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# Sanitizing Sterilization

EXAMINING INDIA'S CHANGING REPRODUCTIVE HEALTH POLICIES



Author › **Jerico Espinas**  
Opinions Editor

"In 1952, India launched the world first national program emphasizing family planning to the extent necessary for reducing birth rates "to stabilize the population at a level consistent with the requirement of national economy". Since then, the family planning program has evolved and the program is currently being repositioned to not only achieve population stabilization but also to promote reproductive health and reduce maternal, infant & child mortality and morbidity."

- Ministry of Health and Family Welfare, Government of India

The international community is currently debating the controversial issue of female sterilization due to a series of health policy changes in India. On one side of the issue, India officially terminated its decades-long program of sterilization camps in

mid-September to the acclaim of many reproductive and maternal health advocates. On the other side, the federal government also started pilot programs for the distribution of hormonal contraceptives, which some advocates argued will potentially leave certain women at risk of forced sterilization.

On 14 September 2016, the Supreme Court of India addressed *Biswas v Union of India & Ors.*, a public interest petition that brought the harms of the country's long-running sterilization camps to the scrutiny of national and international actors. The Supreme Court held that these sterilization camps, which mainly affected poor rural women, presented a significant threat to the patient population and ordered the termination of these camps within three years. Critically, these camps existed under a system of

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# Great Start, but Still Just a Start

## Downstream Emissions in Canada's New Environmental Assessment "Climate Test"

Author › Erin Garbett  
Editor-in-Chief

In late January 2016, Canada's federal Minister of Environment and Climate Change, Catherine McKenna, and Minister of Natural Resources, Jim Carr, announced interim changes to environmental assessment processes as part of "efforts to restore public trust."

One of the changes is to assess "[d]irect and upstream greenhouse gas emissions linked to projects under review." This is a tremendous development, but it does not go far enough.

The government must include downstream emissions if they want to fully assess the climate impacts of a proposed project. In this blog post I explain why. Furthermore, I give a couple of examples for further guidance and a jumping off point.

### Excluding Downstream Emissions Ignores Too Much

Generally, a pipeline project's direct emissions include those from the construction and operation of the pipeline itself and its upstream emissions include those from exploration, production, extraction and processing of the fossil fuel products that are transported through the pipeline.

That GHGs from both the project itself and upstream fossil fuel projects will now be evaluated in federal environmental assessments (EAs) is good news. However, the current approach will leave a gap between the total GHGs a project will cause and what the proposed climate test will include. As one might expect, downstream emissions—particularly end-use combustion—would dramatically increase the emissions to be assessed, since the majority of the GHG emissions from fossil fuels are released when they are burned.

### International Examples

Should the Canadian government decide to incorporate downstream emissions into the climate test, there are examples they could look to for guidance. Although few in number, there are some jurisdictions whose EAs include an assessment of downstream GHG emissions. I would like to highlight two prominent examples south of the border: the U.S. state of Washington and the U.S. Council for Environmental Quality.

A Washington Department of Ecology guidance document provides that GHG emissions arising outside "its jurisdiction, including local or state boundaries" that are "proximately caused" by a proposed project should be built into the project's EA. While the guidance document does not conclusively bring in end-use emissions, recent project EAs in Washington include them.

A second U.S. example is the Council for Environmental Quality's Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts, which will ultimately be the policy guide followed for EAs conducted under the National Environmental Policy Act. Under the



📍 The view from my family's cottage, roughly 50km away from the Energy East pipeline's proposed route.

Photo credit: Lindsay Randell

CEQ Guidelines, GHGs resulting from "activities that have a reasonably close causal relationship to the federal action, such as those...as a consequence of the agency action" are included in the project's EA. Unfortunately, "[a]s a consequence of the agency action" is not defined. However, a positive sign is a hypothetical EA for an "open pit mine" in the CEQ Draft Guidelines that lists GHGs resulting from "transporting the extracted resource, refining or processing the resource, and using the resource."

These examples are not perfect, however they provide a baseline that can be altered and improved upon with research and collaboration with communities, academics, officials from other jurisdictions, NGOs, etc.

### Conclusion

Downstream emissions should be considered in Canadian EA processes even though most of them will not occur in Canada and therefore the Canadian government

cannot influence or change them.

Just because most downstream emissions will happen abroad doesn't mean they do not contribute equally to the total global concentration of GHGs. This is an obvious point, but it needs to be emphasized in the context of Canada's leadership role in the COP21 negotiations, and assertions that "Canada is back."

To ignore overseas emissions is to ignore Canada's actual contributions to climate change. And despite these emissions' foreign sources, everyone will feel their impact.

If Canada is going to be a truly global leader in tackling climate change, our government should fully account for emissions caused by Canadian fossil fuel projects.

*This article originally appeared in a blog post for Osgoode's Environmental Justice and Sustainability Clinic. The original post can be found here: <http://ejsclinic.info.yorku.ca/2016/05/downstream-emissions-in-canadas-new-environmental-assessment-climate-test/> ▲*

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# Re-Imagining Refuge:

Imagining ways to make Canada a better home for refugees

Author › Jesse Beatson  
Contributor



The Mindshare speaker series, hosted by universities across Canada in 2016 to promote action-oriented policy dialogue, came to York this month. The sizeable crowd attending the York Glendon campus event was invited to “Re-Imagine Refuge”: to examine the status quo and find ways to make life better for the many forced migrants who have arrived in Canada via Syria and other regions of conflict. Despite Canada’s recent and highly publicized resettlement of 25,000 Syrian refugees, the speakers agreed – more can be done. It was underscored that the post-settlement period, while often less flashy, is where a lot of new ideas and practical endeavours are needed as this is where the hard work of welcoming refugees begins.

Former Governor General Adrienne Clarkson, herself a refugee from Hong Kong, opened the event with a keynote acknowledging the communal spirit of many Canadians willing to help, while also observing that many refugees are living in conditions of indignity and isolation. “Canada is full of warm feelings. But we also need practical actions.” Ms. Clarkson suggested that two urgent priority areas are making family re-unification more feasible and removing barriers to the recognition of foreign work credentials. As she put this latter point, “getting people certified and their credentials recognized is an essential part of creating a sense of belonging.”

A panel discussion followed featuring three Toronto professionals all doing innovative work with refugees and refugee scholarship: Jennifer Hyndman, Director of the Centre for Refugee Studies at York; Mary Jo Leddy, founder of Romero House; and Loly Rico, Co-Director of FCJ Refugee Centre and President of Canadian Council for Refugees. As pointed out by Jennifer Hyndman, this year some Syrian refugee children turn 5, and for them the precarious nature of refugee camps is all they’ve ever known, indicating significant dysfunction in the international refugee regime. Meanwhile, although Canada has resettled

many refugees, we are also down from 3rd in the world to 16th for asylum seeker reception. Dr. Hyndman asks how we can create more effective empathic bridges – “how can we make them us”?

Mary Jo Leddy shared frontline stories that pick up on this theme, specifically relating to the housing shortage for refugees in Toronto. A lot of Mary Jo’s spare time is spent thinking of creative ways to use vacant spaces, and she suggested that empty condos, community centres, and churches (among other venues) are neighbourhood resources that could be better used to address this critical need for space. Mary Jo also talked about encouraging many of her neighbours to open their homes to refugees, which has been part of a gradual neighbourhood transformation by inches. As she has observed over the course of over two decades, general skepticism and intolerance has given way to a widespread ownership of the idea of creating a welcoming community. As a success story, an annual block party in support of refugee resettlement initiatives is now the “it” event in the community each summer.

Loly Rico, herself a refugee from El Salvador, spoke to the moral black spot of Canada’s immigrant detention policies where people without criminal records can be held indefinitely, mixed in with the general criminal populations, and be put into solitary confinement. Loly also addressed the need for more positive narratives about refugees. The entire panel agreed on this point: after 9/11 there was a marked increase in negative rhetoric, even in Canada, that classifies refugees as “bogus” claimants or as security threats. The language of the current federal government has shown, fortunately, a shift towards these more positive representations.

The refugee crisis is one of the greatest humanitarian challenges of our times. How Canada conducts itself will not only affect its image in the world now, but will inevitably be a talking point of future generations. Will they be

proud, or will they think much more should have been done? If we look at Canada’s role in responding to forced migration historically, we see a country capable of generosity, and also callous indifference. A shameful era in foreign policy in the lead up to WWII saw a top Canadian bureaucrat say “none is too many” when asked how many Jewish refugees Canada would take. Decades later, Canada would take a compassionate turn in accepting thousands of Hungarian refugees, and later thousands more Vietnamese refugees.

So what about now? Are we doing enough with the resources we have at our disposal? The title of this conference indicates that there is more progress that could be made: that a reimagining process is necessary. But there are positive steps being taken, and it was refreshing to hear about the work being done by Chris Eaton and his team at the World University Service of Canada (WUSC). WUSC is a program that has increased private sponsorship of refugees while facilitating access to post-secondary education through student-led committees on university campuses. Each student committee sponsors a refugee(s) to receive their undergraduate education tuition-free or highly subsidized, and assists with other aspects of the transition from getting government IDs to purchasing toques and long johns for the winter. Through WUSC, 150 refugee scholars are now sponsored every single year, which is twice the number in recent previous years. The big reveal: WUSC aims to double this number yet again by reaching out and partnering with other educational institutions not previously considered. Compared to the scale of the refugee crisis, their target of 300 annual sponsorships is a drop in the bucket. Nevertheless, this is just one example of the re-imagining process that is leading to Canada becoming a better place of refuge. ▀



# Canadian Responses to the Syrian Refugee Crisis:

Reflecting on the 1st Year by Canadian Lawyers for International Human Rights / OBA Foundation



**DATE:**

Thursday, 24 November 2016

**TIME:**

5:00 PM – 8:00 PM

**LOCATION:**

Ontario Bar Association 20  
Toronto Street #300

Toronto, ON M5C 2B8

Register for FREE at: <https://www.eventbrite.ca/e/canadian-responses-to-the-syrian-refugee-crisis-reflecting-on-the-1st-year-tickets-28748709163>

**About the Conference:**

Join Canadian Lawyers for International Human Rights and the OBA Foundation for Canadian Responses to the Syrian Refugee Crisis: Reflections on the First Year, a panel discussion and reception.

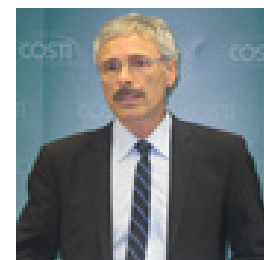


<http://i.huffpost.com/gen/4760624/images/o-CANADA-SYRIAN-REFUGEES-facebook.jpg>

**Speakers include:**

**Mario Calla, Executive Director, COSTI Immigrant Services**

Mario J. Calla, BA, MSW, has been the Executive Director of COSTI Immigrant Services since 1987. COSTI is a community service agency that has been providing a broad range of services to immigrants and refugees in the greater Toronto area for the past sixty-four years. It provides educational, social, and employment services to help all immigrants in the Toronto area attain self-sufficiency in Canadian society. COSTI has been active in working to help bring and settle Syrian refugees.



**Louis Century, Goldblatt Partners**

Louis Century, an Associate at Goldblatt Partners, has helped the firm to privately sponsor a Syrian refugee family. Before joining the firm, he clerked for Justice Richard Wagner at the Supreme Court of Canada. Louis has held positions at the International Criminal Court working for a defence team, at the Canadian Council for Refugees as a research fellow, and at the Asper Centre for Constitutional Rights working on constitutional appeals. Louis has also conducted refugee status determinations for the United Nations High Commissioner for Refugees in Nairobi. Louis has also recently joined an advisory group that will be exploring next steps for the Refugee Sponsorship Support Program.



**Jacqueline Swaisland, Waldman & Associates**

Jacqueline Swaisland is an immigration lawyer and is the co-founder and Toronto coordinator of the Refugee Sponsorship Support Program, a national program that trains lawyers to assist groups to privately sponsor refugees. The organization has trained over 1300 lawyers in eleven cities who are committed to assisting sponsor groups to fill out private sponsorship applications for refugees for free. In recognition of her outstanding work with refugees, she was recognized with a CARLA award by the Canadian Association of Refugee Lawyers.



**Moderator: Marco Oved**

Marco Chown Oved is a reporter on The Star's foreign desk, with a focus on Europe and Africa. Oved joined The Star's city desk in 2012, covering everything from crime to politics, but has taken particular interest in stories involving abuse of power and corruption. Before joining The Star, Oved was a foreign correspondent for the Associated Press in Abidjan, Ivory Coast and worked for Radio France Internationale in Paris.

In 2014, Oved was named the R. James Travers international corresponding fellow and traveled to Burkina Faso, Ghana, and Peru to investigate the links between Canadian foreign aid and mining. The resulting articles were nominated for a Canadian Association of Journalists investigative award.▲





## PERSPECTIVES IN HEALTH

# Your Osgoode Health Law Association

## Big Pharma's unbranded campaigns:

Author › Osgoode Health Law Association

Do we always know when we're being marketed to? Every day on our way to school, work, or home, when we are watching TV, listening to the radio, or are surfing social media, we may be exposed to pharmaceutical industry marketing campaigns, whether we know it or not. Is there anything wrong with being exposed to industry marketing? Well, it depends.

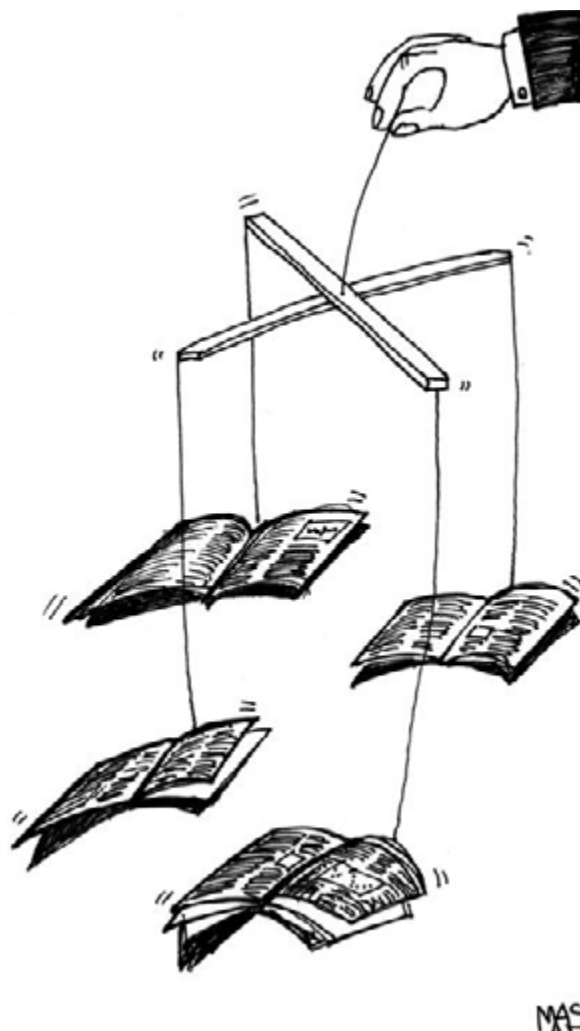
In order to answer this question, we must ask some tough questions. Do we know that we are being marketed to by viewing or listening to certain content? If yes, do we take the information with a grain of salt or glance past it like we might when we see just another car commercial? If we don't know that content is intended for marketing, are we less likely to mute the television, change the radio station, or flip past the article? If content is focused on a disease state or disease category without mentioning a drug, is it still marketing?

The answer is yes, and the public relations (PR) companies that pharmaceutical companies hire for their marketing know this. So, these companies have developed marketing strategies to mask the involvement of industry in what looks like medical education for both physicians and the public. From medical ghostwriting and ghost marketing in peer-reviewed academic medical journals of varying impact factors, to continuing medical education for doctors, unbranded articles in the mainstream media, drug companies' marketing campaigns are shaping the ways we think about medical conditions requiring drug treatments and our doctors' prescribing choices.

Over the past decade, in the United States, Big Pharma has paid over US\$30 billion in civil settlements and criminal penalties to federal and state departments for illegal marketing practices, overcharging Medicaid, and paying kickbacks. Illegal marketing practices have received more attention in the US than in Canada, likely partly because of the presence of whistleblower laws. In fact, as a result of lawsuits in the US against drug companies, thousands of internal industry marketing documents are now housed in an online archive called the Drug Industry Document Archive (DIDA). This archive is publicly accessible and allows us to dive into some of the strategies that drug companies use to illegally market their drugs. (The archive also contains over fourteen million documents about the tobacco industry's internal practices, but we can save this discussion for another time).

Why does knowledge of these fines and illegal pharmaceutical company marketing activity in the US matter to those of us across the border? Simply because we receive much of the same content that Americans receive. The Canadian population and doctors rely on American medical journals for some important medical information on clinical trials, secondary data analyses, and other treatment information. What's the problem? This marketing does not look like marketing at all. It looks like educational articles, awareness campaigns, or lifestyle articles.

The CBC reports a recent example of one such



lifestyle article published in a Canadian newspaper, the Globe and Mail, that was developed as part of an "unbranded campaign" by a Canadian drug company, involving a popular Canadian comedian, a doctor, and a PR firm. The article, published by the Globe and Mail, appears as a regular news article, but was arranged by a PR company. This marketing comedian appears to have authored an article with the aim of "get[ting] women to start talking about female sexual health after menopause" (source, CBC). But it wasn't the comedian who stated this—it was the PR company, which contacted the CBC to pitch an interview with the comedian to appear as a "lighthearted lifestyle piece," without mention of the involvement of the drug company.

When the CBC inquired about whether a drug company was involved, the PR company responded yes. This company manufactures a prescription medication that treats a condition related to the created disease state on which the interview was to focus. In the PR company's response to the CBC, it also stated that "No parties, including [the PR company] want any mention of the drug or drug company...It is an unbranded campaign" (source, CBC), meaning that the drug that the company is marketing is never mentioned in the campaign. Rather, the condition is marketed and women are told to "talk to their doctors." These types of campaigns create a buzz about

a condition that naturally occurs and turns the condition into a pathological diagnosis, that could otherwise be treated without medication. In response to the CBC's inquiry, the drug company stated that "In Canada, pharmaceutical companies are permitted to provide factual, fair, balanced, and non-promotional information to the public on health and diseases" (source, CBC). Under these rules by Health Canada, this type of article would be considered a "help seeking announcement" and companies are allowed to mention neither their names, nor the name of a drug. Although superficially it seems that this article doesn't breach these rules, we must consider the intent of the rules and the reasons for and context in which this information is provided. We must also consider whether the method of the provision of information was truly balanced, what information was prioritized, and what information was minimized. We also must consider the role of a PR company when hired by a drug company and why a PR company would be hired to facilitate an "unbranded campaign."

These sorts of campaigns can be part of a larger marketing strategy called ghost management, in which a drug and PR company control not only the data that is released on a drug or condition, but also the shaping of the interpretation of that data and who receives it. These campaigns can begin years before a company's drug is on the market, so it wouldn't be surprising if we hear more about post-menopausal conditions in the coming years in preparation for the approval of these new "lifestyle drugs."

The academic literature on drug company marketing practices suggests that much of the scientific literature base that we believe to be objective, academic science, is actually ghost managed and ghostwritten, with prominent doctors signing their names to the articles to provide the published data with credibility. There is also evidence in the DIDA of such ghostwritten articles being published in the highest-impact academic medical journals and the back-and-forth email exchanges between the medical writers (ghostwriters) and the "guest authors." Understanding the various components and how they work together to, over time, create a marketing strategy that sells, means understanding the significance of what may at first seem like potentially trivial interviews, news stories, or articles.

This article was written by Adrienne Shnier, who received her PhD from the School of Health Policy and Management at York University and specialized in medical education and pharmaceutical industry promotion.

This article is part of the Osgoode Health Law Association's Perspectives in Health column. Keep up to date with the HLA on Facebook (Osgoode Health Law Association, Osgoode Health Law Association Forum) and Twitter (@OzHealthLaw).▲



# Donald Trump: Entitled Teenager in a Senior

## Real Men Don't Commit Sexual Assault, Let Alone Brag About It

Author › **Ian Mason**  
Managing Editor

In case you missed it, Donald Trump was recently caught admitting to being a sexual predator. I won't repeat his comments because they're disgusting, degrading, and have already reached memetic proportions. While I was surprised by the sheer vulgarity of what he said, I can't say I found the admission especially surprising. The guy who owned the Miss Teen USA Pageant, a creep with an unsettling fondness for girls young enough to be his granddaughter? I would have pegged him as a deviant *before* learning he would apparently walk into pageant dressing rooms to catch the contestants in a state of undress. I don't even have to bring up his sexualized comments about his daughter or telling children he'd be dating them in ten years. Oops, I just did. Oh well, those things were on the record before he admitted to sexually assaulting women because he could.

The recording of his appalling comments almost immediately became a catalyst that inspired several women to come forward about being sexually assaulted by Donald Trump. Not surprisingly, Trump supporters swiftly responded with the typical refrains leveled at sexual assault victims who didn't immediately press charges against their attacker. As an established pathological liar, Trump aggressively denied any and all of the accusations because there's no way he did those things he has admitted to doing. "Locker room talk," as he put it.

Truth be told—a rarity in politics, I know—Trump's comment defending bragging about sexual assault as simply being locker room talk isn't entirely wrong. I've been in locker rooms for over twenty years, and I do remember some locker room conversations steering in that unfortunate direction.

When I was about thirteen years old, I was once dealing with a bunch of hormonal virgins who thought that to go to Hooters was the coolest thing ever. Kids who thought to be anything outside of some construction of "normal" made you gay. Little juvenile so-and-sos. Perhaps that's the locker room Trump was discussing. But I somehow still doubt he has been in a locker room in his entire life. Miss Teen USA dressing rooms? Sure. Locker rooms with adult men? No.

For the most part, adult locker room conversation is pretty mundane. Mostly, we talk about the sport we play, how the pros are doing, that sort of thing. One group I'm in likes discussing absurd conspiracy theories, but they mostly talk about pop culture and hockey. I'm not going to lie, we do occasionally say some crude things about women. I was going to downplay this aspect of locker room conversation. But the morning before I submitted this article for editing, I found myself in a locker room, discussing things like hook-up etiquette and the aesthetic appeal of yoga pants.

If you still suspect that I'm understating it a bit, you're not wrong. It certainly wasn't a line of conversation you'd bring up in front of your grandmother, and I say this as someone whose grandmother recently described my bandana as "sexy." (She's 91, has an uncanny resemblance to the Queen, and has campaigned for women's rights for most of her adult life: she can say whatever she damned well pleases). Locker rooms are certainly not PG but locker room talk rarely gets to the point of full-blown, shameful vulgarity, and we devoted as much time to the upcoming episode of *The Walking Dead* as we did to "that chick from last week."



© Dailykos

Most importantly, if you were in an adult locker room and started bragging about sexually assaulting women... I actually don't know what would happen, because that is NOT locker room talk. Seriously, this is just another ridiculous excuse from Trump. Sure, in an adult locker room you'll hear cluster f-bombs (guilty), insults (guilty), tough guy posturing (very guilty), references to breasts (also guilty), and even some indefensible socio-political points based on some nonsense someone heard on talk radio (not guilty—on the talk radio part at least). But bragging about sexual assault? No. That would be new, and maybe even received with physical violence. You wouldn't get invited back to "Gord's" pickup group, that's for sure.

Twistedly enough, Trump's not lying as much as usual. He's just tacitly admitting that if he'd ever been in a locker room, it was when he was about thirteen, and he's never mentally developed beyond that mindset. His grotesque comments were as close to honest as he gets, and naturally, he attempted to disavow them after they were made public. The Donald is nothing if not consistent in his derangement.

At this point, it's difficult to be surprised by anything that Donald Trump does. He is a man-child in every sense of the word. He feels entitled to anything he wants, and he will do anything he can within his considerable power to get it. He has made his living ripping people off and suing anyone who dares challenge him on it. Mentally, he is a spoiled thirteen-year-old boy with an obscene amount of wealth and power, and there is a slight chance that he

might become a thirteen-year-old boy with access to a nuclear arsenal. He thinks he's entitled to rule a massive and powerful country, if not the world. How can we be surprised that he thinks he's allowed to violate any woman unfortunate enough to get within arm's reach?

In case you haven't noticed, I have specifically avoided calling Donald Trump a man. That's because he's not a man, certainly not in any sense of the word that I'd care to use. Sure, he's an adult male, and technically meets the dictionary definition of the term, but beneath that surgically installed comb-over and behind that sneering orange mug is the mind of a very sick boy. Granted, that boy is incredibly smart, knows how to exploit the vilest fringes of the human psyche, and knows how to get what he wants when he wants it, but he is not a man. Men don't commit sexual assault. Men don't brag about sexual assault. Men can be crude, ignorant, petty, angry, and a whole lot of other negative things, but in the end, no real man would ever behave like Donald Trump, let alone be proud of it. He is an embodiment of a toxic masculinity that almost makes me embarrassed to possess a Y chromosome. If Donald Trump is a representative of manhood, I volunteer for castration sans anesthesia.

Thankfully, Donald Trump is not a man: he's a boy. Here's hoping that the next person in the White House is a woman. ▲

# Starry Decisis

Author • Ben Fulton  
Oztrologist



## Aries:

By now slowly sinking feelings of frustration, confusion and despair are looming over you like a giant monster ready to swallow you whole. Remember to battle forth courageously, and no matter how bleak and horrible the looming dread of future commitments may appear, have faith that you will get through the next few months relatively unscathed.



## Taurus

By now the depth of the challenges you have undertaken will be starting to slowly crush your shoulders into fine powder that will likely form the mortar of some greater construction. The weight that you carry now will eventually pay off, but the next few weeks will be a rocky ride of uncertainty and apprehension. Although the oppressive like regime that you are currently enduring must continue, it will eventually be worth it, in the long run.



## Gemini

Your ability to think about multiple points of view, and adequately engage with contradicting opinions is about to overload itself entirely. The difficulty of successfully grappling with ideas that just don't work together is far too much for anyone to take. You might do well to adopt some more black and white thinking and dismiss the arguments you don't like as just stupid, rather than trying to rationalize everything.



## Cancer

By now you will find yourself surrounded by comrades and companions in a surreal sort of way that you didn't think possible two months ago. The genuine daringness you are surrounded with is a blessing. Learn to accept the good things that have come your way.



## Leo

Frustration about the state of things has become an almost constant for you. Rather than focusing on how you want things to be, you are being forced to accept things as they are. The sooner you can realize that everything is as it is and there's damn little that you can do to change it, the sooner you will realize that you actually can change things if you want. This paradox will confuse you for awhile yet. Allow yourself to be comfortable with discomfort. It's the only way.



## Virgo

You might find yourself asking the very poignant question: why am I here? Not in the great existential way of contemplating the very nature of existence, but rather the very real circumstances you find yourself in. All I can say is that you must be doing it for a good reason. Find what that reason is and don't let go, no matter how fragile the connection between your reason and the reality may appear.



## Libra

This month will be a challenging time for you. You're seeking balance in a very unbalanced world. The circumstances of your existence are in flux and the shifting nature of things makes finding your footing difficult. Might as well coast for now, and worry about steadier pacing in December.



## Scorpio

Birthday Time! Party out! Have fun! There's a lot to do right now, and things you could be working on, but why not just kick back and take it easy for a bit—I know I would.



## Sagittarius

The future is beginning to look a little less bleak. The overwhelming feeling of feeling overloaded has now transformed into a dull numbness to the realities of your situation. The focus you found earlier this month will serve you well going forward. By now you have learned to prioritize in totally new ways, that you didn't think were possible several months ago. Don't get into a dull routine of counting down days though. Remember to stay interested in the plethora of options surrounding you.



## Capricorn

Indecision abounds. You will find it very difficult to commit to any one idea. As soon as it seems as though you've made up your mind, something else will make you reconsider everything, and I do mean everything. So, while in doubt just remember that not even the judges on the Supreme Court can agree on things. Carry your indecision forward, and make everyone else doubt their decisions. It won't help you in deciding things, but you might feel better that others now share your confusion.



## Aquarius

By now you will find it hard to think about anything without it provoking some thought, or legal doctrine. Soon you will turn into a large human shaped computer, excellent at calculating how different principles apply to different cases. However, make sure not to lose sight of your human companions. Your obsession with rules might make it difficult to socialize if you don't reign it in a little.



## Pisces

Things are starting to look up. The earlier discomfort experienced has become a subtle background irritation, like a mosquito bite that you've almost forgotten about. The problem is that whenever you try to think about something else, you realize that it's still there—not totally gone. Now is a time to focus so heavily on everything else that that uncomfortable feeling stays so far beneath the surface they'd need a giger counter to find it. Don't betray your inner turmoil, it will dissipate soon.▲



# ANOTHER GIANT LEAP FOR MANKIND?

## President Obama Calls for a Mission to Mars by the 2030s

Author › **Jeevan Singh Kuner**  
Contributor



In a recent op-ed for CNN, U.S. President Barack Obama expressed a keen interest in sending humans to Mars by the 2030s. The President outlined his plan to deliver American astronauts to the red planet by promoting greater cooperation between government agencies and private companies – a partnership that will not only allow humans to reach Mars in the near future, but remain there for an extended period. The hope is that, within two years, these private companies will for assist for the first time in sending NASA astronauts to the International Space Station (ISS), a habitable satellite currently orbiting the Earth. The next step, according to President Obama, is to work closely with commercial partners to form new habitats in deep space beyond Earth's orbit. These new habitats will provide the necessary sustainability and transport to NASA astronauts and flight engineers in order to undertake groundbreaking missions to places like Mars.

In a joint statement issued by the White House and NASA, current NASA Administrator, Charles Bolden, expounded on President Obama's plans for space exploration. Bolden discussed two initiatives that will "build on the president's vision and utilize public-private partnerships to enable humans to live and work in space in a sustainable way." First, Bolden detailed NASA's Next Space Technologies for Exploration Partnerships, or NextSTEP, which is an initiative that will enable private aeronautics companies like SpaceX and Boeing to design space habitats. Second, Bolden discussed a program aimed at fostering innovation on the ISS, whereupon NASA has

reached out to the private sector and requested collaboration to develop new ways of utilizing the space station. Elon Musk, the Chief Executive Officer of SpaceX, affirmed this notion of collaboration when he stated that a journey to Mars would necessitate "a huge public-private partnership." By affording the private sector a seat at the table for an endeavour that has traditionally fallen within the realm of the federal government, it would seem as though the stage is set for revolutionary advancements to take place within the American space program.

The sentiments expressed by President Obama in his op-ed echo comments that he made in 2010 during a visit to the Kennedy Space Center, one of NASA's primary launch headquarters. After touring the facilities, the President delivered remarks calling for a revitalization of the space program and referenced John F. Kennedy's historic 1961 speech, which was viewed by many to be the first step in the nationwide effort towards landing a man on the moon. Despite President Obama's optimism about a trek to Mars occurring within the next two decades, experts on the American space program say that they are uncertain as to whether the next leader of the United States is prepared to follow through on this lofty goal.

For the most part, both Donald Trump, the Republican nominee, and Hillary Clinton, the Democratic nominee, have remained silent on the campaign trail about their plans for NASA and broader space exploration policy. According to Casey Dreier, Director of Space Policy at the American Planetary Society, the candidates' silence on this

topic may be for the best. Commenting on the 2016 presidential race and the future of the space program in the United States, Dreier stated: "In a sense, it's disappointing that space science and space exploration isn't a bigger issue [in this election], but at the same time, it's kind of a good thing that one side isn't talking about it and riling it up, creating division by embracing or rejecting it."

While President Obama's time in office is winding down, many view the developments in the American space program over the last eight years to be a key part of his legacy. Even the President himself seems to place tremendous value on the space program's achievements during his tenure and has high expectations for the future. "Someday I hope to hoist my own grandchildren onto my shoulders," the President wrote in his op-ed for CNN. "We'll still look to the stars in wonder, as humans have since the beginning of time. But instead of eagerly awaiting the return of our intrepid explorers, we'll know that because of the choices we make now, they've gone to space not just to visit, but to stay – and in doing so, to make our lives better here on Earth." President Obama is set to attend the White House Frontiers Conference at Carnegie Mellon University in Pittsburgh, Pennsylvania in the coming weeks. During the conference, he is expected to discuss plans for scientific and technological innovation to continue to take place in the United States and elucidate further on his plans to make a trip to Mars a reality by the 2030s. ▀

# Sanitizing Sterilization

Continue from cover page



corrupt incentives; sterilized individuals were formally offered a mix of money, loans, and lands while practitioners and outreach workers received compensation per patient. As such, these camps sterilized millions of patients and caused thousands of reported cases of coercion, misinformation, and substandard procedures.

The Supreme Court's ruling followed the federal government's announcement regarding the implementation of a contraceptive program that would be freely accessible to the public. This program involves the use of DMPA, which is an injectable contraceptive that reversibly affects the patient's hormones, requiring an injection every few months to remain effective. Notably, DMPA will be the newest addition to the government's list of reproductive health programs, which currently includes IUDs, condoms, vasectomies, laparoscopic sterilization, and oral contraceptives.

Although the WHO has strongly recommended DMPA to curb rates of maternal mortality and morbidity, various academics, public figures, and activist groups have opposed public access to the contraceptive. Many reproductive and maternal health advocates consider DMPA to be an attack on poor women because many of these patients do not have the necessary agency or information to give informed consent. For them, both the sterilization camps and the DMPA program raise similar concerns regarding women's rights to health.

Despite this surface-level tension between the two health policy changes, both national and international actors should be pleased with the progress made to women's maternal and reproductive health. These changes are medically safer for women. The

DMPA program does not present the same population-level threat in comparison to the sterilization camps, even considering the associated health risks and the improvements to medical standards; simply, it is very unlikely that the program will cause the same level of harm. And the program is less permanent, generally allowing patients to safely conceive within a year of the last injection.

These changes are also a step towards a more just system of health care for India. Unlike the sterilization camps, there are no formal incentives that distort the patient-physician relationship. Patients do not receive anything for getting a DMPA, and healthcare workers are not rewarded a commission for performing the procedure. Admittedly, there may still exist informal, systemic factors that might negatively affect a patient's decision; underlying issues of poverty and power tend to distort patient agency, potentially allowing coercion within this new program. But these risks are not sufficiently strong enough to justify limiting women's access to a broader range of reproductive care alternatives. Although poor rural women will still suffer from similar distorting factors in the DMPA program that affected them in the sterilization camps, policy critiques still need to recognize and respect the positive changes in patient agency that allow for more ethical healthcare decisions. Terminating the DMPA program, as some have suggested, will simply lead to more unnecessary and unjust harm to these women.

The history of India's sterilization camps is undeniably exploitive, and the Supreme Court's decision to terminate the camps over the next three years was in the best interest of the public. However, health advocates should not liken the DMPA program to sterilization camps just because of superficially similar

concerns regarding patient agency and informed consent. Despite the risks, which are already reduced because of advances in healthcare policies, the program could plausibly assist poor rural women by providing them with a broader range of reproductive alternatives while addressing their immediate healthcare needs. These changes in India's health policy are imperfect; the sterilization camps could be terminated sooner, and the risks to patient agency could be further minimized. But they should nonetheless be considered positive changes for one of the world's vulnerable populations.

*(With notes from Rowena Symss.)*

This article was published as part of the Osgoode chapter of Canadian Lawyers for International Human Rights (CLAHR) media series, which aims to promote an awareness of international human rights issues.

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# Long-held Sports Traditions or Discriminatory Cultural Misappropriation?

Author › Harrison Jordan  
Contributor

Indians. Redskins. Braves. Blackhawks. Long-held sports traditions or discriminatory cultural misappropriation? It's a contentious debate that found itself front and centre in a downtown Toronto courtroom on Monday 17 October. Douglas Cardinal, a prominent Indigenous activist, had just launched actions with the Human Rights Tribunal of Ontario and the Canadian Human Rights Commission, and was seeking injunctive relief before Justice Thomas McEwan of the Ontario Superior Court. It was just hours before the start of the home stretch of the Blue Jays' playoff rendezvous against the Cleveland Indians, and Mr. Cardinal sought to stop broadcast of the "Indians" name and the team's insignia, a buck-tooth character named Chief Wahoo.

It was an uphill battle for Cardinal: the long-standing test for granting injunctive relief, established by the Supreme Court of Canada in *RJR-MacDonald Inc. v. Canada*, meant the architect and residential school survivor had to establish that there was a "real issue" to be a tried; that irreparable harm would befall him if his application wasn't granted, and that a balance of convenience between the parties militated in his favour.

Counsel for Mr. Cardinal, led by Monique Jilesen, argued that Mr. Cardinal ought to be able to watch the game without being faced with the sight of the team name and its logo, which his lawyers argued incited discriminatory conduct against persons of Indigenous descent. In their application record, his counsel pointed to multiple studies that demonstrated the psychological impact of the "racist sport iconography" of Chief Wahoo. His lawyers also cited instances where courts had granted injunctive relief to Indigenous applicants, particularly with respect to resource development projects. At one point, McEwan J asked what the baseball game would look like if the injunction was granted. In response, Ms. Jilesen argued that the injunction could "easily" be complied with. The team could switch to their spring training jerseys that were devoid of the impugned logo, Sportsnet reporters would have to refrain from mentioning the team name, but fans wouldn't be barred from wearing team merchandise to the game.

It appeared that for every submission made by counsel for Cardinal, the tripartite contingent of lawyers making oral submissions for respondents Rogers Communications, Major League Baseball (MLB), and the Cleveland team hit back with a stronger dose of rigor and precision. They attempted to characterize Mr. Cardinal's request as "delayed," sought many decades after the Cleveland team began to employ their name—with countless prior excursions north of the border. In another attempt to undermine the applicant's argument of irreparable harm, counsel for the respondents made McEwan J aware that unbeknownst to them and unmentioned in any of the filed court documents, Mr. Cardinal was actually in China at the time of the proceedings. They doubted whether he even intended to watch the game.

In addressing the balance of convenience prong of the test, Rogers lawyer Kent Thomson sought to demonstrate some logistical impossibilities that would bar complying with the request. Sportsnet reporters could easily find themselves in contempt of court by accidentally mentioning a team name they had uttered for years, and Mr. Cardinal's request would



☛ Caption: Michael Swinwood, a lawyer for Douglas Cardinal, speaks to the press after the Ontario Superior Court rejected his client's application.

mean that millions of fans, both in the stadium and at home, might face the prospect of a blacked-out "Jumbotron" and television broadcast.

Jonathan Lisus, lawyer for the Cleveland Indians, quipped that while he confessed he "may not know much about baseball," he had made been aware that at least one player joined the Cleveland team after spring training was completed. Besides, he submitted to the court, the MLB style guide didn't permit the team to wear spring training jerseys during the regular season or playoffs.

In a moment that appeared to cause a couple members of the public gallery to cock their heads in intrigue, Marcus Koehnen, the lawyer for MLB, sought to show that Mr. Cardinal's application contained no real issue to be tried, contending that the word Indian was "not inherently derogatory." As foundation for his claim, he pointed to the Applicant's past writings that casually referenced Indigenous individuals with the term, and the myriad of federal legislation, currently in effect, that bestows rights to "Indians."

If McEwan J couldn't be swayed by the earlier submissions of the trio, he may have found harbour in a submission argued particularly forcefully by Mr. Lisus: The entire framework of the *RJR-MacDonald* test, he submitted, wasn't actually available to Mr. Cardinal. Instead, in circumstances where injunctive relief was sought with respect to "fundamental free speech" pending the determination of human rights proceedings, the court ought to adopt a higher threshold established by the Federal Court of Canada in *Canada v. Winnicki*. In that ruling, the court found that an interlocutory injunction should only be issued where the expression was "manifestly contrary" to human rights legislation. Lisus attempted to draw a strong contrast between the contemptible nature of written ramblings about "negroes" and "kikes" that attracted a successful injunction in *Winnicki* with the "robust" public debate pertaining to the Cleveland team insignia.

As oral submissions wound down, Ms. Jilesen made a final appeal: We wouldn't be questioning the derogatory nature of a team named the "New York Jews," she implored the court. It was a last-ditch effort, a sentiment she meant to embed in the mind of McEwan J as he announced that he would retire to his chambers and return with a decision for 5:10 p.m.—just a handful of hours before the first pitch of the home series was set to take place. When he came back, he announced he would be dismissing the application, with written reasons to follow at a later date.

Ms. Jilesen's analogy about the "New York Jews"

mirrored a *Globe and Mail* op-ed penned earlier in the week by Osgoode Hall Professor Signa Daum Shanks and University of Ottawa Professor Adam Dodek, in which they urged readers to consider whether there would ever need to be a conversation about the nature of hypothetical team names such as "Jasper Jewboys" and "Northern Negroes."

Michael Swinwood, a lawyer for Mr. Cardinal, told reporters after the hearing that while his client was disappointed by the result, he was satisfied by the "elevated" attention given to the issue. Asked for comment while the case was unfolding, Toronto's popular mayor John Tory implored sports teams across Canada, particularly the Edmonton Eskimos, to review their team names.

Counsel for the respondents was able to dismiss Mr. Cardinal's injunction request through skillful undermining of mostly logistical and technical faults, though the public debate that Mr. Lisus conceded was happening will undoubtedly continue. Whether a decision of such a commercial dimension should have its hand forced by the power of a court of law will also continue to be debated.

It is only a matter of time, however, before the Cleveland Indians and other sports organizations find themselves standing alone, undertaking an exercise in soul-searching: Whether it is worth it, for the sake of "tradition"—or other arguments based on "time immemorial"—for their players to display images of headdresses and buck-toothed Chiefs across their bodies, imagery that is at best conducive to continued ignorance of Indigenous struggles, and at worst perpetuates prejudicial beliefs and discriminatory actions.

Sure, there are much bigger fish to fry: dozens of First Nations communities across Canada are under boil-water advisories, and Indigenous women face extremely disproportionate rates of domestic abuse and violent death. But one must only look to the bipartisan effort across state lines south of the border to understand that symbols do in fact have meaning: public display of the confederate flag, which once found its place on the grounds of legislatures across the United States, has all but evaporated. ▀



# Just OK, Blue Jays

What we'll need to do better next year

Author › Ian Mason  
Managing Editor

Unfortunately, I was right about the Blue Jays losing this year's ALCS. Even more unfortunately, I was wrong in predicting they'd at least put up a good fight. We certainly went down swinging in the wrong way. Encarnacion's awkward 9th inning hacks in Game 5 certainly won't be as fondly remembered as Bautista's bat flip or either of Joe Carter's iconic moments in 1992 and 1993.

While making the postseason twice in a row is fantastic, the boys in blue need to make some changes next year to have a real shot at a World Series. We have a great starting rotation, and some great players effectively locked down, but the team must address some shortcomings if we want to win the Pennant, let alone a World Series.

First, we need to resign the right players and leave others to test the free agent market. Obviously, R.A. Dickey is done as a Jay. Until this year, I would have called him one of the least appreciated players on the team, but he lost his ability to eat innings, and that was the main thing that made him a slightly better than average starter. He'll probably sign with a National League team and end his career with dignity. I wish him the best too, because he's a great human being and deserves it. He just won't get it in Toronto. Josh Thole is also gone. Unless he's willing to work for literal peanuts, I suspect we've also seen the last of Scott Feldman.

Beyond that, we have a number of free agents who could stay or go, depending on who is offered what—if anything. Jose Bautista and Edwin Encarnacion are the big names, and I'll be blunt: unless Bautista's willing to play for less than \$10 million a year, he's not worth keeping. Even then, I just don't see where he'll fit. He's still a great hitter, but his days as a fielder are numbered, and he's lost significant time to injury in three of his last five seasons. If we have to choose between him and Encarnacion—and we do—I vote Encarnacion. We shouldn't keep both, because we don't need two designated hitters. And that's what Bautista's bound to become. He'll go down as a Jays' legend, but he's almost certainly going.

That leaves Brett Cecil, Joaquin Benoit, Darwin Barney, Michael Saunders, Dioner Navarro and Justin Smoak. We should try to keep everyone except Smoak, who just doesn't hit well enough for a guy who only plays at first base. Beyond that, Cecil's been one of our best relievers for several years, and deserves at least a decent contract offer. Benoit was a huge help in the 'pen this year, and not trying to resign him would just be foolish. Barney's a good fielder at almost any position, and teams don't win without defence. Navarro's a solid choice of backup catcher with some defensive upside, and Russell Martin's getting too old to catch more than a hundred and twenty games a season. Saunders certainly earned his spot on the roster, so unless he asks for something ludicrous like \$15 million a season, he deserves to stay. I doubt we'll resign all five of those players, but they've earned offers, at least.

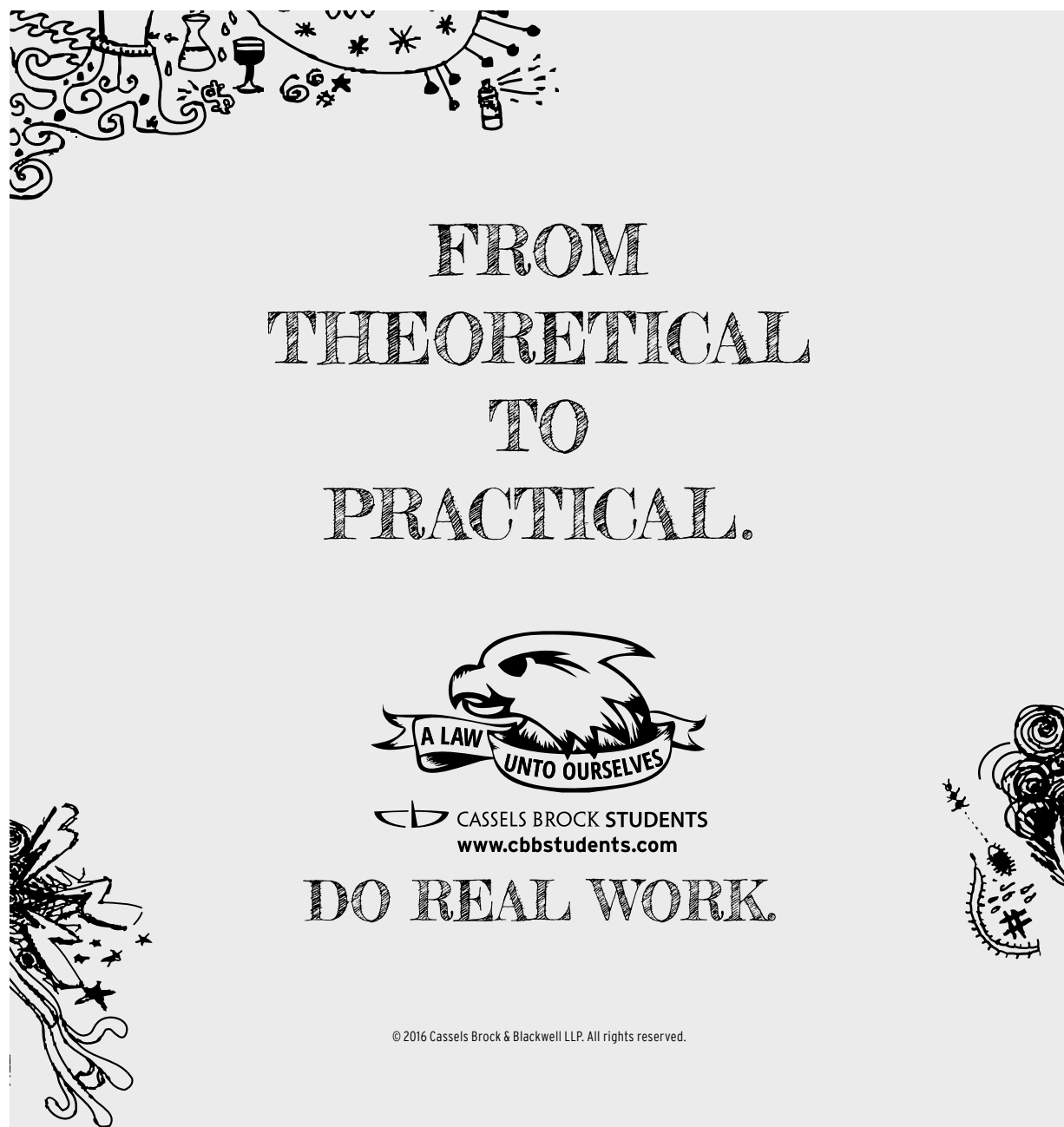
Beyond that, the team has three glaring weaknesses: lack of speed, lack of a proper leadoff hitter, and no big bats on the bench. The first two issues are connected, since good leadoff hitters are generally supposed to

be the best baserunners on the team. Devon Travis is starting to look like a reasonable choice at the top of the lineup, but with his injury history we need other options. We should make an offer for Dexter Fowler, provided he's willing to play in right or left field. He gets on base, is always a threat to steal, and can turn singles and doubles into doubles and triples. Other bona fide leadoff hitters aren't exactly jumping off Baseball Reference or Bleacher Report, but we should consider players like Rajai Davis or Jarrod Dyson, especially considering we're likely to be short an outfielder. The entire Jays roster stole a total of 54 bases this season, fewer than Billy Hamilton or Jonathan Villar. We at least need to make an offer for a proper speed demon.

Finally, the Jays really need a good hitter on our bench, preferably a lefty or switch hitter. When the big bats went silent in the ALCS, we had no one to turn to who could be called above average on a good day. Carlos Beltran comes to mind, as it's hard to imagine him being given a starting role at his age in this day and age. Adam Lind or Mitch Moreland could also be good fits, possibly at a solid discount.

Both are left-handed hitters who probably won't find work as starters, we could use someone other than Encarnacion at first base (even though he's actually a passable first baseman), and both hit twenty home runs in limited playing time this year. We don't need a Ted Williams: just a Matt Stairs. As long as we aren't dumb enough to offer Ryan Howard a contract.

We have a good team with several legitimate stars, a solid rotation, and a bullpen that was mostly fixed by the end of the year (it certainly wasn't the problem in the ALCS). All we need are a couple of key pieces that could probably be had at a discount. We were only two or three wins away from a Pennant for two consecutive seasons. Unless we gut our roster or waste an insane amount of money on a fading talent, our first World Series since 1993 is within our grasp. ▲



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