

Press Kit

**Equality Groups File Motion To Intervene In Legal
Challenge Of Government's Cancellation of Funding to
the Court Challenges Program**

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For immediate release**

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(Toronto, Ontario – Dec 18, 2007) – Today a coalition of eight organizations representing equality-seeking communities will file a motion in Federal Court to intervene in the case challenging the decision of the federal government to cut its funding to the Court Challenges Program. The Coalition is comprised of:

The Council of Canadians with Disabilities (CCD), the National Anti-Racism Council of Canada (NARCC), the Canadian Feminist Alliance for International Action (FAFIA), the DisAbled Women's Network of Canada (DAWN-RAFH Canada), the Metro Toronto Chinese and Southeast Asian Legal Clinic (MTCALC), the Charter Committee on Poverty Issues (CCPI), the Women's Legal Education and Action Fund (LEAF) and the South Asian Legal Clinic of Ontario (SALCO). Egale Canada is supporting the coalition.

The case was started by the Federation of Francophone and Acadian Communities of Canada, a group representing French-speaking minorities outside of Québec.

The Court Challenges Program provides financial support to groups and individuals seeking to assert their Charter-guaranteed rights in the courts. "The Program supported several challenges and interventions that helped define what the right to equality means in Canada," says Faisal Bhabha of the Toronto law firm, *bakerlaw*, counsel for the Coalition. "The Program itself has become inseparable from the constitutional guarantee of equality that it was designed to promote."

Some examples of Program-supported cases include: the Chinese Head Tax and Exclusion Act redress; same-sex marriage; the accessibility of national rail travel; violence against women and sex discrimination; criminal law provisions regarding the use of disciplinary force against children; the systemic discrimination against African Canadians in the criminal justice system; the impact of immigration security certificates on racialized communities; First Nations status entitlements; and voting rights for inmates in federal prisons.

“Without the Court Challenges Program, the Charter offers but a hollow hope for a just society,” said Laurie Beachell of the Council of Canadians with Disabilities. “The Program promotes access to justice for the members of our society who need it most.”

“It is important to show our support for official language minorities” said Helen Kennedy, Executive Director of Egale. “We hope that this intervention will help the court understand the importance of the Program not only for language minorities, but also for members of equality-seeking communities.”

The hearing is scheduled to be heard in Federal Court in Fredericton, New Brunswick on February 25th and 26th.

Ce communiqué de presse est disponible en français.

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COALITION OF EQUALITY SEEKING GROUPS

The **Council of Canadians with Disabilities** (CCD) is the national cross-disability organization in Canada. Its goal is to improve the lives of men and women with disabilities in Canada, by eliminating inequality and discrimination. The CCD works to raise awareness on issues affecting the disability community by issuing regular newsletters and research reports. The CCD has been involved numerous Supreme Court of Canada human rights and equality cases. Recently, CCD was successful in its challenge of VIA Rail's decision to purchase inaccessible rail cars.

The **Metro Toronto Chinese & Southeast Asian Legal Clinic** (MTCSALC) provides free legal services to non-English speaking, low income members of the Chinese, Vietnamese, Cambodian and Laotian communities in the City of Toronto. It has represented over 70,000 people over the last 20 years and has been involved in numerous cases involving the interests of Chinese and Southeast Asian Canadians. MTCSALC also conducts community education and is involved in law reform activities in order to help advance the right to equality of the community it represents. It has conducted close to 1,000 public legal education sessions, published 20 volumes of legal education materials in Chinese and Vietnamese languages.

The **National Anti-Racism Council of Canada** (NARCC) is a national network of approximately 101 community-based groups, organizations and individuals committed to principles of equality, justice and equity, and the elimination of racism, racialization and related forms of discrimination in Canada. NARCC has authored numerous reports for submission to international and domestic bodies. It also works on legislative reform, organizes conferences and workshops, and engages in litigation.

The **Canadian Feminist Alliance for International Action** (FAFIA) is an alliance of about 50 Canadian women's equality-seeking organizations and human rights organizations. One of FAFIA's central goals is to help ensure that the government of Canada respects, protects and fulfils the commitments to women that are contained in international human rights instruments. To this end, it has made submissions to international and domestic bodies, and engages in public education, research and other advocacy work on gender issues.

The **DisAbled Women's Network of Canada** (DAWN-RAFH Canada) is a national organization dedicated to providing a voice for women with all kinds of disabilities and an opportunity to create links between it and other Canadian women's and disability organisations. To this end, DAWN conducts research regarding issues affecting the interests of Canadian women with disabilities such as mothering, self-image, employment, new reproductive technologies, substance abuse, policing, justice, substantive equality and violence. DAWN also engages in public education by

participating in various government and non-government committees, conferences, workshops, panels, and commissions.

The **South Asian Legal Clinic of Ontario (SALCO)** provides free legal services to the South Asian community in Ontario. In addition to providing direct legal representation, SALCO also conducts community outreach and public legal education sessions in the community as part of its access-to-justice mandate. It provides access to legal information to at least 60,000 people each year. It is also involved in numerous law reform initiatives in partnership with other equality-seeking organizations.

The **Women's Legal Education and Action Fund (LEAF)** is one of the leading national feminist organizations. LEAF engages in equality rights litigation, research and public education on issues affecting women such as violence against women, sexual harassment, pregnancy discrimination, sex bias in employment standards, spousal support and reproductive freedoms. LEAF has intervened in nearly 40 cases at the Supreme Court involving equality rights or affecting the interests of Canadian women. LEAF also provides public education on issues of gender equality.

The **Charter Committee for Poverty Issues (CCPI)** is a national committee that brings together low-income individuals, anti-poverty organizations, researchers, lawyers and advocates for the purpose of assisting poor people in Canada to secure and assert their rights under international law, domestic law and the Charter. CCPI has been involved in eleven Supreme Court of Canada cases, and in numerous other cases before lower courts and tribunals affecting poor people. It has also presented before the United Nations Human Rights bodies.

Egale Canada is a national organization committed to advancing equality and justice for lesbian, gay, bisexual and trans-identified people, and their families, across Canada. It has helped advance human rights in by being involved in gay rights case before the Supreme Court of Canada. Egale also provides out reach and awareness education on issues affecting lesbians, gays, bisexuals and trans-identified people.

bakerlaw is a Toronto based law-firm committed to helping create a more just society through progressive legal advocacy. Specializing in Charter and human rights law, the firm represents individual clients who are disadvantaged by disability, race, gender or poverty—often in combination—in issues related to employment, education and health. *bakerlaw* works to integrate equality and anti-discrimination principles in immigration and national security policies, in the workplace, through the education and health care systems, and in long-term care and assisted living facilities.

History of the Court Challenges Program

The Program was established in 1978 with an express access-to-justice mandate, namely to help official language minorities to pursue important cases involving language rights. Following the adoption of the Charter, the mandate of the Program was expanded to include funding for Charter-guaranteed language rights. In 1985, when the right to equality came into force, the mandate of the Program was expanded once again to provide financial support for historically-disadvantaged groups to assert rights under sections 15 (equality), 27 (multiculturalism) and 28 (sex equality).

The Program was a shining example of the government's pro-activeness in promoting access to justice. In May 2006, mere months before cancelling the Program, the government appeared before the United Nations Committee on Economic, Social and Cultural Rights. Its written submission highlighted the Program as one of its measures designed to promote public interest litigation by minority groups:

The Court Challenges Program (CCP), funded by the Government of Canada, provides funding for test cases of national significance in order to clarify the rights of official language minority communities and the equality rights of historically disadvantaged groups.

The Program supported several challenges and interventions that have given rise to the rich body of equality jurisprudence in Canada. Some examples of Program-supported cases include: the Chinese Head Tax and Exclusion Act redress; employment insurance benefits rules that discriminated against parents of children with disabilities; same-sex marriage; a challenge to VIA Rail's decision to purchase used rail cars that were not accessible; criminal law provisions regarding the use of disciplinary force against children; the systemic discrimination against African Canadians in the criminal justice system; the impact of immigration security certificates on racialized communities; First Nations status entitlements; and voting rights for inmates in federal prisons.

The Program did not only support challenges against the government. In one case, it funded the intervention by two equality groups in support of the government's limits on third-party election spending against a freedom of expression challenge by a libertarian advocacy organization.

On September 25, 2007, the federal government announced its decision to cancel all further funding of the Court Challenges Program.

For more information on the Court Challenges Program, visit <http://www.savecourtchallenges.ca>