

RECOMMENDATION

4. That a statement of program objectives be included, immediately preceding the case funding criteria, in the contribution agreement for a renewed Court Challenges Program. Such a statement could read as follows: "The objective of the Court Challenges Program is to provide financial assistance related to significant test cases asserting minority language rights, equality rights of disadvantaged groups, and aboriginal rights in order to ensure that the needs of linguistic minorities, disadvantaged groups and aboriginal peoples are taken fully into account by the courts as they clarify the constitutional rights of Canadians."

RESPONSE

The Government of Canada concurs with the Standing Committee's recommendation that a statement of Program objectives be included in the memorandum of agreement upon the renewal of the Court Challenges Program.

Given that there are still significant areas of language and equality rights which require clarification, the Government of Canada believes that it is currently preferable to retain the Program's objective.

To be consistent with the original purpose of the Program, the Government of Canada will incorporate the following objective into the memorandum of agreement:

"The purpose of this contribution agreement is to set out the terms and conditions governing the administration of the Court Challenges Program whose objective is the clarification of the official language rights guaranteed in sections 93 or 133 of the Constitution Act, 1867, or in sections 23 of the Manitoba Act, 1870, or in sections 16 to 23 of the Constitution Act, 1982, and the equality rights guaranteed in sections 15 and 28 of the Canadian Charter of Rights and Freedoms, or in which an argument based on section 27, is made in support of arguments based on section 15; this objective being achieved through the provision of financial assistance for test cases of national significance put forward by or on behalf of disadvantaged groups or individuals."