

As a result of the proclamation of the Canadian Charter of Rights and Freedoms, the Court Challenges Program was updated in December 1982 so it would apply also to typical challenges where the plaintiff claims his rights concerning the official languages or his right to education in the language of the minority, pursuant to the provisions of Sections 16 to 23 of the Charter. Generally speaking, Sections 16 to 22 deal with the status and use of French and English in Canada, at the federal level, and in New Brunswick. Under these sections, it is the right of anyone to obtain services in either of the two official languages, when dealing with federal and New-Brunswick institutions. Charter Section 23 guarantees the rights to education in the language of the minority.

[English]

To date, 17 cases have been funded in whole or in part under the program. A number of cases which enhance minority language education rights have been assisted in Prince Edward Island, Quebec, Ontario and Alberta. The issue of the use of official languages before the courts has been dealt with in Quebec, Manitoba, Saskatchewan, Alberta and the Yukon. The results of these cases have been encouraging and have underscored the important role that such a program has played.

[Translation]

Mr. Speaker, our Government is committed to promote social justice and equality for all Canadians and this new expanded Court Challenges Program is one way to achieve our purpose. This fresh approach signals a new era in relations between the federal Government and volunteer organizations.

Mr. Jean-Robert Gauthier (Ottawa-Vanier): Mr. Speaker, I should like to start by congratulating the Minister on his promotion which, I think we can rightly say, is a token of the Prime Minister's confidence in the Minister's competence and capacity. We have high hopes and great expectations, and we trust he will be able to respond to the needs of various groups, whether they are official language groups or represent other linguistic communities.

Mr. Speaker, "expanding the litigant assistance program" is undoubtedly something many Members of this House have been looking forward to for some time. Since last April, when Section 15 of the Canadian Charter of Rights and Freedoms came into effect, many of us have asked this Government when it would be considering an expanded program to include Section 15.

As we know, and the Minister already said as much, the cases heard before the courts since December 1982 have dealt with Sections 93, 133, 23 of Manitoba and 23 of the Charter. The Government, that is the Liberal Government at the time, had established the program in 1978 and expanded it to include the schools issue, which is covered by Section 23 of the Canadian Charter of Rights and Freedoms.

Mr. Speaker, we feel it is absolutely vital that Canadians should be helped financially in bringing before the courts cases

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of national importance based on the Canadian Charter of Rights and Freedoms. I think it is a very good thing that the majority, that Canada as a whole should bear the costs incurred by those Canadians who want to challenge the Charter of Rights before the courts.

Mr. Speaker, I also approve because it gives Canadians across the country a chance to acquire a better understanding of the rights we have all been given under this Charter of Rights and Freedoms.

Therefore, my colleagues and I can only applaud the Minister and the Government for their decision to expand the Court Challenges Program to include Sections 15, 27 and 28.

[English]

The purpose of this program is for the federal Government to make available financial and human resources to assist litigants in establishing before the courts the full meaning of equality and the full meaning of the rights given by the Charter in Section 23, 15, 27 and 28. Speaking for my colleague, the Hon. Member for York West (Mr. Marchi), who speaks as critic for multiculturalism, I can tell the Minister and the Government that indeed ethnocultural communities of Canada will be very happy to hear that the Government is enlarging the program to include Section 27 of the Charter. However, ethnocultural communities and other minorities have great concern regarding the limitations of the funds available. Until we know the criteria under which the program will apply, we cannot applaud too loudly. Hopefully we will see these criteria soon. Therefore, we will reserve judgement on the applicability of this program.

Speaking for my colleagues on this side of the House, I understand the Minister's concern about avoiding conflict of interest. I understand that the Government wants to give this to an outside agency so that the Minister of Justice (Mr. Crosbie) will not be in conflict with the Secretary of State (Mr. Bouchard) when deciding which cases will be financed and which will not. I, for one, endorse the idea that an outside body or bodies should be asked to administer this program. I am pleased the Government has heard the message clearly that there could be some conflicts. We all know that, for example, the Minister of Justice (Mr. Crosbie) was not too hot on the issue of allowing groups and individuals to have financial assistance from the federal Government.

● (1520)

The organization which will be charged with the administration of this program, the Canadian Council on Social Development, is a serious and competent body in social matters. I have hesitation with respect to language questions. To ask the council to perform the work which has been traditionally performed by the Secretary of State leaves me asking whether or not this is the proper organization to deal with language issues. It has not been my experience that the Canadian Council on Social Development has that expertise in matters of language rights. Therefore, I can tell the Minister that, with that reservation, I am happy to hear that the Government has adopted this arm's length position.