



Asper Centre: Upcoming Events

Registration Open: Constitutional Remedies—Are they effective and meaningful?

FEBRUARY 28, 2014

The conference will present papers that stimulate and develop an ongoing dialogue on the effectiveness of remedies. The goal is to thoroughly examine the available remedies pursuant to s.24 and s.52 of the *Charter* as well as remedies for the violation of Aboriginal and treaty rights under the constitution. Key themes include:

- Will the promise of the *Ward* Charter damage claim be realized? Issues related to the quantum of damages in relation to the costs and risks of litigation; the interaction between *Charter* and tort claims and the role of *Charter* damages and class actions.
- The role of injunctions and declarations: Would/should the Supreme Court affirm supervisory jurisdiction as it did in *Doucet Boudreau* if it heard the case today; are injunctions necessary or will declarations suffice including in litigation with respect to conditions of confinement and positive rights? What can be learned from comparative experiences?
- Remedies for violations of Aboriginal and treaty rights: What are the remedies for breach of the duty to consult and are they meaningful and effective?
- Remedies for unconstitutional legislation: Are the courts employing the soft remedies of reading down and suspended declarations of invalidity too much?
- Other conference themes may include issues such as the evidence necessary to justify a particular remedy; remedies in the criminal law context; the remedial role of costs awards; interlocutory injunctions in the constitutional context; and jurisdiction to award *Charter* remedies.

Plenary sessions will include:

- Prof Sandra Liebenberg, University of Stellenbosch, SA
- Debate: Prof. Kent Roach and Prof. Hamish Stewart will debate the use of statutory interpretation to avoid declarations of constitutional invalidity

[REGISTER HERE](#)

Public Forum: January 24, 2014

After *Bedford v Canada*: What next for regulating sex work in Canada?

Friday, January 24, 2014, 3:00-5:30 p.m.
University College, Room 179
15 King's College Circle, University of Toronto

Come and hear an array of panelists discuss the new legal landscape and the challenges that now face us after the Supreme Court struck down many — but not all — of Canada's criminal laws about sex work. What happens when legal doctrine tries to address street realities? Six experts offer different visions of the road ahead.

Cheryl Auger—Board Member, *Maggies: The Sex Worker Action Project*
Christa Big Canoe—Legal Advocacy Director, *Aboriginal Legal Services of Toronto*
Jamie Cameron—Professor, *Osgoode Hall Law School*
Brenda Cossman—Professor & Director, *Mark S. Bonham Centre for Sexual Diversity Studies*
Katrina Pacey—Legal Director, *Pivot Legal Society*
Kim Pate—Executive Director, *Canadian Association of Elizabeth Fry Societies*

Admission is free and open to the public. No RSVP required. For more information about the organizers and sponsors of this event go to the [event page](#).

CONSTITUTIONAL ROUNDTABLE: January 29, 2014

Benjamin Berger
Wednesday, January 29, 2014
12:30 – 2:00
Alumni Hall, Victoria College
University of Toronto

Religious Diversity, Education, and the “Crisis” in State Neutrality

Education – and particularly public education – has become a crucible for the relationship between state and religious diversity, a principal site for contemporary debates about the meaning of secularism and the management of religious difference. This is so across a variety of national traditions, and despite wide differences in the historical and “emotional inheritances” surrounding the configuration of law, politics, and religion. Through an exploration of Hannah Arendt's thought about responsibility and freedom in education, this article works towards a better understanding of why education is such a crucial and fraught field in the modern encounter between religion and law. The article turns to the recent jurisprudence of the Supreme Court of Canada to draw out the implications of these ideas, arriving ultimately at a claim about the nature and limits of the concept of state neutrality.

Professor Benjamin Berger's areas of teaching and research specialization are criminal and constitutional law and theory, law and religion, and the law of evidence. Prior to joining Osgoode, Professor Berger was an associate professor in the Faculty of Law and held a cross appointment in the Department of Philosophy at the University of Victoria, where he began teaching in 2004. He served as law clerk to the Rt. Honourable Beverley McLachlin, Chief Justice of Canada, and was a Fulbright Scholar at Yale University. He has published broadly in his principal areas of research and his work has appeared in multiple edited collections and in legal and interdisciplinary journals such as: *Canadian Journal of Law and Jurisprudence*; *Law, Culture and the Humanities*; *McGill Law Journal*; *Osgoode Hall Law Journal*; *ICON*; and the *Journal of Comparative Law*. He is on the editorial board of the *Canadian Journal of Law and Society* and is an associate editor for the Hart Publishing series *Constitutional Systems of the World*. He is also co-editor of *The Grand Experiment: Law and Legal Culture in British Settler Societies*, published by UBC Press in October 2008. He received the 2010 Canadian Association of Law Teacher's Scholarly Paper Award for an article entitled “The Abiding Presence of Conscience: Criminal Justice Against the Law and the Modern Constitutional Imagination.” Professor Berger is active in professional and public education, is involved in public interest advocacy, and has appeared before the Supreme Court of Canada. While at UVic Law, Professor Berger twice received the Terry J. Wuester Teaching Award, and was awarded the First Year Class Teaching Award; he received the Osgoode Hall Law School Teaching Award in 2013.

A light lunch will be served.

For more information contact Nadia Gulezko at n.gulezko@utoronto.ca

For more information on getting involved in the Asper Centre, and for regular updates on the Asper Centre's ongoing projects and events, bookmark <http://www.aspercentre.ca>

To remove your name from our mailing list, please click [here](#).

Questions or comments? E-mail us at aspercentre@utoronto.ca