, the Convention on the Rights of Persons with Disability (CRPD) considers the participation of Persons with disabilities (PWDs) through their representative disability organizations (DPOs) in public affairs, including the law-making process, as a fundamental human right.

In Ethiopia, there is a dearth of evidence regarding when and how DPOs are included in the law-making process that directly or indirectly concerns them. Thus, this paper aims to assess the participation of PWDs in the law-making process in Ethiopia. Accordingly, the paper examined a case study of a disability-specific law of Ethiopia, i.e. Directive No. 41/2015 and administered qualitative and exploratory research design. The findings show partiality in involving all types of DPOs in the law-making process. For instance, the lawmaker excludes the Ethiopian National Association on Intellectual Disability from discussions. Even for those who partake, their participation was not genuine mainly for three reasons. First, the lawmaker did not give them enough time and space to express their ideas in depth. Second, it did not give them a chance to review the law's final version. Third, the lawmaker failed to include most of their ideas and suggestions in the law's final version. In conclusion, most disability organizations did participate in the Directive's enactment process; however, their participation was symbolic.

Cassandra Pacholski, Simon Fraser University

MA Student, Criminology

Side Effects May Include Criminal Behaviour: Examining Non-Illicit Drug Use and Crime

Every year in North America billions of prescription medications are dispensed. While the drug-crime connection has been long established in the criminology literature, the most frequently researched drugs are heroin, crack, and cocaine and the most common offences are burglary, theft, and robbery—leaving many prescriptions out of the drug-crime equation. However, various prescription drugs are known to cause side effects such as irritability, aggression, confusion, inability to exert control, and paranoia - all of which have been linked to criminal behaviour (Golebiewski & Wick, 2020). And as Molero et al. (2015) points out, “despite a number of legal cases linking [prescription medications] and violent behaviour, empirical research on the association is limited and inconclusive” (p. 20). To address this gap in the literature, the following study draws on prescription users' experiences with psychiatric and behavioural side effects of common prescription drugs such as SSRIs, antiepileptics, and benzodiazepines through interviews, surveys, and content analysis to determine whether adverse drug reactions can cause criminal behaviour. These results have significant legal implications when considering mitigating factors in sentencing and determining the future of adverse drug

reactions, their effects on criminal behaviour, and how to approach these defences in a court of law.

Saly Ruiz, Carleton University

MA Candidate, Law and Legal Studies

Rationalizing Ethical Ambivalence: The multidisciplinary everyday care of Sexual Assault Nurse Examiners within Canada

Sexual Assault Nurse Examiners (SANEs) are nurses trained to provide expert services to individuals who have experienced sexual violence by attending to physical injuries and dispensing emergency medication. They also perform a legal role when collecting forensic evidence, such as semen and hair follicles, to aid in identifying and prosecuting sexual assault offenders. Furthermore, SANEs offer emotional support and provide victims with means of accessing counselling services. This research examines how Canadian SANEs contend with their complex multidisciplinary role in which the perimeters between medicine, law, and social services become enmeshed. Based on qualitative interviews with SANEs, I uncover that SANEs experience ethical ambivalence within instances of everyday care. First, I demonstrate that SANEs view cohesiveness between agencies such as police and investigators, criminal courts, and social services as central to accomplishing their work. When such agencies do not collaborate efficiently, SANEs demonstrate ambivalence in making decisions that require them to advocate for their patient in the face of conflicting institutional goals. Conversely, SANEs also experience ethical dilemmas when recommending institutional services to hesitant patients. Secondly, I show how SANEs rationalize such ambivalence through an individualistic and/or utilitarian "ethics of everyday care," guiding their care practice. Lastly, I describe how the SANE community continues to reinvent their role in the face of such ethical contentions. In doing so, SANEs influence societal understandings of sexual violence and its administration within our criminal justice system.

Daniel Scholte, Carleton University

MA Student, Law and Legal Studies

Settler Logics of Pipeline Critical Infrastructure

Presentation will elaborate the theoretical position and literature review of thesis research on settler discourses of Wet'suwet'en resistance to Coastal GasLink, as well as some preliminary findings. Will argue for the need to recognize pipeline development, justified as critical infrastructure, as a form of colonial dispossession. Presentation will contextualize scholarly discussions on critical infrastructure and settler colonialism with theories on settler reason, the settler imaginary and settler colonial logics. The goal will be to demonstrate how current Canadian understandings of jurisdiction and sovereignty that justify pipeline development through Indigenous territory are firmly rooted in settler colonial logics. Additionally, how pipelines as critical infrastructure serves to establish the boundaries of Canadian territory and identity, and rationalizes the surveillance and policing of Indigenous peoples, will be discussed. The presentation will end with some preliminary findings from my research into these dynamics in the Coastal Gaslink pipeline and Wet'suwet'en conflict through critical discourse analysis of news media coverage.

Elizabeth Venczel, Carleton University

MA Student, Law and Legal Studies

Ontario youth workers' discourses on the overrepresentation of Indigenous youth in the criminal legal system

The overrepresentation of Indigenous peoples in the Canadian legal system has been extensively documented and researched. In an age of reconciliation, following the TRC's recommendations and the work of activists, this situation is problematized more than ever. However, the focus is frequently placed on adults, and the overrepresentation of Indigenous youth in the criminal legal system is often overlooked. A large body of research tries to demonstrate that the overrepresentation is due either to higher rates of criminality in Indigenous peoples (the differential involvement hypothesis) or to systemic discrimination by legal actors (the differential treatment hypothesis). A critical discussion of this academic literature shows the limits of both hypotheses, and that settler colonialism provides a richer theoretical lens to understand the continued mass criminalization and incarceration of Indigenous peoples.

Reforms in the youth criminal legal system have placed the emphasis on reducing our reliance on carceral responses to criminalized incidents, as well as on increasing the use of diversion mechanisms. Although the use of incarceration towards criminalized youth has decreased since the adoption of the YCJA, the overrepresentation of Indigenous youth has increased. An array of youth workers from grassroots and welfarist organizations are mobilizing to prevent Indigenous youth from being criminalized. There are also many workers involved in the management of youth who are going through diversion measures or are otherwise intervened upon following a formalized intervention of the police. This research project explores the discourses and experiences of various youth workers in Ontario in order to understand their perspectives on the problem of overrepresentation. The project focuses particularly on the critical role of the police in filtering in or out criminalizable youth. Although the youth workers interviewed in this project identify many contemporary issues in the policing of Indigenous youth, their discourses reveal the limits of attempts to tackle the problem of overrepresentation through reforms of criminal legal frameworks and institutions.

Mai Wenger, Carleton University

MA Student, Law and Legal Studies

Making Neoliberal Subjects: Harm Reduction and Abjection in an Online Drug User Forum

In 2003, North America's first supervised consumption site, Insite, opened in Vancouver, British Columbia. Since then, Canadian public health policies have increasingly integrated harm reduction into their approaches. In this paper, I examine how posters in an online drug user forum understand harm reduction and how this relates to their understandings of drug use and themselves as classed subjects. While other studies have explored discussions of drug use within online forums, few have examined how harm reduction discourse translates in online drug user spaces and how it influences drug users'

practices of (self-)governance. Based on a qualitative analysis of threads posted in an online forum, this paper complicates the often taken-for-granted dichotomy between “responsible” and “irresponsible” drug users that dominant harm reduction discourse promotes. By applying Julia Kristeva’s notion of abjection to my analysis of forum posters’ engagements with harm reduction, I argue that the forum’s emphasis on harm reduction operates as a mechanism for posters to distance themselves from “abjected” drug users. Specifically, I show that by subjecting already marginalized drug users to processes of abjection, “responsible” drug users are able to insulate themselves from abjection and mark themselves as “good” neoliberal citizens. This paper suggests that dominant models of harm reduction have a dual function: first, they simultaneously protect certain drug users physically *and* socially from processes of abjection, and second, they valorize particular modes of (self-)governance, in which drug users are encouraged to modify their conduct in adherence with norms of productivity, respectability, and responsible behaviour.

Hijaab Yahyra, Carleton University

Reimagining Rights for Displaced Persons in a Global Pandemic: A Case Study of Undocumented Afghan Refugees in Tribal Pakistan

In a world organized in nation-states and rights having authority only through the state, global rights regimes are often heralded as the only saving grace for displaced persons - those migrants, refugees, and stateless. However, how are these rights actualized, understood, and practiced on the ground? What significance, understanding, and practice do “rights” have for displaced peoples, particularly in a global pandemic? By contextualizing this inquiry on the “right to health” and access to lifesaving COVID-19 vaccines for undocumented refugees from Afghanistan living in North-western Pakistan, this paper engages with the question of borders, both physical and conceptual, and the efficacy of state-based rights regimes, centering the COVID-19 pandemic as an unprecedented circumstance that exposes the death-affirming function of the former, and fragility of the latter. I present original research that argues for a new paradigm of *Humdardi* – as a practice of resistance, rooted in community, that fulfills the ethics of care often imagined and promised through global rights recognitions and state-based rights language. *Humdardi* adds a new perspective that explores the shortcomings of liberal state-based rights, especially for displaced persons who are systemically excluded from *liberal* state-based rights regimes, and instead explores the potential life-affirming institutions that not only already exist but can have greater meaning and impact in particular contexts, such as those in Pakistan.

MESSAGE FROM THE ORGANIZERS

On behalf of Mary McCluskey and Sylva Sheridan, *the 2023 Graduate Legal Studies Co-Organizers*, we would like to extend our gratitude to a number of individuals and groups for making this year's conference another great success.

To the faculty at Carleton University, thank you for supporting this student-led conference for another year. A special thanks goes to Heather Crooks, the communications coordinator, who helped behind the scenes with the preparation and navigation of the conference. We greatly appreciate your time.

To the presenters, thank you once again for providing us with your research passions and rich ideas. We are grateful for your attendance and ability to keep student-led conferences a success. Graduate student conferences are essential in being able to connect with other peers and academics and learn from one another. Hope you all consider presenting again next year.

To Carleton University, the GSA, and the Department of Law and Legal Studies, once again we thank you for your continued support and funding opportunities to keep the graduate conference success.

We have enjoyed being a part of another successful annual graduate legal studies conference, and we look forward to what next year's conference may bring.

Sincerely,

Mary McCluskey
Sylva Sheridan
2023 GLSA Conference Co-Organizers