

significant case development funding were discrimination based on sexual orientation (10% of funding decisions); native people's issues (8% of funding decisions); prisoners' rights (8% of funding decisions); and issues involving discrimination based on place of origin (4% of funding decisions).

As was evident with case funding, the remainder of case development funding was distributed over a considerable range of issue areas. In 1986, for example, case development funding was awarded for research on the extent to which the *Charter* may apply to foreign students. The following year, research was funded on the possibility that equality rights may be violated by differences in restrictions on foreign diplomats, which were alleged to leave those of South Africa free to promote apartheid. More recently, case development research has been funded to examine the possibility that residence requirements in the *Canada Elections Act* deny the vote to the homeless and the possibility that the poor may be seen as a disadvantaged group entitled to claim equality rights.

## B. Decisions of the Courts

The diversity of the equality-seeking groups receiving case funding is reflected in the disparate nature of judicial decisions thus far obtained. (For a supplement to the following, see Appendix C.) A 1988 federal Court decision in *Schachter v. The Queen et al.* declared contrary to section 15 provisions of the *Unemployment Insurance Act* entitling adoptive fathers to benefits denied natural fathers. This decision has, however, been appealed by the government on the grounds that the courts do not have the power to extend benefits as a remedy under the *Charter*.

In October of 1988, the Canadian Disability Rights Council was successful in its challenge of a provision of the *Canada Elections Act*, which denied the right to vote to persons in institutions or deprived of the management of their property because of mental illness (*C.D.R.C. et al. v. Her Majesty The Queen in Right of Canada*, 1988). This Federal Court decision resulted directly in the recognition of the right of many people labelled mentally disabled to vote in the 1988 federal election and, more broadly, challenged negative attitudes towards mentally disabled persons.

In May of this year, in *Elizabeth Symes v. Her Majesty The Queen*, the Federal Court of Canada (Trial Division) accepted the validity of a section 15 challenge to policies precluding a parent from deducting child care costs as a business expense and specifically recognized the need to promote the equality of women.

Section 15 of the *Charter* came into effect on 17 April 1985. The Equality Rights Panel of the Court Challenges Program was not named until July 1986. It must therefore be emphasized, in view of the length of time involved in *Charter*-related litigation, that only a bare beginning has been made in the use of section 15 by disadvantaged groups to achieve