



David Asper Centre for Constitutional Rights
UNIVERSITY OF TORONTO



2022-23

Annual Report

David Asper Centre for Constitutional Rights

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Table of Contents

- 1** About us
- 1** Vision, Mission, and Values
- 2** Message from Executive Director

Our Work

- 4** Advocacy and Litigation
- 8** Constitutional Challenge to the Voting Age
- 9** Reconciliation Initiatives
- 10** Charter: A Course - An Asper Centre Podcast

Events

- 12** Panel Discussions, Guest Speakers, Symposia
- 17** Constitutional Roundtables

Research and Learning

- 19** Clinical Legal Education
- 20** Student Working Groups
- 23** Wilson Moot
- 23** Research and Writing

People

- 25** Financial
- 25** Pro Bono Contributions
- 26** Constitutional Litigator-in-Residence: Jessica Orkin
- 27** Advisory Group
- 29** Asper Centre Staff
- 30** Summer Students
- 30** Thank You

Engagement

- 31** Media Snapshot
- 31** Asper Centre in the News

About Us

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).

Vision, Mission and Values

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.

Message from Executive Director

As I look forward to our upcoming 15th Anniversary Event, I look back to the work we did this past year and since the creation of the Centre. Tal Schreier compiled a set of numbers in preparation for our celebration that requires attention. In 15 years we have intervened in 38 separate court cases, held 54 Constitutional Roundtables, hosted 13 separate Symposia, facilitated 45 student-led working groups, and published 37 works including policy briefs, articles and two books. Our podcast, Charter: A Course has been downloaded over 18,500 times – not bad for a fairly niche offering.

I have also had the pleasure of working with an incredible number of pro bono lawyers who have devoted their time to our interventions, engaging the students in their work and embracing the teaching role that the Centre maintains in its work. I have also enjoyed working with 11 Constitutional Litigators in Residence, who have co-taught the clinic with me and represented us in various interventions. Our event in October 2022, celebrating the 40th anniversary of the Charter brought together all but two of those litigators in residence. The most significant absence from the line-up was our first litigator in residence and the person who started the whole thing, Joseph Arvay QC. The Canadian constitutional community, and the broader legal community, suffered a sad blow with the sudden death of Joe Arvay. Many of the cases that we discussed at that event involved him in some capacity, whether as counsel for a party or an intervener. He represented the Asper Centre in our intervention in *Bedford v Canada* on the important issue of the role of precedent in constitutional litigation. He spent only a month in our clinic but made a lasting impression on the students and on me. As Kent Roach said in his Supreme Court Law Review article entitled “Joe’s Justice: Substantive, Procedural and Remedial Equality”, “So many lawyers and organizations had come to rely on him as the living embodiment of access to justice and equality.”

The Bedford case was the first case in which the Supreme Court of Canada acknowledged the submissions of the Asper Centre. This year we experienced that recognition again in our intervention jointly with LEAF and WestCoast LEAF in the challenge to the Safe Third Country Agreement with the United States. Our arguments that section 15 had been neglected by the Courts below resonated with Justice Kasirer who, for the Court, upheld the appeal on that ground and sent it back to the Federal Court for determination. It is gratifying to see an argument that we developed over the course of a couple of years come to fruition. We were also acknowledged in less overt ways in two other cases in which we intervened over the past academic year. In *R v Sharma*, Justice Rowe spoke harshly about the references to government reports that some interveners (us) made in their intervention at the Court of Appeal below, and in *R v McGregor*, the Court questioned the raising of the issue of the application of *Hape v Canada* to that case, despite the fact that we had been granted intervener standing to do precisely that. At least we continue to make an impression.

Through all of this work, the students at the Faculty of Law are given the opportunity to experience firsthand the development of cutting-edge constitutional arguments. Working with and mentoring the students continues to be the most gratifying work that I do at the Centre. It must be acknowledged that our Program Coordinator Tal Schreier is an essential support to the students and for our various events and programs. We would be unable to offer so many programs without her creativity and hard work.



A handwritten signature in black ink that reads "Cheryl Milne". The signature is fluid and cursive.

Cheryl Milne
Executive Director,
David Asper Centre for
Constitutional Rights

Advocacy and Litigation

Attorney General of Québec, et al. v. Attorney General of Canada, et al.

On December 18, 2019, the Quebec government submitted the following question to the Quebec Court of Appeal (QCCA): Is An Act respecting First Nations, Inuit and Métis children, youth and families, S.C. 2019, c. 24, ultra vires the Parliament of Canada under the Constitution of Canada? In this Reference, the QCCA held that Indigenous peoples have the right to self-government and jurisdiction over child and family services and answered that the Act is constitutional, except for ss. 21 and 22(3), which are not. These two provisions of the Act give Indigenous laws the force of federal law and made them paramount over provincial laws. On April 20, 2022, the Supreme Court of Canada granted leave to appeal the QCCA's decision. The Asper Centre intervened to support the constitutionality of the Act and to argue that s. 35(1) of the Constitution Act, 1982 protects generic self-government rights. The Asper Centre argued that consideration of the content of Canada's obligations under the United Nations Convention on the Rights of the Child (UNCRC), as well the performance reviews it has received since the UNCRC was ratified, support the contention that the pith and substance of the Act falls squarely within s. 91(24) of the Constitution Act, 1867. Further, the Asper Centre argued that if the Supreme Court determines that stare decisis governs the question at issue in this appeal, compelling reasons exist to reconsider any precedent that would preclude judicial recognition of a s. 35 generic self-government right over child and family services.

[Asper Centre Factum](#)



Mathur v. Ontario



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. 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.

[Asper Centre Factum](#)

York Regional District School Board v. Elementary Teachers’ Federation of Ontario

The facts of this case concern teachers’ privacy rights in Ontario. A discipline grievance was brought in by a teachers’ federation of Ontario on behalf of two elementary school teachers. The teachers claim that their privacy rights under section 8 of the Charter have been violated when the principal accessed their “log,” an online application where they recorded concerns about another teacher allegedly receiving preferential treatment. At the appeal level, the court allowed the appeal, thereby reversing the arbitrator’s decision that quashed the two teachers’ grievances. The Asper Centre intervened to provide further insight on the appropriate approach that the court should adopt in their Charter rights analysis. Focusing on both Oakes and Doré test, the Asper Centre sought to distinguish the analytical framework that both tests provide and how they might each be applied in this case. The hearing of the Appeal took place on October 18, 2023 and the decision is under reserve.

[Asper Centre Factum](#)



[Canadian Council for Refugees, et al v. Minister of Citizenship and Immigration, et al.](#)

This case, which we reported on last year, challenged the constitutionality of the Safe Third Country Agreement (STCA), a bilateral treaty between the governments of Canada and the United States. Under STCA, refugee claimants must seek protection in whichever of the two countries they first enter after leaving their country of origin. The applicants in this case argued that STCA violates section 7 of the Charter – right to liberty and security of the persons – because it results in Canadian immigrant officers returning refugee claimants to the United States where they are often detained in deplorable conditions. The applicants also highlighted the disproportionate disadvantages that women with gender-based persecution claims go through under STCA, thereby arguing for the violation of section 15 of the Charter. However, this claim was not considered both at the trial and appeal, since the violation of section 7 of the Charter was not taken up. Together with LEAF and West Coast LEAF, the Asper Centre intervened to assert that the Federal Court erred in not deciding on the gender equality claim made under section 15 of the Charter. It was argued that by wholly ignoring the gender equality claim, the court is replicating a pattern of neglecting equality rights, where section 15 is often treated as minor importance when paired with other rights violation claims.

Following the intervention by Asper Centre, LEAF, and West Coast LEAF, the Supreme Court of Canada concurred with our argument that the judicial pattern of neglect regarding section 15 is troubling. The court did not fault the Federal Court judge for not deciding on the section 15 claim, given the principle of judicial policy underlying such restraint. However, they ruled that such policy considerations must be weighed against other factors, such as the possibility that further proceedings might require addressing alternative constitutional grounds. As a result, it was decided that the matter should be sent back to the Federal Court for determination.

[Asper Centre Factum](#)

[Press Release by West Coast LEAF](#)

[Supreme Court of Canada Decision](#)



Attorney General of Canada v. Joseph Power

The issue of this case is whether the Crown enjoys absolute immunity in passing legislation which is subsequently deemed unconstitutional. The respondent seeks damages flowing from the enactment of unconstitutional provisions under section 24(1) of the Charter, submitting that the provisions were clearly wrong and taken in bad faith. The Court of Appeal held that the Crown does not enjoy absolute immunity regarding unconstitutional legislation per *Mackin v. New Brunswick (Minister of Finance)*. The Asper Centre's intervention focuses on the appropriate framework for awarding damages to remedy Charter violations caused by unconstitutional legislation. The Asper Centre argues that the appellant erred in contending that awarding damages under section 24(1) of the charter will never be appropriate and just for two reasons. First, section 24(1), properly interpreted, does not bar remedial damages for harms suffered by an individual due to the existence of a law that violates the Charter. Second, the Ward test provides the necessary proportionate approach for assessing s. 24(1) damages for harms caused by the existence and operation of an unconstitutional law. The Appeal is scheduled to be heard on December 7, 2023.

[Asper Centre Factum](#)

Court File No. 40241	
IN THE SUPREME COURT OF CANADA (ON APPEAL FROM THE COURT OF APPEAL OF NEW BRUNSWICK)	
BETWEEN:	ATTORNEY GENERAL OF CANADA
	APPELLANT
AND	JOSEPH POWER
	RESPONDENT
<hr/> FACTUM OF THE INTERVENER, THE DAVID ASPER CENTRE FOR CONSTITUTIONAL RIGHTS (Pursuant to Rule 42 of the <i>Rules of the Supreme Court of Canada</i>) <hr/>	



Constitutional Challenge to the Voting Age

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 Asper Centre has undertaken from the ground-up. For years, it has provided opportunities for law students in clinics and practicum placements to engage in evidentiary and lower court practical legal work. On December 1, 2021, 13 young people between 12 to 18 years old from across the country filed an application at the Ontario Superior Court of Justice to challenge the voting age in Canada. The joint parties argue that the Canada Elections Act, SC 2000 c 9, which requires eligible voters to be 18 years or older, infringes both section 3 and 15 of the Charter. Jointly with JFCY, the Asper Centre has been preparing for this ground-level litigation since 2019.

In this reporting period, the Applicants filed their evidence in the case and are now awaiting the government's response. For more information, see the Asper Centre statement on the filing of the constitutional challenge [here](#).



Reconciliation Initiatives

TRC CTA no. 28: “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.”

In response to the Truth and Reconciliation Commission’s Call to Action no. 28, the Asper Centre has engaged in the following key initiatives, among others, this past year.

Jessica Orkin as the Asper Centre’s Constitutional Litigator-in-Residence

In 2022, lawyer Jessica Orkin joined the Asper Centre as its constitutional litigator-in-residence. Jessica is a partner at Goldblatt Partners LLP in Toronto and leads the firm’s Aboriginal law practice. She has a broad litigation practice including criminal, civil and administrative law matters, with an emphasis on constitutional, Aboriginal rights and access to information law matters. Jessica has particular expertise in relation to expressive and protest rights, including those of Indigenous individuals in the context of land and resource disputes. She also has a particular interest in systemic issues relating to the overrepresentation of Indigenous individuals within the criminal justice and carceral systems. Jessica has appeared at all levels of court, including the Court of Appeal for Ontario and the Supreme Court of Canada. She has been recognized by Best Lawyers in Canada in the categories of Aboriginal law and Administrative & Public Law, and by Lexpert in the category of Aboriginal law. As the Asper Centre constitutional litigator-in-residence, Jessica shared her extensive expertise in Aboriginal and constitutional law with the Asper clinic course law students.

Asper Centre Intervention on Quebec Reference case (on Indigenous Child Welfare)

The appeal of the Quebec reference into the question of whether the Act respecting First Nations, Inuit and Métis children, youth and families, S.C. 2019, c. 24, is ultra vires the Parliament of Canada under the Constitution of Canada was heard on December 8 and 9, 2022. In this Reference, the QCCA held that Indigenous peoples have the right to self-government and jurisdiction over child and family services and answered that the Act is constitutional, except for ss. 21 and 22(3), which are not. The Asper Centre intervened along with over 30 organizations, the majority of which represented indigenous organizations and nations. The Centre continues to seek intervening standing in appropriate cases advocating for the constitutional rights of First Nations, Métis and Inuit peoples in Canada.

Charter: A Course - An Asper Centre Podcast



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.

In season 2, released in Fall 2022, the *Charter: A Course* podcast published six episodes on a range of topics including disability rights, freedom of association and expression, and international law in constitutional litigation. Season 1 of the podcast was previously released in 2021. Stay tuned for more episodes in season 3 to be released in Fall 2023!

Thank you to the generous sponsor of Season 2 of our podcast:



List of Season 2 Episodes

Episode 1: Section 28 of the Charter and Feminist Law Reform

University of New Brunswick Professor Kerri Froc discusses the history of section 28 and its usage in jurisprudence. In the Practice Corner, University of Ottawa Professor Martha Jackman discusses Feminist Law Reform 101, a free online course aimed to teach a new generation of feminist legal advocates.

Episode 2: Section 33 of the Charter – The Notwithstanding Clause

University of Toronto Professor Emerita Lorraine Weinrib discusses the unique role that section 33 has played within Canada's constitutional democracy. In the Practice Corner, lawyers Gregory Bordan and Marion Sandilands discuss their involvement in the legal challenge against the invocation of section 33 in Quebec's Bill 21, An Act respecting the laicity of the State.

Episode 3: Disability Rights under the Charter

Lawyers David Lepofsky and Anita Szigeti examine the development and challenges of disability rights protection in constitutional litigation. In the Practice Corner, lawyer Stephen Aylward discusses his experiences and thoughts as a constitutional litigator with a disability.

Episode 4: Freedom of Association and Expression

University of Toronto Professor David Schneiderman and Queens University Professor Ashwini Vasanthakumar discuss how section 2 Charter freedoms protect our right to protest. In the Practice Corner, Steven Barrett discusses the freedoms in the context of labour law.

Episode 5: Socioeconomic Rights and the Charter

University of Ottawa Professor Martha Jackman and Social Rights Advocacy Centre's Executive Director Bruce Porter discuss whether socioeconomic rights are protected under the enumerated provisions of the Charter of Rights and Freedoms. In the Practice Corner, lawyer Jackie Esmonde discusses litigating socioeconomic rights cases and adopting community-driven approach to law and policy.

Episode 6: International Law in Constitutional Litigation

Lawyer Gib van Ert discusses the role of international law in Canadian constitutional litigation. In the Practice Corner, Lawyer Cory Wanless discusses the ins and outs of litigating constitutional rights with international law components in Canadian courts.

Panel Discussions, Guest Speakers, Symposia

Charter @ 40 Webinar (October 21, 2022)

Forty years ago, the Canadian Charter of Rights and Freedoms was adopted with the signing of the Proclamation of the Constitution Act, 1982. The Charter protects the rights and freedoms of all Canadians and is built on the shared values of equality, justice and freedom. 2022 also marks the 40th anniversary of Section 35 of the Constitution Act, 1982, which recognizes and affirms Indigenous and Treaty rights of First Nations, Inuit, and Métis.

In this webinar, Asper Centre's Executive Director Cheryl Milne was joined by 9 of the Centre's past Constitutional Litigators for a stimulating discussion. Together, they reflected on the Charter's anniversary – how far have we come in the last 40 years to uphold the Charter's rights and values and what we can hope for in the next 40 years?

Organizer: Asper Centre for Constitutional Rights

Moderator: Cheryl Milne (Executive Director of the Asper Centre)

Panellists: Raj Anand (Senior Partner at Weir Foulds LLP), Justice Breese Davies (Ontario Superior Court of Justice), Mary Eberts (Constitutional Lawyer), Nader Hasan (Partner at Stockwood LLP), Janet E. Minor (Former General Counsel in the Constitutional Law Branch of the Ministry of the Attorney General of Ontario), Justice John Norris (Federal Court of Canada), Jessica Orkin (Partner at Goldblatt Partners), Jonathan Rudin (Program Direct at Aboriginal Legal Services), Susan Ursel (Senior Partner at Ursel Phillips Fellows Hopkinson LLP)

Watch the Webinar here: [Charter @ 40](#)



David Asper Centre for Constitutional Rights
UNIVERSITY OF TORONTO

THE CHARTER @ 40

The David Asper Centre for Constitutional Rights brings together its past Constitutional Litigators in Residence for a special conversation reflecting on the Charter of Rights and Freedoms at 40 years.

October 21, 2022 - 12:00-2:00 PM - ZOOM
charterat40.eventbrite.com

IHRP & Asper Centre Book Forum: People Forced to Flee: History, Change and Challenge (October 28, 2022)



People Forced to Flee: History, Change and Challenge is produced by UNHCR, the United Nations agency charged with safeguarding the rights and well-being of refugees, other forcibly displaced people and stateless persons around the globe. It is an invaluable resource on the most pressing issues for improving responses for forcibly displaced persons.

Organizer: International Human Rights Program, Asper Centre for Constitutional Rights

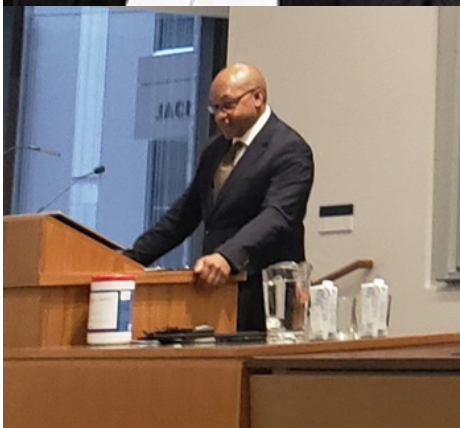
Commentators: Ninette Kelly (Former Senior Officer at UNHCR), Dean Jutta Brunnée (Dean of University of Toronto Faculty of Law), Erin Simpson (Partner at Landings LLP), Professor Yin-Yuan Chen (Professor at University of Ottawa Faculty of Law), Ghizaal Haress (Visiting Scholar and Scholar-at-Risk at University of Toronto Faculty of Law and Munk School of Global Affairs & Public Policy), Fen Hampson (President of World Refugee and Migration Council)

Watch the event here: [People Forced to Flee: History, Change and Challenge](#)

2023 Morris A. Gross Memorial Lecture: The Hon. Michael H. Tulloch (January 26, 2023)



The Morris A. Gross Memorial Lecture was established in memory of the late Morris A. Gross by the law firm Minden Gross LLP and by members of his family, friends and professional associates. The intention of the lectureship is to, every two years, bring to the Faculty of Law a distinguished scholar or a member of the practising bar or bench for discussion with the student body and Faculty, and to deliver the bi-annual Morris A. Gross Memorial Lecture.



For the 2023 Morris A. Gross Memorial Lecture, the Asper Centre was honoured to have the Honourable Michael H. Tulloch, the Chief Justice of Ontario, as a guest lecturer. Chief Justice Tulloch delivered a lecture entitled “Building Public Trust and Confidence in Policing.” After the lecture, he also spent additional quality time with students and faculty from University of Toronto’s Faculty of Law, particularly with the students from the Asper Centre’s Police Oversight working group.

Organizer: Asper Centre for Constitutional Rights

Lecturer: The Hon. Michael H. Tulloch (Chief Justice of Ontario and President of the Court of Appeal for Ontario)

Law in a Changing World: The Climate Crisis (March 2 & 3, 2023)

Executive Director, Cheryl Milne joined faculty members in this two-day conference which aimed to broaden the legal and policy discussions and explore how climate change is changing what we do – and what we need to do – as lawyers and legal educators. Her paper focused on climate change litigation involving children and youth as the litigants and explored the legal and ethical issues involved in strategic lawyering for vulnerable litigants as a response to the existential crisis that is climate change.

Organizer: Faculty of Law, University of Toronto

Panelists: Arthur Ripstein, Jutta Brunnée, John Borrows, Edward Iacobucci, Michael Trebilcock, Richard Stacey, Christopher Essert, Brenda Cossman, Trudo Lemmens, Larissa Katz, Alan Brudner, David Dyzenhaus, Megan Pfiffer, Mariana Mota Prado, Patricia Galvão Ferreira, Brian Langille, Andrew Green, Albert Yoon, Cheryl Milne, Abdi Aidid, Nathalie Des Rosiers, Benjamin Alarie, Anthony Niblett, Gillian Hadfield



Careers in Constitutional Law (March 15, 2023)

The Asper Centre hosted a panel discussion for U of T Law JD students interested in promoting and advancing Charter rights and Constitutional Law. Consisting of 5 U of T law alumni, the panel discussed numerous career paths that exist for lawyers wishing to practice constitutional law, Charter litigation or constitutional-adjacent law.

Organizer: Asper Centre for Constitutional Rights

Panelists: Jessica Orkin (Asper Centre Constitutional Litigator in Residence Fall 2022, Partner at Goldblatt's LLP), Katherine Long (Staff Lawyer at Justice for Children and Youth), Katrina Longo (Counsel at the Department of Justice), Joshua Blum (Refugee and Immigration Lawyer), Zachary Biech (Staff Lawyer at Ecojustice)



Zachary Biech
Staff Lawyer,
Ecojustice



Josh Blum
Refugee and
Immigration Lawyer



Katherine Long
Staff Lawyer, Justice
for Children and
Youth



Katrina Longo
Counsel,
Department of
Justice



Jessica Orkin
Partner, Goldblatt
Partners LLP
*Asper Center
Constitutional
Litigator in Residence
Fall 2022

The Asper Centre presents a Panel Discussion with U of T Law Alumni, including our past Constitutional Litigator in Residence, about:

CAREERS IN CONSTITUTIONAL LAW



Litigating Equality in Canada Symposium (May 26, 2023)

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.

In light of the above developments, the Asper Centre convened a one-day Symposium (in-person and via Webinar) on Friday May 26th, 2023, to critically examine the status and future of equality litigation in Canada. The Symposium was aimed at both practitioners (lawyers and NGOs) who are engaged in public interest litigation and scholars and students who study and analyze the impact of these cases.

Some of the themes that were covered in the Symposium include an analysis of the recent Supreme Court rulings under s.15 of the Charter and their impact on litigation strategies on behalf equality seeking groups and the government; whether and how interveners have made an impact on these cases; the nature of the evidence required to successfully argue or defend these cases; and, lessons from successful as well as unsuccessful litigation in this area extracted from individual cases.

This Symposium builds on some of the themes explored in the Asper Centre's 2018 Public interest Litigation Conference (and the publication following that Conference) in order to contribute to the practical scholarship on equality litigation in Canada and to produce a follow-up publication to this earlier work. As in that publication, the papers will be published in the Supreme Court Law Review and in a book co-edited by Cheryl Milne and Sophia Moreau.



The Symposium included a morning plenary session on the role of interveners in equality litigation in Canada, a closing panel offering reflections and perspectives from the bench, as well as a full day of panel discussions by academics and practitioners focusing on the above-noted issues.

Organizer: Asper Centre for Constitutional Rights

Moderators: Kat Owens (Project Director of LEAF's Reproductive Justice Project), Kim Stanton (Lawyer, Former Legal Director of LEAF), Cheryl Milne (Executive Director of the Asper Centre), Sophia Moreau (Professor of Law and Philosophy at University of Toronto Faculty of Law), Hon. Justice Kathryn Feldman (Court of Appeal for Ontario)

Panelists: Pam Hrick (Executive Director & General Counsel of LEAF), Raji Mangat (Executive Director of West Coast LEAF), Jessica Orkin (Asper Centre Constitutional Litigator in Residence Fall 2022, Partner at Goldblatt Partners LLP), Adriel Weaver (Public Law Litigator at Goldblatt Partners LLP), Mary Eberts (Co-Founder of LEAF), Fay Faraday (Associate Professor at Osgoode Hall Law School), Cheryl Milne (Executive Director of the Asper Centre), Caitlin Salvino (JD Student at University of Toronto Faculty of Law), Jennifer Koshan (Professor at University of Calgary Faculty of Law), Kerri Froc (Associate Professor at the University of New Brunswick Faculty of Law), Margot Young (Professor at UBC Allard School of Law), Colleen Sheppard (Professor at McGill University Faculty of Law), Amit Singh (Associate Attorney at Holwell, Shuster & Goldberg LLP), Benjamin Neil Perryman (Associate Professor at the University of New Brunswick Faculty of Law), Abdalla Barqawi (Associate at Conway Litigation), Marion Sandilands (Partner at Conway Litigation), Anthony Sangiuliano (Law Clerk at the Supreme Court of Canada), Jonathan Thompson (Lawyer), Hon. Justice Kathryn Feldman (Court of Appeal for Ontario), Hon. Justice Lynn Smith (Honorary Professor at UBC Allard School of Law)



Constitutional Roundtables

Constitutional Roundtable with Professor Eleonora Bottini: “Modernizing Constitutions: A Comparative Analysis of Justifications for Constitutional Reforms” (March 23, 2023)

Abstract: The idea, dear to Thomas Jefferson, that a people cannot be subjected by the laws of the previous generations is in direct contrast with the intention of the constituent power to make the constitution– as opposed to ordinary legislation – last for more than one generation. One way to conciliate this paradox of constitutional theory is the possibility of amending the text of rigid constitutions if and when they become “outdated”. Therefore, a very effective argument to legitimize constitutional amendments has been that they serve the modernization of the constitution, making it compatible with current times without having to substitute it entirely, which could be politically impossible or undesirable. This paper critically examines the uses of the constitutional modernization argument (CMA) from a comparative perspective, by studying examples of constitutional reforms from 2000 to 2022 in various countries. The paper’s contribution is firstly to unpack the structure and assumptions of CMA and to divide it into sub-arguments in order to provide a better understanding of those types of justifications. The paper concludes on a critique of CMA as an unjustified objectivization of constitutional reforms which can mask the changed political preferences that amendments convey.

Organizer: Asper Centre for Constitutional Rights
Panelist: Professor Eleonora Bottini (University of Caen-Normandy, University of Connecticut School of Law)



Constitutional Roundtable with Professor Aileen Kavanaugh: “The Collaborative Constitution” (March 28, 2023)

Abstract: Which branch of government should we trust to protect rights in a democracy? Some take a court-centric approach to this question, arguing that the courts provide a ‘forum of principle’ which makes them uniquely situated to protect rights against the feared and fabled ‘tyranny of the majority’. Others put their faith in the democratic legislature, as a supremely dignified, diverse, and deliberative forum which can protect our rights against the oligarchic offensive of an ermined elite. Rejecting the binary options of either the courts or the legislature, this book argues that protecting rights is a collaborative enterprise between all three branches of government where each branch has a distinct but complementary role to play, whilst working together with the other branches in constitutional partnership. Instead of advocating the hegemony and supremacy of one branch over another, this book articulates a collaborative vision of constitutionalism where the protection of rights is a shared responsibility between all three branches. On this vision, protecting rights is neither the solitary domain of a Herculean super-judge, nor the dignified pronouncements of an enlightened legislature. Instead, it is a complex, dynamic, and collaborative enterprise, where each branch of government has a valuable role to play, whilst treating the other branches with comity and respect.

Organizer: Asper Centre for Constitutional Rights

Panelist: Aileen Kavanaugh (Trinity College Dublin)



The poster is a light blue rectangle. At the top left is the logo for the David Asper Centre for Constitutional Rights at the University of Toronto. Below the logo is a small photo of the roundtable. To the right is a portrait of Professor Aileen Kavanaugh. Below the portrait is her name and title. The event title, date, time, and location are listed in the center. At the bottom, it says 'All are welcome * Light lunch * No registration required'.

David Asper Centre for Constitutional Rights
UNIVERSITY OF TORONTO
Constitutional Roundtable

Professor Aileen Kavanaugh
Professor of Constitutional Governance, Trinity College Dublin
Director of Trinity Centre for Constitutional Governance

“The Collaborative Constitution”
Tuesday, March 28, 2023
12:30 to 2:00pm
Michael J. Trebilcock Solarium, FA2 Falconer Hall
University of Toronto Faculty of Law

*All are welcome * Light lunch * No registration required*



Clinial Legal Education

Clinic Projects

Students in the Fall 2022 clinic worked on the Asper Centre's intervention in the Quebec Reference along with our pro bono counsel and constitutional litigator in residence, Jessica Orkin. Students also contributed to our ongoing voting age case as well as an appeal involving prison law and the application of the Charter to a refusal of a prison transfer application to medium security by an individual represented by Jessica Orkin.

Clinic Speakers and Pro Bono Assistance

In addition to the contribution made by our Constitutional Litigator in Residence, Jessica Orkin, guest speakers included former litigator in residence and now Justice Breese Davies, Alison Williams of Justice for Children and Youth, Glenn Stuart of the Law Society of Ontario, Carlos Richards of Norton Rose Fulbright LLP, and Joseph Cheng of the Department of Justice. From the Faculty of Law we were joined by librarian Alexandra Kwan and Director of Student Programs, Terry Gardiner.



Student Working Groups

The Asper Centre manages several working groups every year. Each working group is comprised of upper-year student leaders and first-year student members working on a contemporary constitutional issue. All working groups also partner with external civil society organisations and/or faculty advisors. The working groups for 2022-2023 were as follows:

Climate Justice

Advisor: Prof. Andrew Green and CELA (Canadian Environmental Law Association)

Student Leaders: Elise Burgert, Hannah West

Student Members: Yasmin Rezaaifar, Shaelen MacPherson, Noam Epstein Roth, Hannah Beltran, Mileva Boghosian, Samuel Dreyzin, Muhamad Falah Khokhar, Akash Jain, Matthew Chasmar, Christy Zsa, Carson Cook

In recent constitutional decisions on climate change in Canada, courts have signaled an openness to understanding climate change as a serious threat to people's rights. These developments in the law are coupled with a severe lack of publicly accessible resources on environment rights and avenues to address environmental concerns in Ontario, exacerbated by the provincial government removing key funding on access to justice and oversight in this area. As a result, exciting developments in the law can become detached from the efforts of community climate change advocates. In collaboration with community climate change groups, this working group began developing a guidebook on climate rights in Ontario based on the latest developments in the field, covering the legal mechanisms available to individuals who want to advocate for action on climate change.



Consent & the Constitution

Advisor: Prof. Martha Shaffer

Student Leaders: Kathryn Mullins, Rhea Murti, Michaila Pilcher, Caitlin Salvino

Student Members: Emily Otowadjiwan, Jisoo Kim, Rebecca Tyli, Kendra Sandhu, Jason Ruggeberg, Hannah Rosenberg, Yuxin Li, Corie Shyba, Kailyn Johnson, Angela Shi, Tanraj Sohal, Emma Davies, Do Eon Lee

In 2022, there were a series of Supreme Court of Canada (SCC) decisions fundamentally altering the criminal law of sexual assault and its intersection with constitutional rights. Following these decisions, most notably *R v Sullivan*, there was significant misinformation shared online across social media platforms. The goal of this working group was to combat misinformation and develop educational resources for students on Canadian post-secondary campuses on the law of sexual assault. Specifically, this working group developed resources for campuses on the recent SCC decisions in *R v Sullivan*, 2022 SCC 19; *R v Chan*, 2022 SCC 19; *R v Brown*, 2022 SCC 18 (the defence of extreme intoxication), *R v J.J.*, 2022 SCC 28 (participation of complainants at evidentiary hearings), and *R v Kirkpatrick*, 2022 SCC 33 (stealthing as sexual assault), in conjunction with external partners Students for Consent Culture Canada and NAWL.

Police Oversight

Advisor: Prof. Kent Roach

Student Leaders: David Mcquillan, Taylor Rodrigues

Student Members: Sarah Farb, Joshua Schwartz, Laxsega Sivaloganathan, Aakriti Pasricha, Ethan Wilkinson, Jovana Pajovic, Yue Qiao Dong, Daniel Kiesman, David Lio, Matthew Benoit, Yashleen Jhand, Jacob McNair, Julianna Lyon

This working group assisted the Asper Centre to complete a special project, funded by the Law Foundation of Ontario, in which we are developing accessible public legal information guides about the complex police oversight processes in Ontario. Canada's constitutional democracy is based on the rule of law and responsible government. In this context, police independence must be balanced with accountability. This project promoted 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. This working group also drafted a submission on Bill C-20 pertaining to RCMP reform, under the supervision of faculty advisor Prof Kent Roach and in conjunction with the Canadian Civil Liberties Association.

Read the Brief [here](#)

Reproductive Rights

Advisor: Prof. Rebecca Cook

Student Leaders: Laura Clerk, Lauren Di Felice, Lily Vivienne Stern, Ian Thomson

Student Members: Rana Ghafouri-Azar, Arielle Amacker, Harjas Jhaggi, Olivia Schenk, Brynne Dalmao, Gabrielle Dunning, Helen Wu, Sharon Lim, Jingyao Fan, Harmeen Gill, Andree Solari, Claire Bettio

The group worked on analyzing the current state of reproductive rights in Canada, specifically with respect to access to abortion, and analyzing potential future avenues to further enhance and protect the current regime. Currently, Canada has no legal framework governing abortion. However, abortion has been decriminalized in Canada since 1988, when the Supreme Court held in *R v Morgentaler* that laws criminalizing abortion were unconstitutional, violating s.7 of the Charter. With 2023 being the 35th anniversary of the *Morgentaler* decision, and in light of the recent overturning of *Roe v Wade* in the U.S., along with Canada's subsequent promises to re-examine the legal framework surrounding abortion, this working group conducted research into the current state and potential future avenues protecting reproductive rights in Canada with a view to creating valuable resources for future discussions on this issue.

Prisoner's Rights Handbook

Advisor: John Howard Society of Canada

Student Leaders: David Baldrige, Hudson Manning, Rebecca Rabinovitch, Aviva Ripstein, Alison Yu

Student Members: Quinn Rozwadowski, Alexander Horbal, Emily Chu, Julia Allen, Ben Elhav, Brynne Kioke, Mariam Assaf, Brittany Williams, Enrique Reali, Samuel Maitman-Markowski, Benjamin Lum, David Ingalls

This working group continued the work from the previous year to develop an updated and accessible handbook on the Charter and procedural rights of inmates in Canada. Existing inmates' rights handbooks are often out of date, do not center on an inmate's experiences and needs, or do not explore how Charter rights have been judicially interpreted in the context of incarceration. Specifically, there is a lack of accessible literature which explains in practical terms how the Charter rights of inmates manifest in everyday life within correctional institutions in practical terms, and the associated responsibilities that they place on correctional institutions. The working group sought to address this gap through the creation of this handbook, and by providing it free of charge to correctional institutional institutions across the country. The group consulted with stakeholders, faculty advisors and working group members to decide on the scope of such a handbook, to evaluate the scale of its potential circulation and to potentially seek funding for this project.

Wilson Moot

The University of Toronto Wilson Moot team brought home the first place trophy this year for both their oral and written advocacy respecting a difficult problem that focused on workplace accommodations. The preliminary rounds took place on February 24 and 25, 2023 and the final moot between the top two teams from University of Toronto and University of British Columbia was held on Saturday afternoon. Congratulations go to Caitlin Salvino, who was second place oralist, along with her excellent teammates, David Côté, Laura Cameron, and Nicholas Heinrich.



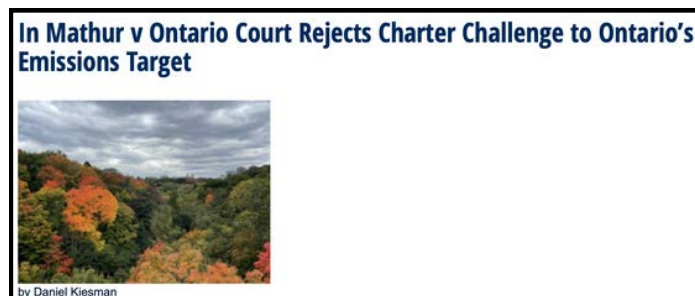
Research and Writing

Toolkit for Evidence Informed Child Protection Practice

The Asper Centre in partnership with Dr. Barbara Fallon of the Factor Inwentash Faculty of Social Work received continued funding to continue their project that synthesizes the legal decisions and the social science in respect of child protection practice in Ontario. Cheryl Milne and Dr. Fallon spoke to lawyers about the project for the Ontario Bar Association's symposium on child welfare law.

Blog Posts

1. The SCC in *R v J.J.*: Upholding the Constitutionality of Criminal Code Reforms which Remove Barriers that Deter Sexual Assault Complainants from Reporting (Caitlin Salvino, July 2022: [online link](#)).
2. *R v Sharma*: Supreme Court of Canada upholds legislation limiting conditional sentences despite Indigenous over-incarceration concerns (Kailyn Johnson, November 2022: [online link](#)).
3. In *Mathur v Ontario* Court Rejects Charter Challenge to Ontario's Emissions Target (Daniel Kiesman, March 2023: [online link](#)).



Law in a Changing World: The Climate Crisis

Jutta Brunnée, “Between Stability and Change: International Climate Law in Precarious Times”

John Borrows, “Indigenous Law and Canadian Climate Governance”

Edward Iacobucci & Michael Trebilcock, “Confronting the Institutional Challenges at the Heart of Climate Change Policy”

Chris Essert & Olivia O’Connor, “Reconciling Climate and Housing Justice”

Brenda Cossman, “Climate Anxiety and Self Governance”

Trudo Lemmens & Gabrielle Peters, “Inequitable Resilience to Climate Change as a Policy Failure: Disability and Collective Responsibility and BC’s 2021 Heat Dome”

Alan Brudner, “Constitutionalism, Executive Power and Climate Action”

David Dyzenhaus and Megan Pfiffer, “Legality’s place in a changing world”

Mariana Mota Prado & Patricia Galvão Ferreira, “Who is paying for the costs of climate change? Insuresilience as an Institutional Bypass”

Andrew Green & Albert Yoon, “The Most Dangerous Branch”

Cheryl Milne, “Vulnerable Litigants and Radical Lawyering”

Abdi Aidid, “Ethical Lawyering and Existential Threats”

Benjamin Alarie, “Environmental Regulation, Technological Progress, and the Choice of Governing Instrument”

Anthony Niblett, “How Law Can be Best Used to Incentivize New Technology to Combat Climate Change Problems”

Gillian Hadfield, “Why We Need Legal and Regulatory Innovation to Meet the Climate Challenge”

Litigating Equality in Canada Symposium

Pam Hrick & Kat Owens, “Advancing Equality Outside the Four Corners of Section 15”

Raji Mangat, “Appellate Court Interventions Experience Fay Faraday, This is Not a Test: A Reality Check on Equality”

Cheryl Milne & Caitlin Salvino, “Analysing the Treatment of Competing Charter Claims at Courts of First Instance: Judicial Restraint and the Curious Case of Section 15”

Jennifer Koshan & Jonnette Watson Hamilton, ““Clarifications” or “Wholesale Revisions”? The Last Five Years of Equality Jurisprudence at the Supreme Court of Canada”

Kerri Froc, “Are You Serious? Litigating Section 28 to Defeat the Notwithstanding Clause”

Margot Young, “The Haunting of Equality Law”

Colleen Sheppard, “Litigating Structural Inequality: Micro, Meso, & Macro Dynamics”

Amit Singh, “Intentional Discrimination after Etobicoke and O’Malley”

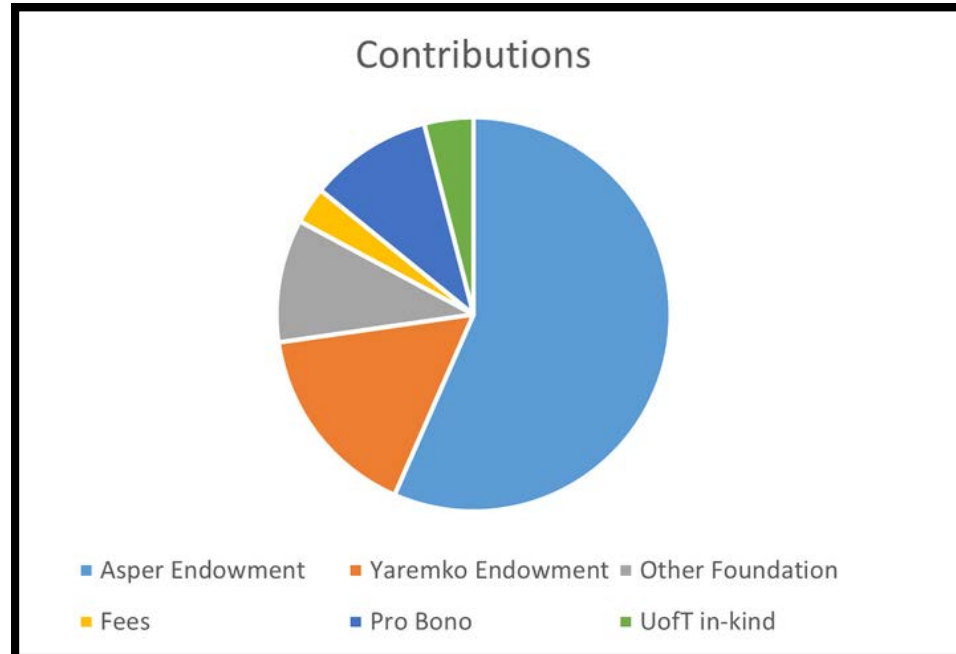
Benjamin Neil Perryman, “Proving Discrimination: Evidentiary Barriers and Section 15(1) of the Charter”

Marion Sandilands, Thomas Conway, Abdalla Barqawi, Joseph Rucci & Sarah Nixon, “Litigating Equality in Ottawa’s Taxi Industry: Metro Taxi et al v City of Ottawa”

Anthony Sangiuliano, “Finding Fault under Section 15 of the Charter: Justice Miller’s Court of Appeal Dissent in Sharma”

Jonathan Thompson, “Prosecuting in the Public Interest After Fraser”

Financial



Pro Bono Contributions

Faculty Contributions

Professor Kent Roach provided expert consultation for our interventions in *Mathur v His Majesty the King* as well as our more recent intervention in *AG Canada v Power*. Professor Richard Stacey provided extensive assistance in our application to intervene in the *York Region District School Board v Elementary Teachers Federation of Ontario* appeal.

Pro Bono Counsel

Jessica Orkin of Goldblatt Partners LLP represented us in our intervention in the Quebec Reference. Ewa Krajewska and Meghan Pearson of Heinen Hutchison represented us in our intervention in *Mathur v Ontario*. We were recently represented by Susan Ursel and Kristin Allen in our intervention in *York Region District School Board v Elementary Teachers Federation of Ontario*. In our upcoming intervention in *AG Canada v Power*, we are represented by Asper clinic alumnus Neil Abraham and Megan Stephens.

Agency

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

Constitutional Litigator-in- Residence: Jessica Orkin



In 2022, the Asper Centre was honoured to have Jessica Orkin serve as its constitutional litigator-in-residence. Jessica Orkin is a partner at Goldblatt Partners LLP in Toronto and leads the firm's Aboriginal law practice. She has a broad litigation practice including criminal, civil and administrative law matters, with an emphasis on constitutional, Aboriginal rights and access to information law matters.

In her Aboriginal law practice, Jessica provides legal and strategic advice and advocacy to Indigenous governments, communities, organizations and individuals to advance and protect their rights and interests in interactions with governments, industry, the justice system and civil society. Her practice includes complex Aboriginal title, Aboriginal rights and treaty rights litigation; environmental assessment and regulatory processes relating to mining, infrastructure and energy projects; environmental stewardship and natural resource management, including negotiations with industry proponents; and advice on the constitutional duty to consult and accommodate. Jessica has particular expertise in relation to expressive and protest rights, including those of Indigenous individuals in the context of land and resource disputes. She also has a particular interest in systemic issues relating to the overrepresentation of Indigenous individuals within the criminal justice and carceral systems.

Jessica appears at all levels of court, including the Court of Appeal for Ontario and the Supreme Court of Canada. She has been recognized by Best Lawyers in Canada in the categories of Aboriginal law and Administrative & Public Law, and by Lexpert in the category of Aboriginal law.

Jessica received her law degree from the University of Toronto. She also holds an M.Phil. degree in Development Studies from the University of Oxford, and a Bachelor of Arts and Sciences from McMaster University. She was called to the Ontario Bar in 2006, after clerking at the Federal Court of Appeal.

Advisory Group

Kent Roach – Chair

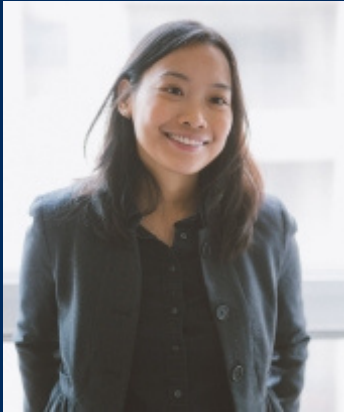
Kent Roach is Professor of Law at the University of Toronto Faculty of Law. He is a graduate of the University of Toronto and of Yale, and a former law clerk to Justice Bertha Wilson of the Supreme Court of Canada. Professor Roach has been editor-in-chief of the *Criminal Law Quarterly* since 1998. In 2002, he was elected a Fellow of the Royal Society of Canada. In 2013, he was one of four academics awarded a Trudeau Fellowship in recognition of his research and social contributions. In 2015, he was appointed a Member of the Order of Canada. In 2016, named (with Craig Forcese) one of the top 25 influential lawyers in Canada (change-maker category) by *Canadian Lawyer*. He was awarded the Molson Prize for the social sciences and humanities in 2017



Jean-Christophe Bédard-Rubin

Assistant Professor Jean-Christophe Bédard-Rubin's work explores Canadian constitutional culture from historical and comparative perspectives. He studied law, political science, and philosophy at Université Laval, Yale University, and the University of Toronto. During his doctoral studies, Jean-Christophe was the McMurty Fellow of the Osgoode Society for Canadian Legal History and a Joseph-Armand Bombardier Scholar. He has done consultancy work on constitution-building for International IDEA and, prior to his graduate studies, he worked in litigation for the Quebec Department of Justice.





Anna Su

Professor Anna Su's primary areas of research include the law and history of international human rights law, comparative constitutional law, technology and international law, and law and religion. She is currently a Faculty Fellow at the Schwartz Reisman Institute for Technology and Society. Anna holds an SJD from Harvard Law School where her dissertation was awarded the John Laylin Prize for best paper in international law. She received her JD and AB degrees from the Ateneo de Manila University in the Philippines.



Nader Hasan

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 was the past constitutional-litigator-in-residence at the Asper Centre.



Richard Stacey

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).

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).



Summer Students



Emma Davies was a summer research assistant for the Asper Centre and contributed to a Child Protection Services investigation. Emma also assisted in editing papers for an upcoming publication and researched legal issues related to the Asper Centre's podcast on minority language rights.

Daniel Kiesman conducted legal research for the Asper Centre's interventions in York Region District School Board and Power cases. He also explored issues relating to section 6 of the Charter for an Asper Centre podcast episode on mobility rights.



Thank you

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.

Blog Contributors: Caitlin Salvino, Kailyn Johnson, Daniel Kiesman, Emma Davies

Newsletter Contributors: Talia Wolfe, Hang Lyu, Elise Burgert, Hannah West, Kathryn Mullins, Aakriti Pasricha

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.

Media Snapshot

This year the Asper Centre launched a new LinkedIn page that has already attracted a large amount of engagement. We hope to attract and engage with many more Asper Centre alumni and members of the law school community in this space in the future.

During this reporting period, our podcast, *Charter: A Course* had **12,100** unique downloads, buoyed by a successful 2nd season of the podcast.

In all our other social media platforms, the Asper Centre's posts consistently have strong engagement rates and receive far more views than its follower base, thanks to many reposts from popular users and accounts such as @UofTLaw.

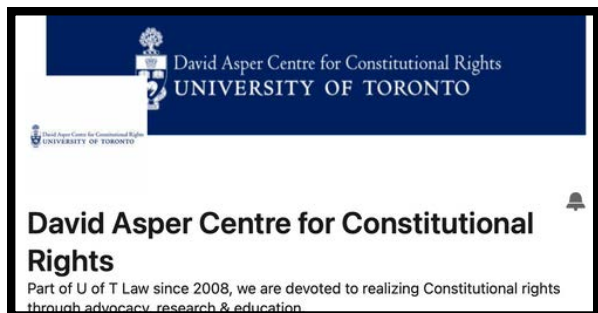
LinkedIn: <https://www.linkedin.com/company/david-asper-centre-for-constitutional-rights/>

Twitter/X: @AsperCentre

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

Website: www.aspercentre.ca

Podcast: <https://aspercentre.ca/charter-a-course/>



Asper Centre in the News

Law360 Canada, "[Asper Centre names constitutional litigator in residence for fall 2023.](#)" July 6, 2023.

The Globe and Mail, "[Revised Isolation Techniques for Prisoners remain unconstitutional, Lawyers Argue.](#)" August 9, 2023, Quoting Asper Centre 2023 Summer Fellow Rebecca Rabinovitch.

Leader Post, "[UR Pride, Sask. Government Both Seeking Costs in Pronoun Policy Case.](#)" September 22, 2023, Quoting Asper Centre Executive Director Cheryl Milne.





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