

RECOMMENDATION

2. That the Court Challenges Program be renewed for a period extending from 1 April 1990 to 31 March 2000, and that reviews by a parliamentary committee with a mandate in the area of human rights be conducted in 1993-1994 and in 1998-1999. The issue of the Program's renewal should be resolved by 31 March 1999 in order to facilitate litigation planning by clients of the Program.

RESPONSE

The Government of Canada is prepared to renew the Court Challenges Program for a five-year period. The Program and its environment, it has been noted, evolve rapidly. Consequently, the Government of Canada considers that a five-year period is optimal for the renewal of a program. It allows adequate time to periodically assess the Program's effectiveness and relevance in light of societal changes and government priorities.

It is estimated that court cases take up to three years to proceed through a given court level of the judicial system. An added three-year period after the five-year period has been built into the Program's financial framework to avoid past problems related to payments of outstanding accounts.

RECOMMENDATION

3. That any modifications made to the Court Challenges Program upon its renewal maintain administrative independence from government.

RESPONSE

Maintaining administrative independence was considered by all the witnesses who appeared before the Standing Committee as an important element of the Court Challenges Program. 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.