

Based on this premise, the funding criteria forming part of the memorandum of agreement could be worded as follows:

Intervenors may be funded under the Program when all the following criteria are met:

1. their intervention meets the Program criteria;
2. their intervention raises important and legally meritorious arguments for the resolution of the linguistic or equality rights issue(s) raised in the case;
3. the arguments raised in their intervention are not covered in substance by the parties or other intervenors in the case; and
4. intervenors must represent a disadvantaged group or linguistic minority that is directly affected by the outcome of the case.

## RECOMMENDATION

10. That applications which qualify for Court Challenges Program funding, but that also fall under the jurisdiction of the Canadian Human Rights Commission receive Court Challenges Program funding only after consultation with the Canadian Human Rights Commission.

## RESPONSE

The Government of Canada believes that extending the Court Challenges Program to cases within the jurisdiction of the Canadian Human Rights Commission is not justified. In the first place, the Canadian Human Rights Act includes its own remedial mechanisms. Moreover, as the Program is essentially limited to certain provisions under the Constitution, expanding it to this Act would change the nature of the Program and raise the question of why other acts of Parliament should not be included.