

PAYING TOO DEARLY

Justice is such a fine thing that we cannot pay too dearly for it.

(Alain René Lesage, *Crispin rival de son maître*, IX.)

INTRODUCTION

When we tabled our report to Parliament on the Court Challenges Program on 11 December 1989, we believed that the need for parliamentary scrutiny of this Program had been met until 1994. When the government cancelled the Program on 27 February of this year, however, an immediate and urgent review of this decision became necessary.

For us, as Members of the Standing Committee on Human Rights and the Status of Disabled Persons, our recent hearings on the Court Challenges Program have produced a sense of *déjà vu*. We confronted our task of reviewing the government's decision to cancel the Program with no great enthusiasm. It is sad that the time and effort that we spent assessing, evaluating and reporting on the Court Challenges Program in 1989 appears not to have been taken seriously enough.

The arguments and information that we use in preparing our recommendations to Parliament are brought to us by witnesses who spend a great deal of time and energy in preparing analyses for us. Often they must travel — at considerable inconvenience — from all parts of Canada to respond to our inquiries. Committees of Parliament are indebted to these people for their contribution and, as we concluded in our 1990 report, *Unanswered Questions*:

We think the government should appreciate that contribution too, because it puts ministers in direct contact with realities that are all too easily distorted or filtered out by the departmental policy process (p. 3).

There are two issues at stake here. The first and most obvious is the fate of the Court Challenges Program and its role in ensuring that minority language groups and equality-seeking groups have an opportunity to influence the interpretation and advancement of Canada's laws, in particular, the *Canadian Charter of Rights and Freedoms*. The second — and to this Standing Committee of the House of Commons, equally basic — is the treatment of reports presented by committees of the House of Commons. We have reflected upon this issue before. In *Unanswered Questions*, we pointed out that:

The capacity of standing committees to give citizens a voice in government relies . . . on the willingness of government to listen, and to give evidence of having heard. Responses to committee reports must reflect this willingness, or they can undermine the effectiveness of Parliament and, in the long term, of government (p. 2).