Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

Season 2, Episode 6: Role of International Law in Constitutional Litigation

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

With the help of our distinguished guest, Gib van Ert, we discuss the role of international law in Canadian constitutional litigation.

In this episode's "Practice Corner," lawyer Cory Wanless discusses the ins and outs of litigating constitutional rights cases with international law components in Canadian courts.

Find a FULL TRANSCRIPT of this episode HERE.

Case Links

In this episode, the following cases and statutes were discussed:

Chevron Corp v Yaiguaje, 2015 SCC 42

Choc et al v Hudbay Minerals Inc et al, 2013 ONSC 1414

Immigration and Refugee Protection Act (SC 2001, c. 27)

Nevsun Resources Ltd v Araya, 2020 SCC 5

Ordon Estate v Grail, [1998] 3 SCR 437

Quebec (Attorney General) v 9147-0732 Québec Inc, 2020 SCC 32

Reference Re Public Service Employee Relations Act (Alta), [1987] 1 SCR 313

R v Hape, 2007 SCC 26

R v McGregor, 2020 CMAC 8

Slaight Communications Inc v Davidson, [1989] 1 SCR 1038

Reference re Secession of Quebec, [1998] 2 SCR 217

UK Supreme Court judgment on Scottish independence referendum

Sources of International Law:

Convention on the Rights of the Child

International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

UN Declaration on the Rights of Indigenous Peoples

Universal Declaration of Human Rights

Organizations:

History of Mr Diefenbaker introducing the Bill of Rights and the House of Commons debates

International Human Rights Program (IHRP)

Justice for Children and Youth

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 partner **TD Insurance.** We would like to thank our sponsor, and you can discover the benefits of affinity products here.

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 Marisa Benjamin, JD student at the University of Toronto Faculty of Law and Asper Centre Research Assistant, for her contributions to the production of this episode.

Thank you to our wonderful guests on this episode: Gib van Ert and Cory Wanless!

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