

RECOMMENDATION

5. That the funding criteria be amended so as to permit the acceptance of applications relating to cases that centrally concern the amelioration of a disadvantage experienced by a group characterized by one of the grounds set out in section 15(2) (or by analogous grounds), when for valid technical reasons the case is based on a section of the *Charter* other than sections 15, 27 or 28.

RESPONSE

The extension of support to challenges covering other sections of the *Charter* would make it difficult for the Panel to set priorities in funding decisions without a significantly increased budget. Given the country's present economic situation, the Government of Canada has opted to retain the original Program objectives. The Program should continue to concentrate on section 15 since clarification of the section is far from complete. Without an increase in funds, focus on section 15 would be lost and stringent priorities would be required to judge the numerous applications which are likely to be submitted under an expanded Program.

RECOMMENDATION

6. That the current restriction "federal legislation, policies and practices" in the equality rights funding panel mandate be removed, and that the panel be given a mandate to fund equality rights cases having national importance for disadvantaged groups.

RESPONSE

According to the Program criteria, cases are limited to issues of discrimination of concern to federal areas of jurisdiction. The expansion of the Court Challenges Program to include such issues would generate numerous applications challenging provincial laws, policies and practices, in areas such as education, health, housing, welfare, transportation, social services, natural resources, environment, etc.

The increase in the number of applications would tax the administrative resources of the Program and make it more difficult for the panels to take decisions on cases. Also, as a result, a smaller percentage of applications could be funded.

For these reasons, the Government of Canada has chosen to retain the Program's original scope and structure.