



September 22, 2006

Hon. Beverley J. Oda, P.C., M.P.
Minister of Canadian Heritage
House of Commons
Ottawa, ON
K1A 0A6

Dear Minister:

Re: Court Challenges Program

I am writing to you on behalf of the Canadian Bar Association (CBA), as we understand that your government may be reviewing the operations of the Court Challenges Program. The CBA believes that the Court Challenges Program plays a vital role in facilitating access to justice in Canada. Accordingly, we would urge you not only to refrain from cutting funding to this program, but also to increase it in order to ensure the Program's long-term financial stability.¹

The Court Challenges Program was created in 1994 to provide financial assistance for important court cases that clarify language and equality rights. The program is unique in that it provides a source of funding for groups that would otherwise have no recourse to the courts to uphold these important constitutional rights. The funding of the Program has remained virtually at 1994 levels, despite the increasing number of applications it receives.

To be meaningful, rights must be effectively exercised. The *Canadian Charter of Rights and Freedoms* was enacted through the exercise of a democratic process and was adopted by duly elected Members of Parliament. One of the precepts of democracy includes the Rule of Law. The exercise of one's rights and freedoms in accordance with the Rule of Law and through the judicial branch is one of the clearest demonstrations of a functioning democracy. Ensuring access to justice is thus in keeping with the best traditions of democratic society. We have long recognized in Canada that one's rights should not be curtailed merely because he or she lacks the resources to defend them. Those with the least financial resources often experience the greatest attacks upon their rights.

¹ The CBA recently renewed its support for the Program. See CBA resolution 06-01-A, passed in August 2006 by CBA Council in St. John's Newfoundland. The resolution is attached.



The Canadian Bar Association has long supported the Court Challenges Program and further has worked actively to ensure its continued viability, expansion and renewal. We urge you to ensure that the Court Challenges Program is able to continue playing a vital role in promoting access to justice in Canada.

Yours truly,

(original signed by J. Parker MacCarthy)

J. Parker MacCarthy, Q.C.

- cc. Hon. John Baird, P.C., M.P.
- cc. Hon. Vic Toews, P.C. M.P.
- cc. Hon. James Flaherty, P.C., M.P.