In July 1990, further to the recommendations of the Standing Committee on Human Rights and the Status of Disabled Persons, the program was extended for a five-year period. The administration of the program was then transferred to the Centre for Research and Education on Human Rights at the University of Ottawa.

• (1720)

The program was extended to cases involving language rights based not only on the previously mentioned provisions but also on similar constitutional provisions. This agreement includes a part on equality rights. The program also seeks to clarify equality rights guaranteed by sections 15 and 28 of the Canadian Charter of Rights and Freedoms or section 27 presented in support of arguments based on section 15.

The program was not created as a protest tool. Historically, the program was perceived as a way to promote Canada's two official languages and it remains that. In this regard, it seeks to provide financial assistance in developing test cases to clarify the language provisions of the Constitution.

The trail-blazing cases in the field of language rights deal first with education rights, second with bilingualism in the judicial system, third with language of service, and fourth with fundamental rights.

Let us remember that section 23 of the Charter gives qualified parents the right to have their children educated in the minority official language of their province of residence. This right was established to correct past injustices in education and deficiencies in the present school systems by applying a uniform remedy.

I would like to be able to trace the historical development of cases subsidized by the Court Challenges Program, but time is passing. Allow me, however, to emphasize that the court challenges dealing with section 23 helped clarify these provisions.

For example, the Supreme Court decision in the Mahé case clarifies the procedure for real enforcement of education rights. We are glad to be able to point out the important role that the Court Challenges Program has played in clarifying section 23 of the charter.

Language is an important aspect of judicial proceedings. In this area, we can say that language rights concern mainly the choice of the language of the proceedings and the right to address the court in the language of one's choice. Again, I cannot elaborate on the development of the constitutional provisions concerning language rights as they apply to the judicial system, but please believe me that it is an interesting story, especially since the Court Challenges Program is responsible for the gains made in this area. The Supreme Court decisions in the Blaikie, Mercure and Bilodeau cases have led the courts and the Supreme Court of Canada to identify the sections of the charter that apply to judicial bilingualism and to define language rights as they apply to the courts.

Section 20 of the charter grants two distinct rights. The first is the right to communicate with any office of the institutions of Parliament and the Government of Canada or the legislature and Government of New Brunswick in the language of one's choice. The second is the right to receive services from these offices in the chosen official language. The right to use one's language, the language of one's choice, implies the right to be heard and understood in that language and also to receive replies in it. That is what Judge Beetz says in the SANB *Acadian Society of New Brunswick* decision. These rights are not limited in cases involving an office of the institutions of the legislature and Government of New Brunswick or the head office of a federal department.

We know that some fundamental rights or legal guarantees in the Canadian charter can have a linguistic connotation. That is the case for the freedom of expression which every individual in Canada enjoys under section 2 of the charter. The Court Challenges Program has supported some precedent setting cases.

The Court Challenges Program has thus helped to clarify several constitutional provisions concerning language rights. It must be noted that the legal clarification of a language provision does not always result in net gains for the official language minorities. We may be astonished at how long it takes education or language rights to develop in many provinces. We should ask ourselves about the limits of judicial recourse. The courts are not the only place to assert our rights. Language minorities have other tools at their disposal to help them claim their rights.