

In preparing a response to the present report, we expect the government to keep an open mind because this will ultimately bolster the credibility of Parliament, of parliamentary committees and of government itself. We also hope that the government is prepared to recognize that bureaucratic imperatives and political considerations are not always congruent.

OUR 1989 REPORT

From 8 June until 22 November 1989, the Standing Committee on Human Rights and the Status of Disabled Persons carried out an intensive study of the Court Challenges Program. For us, the value of the Court Challenges Program has been definitively set out and was made abundantly plain in the report that we tabled in the House of Commons on 11 December 1989. That report, which contains both the results of our intensive study and our unanimous recommendations, we feel, still reflects the beneficial value of the Court Challenges Program. Even with the passage of time, our findings need little amplification or modification.

Some of our considerations, however, bear repeating. The Court Challenges Program, originally established in 1978, has provided financial assistance to linguistic minorities in clarifying and asserting their constitutional rights through the courts and, since 1982, has included the language protections set out in sections 16 to 23 of the *Canadian Charter of Rights and Freedoms*. Since 1985, when the Program became independent of government, it has also supported individuals and groups challenging federal legislation, practices and policies in test cases based on section 15 of the Charter, dealing with equality rights, as well as section 27 (multiculturalism) and section 28 (equality of the sexes).

The Program funds test cases of national importance. By funding individuals and groups, it addresses broad issues that affect a significant portion of this country's people. It is not a general legal aid program.

To ensure unbiased decisions about which court challenges were funded, in 1985 the Program was removed from the direct control of government departments and placed under the auspices of an independent body. To ensure even greater fairness, the arm's length agency that administered the Program was required to set up two panels of experts who respectively adjudicated applications and approved the funding for each equality rights or language rights case.

Since its inception, the Program has remained unique to Canada and the subject of international admiration. It provides a recognition that by themselves, codified rights do not guarantee very much unless a means is available to ensure that these rights can be exercised by those who they are intended to protect.