



UOTTAWA PUBLIC LAW CENTRE

2020/21 ANNUAL REPORT



PUBLIC LAW CENTRE
University of Ottawa

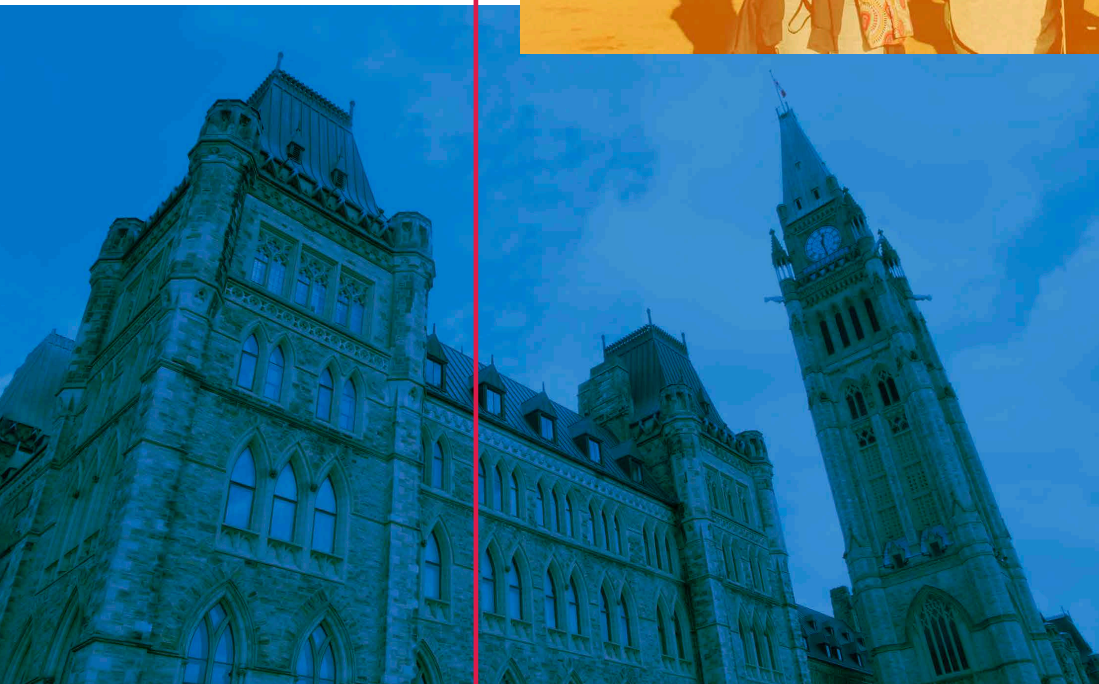
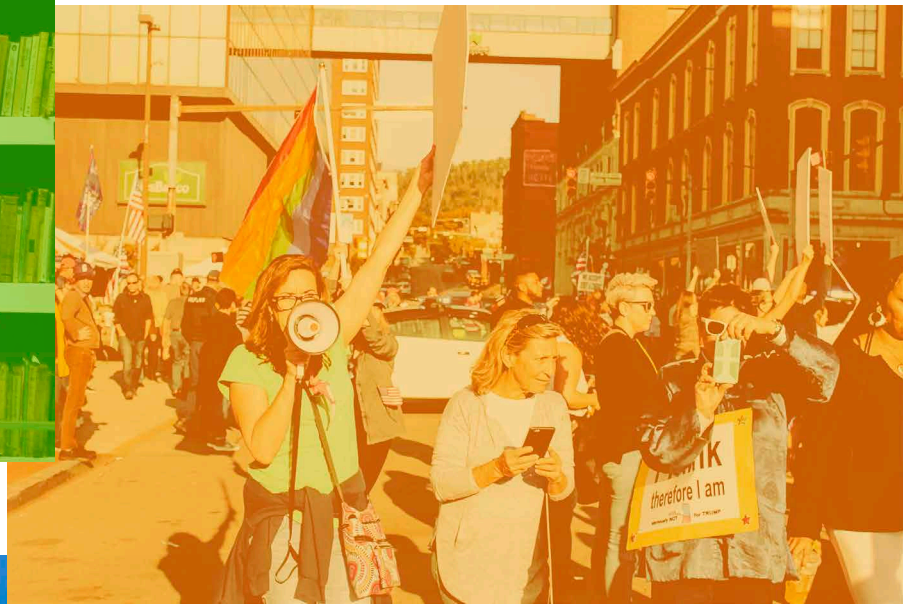
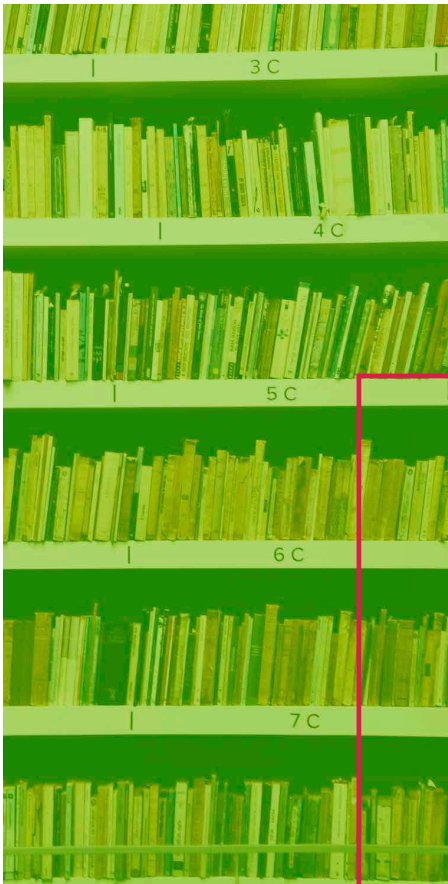


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I WELCOME MESSAGE



WE THINK, WRITE, SPEAK AND TWEET ABOUT ALL THINGS PUBLIC LAW.

We are pleased to present the 2020/21 annual report of the uOttawa Public Law Centre, Canada's leading centre for public law research, debate and engagement. The Centre was officially approved by the University Board of Governors in summer 2019. Located within the University of Ottawa Faculty of Law, it is home to the largest number of public law academics in the country.

The Faculty of Law's civil law and common law sections are known nationally and internationally for their expertise in public law, including in constitutional law, Indigenous legal traditions, administrative law, the law of democracy, immigration and refugee law, criminal law, human rights, comparative public law, critical public law and public law theory.

The Centre is bilingual, multijural and interdisciplinary. It brings together experts from inside the Faculty of Law and the University with domestic and international collaborators, visiting scholars, fellows and affiliated graduate students to create new opportunities for research and engagement across the spectrum of public law and public policy subjects.

The Centre supports and carries out innovative research which it shares with a range of audiences in Canada and globally. It leverages its convening power to bring together government representatives and civil society organizations for high-level discussions on public policy issues. And it organizes conferences, webinars, seminars and invited lectures that both intervene in current debates and begin new conversations.

It goes without saying that the past 18 months have been a very difficult time as we have collectively navigated the COVID-19 pandemic. While many of us have not been able to advance our research projects as much as we would have liked, we have all found ways to continue to contribute to public law scholarship and public debate. The Centre is so proud of all that our members have accomplished during this period. We hope that the projects described in these pages give you a sense of the vibrant research centre we are building.

We look forward to sharing news of our projects, events, and publications with you!

Warmly,

Vanessa MacDonnell

Co-Director, uOttawa Public Law Centre



EXECUTIVE MEMBERS

Co-Directors		
Vanessa MacDonnell	Associate Professor and Co-Director, uOttawa Public Law Centre	Executive Member/Co-Director
Executive Members		
Stephen Bindman	Part-Time Professor and Visiting Fellow	Executive Member
Yan Campagnolo	Associate Professor	Executive Member
Aimée Craft	Chair <i>Nibi miinawaa aki inakonigewin</i> : Indigenous Governance in Relationship with Land and Water	Executive Member
Paul Daly	Chair in Administrative Law and Governance	Executive Member
Marie-France Fortin	Assistant Professor	Executive Member
Jamie Liew	Associate Professor and Director, Institute of Feminist and Gender Studies	Executive Member
Jena McGill	Associate Professor	Executive Member
Michael Pal	Associate Professor	Executive Member
Charles-Maxime Panaccio	Associate Professor	Executive Member
Terry Skolnik	Associate Professor	Executive Member

MEMBERS

Name	Position	Membership
Wolfgang Alschner	Associate Professor	Member
Natasha Bakht	Full Professor	Member
Sarah Berger Richardson	Assistant Professor	Member
Jennifer Bond	Associate Professor	Member
Rosemary Cairns-Way	Full Professor	Member
Stefanie Carsley	Assistant Professor	Member
Nathalie Chalifour	Full Professor	Member
Y.Y. Chen	Assistant Professor	Member
Lynda Collins	Full Professor	Member
Adam Dodek	Full Professor	Member
Anne-Françoise Debruche	Associate Professor	Member
Karen Eltis	Full Professor	Member
Daphne Gilbert	Full Professor and Vice Dean Governance	Member

Name	Position	Membership
Mistrale Goudreau	Full Professor	Member
Martha Jackman	Full Professor	Member
John Mark Keyes	Adjunct Professor	Member
Kyle Kirkup	Associate Professor	Member
François Larocque	Research Chair, Language Rights and Issues and Full Professor	Member
Yves Le Bouthillier	Full Professor and Vice-Dean French Program	Member
Anne Levesque	Assistant Professor	Member
Katherine Lippel	Canada Research Chair in Occupational Health and Safety Law	Member
Ravi Malhotra	Full Professor	Member
Carissima Mathen	Full Professor	Member
Graham Mayeda	Associate Professor	Member
Heather McLeod-Kilmurray	Full Professor	Member
Errol Mendes	Full Professor	Member
France Morrisette	Associate Professor	Member
Delphine Nakache	Associate Professor	Member
Peter Oliver	Full Professor	Member
Mona Paré	Full Professor	Member
Benoît Pelletier	Full Professor	Member
Jennifer Quaid	Associate Professor and Vice-Dean Research	Member
Sylvia Rich	Assistant Professor	Member
Amy Salzyn	Associate Professor	Member
Samuel Singer	Assistant Professor	Member
Marie-Eve Sylvestre	Dean, Civil Law Section	Member
Sophie Thériault	Vice-Dean Academic and Full Professor	Member
Joao Velloso	Associate Professor	Member
David Wiseman	Associate Professor and Vice Dean English Program	Member

GRADUATE STUDENTS

Yawo Alou
Monim Benaissa
Justine Bouquier
Ping Dang
Ainsley Daub
Erin Dobbelsteyn
Babajide Idowu
Isabelle Lefebvre
Martha Ann G. McDougall
Vicky Sabourin
Asaph Wenda

VISITING FELLOWS



The Centre looks forward to hosting **HAN-RU ZHOU**, a leading bilingual constitutional law scholar, as a Visiting Scholar in 2021-2022. Prof. Zhou is currently an Associate Professor at the Université de Montréal. He is the Co-Editor-in-Chief of the *Review of Constitutional Studies* and the author of *Constitutional Law: Fundamental Principles* (Thémis 2021, translated from *Droit constitutionnel: principes fondamentaux*).

The Centre will also host Professor **RICHARD ALBERT**, an internationally recognized scholar of comparative constitutional law as a Visiting Scholar in 2021-2022. Prof. Albert is the William Stamps Farish Professor in Law, Professor of Government, and Director of Constitutional Studies at the University of Texas at Austin. He is the author of *Constitutional Amendments: Making, Breaking, and Changing Constitutions*, a monograph published by Oxford University Press in August 2019.



ROXANNE GUÉRARD has been a Fellow of the Public Law Centre since 2020. A member of the Quebec Bar since 1994, she has pursued her career as a jurist with the Department of Justice Canada for more than twenty years, mainly in the Legislative Services Branch. Her professional activities, enriched by specialized university training, have fostered her interest in legislative drafting, a legal discipline devoted to the creation of legislative standards. Her interest in the application of this discipline led her to write a doctoral thesis entitled “Analyse légistique des pratiques d’harmonisation des règlements municipaux au Québec”. This research, supported by grants from the Chaire de recherche sur la démocratie et les institutions parlementaires and the Chaire de rédaction juridique Louis-Philippe Pigeon, examines the concerted exercise of municipal regulatory powers in matters of peace, order and public safety. Dr. Guérard is working with Professor Marie-France Fortin on our interdisciplinary project with the Centre for Governance Studies and the Centre for Environmental Law and Global Sustainability on water and governance.

POST-DOCTORAL FELLOW

WELCOMING OUR FIRST POST-DOCTORAL FELLOW

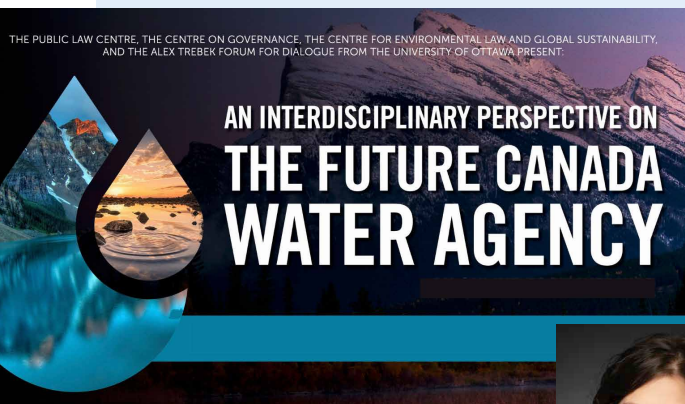
This year, the Centre welcomed **Alexandre Lillo** as its first post-doctoral fellow, to work on a collaborative research project on Water Law and Governance Project. The project is a joint initiative of the Public Law Centre, the Centre on Governance, and the Centre for Environmental Law and Global Sustainability.

Dr. Lillo holds a Ph.D. in law (2020) completed under the joint supervision of the University of Ottawa and the University of Montpellier (France). His dissertation, entitled *The Shape of Water – Building a Legal Framework for Water Management in Canada* (French only), proposes twelve guiding principles to lay the foundation for a Canadian water strategy. His current research focuses on the legal mechanisms of water governance in Canada. He currently shares a Research Chair in Teaching Innovation at the University of Ottawa’s Civil Law Section and is a part-time professor with the Faculty of Law and the Faculty of Arts.



CURRENT PROJECTS

The Centre and its members are leading several large ground-breaking research projects on subjects as diverse as water, equality and cabinet government.



THE ALEX TREBEK FORUM FOR DIALOGUE WATER LAW AND GOVERNANCE PROJECT



Fresh water, humankind's most precious natural resource, is largely unregulated and depleting rapidly. The climate crisis will exacerbate these difficulties in the coming years. Addressing groundwater depletion is particularly urgent. Fifty percent of the world depends on groundwater for drinking water, but by 2030, the planet will face a 40 per cent shortfall in water supply unless management of this resource is drastically improved. Canadian experts have repeatedly called for a national strategy on water. As consultations are taking place on the creation of a Canada Water Agency, now is key moment to critically examine existing policies on the management, preservation and regulation of water in Canada.

Working with the Centre on Governance and the Centre for Environmental Law and Global Sustainability, and funded by the Smart Changes for a Better World initiative of the Alex Trebek Forum for Dialogue, the Water Law and Governance Project seeks to foster exchange between scholars, governmental actors, interest groups and the general public to identify and respond to key water-related public policy concerns. Led by Centre executive member Professor Marie-France Fortin, the project team will seek to develop multi-level policies and model regulations aimed at the sustainable management of freshwater resources.

JUDGING EQUALITY JUDGMENTS: APPLYING LEGAL DATA ANALYTICS TO THE SUPREME COURT'S SECTION 15 AND EQUALITY CASE LAW

The Supreme Court of Canada is a central institution in Canadian law and politics, and yet to date, there has been relatively little empirical research on its work. Led by Professor Carissima Mathen, Judging Equality Judgments: Applying Legal Data Analytics to the Supreme Court's Section 15 and Equality Case Law is a project funded by the Social Sciences and Humanities Research Council (SSHRC) that uses state-of-the-art legal data analytics to investigate Supreme Court of Canada decisions, specifically probing how the Court has addressed equality claims. Joining Professor Mathen on this project are Professor Wolfgang Alschner, a pioneer in the application of data analytics to the empirical study of law and head of the Faculty's Legal Technology Lab, Professor Vanessa MacDonnell, Co-Director of the uOttawa Public Law Centre, Centre executive member Professor Terry Skolnik and Visiting Fellow Stephen Bindman.

Guided by both the data and informed doctrinal analysis, the research team is developing new insights into the complex body of jurisprudence surrounding equality claims, allowing them to assess the relative impact of section 15 of the *Canadian Charter of Rights and Freedoms*. The findings generated by this research will contribute to the literature on judicial decision-making, bridge the gap between qualitative and quantitative research about the Supreme Court of Canada, develop a more nuanced, empirically informed understanding of Canadian equality rights, and shape litigation strategy.



THE SHADOW CABINET MANUAL PROJECT

In New Zealand and the United Kingdom, a cabinet manual sets out the government's position on the conventions that apply to government formation, cabinet government and other aspects of the governance of those countries. Despite longstanding calls for such a document, Canada has not published such a manual at the federal level.

Led by Professor Vanessa MacDonnell, Co-Director of the Centre, and Professor Philippe Lagassé, Barton Chair at the Norman Paterson School of International Affairs, Carleton University, the Shadow Cabinet Manual Project brings together a group of leading scholars to craft a template for a Canadian cabinet manual. The project will identify the essential elements of a Canadian cabinet manual and highlight areas in which there may be disagreement about the scope and content of particular conventions or practices. This resource will be of considerable value in continued discussions about the importance of a cabinet manual as well as in academic research into the unwritten constitution.



COMMEMORATIVE NAMING DIRECTED RESEARCH COURSE

Municipal landmarks such as pools, arenas, community centres, stadiums, parks, streets and libraries, shape the landscape of everyday urban life. Indeed, the way we name public spaces says as much about the identity and memory of our cities as it does about the symbolic infrastructure of public spaces. For marginalized groups, their inclusion in the topography of Canada's major cities has emerged as a form of transformative justice from which many re-naming campaigns have emerged. In October 2020, the name John A. Macdonald was removed from the building housing Queen's University's Faculty of Law. In June 2017, Prime Minister Justin Trudeau announced the re-naming of the historic Langevin Block that houses his office. Both re-namings were the result of these historical figures' associations with residential schools and Indigenous assimilation policies.

Over the past decades, commemorative naming has been studied almost exclusively by geographers, anthropologists, historians, linguists, urban planners and political scientists. This directed research course, led by Professor Vanessa MacDonnell and Stéphanie Plante, considered the role of law

in the commemorating naming process. This course produced background papers comparing commemorative naming procedures and laws in Canada's major cities and suggesting improvements to these policies. It also included an applied component, with students working actively on a commemorative naming initiative.



IV EVENTS HOSTED

Despite the pandemic, the Centre hosted more than a dozen online panels, discussions, fireside chats and workshops open to public law experts and the general public alike.

25 September 2020

Panel discussion with the editors of *Vulnerable: The Law, Policy and Ethics of COVID-19*. The five editors of *Vulnerable* spoke about what motivated the project and the collection's major research findings. [WATCH HERE](#)

22 October 2020

Bilingual panel held on the day the Supreme Court of Canada heard oral argument in the *Greenhouse Gas Pollution Pricing Act References*, a major constitutional challenge to the federal government's carbon pricing legislation. This event was co-sponsored by the Centre for Environmental Law and Global Sustainability. [WATCH HERE](#)

19 October 2020

French-language panel featuring some of the contributors to *Vulnerable*, discussing the uneven and discriminatory impacts of the pandemic in Canada and globally.

[WATCH HERE](#)

18 December 2020

Conference marking the first anniversary of the Supreme Court of Canada's decision in *Vavilov*, a major decision on the standard of review in administrative law. Professor Paul Daly, University Research Chair in Administrative Law and Governance, organized and moderated the event.

[WATCH HERE](#)

05 October 2020

Virtual Federal Court hearing held "at" the law school, hosted by Professor Jamie Liew. Following the hearing, students posed questions to the lawyers and judge.

19 November 2020

English talk co-sponsored by the Centre, the Alex Trebek Forum for Dialogue and the Ottawa Law Review, by internationally-renowned scholar Sherene Razack, Penny Kanner Chair and Professor at UCLA. The talk explored the sexual nature of the legal, social and political responses to Muslim women wearing the niqab. [WATCH HERE](#)



07 October 2020

Bilingual discussion with Chief Justice Paul Crampton of the Federal Court of Canada, Co-Director Vanessa MacDonnell and Professor Jamie Liew about the challenges the COVID-19 pandemic has posed for courts and how COVID-19 has accelerated court modernization. [WATCH HERE](#)



16 March 2021

Launch of web platform [PLANCTUS](#) developed by Professor François



PLANCTUS
ACTIVÉZ VOS DROITS LINGUISTIQUES

Larocque, University Research Chair on Language Rights and Issues. *planctus* is a mobile application intended to educate the public on language rights and to facilitate the drafting and transmission of language complaints to various authorities in Canada. [WATCH HERE](#)

17 March 2021



Bilingual fireside chat between the Honourable Ahmed Hussen, Minister of Families, Children and Social Development, and Professor Jamie Liew. This chat explored Minister Hussen's path in law, how his education at the uOttawa Faculty of Law prepared him for his career, and how his experience coming to Canada as a refugee has shaped his approach to law and politics. [WATCH HERE](#)

25 March 2021

Panel discussion on official bilingualism and Canada's Vice-Regal offices, co-sponsored by François Larocque, the University Research Chair on Language Rights and Issues. [WATCH HERE](#)

8 April 2021

Fireside chat with Dahlia Lithwick, senior editor and legal correspondent for *Slate*. The chat was moderated by Centre Co-Director Vanessa MacDonnell and covered Lithwick's journey from Ottawa to Washington as well as her experiences as a legal correspondent at the U.S. Supreme Court. [WATCH HERE](#)



26 March 2021

Bilingual panel on the Supreme Court of Canada's decision on the constitutionality of the *Greenhouse Gas Pollution Pricing Act*, co-sponsored by the Ecofiscal Commission, the Centre for Environmental Law and Global Sustainability, the Centre Québécois du droit de l'environnement, Ecojustice, and the Smart Prosperity Institute. The panel was made up of lawyers who argued the case and constitutional law scholars who explained the decision and its implications for Canada. This panel was held the day after the Court ruling, and over 700 students, professors, members of the public, and public sector employees attended the event. [WATCH HERE](#)

7-9 June 2021

A works-in-progress workshop with Queen's University. Faculty members from the University of Ottawa and Queen's presented papers during a three-day online workshop.

15 June 2021

A seminar organized and hosted by executive member Professor Jamie Liew that discussed five essays exploring the challenges stateless people have faced during the COVID-19 pandemic. The essays will be published by the *Statelessness and Citizenship Review*. [LISTEN HERE](#)

31 March 2021

Bilingual panel discussion on Bill C-15, legislation introduced to implement the federal government's obligations under the United Nations Declaration on the Rights of Indigenous People (UNDRIP). Presented by the uOttawa Public Law Centre, the Indigenous Legal Traditions Committee, the Indigenous Law Student Government and the Ottawa Law Review. [WATCH HERE](#)

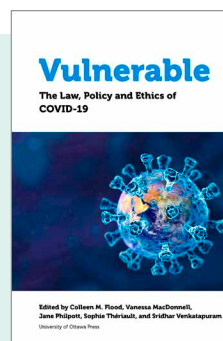
15 June 2021

Legal data analytics workshop: On June 15, the Centre partnered with Professor Wolfgang Alschner's Legal Technology Lab to host an internal workshop for faculty and graduate students that provided a hands-on introduction to the automated and semi-automated analysis of court judgments.

BOOKS

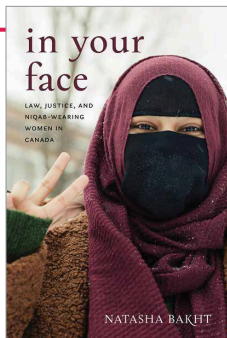
Centre members published books on topics ranging from environmental law topics to the law and ethics of COVID-19 to cabinet secrecy.

VULNERABLE: THE LAW, POLICY AND ETHICS OF COVID-19: Co-Director **Vanessa MacDonnell**, Colleen Flood, Jane Philpott, **Sophie Thériault**, and Sridhar Venkatapuram published *VULNERABLE: THE LAW, POLICY AND ETHICS OF COVID-19* (University of Ottawa Press, 2020), an open-access, peer-reviewed, rapid-response book on the legal, ethical and policy issues raised by the COVID-19 pandemic. Fifteen members of the Centre contributed to the collection, which has been downloaded close to 10,000 times since its release in July 2020 and has received national and international attention. The edited volume was accompanied by three webinars, a series in *Policy Options* and several op-eds. It was recently [REVIEWED](#) in the *Canadian Journal of Law and Society*. Promotional video [HERE](#).



Chapters by Centre members:

- Colleen M. Flood, **Vanessa MacDonnell**, Jane Philpott, **Sophie Thériault** and Sridhar Venkatapuram, “Overview of COVID-19: Old and New Vulnerabilities”
- **David Robitaille**, “La COVID-19 au Canada: le fédéralisme coopératif à pied d’œuvre”
- **Carissima Mathen**, “Resisting the Siren’s Call: Emergency Powers, Federalism, and Public Policy”
- **Vanessa MacDonnell**, “Ensuring Executive and Legislative Accountability in a Pandemic”
- **Paul Daly**, “Governmental Power and COVID-19: The Limits of Judicial Review”
- **Marie-France Fortin**, “Liability of the Crown in Times of Pandemic”
- **Jennifer A. Quaid**, “Balancing Risk and Reward in the Time of COVID-19: Bridging the Gap Between Public Interest and the “Best Interests of the Corporation”
- **Terry Skolnik**, “The Punitive Impact of Physical Distancing Laws on Homeless People”
- **Yves Le Bouthillier** and **Delphine Nakache**, “The Right of Citizens Abroad to Return During a Pandemic”
- **Martha Jackman**, “Fault Lines: COVID-19, the *Charter*, and Long-term Care”
- **Anne Levesque** and **Sophie Thériault**, “Systemic Discrimination in Government Services and Programs and Its Impact on First Nations Peoples During the COVID-19 Pandemic”
- **Jamie Chai Yun Liew**, “Preventing the Spread of Anti-Asian Racism: Including Critical Race Analysis in a Pandemic Plan”
- **Y.Y. Brandon Chen**, “Migrant Health in a Time of Pandemic: Fallacies of Us-Versus-Them”
- Tess Sheldon and **Ravi Malhotra**, “Not All in This Together: Disability Rights and COVID-19”
- **Katherine Lippel**, “Occupational Health and Safety and COVID-19: Whose Rights Come First in a Pandemic?”
- **Vanessa Gruben** and Louise Bélanger-Hardy, “Risking It All: Providing Patient Care and Whistleblowing During a Pandemic”
- **Sarah Berger Richardson**, “Worked to the Bone: COVID-19, the Agrifood Labour Force, and the Need for More Compassionate Post-Pandemic Food Systems”



Natasha Bakht, *IN YOUR FACE: LAW, JUSTICE AND NIQAB-WEARING WOMEN IN CANADA* (Irwin Law, 2020).

This book explores the experiences of a group of women in Canada who are small in numbers yet have garnered much legal, political, and social attention in recent years. Muslim women who cover their faces with a veil arouse visceral reactions in people who, despite exposure to diverse ways of living through multicultural urban environments, seem to have fixed notions of how women ought to live the good life. Politicians have denounced the niqab for a variety of reasons, calling on Muslim women to simply take it off. Where such persuasion has failed, legislative attempts have been made, some successfully, to prohibit women from covering their faces in certain contexts, including courtrooms, citizenship ceremonies, public spaces, and while working in the public service. This book analyzes niqab bans in Canada while also drawing on interviews with niqab-wearing women to reveal their complex identities and multiple motivations for dressing in this way. The book is available [HERE](#).

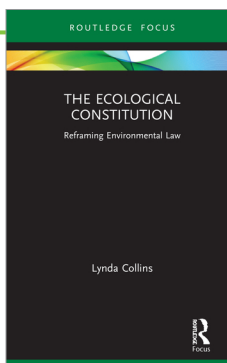
Yan Campagnolo, *LE SECRET MINISTÉRIEL: THÉORIE ET PRATIQUE* (Presses de l'Université Laval, 2020).

Cabinet secrecy refers to the set of political and legal rules that protect the confidentiality of the collective decision-making process at the highest level of the executive branch of government, that is, the Council of Ministers or the Cabinet. In the contemporary context where government transparency and accountability are fundamental values, the legitimacy of Cabinet secrecy is increasingly controversial.

In this first comprehensive book on the subject, executive member Yan Campagnolo defends Cabinet secrecy by demonstrating that it is an essential doctrine for the proper functioning of the responsible government system. Nevertheless, he criticizes the excessive nature of the legislative provisions protecting Cabinet secrecy at the federal level in Canada on the grounds that they violate the rule of law. Based on a comparative analysis of the rules applicable to the provincial level in Canada and in the United Kingdom, Australia and New Zealand, Campagnolo proposes reforms that would achieve a better balance between government confidentiality and transparency. The book is available [HERE](#).



Prof. **Yan Campagnolo** was shortlisted for the 2020 Walter Owen Prize. [CLICK HERE](#)



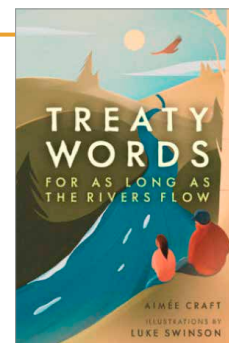
Lynda Collins, *THE ECOLOGICAL CONSTITUTION* (Routledge, 2021).

This book integrates the insights of environmental constitutionalism and ecological law in a concise, engaging and accessible manner.

This book sets out the necessary components of any constitution that could be considered “ecological” in nature. In particular, it argues that an ecological constitution is one that codifies the following key principles, at a minimum: the principle of sustainability; intergenerational equity and the public trust doctrine; environmental human rights; rights of nature; the precautionary principle and non-regression; and rights and obligations relating to a healthy climate. In the context of the global environmental crisis that characterises the current Anthropocene era, these principles are important tools for changing consciousness and driving pragmatic policy reforms around the world. Re-imagining constitutions along these lines could play a vital role in the collective project of building a sustainable future for humans, animals, ecosystems and the biosphere we all share. The book is available [HERE](#).

Aimée Craft, ***TREATY WORDS: FOR AS LONG AS THE RIVERS FLOW*** (Annick Press, 2021).

Published as a children's book in 2021, this book has been revered as an essential story for readers of all ages and nominated for the 2022 Rocky Mountain Book Award. The story is told from the banks of the river that have been Mishomis's home his whole life, as he teaches his granddaughter to listen—to hear both the sounds and the silences, and so to learn her place in Creation. Most importantly, he teaches her about treaties—the bonds of reciprocity and renewal that endure for as long as the sun shines, the grass grows, and the rivers flow (illustrations by Luke Swinson). The book is available [HERE](#).

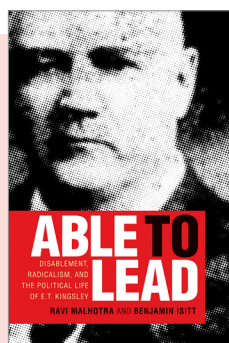
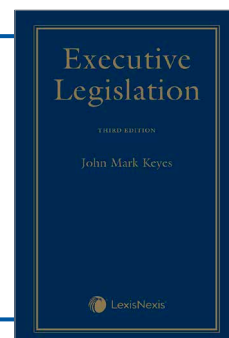


Adam Dodek, Craig Forcese, Philip Bryden, Richard Haigh, Mary Liston, and Constance MacIntosh, ***PUBLIC LAW: CASES, COMMENTARY, AND ANALYSIS*** 4 ed. (Edmond Publishing, 2020).

This is the only text of its kind devoted exclusively to public law in Canada. Serving as a primer on the subject, this title will educate students about the importance of statutes and regulations both as forms of law and as political responses to pressing issues in Canadian society. This text demonstrates concepts, principles, and theory in a direct and accessible manner, contextualized with carefully selected case excerpts. Cases are presented with insightful author commentary, which offers a compelling, cohesive introduction to the subject of public law. The book is available [HERE](#).

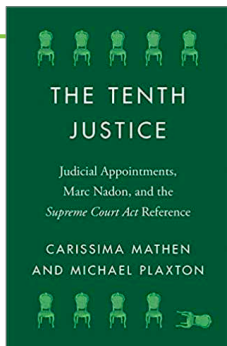
John Mark Keyes, ***EXECUTIVE LEGISLATION***, 3rd ed (LexisNexis Canada, 2021).

Eleven years since the release of the second edition, John Mark Keyes has produced an update of Canada's definitive textbook on legislative instruments made by executive governmental authorities – *Executive Legislation*. This volume is the product of the author's 35 years of experience of legislative drafting, teaching and writing in this vital, but often overlooked area of law. The book is available [HERE](#).



Ravi Malhotra and Benjamin Isitt, ***ABLE TO LEAD: DISABLEMENT, RADICALISM AND THE POLITICAL LIFE OF E.T. KINGSLEY*** (UBC Press, 2021).

This book traces Kingsley's political journey, starting with his time as a soapbox speaker in San Francisco. As a leading member of the California left, he ran for the U.S. House of Representatives. After moving to British Columbia, he rose to prominence in the Socialist Party of Canada and edited its newspaper, the *Western Clarion*. Although never elected to political office, Kingsley shaped an entire generation of Canadian leftists. Ravi Malhotra and Benjamin Isitt illuminate a figure who wielded considerable influence in an era when it was uncommon for disabled men to lead. They examine Kingsley's endeavours for justice against the Northern Pacific Railway, and how Kingsley's life intersected with immigration law and free-speech rights.

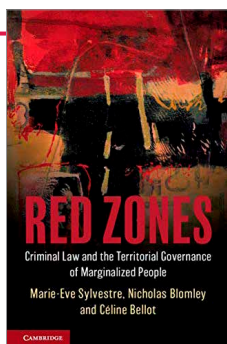
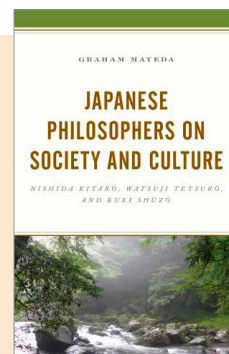


Carissima Mathen and Michael Plaxton, ***THE TENTH JUSTICE: JUDICIAL APPOINTMENTS, MARC NADON, AND THE SUPREME COURT ACT REFERENCE*** (UBC Press, 2020).

In *The Tenth Justice*, Carissima Mathen and Michael Plaxton set out the history of judicial appointments, the legal and political context that gave rise to the *Reference re Supreme Court*, and the impact that the decision has had on legal and constitutional debate in Canada. With detailed historical and legal analysis, including never-before-published interviews, *The Tenth Justice* explains how the Nadon Reference came to be a case at all, the issues at stake, and its legacy. The book is available [HERE](#).

Graham Mayeda, ***JAPANESE PHILOSOPHERS ON SOCIETY AND CULTURE: NISHIDA KITARŌ, WATSUJI TETSURŌ, AND KUKI SHŪZŌ*** (Lexington, 2021).

This book explores how three of Japan's preeminent philosophers of the twentieth century—Nishida Kitarō, Watsuji Tetsurō and Kuki Shūzō—defined culture and analyzed what it tells us about social relations. Graham Mayeda also explores little-known aspects of the work of each philosopher, including a philosophical analysis of Watsuji's travel diary, *Pilgrimages to the Ancient Temples in Nara*, the place of intuition in Kuki's ethics of otherness, and the role of culture in realizing Nishida's concept of reality as the historical world. The book is available [HERE](#).



Dean Marie-Eve Sylvestre published ***RED ZONES: CRIMINAL LAW AND THE TERRITORIAL GOVERNANCE OF MARGINALIZED PEOPLE*** (Cambridge University Press, 2020), with co-authors Nicholas Blomley and Céline Bellot.

In *Red Zones*, the authors examine the court-imposed territorial restrictions and other bail and sentencing conditions that are increasingly issued in the context of criminal proceedings. Drawing on extensive fieldwork with legal actors in the criminal justice system, as well as those who have been subjected to court surveillance, the authors demonstrate the devastating impact these restrictions have on the marginalized populations - the homeless, drug users, sex workers and protesters - who depend on public spaces. On a broader level, the authors show how red zones, unlike better publicized forms of spatial regulation such as legislation or policing strategies, create a form of legal territorialization that threatens to invert traditional expectations of justice and reshape our understanding of criminal law and punishment. The book is available [HERE](#).

Prof. Marie-Eve Sylvestre and co-authors Nicholas Blomley and Céline Bellot were awarded the 2021 W. Wesley Pue Book Prize by the Canadian Law and Society Association. [CLICK HERE](#)

BOOK CHAPTERS

Throughout the year, Centre members wrote well-received, peer-reviewed articles, book chapters and public reports.

- **Wolfgang Alschner**, “AI and Legal Analytics” in Teresa Scassa and Florian Martin-Bariteau eds, *AI and the Law in Canada*, (Toronto: LexisNexis Canada, 2021). [CLICK HERE](#)
- **Wolfgang Alschner**, “The Computational Analysis of International Law” in Rossana Deplano and Nicholas Tsagourias eds, *Research Methods in International Law: A Handbook* (Cheltenham: Edward Elgar Publishing, 2021). [CLICK HERE](#)
- **Wolfgang Alschner** and **John Mark Keyes**, “Translatability of Law and Legal Technology” in Meng Ji and Sara Laviosa, eds, *Oxford Handbook on Translation and Social Practices* (2020, New York: Oxford University Press). [CLICK HERE](#)
- **Monim Benaissa** contributed to “Les écoles de pensée en droit” by the University of Sherbrooke Law Review. This collective work brings together the work of researchers from law faculties around the world, and focuses on the major theories of law that have emerged since the beginning of the 20th century. [CLICK HERE](#)
- **Karen Eltis** and Ilia Siatitsa, “Realigning the Law to Better Uphold the State’s Duty to Protect Human Rights: Towards an Interoperable Model for Addressing Racism and Strengthening Democratic Legitimacy” in Yuval Shany, ed, *Reducing Online Hate Speech: Recommendations for Social Media Companies and Internet Intermediaries* (Israel Democracy Institute, 2020). [CLICK HERE](#)
- Sari Graben, **Angela Cameron**, and Sarah Morales, “Gender Impact Analysis of Impact Benefit Agreements: Representation Clauses UNDRIP” in Ibironke Odumosu-Ayanu and Dwight Newman, eds, *Indigenous-Industry Agreements, Natural Resources and the Law*, (New York: Routledge, 2020). [CLICK HERE](#)
- **Martha Jackman**, “From *Chaoulli* to *Cambie*: Charter Challenges to the Regulation of Private Health Funding and Care”, in Colleen M. Flood and Bryan Thomas, eds, *Is Two-Tier Health Care the Future?* (Ottawa: University of Ottawa Press, 2020), 37-68. [CLICK HERE](#)
- **Katherine Lippel**, “Rendre visibles les lésions professionnelles des travailleuses: deux pas en avant, un pas en arrière”, dans Christelle Casse et Marianne De Troyer, eds, *Genre, conditions de travail et santé. Qu'est-ce qui a changé?* (Institut syndical Européen, 2020). [CLICK HERE](#)
- **Graham Mayeda**, “Philosophical Issues in Water Law” in Stefanovic I.L., Adeel Z. (eds) *Ethical Water Stewardship. Water Security in a New World* (Cham: Springer, 2021). [CLICK HERE](#)
- **Jennifer A. Quaid**, “AI and Competition Law.” in Florian Martin-Bariteau and Teresa Scassa, eds., *AI and the Law in Canada*, (Toronto: LexisNexis Canada, 2020). [CLICK HERE](#)
- **Amy Salyzyn**, “AI and Legal Ethics” in Florian Martin-Bariteau and Teresa Scassa eds, *Artificial Intelligence and the Law in Canada*, (Toronto: LexisNexis Canada), 2021. [CLICK HERE](#)

ARTICLES & REPORTS

- **Wolfgang Alschner**, Manfred Elsig and Rodrigo Polanco, “Introducing the Electronic Database of Investment Treaties (EDIT): The Genesis of a New Database and Its Use” (2020), 20:1 World Trade Review 73-94. [CLICK HERE](#)
- **Natasha Bakht**, “Reading the Niqab: A Shifting Signifier?” (2021), *Reading Muslims*, Institute of Islamic Studies, University of Toronto. [CLICK HERE](#)
- Nicholas Blomley, Alexandra Flynn, and **Marie-Eve Sylvestre**, “Governing the Belongings of the Precariously Housed: A Critical Legal Geography” (2020), 16 Annual Review of Law and Social Sciences. [CLICK HERE](#)
- **Yan Campagnolo**, “Rethinking Cabinet Secrecy” (2020), 13:3 Journal of Parliamentary and Political Law 497. [CLICK HERE](#)
- **Stephanie Carsley**, “Regulating Reimbursements for Surrogate Mothers” (2021), 58:4 Alberta Law Review 811. [CLICK HERE](#)
- **Nathalie J. Chalifour**, **Peter Oliver** and Taylor Wormington, “Clarifying the Matter: Modernizing Peace, Order, and Good Government in the Greenhouse Gas Pollution Pricing Act Appeals” (2020), 40:2 National Journal of Constitutional Law 153. [CLICK HERE](#)
- Mylène Coderre and **Delphine Nakache**, “From Working Tourists to Permanent Residents: Experiences of Migrant Workers with Youth Mobility Schemes in Canada” (2021), International Migration & Integration. [CLICK HERE](#)
- **Anne-Françoise Debruche**, “Le jury de common law comme héritier du jugement de Dieu: la vérité du verdict peut-elle être motivée?” (2020), 50:1 Revue générale de droit 39. [CLICK HERE](#)

- **Karen Eltis**, “L’extraterritorialité, l’intelligence artificielle et la justice: Une étude préliminaire – The Extraterritorial Automatization of Justice: Will the Black Box decide? AI and Bias in Judicial Decision Making from a Comparative Perspective” (2020), Éditions A. Pedone. [CLICK HERE](#)
- **Karen Eltis** assisted in the drafting of the Canadian Bar Association’s Report, “No Turning Back: CBA Task Force Report on Justice Issues Arising from COVID-19” (2021). [CLICK HERE](#)
- **Marie-France Fortin**, “The King’s Two Bodies and the Crown A Corporation Sole: Historical Dualities in English Legal Thinking” (2021), History of European Ideas (forthcoming). [CLICK HERE](#)
- **Daphne Gilbert**, “Faith and/in Medicine: Religious and Conscientious Objections to MAiD” (2020), 43:2 Dal LJ 657. [CLICK HERE](#)
- **Daphne Gilbert**, “Attesting to Fundamental Human Rights: The Backlash to the Active Promotion of Equality in Canada” (2020), 16:1 Journal of Law and Equality 1. [CLICK HERE](#)
- **Mistrale Goudreau** et Jabeur Fathally, “L’illusion de la meilleure méthode d’interprétation des lois: Réflexions sur les droits canadien, canonique et musulman” 2020:2 Revue internationale de droit comparé 315. [CLICK HERE](#)
- **Martha Jackman**, “Un pas en avant, deux pas en arrière: l’héritage de *Gosselin* pour les droits socio-économiques” (2020), 61:1 Les cahiers de droit 427. [CLICK HERE](#)
- Elizabeth F. Judge, and **Michael Pal**, “Voter Privacy and Big-Data Elections” (2021), 58:1 Osgoode Hall Law Journal 1. [CLICK HERE](#)
- **John Mark Keyes**, “Parliamentary Scrutiny of the Quality of Legislation in Canada” (2021), 9:2 The Theory and Practice of Legislation. [CLICK HERE](#)
- **Kyle Kirkup**, “The Gross Indecency of Criminalizing HIV Non-Disclosure” (2020), 73:3 University of Toronto Law Journal 263. [CLICK HERE](#)
- **Kyle Kirkup**, “The Aftermath of Human Rights Protections: Gender Identity, Gender Expression, and the Socio-Legal Regulation of Schools” (2020), 35:2 Canadian Journal of Law and Society. [CLICK HERE](#)
- **Jamie Chai Yun Liew**, “The Invisible Women: Migrant and Immigrant Sex Workers and Law Reform in Canada” (2020), 14:1 Studies in Social Justice 90. [CLICK HERE](#)
- **Jamie Chai Yun Liew**, “The Law’s Broken Promises to Stateless Persons” (2020), 26:11 Brown Journal of World Affairs 87. [CLICK HERE](#)
- **Vanessa MacDonnell** and Julia Hughes, “Treaty Promises and the Duty to Consult on Legislation” (2021), Revue générale de droit (forthcoming).
- Gabrielle Appleby, **Vanessa MacDonnell** and Ed Synot, “The Pervasive Constitution: The Constitution Outside the Courts” (2020), 48:4 Federal Law Review 437. [CLICK HERE](#)
- **Carissima Mathen** and Jane Bailey, “Technologically-Facilitated Violence Against Women & Girls: Assessing the Canadian Criminal Law Response” (2020), 97:1 Canadian Bar Review 564. [CLICK HERE](#)
- **Carissima Mathen** and Michael Plaxton, “What’s Right with Section 33.1” (April 2021), Canadian Criminal Law Review 255. [CLICK HERE](#)
- **Carissima Mathen**, “An Inconvenient Constitution? The Troubles with Suspended Declarations of Invalidity” (2021), Supreme Court Law Review. [CLICK HERE](#)
- **Errol Mendes**, “Restrictions on Mobility Rights of Canadians During the Pandemic; The Critical Need for Proper Scientific and Public Health Rationales” (2020), 41:1 National Journal of Constitutional Law 57. [CLICK HERE](#)
- **Jena McGill** published a new report on intersectionality with Grace Ajele as part of LEAF’s Feminist Strategic Litigation Project. [CLICK HERE](#)
- **Jena McGill**, Teresa Scassa, **Amy Salyzyn**, and Suzanne Bouclin, “Developing Privacy Best Practices for Direct-to-Public Tech Tools: Observations and Lessons Learned” (2020), 18:1 Canadian Journal of Law and Technology. [CLICK HERE](#)
- **France Morrisette**, “Le recours à l’accord mixte au fil de l’évolution temporelle et matérielle de la compétence de l’Union européenne en matière commerciale” (2019), 32:1 Revue québécoise de droit international 43. [CLICK HERE](#)
- **Jennifer A. Quaid**, “The Limits of Legislation as a Tool of Reform: A Study of the Westray Reform to Organizational Sentencing” (2020), 54:1 RJTUM 511-567. [CLICK HERE](#)
- **Charles-Maxime Panaccio**, “*Apologia* for a General Doctrine of Substantive Equality and Discrimination” (2020), 11:2 Jurisprudence 213. [CLICK HERE](#)
- **Mona Paré** and Diane Bé, “La participation des enfants aux procédures de protection de la jeunesse à travers le prisme de la vulnérabilité” (2020), 61:1 Les Cahiers de droit. [CLICK HERE](#)
- **Samuel Singer**, “Trans Justice, Trans Rights: A Multi-Instrumentalist Legal Toolkit” (2020), 35:2 Canadian Journal of Law and Society 293. [CLICK HERE](#)
- **Samuel Singer**, “Charity Law Reform in Canada: Moving from Patchwork to Substantive Reform” (2020), 57:3 Alberta Law Rev at 683. [CLICK HERE](#)

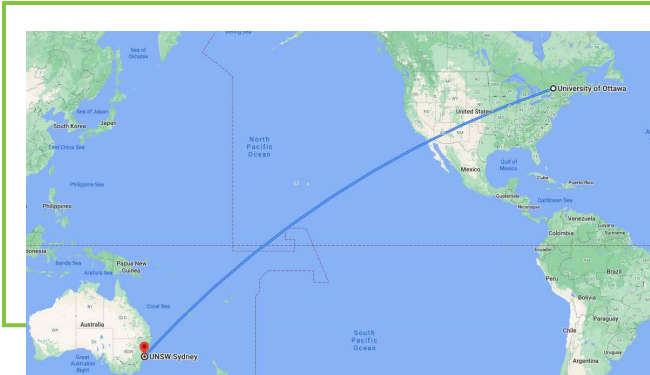
- **Terry Skolnik** and **Vanessa MacDonnell**, “Policing Arbitrariness: *Fleming v. Ontario* and the Ancillary Powers Doctrine” (2021), 100 Supreme Court Law Review (2d) 187. [CLICK HERE](#)
- **Terry Skolnik**, “Criminal Law During (and After) COVID-19” (2020), 43:1 Manitoba Law Journal 145. [CLICK HERE](#)
- **Asaph Wenda**, “Droit d’ingérence humanitaire, outil de protection de droit à la santé” (2021), Éditions Universitaires Européennes. [CLICK HERE](#)
- **David Wiseman** and Julie Mathews published a discussion paper, “Community Justice Help: Advancing Community-Based Access to Justice A discussion paper” (2020), (Toronto: Community Legal Education Ontario). [CLICK HERE](#)

OP-EDS

- **Sarah Berger Richardson** wrote an opinion piece titled “COVID-19 exacerbates existing inequities in the agrifood labour force.” Policy Options (31 August 2020). [CLICK HERE](#)
- **Nathalie Chalifour** wrote an opinion piece, “What the Supreme Court ruling on national carbon pricing means for the fight against climate change.” The Conversation (29 March 2021). [CLICK HERE](#)
- **Y Y. Chen** wrote an opinion piece titled “Supreme Court decision on genetics law missed a critical opportunity to hold Parliament more accountable.” CBC (03 August 2020). [CLICK HERE](#)
- **François Larocque** and Stéphanie Chouinard co-authored an op-ed, “Bilingualism and diversity: The Supreme Court can—and should—have both.” The Conversation (2 June 2021). [CLICK HERE](#)
- **Yves Le Bouthillier** and **Delphine Nakache** wrote an opinion piece titled “Is it constitutional to screen Canadians trying to board flights home.” Policy Options (7 April 2020). [CLICK HERE](#)
- **Anne Levesque** wrote an opinion piece “Les injustices envers les enfants des Premières Nations se poursuivent encore aujourd’hui.” The Conversation (8 July 2021). [CLICK HERE](#)
- **Alexandre Lillo**, Eric Champagne, Lauren Touchant, **Marie-France Fortin**, and Thomas Burelli co-authored an opinion piece, “Canada has 20 percent of the world’s freshwater reserves—this is how to protect it.” The Conversation (29 April 2021). [CLICK HERE](#)
- **Ravi Malhotra** co-authored an op-ed with physiatrist Sue Dojeiji, “Vaccine Policy is Ignoring People with Disabilities.” Ottawa Citizen (6 May 2021). [CLICK HERE](#)
- **Jennifer A. Quaid** wrote an opinion piece, “Supreme Court dismisses Company’s cruel and unusual punishment claim.” The Conversation (24 November 2020). [CLICK HERE](#)
- **Vanessa MacDonnell**, **Sophie Thériault** and Sridhar Venkatapuaram co-authored an opinion piece, “À quoi ressemblera notre avenir après la pandémie?” La Presse (24 July 2020). [CLICK HERE](#)
- **Errol Mendes** wrote an opinion piece, “How Quebec’s amendment could sever ties with Canada.” iPolitics (2 June 2021). [CLICK HERE](#)
- Debra Parkes and **Carissima Mathen** co-authored an opinion piece, “Canadian universities must act not to protect their communities.” Vancouver Sun (2 August 2021). [CLICK HERE](#)
- **Benoît Pelletier** wrote an opinion piece, “Le projet de loi 96 n’est pas un deuxième Meech.” Le Droit (11 June 2021). [CLICK HERE](#)

VI PARTNERSHIPS

A key goal of the Centre is to develop partnerships with other public law centres, thinkers and writers from around the globe.

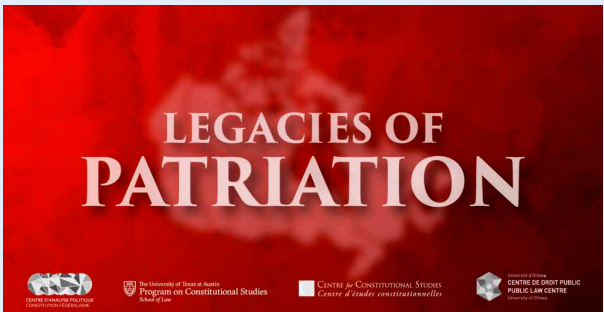


PARTNERSHIP WITH GILBERT + TOBIN CENTRE OF PUBLIC LAW:

The Centre has concluded a formal research collaboration agreement with the Gilbert + Tobin Public Law Centre at the University of New South Wales in Sydney, Australia. The Centre is also exploring additional links with other first-class Public Law Centres, including those located in the Global South and *La Francophonie*. [CLICK HERE](#)

PARTNERSHIP ON NATIONAL CONFERENCE TO MARK THE 40TH ANNIVERSARY OF THE PATRIATION OF THE CONSTITUTION:

The Centre has partnered with the Centre for Constitutional Studies at the University of Alberta, University of Alberta, the University of Texas at Austin Program on Constitutional Studies, and the Centre d'analyse de politique – Constitution Fédéralisme at UQAM on a major national conference to be held in April 2022 to mark the 40th anniversary of the patriation of the Constitution. The conference will help forge new connections between the Centre and other public law research centres in Canada and the U.S. [CLICK HERE](#)



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PARTNERSHIP ON INTERNATIONAL CONFERENCE TO MARK THE RETIREMENT OF JUSTICE ROSALIE ABELLA FROM THE SUPREME COURT OF CANADA:

The Centre has partnered with the Canadian Institute for the Administration of Justice, the Human Rights Research and Education Centre and the Advocates' Society to host an international conference in Ottawa in May 2022 to celebrate the retirement of esteemed jurist Rosalie Abella from the Supreme Court of Canada. This two-day conference will discuss different aspects of Justice Abella's legacy, from her impact as one of the youngest women to ever be appointed to the bench in Canada to her path breaking Supreme Court equality jurisprudence. The conference will be attended by academics, students, lawyers, judges, the media and the broader public. [CLICK HERE](#)

VII MEMBER HIGHLIGHTS

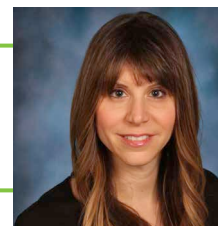
Members received awards, research grants and appointments to a wide variety of important task forces and committees.

- **Natasha Bakht** was awarded the AÉCLSS Teaching Award by the Common Law Student Society for Most Consideration of Intersectionality. [CLICK HERE](#)
- **Stephen Bindman** was a panelist on the Criminal Law Panel on Wrongful Convictions presented by the Criminal Law Students' Association of the University of Toronto. [CLICK HERE](#)
- Angela Cameron and **Natasha Bakht**, Shirley Greenberg Chair for Women and the Legal Profession, both made the *Hill Times* list of 100 Best Books in 2020. Professor Bakht's book is *In Your Face: Law, Justice, and Niqab-Wearing Women in Canada*. Professor Cameron's edited collection, *Creating Indigenous Property: Power, Rights, and Relationships*, was co-edited with Professors Sari Graber and Val Napoelon. [CLICK HERE](#)



- **Aimée Craft** received the 2020 Early Career Researcher of the Year Award, which is awarded annually to Faculty members who have made exceptional contributions to research at the University of Ottawa. [CLICK HERE](#)
- **Aimée Craft** has also been awarded a University Research Chair (URC) for her research program on *Nibi miinawaa aki inaakonigewin* – Indigenous governance in relation to land and water. The Chair will support her continued work on Indigenous water law, policy, and sustainability; the reclamation of Indigenous birthing practices as catalysts for wellness and the re-affirmation of territorial sovereignty; and the recognition of Indigenous understandings of treaties as part of the Canadian reconciliation imperative. [READ HERE](#)
- **Paul Daly** played an active role in the United Kingdom government's judicial review reform project and was invited to participate in two private consultation seminars held by the Ministry of Justice; his analysis of the Independent Review of Administrative Law report was featured in *The Guardian*. [CLICK HERE](#)

- **Adam Dodek** was named one of the seven Commissioners of the new Canadian Commission on Democratic Expression. [CLICK HERE](#)



- **Karen Eltis** was selected for membership in la Société québécoise d'information juridique. [CLICK HERE](#)

- **John Mark Keyes** was awarded the John Tait Award of Excellence by the Canadian Bar Association recognizing Public Sector Lawyers in Canada. [CLICK HERE](#)

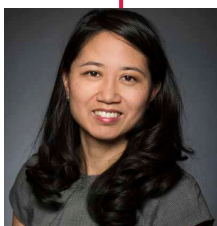


- **Kyle Kirkup** and Professor Lee Airton launched Gegi.ca, which provides students and their loved ones with tools to help advocate for their gender identity and gender expression human rights at school. [READ HERE](#)

- **François Larocque** was selected as one of four new Fellows of the Pierre Trudeau Foundation. [CLICK HERE](#)
- **François Larocque** also received the Ordre de la Pléiade for his contributions to French language in Ontario. [CLICK HERE](#)



- **Anne Levesque** was selected as a finalist for a Prix Saphir by La Fondation franco-ontarienne in the community engagement category. [CLICK HERE](#)
- **Anne Levesque** received a grant from uOttawa's Seed Funding Opportunity to study how members of equality-seeking groups involved in public interest litigation interpret access to justice. [READ HERE](#)



- **Jamie Liew** was appointed the Director of the Institute of Feminist and Gender Studies effective July 1, 2021 for a two-year term. The Institute is located in the Faculty of Social Sciences and Jamie will be located there for the next two years. [CLICK HERE](#)

- **Carissima Mathen** was a panelist at the 24th Annual Osgoode Constitutional Cases Conference and discussed what *Fraser v Canada* tells us about Section 15. [CLICK HERE](#)
- **Vanessa MacDonnell** co-edited a special issue of the *McGill Law Journal* with Professor Se-shauna Wheatle on unwritten constitutional norms and principles. Centre founder Professor Peter Oliver and executive member Professor Michael Pal also contributed to the issue. [CLICK HERE](#)

- **Heather McLeod-Kilmurray** was selected to be a member of The Building Back Better: Post COVID-19 Task Force, a task force focused on creating a sustainable post-pandemic society established by the Canadian Commission for UNESCO. [CLICK HERE](#)



- In 2020, **Peter Oliver** was awarded the Excellence in Research Award by the Faculty of Law, Common Law Section. [CLICK HERE](#)

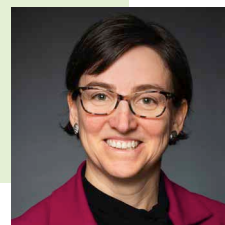
- **Mona Paré** was selected as the new Vice-Dean, Graduate Studies, of the Faculty of Law as of July 1, 2021. [CLICK HERE](#)



- **Samuel Singer** co-edited a special issue of the *Canadian Journal of Law and Society* with Ido Katri, entitled *On the Margins of Trans Legal Change*. [CLICK HERE](#)



- **Marie-Eve Sylvestre** was the moderator of the question and answer period before a Special Committee of the House of Commons and the Senate for the Supreme Court Nominee, Justice Mahmoud Jamal. [CLICK HERE](#)



- The Civil Law Section's Filmmaker-in-Residence **Étienne Trépanier** launched Jurivision, an innovative audiovisual platform for law. Jurivision rethinks and rehumanizes how we convey knowledge about the law, bringing it to life on the screen. [CLICK HERE](#)



- **David Wiseman** was selected as the new Vice-Dean of the English Common Law program as of July 1, 2021.



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