

SENT BY EMAIL ONLY

22 April 2022

The Honourable René Cormier, Senator
Chair, Standing Senate Committee on Official Languages
Senate of Canada
Ottawa (Ontario) K1A 0A4

Re: Bill C-13, *An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts*

Dear Chair and Members of the Committee:

On behalf of the Human Rights Expert Panel (the Expert Panel) of the Court Challenges Program (the CCP), I write with respect to Bill C-13, *An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts*. Given our mandate within the CCP, we write specifically and solely for the purpose of commenting on section 52, which seeks to enshrine the human rights branch of the CCP in the *Department of Canadian Heritage Act*. We see the inclusion of this section in Bill C-13 as encouraging evidence of the government's commitment to the CCP as a whole and their intention to treat both branches of the Program in an even-handed way.

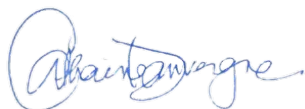
We are conscious that our colleagues on the Official Language Rights Expert Panel have written to you to encourage a careful review of the statutory language enshrining the CCP (or similar program) in order to confer upon it a certain permanence. Specifically, they note that the language of section 22(1) of Bill C-13, to which section 52 corresponds, empowers but does not obligate the Minister of Canadian Heritage to fund cases seeking to clarify and assert constitutional rights. You are undoubtedly aware of the CCP's history of having its funding entirely rescinded by some governments. As such, we cannot help but share our colleagues' concerns. If the intention of this legislation is to make the CCP, or a similar program, a permanent part of Canada's constitutional architecture, this intention would be more clearly expressed if the word "shall" rather than "may" was used in section 52.

Indeed, we believe that a legislated commitment to fund such a program is of crucial importance. To access the remedies contemplated by the *Constitution Act* for violations of *Charter* rights, Canadians must have effective access to the courts, and for that, reliable long-term funding of a program such as the CCP is essential. Since the reinstatement of the CCP in 2018, funding approved by the Human Rights Expert Panel has supported and empowered more than 100 Canadian individuals and organizations to develop and bring cases before the courts seeking to assert and clarify their constitutional rights. Most of these funding recipients represent historically marginalized communities, and each has demonstrated their need for financial support in order to go before the courts. For these people and communities, the CCP plays a significant role in promoting and preserving the constitutional rule of law in Canada.

We thank you for your thoughtful consideration of views expressed in this letter, and we remain available to discuss them with you. In particular, we hope that Bill C-13's clear intention to ensure that both branches of the Court Challenges Program are treated equally will be maintained as this legislation makes its way through each step of the process of enactment.

Any questions regarding this correspondence can be sent to us through the Director of the Court Challenges Program, Marika Giles Samson, at dirpcj.ccp@uottawa.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "Catherine Dauvergne". The signature is fluid and cursive, with the first name being the most prominent.

Dr. Catherine Dauvergne, Q.C., FRSC
Interim Chair, Human Rights Expert Panel
Court Challenges Program

cc: Marika Giles Samson, Director of the Court Challenges Program