

*Supply*

The Hon. Bertha Wilson, former judge of the Supreme Court of Canada in her letter to the Minister of Justice on March 4, 1992 stated:

I have on numerous occasions publicly expressed the view that it is totally illusory to confer rights on people who do not have the means to enforce them and I assumed that the expansion of the Court Challenges Program following the advent of the Charter of Rights and Freedoms was an effort to address this problem.

An editorial in *The Ottawa Citizen* of March 3, 1992 stated:

If the program dies, it will be for the very reason it was born—the disadvantaged who need help aren't a powerful lobby.

We can only openly lament, given the support, the statements of the people I have quoted and the recommendations of the House of Commons Standing Committee on Human Rights and the Status of Disabled Persons, that the decision by this government is unfortunate and the reasons given to date have been totally unsatisfactory to say at least in my view not at all plausible.

Can it really be said that the program was too expensive for the taxpayers when we consider that between 1985 and 1992 an average of \$625,000 per fiscal year was spent to support these cases? This represents a very reasonable sum given the size of the federal government's over-all spending.

Furthermore, have we really come to the point where we are putting a dollar value on the preservation of the fundamental rights of people to get their linguistic rights clarified? Have we come to the stage in this country where disadvantaged groups, be they socially or economically unable to go to the courts because they cannot afford it, then I say we have a serious case of collective examination of our own consciences to do.

The facts clearly show that every province without exception, Mr. Speaker—and I could quote a series of cases in every single province of this country but time being of the essence I cannot do that—has been taken to court, either because they were hostile to giving linguistic minorities their rights or indifferent.

It is unacceptable in this country today that we give for a reason to the people of Canada for abolishing this program that we say we cannot afford it. It is not a costly program. Thanks to this program these rights have been clarified and affirmed. Some of them still need to be

clarified and affirmed, notably by the courts and possibly by the Supreme Court of Canada.

There is still much to be done to complete this interpretation of our laws, of section 23 for example. The Right. Hon. Brian Dickson, someone for whom I have great respect, said in the *Mahé* ruling that this is only the beginning and the courts have a lot of work to do.

As well, the relevant sections of the Canadian Constitution are far from being clarified by the courts. I do not remember it exactly but I think the Americans say: "A constitution is a living tree".

The consequences of abolishing this program would be harmful to Canadians. Even if individuals and groups of individuals finance their own cases in front of the courts the judicial method remains very slow and very expensive. Further, even if the rulings of the Supreme Court of Canada are not followed up in many cases the groups or the individuals must return to the courts and sometimes restart the process. This would result in a heavy burden on them.

They are not rich, but they are proud Canadians. This program addressed their individual rights as Canadians.

*[Translation]*

Litigation in Canada, especially if it goes as far as the Supreme Court, is extremely expensive. Without the Court Challenges Program, what will parents and parents' groups and official language minorities do if they want to have their constitutional rights recognized? Will they have to hold bazaars, bingo and bean suppers to raise the necessary funds? How many fundraisers will they have to hold to collect the \$35,000 needed to start a case or the \$5,000 it takes just to have lawyers look into the possibilities? Canadians must be able to say that in Canada, recognition of basic rights is everyone's business and not just the affair of the rich. In many cases, no money means no rights. We know that saying.

However, the Conservative government promised Canadians many times that it would keep this program and we believed it. I would like to quote the Minister of Multiculturalism and Citizenship, who said on May 10, 1990: "We believe that this program has an important role to play in helping to clarify some provisions of the charter. Therefore extending the program reaffirms the government's commitment to advancing human rights in Canada."