



## CALL FOR PAPERS

### **TITLE: Litigating Equality in Canada**

The David Asper Centre for Constitutional Rights (Asper Centre) invites papers for a one-day symposium, including both in-person and webinar components, on the developing issues in equality rights litigation.

In the past decade, several decisions from the Supreme Court of Canada have articulated a revised understanding of the way that section 15 of the *Charter* is to be applied in *Charter* litigation. In particular, *Fraser* has been interpreted by some as modifying the approach by claimants in establishing a section 15 breach and placing more focus on the government's burden of justification. Most recently, *Sharma* has articulated an evidentiary burden as part of the test. The Courts have also been challenged to examine the implication of equality rights in *Charter* challenges and sentencing cases in the criminal law context in ways that place a heavy focus on racial inequities. The events of the summer of 2020 and the Black Lives Matter movement have highlighted the importance of cases such as *R v Sharma* and *R v Morris*, that have recently been considered by our courts. The Supreme Court of Canada has also shown an increasing interest in scholarship in the analysis of the law, while at the same time, we are seeing an increased interest and influence of interveners in these cases.

The symposium is aimed at both practitioners (lawyers and NGOs) who are engaged in public interest litigation and scholars who study and analyze the impact of these cases. At this time, the Asper Centre is seeking submissions of abstracts covering the following broad areas for consideration:

- What are the implications of the recent rulings under s.15 for litigation strategies on behalf equality seeking groups? What are the implications for government?
- Have interveners made an impact on these cases?
- What are the potential impacts of legal acknowledgement of systemic racism in our criminal justice system? In Canada?
- What is the nature of the social science evidence required to successfully argue or defend these cases?
- How can new developments in discrimination and critical race theory influence decision-making?
- What international law and precedents are relevant to the developing law in Canada?
- What lessons from successful as well as unsuccessful litigation in this area can be extracted from individual cases (shorter case commentaries will be accepted in this category).

The Asper Centre is a centre within the University of Toronto, Faculty of Law devoted to advocacy, research and education in the area of constitutional rights in Canada. Since its inception in 2008, the Asper Centre has convened many conferences and symposia focused on

various aspects of *Charter* and public interest litigation in Canada. In 2018, the Asper Centre convened a Public Interest Litigation Conference, focusing on legal strategies for successful public interest litigation to bring together relevant stakeholders to share their challenges, successes, and strategies in this field. The resulting papers were published by LexisNexis Canada in the Supreme Court Law Review (longer papers) and in the 2019 book *Public Interest Litigation in Canada* (including shorter case comments). This symposium seeks to build on the themes explored in earlier events to contribute to the practical scholarship on public interest litigation and to produce a follow-up publication to this earlier work. Papers will be considered for a dedicated volume of the Supreme Court Law Review and a follow-up book, which will also include shorter case comments.

Due to take place on **Friday, May 26, 2023**, this Symposium will be co-chaired by Professor Sophia Moreau and Asper Centre Executive Director, Cheryl Milne and will provide an opportunity for feedback and discussion on the papers presented as well as facilitating dialogue more broadly on the Symposium themes. Papers may be at any stage of development, but participants will be expected to circulate a paper in advance of the symposium of not less than 5,000 words to facilitate discussion. Final papers should be 6,000-8,000 words, with case comments.

Those interested in presenting a paper should submit a proposal (250 words maximum) detailing the intended presentation with a short biography of presenter(s) to [tal.schreier@utoronto.ca](mailto:tal.schreier@utoronto.ca), Asper Centre Program Coordinator, by **January 31, 2023**. Proposals for panels will be considered as well. Draft papers should then be submitted by **April 15, 2023**, for circulation among the other participants for the symposium. If you are interested in putting your work forward for consideration in the publication, please indicate this in your proposal. Strict deadlines following the conference must be met to facilitate peer review and publication deadlines.

**Deadline for Proposals: January 31, 2023**