

Thirty months ago, our unanimous agreement reflected the virtually unanimous verdict of our witnesses and we recommended that the Court Challenges Program should be renewed until 31 March 2000. We also recommended further parliamentary reviews in 1993-1994 and 1998-1999 (Recommendation 2).

THE GOVERNMENT'S RESPONSE

In the 10 May 1990 Response to the Standing Committee's report, the Minister of State for Multiculturalism and Citizenship agreed, on behalf of the government, to renew the Court Challenges Program for five years until 1995 (For a summary of our recommendations and the Response see Appendix A).

The Response also recognized the inherent conflict of interest for the government to decide which court cases to fund. In dealing with our recommendation that the Program remain independent (Recommendation 3), the Response stated that "The Government of Canada views the continuation of an arm's length relationship to be one of the Program's positive features as it allows decisions to be transparent and made independently of the government."

With regard to the ongoing need for the Program, the government Response stated that "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."

The Response also accepted our other contention that the mandate of the Court Challenges Program and the jurisdiction of the Canadian Human Rights Commission cover separate areas in view of the fact that the *Canadian Human Rights Act* contains its own remedial mechanisms.

COURT CHALLENGES PROGRAM 1989-1992

Even with the government's commitment two years ago to renew the Court Challenges Program, the road has remained bumpy. In June 1990, the Standing Committee held an *in camera* meeting to hear from the administrators of the Court Challenges Program who explained that delays in working out arrangements to renew the Program were compromising its effectiveness. These delays would result in staff lay offs if a decision about who would administer the Program were not forthcoming in the immediate future. The Standing Committee then expressed its concern to the Under Secretary of State and urged the government to ensure that its decision to renew the Program was carried out expeditiously. In retrospect, this puzzling little episode casts considerable light on the way that the Program has been dealt with.