

Asper Centre Symposium

**Re-Opening the Door:**

**Litigating Positive Rights under the *Canadian Charter of Rights and Freedoms***

Friday Jan 16, 2026 (8:45am-5:30pm)

Jackman Faculty of Law, University of Toronto



**SYMPOSIUM AGENDA**

|                 |  |   |                             |
|-----------------|--|---|-----------------------------|
| 8:45am-9:00am   | Registration & Welcome (Outside Room P120, Jackman Building) |   |                             |
| 9:00am-9:45am   | Keynote Address  | <b>Aoife Nolan</b> (School of Law, University of Nottingham), Enforcing Positive Social Rights in an Anti-Democratic Era  | Room P120, Jackman Building |
| 9:45am-11:00am  | Plenary: Government duties and responsibilities              | <b>Joel Bakan</b> , Staying Positive About Positive Rights<br><b>Henry Federer</b> , The Two-Tier Conception of a Charter Right<br><b>Anthony Sangiuliano</b> , Omissive Causation and Exposition   | Room P120, Jackman Building |
| 11:00am-11:15am | Break (Outside Room P120, Jackman Building)                  |   |                             |
| 11:15am-12:30pm | Concurrent Panel A: MAiD in Canada                           | <b>Joanne Cave</b> , MAiD After Carter: Legislative Change, Dialogue Theory and Practical Lessons for Charter Litigators<br><b>Trudo Lemmens &amp; Kanksha M. Ghimire</b> , Negative and Positive Rights in the Context of Eldercare: Contrasting MAiD and Better Care Litigation<br><b>Jennifer Nason</b> , A Positive Rights Approach to Protecting the Right to Life of Involuntary Psychiatric Patients Eligible for MAiD | Room P115, Jackman Building |



David Asper Centre for Constitutional Rights  
UNIVERSITY OF TORONTO

|                       |  |  |                             |
|-----------------------|--|--|-----------------------------|
|                       | Concurrent<br>Panel B:<br>Climate justice              | <b>Brooke Granovsky</b> , Opening a Window: How Mathur Changed the Positive-Negative Rights Landscape<br><b>Nathan Hume</b> , Dignity, Existential Threats, and Democracy<br><b>Leslie Anne St. Amour</b> , Reassessing Positive Rights Through Climate Litigation: A Comment on <i>La Rose v. Canada</i>  | Room P120, Jackman Building |
| <b>12:30pm-1:30pm</b> | Lunch (Outside Room P120, Jackman Building)            |  |                             |
| <b>1:30pm-2:45pm</b>  | Plenary:<br>Judicial anxieties                         | <b>Benjamin Perryman</b> , The Overlapping Powers Doctrine<br><b>Kent Roach</b> , The Inevitability of Positive Rights and Remedies: The Case of Criminal Justice<br><b>Margot Young</b> , The Company It Keeps: The Distinction Between Positive and Negative Rights<br><b>Angela Cameron &amp; Lara Koerner-Yeo</b> , Gosselin 20 Years Later: Presumption of Conformity and the Role of Positive Rights under the Charter   | Room P120, Jackman Building |
| <b>2:45pm-3:00pm</b>  | Break (Outside Room P120, Jackman Building)            |  |                             |
| <b>3:00pm-4:15pm</b>  | Concurrent<br>Panel C:<br>Canada in comparison         | <b>Rob De Luca</b> , Positive Fundamental Freedoms as Reflecting a Canadian Vision: Revisiting the U.S. Comparison<br><b>Saambavi Mano</b> , Duty, Deference, and Discretion in the Charter Analysis<br><b>Sanjay Ruparelia</b> , Litigating positive rights: Critical reflections from the global South   | Room P115, Jackman Building |
|                       | Concurrent<br>Panel D:<br>The power of positive rights | <b>Rob Currie &amp; Alex Neve</b> , Could Positive Rights Crack the Extradition Dilemma?<br><b>Sujit Choudhry</b> , Positive Constitutional Rights for the Unhoused: Extending Adams<br><b>Dr. Seana Glennon</b> , Positive Obligations by Another Name? Section 7 of the <i>Charter</i> and the Constitutional Limits on Withdrawing Supervised Consumption Services<br><b>Tanzim Rashid</b> , Constitutional Triangulation: <i>R v. Bykovetz</i> and the Need to Redefine the State's Role in Charter Regulation | Room P120, Jackman Building |
| <b>4:15pm-5:30pm</b>  | Reception (Fireplace Lounge, Flavelle House)           |  |                             |

