

# Terms of Reference Funding Decisions of the Human Rights Expert Panel

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## 1. PROGRAM OBJECTIVES

- 1.1. Provide financial support to help Canadians gain access to the courts for the litigation of test cases of national significance; and
- 1.2. Help assert and clarify certain constitutional and quasi-constitutional official language rights and human rights in Canada.

## 2. ROLE AND RESPONSIBILITIES OF THE EXPERT PANELS

- 2.1. To ensure that the cases funded by the Program are chosen independently, decisions regarding Program funding are rendered by two independent expert panels: an Official Language Rights Expert Panel and a Human Rights Expert Panel.
- 2.2. The expert panels are independent of the Minister of Canadian Heritage and report only to the University of Ottawa.
- 2.3. Members of the expert panels observe the policies and rules of operation adopted by their committee.
- 2.4. Members of the Human Rights Expert Panel assess the merits of each case and approve only cases that can further the Program's objective of clarifying rights while ensuring that the eligibility criteria, the terms of reference and the Program's terms are complied with.
- 2.5. Funding decisions are the exclusive responsibility of the expert panels.
- 2.6. The expert panels undertake to make funding decisions with transparency, integrity, independence and objectivity.

## 3. ROLE AND RESPONSIBILITIES OF CCP STAFF TOWARD THE EXPERT PANELS

- 3.1. Provide administrative support to the expert panels.
- 3.2. Receive funding applications, analyze applications in accordance with the eligibility criteria established by the expert panel in charge of the decision, and present a recommendation to the expert panel.
- 3.3. Execute a funding agreement with each applicant approved for funding, hereafter referred to as the recipient.
- 3.4. Issue payments in the amounts approved by the expert panels.
- 3.5. Manage recipients' files, including ensuring that they submit their reports, and approve recipients' expenses and the reimbursement of their expenses.

#### 4. HUMAN RIGHTS EXPERT PANEL DECISION-MAKING METHOD AND PROCESS

- 4.1. Funding applications are received and analyzed by CCP staff.
- 4.2. Funding applications and their analyses are made available to members of the expert panel through the LiquidFiles interface two weeks before the panel meets.
- 4.3. Every funding application and its analysis is presented to the Human Rights Expert Panel at the expert panel meeting by the legal counsel responsible for the analysis of the application.
- 4.4. The members deliberate each funding application in light of the eligibility criteria to determine whether funding will be granted. The members will consider the budgetary limits of the CCP fiscal year in their decision-making.
- 4.5. The decision to grant or not to grant funding is made by a majority of the members present at the meeting.
- 4.6. The decision, with reasons, is moved, adopted and recorded in the minutes of the meeting of the expert panel.
- 4.7. The expert panel's decisions are final and without appeal.

#### 5. MAXIMUM FUNDING GRANTED TO RECIPIENTS

##### 5.1. Maximum amount granted per funding category:

5.1.1. Development of test cases: \$15,000

##### 5.1.2. Litigation

5.1.2.1. Trial: \$200,000

5.1.2.2. Motion for leave to appeal: \$5,000

5.1.2.3. Appeal: \$50,000

##### 5.1.3. Legal Interventions

5.1.3.1. Request for leave to intervene: \$5,000

5.1.3.2. Intervention : \$35,000

- 5.2. The amount granted to a funding applicant by the Human Rights Expert Panel will be the amount requested by the applicant subject to the maximum amount given in paragraph 5.1.