



David Asper Centre for Constitutional Rights  
UNIVERSITY OF TORONTO

2021 – 2022



# THE DAVID ASPER CENTRE FOR CONSTITUTIONAL RIGHTS ANNUAL REPORT 2021–2022

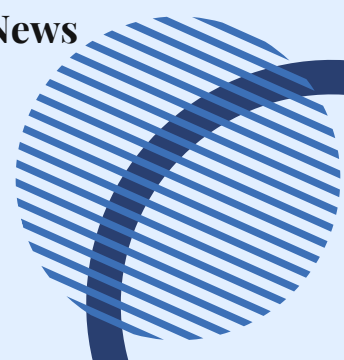
*Realizing Constitutional Rights through Advocacy,  
Education, and Academic Research*



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# Message from the Executive Director

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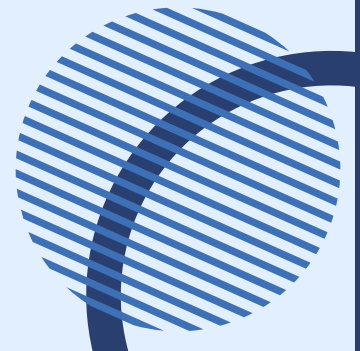
It was a pleasure to return to in-person class during the fall of 2021 for the Asper Centre clinic. We were joined by Constitutional Litigator in Residence Jonathan Rudin and a few in-person guests. Our court appearances continued to be by Zoom. In January, I made my first Zoom SCC appearance in *British Columbia (Attorney General) v Council of Canadians with Disabilities* sitting in my robes in my office, while our counsel in *R v Sharma* did the same in February. The Court has returned to in person for parties to appeals only, with interveners on Zoom until the end of 2022. One thing that we miss is the opportunity to take students up to the Court and experience the excitement of appearing before the highest court of the land and meeting the many distinguished lawyers who are involved in the cases. That said, the coordination between the interveners in the *BC v CCB* case which was heard over two days was remarkable and perhaps might not have been as efficient in person. We will wait to see what 2023 brings.

The other pandemic silver lining was the positive reception received by *Charter: A Course*, the Asper Centre's podcast. As I write this, we have had over 7000 downloads of the episodes from last year and the two we have released this fall, 2022. Students have expressed appreciation of how the episodes help to explain the application of specific sections of the Charter and open a window on the practice of constitutional litigation. It helps that our theme song, courtesy of Professors Howard Kislowicz and Robert Currie, law professors and musicians, is a bit of an ear worm.

Currently the inquiry into the use of the Emergencies Act in response to the blockades and protests that took place in Ottawa and at some border crossings is underway in Ottawa. The Asper Centre joined a group of organizations in publishing a statement seeking a fully public and transparent review. While we do not have the resources to participate, we are pleased that some of our partners to this statement are there to advocate for accountability. You can read our statement [here](#).

I look forward to another year, this time working with Jessica Orkin as our Constitutional Litigator in Residence, and once again in person. We await decisions in *R v Sharma*, *Mathur v Ontario*, *McGregor v HMQ*, and the appeal of the Safe Third Country Agreement decision in the coming months.

Cheryl Milne, LL.B., MSW  
Executive Director





# About the Asper Centre

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The David Asper Centre for Constitutional Rights is a centre within the University of Toronto Faculty of Law devoted to advocacy, research, and education in the areas of constitutional rights in Canada. The Centre aims to play a vital role in articulating Canada's constitutional vision to the broader world. The cornerstone of the Centre is a legal clinic that brings together students, faculty, and members of the bar to work on significant constitutional cases and advocacy initiatives.

Through the establishment of the Centre, the University of Toronto joins a small group of international law schools that play an active role in constitutional debates. It is the only Canadian Centre in existence that attempts to bring constitutional law research, policy, advocacy, and teaching together under one roof. The Centre was established through a generous gift from University of Toronto Faculty of Law alumnus David Asper (LLM '07).



# The Asper Centre's Vision, Mission and Values

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**VISION:** Sophisticated awareness, understanding and acceptance of constitutional rights in Canada.

**MISSION:** Realizing constitutional rights through advocacy, education, and academic research.

**VALUES:** The Centre's ideals are those of the Canadian Charter of Rights and Freedoms and will guide the Centre in its work.

- **Excellence:** the Centre is committed to high quality academic research, intellectual engagement, and intellectual rigour as the foundations for all of its work.
- **Independence:** the Centre's location within an academic institution provides the basis for trust, integrity, and intellectual freedom and diversity.
- **Diversity:** the Centre is committed to diversity in its interaction with community organizations and groups and to intellectual diversity in its work and approach to legal analysis.
- **Innovation:** the Centre seeks to shape the direction of constitutional advocacy, to be flexible in order to respond to emerging constitutional issues, and to use the Charter to transform Canada's legal and policy landscape.
- **Access to Constitutional Rights:** the Centre seeks to promote access to constitutional justice and human rights for vulnerable individuals & groups.





# The Asper Centre's Strategic Plan

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The David Asper Centre for Constitutional Rights has been in existence for over 14 years as part of the Faculty of Law University of Toronto. As part of its third strategic planning process, we met with key stakeholders, including faculty members and partner organizations to talk about our strengths and our future in one-on-one interviews. In an in-person session in November 2019, the Centre's Advisory Board met together with individuals from partner organizations, past constitutional litigators in residence and alumni of the Centre to review the work that the Centre has done to date and to set the strategic priorities for the next five years. The draft strategic plan was crafted over the summer of 2020 and approved in the Fall.

We identified three key priorities and thirteen strategies or objectives. The next stages of this process include developing an implementation plan to guide us in conceptualizing and realizing these strategic priorities.

You can learn more about our 5-year strategic plan at [AsperCentre.ca](https://AsperCentre.ca).

**1**

**MAINTAIN**

Maintain the reputation of the Centre for providing significant and scholarly contributions to constitutional rights advocacy in Canada.

**2**

**STRENGTHEN**

Strengthen the Centre's core competencies of education, constitutional expertise and collaboration.

**3**

**EXPAND**

Expand the Centre's capacity.



# Advocacy and Litigation

***British Columbia (Attorney General) v Council of Canadians with Disabilities (2022)***: The Council of Canadians with Disabilities and two plaintiffs claimed that provisions of British Columbia's mental health legislation infringe s. 52 of the Constitution Act, 1982 and ss. 1, 7 and 15 of the Canadian Charter of Rights and Freedoms. The two individual plaintiffs discontinued their claims and withdrew from the case. The Council of Canadians with Disabilities filed an amended statement of claim setting out generalized allegations of constitutional infringements and removing the particulars pleaded by the individual plaintiffs. The Attorney General of British Columbia applied for summary judgment to dismiss the action. The application judge granted summary judgment and dismissed the action due to the Council of Canadians with Disabilities lacking public interest standing to pursue the claim on its own.

The Court of Appeal allowed an appeal, set aside the summary judgment, and remitted the matter of public interest standing for reconsideration. The Asper Centre intervened, stating that the test from *Canada (AG) v Downtown Eastside Sex Workers Against Violence* is a suitable test for public interest standing. This test recognizes the systemic remedial role of s. 52(1) and responds to access to justice concerns and difficulties in seeking and obtaining effective systemic s. 24(1) remedies. On June 23, 2022, the Supreme Court of Canada reaffirmed the test and dismissed the appeal.

See the Asper Centre factum in *BC(AG) v CCD* [here](#).

SCC File No. 39430

IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA)

BETWEEN:

ATTORNEY GENERAL OF BRITISH COLUMBIA

AND:

COUNCIL OF CANADIANS WITH DISABILITIES

APPELLANT  
(Respondent)

RESPONDENT  
(Appellant)

[Style of cause continued on next page]

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FACTUM OF THE INTERVENER,  
THE DAVID ASPER CENTRE FOR  
CONSTITUTIONAL RIGHTS

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Counsel for the Intervener, David Asper Centre for Constitutional Rights	Agent for the Intervener, David Asper Centre for Constitutional Rights

# Advocacy and Litigation

***R v Sharma (2022)***: The Appellant, Ms. Sharma is a bi-racial Indigenous woman. After being pressured to act as a drug smuggler by her ex-partner, she was charged and convicted with importing just under 2kgs of cocaine. At sentencing, considering all of the factor relevant to Ms. Sharma’s case, she would have been a suitable candidate for a conditional sentence, where she would serve her sentence outside of jail. However, section 742.1(c) of the *Criminal Code* prohibits conditional sentences for “[offences], prosecuted by way of indictment, for which the maximum term of imprisonment is 14 years or life” and section 742.1(e)(ii) prohibits “[offences], prosecuted by way of indictment, for which the maximum term of imprisonment is 10 years that ... involved the import, export, trafficking or production of drugs”.

In response, Ms. Sharma argued that sections 724.1(c) and 742.1(e)(ii) of the Criminal Code unjustifiably infringed her Charter rights under sections 7 and 15. Ms. Sharma’s Charter claim at the Ontario Superior Court was rejected and she was sentenced to 17 months in prison. Her *Charter* arguments on appeal at the Ontario Court of Appeal (ONCA) were accepted and in a split decision the court held that sections 742.1(c) and 742.1(e)(ii) infringed Ms. Sharma’s *Charter* rights. On section 15, the ONCA held that the dual Criminal Code provisions discriminated against Ms. Sharma as an Indigenous offender and thus violated her section 15 Charter right to equality on the basis of race. On section 7, the ONCA held that the dual *Criminal Code* provisions were overbroad by extending beyond their legislative purposes. The ONCA held that these rights violations could not be justified under section 1 of the *Charter*. The appeal to the Supreme Court of Canada was heard in March 2022. The Asper Centre initially intervened in this case at the ONCA in 2019. At the Supreme Court of Canada, the Asper Centre was granted intervener status and focused its intervention on the infringement of Ms. Sharma’s right to equality. The Asper Centre’s intervention argued that section 15 obligates Parliament to implement measures to remedy this discrimination and promote the equality rights of Indigenous people in the imposition and carrying out of sentences.

See the Asper Centre factum in *Sharma* [here](#).

SCC Court File No. 39346

IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)

BETWEEN:

HER MAJESTY THE QUEEN Applicant

- and -

CHEYENNE SHARMA Respondent

ATTORNEY GENERAL OF SASKATCHEWAN, ATTORNEY GENERAL OF BRITISH COLUMBIA, ABORIGINAL LEGAL SERVICES INC., FEDERATION OF SOVEREIGN INDIGENOUS NATIONS, BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION, THE QUEEN'S PRISON LAW CLINIC, HIV & AIDS LEGAL CLINIC ONTARIO, HIV LEGAL NETWORK, CANADIAN BAR ASSOCIATION, WOMEN'S LEGAL EDUCATION AND ACTION FUND INC., LEGAL SERVICES BOARD OF NUNAVUT, CRIMINAL LAWYERS' ASSOCIATION (ONTARIO), CANADIAN CIVIL LIBERTIES ASSOCIATION, NATIVE WOMEN'S ASSOCIATION OF CANADA, THE DAVID ASPER CENTRE FOR CONSTITUTIONAL RIGHTS, ONTARIO NATIVE WOMEN'S ASSOCIATION, ASSEMBLY OF MANITOBA CHIEFS, CANADIAN ASSOCIATION OF ELIZABETH FRY SOCIETIES, THE JOHN HOWARD SOCIETY OF CANADA, CRIMINAL TRIAL LAWYERS' ASSOCIATION AND ASSOCIATION QUÉBÉCOISE DES AVOCATS ET AVOCATES DE LA DÉFENSE Interveners

FACTUM OF THE INTERVENER  
THE DAVID ASPER CENTRE FOR CONSTITUTIONAL RIGHTS  
(Pursuant to Rules 37 and 42 of the Rules of the Supreme Court of Canada)

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# Advocacy and Litigation

***Corporal C.R. McGregor v. Her Majesty the Queen (2022)***: Corporal McGregor was stationed at the Canadian Embassy in Washington, D.C. and had a temporary residence in Virginia. As a diplomatic agent, he was granted immunity of his person, property, and residence. This immunity was challenged in 2017 when a female member of the Canadian Armed Forces accused McGregor of interference and voyeurism following the discovery of an audio recording device in her Virginia home. In the ensuing investigation, the Embassy of Canada waived McGregor's immunity of residence to allow investigators to obtain a search warrant and gather evidence. McGregor brought a motion under s 24(2) of the Charter to exclude the evidence and also argued that his s 8 right to be free from unreasonable search and seizure had been violated.

A military court judge found no violations and held that the Charter did not apply because the investigation was conducted in Virginia. The judge cited *R v Hape*, 2007 SCC 26 in support of this finding. Using the evidence from the search of the accused's Virginia residence, the military court judge convicted McGregor on unlawful interception, voyeurism, and sexual assault charges. The Court Martial Appeal Court (CMAC) upheld this decision. The appeal to the Supreme Court of Canada was heard in May 2022 and the Asper Centre was granted intervener status. The Asper Centre's intervention focused on the unsettled jurisprudence of extraterritorial application of the Charter. The Asper Centre argued that the Supreme Court of Canada should interpret section 32(1) of the Charter broadly and generously as authorizing Canadian courts to assess the conduct of Canadian state actors in deciding whether to grant a remedy under Canadian constitutional law — regardless of where the conduct took place and the nature of the Canadian state activity.

See the Asper Centre factum in McGregor [here](#).

SCC file no. 39543

IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE COURT MARTIAL APPEAL COURT)

BETWEEN

CORPORAL C.R. MCGREGOR

APPELLANT

AND

HER MAJESTY THE QUEEN

RESPONDENT

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FACTUM OF THE INTERVENER,  
THE DAVID ASPER CENTRE FOR CONSTITUTIONAL RIGHTS  
(Pursuant to Rule 42 of the Rules of the Supreme Court of Canada)

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Counsel for the Intervener, the David Asper Centre for Constitutional Rights	Agent for the Intervener, the David Asper Centre for Constitutional Rights
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# Advocacy and Litigation

*Canadian Council for Refugees, et al. v. Minister of Citizenship and Immigration, et al. (2022)*: This case concerns the constitutionality of the Safe Third Country Agreement (STCA) between Canada and the United States (US). The STCA requires refugee claimants entering Canada to make their claim in the first safe country they arrive, in this case the US. Under the STCA if a claimant tries to make an asylum claim at a Canadian land Port of Entry from the United States their claim will be barred unless it meets a narrow set of exceptions. The Applicants challenged the STCA, arguing that sections 101(1)(e) and 159.3 of the Immigration and Refugee Protection Act (IRPA), which authorise the STCA, are ultra vires and violate sections 7 and 15 of the Charter. The Federal Court of Canada determined that the impugned IRPA provisions unjustifiably violated section 7, but declined to consider the section 15 claim.

The Federal Court of Appeal overturned the lower court ruling, finding that the impugned provisions did not violate section 7. On the section 15 issue, the Federal Court of Appeal held that there was no requirement on lower courts to consider all Charter claims raised the parties. The appeal to the Supreme Court of Canada was allowed. The Asper Centre, West Coast LEAF, and LEAF were jointly granted intervener status and have focused their intervention on the lower court's decision to decline to consider or make factual findings on section 15. The joint intervention argues that the Federal Court ought to have decided the gender equality claim made under section 15 of the Charter and wrongly applied the doctrine of judicial restraint to support not deciding this claim.

See the Asper Centre factum in *Canadian Council for Refugees* [here](#).

Court File No.: 39749

IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

THE CANADIAN COUNCIL FOR REFUGEES, AMNESTY INTERNATIONAL,  
THE CANADIAN COUNCIL OF CHURCHES, ABC, DE, (BY HER LITIGATION  
GUARDIAN ABC), AND FG (BY HER LITIGATION GUARDIAN ABC),  
MOHAMMAD MAJID MAHER HOMSI, HALA MAHER HOMSI, KARAM  
MAHER HOMSI AND REDA YASSIN AL NAHASS and NEDIRA JEMAL  
MUSTEFA  
Appellants  
(Appellants)

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION AND THE MINISTER  
OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS  
Respondents  
(Respondents)

FACTUM OF THE JOINT INTERVENERS DAVID ASPER CENTRE FOR  
CONSTITUTIONAL RIGHTS, WEST COAST LEGAL EDUCATION AND  
ACTION FUND ASSOCIATION and WOMEN'S LEGAL EDUCATION AND  
FUND INC.

Pursuant to Rule 42 of the Rules of the Supreme Court of Canada

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# Advocacy and Litigation

***Mathur v. Ontario (2022)***: This Ontario Superior Court (ONSC) case concerns the Ontario government's 2018 decision to repeal the Climate Change Mitigation and Low-Carbon Economy Act. Through this legislative action, the Ontario government reduced the greenhouse gas emission target from 45% to 30% below 2005 levels by 2030. The Applicants in Mathur, a group of youth climate activists, are challenging the constitutionality of the government decision to reduce emission targets. The Applicants argue that the new 2018 target, as well as the repeal of the Climate Change Mitigation and Low-Carbon Economy Act, violates sections 7 and 15 of the Charter. They argue that by reducing the province's greenhouse gas emissions target the Ontario government is exacerbating the current climate emergency and threatening the lives of all Ontarians.

Court File No. CV-19-00631627-0000

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

BETWEEN:

SOPHIA MATHUR, a minor by her litigation guardian CATHERINE ORLANDO,  
ZOE KEARY-MATZNER, a minor by her litigation guardian ANNE KEARY, SHAELYN  
HOFFMAN-MENARD, SHELBY GAGNON, ALEXANDRA NEUFELDT, MADISON DYCK  
and LINDSAY GRAY

Applicants

and

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Respondent

and

INDIGENOUS CLIMATE ACTION, CANADIAN ASSOCIATION OF PHYSICIANS FOR  
THE ENVIRONMENT, FRIENDS OF THE EARTH CANADA, FOR OUR KIDS, and DAVID  
ASPER CENTRE FOR CONSTITUTIONAL RIGHTS

Interveners

FACTUM OF THE INTERVENER, DAVID ASPER CENTRE FOR CONSTITUTIONAL  
RIGHTS

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As remedies, the Applicants seek two forms of relief. First, they seek declaratory relief that the legislation reducing Ontario's greenhouse gas emission target violates the Charter rights of the Applicants, youth in Ontario, and future generations, and is of no force and effect under section 52(1) of the Constitution Act, 1982. Second, the Applicants seek mandatory relief directing the Ontario government to modify the GHG reduction target to one that is science-based and amend its climate change plan accordingly. The Asper Centre intervened in this case at the ONSC, focusing its intervention on remedies available to the courts in climate change cases.

See the Asper Centre factum in Mathur [here](#).

# Constitutional Challenge to the Voting Age

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The Asper Centre, in partnership with Justice for Children and Youth (JFCY) and other youth rights organizations, has been hard at work this past year on this constitutional challenge. With the help of organizations like the Students Commission of Canada, Children First, the Society for Children and Youth of B.C., Vote16, and UNICEF Canada, the Asper Centre and JFCY have consulted and engaged with Canadian youth across the country, building a solid team of youth litigants along the way who are ready to challenge Canada’s voting age.

The voting age challenge is the first constitutional challenge that the Asper Centre has undertaken from the ground-up. This multi-year constitutional challenge has provided opportunities for law students in clinics and practicum placements to engage in evidentiary and lower court practical legal work. The voting age challenge will continue to be supported by Asper Centre students for years to come as it proceeds through the courts.

On December 1, 2021, 13 young people between 12 to 18 years old filed an application at the Ontario Superior Court of Justice to challenge the voting age in Canada. One of the youth litigants from Halifax, Amelia Penney Crocker stated: “Youth are the future. But as it stands, we can’t vote for who gets to shape that future – and particularly in this unprecedented climate crisis, lack of youth voting rights might mean that we don’t have a future at all”.

The joint parties argue that the Canada Elections Act, SC 2000 c 9, which requires eligible voters to be 18 years or older, infringes section 3 of the Charter, which declares that “[e]very citizen of Canada has the right to vote”. The joint parties also argue that their section 15 Charter right to equality is infringed on the basis of age discrimination. The Asper Centre, JFCY and its partners have been preparing for this ground-level litigation since 2019. We look forward to beginning the next stage of this challenge.

For more information, see the Asper Centre statement on the filing of the constitutional challenge [here](#).



# Reconciliation Initiatives

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“We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti- racism.”

– Truth and Reconciliation Report Call to Action #28

## **Jonathan Rudin as the Asper Centre’s Constitutional Litigator-in-Residence**

In 2021, lawyer Jonathan Rudin joined the Asper Centre as its constitutional litigator-in-residence. Mr. Rudin has extensive litigation experience in advocating for Aboriginal rights. In 1990 he established Aboriginal Legal Services (ALS) and has remained with the ALS ever since. At ALS he helped establish the Community Council – the first urban Aboriginal justice program in Canada and in 2001 helped establish the Gladue (Aboriginal Persons) Court at the Old City Hall Courts in Toronto. As the Asper Centre constitutional litigator-in-residence Mr. Rudin shared his extensive expertise in Aboriginal and constitutional law with the Asper clinic course law students.

## **Asper Centre Intervention in R v Sharma**

In March 2022, the Asper Centre intervened in R v Sharma, which concerned the constitutionality of Criminal Code provisions that denied a conditional sentence for an Indigenous woman who would have otherwise qualified. The appellant, Ms. Sharma argued that the denial of a conditional sentence violated her sections 7 and 15 Charter rights. At the Supreme Court of Canada, the Asper Centre argued that section 15 obligates Parliament to implement measures to remedy this discrimination and promote the equality rights of Indigenous people in sentencing.

## **Guest Speakers Jessica Orkin and Senwung Luk**

As part of the Asper Centre clinical legal education course on constitutional litigation, lawyers Jessica Orkin and Senwung Luk were invited to speak about their experiences litigating Aboriginal rights. Jessica Orkin is a partner at Goldblatt Partners LLP in Toronto and leads the firm’s Aboriginal law practice. Senwung Luk is a partner at Olthuis Kleeer Townshend and focuses on litigating Aboriginal rights and title, Treaty rights, the Crown’s fiduciary obligations to First Nations, and Energy Law. Jessica and Senwung shared their experiences litigating Aboriginal rights and title with the clinic course law students.



# Charter: A Course - An Asper Centre Podcast

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Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights, and hosted by the Asper Centre's Executive Director Cheryl Milne. Charter: A Course focuses on Canadian constitutional law and litigation. In each episode, the podcast highlights the accomplishments of University of Toronto Faculty of Law faculty and alumni involved in leading constitutional cases and issues. Each episode also includes a "Practice Corner," where guest speakers talk about the ins and outs of what it means to be a constitutional litigator. Whether listeners are a law student, a lawyer, or just an interested person, we hope that they learn about an aspect of constitutional law and litigation that interests you in our podcast.

In season 1, the Charter: A Course podcast published six episodes on a range of topics including climate change remedies under section 7 of the Charter and COVID-19 and the Charter. Stay tuned for more episodes in season 2, to be released in Fall 2022!

Thank you to our sponsors: In 2021, Charter: A Course was proudly sponsored by the University of Toronto's affinity partners TD insurance and MBNA. You can discover the benefits of affinity products at [affinity.utoronto.ca](https://affinity.utoronto.ca).

**mbna**



**TD Insurance**



# Charter: A Course – An Asper Centre Podcast

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## **Episode 1: What's the Point of Section 1?**

Scholar and University of Toronto alumnus Jacob Weinrib discusses the purpose of the reasonable limits clause. In the Practice Corner, University of Toronto alumnus Padraic Ryan, who is a lawyer with the Ministry of the Attorney General of Ontario Constitutional Law Branch, discusses his experiences in constitutional litigation involving s.1 of the Charter.

## **Episode 2: COVID-19 and the Charter**

Massey College Principal Nathalie Des Rosiers and Abby Deshman from the Canadian Civil Liberties Association examine the complex relationship between the *Charter* and the government's response to COVID-19. In the Practice Corner, University of Toronto students Geri Angelova and Hana Awwad discuss their experience in the Grant Moot.

## **Episode 3: Jury Fairness and the Charter**

University of Toronto Professor Kent Roach and Legal Director of Aboriginal Legal Services in Toronto Christa Big Canoe discuss jury fairness in Canada and the impact of the Supreme Court of Canada's recent decision in *R v Chouhan*. In the Practice Corner, criminal defense lawyer Janani Shanmuganathan discusses the practicalities of jury selection.

## **Episode 4: Religious Freedom and Interventions in Constitutional Litigation**

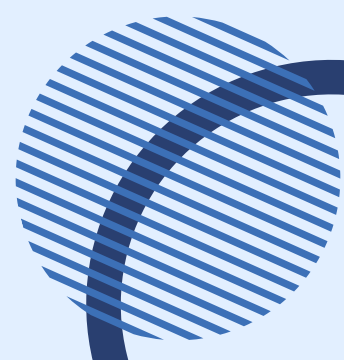
University of Calgary Professor Howard Kislowicz discusses the jurisprudence on religion freedom in the *Charter*. In the Practice Corner, lawyer Adrial Weaver discusses the process and practice of intervening in appeals at the Supreme Court of Canada.

## **Episode 5: Climate Change Remedies and Section 7 of the Charter**

Lawyer and former Asper Centre Constitutional Litigator-in-Residence Nader Hasan discusses the potential role of section 7 of the *Charter* in remedies for climate change. In the Practice Corner, University of Toronto Professor Kent Roach discusses constitutional remedies.

## **Episode 6: Section 15 of the Charter**

Former and current Asper Centre Constitutional Litigators-in-Residence Mary Eberts and Jonathan Rudin discuss the complex history of equality rights under section 15 of the *Charter*.



# Asper Centre Panel Discussions

## Book Forum: Remedies for Human Rights Violations by Kent Roach

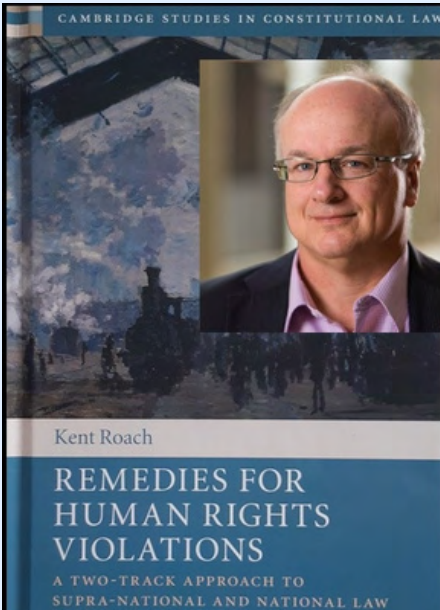
The Asper Centre co-hosted a book forum for Professor Kent Roach's new book "Remedies for Human Rights Violations". In his book "Remedies for Human Rights Violations" Roach suggests a two-track approach to remedies for human rights violations within international and national law. This two-track approach combines domestic remedies to respond to the needs of individual litigants and more dialogic approaches to systemic remedies. Roach draws on a comparative approach by examining the jurisprudence from Australia, Canada, India, New Zealand, Hong Kong, South Africa, the United Kingdom, and the United States. This book forum began with comments on the book provided by leading Canadian and international legal experts that was then responded to by Roach.

**Organizers:** Asper Centre and the International Human Rights Program

**Moderators:** Cheryl Milne (Executive Director of the Asper Centre) and Rebecca Cook (Interim Director of International Human Rights Program)

**Panellists:** Robert Sharpe (Former University of Toronto Faculty of Law Dean), Brenda Gunn (University of Manitoba Faculty of Law), Payam Akhavan (Permanent Court of Arbitration at The Hague), and a reply from Kent Roach (University of Toronto Faculty of Law)

View the recording [here](#).



CAMBRIDGE STUDIES IN CONSTITUTIONAL LAW

Kent Roach

**REMEDIES FOR HUMAN RIGHTS VIOLATIONS**

A TWO-TRACK APPROACH TO SUPRA-NATIONAL AND NATIONAL LAW

Asper Centre & IHRP online BOOK FORUM

**REMEDIES FOR HUMAN RIGHTS VIOLATIONS**

by Professor Kent Roach

Friday, March 4, 2022 at 12:30-2:30 (EST)

**With Guest Speakers**

**Robert Sharpe**, Former Dean, Faculty of Law, University of Toronto, Judge Emeritus, Ontario Court of Appeal

**Brenda Gunn**, Professor, Faculty of Law, University of Manitoba

**Julian Huertas Cardenas**, SJD Candidate, Faculty of Law, University of Toronto

**Payam Akhavan**, Senior Fellow, Massey College, Member of the Permanent Court of Arbitration at The Hague, and Visiting Professor, Faculty of Law, University of Toronto

Reply from the author, **Kent Roach**, Professor, Faculty of Law, University of Toronto

# Asper Centre Panel Discussions

## Emergencies Act, Police Powers & COVID Protests

On Monday, February 14, 2022, Prime Minister Justin Trudeau announced that he would be invoking the Emergencies Act "to get the current situation under control and end the [then] ongoing illegal blockades and occupations taking place across the country". While the federal cabinet has since revoked the Emergencies Act, there are several pending applications for judicial review of the matter.

This Asper Centre panel discussion examined the use of the Emergencies Act in response to the February 2022 Freedom Convoy protests. The discussion examined the constitutionality of the invocation of the Emergencies Act, the expansion of police powers, and the balance of Canada's constitutional democracy.

**Organizers:** Asper Centre for Constitutional Rights

**Moderators:** Cheryl Milne (Executive Director of the Asper Centre)

**Panellists:** Abby Deshman (Director of Criminal Justice Program at the Canadian Civil Liberties Association), Mary Eberts (constitutional law expert), Professor Kent Roach (University of Toronto Faculty of Law), Professor David Schneiderman (University of Toronto Faculty of Law), and Wesley Wark (Senior Fellow at the Centre for International Governance Innovation)

View the recording [here](#).

The Asper Centre presents an ONLINE EXPERT PANEL on the

## EMERGENCIES ACT, POLICE POWERS & COVID PROTESTS

On **MARCH 2, 2022**  
at 12:30-2:00PM EST

*Featuring*

**Abby Deshman**, Director, Criminal Justice Program, Canadian Civil Liberties Association

**Mary Eberts**, Order of Canada, Constitutional law expert

**Kent Roach**, Professor, Faculty of Law, University of Toronto

**David Schneiderman**, Professor, Faculty of Law, University of Toronto

**Wesley Wark**, Senior Fellow, Centre for International Governance Innovation

David Asper Centre for Constitutional Rights  
UNIVERSITY OF TORONTO





# Asper Centre Panel Discussions

## The Implications of Facial Recognition Technology: An Investigation through the lens of Constitutional, Privacy, and Human Rights Law

Legal issues do not occur in a vacuum. For each new innovative leap forward, there are potential ramifications in business, privacy, strategy, criminal, constitutional, and human rights law. The best lawyers are the ones who recognize the interplay between substantive areas of law and understand how each of the individual threads connects together.

The panel discussion was jointly organised by the Asper Centre, the International Human Rights Program, and the Future of Law Lab. The panellists discussed the constitutional, privacy, and human rights impacts of facial recognition technology.

**Organizers:** Asper Centre for Constitutional Rights, the International Human Rights Program, and the Future of Law Lab

**Panellists:** Professor Vincent Chiao (University of Toronto Faculty of Law), Carole Piovesan (INQ Law), and Kate Robertson (Markson Law).



The poster features a silhouette of a person with a ponytail on the left side against a blue and purple gradient background. The text on the right side of the poster reads:

**The Implications of Facial Recognition Technology**  
An Investigation through the lens of Constitutional, Privacy, and Human Rights Law

Tuesday, February 15<sup>th</sup> from 12:30pm-2:00pm EST

[REGISTER HERE](#)

Below the text are three circular headshots of the panellists:

- Carole Piovesan  
INQ Law
- Kate Robertson  
Markson Law
- Vincent Chiao  
U of T Faculty of Law

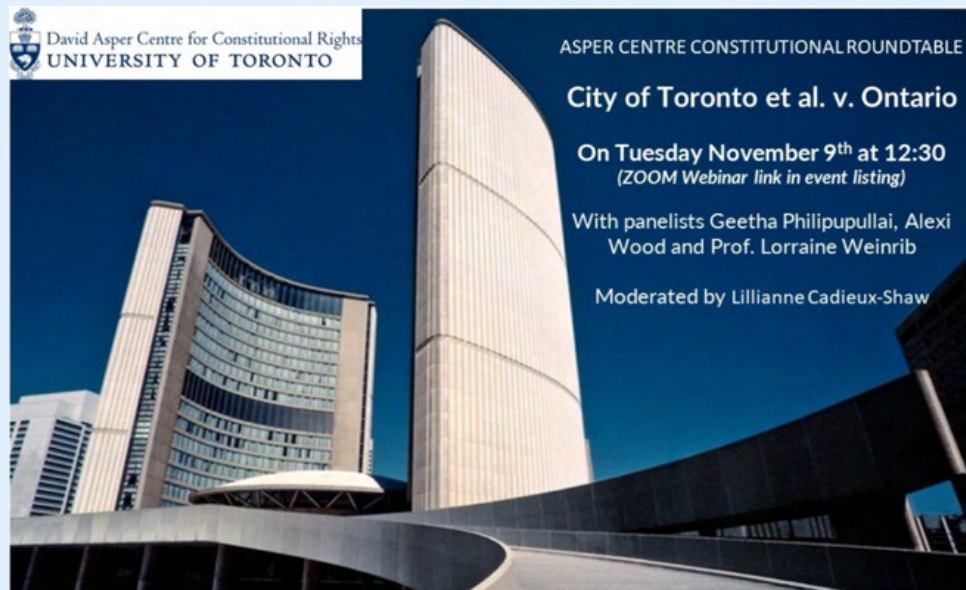
At the bottom of the poster are three logos: the David Asper Centre for Constitutional Rights University of Toronto, the University of Toronto Faculty of Law International Human Rights Program, and the Future of Law Lab logo.





# Constitutional Roundtable

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## Constitutional Roundtable on City of Toronto et al. v Ontario

Following the commencement of the Toronto municipal election in 2018, the Ontario government passed the *Better Local Government Act, 2018* reducing Toronto City Council to 25 seats from its original 47. A number of individuals, including candidates in the 47-ward election, challenged the legislation, as did the City of Toronto. It was argued that cancelling a democratic election more than halfway through the election period breached the *Charter's* guarantee of freedom of expression, without justification. The challenge was successful at the Superior Court but failed at the Court of Appeal. Toronto appealed to the Supreme Court of Canada and, in a deeply divided 5 to 4 decision released on October 1, 2021, the Court upheld the *Better Local Government Act*. The panel discussed the differing views of the majority and dissenting judges and the implications for constitutional litigation and freedom of expression claims more generally.

**Organizers:** Asper Centre for Constitutional Rights

**Moderators:** Lillianne Cadieux-Shaw (St. Lawrence Barristers LLP, co-counsel for the Asper Centre in its intervention at the SCC)

**Panellists:** Geetha Philipupillai (Goldblatt Partners LLP and counsel for the intervener Canadian Civil Liberties Association in the SCC appeal), Professor Lorraine Weinrib, (University of Toronto Faculty of Law), and Alexi Wood (St. Lawrence Barristers LLP and counsel for the Asper Centre in its intervention at the OCA and the SCC).

View the recording [here](#).



# Clinical Legal Education

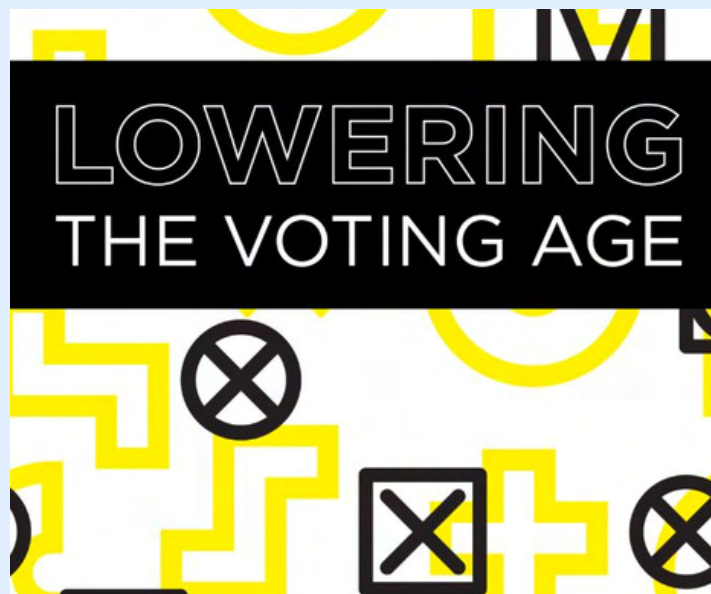
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## Clinic Projects

This year, Asper Centre's clinic students continued working on the constitutional challenge against the federal voting age. The clinic students worked on affidavits of our expert witnesses and youth clients and completed a detailed legislative history of the franchise in Canada. Students also helped to draft our factum in the Supreme Court of Canada appeal in *British Columbia (Attorney General) v Council of Canadians with Disabilities*.

## Clinic Speakers and Pro Bono Assistance

We had a number of speakers who joined us through Zoom this year. We thank Mary Birdsell of Justice for Children and Youth, criminal defence counsel Faisal Mirza, lawyers Jessica Orkin and Senwung Luk, and former Justice Laforme. We also thank returning guests who managed to redesign their presentations to suit the online class, Joseph Cheng of the Department of Justice, Canada, Emily Wesson of Norton Rose Fulbright LLP, and Sooin Kim of the Bora Laskin Library.





# Student Engagement

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The Asper Centre manages several working groups every year. Each working group comprises of upper-year student leaders and first-year student members working on a contemporary constitutional issues. Further, all working groups partner with external civil society organisations and/or faculty advisors. The working groups for 2021-2022:

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## Privacy Law Reform

**Advisor:** Prof. Lisa Austin

**Student Leaders:** Natasha Burman, Sabrina Macklai, Wei Yang

**Student Members:** Ally Mastantuono, Alyssa Wong, Calvin Wang, David Cote, Dongwoo Kim, Elliot Jarman, Gordon Milne, Hannah West, Kathryn Mullins, Michael O'Keefe, Monica Gill, Stephen Mapplebeck

In late 2020, the federal government announced their intention to reform The Privacy Act, which would be the first major reform to the Act in nearly 20 years. The Privacy Law Reform Working Group drafted a policy brief to the House of Commons' Standing Committee on Access to Information, Privacy, and Ethics and the Privacy Commissioner with recommendations for Charter-compliant reforms to the current Privacy Act, particularly regarding RCMP and CBSA interactions. The group made recommendations about how the Act should be amended to sufficiently protect Canadians' privacy rights as they relate to s. 8 (and possibly s. 7) of the Charter.

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## Police Oversight

**Advisor:** Tal Schreier, Asper Centre

**Student Leaders:** Caterina Cavallo, Meaza Damte, Leila Far Soares

**Student Members:** David McQuillan, Joshua Yachouh, Julia Campbell, Kunal Khemani, Liam Forbes, Michael Puopolo, Nina Patti, Rhea Murti, Rob Halperin, Sarah McGregor, Taylor Rodrigues, Vivian Li

The Police Oversight Working Group assisted the Asper Centre to complete a project, funded by the Law Foundation of Ontario. This project seeks to develop accessible public legal information guides about the complex police oversight processes in Ontario. This project promotes police accountability and access to justice and is very timely given the current context of allegations of police misconduct, the ongoing police oversight legislative reforms in Ontario, recent media exposure of issues behind unfounded sexual assault allegations, and the serious concerns raised in respect of the treatment of women and girls from First Nations, Metis and Inuit communities as well as the police mishandling of complaints by Indigenous peoples.



# Student Engagement

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## Prisoners' Rights Handbook

**Advisor:** The John Howard Society of Canada

**Student Leaders:** David Baldrige, Hudson Manning, Taskeen Nawab, Alison Yu

**Student Membership:** Aviva Ripstein, Ben Maclean-Max, Damien Deng, Emma Danaher, Hayley VandePol, Jonah Dutz, Kareem Guimb, Makenzie Chan, Nancy Chen, Nina Lu, Rebecca Rabinovitch, Vanessa Groves

The Prisoners' Rights Working Group addressed a critical gap in prisoners' legal rights: the lack of up-to-date, easy to understand, inmate-centred, and Charter-based literature concerning inmates' rights and correctional institutions' associated responsibilities. The working group consulted with stakeholders to determine the scope and logistics of such a handbook. The handbook is currently under development and will be further advanced by next year's working group.

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## Freedom of Expression

**Advisor:** Prof Richard Moon (University of Windsor Law), Independent Jewish Voices Canada

**Student Leaders:** Emily Albert, Ikram Handulle

**Student Members:** Amy Wang, Donya Ashnaei, Evan Morin, Gao Yinzi, Joshua Van Roie, Laura Henderson-Cameron, Matthew Benoit, Naomi Chernos, Omar Alikhan, Ronan Mallovy, Rose Ghaedi, Sophie Keller

The objective of the Freedom of Expression Working Group's project was to provide legal research for an organization that is contemplating a Charter challenge to a Provincial Order in Council that potentially impacts advocacy surrounding Palestine. Research questions included the effect of an Order in Council; what is the procedure for challenging it; the review and application of the Supreme Court of Canada jurisprudence on freedom of expression; among other questions related to possible Charter litigation.

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## Sex Workers' Rights

**Advisor:** Canadian Alliance for Sex Work Law Reform

**Student Leaders:** Erica Berry, Kaitlyn Nelson, Alison Schwenk

**Student Members:** Andrea Racic, Benjamin McLean, Caitlin Salvino, Claire Abbott, Claire Bettio, James Weaver, Jon Herlin, Lily Vivienne Stern, Neha Goel, Olivia O'Connor, Sebastian Zhou, Serene Falzone, Tyler Yan, Vanessa Lloyd

The Sex Workers' Rights Working Group provided legal research assistance to the Canadian Alliance of Sex Work Law Reform in their ongoing constitutional challenge to the Protection of Communities and Exploited Persons Act, SC 2014, c 25 [PCEPA]. The research focused on the conflicting objectives of the PCEPA legislation and their impact on the section 1 Charter analysis in the constitutional challenge. The working group also helped analyze whether the Asper Centre should intervene in this constitutional challenge at this stage of the litigation.

# Wilson Moot

This year's U of T Law Wilson Moot team of Elspeth Gibson, Katarina Kusic, Ivy Xu took second place for Best Factum. The moot problem was an application made by Annette Norris, a person experiencing homelessness, that challenged a by-law passed by the City of Calgary. The by-law banned all permanent and temporary overnight shelter in city parks. It also authorized immediate evictions of encampment residents, so that the residents could instead be transferred to temporary shelter space provided by the city. Ms. Norris claimed that the by-law infringed her rights under sections 7 and 15 of the Canadian Charter of Rights and Freedoms.

Many thanks to adjunct moot advisors Cheryl Milne (Executive Director, Asper Centre) and Joseph Cheng (General Counsel, Department of Justice Canada's National Litigation Sector [Ontario Regional Office]) who helped coached the team, along with fellow 3L student coaches Ahmed Elahi, Geri Angelova and Zoe Sebastien.



Pictured (left-right) Maija Fiorante (3L), Cheryl Milne, Elspeth Gibson (3L), Katarina Kusic (2L), Joseph Cheng, Ivy Xu (2L), Haya Sardar (2L), and Mylim Bakan Kline (3L). Credit: Katarina Kusic





# Research and Writing

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## Toolkit for Evidence Informed Child Protection Practice

This series of child welfare toolkits was developed with Dr. Barbara Fallon at the Factor-Inwentash Faculty of Social Work with funding from the Ontario Law Foundation and with input from key stakeholders in the areas of child welfare and child protection. The toolkit's purpose is to synthesize the current legislation, case law, and social science research on the practice of child protection as a resource for practicing child protection lawyers and the child welfare sector. The toolkits are accessible to lawyers, social workers and other professionals working in child protection through the [cwrp.ca](http://cwrp.ca). The goal of these briefs is to ensure that decisions made at each point in the child welfare service continuum are made in the best interest of the child. Actors within the child welfare system make decisions to protect children from harm and to ensure that the adults in their lives are acting in their best interests. In 2017, the Child, Youth, and Family Services Act was implemented in Ontario; its full impact on the litigation of cases is not yet known. The intervention of children's aid society workers into the private lives of families has a profound and permanent impact on both caregivers and their children. Given the serious impact of the state becoming involved in families, it is critical that these actions are based on the best available social science evidence. We believe that any decisions should have a strong evidentiary basis and that information should be helpful to inform these decisions should be accessible, up-to-date and accurate.



### **Review of Data and Process Considerations for Compensation Under 2019 CHRT 39**

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*Report prepared for Indigenous Services Canada*  
February 2022



# Research and Writing

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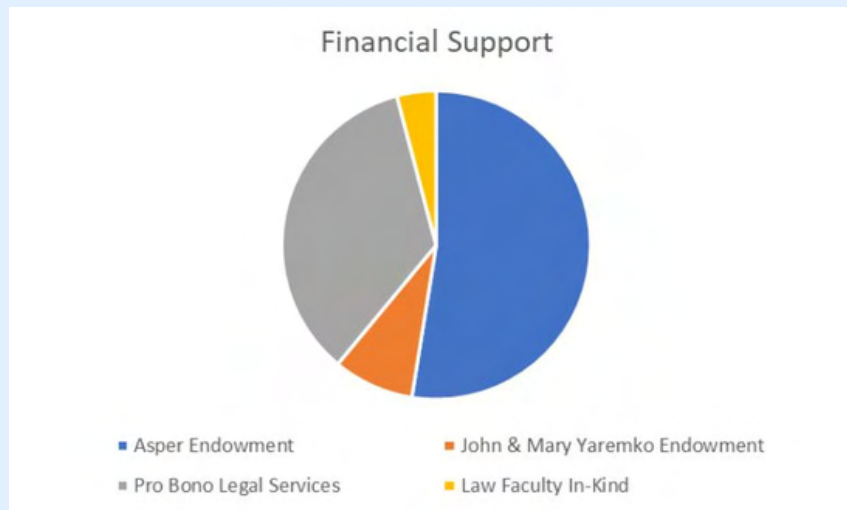
## Asper Centre Blog Posts

The Asper Centre maintains a well-read blog on current issues in constitutional law, with students being the main contributors. The 2021-2022 posts include:

1. A Clear and Decisive Supreme Court Ruling on Public Interest Standing: Attorney General of British Columbia v. Council of Canadians with Disabilities (Caitlin Salvino, June 2022: [online link](#)).
2. The Curious Case of Section 15 and Courts of First Instance: The Joint Asper Centre, LEAF and West Coast LEAF Intervention in Canadian Council for Refugees, et al. v. Minister of Citizenship and Immigration, et al (Caitlin Salvino, June 2022: [online link](#)).
3. R v Bissonnette: The Supreme Court's Ruling on the Constitutionality of Consecutive First Degree Murder Sentences (Caitlin Salvino, June 2022: [online link](#)).
4. R v Sullivan, R v Chan and R v Brown: The Supreme Court's Ruling on the Defence of Extreme Intoxication (Kathryn Mullins, May 2022: [online link](#)).
5. Moving Towards Substantive Equality in Sentencing: R v Morris (Bailey Fox, December 2021: [online link](#)).
6. Constitutional Roundtable on City of Toronto et al v Ontario (Bailey Fox, November 2021: [online link](#)).
7. The Positives of Campaigning: City of Toronto and Freedom of Expression at the Supreme Court (Bailey Fox, October 2021: [online link](#)).

# Financials & Pro-bono Contributions

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## Pro Bono Contributions

Faculty Contributions: Professor Kent Roach provided supervision and guidance to our clinic students working on the British Columbia (Attorney General) v Council of Canadians with Disabilities case and our working group on police accountability.

Pro Bono Counsel: Jessica Orkin and Andriel Weaver of Goldblatt Partners LLP represented us in our intervention in R v Sharma. Ewa Krajevska and Meghan Pearson of Heinen Hutchison represented us in our successful intervention application in Mathur v Ontario.

Agency: Norton Rose Fulbright continues to act as our pro bono agent in our Supreme Court of Canada interventions.

# Constitutional Litigator- in-Residence

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In 2021, the Asper Centre was honoured to have Jonathan Rudin serve as its constitutional litigator-in-residence. Mr. Rudin received his LL.B. and LL.M. from Osgoode Hall Law School in Toronto. In 1990 he was hired to establish Aboriginal Legal Services and has been with ALS ever since. Currently he is the Program Director.



Mr. Rudin has represented ALS as an intervener at the Supreme Court of Canada 12 times. He has often appeared before the Ontario Court of Appeal and before Courts of Appeal in Quebec, Nunavut, Saskatchewan and British Columbia.

At ALS he helped establish the Community Council – the first urban Aboriginal justice program in Canada in 1992, and in 2001 helped establish the Gladue (Aboriginal Persons) Court at the Old City Hall Courts in Toronto

Mr. Rudin has written and spoken widely on issues of Indigenous justice. His book, *Indigenous People and the Criminal Justice System* was released by Emond Publishing in 2018 and won the Walter Owen Book Prize from the Canadian Foundation for Legal Research in 2019. A second edition of the book will be published in 2022.

Mr. Rudin also teaches on a part-time basis in the Masters of Law program at Osgoode Hall Law School. Last but not least, he plays the mandolin and sings with Gordon's Acoustic Living Room, a group that plays regularly in Toronto and has a number of videos on YouTube.



# Advisory Group



**Professor Brenda Cossman (Chair)** joined the Faculty of Law in 1999, and became a full professor in 2000. She holds degrees in law from Harvard and the University of Toronto and an undergraduate degree from Queen's. Prior to joining the University of Toronto, she was Associate Professor at Osgoode Hall Law School. In 2012, Professor Cossman was elected as a Fellow of the Royal Society of Canada. In 2009, she was awarded the Mundell Medal for contributions to letters and law. In 2002 and 2003, she was a Visiting Professor of Law at Harvard Law School. Professor Cossman's teaching and scholarly interests include family law, law and gender, and law and sexuality.



**Professor Yasmin Dawood** is an Associate Professor at the Faculty of Law and the Department of Political Science with a B.A. from University of Toronto, an M.A. and Ph.D from University of Chicago, and a J.D. from Columbia Law School. She is also the Canada Research Chair in Democracy, Constitutionalism, and Electoral Law. She has testified before Parliament as an election law expert, and been interviewed on election law issues by CBC Radio, The Agenda, and Power and Politics. Prior to joining the Faculty of Law she was a Postdoctoral Fellow at the Centre for Ethics, University of Toronto.



**Nader Hasan**, B.A. (Harvard), M.Phil (University of Cambridge), J.D. (University of Toronto) is a partner at Stockwood Barristers in Toronto. He practises criminal, regulatory and constitutional law at the trial and appellate levels. Nader has been recognized by Best Lawyers magazine as one of Canada's leading appellate lawyers. He has appeared in 20 cases at the Supreme Court of Canada, including as lead counsel to the successful appellants in *Clyde River v. Petroleum Geo-Services Inc.*, 2017 SCC 40, a landmark Indigenous rights decision. Nader is a veteran Adjunct Professor, and he will be the constitutional-litigator-in-residence at the Asper Centre in the 2020-2021 school year.





# Advisory Group



**Professor Mariana Mota Prado** obtained her law degree (LLB) from the University of Sao Paulo, and her master's (LLM) and Doctorate (JSD) from Yale Law School. She is currently a Professor at the Faculty of Law. She has published extensively on law and development, including three co-authored books with Michael J. Trebilcock: *Institutional Bypasses: A Strategy to Promote Reforms for Development* (Cambridge University Press, 2019), *Advanced Introduction to Law and Development* (Edward Elgar, 2014), and *What Makes Poor Countries Poor* (Edward Elgar, 2011).



**Professor Richard Stacey** holds a PhD from New York University's Institute for Law and Society and degrees in political theory and law from the University of the Witwatersrand in Johannesburg, South Africa. He served as law clerk to Justice Kate O'Regan and Justice Bess Nkabinde at the Constitutional Court of South Africa, has taught courses in political theory, constitutional law, administrative law and human rights at the University of Witwatersrand, the University of Cape Town and the City University of New York Law School, and was involved in an advisory capacity in constitutional transition in Kenya (2009), Tunisia (2012 – 14), Egypt (2013) and Libya (2013).



**Professor Hamish Stewart** joined the Faculty of Law in 1993 and is now a Professor of Law at the University of Toronto. Before attending law school, he studied economics (B.A., University of Toronto, 1983; Ph.D., Harvard University, 1989) and taught for a year in the economics department at Williams College. He received an LL.B. degree from the University of Toronto in 1992, clerked at the Ontario Court of Appeal in 1992-93, and was called to the Ontario Bar in 1998.



# Asper Centre Staff



**Cheryl Milne** is the Executive Director of the Asper Centre, and teaches a clinical course in constitutional advocacy at the University of Toronto, Faculty of Law. Prior to coming to the Centre, Ms. Milne was a legal advocate for children with the legal clinic Justice for Children and Youth. There she led the clinic's Charter litigation including the challenge to the corporal punishment defence in the Criminal Code, the striking down of the reverse onus sections of the Youth Criminal Justice Act for adult sentencing, and an intervention involving the right of a capable adolescent to consent to her own medical treatment. She was the Chair of the Ontario Bar Association's Constitutional, Civil Liberties and Human Rights section, and the Chair of the Canadian Coalition for the Rights of Children and Justice Children and Youth. She is a member of the Steering Committee of the National Association for Women and the Law (NAWL) and the Child and Youth Law Section Executive of the Canadian Bar Association.



**Tal Schreier** is the Asper Centre's Program Coordinator, responsible for the Centre's events, community outreach, advocacy, and overseeing the Asper Centre's student researchers and student working groups. Tal holds a JD from Osgoode Hall Law School and an LLM from the University of Cape Town in South Africa. Prior to the Asper Centre, Tal served as the first Toronto Legal Coordinator for the Refugee Sponsorship Support Program & Lifeline Syria. From 2002 until 2014, Tal worked at the University of Cape Town (UCT) Refugee Rights Unit in South Africa, where she managed its UNHCR-funded refugee legal aid clinic, convened training programs on refugee rights for government officials, police, social workers, and other community members, taught refugee law to law students and led research projects, including co-editing and co-writing South Africa's first textbook on refugee law, titled *Refugee Law in South Africa* (Juta: 2014).



# Asper Summer Students



**David McQuillan** worked on the Asper Centre's police accountability project. He also researched legal issues related to the Asper Centre podcast on freedom of expression and protest.

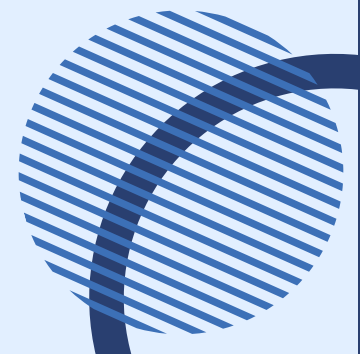
**Kathryn Mullins** worked on the constitutional challenge to the voting age. She also researched legal issues related to children's rights and the Asper Centre podcasts on voting rights and section 28 of the Charter.

**Caitlin Salvino** was a general research assistant for the Asper Centre and contributed to the interventions in Canadian Council of Refugees (Safe Third Country Agreement) and Mathur (climate change litigation). She has also written several blog posts and researched legal issues related to the Asper podcast on the notwithstanding clause and socio-economic rights.

**David Baldrige** worked with Alina Valachi and Alison Gillanders on the Toolkit for Evidence-Based Child Protection project.

**Alison Gillanders** also worked alongside Alina Valachi and David Baldrige on the Toolkit for Evidence-Based Child Protection project.

**Alina Valachi**, through the Factor-Inwentash Faculty of Social Work, managed the Toolkit for Evidence-Based Child Protection Practice project. The project synthesizes legal and social science research in the area of child protection to develop a plan that protects the interests of children within the child welfare system.





# Thank You

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Thank you to all the faculty members, staff, alumni and legal practitioners who have helped the Centre. We would also like to acknowledge the following student contributors this year and thank them for their support.

Work Study Students: Bailey Fox and Rose Ma

Blog Contributors: Bailey Fox, Kathryn Mullins, Caitlin Salvino

Newsletter Contributors: Rose Ma, Bailey Fox, Natasha Burman, Sabrin Macklai, Wei Yang, Maia Caramanna, Brianna Morrison, Szymon Rodomar, Graham Rotenberg, Natasha Williams, Elise Burgert, Evan Morin, and Meaza Damte

These students' contributions along with those of the authors of last year's annual report appear in part or inform the content of this year's Annual Report.

# Asper Centre Media Report



The Asper Centre's Twitter account has continued to grow in both followers and engagement. As of this report's publication, the account has 1,656 followers. In the first 6 months of the year, between January 2022 and July 2022, the twitter account had over 55,000 tweet impressions and over 20,000 profile visits. The Asper Centre's tweets consistently have strong engagement rates and receive far more views than its follower base, thanks to retweets from popular accounts such as @UTLaw.



**Twitter: @AsperCentre**



**Facebook: The David Asper Centre for Constitutional Rights (@daccr)**



**Website: [aspercentre.ca](https://aspercentre.ca)**





# Asper Centre in the News

1. Canada's National Observer, "[Environmental, Indigenous and Parent Groups can Join Youth Climate Case, Ontario Court Says](#)" June 28, 2022.
2. The Globe and Mail, "[Supreme Court Ruling Over Constitutional Challenges Helps Public Interest Groups](#)" June 23, 2022, quoting Asper Centre Executive Director Cheryl Milne.
3. Toronto Star, "[Inquiry into Emergencies Act Must be Public and Tackle the Difficult Questions](#)" March 4, 2022, op-ed co-written by Executive Director Cheryl Milne and former Asper Centre Constitutional Litigator-in-Residence Mary Eberts in collaboration with Wesley Wark and Cara Zwibel.
4. CBC News Prince Edward Island, "[Access to Government Information on Children Being Curbed, says P.E.I. Child Advocate](#)" March 1, 2022.
5. Canada's National Observer, "[Meaza Damte Knows the Kids Will be Alright](#)" January 28, 2022, featuring Asper Centre working group member Meaza Damte.
6. The Lawyer's Daily, "[SCC's Winter Term Features Charter Cases on Sentencing, Public-Interest Standing and Speedy Trials](#)" January 12, 2022, quoting Asper Centre Executive Director Cheryl Milne.
7. The Globe and Mail, "[Quebec's Expansion of COVID-19 Vaccine Passports to Liquor, Pot Stores Likely Sound, Legal Experts Say](#)" January 8, 2022, quoting Asper Centre Executive Director Cheryl Milne.
8. CBC News Saskatchewan, "[13-year-old from Saskatoon Joins Nationwide Effort to Lower Voting Age in Canada](#)" December 23, 2021.
9. CBC News Politics, "[Old Enough to Choose: The Case for Letting younger Canadians Vote](#)" December 8, 2022, quoting Asper Centre Executive Director Cheryl Milne.
10. CBC News North, "[A Voice, A Vote: Iqaluit Youth Help Push Forward Court Challenge to Lower Canada's Voting Age](#)" December 3, 2021.
11. CBC News Politics, "[Young Canadians Launch Court Challenge to Federal Voting Age from 18](#)" December 1, 2021.
12. Ottawa Citizen, "[Federal Police Oversight Should be an Election Issue](#)" September 14, 2021, written by Asper Centre Working Group Leaders Lavalee Forbes, Maggie Shi and Asper Centre Advisor Professor Kent Roach.
13. CTV News "[Constitutional Lawyer Cheryl Milne Explains how Extreme a Vaccine Mandate would have to be in Order to Violate Canadians' Charter Rights](#)" September 8, 2021.



David Asper Centre for Constitutional Rights  
**UNIVERSITY OF TORONTO**