



# National Association of Women and the Law Association nationale Femmes et Droit

251 Bank Street, Suite 208, Ottawa, ON K2P 1X3  
(613) 241-7570  
[nawl.ca](http://nawl.ca) / [anfd.ca](http://anfd.ca)

October 16, 2018

VIA E-MAIL

Hon. Pablo Rodriguez  
Minister of Canadian Heritage  
House of Commons  
Ottawa, Ontario K1A 0A6  
VIA E-MAIL

Dear Minister Rodriguez:

As you know, prior to the October 2015 federal election, Prime Minister Trudeau promised to restore funding to the Court Challenges Program (CCP). The federal budget of 2016 allocated \$5 million annually to the new CCP and, in February 2017, your government announced its plans to “restore and modernize the CCP.”

On March 13 and on April 11, 2017 a coalition of over 80 national, provincial and local civil society organizations from across Canada wrote to Ministers Joly and Wilson-Raybould to express our grave concerns about the proposed ‘modernization’ (those letters are attached.) As we explained to Minister Joly, abandoning the CCP’s historic mandate to protect and advance substantive equality leaves open the prospect of funding being sought and granted for section 2, 3, 7 and even section 15 *Charter* claims that could seriously undermine, rather than reinforce, your government’s and our shared objective of a more diverse, inclusive and equitable Canada.

We underscored that, in the absence of a substantive equality mandate, CCP funding could be used to support challenges to restrictions on hate speech, official-language minority protections, political and election spending limits, safeguards for sexual assault victims within the criminal justice system, LGBTQ rights, women’s reproductive choice, affirmative action measures, the single-payer publicly funded health care system, and many other hard-fought gains for disadvantaged individuals and groups within Canadian society.

In September 2017 it was announced that the University of Ottawa had been selected to administer the new CCP. The membership of the committee appointed by the University to manage the CCP's language rights and human rights program is surprising: no representation of Quebec's official language minority nor of racialized, Indigenous or other disadvantaged groups (<https://olbi.uottawa.ca/court-challenges-ccp>).

In January 2018 representatives of civil society organizations met with Minister Joly, to reiterate our concerns relating to the CCP, namely that:

- Section 35 (Aboriginal and Treaty) and section 25 rights have not been included in the reinstated CCP, notwithstanding the Truth and Reconciliation Commission's Calls to Action relating to access to justice for Indigenous people in Canada;
- The CCP's historic mandate to protect and advance substantive equality and access to justice for historically disadvantaged groups has not been explicitly reaffirmed;
- No assurance has been given that the contract with the University of Ottawa; the terms of reference for the CCP's Expert Panels; and especially the CCP's funding criteria, will protect and advance substantive equality for disadvantaged groups; and
- While a minimum of \$1.5 million of the CCP's \$5 million annual budget has been allocated to language rights cases, no amount has been earmarked for equality rights cases.

Since that meeting, no further announcements about the CCP have been made. Minister Rodriguez, we are deeply concerned that three years after the election and 18 months after your government announced the reinstatement of the program, a CCP capable of ensuring substantive equality and access to justice for disadvantaged groups in Canada is still not in place. We would greatly appreciate the opportunity to meet with you at your earliest convenience in order to discuss our concerns and to propose a way forward.

Yours sincerely,



Suki Beavers, Project Director

National Association of Women and the Law

On behalf of:

Alex Neve, Secretary General

Amnesty International Canada

Lobat Sadrehashemi, President

Canadian Association of Refugee Lawyers

Jewelless Smith, Chairperson

Council of Canadians with Disabilities

Shelagh Day, Chair, Human Rights Committee

Feminist Alliance for International Action

Scott Robertson, President

Indigenous Bar Association

Lucie Lamarche, Second Vice-president

Ligue des droits et libertés

Lorena Fontaine, Representative

Manitoba Aboriginal Languages Strategy

Bruce Porter, Executive Director

Social Rights Advocacy Centre

CC:

Béatrice Vaugrante, General Director  
Amnistie internationale Canada francophone

Pauline Worsfold, President  
Canadian Health Coalition

Sandra Noe, President  
Federation of Muslim Women

Ann Decter, Director of Advocacy and Public Policy  
YWCA Canada

Rushdia Mehreen, Coordinator  
Voices-Voix

Brent Patterson, Political Director  
Council of Canadians

Hailee Morrison, Executive Director  
Women's Legal Education and Action Fund (LEAF)

Harriett McLachlan, President  
Canada Without Poverty

Vincent Calderhead, Board member  
Charter Committee on Poverty Issues

Rita Morbia, Executive Director  
Inter Pares

Jennifer Henry, Executive Director  
KAIROS

Gabrielle Bouchard, President  
Fédération des femmes du Québec

Carmela Hutchison, President  
DisAbled Women's Network (DAWN) Canada

Diana Majury, President  
Canadian Association of Elizabeth Fry Societies

Morna Ballantyne, Executive Director  
Child Care Advocacy Association of Canada

Nuzhat Jafri, Executive Director  
Canadian Council of Muslim Women

Maïra Martin, General Director  
Action ontarienne contre la violence faite aux femmes

Amanda Dale, Executive Director  
Barbra Schlifer Commemorative Clinic

Annabel Webb, Co-Founder and Chair, Board of Directors  
Tracey McIntosh, Executive Coordinator  
Justice for Girls

Rafia Haniff-Cleofas, Chair  
Canadian Association of Muslims with Disabilities

Elizabeth Dandy, Director, Equality Branch  
Canadian Union of Public Employees (CUPE)

Hodan Ahmed, Liaison Officer  
Canadian Association of Muslim Women in Law (CAMWL)

Tim McSorley, National Coordinator  
International Civil Liberties Monitoring Group

Shalini Konanur, Executive Director  
South Asian Legal Clinic of Ontario

Avvy Yao-Yao Go, Clinic Director  
Metro Toronto Chinese & Southeast Asian Legal Clinic

Gwen Brodsky, Director  
Poverty and Human Rights Centre

Louisa Russell, Collective member  
Vancouver Rape Relief and Women's Shelter

Mohamed Boudjenane, Interim President  
Canadian Arab Federation

Irene Tsepnopoulos-Elhaimer, Executive Director  
Women Against Violence Against Women (WAVAW) Rape Crisis Centre

Susan Harney, Chairperson  
Coalition of Child Care Advocates of BC

Tannis Braithwaite, Executive Director  
BC Public Interest Advocacy Centre

Margaret Rao, President  
Canadian Unitarians for Social Justice

Sunny Marriner, Executive Director  
Ottawa Rape Crisis Centre

Nathalie Goulet, Director  
Conseil d'intervention pour l'accès des femmes au travail (CIAFT)

Ken Neumann, National Director for Canada  
The United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial  
and Service Workers International Union

Robert Lattanzio, Executive Director  
ARCH Disability Law Centre

Brendan Wong, President  
Federation of Asian Canadian Lawyers (Ontario)

Lise Martin, Executive Director  
Women's Shelters Canada

Richard Elliott, Executive Director

Canadian HIV/AIDS Legal Network

Nigel Barriffe, Board Chair  
Urban Alliance on Race Relations

Kathleen Ruff, Director  
RightOnCanada.ca

Gail Davidson, Executive Director  
Lawyers' Rights Watch Canada

Donna Franey, Executive Director  
Dalhousie Legal Aid Service

Jeremy Dias, Director  
Canadian Centre for Gender & Sexual Diversity

Susan Bazilli, Director  
International Women's Rights Project

Stefanie Lomatski, Coordinator  
Sexual Assault Network Ottawa

Ben McDonald, Spokesperson  
Alternatives North

Shaun Fluker, Executive Director  
Public Interest Law Clinic – University of Calgary Faculty of Law

Jennifer Maccarone, President



Quebec English School Boards Association

Natasha Bakht, English Editor  
Emmanuelle Bernheim, French Editor  
Canadian Journal of Women and the Law

Elisabeth Ballermann, Secretary-Treasurer  
National Union of Public and General Employees

Sandeep Prasad, Executive Director  
Action Canada for Sexual Health and Rights

Ryan Peck, Executive Director  
HIV & AIDS Legal Clinic Ontario (HALCO)

John McKinnon, Director  
Injured Workers' Consultants Community Legal Clinic

Natalie Drolet, Executive Director  
West Coast Domestic Workers' Association

Michael Kerr, Co-ordinator  
Colour of Poverty/Colour of Change Network

Cheryl Milne, Executive Director  
David Asper Centre for Constitutional Rights

Debbie Douglas, Executive Director  
Ontario Council of Agencies Serving Immigrants

Nicole Pietsch, Coordinator  
Ontario Coalition of Rape Crisis Centres (OCRCC)

Ann Batisse, Executive Director  
Temiskaming Native Women's Support Group

Vrinda Narain, Member of the Executive Committee  
South Asian Women's Community Centre

Lana Robinson, Clerk  
Canadian Friends Service Committee (Quakers)

Kenneth Hale, Director of Advocacy and Legal Services  
Advocacy Centre for Tenants Ontario (ACTO)

Cindy Hanson, President  
Canadian Research Institute for the Advancement of Women

Mary Marrone, Director of Advocacy & Legal Services  
Income Security Advocacy Centre

Aleem Bharmal, General Director  
Community Legal Assistance Society

Evelyn Calugay, Coordinator  
PINAY

Vincent Greason, Coordinator  
Table ronde des OVEP de l'Outaouais (TROVEPO)

Samer Muscati, Director

International Human Rights Program, University of Toronto

Rob Dalglish, Acting Executive Minister  
The United Church of Canada