

that the Court Challenges Program must remain a national program. Although the argument has been made that a continuation of the Program's objectives could be given to the provinces, we believe that this approach would foster a patchwork of provincial schemes across the country. It is conceivable that larger provinces would develop more elaborate programs and that smaller provinces could not afford any program at all. This result would only serve to perpetuate the very inequalities that the present Court Challenges Program is struggling to eliminate. If the matter of court challenges were left to the provinces, we are concerned that only provincial laws would be tested in the courts. This would leave a huge gap if federal legislation were exempt.

We cannot over-emphasize the value of collaboration and cooperation, particularly in the fundamental task of assisting all Canadians to gain access to *their* Constitution and to *their* Charter. The depth of their desire for this leapt from the pages of the letters and submissions that we have received over the past few months. In this time of constitutional uncertainty, the continuation of the Court Challenges Program would provide a rallying point for those who believe that access to justice is a cause common to all Canadians. The Court Challenges Program must be the property of us all — a cooperative venture which encompasses the contributions of the federal government, the provincial governments, the legal profession and the Canadian community as a whole.

## RECOMMENDATION

**The Standing Committee on Human Rights and the Status of Disabled Persons recommends that the Court Challenges Program be maintained.**

The Committee further recommends that the Program be restructured, without an interruption in its activities, as a non-profit Court Challenges Foundation that would continue to be administered by the Human Rights Research and Education Centre of the University of Ottawa. The start-up costs of the Foundation could be financed by a one-time contribution from the federal government which would provide it with an adequate endowment (up to \$10 million). The federal government should immediately undertake negotiations with provincial governments to establish voluntary, proportional contributions. The federal government should explore a way to allow the Canadian legal profession, notably the Canadian and provincial bar associations, to contribute to the Court Challenges Foundation by such means as providing *pro bono* work. The federal government should also explore a method of seeking contributions to the Foundation from the various equality-seeking and language-rights groups and from other individuals or associations.