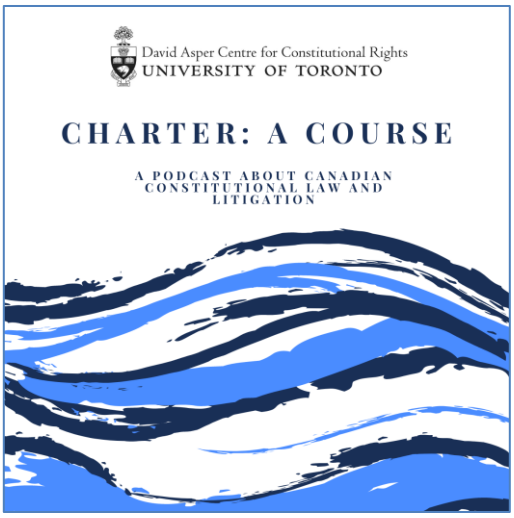
Charter: A Course podcast



Season 5, Episode 2: Charter Section 2(c) – Freedom of Peaceful Assembly

In this episode, we explore freedom of peaceful assembly under section 2(c) of the Canadian Charter of Rights and Freedoms, a fundamental freedom that has received relatively little independent attention from Canadian courts. In the first part, Professor Jamie Cameron, Professor Emerita at Osgoode Hall Law School, discusses why freedom of peaceful assembly should be understood as a distinct constitutional right, how it differs from freedom of expression, and how courts should approach disruptive protests, university encampments, property rights, and injunctions. She also reflects on the Freedom Convoy and the need for a clearer legal framework for regulating public demonstrations.

We then speak with Harini Sivalingam, Director of the Equality Program at the Canadian Civil Liberties Association (CCLA), for our Practice Corner (at about 45 minutes in). Harini discusses recent efforts to restrict protest rights, the constitutional issues raised by housing and survival encampments, and the intersection of sections 2(b), 2(c), 7, and 15 of the Charter. She also explains the national encampment litigation database being developed in partnership with the Asper Centre to help lawyers and advocates identify trends in encampment-related case law across Canada.

Find a full transcript of this episode here.

Cases and other resources

The following cases and legal proceedings are discussed in the episode:

- Irwin Toy Ltd. v. Quebec (Attorney General), [1989] 1 S.C.R. 927
- University of Toronto (Governing Council) v. Doe, 2024 ONSC 3755 (U of T encampment injunction)
- Abbotsford (City) v. Shantz, 2015 BCSC 1909 (Abbotsford encampment case)
- The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained, 2023 ONSC 670 (Waterloo encampment case)
- Attorney General of Canada et al. v. Canadian Civil Liberties Association et al., 2026 FCA 6 (Emergencies Act appeal)
- Charter challenge by CCLA of the City of Vaughan anti-protest “bubble zone” bylaw litigation

Constitutional and legislative resources:

- Canadian Charter of Rights and Freedoms
- Emergencies Act
- Bill C-9 and proposed Criminal Code offences affecting protest activity
- CCLA and Asper Centre Housing Encampment Litigation Database (launching in late Fall 2026): https://encampmentcaselaw.ca/

About the podcast series

Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights at the University of Toronto's Jackman Faculty of Law and hosted by the Centre's Executive Director, Cheryl Milne. Each episode is co-produced by a Jackman Law student who helps shape the topic, connect with guests, and develop the questions for our conversations. The podcast explores Canadian constitutional law and litigation, including the meaning and application of rights under the Canadian Charter of Rights and Freedoms.

Thank you

We would like to acknowledge the land from which our podcast is recorded. For thousands of years, this has been the traditional territory of the Wendat Nation, the Seneca, and the Mississaugas of the Credit. Today, it remains home to many Indigenous peoples from across Turtle Island, and we are grateful to live and work here. As you listen to this podcast from your own location, we invite you to take a moment to reflect on the land you are on, and the Indigenous communities connected to it, both historically and today.

Thank you to our guests, Professor Jamie Cameron and Harini Sivalingam of the Canadian Civil Liberties Association, for sharing their insights and expertise. Thank you as well to University of Toronto Jackman Faculty of Law JD student Vivian Wu for assisting in the production of this episode, and to producer Tal Schreier for all her work behind the scenes.

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

Thank you to the creators of our theme music, "Charter a Course." Constitutional law professor Howie Kislowicz and law professor Rob Currie licensed their constitutional law shanty to us in exchange for a donation to the Calgary Food Bank. The song is performed by Vanessa Carroll, Rob Currie, Howie Kislowicz, Avinash Kowshik, Anna Lund, Patricia Paradis, Elin Sigurdson, Lyle Skinner, and Dave Wright.