Court Challenges Program Makes Partial Comeback

Prime Minister Stephen Harper has decided to restore parts of the court challenges program, eighteen months after the Conservative government originally scrapped it. [1] The new "Program to Support Linguistic Rights" will help Anglophones in Quebec and Francophones in the rest of Canada to defend their language rights under the Charter [2]. The new program puts more emphasis on mediation and alternative dispute resolution, and still does not fund challenges to provincial laws, unless it can be shown that the law violates the Charter .[3] The program will be granted a $1.5 billion budget per year, and will begin in 2009. [4]

In 2006, the Fédération des communautés francophones et acadienne (FCFA) du Canada sued federal government when it first dropped the court challenges program. Heritage Minister Josée Verner announced that an agreement was reached between the two parties, although details have not yet surfaced. [5]

Official Languages Commissioner Graham Fraser believes the restoration of the program is a "huge victory for the minority language communities." [6] Reactions are not entirely positive; Liberal Heritage critic Denis Coderre laments that other minorities, including gays and lesbians, or those with disabilities, have been left out of the program. [7] New Democrat MP Yvon Godin agrees with Coderre, stating that " there is nothing for a person with a handicap, nothing for women, nothing for minorities in our country. It is a big loss." [8]

The news came on the same day the Tories announced their action plan relating to linguistic duality. The plan, which spans 2008-2013 and has a budget of $1.1 billion, aims to support minority language groups in a variety of settings, such as justice, health and immigration. [9] The plan follows the recommendations of Bernard Lord's report on linguistic duality.

Further Reading:

Canadian Heritage, Summative Evaluation of the Court Challenges Program: Final Report (26 February 2008).

[1] Elizabeth Thompson, Tories Restore Parts of Scrapped Court Challenges Program, The Gazette, 25 June 2008.
[2] Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11 [Charter].
[3] Supra note 1.
[4] Radio-Canada, "Ottawa présente sa feuille de route" (20 June 2008).
[5] CBC News, "Conservatives, Francophone Group Reach Deal on Court Challenges" (16 June 2008).
[6] Supra note 1.
[7] Ibid.
[8] Ibid.
[9] Supra note 4.