

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

(Current as of 14 September 2026)

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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 panel.
- 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 compliance with the eligibility criteria, the terms of reference and the Program's terms.
- 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. DUTY TO AVOID SITUATIONS GIVING RISE TO REAL OR PERCEIVED CONFLICTS OF INTEREST OR A REASONABLE APPREHENSION OF BIAS

- 4.1. The members of the Human Rights Expert Panel will perform their duties honestly and in accordance with the highest ethical standards in order to establish, maintain and enhance public confidence in the integrity of the Expert Panel and of the Program as a whole.
- 4.2. Members of the Expert Panel should arrange their affairs in such a way as to avoid real or apparent conflicts of interest. There is a conflict of interest where there is a risk, real or perceived, that could raise a reasonable concern that the personal interests of a member of the Expert Panel will negatively impact their ability to exercise their duties with the CCP. As such, in performing their duties, members of the Expert Panel will not:
 - 4.2.1. Act in a manner that favours their personal interests, or unduly favours the interests of an organization, a group or community with which they are affiliated, or unduly favours the interests of any other person or entity;
 - 4.2.2. Use their position to influence the decision of another person in a manner that favours their personal interests, or unduly favours the interests of an organization, group or community with which they are affiliated, or unduly favours the interests of any other person or entity; or
 - 4.2.3. Use or disclose information obtained in the performance of their duties, and which is not generally available to the public, to favour their personal interests, to unduly favour the interests of an organization, group or community with which they are affiliated, or to unduly favour the interest of any other person or entity.
 - 4.2.4. Participate in deliberations on a matter in which they have a personal interest;
 - 4.2.5. Vote on a matter in which they have a personal interest; or
 - 4.2.6. Take any action the purpose of which is to circumvent the obligations set out in this conflict of interest policy.
- 4.3. A member of the Expert Panel will disclose, as soon as possible, either verbally or in writing, the nature of any personal interest they have in any matter before the Expert Panel or involving the CCP. This obligation is ongoing throughout a member's term with the Expert Panel. If a member subsequently becomes aware of any personal interests that should have been disclosed under this section, they shall disclose them without delay.
- 4.4. A member of the Expert Panel who is an employee, a stakeholder, or who has received a benefit directly or indirectly, through a contract or sub-contract signed with an individual, organization or law firm applying for funding from the CCP, will follow the following steps when the Expert Panel is reviewing the application:
 - 4.4.1. Disclose to the Expert Panel their link with the individual, organization or law firm applying for funding;
 - 4.4.2. The Expert Panel will discuss whether the situation constitutes a real, potential or apparent conflict of interest or could give rise to a reasonable apprehension of bias;

- 4.4.3. In light of this discussion, if the member's connection with the applicant constitutes a real, potential or apparent conflict of interest or could give rise to a reasonable apprehension of bias, the member will:
 - 4.4.3.1. Refrain from participating in discussions regarding the funding application; and
 - 4.4.3.2. Refrain from voting on the funding application.
- 4.5. While serving on the Expert Panel and for one (1) year after the end of their mandate, a member will not:
 - 4.5.1. Submit an application from which they, or any organization in which the member occupies a leadership role or with which the member is otherwise closely involved, might derive a personal or financial benefit; or
 - 4.5.2. Get involved in a matter funded by the Program, if the member would derive a personal or financial benefit from such involvement.
- 4.6. While serving on the Expert Panel, members shall exercise appropriate reserve in taking a public position on cases that have been considered by or are likely to come before the Expert Panel.
- 4.7. If, with respect to a particular funding application or other matter before the Expert Panel, a member believes that a circumstance or relationship exists that could give rise to an apprehension of bias, they must either:
 - 4.7.1. Recuse themselves; or
 - 4.7.2. Disclose to the Expert Panel the circumstances giving rise to their concern, so that the Panel may deliberate on whether the member should abstain from deliberations and voting on the application in question.
- 4.8. The Expert Panel recognizes the importance of having Panel members with significant experience and community involvement. Such experience or involvement, without more, will not suffice to establish an apparent conflict of interest or a reasonable apprehension of bias.

5. HUMAN RIGHTS EXPERT PANEL DECISION-MAKING METHOD AND PROCESS

- 5.1. Funding applications are received and analyzed by CCP staff.
- 5.2. Funding applications and their analyses are made available to members of the Expert Panel through the LiquidFiles interface two weeks before the Expert Panel meets.
- 5.3. Every funding application and its analysis are presented to the Human Rights Expert Panel at the panel meeting by the legal counsel responsible for the analysis of the application.
- 5.4. The members will deliberate on each funding application in light of the eligibility criteria to determine whether funding is granted. The members will consider the budgetary limits of the CCP fiscal year in their decision-making.

- 5.5. The decision to grant or not to grant funding is made by a majority of the members present at the meeting.
- 5.6. The decision, with reasons, is moved, adopted and recorded in the minutes of the meeting of the Expert Panel.
- 5.7. Expert Panel decisions are final and without appeal.
- 5.8. Applicants may re-apply for funding if there has been a significant change in circumstances or if there is new information that was not reasonably available at the time of the first application.

6. MAXIMUM FUNDING GRANTED TO RECIPIENTS

- 6.1. The Expert Panel cannot grant more than the following maximum amounts per funding category:

6.1.1. Development of test cases:	\$20,000
6.1.2. Litigation	
6.1.2.1. Trial ¹ :	\$200,000
6.1.2.2. Motion for leave to appeal:	\$25,000
6.1.2.3. Appeal:	\$60,000
6.1.3. Legal Interventions	
6.1.3.1. Request for leave to intervene:	\$10,000
6.1.3.2. Intervention:	\$40,000
6.1.4. Accessibility:	\$5,000

- 6.2. Any funding received to develop a test case, other than accessibility funding, will be deducted from the maximum amount available for litigation.
- 6.3. In most situations, 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 set out in paragraph 6.1.
- 6.4. The Expert Panel may grant an amount less than the amount requested by the applicant. The recipient will be provided with reasons for the reduced amount of funding. Unless otherwise stated by the Expert Panel, this provision does not prevent the funding recipient from submitting an application for additional funding, if necessary.

7. REVIEWING FILES IN WHICH FUNDING HAS BEEN GRANTED

- 7.1. Where the circumstances require that CCP staff request that the Expert Panel review funding granted to a recipient, the Expert Panel will review the request, along with any

¹ In exceptional circumstances, funding recipients pursuing litigation cases at the trial level may apply for and be granted extraordinary funding of up to \$50,000. See section 5 of the *Human Rights Funding Guidelines*.

explanatory documents provided by the recipient, at their next scheduled meeting.

7.2. The Expert Panel has the sole discretionary power to make decisions about reviewing the funding granted by the CCP, including but not limited to the following, when necessary:

- 7.2.1. Issuing a directive to the funding recipient;
- 7.2.2. Reducing the amount of funds available for the remainder of the file;
- 7.2.3. Ordering that the funding be revoked and that the recipient return any unused funds;
- 7.2.4. Ordering that the funding be revoked and that the recipient return the total amount granted by the CCP; or
- 7.2.5. Any other reasonable and appropriate measure required to maintain the integrity and fulfil the objectives of the CCP.