

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 <b>Henry Federer</b> , The Two-Tier Conception of a Charter Right <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 <b>Trudo Lemmens &amp; Kanksha M. Ghimire</b> , Negative and Positive Rights in the Context of Eldercare: Contrasting MAiD and Better Care Litigation <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



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	Concurrent Panel B: Climate justice	<b>Brooke Granovsky</b> , Opening a Window: How Mathur Changed the Positive-Negative Rights Landscape <b>Nathan Hume</b> , Dignity, Existential Threats, and Democracy <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
12:30pm-1:30pm	Lunch (Outside Room P120, Jackman Building)		
1:30pm-2:45pm	Plenary: Judicial anxieties	<b>Benjamin Perryman</b> , The Overlapping Powers Doctrine <b>Kent Roach</b> , The Inevitability of Positive Rights and Remedies: The Case of Criminal Justice <b>Margot Young</b> , The Company It Keeps: The Distinction Between Positive and Negative Rights <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
2:45pm-3:00pm	Break (Outside Room P120, Jackman Building)		
3:00pm-4:15pm	Concurrent Panel C: Canada in comparison	<b>Rob De Luca</b> , Positive Fundamental Freedoms as Reflecting a Canadian Vision: Revisiting the U.S. Comparison <b>Saambavi Mano</b> , Duty, Deference, and Discretion in the Charter Analysis <b>Sanjay Ruparelia</b> , Litigating positive rights: Critical reflections from the global South	Room P115, Jackman Building
	Concurrent Panel D: The power of positive rights	<b>Rob Currie &amp; Alex Neve</b> , Could Positive Rights Crack the Extradition Dilemma? <b>Sujit Choudhry</b> , Positive Constitutional Rights for the Unhoused: Extending Adams <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 <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
4:15pm-5:30pm	Reception (Fireplace Lounge, Flavelle House)		

