Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

Episode 2: Covid19 and the Charter

About the Series

Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights (the Asper Centre) and hosted by the Asper Centre's Executive Director Cheryl Milne.

Charter: A Course focuses on Canadian constitutional law and litigation. In each episode, we highlight the accomplishments of U of T Law's faculty and alumni involved in leading constitutional cases and issues. Each episode also includes a "Practice Corner", where we talk about the ins and outs of what it means to be a constitutional litigator.

Whether you are a law student, a lawyer, or just an interested person, we hope that you learn about an aspect of constitutional law and litigation that interests you in our podcast.

Show Notes

This episode focuses on various Charter rights in the context of the COVID-19 pandemic. Section 6 (1) of the *Charter of Rights and Freedoms* confers the right to enter, remain in and leave Canada upon every citizen of Canada. Section 6(2) provides citizens and permanent residents with the right to move and take up residence and to pursue a livelihood in any province. Over the past year and a half, some provinces, including Ontario, have restricted movement across provincial borders. Other legal responses, or lack of responses, from government might also implicate section 7 rights to life, liberty and security of the person, while vaccine mandates raise questions about equality rights under section 15 or freedom of conscience and religion under section 2(a); and arguments have been made that restrictions on gathering affect those rights as well as the right to assembly under section 2(c) or association under section 2(d).

We'll hear about the complicated relationship between our Charter and the government's response to the COVID-19 pandemic from Abby Deshman and Nathalie des Rosiers. We'll also hear a bit more about a topic we covered in our first episode: section 1 of the Charter. Particularly, whether the *Oakes* test is too strict in the context of an emergency such as the COVID-19 pandemic. To close things off, in our "Practice Corner", we'll hear from two recent U of T law graduates, Geri Angelova and Hana Awwad, regarding their experience participating in the law school's Grand Moot earlier this year, which was on the topic of the constitutionality of mandatory vaccinations.

Find a full transcript of this episode here.

Case Links

In this episode, the following Supreme Court of Canada constitutional law decision was discussed:

R v Oakes, 1986 CanLII 46 (SCC), [1986] 1 SCR 103

About the Asper Centre

The Asper Centre, a part of the University of Toronto's Faculty of Law since 2008, is devoted to realizing constitutional rights through advocacy, research and education. 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. The Centre was established through a generous gift from U of T law alumnus David Asper (LLM '07).

Thank You's

Charter: A Course is proudly sponsored by the University of Toronto's affinity partners: MBNA and TD Insurance. We would like to thank each of our sponsors, and you can discover the benefits of affinity products at affinity.utoronto.ca.

We would like to thank the creators of our theme music for Charter: A Course. Constitutional law professor Howie Kislowicz and law professor Rob Currie gave us the licence to use their constitutional law shanty in exchange for a donation to the Calgary Food Bank. The song's performers are: Vanessa Carroll, Rob Currie, Howie Kislowicz, Avinash Kowshik, Anna Lund, Patricia Paradis, Elin Sigurdson, Lyle Skinner, and Dave Wright. You can listen to the entire shanty here: Charter a Course. Please consider contributing to your local food bank!

Thank you to Szymon Rodomar and Flint Patterson, JD students at the U of T Faculty of Law, for their immense contributions to the production of this episode.

Thank you to our wonderful guests on this episode, Nathalie des Rosiers, Abby Deshman, Geri Angelova and Hana Awwad.

Thank you to our audio editor Liam Morrison of Bell Room Media Solutions.

Lastly, we are very grateful to you, our listeners, for taking the time to join us on this voyage as we charter a course into podcasting!