



# Evaluation of the Reconciliation Secretariat

## Final Report

June 2023

Evaluation Branch  
Internal Audit and Evaluation Sector

## ACKNOWLEDGEMENT

The Chief Audit and Evaluation Executive would like to thank the Evaluation Working Group, evaluation team and individuals who contributed insights and input to this evaluation. Evaluation participants included employees from the Department of Justice Canada, other federal government departments, and Indigenous partners.

## ACRONYMS

2SLGBTQI+	2S: at the front, recognizes Two-Spirit people as the first 2SLGBTQI+ communities; L: Lesbian; G: Gay; B: Bisexual; T: Transgender; Q: Queer; I: Intersex, considers sex characteristics beyond sexual orientation, gender identity and gender expression; +: is inclusive of people who identify as part of sexual and gender diverse communities, who use additional terminologies.
ALC	Aboriginal Law Centre
AFN	Assembly of First Nations
CAP	Congress of Aboriginal Peoples
CFP	Call for Proposals
CIRNAC	Crown Indigenous Relations and Northern Affairs Canada
CoE	Centre of Expertise
DM	Deputy Minister
DMCIR	Deputy Ministers Committee on Indigenous Reconciliation
DMTF	Deputy Ministers Task Force
FLYJ	Family Law and Youth Justice
FPT	Federal-Provincial-Territorial
FPT-I	Federal-Provincial-Territorial-Indigenous
FY	Fiscal year
GBA	Gender-based analysis
Gs&Cs	Grants and contributions
IEF	Indigenous Engagement Fund
ISC	Indigenous Services Canada
IERD	Intergovernmental and External Relations Division
IJS	Indigenous Justice Strategy
IRRP	Indigenous Rights and Relations Portfolio
ITK	Inuit Tapiriit Kanatami
MNC	Métis National Council

MMIWG	Missing and Murdered Indigenous Women and Girls
NCR	National Capital Region
NIO	National Indigenous organization
NWAC	Native Women's Association of Canada
OGD	Other government department
PBM	Permanent Bilateral Mechanism
PCSID	Pan-Canadian Strategy to Address the Overrepresentation of Indigenous Peoples in the Criminal Justice System
RLPS	Review of Laws and Policies Secretariat
TRC	Truth and Reconciliation Commission
UNDAIS	<i>United Nations Declaration Act</i> Implementation Secretariat
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WG	Working group

# TABLE OF CONTENTS

<b>1 INTRODUCTION</b> .....	<b>1</b>
1.1 Purpose of the Evaluation .....	1
1.2 Evaluation Scope.....	1
<b>2 PROGRAM PROFILE</b> .....	<b>1</b>
2.1 Description .....	1
2.2 Resources.....	3
<b>3 EVALUATION METHODOLOGY</b> .....	<b>4</b>
3.1 Document Review.....	4
3.2 Key Informant Interviews .....	4
3.3 Limitations and Mitigation Strategies.....	4
<b>4 FINDINGS</b> .....	<b>5</b>
4.1 Relevance .....	5
4.2 Design and Delivery.....	6
4.3 Effectiveness.....	12
<b>5 CONCLUSIONS AND RECOMMENDATIONS</b> .....	<b>19</b>
5.1 Conclusions .....	19
5.2 Recommendations.....	20
<b>APPENDIX A: EVALUATION ISSUES AND QUESTIONS</b> .....	<b>21</b>
<b>APPENDIX B: LIST OF COMMITTEES/WORKING GROUPS</b> .....	<b>22</b>

## List of Figures

Figure 1: Timeline of the Reconciliation Secretariat.....	7
Figure 2: The Reconciliation Secretariat's Relationships with Others.....	15
Figure 3: Indigenous Justice Strategy Development Timeline.....	18

## List of Tables

Table 1: Financial Resources Allocated to the Secretariat from 2018-19 to 2021-22 .....	3
Table 2: IEF Funding, by Distinction and Province/Region (as % of \$11M available).....	16

# EXECUTIVE SUMMARY

## Introduction

The Evaluation of the Reconciliation Secretariat (the Secretariat) was conducted by the Department of Justice Canada (Justice Canada) Evaluation Branch and covers fiscal years 2018-19 to 2021-22 and, to the extent possible, activities in 2022-23. The evaluation was completed in accordance with the Treasury Board's *Policy on Results* (2016). The evaluation examined relevance in terms of the alignment of the Secretariat with government and departmental priorities, design and delivery and performance.

## Program Description

The Reconciliation Secretariat is the Department's Centre of Expertise (CoE) on Indigenous relations, reconciliation and partnership building and leads the coordination of several key Justice Canada legal policy initiatives aimed at advancing reconciliation. The Secretariat is comprised of two teams: the Policy Development and Strategic Advice Team, and the Engagement and Partnership Team. In addition, the Senior Director, as the head of the Secretariat, supports and briefs the Minister and senior officials on the progress of many priorities related to the reconciliation agenda (including the federal response to the Missing and Murdered Indigenous Women and Girls' Inquiry and overall progress in implementation of the Truth and Reconciliation Commission's Calls to Action), provides direction and advice, and represents Justice Canada in senior official inter-departmental meetings, intergovernmental meetings, and meetings with external partners and stakeholders.

Since 2021, the Secretariat has also been leading the development of the Indigenous Justice Strategy (IJS), which aims to address systemic discrimination and the overrepresentation of Indigenous peoples in the justice system. The development of the IJS began with consultations with Indigenous partners, provinces and territories. The consultations are expected to continue well into 2023 and the development of the IJS to be completed by March 2024. The Reconciliation Secretariat received funding to develop the IJS in 2021-22, including \$11 million for the Indigenous Engagement Fund (IEF) to support the participation of Indigenous organizations and communities in the process.

## Findings

### Relevance

The Reconciliation Secretariat is well-aligned with both federal government and departmental priorities pertaining to reconciliation and issues that affect Indigenous peoples' interactions with the Canadian justice system. The Secretariat is aligned with federal priorities in three primary areas. First, as a secretariat with dedicated resources for the sole objective of the advancement of reconciliation, it is aligned with a government that has consistently prioritized and recognized the importance of this topic through the federal Budget, Budget speeches and mandate letters. Second, as a secretariat within Justice Canada with a mandate to lead the coordination of key departmental legal policy initiatives aimed at advancing reconciliation, it is aligned with federal communications on reconciliation that have had a clear focus on a number of justice-specific priorities. Finally, the Secretariat is mandated to support the Deputy Minister's (DM) participation in the Deputy Ministers Committee on Indigenous Reconciliation (DMCIR).

## **Design and delivery**

The Reconciliation Secretariat was established in 2017 as the Review of Laws and Policies Secretariat (RLPS) to support the then Minister and DM to advance the reconciliation agenda for the Department and across government. It was moved to the Indigenous Rights and Relations Portfolio (IRRP), formerly known as the Aboriginal Affairs Portfolio, in April 2019. Since its inception as the RLPS in 2017, the Reconciliation Secretariat's role has evolved to reflect the changing federal priorities and demands on the organization.

The Secretariat has worked on key legal policy initiatives such as the Department's response to the Truth and Reconciliation Commission (TRC) Calls to Action and Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice, while also representing the Department on a multitude of committees and working groups (WGs). More recently, the Secretariat was tasked with leading the policy development work related to the IJS.

Its role as the departmental CoE on Indigenous relations, reconciliation and partnership building with Indigenous partners, supporting and advising senior officials, and the Department as a whole, on key Indigenous related priorities, was formalized in a 2021 funding request. The Reconciliation Secretariat has been able to effectively respond to changing demands and roles, although it lacks the capacity to fully take on its role as CoE beyond on an ad hoc manner. This lack of capacity has led to overburdened staff and managers.

The evaluation found that role of the Secretariat is not clear to most stakeholders, both within and outside Justice Canada. The activities of the Secretariat generally do not overlap or duplicate work conducted by others within the department. Having said that, some areas where there is the potential for overlap in roles were noted. The Reconciliation Secretariat has worked diligently to manage possible areas of overlap through communication and coordination. However, due to the lack of awareness of the Secretariat's role, the perception of overlap continues to be an issue.

## **Effectiveness**

The Reconciliation Secretariat has made significant contributions to many Indigenous-specific files and priorities, not the least of which is the Federal Pathway response to the MMIWG Calls for Justice, reporting to Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) on Justice's response to the TRC Calls to Action and MMIWG Calls for Justice, and advancing joint priorities at Permanent Bilateral Mechanisms.

The extent to which the Secretariat has built capacity within the Department to consult and collaborate with partners is unclear. The Secretariat has developed and delivered training, developed guidance materials and responded to requests for advice and guidance on an ad hoc basis. However, due to its lack of capacity, the Secretariat has tended to be reactive as opposed to proactive when building the capacity of Justice Canada personnel to engage with Indigenous partners.

The Reconciliation Secretariat is working effectively with its other government department (OGD) and Indigenous partners and interactions have been increasing over time. OGDs value the Reconciliation Secretariat and what it brings to committees/WGs and the work overall. Indigenous partners believe



that the Secretariat is making sincere efforts in their interactions and relationships with them, noting a new sense of openness and improved communications through their interactions with the Secretariat.

However, structural barriers hamper interactions that fully respect Indigenous governments' approaches and timelines or that represent full partnership. Many of the barriers apply to the Government of Canada overall, and are not specific to the Secretariat of Justice Canada including: Treasury Board funding cycles; Cabinet confidences; Treasury Board policies; and procurement (e.g., only one Indigenous consultation firm was on the Public Services and Procurement Canada list of pre-qualified firms).

It can be said with certainty, however, that the Reconciliation Secretariat has advanced the IJS since the funding was approved in late 2021. Working with Justice Canada's Programs Branch, the Reconciliation Secretariat awarded 38 grants to support Indigenous engagement through the IEF and a first wave of engagement sessions took place in 2022-23. The second wave of engagement is ongoing, involving intensive Reconciliation Secretariat-led outreach and partnership with a range of Indigenous rightsholders, representative organizations and experts as well as with provinces and territories. The IJS is expected to be completed (i.e, approved by Cabinet) by March 2024.

## Recommendations

Based on the findings described in this report, the following recommendations are made:

**Recommendation 1:** The Indigenous Rights and Relations Portfolio, in collaboration with sectors across the Department, should undertake a whole-of-Justice review to clarify mandates, roles and responsibilities in regard to Indigenous-related priorities.

**Recommendation 2:** The Reconciliation Secretariat should seek opportunities to secure ongoing resources to ensure that it has the ability and capacity to sustain and advance government and departmental priorities regarding reconciliation with Indigenous peoples.

# 1 INTRODUCTION

## 1.1 Purpose of the Evaluation

This report presents the results of the evaluation of Justice Canada's Reconciliation Secretariat. The evaluation was conducted in accordance with the Treasury Board *Policy on Results* (2016), which requires departments to measure and evaluate performance and use the resulting information to manage and improve programs, policies and services. The evaluation was undertaken by Justice Canada's Internal Audit and Evaluation Sector as per its 2021-22 Departmental Integrated Audit and Evaluation Plan.

## 1.2 Evaluation Scope

The evaluation covers five fiscal years (FY), from 2018-19 to 2021-22 and, to the extent possible, activities undertaken in 2022-23. The scope was informed through a review of available information, as well as consultations with key internal stakeholders. The purpose of the consultations was to obtain input regarding issue areas and questions that may be of interest to explore through the evaluation.

Given this is the first evaluation of the Secretariat, relevance in terms of alignment with government and departmental priorities, such as the implementation of the Calls for Justice stemming from the National Inquiry into MMIWG, was examined. Although the Secretariat is relatively new, its roles and responsibilities have changed and evolved over the last five FYs. As such, the evaluation focused on an assessment of its design and delivery.

As per Treasury Board's *Policy on Results*, evaluations are to include assessments of the extent to which Gender-Based Analysis Plus (GBA Plus) was considered in design and delivery. In the case of the Secretariat, it has made efforts to put theory to practice by adopting and applying specific diversity and inclusion measures in its human resources strategy. The evaluation will examine and assess the impacts of this approach.

Lastly, as part of assessing effectiveness, the scope of the evaluation included coverage of all of the Secretariat's work. Given the IEF has only recently been put in place and it is therefore too early to assess impacts, the evaluation limited its assessment to early implementation.

The scope of the evaluation was determined based on a review of available information and informed by consultations with stakeholders regarding issues and questions of interest. The work of the evaluation was guided by an Evaluation Working Group, consisting of key representatives from the Secretariat.

# 2 PROGRAM PROFILE

## 2.1 Description

The Reconciliation Secretariat is the Department's CoE on Indigenous relations, reconciliation and partnership building. It was initially created within the DM's Office in 2017 as the RLPS and was later moved to the IRRP, formerly known as the Aboriginal Affairs Portfolio, in April 2019. With this move, the Secretariat took on different and additional responsibilities in legal policy work on Indigenous priorities.

The Reconciliation Secretariat team has always been small, starting out as a team of approximately eight in RLPS, and growing slowly over time to its current size of 15 full-time equivalents (FTEs).

The Senior Director, as the head of the Secretariat, supports and briefs the Minister and senior officials on the progress of priorities related to the reconciliation agenda, provides direction and advice, and represents Justice Canada in senior official inter-departmental meetings, inter-governmental meetings, and meetings with external partners and stakeholders. The Secretariat is comprised of two teams: the Policy Development and Strategic Advice Team, and; the Engagement and Partnership Team.

The Policy Development and Strategic Advice team leads the coordination of key legal policy initiatives aimed at advancing reconciliation, such as the Department's response to the TRC Calls to Action and MMIWG Calls for Justice. The team provides support to the Associate Deputy Minister IRRP, Associate DM, the DM's office and other senior officials in the Department by providing policy advice and Indigenous perspectives, where possible, on emerging and sensitive priorities. The team also prepares and develops Justice Canada's contributions to various federal initiatives supporting the Government's reconciliation agenda, and supports the DM's participation in the DMCIR<sup>1</sup>, Federal-Provincial-Territorial-Indigenous (FPT-I) meetings of Justice Canada and Public Safety, and other inter-departmental and inter-governmental fora. It has also been leading work related to land acknowledgements and Elder protocol guidance, and will be contributing to other initiatives to improve Indigenous cultural competency within the Department.

The Engagement and Partnerships team provides advice and guidance to ensure that the Department's engagement activities with Indigenous partners are inclusive and accessible, and respectful of key protocols. This team also represents Justice Canada in coordinating and attending meetings with Indigenous partners through the Permanent Bilateral Mechanisms (PBMs), and undertakes the planning, design and delivery, and evaluation of complex Indigenous engagement initiatives. The Engagement and Partnerships team also leads the policy development work related to the IJS. This involves the development of the engagement plan, data collection and analysis, research, intra- and interdepartmental coordination, provincial/territorial outreach as well as drafting the IJS. In support of the IJS, the team also provides policy direction for the IEF, managed by the Programs Branch. The IEF provides funding to Indigenous partners and organizations to engage with their members and citizens, as well as Justice Canada officials on shared Indigenous-specific justice priorities. The Engagement and Partnerships team is also responsible for developing and delivering training on Indigenous related issues to Justice Canada employees in order to improve understanding and increase cultural competency within the Department, drawing on the Principles Respecting the Government of Canada's Relationship with Indigenous Peoples<sup>2</sup>.

---

<sup>1</sup> The DMCIR is chaired by the Privy Council Office and composed of 10 other DM-level members and is the primary focal point for providing strategic direction on the reconciliation agenda. Its purpose is to provide direction and coherence to the reconciliation agenda by supporting interdepartmental collaboration, making connections across initiatives to ensure coherence, tracking progress on initiatives, as well as identifying and discussing implementation challenges and next steps.

<sup>2</sup> The Principles were developed to support the review of laws and policies in response to the implementation of the UNDRIP. They are intended to reflect a commitment to "good faith, the rule of law, democracy, equality, non-discrimination, and respect for human rights" and will "guide the work required to fulfill the Government's commitment to renewed nation-to-nation, government-to-government, and Inuit-Crown relationships."

<https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html>

The development of the IJS directly responds to the following commitment in the December 2021 mandate letter to the Minister of Justice and Attorney General of Canada: “Develop, in consultation and cooperation with provinces, territories and Indigenous partners, an Indigenous Justice Strategy to address systemic discrimination and the overrepresentation of Indigenous peoples in the justice system.” After discussions among the DM, Policy Sector and IRRP, it was decided that the Reconciliation Secretariat would lead this work for Justice. The Reconciliation Secretariat received funding to develop the IJS in 2021-22, including \$11M for the IEF. Indigenous-led engagement and Justice Canada-led engagement are both expected to inform the development of the IJS by identifying legislative, program, and policy initiatives needed to address the overrepresentation of Indigenous peoples and systemic discrimination in the Canadian justice system. Engagements have been structured into two Waves. Wave 1 is intended to focus on broad level engagements to identify the main issues for further exploration, and Wave 2 is more targeted to these issues and the relevant partners and stakeholders.

## 2.2 Resources

When the Secretariat was moved from the DM’s office in 2019, it was initially funded using temporary resources, supplemented by resources from IRRP. In addition, in Budget 2021, the federal government proposed to invest \$24.25 million over three years (2021-22 to 2023-24) to support addressing key justice specific Indigenous priorities. Of this amount, \$13.25 million over three years was to support stabilization of the Secretariat and \$11 million was earmarked for the IEF. At the time of the evaluation, there were a total of 15 FTEs in a variety of employee categories, including Economics and Social Science Services and Law Practitioners.

During the period covered by the evaluation, Justice Canada allocated approximately \$8 million to the Secretariat. The breakdown per FY is presented in Table 1 below:

**Table 1: Financial Resources Allocated from 2018-19 to 2022-23**

Categories	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Operating Budget <sup>1</sup>	\$895,434 <sup>2</sup>	\$1,037,424 <sup>2</sup>	\$1,273,171 <sup>2</sup>	\$3,855,671 <sup>3</sup>	\$3,855,671 <sup>3</sup>
Grants	\$0	\$0	\$0	\$3,000,000	\$4,000,000
<b>Total</b>	<b>\$895,434</b>	<b>\$1,037,424</b>	<b>\$1,273,171</b>	<b>\$6,855,671</b>	<b>\$7,855,671</b>
<b>Notes</b>					
<sup>1</sup> Operating budget includes salaries and benefits, as well as operations and maintenance. Comprehensive EBP rate aligns with external reporting (Public Accounts). Exercises on or after April 1, 2019 were reported at 27% comprehensive EBP rate (20% prior). Accommodation and Supply and Services Canada costs are excluded from this table as they go directly to their respective departments and they are not in Main Estimates. <sup>2</sup> Operating budget allocated in 2018-19, 2019-20 and 2020-21 is based on funding allocated to the Reconciliation Secretariat cost centre to cover the costs of activities performed during those years. <sup>3</sup> Operating budget allocated in 2021-22 and 2022-23 is based on the approved TB Submission amounts for the Funding to support the Reconciliation Secretariat within Justice and for Indigenous Engagement on Justice-Related Issues, which includes funding for the Secretariat as well as Criminal Law Policy Section, Policy Integration and Coordination Section, and a program to support FTEs and Communications.					

Source: Department of Justice Financial Data

## 3 EVALUATION METHODOLOGY

The evaluation was guided by an evaluation matrix (evaluation questions, indicators, and data sources) which was developed through the evaluation scoping and design phase. The evaluation issues and questions are presented in Appendix A. The evaluation included multiple lines of evidence, and employed the data collection methods described below.

### 3.1 Document Review

The document review provided descriptive information on the Secretariat's activities, as well as information responding to evaluation questions. The review was ongoing through the evaluation conduct phase and included the following types of documents:

- Administrative and internal documents; and
- Publicly available departmental and other government documents, such as federal Budgets, Budget Speeches and Mandate Letters.

### 3.2 Key Informant Interviews

A total of 32 interviews were conducted with stakeholders representing the following groups:

- Justice Canada representatives (n=16);
- Indigenous partner representatives (n=3);
- OGDs (n=6); and
- Reconciliation Secretariat representatives (n=7, including 2 interviews with former staff members).

### 3.3 Limitations and Mitigation Strategies

Given the nature of the Reconciliation Secretariat's role, responsibilities and mandate, measuring its direct impact was challenging. Activities related to policy and provision of strategic advice are, in general, very hard to monitor and evaluate. It is very difficult to isolate the impact of a particular intervention from the influence of other factors and various actors. To mitigate this limitation, the evaluation focused on anecdotal evidence gathered through interviews.

In addition, there was limited information on the achievement of the outcome pertaining to progress on the IJS given that the Secretariat's work on this file is relatively recent (the IEF has only been issuing funding since 2021-22). Additionally, evidence of capacity building within Justice Canada was limited. Therefore, the measurement of some outcomes relies heavily on interviews.

Securing participation from Indigenous partners and recipients also posed a challenge. In the end, only representatives from three Indigenous organizations were available to participate in the evaluation. These organizations receive a multitude of invitations and cannot accept every request to share their perspectives. Efforts were made to be flexible regarding the timing of interviews, which were booked over a two-month timeframe to maximize the available times to meet with these respondents. To make contact, three emails and two phone follow-ups were issued after the initial notification email from Justice Canada.

Respondent bias is also a limitation since the list of interviewees was provided by the Secretariat. Also, since participation in an interview was voluntary, there is a possibility that individuals with less to say, a lack of awareness of the Secretariat or having primarily negative feedback might have opted not to participate.

## 4 FINDINGS

### 4.1 Relevance

#### 4.1.1 Alignment with Government and Departmental Priorities

The Reconciliation Secretariat fulfills a valued role in supporting government and departmental priorities to advance reconciliation with Indigenous peoples. Its continued relevance is demonstrated by the expanded mandate of the Secretariat over the evaluation period.

Over the last eight years, the Government of Canada has consistently identified reconciliation with Indigenous peoples as an important government priority, primarily through the Speech from the Throne, federal Budget, Budget speeches and mandate letters. Nearly all of the Justice Canada representatives consulted for the evaluation felt that the Secretariat's activities are consistent with federal and departmental priorities. Many cited the reconciliation agenda and a few cited the mandate letter as examples of this alignment.

Mandate letters for the Minister of Justice and Attorney General of Canada have emphasized the need for a "renewed, nation-to-nation relationship with Indigenous peoples, based on recognition of rights, respect, co-operation and partnership" (2015)<sup>3</sup>; they have identified reconciliation with Indigenous peoples as part of those "issues that matter the most" in which to make progress (2019)<sup>4</sup>; or, in the context of the discovery of unmarked graves and burial sites near residential schools in 2021, the letters have underlined the need to "move faster on the path of reconciliation" by investing in truth, implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and working in partnership with Indigenous peoples to advance their rights (2021).<sup>5</sup> The most recent mandate letter also emphasized the need to address the profound systemic inequities and disparities present in Canada's "core institutions" which impact Indigenous peoples along with many other groups in society.

Reconciliation has also been a consistent priority in the federal Budget in 2018, 2019 and 2021, citing issues related to reconciliation and MMIWG. Furthermore, federal communications pertaining to reconciliation have also included a number of justice-specific priorities, such as calling for a "renewed, nation-to-nation, government-to-government, and Inuit-Crown relationship based on recognition of rights, respect, cooperation, and partnership as the foundation for transformative change"<sup>6</sup> within the Canadian Justice System, or developing an Indigenous Justice Strategy,<sup>7</sup> among others.

Federal priorities are translated into departmental priorities highlighted in the 2021-22 Departmental Plan which are led by the Reconciliation Secretariat, including: support for the DMCIR, the Department's response to the TRC Calls to Action, the Department's response to the MMIWG Calls

<sup>3</sup> 2015 Minister of Justice and Attorney General of Canada Mandate Letter

<sup>4</sup> 2019 Minister of Justice and Attorney General of Canada Mandate Letter

<sup>5</sup> 2021 Minister of Justice and Attorney General of Canada Mandate Letter

<sup>6</sup> 2018. Principles Respecting the Government of Canada's Relationship with Indigenous Peoples.

<sup>7</sup> 2021 Minister's Supplementary Mandate Letter

for Justice, and intentions to continue to collaborate with Indigenous groups on shared justice priorities and on work to address systemic discrimination and the overrepresentation of Indigenous peoples in the criminal justice system.

The 2022-23 Departmental Plan reiterates the Department's commitment to the DMCIR, the TRC-Calls to Action, the MMIWG Calls for Justice, support for the creation of the Office of the Independent Special Interlocutor and the development of the IJS, most of which is led or coordinated by Reconciliation Secretariat (IRRP ADMO leads in relation to the Independent Special Interlocutor, working closely with Management Sector). As part of its Justice System Support core responsibility, the Department plans to continue "to collaborate with federal, provincial, territorial, and Indigenous governments, national Indigenous organizations (NIOs), and other partners and key stakeholders to accelerate progress on Indigenous-specific justice initiatives and priorities."<sup>8</sup>

The Reconciliation Secretariat is aligned with federal priorities in three primary areas. First, as a secretariat with dedicated resources for the sole objective of the advancement of reconciliation, it is aligned with a government that has consistently prioritized and recognized the importance of this topic, as outlined above. Second, as a secretariat within Justice Canada with a mandate to lead the coordination of key departmental legal policy initiatives aimed at advancing reconciliation, it is aligned with federal communications on reconciliation that have had a clear focus on a number of justice-specific priorities. Finally, the Secretariat is mandated to support the DM's participation in the DMCIR and, according to documentation, uses its resources to help "coordinate, organize, and conduct extensive engagement with Indigenous partners, and continue to build concrete relationships ... and effectively meet the commitments set out in various policy instruments."<sup>9</sup>

## 4.2 Design and Delivery

### 4.2.1 Evolution and Current Roles and Responsibilities

Since its introduction in 2017, the demand for and nature of the services provided by the Secretariat has changed and increased over time, growing in terms of the number and complexity of Indigenous-related files it undertakes. The Reconciliation Secretariat has been able to effectively respond to these changing demands and roles, although it lacks the capacity to fully take on its role as CoE beyond on an ad hoc manner. This lack of capacity has led to over-burdened staff and managers.

The Reconciliation Secretariat was created in 2017 as the RLPS, located in the office of the DM. At the time, the Secretariat aimed to support the Minister and DM on matters of reconciliation, including acting as the Secretariat for the Government-wide Deputy Ministers Task Force (DMTF) on reconciliation. The Secretariat was responsible for reporting Justice Canada's progress against the TRC Calls to Action to CIRNAC. It also provided advice and guidance on Indigenous-related laws and policies to the Minister and DM offices. The RLPS' initial roles also included the development and delivery of training for JUS employees on the 10 Principles in the National Capital Region (NCR) and across regional offices. Since its inception, the demand for and role of the Secretariat has changed considerably and it continues to be tasked with additional responsibilities. Please refer to Figure 1 for a depiction of this evolution.

<sup>8</sup> Department of Justice 2022-23 Departmental Plan. [https://www.justice.gc.ca/eng/rp-pr/cp-pm/rpp/2022\\_2023/rep-  
rap/glance-apercu.html](https://www.justice.gc.ca/eng/rp-pr/cp-pm/rpp/2022_2023/rep-rap/glance-apercu.html)

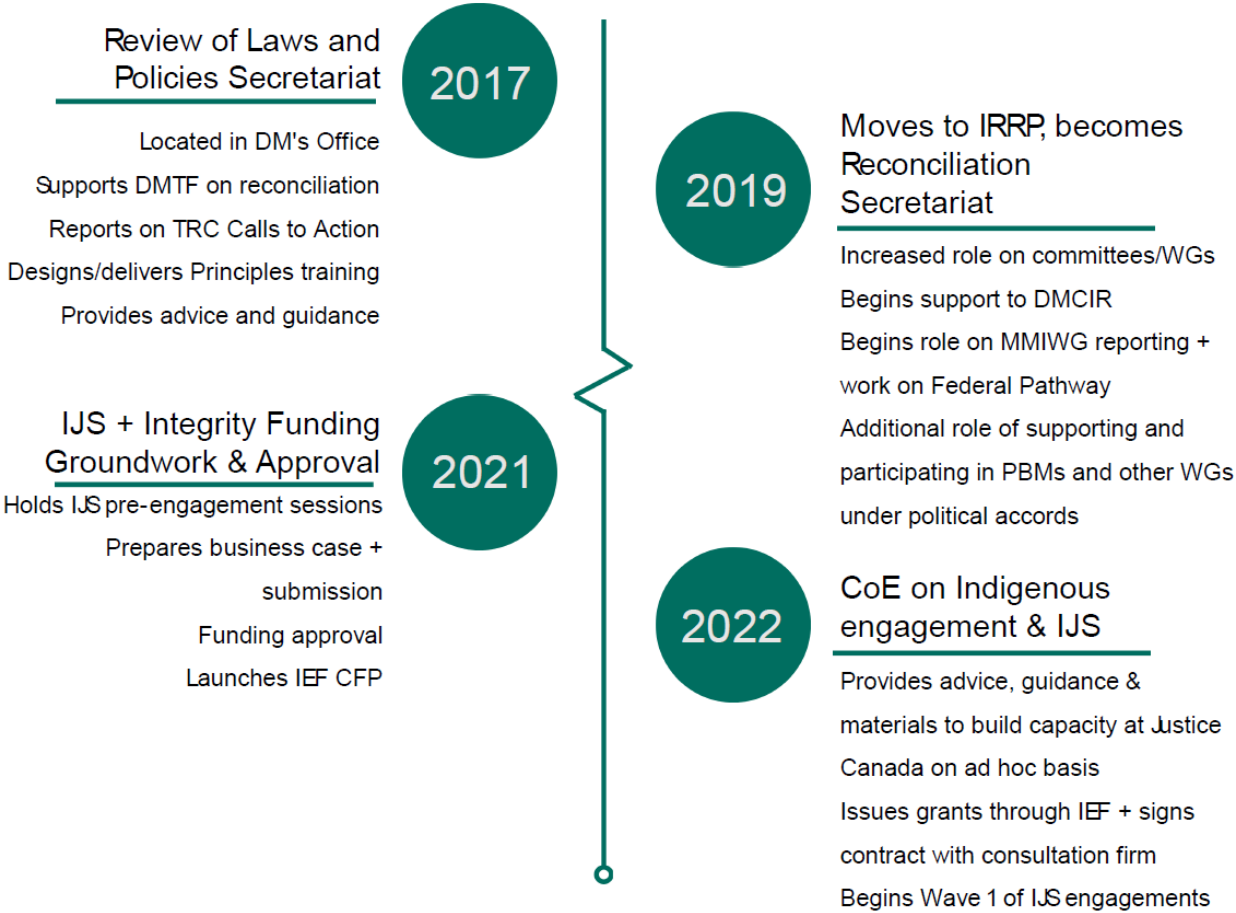
<sup>9</sup> Reconciliation Secretariat funding request documentation.

One role played by the Secretariat since its inception is support to and participation in (and more recently leading) various committees and WGs. In early years, its role was more limited to providing coordination and support, for example for the DMTF starting in 2017 and subsequently the DMCIR. (Note, the DMTF no longer exists). Since then, that role has evolved and grown to where the Reconciliation Secretariat is the chair or co-chair of the following five committees/WGs:

- Interdepartmental IJS WG;
- IRRP Policy Touch-Base;
- Director General Committee on the IJS;
- Departmental Working Group on MMIWG; and
- Congress of Aboriginal Peoples (CAP) Justice and Policing Working Group

The Reconciliation Secretariat also participates on 17 others committees/WGs, including those internal to Justice Canada as well as those that involve OGDs. Its role varies from being the lead Justice Canada representative, responsible for bringing the Department’s perspectives to the table and ensuring coordination and collaboration with OGDs, to participating as a member, sharing relevant information with its partners and bringing back relevant information to the Department. Please refer to Appendix B for a full list of these committees/WGs.

**Figure 1: Timeline of the Reconciliation Secretariat**





The Secretariat moved to the IRRP in 2019 and was renamed the Reconciliation Secretariat. In the fall of 2019, the Government of Canada started preparing its response to the MMIWG Final Report, which included 231 Calls for Justice. Given the Secretariat's continuing role reporting on the TRC Calls to Action, it was assigned the responsibility of coordinating Justice Canada's response to the Calls for Justice. The Secretariat participated in the development of the federal response, led by CIRNAC. This included engaging with external Indigenous and OGD partners and serving as "the face" of the Department at these discussions. The Secretariat also worked closely with Public Safety on the Justice theme section of the Federal Pathway. Working with departmental sector leads, the Secretariat developed and coordinated significant contributions on behalf of Justice Canada to the Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQI+ People.<sup>10</sup>

Since 2019, the Secretariat has also been the lead on supporting the DM's participation in the DMCIR. This is a DM-level committee where key federal initiatives and priorities with respect to reconciliation and the government's relationship with Indigenous peoples are discussed and paths forward are presented and approved.

After the release of the Principles Respecting the Government of Canada's Relationship with Indigenous Peoples in the summer of 2017, the DM of Justice mandated the Secretariat to design, develop and deliver training on these principles to all Justice Canada employees.

In 2019, the Secretariat also became the lead for coordinating the Department's participation in the PBMs, by establishing formal governance structures of engagement between the Government of Canada and the three main National Indigenous Organizations: Assembly of First Nations (AFN), Inuit Tapiriit Kanatami (ITK), and Métis National Council (MNC). The Secretariat also built and maintains working relationships and working groups under the Political Accords with the CAP and the Native Women's Association of Canada (NWAC).

In 2021, the Minister's mandate letter included a requirement to develop an IJS to address systemic discrimination and the overrepresentation of Indigenous peoples in the justice system (the IJS was to be developed in consultation and collaboration with Indigenous and provincial and territorial partners). Due to its contributions to the development of the MMIWG Federal Pathway, the Secretariat was asked to lead this whole-of-government file. Throughout 2021, the Secretariat began the work to determine the design of the IJS development process, including holding pre-engagement sessions with NIOs and eventually seeking funding through Budget 2021. The formal funding request was approved by Treasury Board in December 2021, which included the creation of the IEF (under the existing Indigenous Justice Program). Work began on the IJS engagements immediately, with a Call for Proposals (CFP) issued in December 2021, seeking submissions from Indigenous organizations wishing to lead engagements with their constituents. By March 2022, 38 grants had been issued through the IEF.

Throughout the Reconciliation Secretariat's existence, it has played a role in building the Department's capacity in engaging with Indigenous partners, through formal training, the development of tools and resources, and the provision of advice and guidance via the committees/WGs it attends or on an ad hoc basis. That role was formalized in the funding request from 2021 when the Secretariat was envisioned as becoming the CoE on Indigenous relations, reconciliation and partnership building with Indigenous partners, supporting and advising senior officials, and the Department as a whole, on key

---

<sup>10</sup> The Federal Pathway is the federal component of the MMIWG National Action Plan published in June 2021. <https://www.rcaanc-cirnac.gc.ca/eng/1622233286270/1622233321912>

Indigenous related priorities. Both teams within the Secretariat have CoE responsibilities, one for engagement and the other for reconciliation protocols.

Most Reconciliation Secretariat and Justice Canada respondents felt that the Secretariat has been responsive to new demands and roles placed upon it. In terms of the appropriateness of the Secretariat's design to meet these demands and play these roles, most senior managers and respondents from the Secretariat felt that the design was appropriate. Having said that, most of these respondents also commented that the Secretariat struggles with having the necessary capacity to fulfill its roles and responsibilities. This challenge is felt across both of the Secretariat's teams, where staff are working long hours and managers are concerned about employee burn-out. The temporary nature of the Reconciliation Secretariat funding was also highlighted by some Secretariat and senior manager respondents as a challenge to recruiting and retaining staff.

To carry out many of its roles, the Reconciliation Secretariat has formed formal and informal relationships with other areas within Justice Canada. These include:

- Within IRRP, liaising with the Aboriginal Law Centre (ALC), Indigenous Justice Revitalization Section, *United Nations Declaration Act* Implementation Secretariat (UNDAIS)<sup>11</sup> and CIRNAC/Indigenous Services Canada (ISC) Legal Services Unit.
- Intergovernmental and External Relations Division (IERD), including providing support for FPT-I meetings, particularly regarding MMIWG and the IJS.
- Policy Sector, including the Policy Integration and Coordination Section, the Research and Statistics Division (joint research projects to support IJS), Criminal Law Policy Section, Family Law and Youth Justice (FLYJ) Policy and Programs Branch, to support business cases and coordinate on the delivery of IEF grants, and develop reporting and input into MMIWG and Calls to Action related documents.
- Public Law and Legislative Services Sector (notably the Center for Information and Privacy Law, which has sought the Secretariat's advice in relation to their policy initiatives).
- Communications Branch, including advising on communications products regarding language, images, tone, etc.

Please refer to Figure 2 in section 4.3.3 for additional details pertaining to these relationships. Most respondents from Justice Canada were satisfied with their interactions with the Reconciliation Secretariat, noting that the Secretariat adds value to committees and the Indigenous-related work overall in terms of the input provided, that Secretariat's staff are good collaborators/communicators and act as a good partner within the Department, and that the Indigenous staff add value.

---

<sup>11</sup> Note that UNDAIS was created in 2021, after Parliament adopted the *United Nations Declaration on the Rights of Indigenous Peoples Act (UN Declaration Act)*. UNDAIS is leading the coordination for the whole of the federal government on implementation of the *UN Declaration Act*. Therefore, UNDAIS also has expertise in relation to Indigenous relations and is working to advance reconciliation. However, its mandate is distinct from that of the Reconciliation Secretariat's, however, on several fronts. The Secretariat is primarily focused on coordinating and advancing Indigenous justice-related work within Justice Canada and/or with a limited number of other federal partners, and in serving as a Center of Expertise to other Sectors in Justice seeking to engage with Indigenous peoples for their policy work. UNDAIS has as its primary mandate to coordinate and advance the federal government's horizontal implementation of the *UN Declaration Act*, and is therefore focused on coordination with departments other than Justice Canada and is working with Indigenous peoples to advance overarching implementation of the Act.

## 4.2.2 Overlap and Role Clarity

Most instances where there could be overlap between the Secretariat and other parts of Justice Canada have been managed through coordination and communication. Having said that, there is still a lack of clarity with respect to the linkage between the IJS and the Pan-Canadian Strategy to Address the Overrepresentation of Indigenous Peoples in the Criminal Justice System (PCSIO). The perception of overlap is exacerbated by the lack of clarity about the Secretariat's role.

The activities of the Secretariat generally do not overlap or duplicate work conducted by others within the Department. However, some Justice Canada respondents did note areas where they saw potential for overlap in roles, although most of these respondents said that duplication is being managed through communication and coordination. One main area of potential overlap concerns the Department's work towards developing the PCSIO, which is an FPT initiative led by FLYJ (Policy Sector). Like the PCSIO, the IJS also aims to address the overrepresentation of Indigenous peoples in the criminal justice system in Canada. The work on the PCSIO has been led since 2018 by officials of the FPT Aboriginal Justice Working Group in response to the 2015 Calls to Action. Following the collaborative development of the British Columbia First Nations Justice Strategy in 2020, the IJS was announced as a new Government of Canada priority in the January 2021 mandate letter of the Minister of Justice Canada, provided with dedicated investments for engagement in Budget 2021, and reiterated as an ongoing commitment in the Minister's mandate letter of December 2021. Both Reconciliation Secretariat and other Justice Canada respondents noted that provinces and territories need to be fully and properly engaged and that the intersections between the PCSIO and the IJS need to be clarified and communicated. Recent discussions at FPT DMs of Justice Canada and Public Safety table have started to bring greater clarity in that regard.

It was also suggested by a few respondents that the CoE role could be overlapping with work of the ALC, which provides expertise in the area of Aboriginal law, and the IERD in the Policy Sector, which is the departmental lead on general stakeholder engagement activities.

The discussion of overlap is important to consider in the context of role clarity. What was evident in the conduct of interviews as part of the evaluation is that the Reconciliation Secretariat's role is not clear to others within Justice Canada as well as to OGDs. Justice Canada respondents wanted clarity around the factors that determine the distribution of Indigenous-related files amongst Justice Canada groups. Similarly, OGDs were curious about which files the Reconciliation Secretariat is working on versus others at Justice Canada. There are no resources available to stakeholders that describe the Secretariat's role, nor how it interacts with other groups within the Department. Most Secretariat and senior management respondents acknowledged the lack of clarity and felt that the perception of overlap could be managed with better role clarity and communications.

A few Justice Canada and OGD interview respondents noted some tension from other areas of Justice Canada working on Indigenous files, when the Secretariat has been asked to take over certain files. No respondents explicitly stated this was the case, but this perceived tension was noted enough times that it warrants attention. This could reflect an issue that requires navigating a change management process to ensure a sense of 'buy-in'.

### 4.2.3 Diversity and Inclusion

The Secretariat has made an effort to ensure that its team and the work it undertakes reflect the principles of diversity and inclusion. Currently, the Reconciliation Secretariat management and teams are very diverse, including 75% Indigenous representation across all distinctions, as well as regional and gender diversity. The diverse team brings value to the work of the Secretariat.

The Reconciliation Secretariat's work has emphasized diversity and inclusion. In particular, consistent with the Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service<sup>12</sup>, the Secretariat takes a distinctions-based approach<sup>13</sup> to its work, including the collaborative development of the MMIWG Federal Pathway and the IJS. Above that, however, it has also cultivated relationships with many Indigenous organizations including:

- AFN;
- ITK;
- MNC;
- CAP;
- National Association of Friendship Centres ;
- NWAC;
- Les Femmes Michif Otipemisiwak; and
- Pauktuutit Inuit Women of Canada.

To further ensure diverse and inclusive engagements for the IJS, the Secretariat contracted an Indigenous consultation firm to support the design of the overall engagement approach and lead the Justice Canada-led engagements. This approach was viewed positively among respondents from Justice Canada and partners. Secretariat respondents also mentioned that IEF grants were awarded with a view to ensuring diversity among distinctions, regions/provinces, rural/urban and ensuring participation of youth, Elders, women and 2SLGBTQI+.

Diversity and inclusion is also strongly represented within the Secretariat's team. The plan to recruit, retain and promote Indigenous employees outlined in the Budget 2021 funding request has been implemented. The Reconciliation Secretariat staff now includes 75% Indigenous representation, including from each of the three distinctions, that is women, men, 2SLGBTQ+, and maintains a national team with several staff located outside of Ottawa. Two of three management positions are staffed by Indigenous employees. Indigenous hiring was undertaken in recognition that Indigenous voices and lived experiences are essential in developing appropriate policy responses to reconciliation.

The value of having Indigenous staff working in the Reconciliation Secretariat was recognized by most respondents from Justice Canada who said that Indigenous employees bring their lived experiences and expertise based on their own history to the work of the Secretariat.

---

<sup>12</sup> Privy Council Office (2021). Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service. <https://www.canada.ca/en/privy-council/corporate/clerk/call-to-action-anti-racism-equity-inclusion-federal-public-service.html>

<sup>13</sup> Department of Justice (2018). Principles Respecting the Government of Canada's Relationship with Indigenous Peoples. <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html> The 10<sup>th</sup> principle states: The Government of Canada recognizes that a distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of the First Nations, the Métis Nation and Inuit are acknowledged, affirmed, and implemented.

## 4.3 Effectiveness

### 4.3.1 Contributions to Indigenous-specific priorities

The Reconciliation Secretariat has contributed to many Indigenous-specific files and priorities since its inception. These files/priorities have evolved over time and include coordinating Justice Canada reporting to CIRNAC on TRC Calls to Action and MMIWG Calls for Justice, and advancing joint priorities at PBMs. Of particular mention is the Secretariat's leadership of Justice Canada's contribution to the Federal Pathway response to the MMIWG Calls for Justice.

The Reconciliation Secretariat played a significant role in the development of the Justice-specific chapter of the Federal Pathway component of the MMIWG National Action Plan, which "includes actions and commitments to co-develop solutions to ongoing justice issues that impact Indigenous peoples."<sup>14</sup> In other words, the Federal Pathway component details the federal government's promises to end violence against 2SLGBTQI+ individuals and Indigenous women and girls. The Secretariat played a coordination and reporting role, including developing responses on progress made to address the findings of the Calls for Justice. As well, the Secretariat participated in interdepartmental meetings and hands-on work to develop the Federal Pathway. Most partner and Justice Canada respondents provided positive feedback regarding the Secretariat's role on this file. It was also noted by a few Secretariat and senior management respondents that the Reconciliation Secretariat's work on the MMIWG file changed how many at the Department view Indigenous files and working with Indigenous partners in terms of working with a greater sense of collaboration and partnership. The Reconciliation Secretariat is also credited with having been able to secure additional resources for Indigenous programming through its work on MMIWG, specifically in coordinating and leading on the Fall Economic Statement 2020 and the Budget 2021 approved funding requests.

The Reconciliation Secretariat's role in responding to the TRC Calls to Action<sup>15</sup> as well as in making evidence-based changes to Indigenous-specific policies, initiatives, programs and legislation pertains primarily to coordination and reporting. For instance, the Engagement Team coordinated and supported Justice Canada's participation in the PBMs<sup>16</sup> and participated in and co-chaired the CAP Justice and Policing Working Group under the Canada-CAP Accord. The Coordination and Reporting Team contributed to the Special Interlocutor file (including policy and business case support, and liaising with the Office of the Special Interlocutor). The IJS is also being developed in response to the Calls to Action and MMIWG Federal Pathway commitments. This horizontal initiative is expected to result in additional policy and program developments once it is finalized (although the Secretariat's role in post-IJS work is not yet known).

---

<sup>14</sup> Reconciliation Secretariat funding request documentation.

<sup>15</sup> Justice Canada is the lead for 14 Calls to Action, plays a caretaker role for 3 Calls to Action and provides support for 11 Calls to Action. Justice Canada Update on Justice-led Calls to Action, Policy and Priorities Committee. January 22, 2021.

<sup>16</sup> PBMs have been established between Canada and First Nations, Inuit and Métis Nation leaders. These mechanisms identify joint priorities and monitor progress of government initiatives. They operate through committees of senior federal government and Indigenous government and representative body officials, and working groups. The work of these mechanisms includes moving towards shared accountabilities and creating new avenues to centre Indigenous rights in policy, program and legislative measures and service delivery.

<https://www.justice.gc.ca/eng/declaration/report-rapport/2022/p3.html>

### 4.3.2 Capacity building within Justice Canada

The Reconciliation Secretariat's CoE role was formalized in 2021. Since then, it has developed guidance (e.g., land acknowledgement, gift-giving and Elders protocol) and responds to ad hoc requests for advice, guidance and presentations. Awareness of this role among Justice Canada respondents is low. The extent to which the Secretariat has built capacity within the Department is unclear.

The Reconciliation Secretariat has been building capacity within the Department since 2018 when it developed and delivered the Principles Respecting the Government of Canada's Relationship with Indigenous Peoples training. As of 2022, the Secretariat had delivered training to approximately 2,000 employees in the NCR and regional offices. This training work was active from 2018 to 2021. It has been limited since then, largely due to limited capacity.

Its role as a CoE was formalized through the 2021 funding request. Since then, the Secretariat has developed the following guidance material:

- Draft version of an engagement primer (2021)
- Land Acknowledgement Guidance (2022)
- Elder/Knowledge Keeper guidance and Gift-giving protocols (draft pending approval)

In addition to these materials, the Reconciliation Secretariat also responds to requests for advice, guidance and presentations on an ad hoc basis.

The Secretariat's CoE role is carried out by both Secretariat teams. The Engagement Team is the CoE on engagement, work and Principles training. The Coordination and Reporting Team is the CoE on reconciliation and protocols.

While most Secretariat respondents felt the organization's design and delivery approach were appropriate, most also commented that there is a lack of capacity to be fully responsive to requests from Justice Canada, resulting in a more reactive ad hoc delivery of this role. This lack of capacity was also acknowledged by all senior managers interviewed for the evaluation.

In terms of whether the Secretariat had built capacity within the Department to consult and collaborate with partners, it is difficult to say since the only evidence available for the evaluation is interview evidence. Justice Canada respondents were modest in their assessment, with some stating the Reconciliation Secretariat had built capacity, and some stating it did not have the necessary expertise for this role. It is important to note that many of those who were interviewed for the evaluation already conduct engagements with Indigenous peoples or work on Indigenous files and thus did not see themselves as the target of capacity building by the Secretariat. A few Secretariat respondents suggested that they are influencing how the Department works with Indigenous peoples by modelling the appropriate approaches (e.g., collaboration on agendas, pre-briefings, respectful protocols, making mental health supports available if applicable).

### 4.3.3 Contribution to the Department's Relationships with Partners

The Reconciliation Secretariat is working effectively with its OGD and Indigenous partners. OGDs see the Secretariat bringing value to committees/WGs and the work overall. Indigenous partners recognize that the Secretariat is making sincere efforts in their interactions and relationships with them. There is more work required before the relationship can be deemed a true partnership that respects Indigenous governments' approaches and timelines or that features joint decision-making. Many of the barriers to this type of partnership are structural and apply to the Government of Canada overall and are not specific to the Secretariat or Justice Canada.

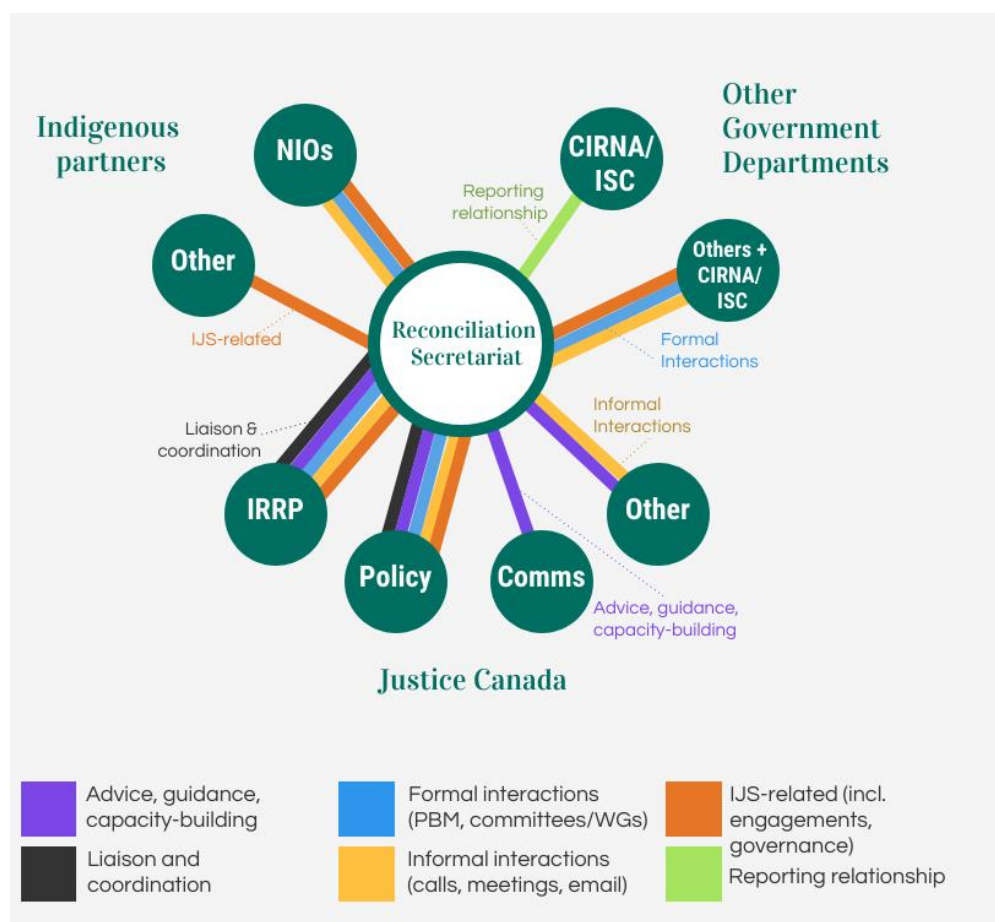
The Reconciliation Secretariat works closely with partners both within and outside the Department. Please refer to Figure 2 for a graphic depicting the nature of these various relationships. The relationships within Justice Canada have already been described in Section 4.2.1, and the relationships with other partners are discussed below.

In terms of working relationships with OGDs, most consulted for the evaluation observed having more interactions with the Reconciliation Secretariat in recent years, particularly through their participation on interdepartmental committees and interactions pertaining to the IJS. The Secretariat also has a reporting relationship with CIRNAC and ISC and has often worked closely with Public Safety (e.g. on MMIWG and IJS). Most OGD respondents were satisfied with their interactions with the Secretariat, noting that it adds value to committees and the work overall, it is a good collaborator/communicator, and is a good partner. A few also noted the expertise offered by Indigenous staff at the Secretariat as bringing knowledge to shared files and value to the relationships.

Working with Indigenous partners has been an important focus of the Department since it began work on the MMIWG Calls for Justice. The Reconciliation Secretariat has regular interactions with NIOs through the PBMs, as well as one-on-one informal conversations. The Secretariat has also developed a relationship with an Indigenous consulting firm through its contract to design and deliver the Justice Canada-led Indigenous consultations for the IJS. Thus, the Secretariat has an indirect relationship with other Indigenous organizations through those Justice Canada-led engagements.

A few Reconciliation Secretariat respondents noted that the work it has done to date is not really "true partnership" (i.e., joint decision-making) but more about laying the foundation (sharing information, joint establishment of processes) for partnership in the future.

**Figure 2: The Reconciliation Secretariat’s Relationships with Others**



For their part, Indigenous partners consulted for the evaluation believe that the team at the Reconciliation Secretariat is making sincere efforts with respect to relationships with Indigenous partners. For example, the Secretariat worked within the Department to ensure that IEF funding agreements would be grants rather than contributions, which have a higher burden for reporting. As well, in the design phase of the IJS, the Secretariat suggested a partner-led (rather Justice-led) approach to planning, engagement and development of the IJS. Most were satisfied with their interactions with the Secretariat. These respondents recognized a new sense of openness and improved communications through their interactions with the Secretariat. A few partner and OGD respondents specifically mentioned the leadership at the Secretariat as positive since that individual is seen to be driving the open and partnership-building posture of the Secretariat. One partner suggested that there should be more collaboration between Justice Canada and Public Safety to minimize burden.

According to partner respondents, there is still some work to be done on the part of the Government of Canada in terms of understanding or acknowledging Indigenous structures/governments, timelines and consultation approaches and adapting government structures, timelines and approaches to match those of Indigenous governments.

A few Reconciliation Secretariat respondents recognized this limitation and observed that there are many structural barriers imposed by Government of Canada systems/approaches that impede full



engagement and participation of Indigenous governments and constituent-representing organizations. These barriers include: 4-year political cycles; Budget/Treasury Board funding cycles; Cabinet confidences; Treasury Board policies; and procurement (e.g., only one Indigenous consultation firm was on the Public Services and Procurement Canada list of pre-qualified firms).

It should also be noted that all partner respondents are working with Justice Canada on the *United Nations Declaration Act* implementation, being led by the UNDAIS. Therefore the Reconciliation Secretariat is not their only interaction with the Department and some of the comments pertaining to the approach to engagements and the relationship likely apply more broadly than to the Secretariat’s work.

**4.3.4 Progress on the IJS**

The IJS file has advanced well under the leadership of the Reconciliation Secretariat, conducting a comprehensive engagement to inform the development of the IJS with Indigenous partners, provinces and territories. The Secretariat conducted the groundwork (including pre-engagement sessions with NIOs and developing the funding proposal) and began work immediately after the funding was approved. Many activities have taken place, including issuance of 38 IEF grants, Indigenous- and Justice Canada-led engagements, development of an online learning and activity space, and IJS-related governance/meetings. The engagement phase of the IJS will continue through 2023-24 and the development of the IJS is expected to be completed by March 2024.

The Reconciliation Secretariat has advanced the IJS file to a large extent, including funding to enable Indigenous groups to participate in engagements. See Figure 3 for a summary of the IJS implementation to date.

The Secretariat began the groundwork for the IJS in 2021 when pre-engagement sessions with NIOs were held starting in summer 2021. The Secretariat also started to work on the IJS integrity and IEF funding business case and funding submission that year. The submission was approved December 2021.

With a view to respecting Indigenous governments’ approaches and relationships with their constituents, the Reconciliation Secretariat made efforts to facilitate Indigenous-led engagements through the IEF, although partners further noted that Indigenous organizations were required to apply for funding, something that they indicated should simply be provided.

The CFP for IEF was launched the same month the funding was approved. Through collaborative work by Reconciliation Secretariat and Programs Branch, grants were issued to 38 Indigenous-led engagement procedures. Partners interviewed for the evaluation were pleased that grants were used (rather than contribution agreements), which allow for more flexibility and less reporting burden. Table 2 presents the distribution of IEF funding allocated by distinction and jurisdiction.

**Table 2: Distribution of Funding Allocated by Distinction and Jurisdiction (2021-22 to 2023-24 as % of \$11M available)**

Categories	First Nation	Métis	Inuit	Indigenous	Total
National	13.6	6.3	1.8	10.8	32.5
British Columbia	6.5 <sup>1</sup>	1.8	0	0	8.3

Categories	First Nation	Métis	Inuit	Indigenous	Total
Yukon/Northwest Territories	2.7 (Yukon only)	0	3.6 (Both)	0	6.3
Alberta	4.5	1.8	0	0	6.3
Saskatchewan	5.5 <sup>1</sup>	1.8	0	0	7.3
Manitoba	5.5	2.3	0	0	7.8
Ontario	5.5 <sup>1</sup>	1.8	0	4.5	11.8
Quebec	3.0	0	3.6	0	6.6
Nunavut	0	0	3.6	0	3.6
New Brunswick	2.7	0	0	0	2.7
Nova Scotia	3.2	0	0	0	3.2
Newfoundland & Labrador	0	0	3.6	0	3.6
<b>Total</b>	<b>52.7</b>	<b>15.8</b>	<b>16.2</b>	<b>15.3</b>	<b>100.0</b>

**Notes**

<sup>1</sup> Includes both regional and community level funding. Other provinces include only regional level funding.

Source: Administrative data – totals may differ slightly due to rounding.

A contracting process was launched in early 2022 through Public Services and Procurement Canada to retain the services of a consulting firm to assist with the engagement. A contract was signed with the one Indigenous consultation firm that met all contracting criteria and work began on the engagement strategy by June 2022. Having an Indigenous firm lead the engagement sessions was seen as a key strength by all interview respondents.

Indigenous-led engagements were launched in summer 2022 and Justice Canada led engagement sessions in November 2022. The IEF grants supported organizations to hold their own engagements and participate in Justice Canada-led engagements. Justice Canada-led sessions were planned (in addition to those led by Indigenous organizations) to ensure that all individuals, communities and organizations that wished to provide input had an opportunity to do so.

Twenty-six (26) Wave 1 discussions convening over 500 participants took place between November 1, 2022 and March 21, 2023.<sup>17</sup> They were focused on two themes with regional distinctions (Inuit, Métis, Northern First Nations, British Columbia First Nations, Prairie First Nations, Ontario First Nations, Quebec First Nations, Atlantic First Nations) as well as women, youth, Elders, 2SLGBTQI+, urban and practitioners. The two themes explored during Wave 1 engagements were:

- Supporting Indigenous Justice Systems; and
- Reforms to the existing Canadian justice system to reduce overrepresentation and systemic discrimination.

Wave 2 engagement was launched on April 11, 2023 with a dialogue session between the Minister of Justice and Attorney General of Canada and Indigenous Elders and Youth. Planning is underway for further Justice Canada-led events over the coming months, which are expected to involve more targeted, regionally based and possibly in-person engagement sessions with Indigenous governments, organizations and communities, provinces and territories, and justice practitioners.

<sup>17</sup> The Inuit session had not been well-attended and the rescheduled session had to be postponed due to low registrations.

Engagements are expected to be held throughout 2023-24, although the drafting of recommendations for the IJS is expected to begin fall/winter 2023.

An online learning and activity space<sup>18</sup> has been established and kept up-to-date with IJS information, updates, engagement session registration links, draft documents available for feedback and collaboration opportunities. The online space was created to support participation in the engagement process for the IJS.

IJS governance includes the Director General level Interdepartmental IJS WG for which the Secretariat is co-chair with Public Safety. The WG's first meeting occurred in April 2022 and it has since been meeting regularly. Meetings held to date have been mostly information sharing, although some discussions regarding potential overlap and complementarity with other initiatives did occur (e.g., MMIWG, First Nations policing legislation engagement, the Federal Recidivism Framework).

**Figure 3: Indigenous Justice Strategy Development Timeline**



<sup>18</sup> <https://indigenous-justice-strategy.canada.ca/>

## 5 CONCLUSIONS AND RECOMMENDATIONS

### 5.1 Conclusions

#### 5.1.1 Relevance

The Reconciliation Secretariat is well-aligned with both federal government and departmental priorities pertaining to reconciliation and issues that affect Indigenous peoples' interactions with the Canadian justice system. New and growing roles undertaken by the Secretariat demonstrate continued relevance.

#### 5.1.2 Design and delivery

The Reconciliation Secretariat was established under a different name in 2017 to support the then Minister and DM to advance the reconciliation agenda for the Department and, to some degree, the whole of government. The demand for, and nature of, the services provided by the Secretariat has been changing and increasing over time, so its role has been evolving to reflect the changing demands on the organization. Recent years have seen the Secretariat taking on many different Indigenous priorities and participating on 24 different committees and WGs. Interactions with OGDs and Indigenous partners have also increased. The evaluation found that the Secretariat has been responsive to the new demands placed upon it.

The Secretariat's current design, including having two teams (Engagement Team and Coordination and Reporting Team), is appropriate. The Secretariat has also worked hard to cultivate diversity and inclusion into its work and its team, and now has a staff complement with 75% Indigeneity, mix of gender and representation in different parts of Canada. However, it struggles to carry out its CoE role to meet the increasing demands or be proactive due to a lack of capacity. The lack of capacity is also resulting in the risk of burn-out among staff and managers.

The role of the Secretariat is not clear to most stakeholders, both within and outside Justice Canada. The Reconciliation Secretariat has worked diligently to manage possible areas of overlap. However, due to the general lack of awareness of the Secretariat's role, the perception of overlap continues to be an issue. In particular, the linkage between the IJS and the PCSIO is not clear.

#### 5.1.3 Effectiveness

The Secretariat has made significant contributions to many Indigenous files, not the least of which is the MMIWG Federal Pathway, PBMs, and coordinating Justice Canada reporting to CIRNAC on Calls for Justice and Calls to Action. Currently, the Reconciliation Secretariat's three areas of primary focus are as follows: the ongoing development of the IJS; leading/participating on various committees and WGs; serving as the CoE on Indigenous engagement and reconciliation.

Due to capacity challenges and a lack of awareness of the CoE role among many at the Department, the Secretariat's impact on the capacity of Justice Canada personnel to engage with Indigenous partners is unclear. While the Secretariat has developed a few guidance documents, it can only take a reactive approach to capacity building and only when it has the capacity to do so.

It can be said with certainty, however, that the Reconciliation Secretariat has advanced the IJS since the funding was approved in late 2021. A CFP was issued and 38 grants awarded. A consultation firm was hired and an engagement strategy has been developed and is being implemented. Indigenous-led and Justice Canada-led engagement sessions have taken place. The engagement phase of the IJS will continue throughout 2023-24 to inform the development of the IJS by March 2024 and activities are on track.

The evaluation found that the Reconciliation Secretariat is working effectively with its OGD and Indigenous partners. OGDs value the Secretariat and what it brings to committees/WGs and the work overall. Indigenous partners believe that the Secretariat is making sincere efforts in their interactions and relationships with them. However, structural barriers hamper interactions that fully respect Indigenous governments' approaches and timelines or that represent full partnership.

## 5.2 Recommendations

Based on the findings described in this report, the following recommendations are made:

**Recommendation 1:** The Indigenous Rights and Relations Portfolio, in collaboration with sectors across the Department, should undertake a whole-of-Justice review to clarify mandates, roles and responsibilities in regard to Indigenous-related priorities.

The evaluation found that the role of the Secretariat is not clear to most stakeholders within Justice Canada (and outside of the Department). In addition, due to the general lack of awareness of the Secretariat's role, there is a perception of overlap between it and other areas within the Department and the linkage between the IJS and the PCSIO is still not clear. Once mandates are clarified within Justice Canada, the Reconciliation Secretariat will be in a better position to proactively clarify its role with partners/stakeholders and reduce the perception of overlap.

**Recommendation 2:** The Reconciliation Secretariat should seek opportunities to secure ongoing resources to ensure that it has the ability and capacity to sustain and advance government and departmental priorities regarding reconciliation with Indigenous peoples.

The evaluation found that the Secretariat is finding it a challenge to carry out its CoE role to meet demand or be proactive due to capacity issues. The lack of capacity is also resulting in the risk of burn-out among staff and managers carrying out their other activities. Additionally, the Secretariat does not have long-term funding. As a result, Justice Canada may be limited in its ability to continue the work of the Secretariat and meet commitments made by the Department and the government of Canada.

## APPENDIX A: EVALUATION ISSUES AND QUESTIONS

### Issue 1: Relevance

- 1.1. To what extent are the Reconciliation Secretariat's activities consistent with government priorities and departmental roles and responsibilities in the areas of reconciliation and partnership building with Indigenous and provincial and territorial partners?
- 1.2. How has the need/demand for the Reconciliation Secretariat's support evolved over the evaluation period?

### Issue 2: Design and Delivery

- 2.1 How effective is the Secretariat's design and delivery model with respect to fulfilling its main function as a Centre of Expertise on Indigenous issues and partnership building?
  - How did the Secretariat's design and the delivery of its activities change over time to align to its evolving role?
  - Are roles and responsibilities clearly defined and implemented?
  - Is there overlap or duplication of activities between the Secretariat and other Justice stakeholders?
- 2.2. To what extent has diversity and inclusion been cultivated into the Secretariat's design and implementation of its activities?
  - How has the Secretariat's recruitment, retention and promotion of Indigenous employees contributed to its success?
- 2.3 What factors in the Secretariat's design and delivery of its activities facilitate or impede its success?

### Issue 3: Effectiveness

- 3.1. How has the Reconciliation Secretariat contributed to Justice Canada's response to Indigenous-specific priorities including MMIWG Calls for Justice and the TRC Calls to Action?
- 3.2. How has the Reconciliation Secretariat contributed to the development of Justice Canada's capacity to consult and collaborate with partners on Indigenous issues?
  - How have the Department's relationships with Indigenous partners changed as a result of the Secretariat?
- 3.3. What are the results to date towards the development of an Indigenous Justice Strategy in terms of?:
  - Increasing the capacity of Indigenous groups to engage with the Department on shared justice priorities;
  - Using partnerships to enhance knowledge and understanding of the issues to support the development of policy priorities.

## APPENDIX B: LIST OF COMMITTEES/WORKING GROUPS

Name of the Committee/Working Group	Reconciliation Secretariat's role (chair/co-chair, JUS representative, etc.)
1. Interdepartmental IJS Working Group	Chair
2. IRRP Policy Touch-Base	Chair
3. Director General Committee on the IJS	Co-chair with Public Safety
4. Departmental Working Group on MMIWG	Chair
5. Congress of Aboriginal Peoples Justice and Policing Working Group	Co-Chair
6. Federal-Provincial-Territorial-Indigenous Justice and Public Safety	Justice Canada Representative
7. UNDA Implementation	Justice Canada Representative
8. Indigenous Justice Strategy Coordination	IRRP Representative
9. FPT Aboriginal Justice Working Group	Justice Canada Representative
10. Métis National Council Permanent Bilateral Mechanism - Justice and Policing Working Group	Justice Canada Representative
11. Inuit-Crown Partnership Committee Permanent Bilateral Mechanism - Legislative Priorities Working Group	Justice Canada Representative
12. Inuit-Crown Partnership Committee Sub-Working Group - federal review of Crown co-development principles	Justice Canada Representative
13. Department of Justice Working Group on Legislative Co-development	Attendee
14. MMIWG FPT Working Group	Justice Canada Representative
15. MMIWG Interdepartmental Working Group	Justice Canada Representative
16. Directors General Steering Committee on MMIWG	Justice Canada Representative
17. Assistant Deputy Minister Steering Committee on MMIWG	Justice Canada Representative
18. Indigenous Gift Bank Advisory Working Group	Attendee
19. MMIWG Horizontal Initiative Results Framework - Thematic Group: Justice	Attendee
20. Directors General Sub-Committee on MMIWG Federal Pathway - Justice theme (Newly proposed)	Co-Chair with Public Safety
21. Security Organizations Advancing Reconciliation	Justice Canada Representative
22. Deputy Ministers Committee on Indigenous Reconciliation Working Group	Justice Canada Representative

Additional information for the five committees chaired/co-chaired by the Secretariat is presented below.

### Interdepartmental Indigenous Justice Strategy Working Group

The IJS WG membership comprises 11 departments and agencies, including the co-chairs Justice Canada and Public Safety. The mandate of the IJS WG is to:<sup>19</sup>

- Work in collaboration and provide ongoing coordination between federal government departments on the development and implementation of an Indigenous Justice Strategy.

<sup>19</sup> IJS WG Terms of Reference.

- Provide strategic advice to Senior Directors, Directors General, and Assistant Deputy Ministers with respect to the coordination of federal activities relating to the development and implementation of an Indigenous Justice Strategy;
- Promote and implement coordinated approaches across federal government departments on engagement and relationships with Indigenous peoples and provinces/territories in relation to the Indigenous Justice Strategy;
- Identify and leverage linkages to other initiatives with significant potential to impact on the success of the Indigenous Justice Strategy, including in relation to self-government, access to health services, prevention of gender-based violence, Indigenous child and family services, policing, and community safety.
- Identify and leverage linkages to existing accountability mechanisms or governance structures (for example: the Permanent Bilateral Mechanisms, Recognition of Rights and Self-determination Discussion Tables, FPT and other inter-departmental fora, etc.).

### **IRRP Policy Touch-Base**

Invitees include IRRP counsel and policy officials who work on Indigenous legal policy and related litigation issues. The meetings are an opportunity to identify and discuss linkages between policy files within IRRP.

### **Director General Committee on the IJS**

This monthly meeting is co-chaired by the Reconciliation Secretariat and Public Safety. Attendees include Directors General from departments who are involved in work that is related to or linked with the IJS, including: CIRNAC, ISC, Correctional Services of Canada, Statistics Canada, the Royal Canadian Mounted Police, Public Safety, Women and Gender Equality Canada, Privy Council Office, Public Prosecution Services of Canada, Public Health Agency of Canada and Health Canada.

### **Departmental Working Group on MMIWG**

The purpose of this working group is to provide an opportunity for departmental officials to discuss the Justice-specific commitments in the Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People.

### **Congress of Aboriginal Peoples (CAP) Justice and Policing Working Group**

This Working Group provides an opportunity for the Government of Canada and CAP to discuss and advance joint policy priorities aimed at improving the socio-economic conditions of off-reserve Indigenous peoples in Canada through efforts related to the overrepresentation of Indigenous peoples in the criminal justice system. This working group meets on a three-week basis, or as agreed upon by the group based on key activities. Apart from CAP and Justice Canada, membership includes Correctional Services of Canada, Public Safety Canada, the Royal Canadian Mounted Police, as well as CIRNAC (responsible for coordinating).