



Imagining Feminist Dispute Resolution Conference

Hosted by the Lincoln Alexander School of Law,
Toronto Metropolitan University

Speaker Abstracts

Panel 1: Rethinking Dispute Resolution Through a Feminist Lens

Carrie Menkel-Meadow, UC Irvine

What Does a Feminist Sensibility Mean for Dispute Resolution?

This presentation will focus on my close to 50 years of work as a dispute resolution theorist, practitioner (mediation, restorative justice, arbitrator, system designer, consensus building facilitator, and trainer), and feminist theorist (“Portia in a Different Voice”) to explain how feminist sensibilities and values of caring, listening, problem solving, and creativity, with a heightened sense of equity and justice, as well as peace and equality, have contributed to the development of modern dispute resolution’s critiques of conventional forms of legal and other forms of dispute resolution.

June Maresca, Ontario Court of Justice (retired)

What is a Feminist Approach to Dispute Resolution in the Context of Canadian Criminal Courts?

It is not only possible but imperative that we incorporate elements of a feminist approach to dispute resolution in the context of criminal courts in Canada. If we expect punishment in the criminal courts to deter offenders from committing further crimes, we will fail. The elements of dispute resolution that focus on understanding, compassion, and tailoring the consequences to the needs of offenders can help those in conflict with the law change their behaviour.

Rosel Kim, LEAF

Feminist Lessons from Restorative and Transformative Justice Movements

In this presentation, I will reflect on what restorative and transformative justice has taught me, a lawyer working at a gender equality organization, about applying feminist principles to address harm. Specifically, I highlight the processes' focus on recovery, community, and tailored accountability as principles to uphold in feminist dispute resolution.

I will also explore the need to critically examine the restorative and transformative justice spectrum and suggest that centering transformative justice will be an important step in reflecting the diverse and intersectional realities and identities of survivors experiencing gender-based harm. Implementing processes without addressing systemic roots of the oppression alone cannot address the harms and potential for re-traumatization. Survivors are not monoliths, and justice pathways must reflect the lived realities of survivors—including their relationship with the state.

Jennifer Orange & Sabrina Khela, Lincoln Alexander Law

The Role of Responsible Persons in Restorative Justice and Feminist Dispute Resolution Processes

This paper builds upon the principles for a feminist ADR practice that we established in our “*Women Talking*” article by addressing the role of responsible persons in a feminist dispute resolution process. In so doing, we will discuss and critique the risks of including responsible persons in a feminist dispute resolution process, and potential pathways to mitigate the risks.

In proposing a spectrum of involvement for responsible persons, we argue that there are various ways and degrees that the responsible person can be involved. However, where the responsible person is involved, the needs and experiences of the survivor/victim must be prioritized to avoid re-traumatization and the impacts of further violence.

Panel 2: Applying Feminist Dispute Resolution to the World of Family Law and Family Violence

Deanne Sowter, Lincoln Alexander Law

Negotiating in the Shadow of Abuse: Understanding What Happens in Family Law Negotiations

In family law cases involving intimate partner violence, the most common threat an abuser will make to deter a victim from pursuing their legal entitlements, and to maintain control, is that the abuser will use the law to take their child away. At the same time, family law promotes private ordering, where negotiation tactics are common and not typically thought of as abusive. This paper presents the results of an empirical study which showed that family law does little to offer survivors bargaining power. Given the deep inequalities in the law, an abusive spouse was shown to be able to make a range of threats, while the victim has little leverage of their own. Thus, I suggest, that family law negotiations take place in the shadow of abuse, but they should take place in the shadow of the law, that is, if law were capable of equalizing power.

Luke Taylor, Lincoln Alexander Law

'Leave' and 'Fight': Women Talking and the Possibilities of Litigation

Drawing on the stark options presented to the women in the book and film 'Women Talking' (Do Nothing and Forgive, Stay and Fight, or Leave), this presentation explores the possibility of both 'leaving' and 'fighting', and using litigation (civil and criminal) as a tool to hold perpetrators of family violence to account.

Nikki Pangilinan and Samantha Eisen (tentative), Samantha Eisen & Co.

Rethinking "Appropriate" Dispute Resolution for Family Law Cases Involving Family Violence

Historically, there has been significant resistance to the use of alternative dispute resolution (ADR) in family law cases involving family violence where the court process has often been viewed as the "preferred" forum. This concern arises from the power imbalance between perpetrators and survivors and the risk that perpetrators may use fear, intimidation, or the ADR process itself to continue patterns of coercive control. Because many ADR processes rely on direct negotiation, critics argue that survivors may face pressure to agree to outcomes that do not reflect their interests or ensure their safety.

This presentation will examine the benefits and limitations of different dispute resolution processes in family law cases involving family violence. Using a feminist framework, I will discuss why litigation may not always be “safer” than ADR, the importance of preserving survivors’ autonomy through choice of process, and how ADR can be adapted to effectively address power imbalances.

Panel 3: Feminist Dispute Resolution in the Sphere of International Human Rights Law and Migration

Valerie Oosterveld, Western Law

Feminist Judging at the International Criminal Court

This presentation examines feminist judging at the International Criminal Court (ICC) through its uneven record in prosecuting and adjudicating gender-based crimes. Feminist engagement with international criminal law has long pressed for the recognition of gender-based violence as central, rather than peripheral, to mass atrocity. Yet the ICC’s practice reveals a mixed and often contradictory legacy. Drawing on *Prosecutor v Yekatom and Ngaïssona* and *Prosecutor v Ongwen*, this presentation explores how prosecutorial strategy, judicial reasoning, and evidentiary framing have shaped outcomes for gender-based crimes. While *Ongwen* is frequently cited as a landmark case for its expansive recognition of sexual violence and forced marriage, *Yekatom and Ngaïssona* illustrates ongoing institutional and doctrinal limitations in addressing gendered harms. Through a feminist judging lens, this presentation interrogates not only outcomes but also silences, missed opportunities, and the structural constraints that continue to limit transformative justice for gender-based crimes at the ICC.

Ghizal Haress, Osgoode Hall Law School

Alternative Pathways to International Human Rights Adjudication: The People’s Tribunal on Women of Afghanistan

This presentation examines the People’s Tribunal on Women of Afghanistan as an alternative pathway to international human rights adjudication in circumstances where domestic and international accountability mechanisms remain constrained, inaccessible, or delayed. Drawing on my experience as a judge on the Tribunal, I explore how people’s tribunals can function as sites of feminist dispute resolution and transnational legal engagement. The presentation considers their role in documenting violations, preserving evidence, contributing to normative development, and shaping advocacy

within the broader ecosystem of international justice. It argues that such alternative adjudicatory forums should be understood not as substitutes for international courts, but as complementary mechanisms that expand the scope and imagination of international human rights adjudication, particularly in contexts marked by state failure and systematic gender persecution.

Idil Atak and Isabel Vilarino, Lincoln Alexander Law

Overcoming Systemic Barriers to Promote the Rights of Precarious Status Migrants in the Greater Toronto Area

Based on a survey of 994 migrants with precarious status, predominantly women, in the Greater Toronto Area, including refugee claimants, international students, temporary migrant workers, and non-status individuals, this study calls for stronger social and legal supports to address the rights' violations experienced by this population and enhance their agency. It aims to inform policy and practice by centering the lived experiences and urgent needs of this population. Survey findings reveal deep socioeconomic precarity. Most respondents report inadequate income tied to unstable work, with women disproportionately affected by unemployment post-migration. Housing insecurity and mental health issues are widespread. Sixty percent of participants reported discrimination or unfair treatment, primarily at work but also when accessing services and interacting with police. In addressing these challenges, social and legal services, especially the settlement sector play a critical role. However, key services such as housing support, legal aid for status regularization, employment assistance, and healthcare were consistently cited as difficult to access. The primary barriers identified included eligibility criteria, long wait times, limited service hours, and complex application processes. These findings point to an often inaccessible, overstretched, under-resourced support infrastructure. Overall, the systemic barriers documented indicate a disconnect between Canada's immigration objectives of integration and respect for human rights, and the accessibility and capacity of support systems to deliver on those goals. The presentation calls for structural reforms to reduce discrimination and guarantee equitable access to social and legal services.

Panel 4: Feminist Dispute Resolution as a Response to Sexual Assault and Sexual Harassment

Bethany Hastie, Queen's Law

Remedying Sexual Harassment: Imagining a Feminist Approach?

Human rights law remains a primary vehicle for individuals who experience sexual harassment to seek redress. The structure and principles attending a human rights complaint largely relies on an adversarial setting akin to litigation, despite the broader discretion and flexibility that many tribunals possess. Drawing on Orange and Khela's article, "*Women Talking: An Alchemy for Feminist Alternative Dispute Resolution*," I explore how remedies for sexual harassment complaints under human rights law might be (re)imagined. I examine the necessity of locating responsibility beyond an individual actor to recognize structural discrimination and power dynamics, and engaging with the question of remedies through a lens that acknowledges that wider context and is future-oriented in considering the broader impact that remedies may have beyond resolving an individual complaint. Most importantly, as I will explore, this requires empowering complainants throughout the human rights process, to become active participants in crafting suitable remedies.

Tanya (Toni) De Mello, TMU

Dealing with Culture in Conflict Resolution

This presentation examines the rising levels of interpersonal and systemic conflict within the Canadian workplace (and Canadian communities) and the evolving role of alternative dispute resolution in addressing these challenges. This talk argues that traditional mediation frameworks must move beyond a focus on procedural efficiency to embrace cultural fluency and humility as essential professional requirements by mediators. By analyzing trends in Canadian legal and professional environments, the session highlights how practitioners can navigate complex disputes involving race, religion, sexuality, gender, socio-economic status, and ethnicity, among others, with greater sensitivity. The discussion explores practical strategies for ADR practitioners, such as sharing one's social location, engaging in deep learnings and exposure to diverse cultures and community practices and introducing co-mediation models, to foster authentic trust and ensure all parties feel seen and understood. The presentation offers a roadmap for transforming workplace conflict into a catalyst for social cohesion and inclusive growth, particularly as more individuals turn away from the court system toward faster, party-empowered resolution pathways.

Robin Parker, Paradigm Law Group

Repairing Harm, Reimagining Justice: Feminist Dispute Resolution After Sexual Violence

Drawing on experience as a prosecutor of sexual violence, defence counsel, investigator of sexual harm, and as a survivor who has engaged both restorative justice and direct accountability processes, my paper will examine feminist dispute resolution

as a response to sexual assault and harassment. Carceral approaches have failed to reduce sexual harm and often reproduce trauma for all participants, including legal actors. A feminist model grounded in intersectionality, relationality, and social location offers tools to address both individual harm and its broader societal roots. Integrating on-the-ground practice with systemic analysis, the paper will argue that meaningful accountability and prevention require approaches beyond adversarial frameworks. Rather than constructing those who cause harm as irredeemable, I will argue that feminist dispute resolution emphasizes a trauma-informed inquiry into the conditions shaping behaviour while robustly centering those harmed. Structurally embedded empathy becomes a mechanism for healing, responsibility, and change.

Melanie Randall, Western Law

Critically Analysing a Restorative Approach to Justice in the Canadian Military: Possibilities and Perils

Restorative justice to address wrongdoing and remedy harms within institutional contexts is of increasing interest. The many well-known institutional failures responding to systemic sexual misconduct, abuse, and discrimination within organizations including the RCMP and the Canadian military, and their decades long refusal to address these issues has cost survivors significant additional harms, sometimes experienced as exceeding the original injuries.

I critically assess one recent and ongoing example of a restorative justice program in the institutional context of the Canadian Armed Forces, a remedy offered from a negotiated class action settlement. My perspective draws on my experience as one of the court-appointed external “subject matter experts,” (SMEs), and collaborating in designing and implementing the Program, at its outset. Assessing this initiative’s design, implementation and purpose, allows for a consideration of both the significant challenges, as well as the transformative potential of this approach to positive institutional change.

Panel 5: The Negotiation Within: Gender-Based Violence on Campus

Daniel Del Gobbo, Windsor Law

Reflections on Campus Sexual Violence, Restorative Justice, and Conflict Resilience in the Return of the Sex Wars

This paper explores the role of conflict resilience, or the ability to sit with conflict and have difficult conversations with courage, compassion, and mutual respect, in the

context of legal and political contestations between feminists about the potential of restorative justice in campus sexual violence reform. Building on arguments in my forthcoming book, *Feminist Frontlines: Campus Sexual Violence, Dispute Resolution, and Restorative Justice*, and reflecting critically on my feminist activism around these issues over the past decade, the paper argues that building conflict resilience lends itself to having more open and genuine conversations both within restorative justice processes and about restorative justice within feminist communities.

Ravita Surajbali, University of Toronto and University of Waterloo

Alternative Dispute Resolution & Ontarian Campus Sexual Violence Policies

Alternative dispute resolution (ADR) processes remain burgeoning policy pathways under Canadian university sexual violence policies. My paper explores the asymmetry that exists within Canadian campus sexual violence policies between ‘formal’ investigation processes, and what are largely considered ‘informal’ ADR processes. It examines the ADR policy landscape across Canadian universities, and discusses implications for implementation, arguing that limited institutional resourcing and expertise in applying ADR processes restrict their potential to be meaningfully adopted by universities. The consequence, then, is a failure to actualize more trauma-informed, survivor-centered, and transformative alternatives to addressing campus sexual violence, and where a prioritization of formal investigative processes persists.

Panel 6: Learning from Indigenous Law

Sarah Morales, UVic Law

Beyond Compensation: Coast Salish Women’s Legal Authority and the Remedial Imagination

This presentation asks what it would mean to imagine dispute resolution, particularly in the context of Indigenous rights and title, through Indigenous women’s legal authority. Drawing on Coast Salish legal traditions, it begins from the premise that harm is relational. Dispossession is not simply the loss of land; it fractures the relationships that bind women to territory, kinship networks, water, medicines, ceremony, and governance. Entering gender into dispute resolution does not add a demographic category; it reorients the legal analysis.

Coast Salish women carry distinct responsibilities grounded in place. Shorelines, camas meadows, bathing pools, and harvesting sites are legal spaces where obligations are enacted and transmitted. Colonial regimes, including the *Indian Act*, disrupted these

gendered jurisdictions and narrowed remedies to monetary compensation. Yet, compensation cannot restore women's authority, land-based teaching, or decision-making power over returned lands. Feminist dispute resolution must therefore move beyond transactional models toward restoring women's jurisdictional roles.

Lindsay Borrows, Queen's Law

Gender, Stories, and Anishinaabe Dispute Resolution

This presentation invites participants to engage with Anishinaabe stories that help us to think about gender and positionality in dispute resolution.