



**DEPARTMENT OF JUSTICE COMPONENT OF CANADA'S
ACTION PLAN AGAINST RACISM
EVALUATION
Final Report**

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**Evaluation Division
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EXECUTIVE SUMMARY

1. Program Description

The federal government established *Canada's Action Plan Against Racism* (CAPAR) in 2005, the first-ever horizontal, coordinated approach across four federal government departments (Canadian Heritage¹, Citizenship and Immigration Canada, Human Resources and Skills Development Canada and Justice Canada) to combat racism. Its long-term goal is to contribute to the elimination of racism and strengthen social cohesion through specific anti-racism measures. As one of the federal partners in implementing CAPAR, the Department of Justice was mandated to concentrate its efforts on specific activities that are relevant to sustaining the principle of equality before the law such as:

- *Addressing race-based issues in the justice system*: developing and supporting projects, and conducting research and consultations to assess the problem of overrepresentation of certain groups in the justice system.
- *Interventions for victims and perpetrators of hate crimes*: exploring initiatives that respond to the special needs of victims of hate crimes and interventions that reduce recidivism in those who commit such crimes by conducting consultations and research.
- *Countering Internet-based hate crime*: investigating the problem of borderless communication of hate propaganda through the Internet.

As part of CAPAR, the Department of Justice received a total of \$6.7 million over five years (2005-2006 to 2009-2010) to pursue the above activities.

¹ Note that although Canadian Heritage was the original lead department of the Initiative, the Multiculturalism Program has since been transferred to Citizenship and Immigration, who now holds the lead of CAPAR. Canadian Heritage no longer has any programs associated with the Initiative.

2. Purpose of the Evaluation

The purpose of the evaluation was to examine the Justice component of CAPAR. A formative evaluation, completed in 2007, focused on early results, progress and success of implementation as well as a review of the program performance and evaluation strategies. This evaluation builds on the formative evaluation by addressing the ongoing relevance and performance of the Justice component of CAPAR.²

3. Methodology

The methodology used to evaluate the Justice component of the Action Plan included a review of relevant documents, a file review of all grants and contributions (G&C) funding projects under CAPAR (those funded and unfunded), as well as key informant interviews with departmental officials and other stakeholders (project funding recipients).

4. Findings

4.1. Program Design and implementation

Three priority work areas:

The Department's mandate under CAPAR is one strategy with three main areas of focus: race-based issues in the justice system, interventions for victims and perpetrators of hate crimes, and exploring what role the Department of Justice may have in combating Internet-based hate crime. At the time of the formative evaluation in 2008, work had initially been concentrated in certain areas (i.e. Internet hate tip line and victims of hate crime). However, priorities and activities under CAPAR have shifted. In recent years, the activities have focused on race-based issues in the justice system (i.e. the overrepresentation of Aboriginals in the justice system) and work relevant to combating hate crime.

G&C component:

The Department provides G&C funding for anti-racism activities and projects through the Justice Partnership and Innovation Program (JPIP). Although funding criteria are very broad, there were

² It should be noted that this initiative has come to an end on March 31, 2010 and that only the G&C component will continue under the name "Access to Justice for Marginalized Populations".

lapsed funds in each fiscal year. The previous evaluation noted this limited take-up (only six projects had been funded). Despite efforts to actively communicate and promote the G&C funding available, public awareness of the Department's mandate for anti-racism activities was still low. Beginning in the 2007-2008 fiscal year until the time of this evaluation, there have been 20 applications for funding, with a little less than half (9) which were approved and received funding. Take-up continues to be limited resulting in lapses in G&C funding. Efforts have been made to actively communicate (and seek proposals) as well as promote the G&C funding available. Continued lack of public awareness of the Department's mandate for anti-racism activities along with administrative delays are likely contributing factors.

Steering Committee:

The CAPAR Steering Committee was established by the Departmental Coordinator. The Committee, which consists of representatives from various areas within the Department all of whom have an interest or involvement in race-based issues or CAPAR directly, meets on a quarterly basis. Steering Committee meetings are a good opportunity to review proposals and submissions for funding and constitute an effective mechanism for information sharing.

4.2. Design and Delivery

Evaluation findings indicate that the Justice component of CAPAR has been effectively managed, coordinated and administered. However, the challenge of delays in the approval process was an issue which has since been addressed. According to the 2007 formative evaluation, there had been challenges to the implementation of CAPAR, including lack of administrative support, delays in approval for project funding proposals and difficulties in undertaking all planned activities, for example combating hate on the Internet.

The issue of administrative support has been overcome and addressed to some extent, with greater clarity concerning the approval process for G&C funding and a Program Analyst overseeing the proposals and fund. Delays in the approval process have continued to be a challenge. At the time of writing this evaluation, discussions amongst senior officials of the Department had already taken place to improve the approval process for future project funding proposals. Finally, even though the work that began on hate on the Internet has not been completed, a great deal of preparatory work has been accomplished and there is optimism that this will be completed in the future.

Activities undertaken

Some new work relevant to the Justice component of CAPAR has occurred since the formative evaluation in 2008. The Research and Statistics Division of the Department of Justice received funds up until 2009 and was able to produce informative and useful research papers on race-based issues in the justice system and hate crimes. G&C funding has contributed to the development of projects outside the Department, and the Collaborative Working Group responding to violence in Aboriginal communities, chaired by the CAPAR Coordinator, has held four forums, mainly dealing with the issue of overrepresentation of Aboriginals in the criminal justice system both as victims and offenders. There has also been complementary work taking place in the Department within the Public Policy Section and Criminal Law Policy Section.

4.3. Program Relevance

There was common consensus among all departmental stakeholders interviewed that the Justice component of CAPAR is consistent with departmental and government-wide objectives and priorities. Almost all interviewees stated that CAPAR embodies the Department's mandate and mission of ensuring that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice. Race-based issues in the justice system are very relevant and addressing these issues is a priority of the Department.

Evidence-based research and statistics demonstrate that racism and discrimination do exist in Canada and the work being done by the Department and partner departments as well as community and NGO organizations demonstrate that there is a clear and continued need for initiatives to counter racism and discrimination in Canada. All interviewees agreed that there continues to be a role for the Department to play in addressing these issues. The federal government has a specific mandate to counter racism in Canada, and it was felt by most interview respondents that CAPAR continues to be consistent with these federal roles and responsibilities.

4.4. Performance (effectiveness) – immediate outcomes, intermediate outcomes and long-term outcomes

The Department continues to make progress, and has achieved many of its short and medium-term outcomes through research, project funding and forum activities. However, some initiatives under the Plan (i.e. on-line hate) were unable to move forward although there is a strong desire to

continue this work in the future. In terms of the long-term outcomes, it would appear that there was some progress made; however, the common consensus has been that there is no real way of measuring the two long-term goals identified in the government-wide mandate, and that perhaps these particular outcomes were too idealistic when initially developed. Despite this, the completed and ongoing work of those who received project funding from the Department is contributing to some of the long-term outcomes.

4.5. Performance (efficiency and economy)

Evaluation findings indicate that some of the Justice-led activities under CAPAR have been effective and efficient ways to address race-based issues in the justice system, in particular research projects and the Aboriginal justice forums. Additionally, several funded projects that are currently under way speak to the benefit of having funding available to assist organizations in their work on anti-racism and hate crime initiatives.

Given that Justice has such a large mandate and that CAPAR is a rather small initiative and fund, most of those interviewed indicated that the activities funded and implemented have been effective and adequate given the resources and money allocated for the purposes.

Most departmental representatives agreed that although the Justice component of CAPAR is a unique program in that it addresses issues not otherwise being addressed by any other program within the Department, there might be some duplication with the Aboriginal Justice Strategy. However, it was noted that the two programs work collaboratively and this has been beneficial in that it has allowed for partnering and collaboration. This was most noteworthy in the planning and delivery of the four forums on Aboriginal justice issues.

There is also some complementary work being done in other areas of the Department, such as the Criminal Law Policy Section and the Public Law Policy Section, in relation to hate crimes and terrorism related issues, which complement and strengthen the work of CAPAR.

All departmental interviewees felt that the Justice-led activities under CAPAR have been an efficient use of resources resulting in good value for money. However, there are some areas where developmental work occurred but did not progress or was not completed. Overall though, most felt a great deal had been done and accomplished with the resources provided.

1. INTRODUCTION

The federal government established *Canada's Action Plan Against Racism* (CAPAR) in 2005, the first-ever horizontal, coordinated approach across four federal government departments (Canadian Heritage³, Citizenship and Immigration Canada, Human Resources and Skills Development Canada and Justice Canada) to combat racism. The Department of Citizenship and Immigration Canada is responsible for the overall coordination and administration of CAPAR, resources for which include a total of \$56 million over five years (2005-2006 to 2009-2010) as well as \$12 million in ongoing funding. As part of CAPAR, the Department of Justice received a total of \$6.7 million over five years to pursue activities related to: race-based issues in the justice system; interventions for perpetrators of hate crimes; and countering Internet-based hate crime.

1.1. Context for the Evaluation

Each partner department (including Justice) is responsible for undertaking an evaluation of the initiatives it delivers under the Action Plan and was expected to report to Citizenship and Immigration Canada on the results by May 2010. This document constitutes the final report of the evaluation of the Justice component of CAPAR, and this evaluation addresses its ongoing relevance and performance.

1.2. Scope and Objectives of the Evaluation

The evaluation focused on departmental activities funded through CAPAR from the end of the 2006-2007 fiscal year to the end of the 2009-2010 fiscal year. However, the initiative in its entirety (and all activities since its implementation in 2005) is examined and considered in terms of final outcomes.

³ Note that although Canadian Heritage was the original lead department of the Initiative, the Multiculturalism Program has since been transferred to Citizenship and Immigration, who now holds the lead of CAPAR. Canadian Heritage no longer has any programs associated with the Initiative.

The objectives of the evaluation were:

1. To examine, assess and report on the ongoing relevance and performance of the Justice component of CAPAR.
2. To report on the success of the Justice initiative under CAPAR to Citizenship and Immigration Canada, who will then compile and use this information to prepare a final summative evaluation report for all funded CAPAR initiatives.

1.3. Structure of the Report

This evaluation report contains five sections, including the introduction. Section 2 describes the Justice component of CAPAR, and Section 3 describes the methodology used to complete this evaluation. Section 4 summarizes the findings of the evaluation, and Section 5 presents the conclusions and recommendations.

2. DEPARTMENT OF JUSTICE COMPONENT OF THE ACTION PLAN

This section of the report describes the Justice component of CAPAR, including its goals, activities, management structure and resources.

2.1. Program Logic

This sub-section describes the program logic linking the types of activities that the Justice Department undertakes as part of CAPAR and their expected results. Activities and outputs have been revised since the previous formative evaluation to better reflect the capacity of the Department of Justice to undertake activities under CAPAR and accurately capture the work the Department has been doing.

2.1.1. Program Activities and Outputs

As one of the federal partners in implementing CAPAR, the Department has one strategy and has concentrated its efforts on activities in the three following areas:

- *Addressing race-based issues in the justice system*: developing and supporting projects, and conducting research and consultations to assess the problem of overrepresentation of certain groups in the justice system.
- *Interventions for victims and perpetrators of hate crimes*: exploring initiatives that respond to the special needs of victims of hate crimes and interventions that reduce recidivism in those who commit such crimes by conducting consultations and research.
- *Countering Internet-based hate crime*: investigating the problem of borderless communication of hate propaganda through the Internet.

2.1.2 Expected Results

The implementation of the activities noted above is expected to contribute to the achievement of a series of immediate, intermediate and long-term outcomes.

In the short term, the Department's activities under the Action Plan are expected to result in:

- a better understanding of the needs of victims of hate crime and its effects on individuals and communities;
- a better understanding of effective interventions for perpetrators of hate crime;
- increased awareness among justice system personnel of race-based issues in the justice system;
- improved understanding of the problem of overrepresentation of ethnocultural groups.

In the medium term, the Department's activities under the Action Plan are expected to result in:

- new approaches/products to help and deliver services to victims;
- sharing and implementing best practices on effective interventions for perpetrators of hate crime;
- tools developed and implemented to help identify and report Internet hate;
- identification of innovative approaches to service delivery to address the problem of overrepresentation;
- networking and information sharing opportunities increased.

In the long term, the Department's activities under the Action Plan are expected to result in:

- improvements in services for victims of hate crime;
- improved access to information and legal resources/assistance for overrepresented groups in the criminal justice system.

Finally, the Department's activities under CAPAR are ultimately expected to contribute to the government-wide objective of the elimination of racism and the achievement of equitable socio-economic outcomes for all Canadians.

2.2. Management Structure

The overall success of and accountability for the Justice-led activities under CAPAR rest with the Director General, Youth Justice, Strategic Initiatives and Law Reform Unit within the Policy Sector of the Department. In March 2006, the Director General appointed a Justice Coordinator for CAPAR, who is responsible for overseeing the Justice component of the Action Plan and acting as the principal point of contact for the Department on this file. The Justice Coordinator reports directly to the Director General; liaises with the departmental CAPAR Steering Committee and establishes mechanisms within the Department that facilitate work under CAPAR (e.g. funding criteria with the Programs Branch of the Department); and also coordinates projects and activities with colleagues within the Department and represents the Department at interdepartmental meetings regarding this program.

The Justice Steering Committee for CAPAR has been in place since March 2006. Steering Committee meetings occur several times a year and provide members with the opportunity to submit an update on the status of CAPAR activities and to discuss upcoming priorities and events. Additionally, Committee members work with the Justice Coordinator on a frequent and ad hoc basis to create objectives and goals for the implementation of activities under CAPAR, to review proposals, submissions and research initiatives for funding through CAPAR, act as a sounding board for departmental activities and priorities, and advise on departmental obligations and links to other relevant work. This approach is key to ensuring that linkages are made within the Department. For the most part, the Committee is comprised of employees from other areas within Justice who receive funds to undertake activities under the Action Plan (e.g. Research and Statistics Division, Public Law Policy, Human Rights Law Section, Aboriginal Justice Strategy, Evaluation Division, Programs Branch) or who are working on files that are relevant to the Department's work under the Action Plan (*Anti-terrorism Act* Review Team, Office of the Northern Region). The Committee is chaired by the CAPAR Justice Coordinator.

The Department receives funds directly from Treasury Board to operate its specific initiatives. Funds are then distributed through the Policy Sector Senior Assistant Deputy Minister's office to the Strategic Initiatives Unit, Public Law Policy Section, Research and Statistics Division, and Programs Branch and within the Department for their initiatives under the Action Plan.

Funding for Justice initiatives under CAPAR is distributed through a variety of mechanisms, including contracts, contribution agreements and memoranda of understanding.

G&C funding provided through the Justice component of CAPAR is administered through the Programs Branch Justice Partnership and Innovation Program (JPIP), a G&C program that allows the Department to develop and test approaches in relation to newly reformed justice systems and improvements to the delivery of justice services in collaboration with organizations, as well as other levels of government and individuals whose technical expertise is valued. Interested organizations submit their funding proposals to the Department’s Programs Branch for review and consideration. The Program Analyst with the Innovations, Analysis and Integration Directorate of the Programs Branch then facilitates the review of each project proposal to ensure that it is complete and consistent with the Terms and Conditions of the JPIP. When a proposal is incomplete, a letter is sent to the applicants requesting that they provide additional information. Completed applications are then reviewed by members of the Justice Steering Committee for CAPAR, who determine whether the proposal is consistent with departmental priorities under the Action Plan and merits funding. When this is the case, departmental approval is sought to fund the project.

2.3. Resources

As part of the Action Plan, the Department of Justice received a total of \$6.7 million over five years (2005-2006 to 2009-2010). Table 1 (below) illustrates the annual distribution of Vote 1 (Salaries and Operations) and Vote 5 (G&C) funds for the Justice component of the Action Plan.

Table 1: Distribution of funds for Justice Component of the Action Plan Against Racism

Year	Vote 1	Vote 5		Subtotal	Accommodation 13%	Total
		Grants	Contributions			
2005-2006	1,249,377	50,000	50,000	1,349,377	50,623	1,400,000
2006-2007	999,377	100,000	250,000	1,349,377	50,623	1,400,000
2007-2008	807,270	100,000	750,000	1,657,270	42,730	1,700,000
2008-2009	807,270	100,000	750,000	1,657,270	42,730	1,700,000
2009-2010 and ongoing	50,000		450,000	500,000		500,000
TOTAL	3,913,294	350,000	2,250,000	6,513,294	186,707	6,700,001

Although CAPAR was announced on March 21, 2005, the Department did not receive approval for the Justice component of the initiative until November 1, 2005 and the appointment of a Justice Coordinator for the Action Plan did not occur until March 6, 2006 due to required staffing processes. As such, the Department did not actually receive funds in 2005-2006 to support activities under the Action Plan. As a result, actual expenditures associated with the

Justice's component of the Action Plan were lower than expected during the first two years of program implementation.

3. METHODOLOGY

The methodology used to evaluate the Justice component of CAPAR included a document review, a file review and key informant interviews with departmental officials and other stakeholders. Case studies were conducted for the formative evaluation to collect more detailed information on a set of sub-studies funded through CAPAR; however it was not used in this evaluation. The following section provides further details on each research method.

3.1. Document Review

A series of relevant documents were identified and reviewed. These documents can be grouped under the following categories:

- Performance information documentation such as: Annual Reports to Citizenship and Immigration Canada; the Evaluation Assessment of CAPAR; the Evaluation Framework for the Justice Component of CAPAR; the horizontal Results-based Management and Accountability Framework for CAPAR; and the Formative Evaluation of the Department of Justice component of CAPAR.
- Deliverables from projects funded through the Justice component of CAPAR, such as: the National Anti-Racism Council of Canada's report on the *Overrepresentation of Aboriginal Peoples and People of African Descent and Asian Descent in Custody*; Dr. Andrea Slane's report on *Combating Hate on the Internet: Current Canadian Efforts and the Recommendations of Non-Governmental Organizations to Improve Upon Them*; *Hate Crime for Victim Services Workers* booklet; and the African Canadian Legal Clinic's *Anti-black Hate Crimes Manual*.

3.2. File Review

All JPIP files that have been funded under the Action Plan⁴ (n=10) as well as those that were not approved for funding (n=11) were reviewed as part of the evaluation.

3.3. Key Informant Interviews

Interviews were conducted with key informants, both within and outside the Department, who have been involved with the activities of the Justice component of CAPAR. A total of 12 interviews were conducted. Interviews with departmental personnel (staff from Youth Justice Policy, Research and Statistics Division, Public Law Policy, Criminal Law Policy, and Programs Branch) (n=7) were conducted in person, while interviews with key informants outside the Department, including funding recipients (n=5), were conducted over the telephone.

3.4. Surveys

Surveys were used to obtain feedback from participants who attended three of four departmental forums on Aboriginal justice issues. A telephone survey was conducted for the second forum (n=29), and surveys were distributed in-person at the third forum (n=6) and last forum (n=24).

3.5. Methodological Limitations

There were several methodological limitations with the evaluation. First, there was very little quantitative data and information available for the evaluation. Most of the activities were oriented towards policy and research development, networking, and information sharing, which are better suited to qualitative data collection. Secondly, the low response rate to some of the surveys posed a challenge to having a representative sample and the accuracy of the survey findings.

⁴ Beginning 2007-2008 to end of 2009-2010 fiscal year

4. KEY FINDINGS

This section presents key findings from the document review and key informant interviews, beginning with those related to the design and delivery of the Justice component of the Action Plan.

4.1. Design and Delivery

4.1.1. Three priority work areas

The Justice component of the Action Plan was designed such that the Department would focus its activities on three main areas: addressing race-based issues in the justice system (including the problem of overrepresentation of certain groups in the justice system); interventions for victims and perpetrators of hate crimes; and countering Internet-based hate crime. The previous evaluation findings found that although the Department had attempted to pursue activities in all three areas, work had been concentrated in some areas, such as work on countering Internet hate, and had not yet occurred in others, such as interventions for perpetrators of hate crime. The findings of this evaluation indicate that the priority work areas have shifted. For example, a great deal of developmental work occurred early on in the initiative to develop a tool for combating on-line hate. Later in the initiative, work in this area was restricted to inter-departmental policy work. Interview and file review findings indicate that work has been concentrated mainly in the area of interventions for victims and perpetrators of hate crime, and the overrepresentation of certain groups, in particular Aboriginals, in the justice system.

4.1.2. Contributions component

The G&C component of the Action Plan is administered under the JPIP, which supports activities that respond effectively to the changing conditions effecting Canadian justice policy. In terms of CAPAR, funding is available through the Justice Partnership and Innovation Program for projects that explore race-based issues in the justice system and what role the Department

may have in working with others to combat hate motivated crimes.⁵ A Program Analyst manages the G&C component of CAPAR. This was the result of a recommendation that came out of the formative evaluation in 2007, in an effort to provide increased support and greater collaboration with the Departmental Coordinator. This approach has yielded positive results in the coordination of funding proposals.

JPIP is an already well established program with its own Terms and Conditions. The advantage of having CAPAR activities funded through the JPIP was that the Department did not have to design a whole new program to carry out G&C activities under CAPAR and this allowed for a quicker set-up time.

Take-up:

According to Table 1- Distribution of funds for the Justice Component of Action Plan Against Racism (page 6), \$50,000 was allocated to contributions in 2005-2006 (which the Department never actually received because Justice did not receive approval for the Justice component of the initiative until November 1, 2005), \$350,000 in 2006-2007 and \$850,000 in 2007-2008, \$750,000 in 2008-2009 and \$450,000 in 2009-2010. The Department has funded projects on a wide range of race-based issues in the justice system. Since the implementation of the Justice component of CAPAR, in total, thirty-one (31) organizations have applied for funding and fifteen (15) have actually received funding through JPIP.

The formative evaluation noted the limited take-up of the G&C component in the early stages of CAPAR mainly due to lack of visibility of the Fund.⁶ Although there have been some changes made to the management and administration of the G&C funding component to address the previous issues, and the fact that a number of projects have been funded and gone forward, there still continues to be limited take-up on the G&C component.

Since the program was first implemented, there has been more publicity and communication about the availability of project funding for anti-racism activities. The Departmental Coordinator for CAPAR actively seeks out proposals and promotes the funding available through CAPAR at conferences and meetings, during site visits and by contracting anti-racism and related organizations. Additionally, a fact sheet that describes CAPAR and the types of projects that are eligible to receive funding (e.g. projects that explore the role the Department may have in working with others to combat hate-motivated crimes) is posted on the Programs Branch

⁵ See JPIP Website for additional information: <http://www.justice.gc.ca/eng/pi/pb-dgp/prog/ajmp-ajpm.html>

⁶ See previous formative evaluation for further explanation.

Website where all of the Department's funding programs are described. Despite this, it is possible that there continues to be a lower level of awareness about the Fund, in part because the initiative is a relatively small program in a department with other larger initiatives. The departmental mandate for anti-racism activities may not be very apparent to the public. When asked about how they were made aware of the funding for CAPAR, project funding recipients most often cited representatives within the Department (i.e. the Justice Coordinator or Programs Analyst, sometimes as a result of having applied for funding from a different program within the Department) and one project funding recipient was referred by a partner organization involved in their project. Several others stated they were first made aware at the launching announcement for CAPAR in 2005.

One Department of Justice interviewee also noted that perhaps the capacity to prepare and submit proposals might not be there for some organizations. It takes a great deal of initiative, time and work to prepare and submit a proposal, and some organizations may not have the capacity to make an application. Further, it is possible that the criteria, as described for funding, may not be clear to them, as the initiative is quite broad in its objectives.

An additional reason for limited take-up of the Fund may also be related to one of the challenges in implementing some activities, in particular project funding, under CAPAR. These challenges will be discussed further below. Almost all departmental interviewees noted delays in the approval process as a possible hindrance to organizations applying for funding. Some project funding recipients also commented on this as an obstacle in gaining access to funding from the Department of Justice. They found this frustrating, as the work involved may not be worthwhile for them in applying again in the future. Despite these challenges, all project funding recipients interviewed felt they had a very positive experience with departmental representatives who they found to be extremely helpful, informative, supportive and available to answer any questions. Additionally, all recipients expressed their appreciation for the funding and most indicated that without the funding, their project would not have gone forward, or would have gone forward on a much smaller scale.

Design and Delivery Challenges:

Delays in approval process for project funding proposals:

The delay in obtaining approval to fund G&C projects has continued to be a challenge. Several examples can be provided. In two instances, organizations who applied for funding received approval after their activity (in both cases it was a conference) had taken place. Despite actually

receiving the funding in the end, one of the organizations noted the frustration and worry of not knowing if they would receive the funding or not. Several other organizations applied for funding, but due to the length of time it was taking to be approved (in one case the activity that was to be funded was taking place in a week and they had not yet heard anything), they withdrew their application. Although improvements have been made to the funding process since the last evaluation, such as having a Program Analyst working on the fund and proposals, there are still areas for improvement.

Difficulties in undertaking some planned activities:

One of the key activities planned, and the focus of much of the work under CAPAR at the time of the formative evaluation, was the development and implementation of tools to help identify and report Internet hate. A great deal of developmental work occurred in the early stages of the Justice component of CAPAR both departmentally and collaboratively with external stakeholders. Proposals were requested and submitted to the Department of Justice in February 2008. The proposals were not approved and applicants were notified in August 2009. Interviewees explained that activities related to this project were affected by the related review of section 13 of the *Canadian Human Rights Act*. The Canadian Human Rights Commission contracted Dr. Richard Moon to write a report relevant to hate on the Internet. He recommended that section 13 be eliminated. Since section 13 is one of the tools that are used in Canada to combat hate on the Internet, the review has contributed to the uncertainty of what should be done to combat Internet hate. Even though activities have not been completed in this area, there is still ongoing discussion and communication. For example, since June 2008, a departmental working group began meeting regularly to review articles and discuss issues relevant to the topic of hate speech and freedom of speech/expression.

4.1.3. Justice Steering Committee for Canada's Action Plan Against Racism

All of the members of the Steering Committee (there are currently 10 in total) who were interviewed as part of the evaluation (n=4) indicated that Steering Committee meetings continue to be an effective mechanism for information sharing – on research findings, policy strategies and lessons learned. Some further indicated that meetings provide members with the opportunity to test ideas, discuss approaches and gain a better understanding of who is doing what under CAPAR within the Department and how it relates to other areas of the Department's mandate. Additionally, one interviewee noted it has been a good conduit for policy work on the section 13 issue. As well, the Justice Coordinator often circulates project funding proposals to members as

appropriate, so that those with expertise in a particular area have the opportunity to provide comments and feedback on proposals that are relevant to their work.

4.2. Relevance

4.2.1. Consistency with departmental and government-wide objectives and priorities

All interviewees agreed that the Justice component of CAPAR, and the larger initiative as a whole, is consistent with departmental and government-wide objectives and priorities.

Diversity in Canada has increased significantly over the past decade and will continue to expand. Obstacles, including systemic barriers, exist that continue to prevent some Canadians, because of ethnicity, culture, race and language, from fully accessing essential services and programs. By working on activities relevant to *Canada's Action Plan Against Racism*, the Department is demonstrating a commitment to addressing these complex and important issues.

Interviewees stated that CAPAR embodies the Department of Justice mandate and mission, in particular promoting and working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice, as well as promoting respect for rights and freedoms, the law and the constitution. Race-based issues in the justice system are seen as extremely relevant to this mission.

4.2.2. Continued need for initiatives to counter racism and discrimination in Canada

In the 2007 Speech from the Throne, a commitment was iterated: "*Canada is built on a common heritage of values, which Canadians have fought and died to defend. It is a country that continues to attract newcomers seeking refuge and opportunity, who see Canada as a place where they can work hard, raise families and live in freedom...Canadians can be proud of their country and its achievements. Working together, we have built a nation that is prosperous and safe; a place where people from around the world live in harmony.*" By working on activities relevant to Canada's Action Plan Against Racism, the Department is demonstrating a commitment to addressing complex and important issues.

Almost all interview respondents pointed out that racism and discrimination exist in Canadian society and that there is a continued need for initiatives to counter racism and discrimination. Many respondents viewed the Department's role as one of educating and raising awareness

among both criminal justice professionals and the public about race-based issues. Additionally, it was noted there is a need to continue talking about these issues, and strategize to develop ways in which to address inequalities in the justice system.

One interviewee explained that in consultations with community stakeholders, many felt that the traditional punitive approach is not an effective response to offences that are racially motivated, and that a program or response, such as those activities under CAPAR, that tries to increase understanding among parties is preferable. The continued importance of such programs and responses was stressed by several interview respondents who pointed out that the nature of racism continues to change and is changing. In turn, particular issues related to race and hate (i.e. *Anti-terrorism Act*, airport security) are becoming more acute and will require innovative responses.

4.2.3. Consistent with federal roles and responsibilities

The federal government has a specific mandate to counter racism in Canada. Over the past 40 years, the Government of Canada has established a solid legal framework that integrates a substantial collection of laws and policies. Most interview respondents agreed that the Justice component of CAPAR and the entire initiative as a whole is consistent with federal roles and responsibilities. They pointed to the clear federal role of upholding policies, the constitutional responsibility to the *Canadian Charter of Rights and Freedoms* and ensuring that the *Criminal Code* provisions are just.

On the issue of equality, section 15 (1) of the *Canadian Charter of Rights and Freedoms* states that every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination. Moreover, section 35 recognizes and affirms the historical and treaty rights of Aboriginal peoples. Other legislation includes: the *Canadian Human Rights Act*; the *Canadian Bill of Rights*; the *Employment Equity Act*; the *Official Languages Act*; the *Canadian Multiculturalism Act*; the *Immigration and Refugee Protection Act*; and the *Citizenship Act*.

At the international level, Canada is party to several international human rights instruments and fora, including the *International Convention on the Elimination of All Forms of Racial Discrimination*. Ratified by Canada in 1970, it calls on governments “to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, the full and equal enjoyment of human rights and

fundamental freedoms.” In 2002, Canadian representatives appeared before the UN Committee on the Elimination of All Forms of Racial Discrimination to report on the Convention’s implementation in Canada.

Respondents felt racism, discrimination and crimes against particular marginalized groups require a coordinated national approach, as well as a leadership role internationally for the Canadian federal government and that Canada’s Action Plan Against Racism is consistent with this federal responsibility to combat and strongly denounce hate crimes against particular groups and anti-racist and discriminatory practices.

4.3. Effectiveness

Evaluation findings from the file and document review, key informant interviews suggest that the Department achieved many of its short and medium-term objectives through a series of activities. Long-term objectives have been difficult to measure; however, some work being done, in particular by non-governmental organizations (NGOs) through CAPAR funding, can be seen as contributing to several of the long-term objectives of the Justice component of CAPAR. The following section presents the results and outcomes to date of this component.

Increase in awareness among justice system personnel of race-based issues in the justice system

There have been a number of activities internal to the Department that have increased awareness among Justice and other federal government staff of race-based issues in the justice system. In particular, four forums have been held in Ottawa, organized by the Department of Justice’s Collaborative Working Group responding to violence in Aboriginal communities. These forums have been particularly successful at informing attendees about Aboriginal justice issues and specifically, the overrepresentation of Aboriginals in the justice system. Funds for these forums were provided through CAPAR O&M resources. Below is further detail about each forum and evaluation findings.

A forum entitled “Justice System Responses to Violence in Remote and Aboriginal Communities” was held March 30, 2007. The intention of the forum was to inform attendees about life in northern and remote First Nations, Métis and Inuit communities and to discuss more effective responses for dealing with the problem of violence in these communities. The Department’s Research and Statistics Division developed a report summarizing the discussions

that occurred during the seminar which was published in JustResearch, a periodical shared widely on the Department's intranet and Internet Websites.

The second forum was held March 19, 2008 and was entitled "Forum on Justice Programs in Northern and Remote Aboriginal Communities." Its purpose was to showcase community-based justice programs that have the potential to assist in reducing the overrepresentation of Aboriginal people in the criminal justice system and to build on the momentum of the previous year's event discussed above. The Department's Evaluation Division conducted a short telephone survey with 50% of participants (n=29) several weeks after the event in order to assess its success. The survey findings indicated that 93% of participants found the forum useful and that same percentage now has a better understanding of community-based justice programs in northern and remote Aboriginal communities. Additionally, a strong majority (93%) agreed with the statement: "I have learned valuable information that can be applied to my work" and indicated that the forum met their expectations.

The third forum which took place March 3, 2009 was entitled "Seeking Justice in Aboriginal Communities." This event provided an opportunity to better understand some of the issues that contribute to the overrepresentation of Aboriginal people in the justice system, both as victims and offenders. An evaluation was distributed at the end of the event to gain feedback; however, there was a very small response rate (n=6). Those who did complete the evaluation indicated that the event met its stated objectives completely. Those who provided comments found the speakers and presenters to be the most useful aspect of the forum, noting that they were very informative. Several others also mentioned the positive opportunity the forum provided to network and build relationships with others.

The fourth forum took place December 11, 2009 and was entitled "Hope in the North". The event highlighted concrete initiatives that have, at their root, the goal of reducing violence in Canada's North. Justice Evaluation Division distributed a short evaluation form at the end of the event in order to measure its success. Approximately 40% (n=24) of participants completed the evaluation. All participants agreed/strongly agreed that the event was a good opportunity to learn about innovative and hopeful initiatives occurring in Canada's North. Most (92%) of survey respondents agreed/strongly agreed that by attending the event, they increased their knowledge about positive approaches relevant to addressing race-based issues in the justice system, as well as learning valuable information that can be applied to their work. Sixty-seven percent (67%) indicated that the event gave them an opportunity to connect and network with other federal officials. For the most part, comments provided by survey respondents were very positive and

overall, most found the forum to be extremely engaging, well organized with informative speakers and presentations.

Additionally, the CAPAR Justice Coordinator organized four sessions on Religious Diversity for the Department's employees in 2008. Three of the four sessions were presented in partnership with the Advisory Committee on Visible Minorities, and one session was organized in collaboration with the Advisory Committee on Aboriginal Persons. The goal of the sessions was to increase understanding of Canada's religious diversity to Justice employees.

Other conferences and forums have also been supported through CAPAR such as the March 21 International Day for the Elimination of Racial Discrimination activities within the Department in 2007. The departmental Advisory Committee on Visible Minorities (ACVM), with the assistance of the Employment Equity Unit of the Human Resources Directorate, organized a learning event entitled "Mentoring: Building Bridges to Enhance Diversity". All departmental managers and staff were invited to attend the conference. In total, there were approximately 60 participants. A report summarizing the findings of the conference was drafted by the Justice Research and Statistics Division, and was used by ACVM to assist in the development of a submission on mentoring to the Employment Equity Steering Committee to help address visible minority under-representation within the Department. The report is also available to all employees on the Research and Statistics Division's intranet site. The coordinator of CAPAR has participated on the organizing committee for these annual forums in 2008 and 2009 as well, though funds from CAPAR were not required.

In terms of activities outside the Department aimed at increasing awareness of race-based issues in the justice system, work done by The Black Law Students' Association of Canada is an example. The Association has received funding from CAPAR for the last three years to host its annual conference. Although the theme changes every year, the conferences seek to promote access to justice and increase the representation of minorities in the legal profession, as well as to discuss and strategize among participants and presenters on various issues related to diversity in the legal profession and the objective of anti-racism through education and discussion of legal issues on the topic. Based on exit survey responses, participants at the conferences have overall been satisfied with the conference sessions and activities.

The Research and Statistics Division has also produced a number of research papers and has presented findings and data at various conferences on race-based issues in the justice system. Some of the reports have yet to be published, but interviewees believe these reports will

contribute to an increased awareness among not only those within the Department, but those outside the Department of race-based issues in the justice system.

An improved understanding of the problem of overrepresentation of ethnocultural groups

Interviews findings and file reviews indicate that there is a good understanding of the problem of overrepresentation of ethnocultural groups, and ongoing work in progress that will continue to improve this understanding. It was acknowledged by the Justice Coordinator that the focus within the Department has not been on a wide variety of ethnocultural groups, but rather mainly on African Canadian and Aboriginal populations. However, the Department has relied heavily on Statistics Canada data, where statistics show these two particular groups as being significantly overrepresented in the justice system, so there is sound rationale for that focus. The Aboriginal justice related forums discussed above are a good example of learning opportunities that have sought to increase this understanding, and evaluation results from the forums demonstrate an increase in this understanding.

Project funding recipients were asked the extent to which their activities and/or project(s) were relevant to improving understanding of the problem of overrepresentation of ethnocultural groups. Three out of the five organizations interviewed indicated that their project was relevant to a great extent, and one indicated to some extent. The following are several examples:

The Ontario Justice Education Network (OJEN) is a Toronto-based organization dedicated to promoting understanding, education and dialogue to support a responsible and inclusive justice system. They have undertaken several projects with funding from the Department. One of their projects, “Navigating the Justice System: Justice Education Training Sessions for Youth Workers and Student Success Teachers Program”, are training sessions for front-line youth worker staff working with youth interacting with the criminal justice system. Five sessions have been held so far. The sessions aim to educate participants (mainly youth workers) about the experiences of racialized youth in the justice system and the response to racism in the demonstration of justice. The goal is to give the youth workers the correct information they need about the justice system, and to better prepare these youth workers and success teachers to respond positively to the experiences, actual or anticipated of racism in the justice system in order to be able to assist the youths they are working with. The neighbourhoods within which the sessions are being run are almost exclusively racialized neighbourhoods and the vast majority of youths in outreach programs are from racialized groups that are overrepresented in the justice system.

This project has been extremely successful and has been met with much positive response, so much so that OJEN has requested and been granted additional funding from the Department to expand the program. Feedback obtained from participants at the sessions indicated an increase in knowledge and understanding. Interview findings indicated the organization believes their project has been successful, and this is exemplified by the increased demand for this project and having to expand it and provide additional sessions. They are beginning to see the impact, in that there has been an increase in knowledge and capacity for youth workers working with youths by addressing the issue of racism within the justice sector.

OJEN's other project is the Aboriginal Justice Education Project. This project has several different components to it, but the main focus has been the development of a mock trial scenario about the jury process with student participation, as well as the development of jury materials for community legal workers and community residents and translation for jury materials for community members. Aboriginal people are overrepresented as victims and offenders in the criminal justice process and underrepresented as court workers, prosecutors, judges and others. The intent of this project is to help open dialogue between Aboriginal youth and members of the judiciary and legal professions and improve perceptions and greater understanding of Aboriginal experiences within the justice system. The project also aims to build understanding about the importance of jury duty with the potential result being an increased proportion of Aboriginal jury members in the region. The translation of the materials also seeks to address linguistic barriers.

According to the interview and file review findings, the development of the mock trial with students has progressed well. It was noted that the project was initially met with resistance by the community but that the community is now very supportive and engaged. The feedback so far has been positive. Although the project is still being carried out and has not been completed, the organization still notes there has been an initial impact, especially for youth involved with the mock trial, in that it has given them an opportunity to see how they can participate and engage in the justice system. The community as a whole responded positively to the idea of the justice system coming to them, including them in the process and working closely with them. There has also been a great deal of relationship building and partnerships evolving as a result of the projects.

A final example is the Wiinaadmaadying Symposia. Walpole Island Community Service Program received funding to host a two-and-half-day symposium which brought together both Aboriginal and mainstream judicial and law enforcement officials to provide information and awareness about emerging practices related to the overrepresentation of Aboriginal peoples in the justice system. Feedback from participants who attended the symposium indicate that the

event has strengthened relationships among stakeholders, increased awareness of Aboriginal issues and created a foundation for future dialogue, as well as the capacity to develop best practices and solutions to address the overrepresentation of Aboriginal victims and perpetrators in the justice system.

It was noted in the formative evaluation that the Research and Statistics Division was planning several projects related to an improved understanding of the problem of overrepresentation of ethnocultural groups; however, no research has been undertaken in this area. It should be pointed out that funding for research under CAPAR ended in 2008-2009 and the previous focus and priority had been on hate crimes.

A better understanding of the needs of victims of hate crime and its effects on individuals and communities:

As a priority of the Department, work being done on victims of crime has been a strength under the CAPAR initiative with Justice and most interview respondents were unanimous that the Justice component of CAPAR has made an impact in this area.

The Research and Statistics Division completed a research paper entitled “An Exploration of the Needs of Victims of Hate Crimes” that highlights the special needs of and services for victims of hate crimes. This report has been widely distributed and shared both within and outside the Department, and is posted on the Department’s Internet and intranet Websites. Additionally, 130 copies of this report were distributed at a forum on hate crimes in Toronto in February 2010. Another paper entitled “The Community Impact of Alleged Hate-Motivated Crimes: Two Case Studies” is presently being drafted; however, departmental representatives from the Research and Statistics Division have presented preliminary findings from the report at the Canadian Society of Criminology National Conference in October 2009 and the National Victims of Crime Awareness Week Federal Symposium in April 2010.

Project funding recipients were asked the extent to which their projects were relevant to increasing awareness and understanding among both justice system personnel and the general public about the needs of victims of hate crime and the effects of hate crime on individuals and communities. All organizations interviewed indicated that their projects to varying degrees were relevant. A concrete example is provided in the section below, on the African Canadian Legal Clinic’s Anti-black Hate Project, which addresses the needs of both victims and interventions for perpetrators of hate crimes.

An increased awareness among justice system personnel of effective interventions for perpetrators of hate crime:

A recommendation was made in the previous evaluation to address the gap in focus on interventions for perpetrators of hate crime, an area where little progress had been made at that time. This issue has been addressed to an extent with ongoing work being completed both internally with research and reports by the Research and Statistics Division, and in particular outside the Department with funding provided to two organizations whose projects specifically target this need.

Although there has not been as much progress in terms of conducting consultations and research to identify meaningful interventions and sentences for those who commit hate and racially motivated crimes, there has been effort put forth. The Research and Statistics Division has completed several research projects relevant in this area, one entitled "Hate as an Aggravating Factor in Sentencing", which is awaiting permission for public release; the other, "Non-Custodial Measures and Hate Crime Offenders: An Annotated Bibliography and Media Scan", has been distributed internally. Both papers are used by the Justice Canada Coordinator for CAPAR to inform policy decisions and community consultations.

Two particular projects funded through the G&C funding component of CAPAR are contributing towards a better understanding of effective interventions for perpetrators of hate crimes. Examples are provided below.

The National Anti-Racism Council of Canada (NARCC) is undertaking a project during the 2009-2010 fiscal year, with the assistance of CAPAR funds, entitled "An Exploration of the Need for a Youth Restorative Action Project Model in Toronto". The organization is studying the feasibility of a youth restorative action project (YRAP) in Ontario using the YRAP in Alberta as a model. YRAP is a youth justice committee sanctioned under section 18 of the *Youth Criminal Justice Act*. It is the first committee of its kind mandated to work in youth court with young people who have caused harm as a result of racism, intolerance and significant social issues. YRAP meets with young offenders to discuss harm caused by criminal actions and come up with creative, effective resolutions to repair the harm and address the action of the youth in a way which is both educational and rehabilitative.

NARCC has undertaken research into restorative justice for youth, and held interviews and consultations with key stakeholders. They have completed the first part of the project, which was an assessment of the project in Alberta, a comparative study. The second part will be the needs

assessment in Toronto which is currently ongoing. It is expected that the findings will be instrumental in helping to establish a YRAP in Toronto which would work with youth court with youth offenders whose crimes are motivated by hate, racism or other social issues.

Although the project has not yet been completed, there has been strong community engagement, dialogue and support with a great deal of youth input. It is not possible to directly measure the long-term impact at this point; however, what has come out of the work so far has been an increased awareness about options available to address motivated crimes. Interview findings also indicate that the interest and enthusiasm from the community about the project have had at the very least the effect of opening dialogue about hate crime.

The Department provided a contribution to the African Canadian Legal Clinic (ACLC) during the 2008-2009 fiscal year for two related projects. Firstly, the development of the Anti-Black Hate Crimes Manual (also referred to as a “toolkit”) with two components: one aimed at victims of anti-black hate, the other for institutions and community advocates. It was developed to educate and assist African Canadian victims in responding to hate crimes and educate prosecutors, police, lawyers, educational institutions and community advocates on the specific needs and concerns of African Canadian victims and their communities. The Department also provided suggestions and input into the Manual.

Secondly, the ACLC organized and held a forum on anti-black hate crimes which brought together community members and justice stakeholders to raise awareness and develop strategies and partnerships to combat anti-black hate crime. The impact of both activities has been positive. Approximately 300 participants attended the conference. Of those who completed an evaluation, 80% reported that the presentations and workshops helped them to identify key policy priorities and set a policy agenda. Over 80% rated the tool kit good to excellent and 99% gave the conference and forum a rating of good to excellent. Most also felt that the conference played an instrumental role in developing the capacity of the African Canadian community, key government officials, justice stakeholders and public institutions in effectively identifying and responding to anti-black hate.

Over 500 copies of the toolkit/manual have been distributed and the organization continually gets requests for the manuals in other cities. An unexpected result has been that police services and other institutions have requested training from the ACLC on the issue of anti-black hate.

Tools developed and implemented to combat Internet hate:

The Department began a large amount of work in this area when CAPAR was first implemented. Although a great deal of developmental work has occurred, proposals submitted were not approved. Interview findings suggest that this is mainly the result of the related review of section 13 of the *Canadian Human Rights Act*. The Canadian Human Rights Commission contracted Dr. Richard Moon to write a report relevant to hate on the Internet. He recommended that section 13 be eliminated. Since section 13 is one of the tools that are used in Canada to combat hate on the Internet, the review has contributed to the uncertainty of what should be done to combat Internet hate. Respondents expressed disappointment that this work has been unable to continue. Interview findings also indicate that there continues to be a strong will to move forward with these activities in the future and that there is still an important role for the Department in this area. It was pointed out that any reform of section 13 might be something to look at in future CAPAR initiatives because any changes that are made may affect the perception of minority communities that feel section 13 is a mechanism they can use. If the particular section is limited, the government and perhaps the Department of Justice will need to engage in consultation about what other initiatives and mechanisms could be used.

Here is one example of the developmental work that occurred in the early stages of the Justice component of CAPAR. The Department provided a contribution to the Center for Research-Action on Race Relations for a National Stakeholders Meeting on Combating Hate on the Internet that occurred on December 6-7, 2007 in Toronto. The purpose of the meeting was to solicit community participants' reaction and input concerning the recommendations of a report submitted to Justice by Dr. Andrea Slane, Executive Director of the Centre for Innovation Law and Policy (University of Toronto). The report entitled "Combating Hate Crime on the Internet: Current Canadian Efforts and Recommendations of Non-Governmental Organizations to Improve upon Them" identified a number of options for improving Canada's ability to address online hate, such as: establishing a national tip line for online hate, court ordered take down or blocking of Internet materials, voluntary take down of Canadian-hosted Websites and voluntary blocking of foreign hosted Websites. In response to one of the recommendations contained in Dr. Slane's report, the Justice Coordinator created the Working Group on Combating Hate Crime.

The National Stakeholders meeting examined concrete follow-up actions and other solutions suggested by the report. The meeting was attended by 43 selected participants, 25 of whom submitted an evaluation form at the conclusion of the meeting (a response rate of just under 60%). The meeting was assessed unanimously as "meeting expectations" and "worthwhile".

Respondents rated the meeting overall as “excellent to very good”. The majority were of the opinion that the meeting met the goal of identifying the best role for the Department in the development of a tool for combating Internet hate. The success of the meeting was attributed largely to the caliber of the participants, as well as the presentations and the workshop format that enabled focused discussion. The next steps arising from the meeting were to include continued consultation with stakeholders, the development of steps for implementation of a tip line, the submission of proposals and the conduct of a pilot project; however, as mentioned, the initiative has been suspended for the time being and very little follow-up work has occurred.

An increase in networking and information sharing opportunities:

All Justice interviewees indicated that there has been some increase in networking and information sharing. Various conferences and outreach activities have provided opportunities to share information about the work the Department has been doing on anti-racism initiatives and to learn more about what others are doing. Within the Department, the Aboriginal Justice Forums and the CAPAR Steering Committee meetings were cited as opportunities that have allowed for a sharing of information and networking among colleagues. One respondent stated that the CAPAR Steering Committee is especially useful and interesting as it is comprised of experts from different areas within the Department (policy, research, other funding programs, evaluation), each bringing unique perspectives and providing the opportunity to share with one another what each is doing in the area of hate crimes and anti-racism.

Representatives from the Research and Statistics Division commented that other departments and organizations often look to their division for getting information in the area of race-based issues and hate crimes. For example, in their presentation of hate crimes statistics, the Canadian Centre for Justice Statistics (CCJS) refers to research conducted by the Division, recognizing that Justice is doing this kind of work.

Another example is the Metropolis Project. It exists as both an international and a Canadian initiative. In Canada, it consists of five university-based Centres of Excellence and a Secretariat based at Citizenship and Immigration Canada that manages the project on behalf of a partnership of federal departments and agencies. The Department of Justice has a Memorandum of Understanding with Metropolis that has resulted in a number of deliverables under the Action Plan, including annotated bibliographies, literature reviews and symposiums. The Research and Statistics Division attends and presents research findings at Metropolis conferences and participates in research agenda planning sessions between Justice, the Atlantic Metropolis Centre

and other government departments such as Public Safety, Canada Border Services Agency and the Royal Canadian Mounted Police.

Project funding recipients were asked about the extent to which information sharing and networking had occurred or increased as a result of their particular project(s). All organizations indicated that it had occurred in a significant way. In fact, interview findings show that one of the main strengths of almost all funded projects was the networking and information sharing opportunities, and the ability to share and disseminate results, findings and best practices. The development of partnerships and community support was also listed as a strength factor.

The development of approaches and/or products to help victims and deliver services:

Training materials were developed and delivered by Hate Crime Solutions, contracted by the Policy Centre for Victims Issues (PCVI) at Justice during the 2006-2007 fiscal year. The materials and accompanying training are a resource for front-line victim services workers, designed to provide them with basic information about hate crime, its impact, as well as strategies to address the needs of victims. They are intended to help victim services workers provide better services to victims of hate crimes, their families and communities. The training materials have been used for presentations to the federal-provincial/territorial Working Group on Victims Issues and during the opening ceremony for the National Victims of Crime Awareness Week to a public forum. There is also an opportunity for jurisdictions and NGOs to apply to PCVI for funding to bring the training to their respective communities. To date, several jurisdictions and NGOs have received funding to hold the training. Feedback has generally been positive with participants indicating an increased awareness of issues and legislation related to victims of hate

Additionally, a chapter on Victims of Hate Crimes has been added to a manual entitled "Working with victims of crime: A manual applying research to clinical practice" by Dr. James Hill, which is used by criminal justice professionals and particularly victim services workers. Requests for the manual are received by the PCVI on a regular basis for training volunteers and regular service providers, researchers and other service providers. To date, approximately 3,400 manuals have been distributed.

Project funding recipients were asked the extent to which their project(s) were relevant to the development of approaches and/or products to help victims and deliver services. Four out of the five respondents indicated that their projects were to a great extent relevant. Interview findings

with NARCC indicated that the end goal of their YRAP project would be an approach/product to help and deliver services to victims, in particular victims of hate crime.

Sharing and implementing best practices on effective interventions for perpetrators of hate crime:

Although only a small amount of work has occurred within the Department with respect to interventions for perpetrators of hate crime, it has been strongly supported through funding provided to the African Canadian Legal Clinic and the National Anti-Racism Council of Canada for their ongoing work in this area, as demonstrated by the examples provided in section 4.5. The potential and success of these models and activities are being shared. For example, the Justice Coordinator for CAPAR suggested the YRAP program at the International Centre for the Prevention of Crime Conference in 2009. The Centre is creating an international youth source booklet and the Coordinator put them in touch with NARCC to have the YRAP model presented in this international resource.

Interview findings with project funding recipients found that all five projects were relevant to sharing and implementing best practices on effective interventions for perpetrators of hate crime. Three out of the five indicated to a great extent, and two to a lesser extent. The example of NARCC and their YRAP project, which ultimately aims for a rehabilitative and restorative justice approach to perpetrators and offenders of hate crime, intends to take the lessons learned and best practices from the Edmonton model and implement those into their Toronto model. In the case of ACLC and their work on anti-black hate, due to the lack of available research in Canada, they looked to examples and models outside of Canada, mainly in the U.S. They considered those best practices and lessons learned in developing their anti-black hate crimes projects. Both organizations continue to share their preliminary results as well as the challenges and lessons learned from their projects with their partners and the community.

The identification and implementation of new/improved approaches to service delivery for overrepresented groups:

Project funding recipients were asked the extent to which their project(s) were relevant to the identification and implementation of new/improved approaches to service delivery for overrepresented groups. Four out of the five organizations indicated their project(s) was to a great extent relevant. The OJEN felt that this goal and objective was the strongest in terms of what their projects (the Justice Education Training Sessions and the Aboriginal Justice Project) are trying to achieve. Both projects have identified new/improved approaches to delivering

services, in particular justice-related services to particular ethnocultural groups, with the intent of implementing these approaches and services.

Other concrete examples are past and current projects the ACLC and NARCC have completed and/or are working on with funding dollars from the Department of Justice. NARCC received a contribution in 2007 to conduct four regional sessions to highlight programs and activities that address overrepresentation of Aboriginal people and people of African descent in the criminal justice system. Twenty-four different strategies for reducing the problem of overrepresentation in the Canadian criminal justice system were shared during the four focus group sessions. In addition, this fiscal year, if NARCC is able to implement their current YRAP model, this will be a very innovative approach to service delivery, in particular service delivery to victims and offenders of hate crimes who tend to mainly be of an ethnocultural background.

The four Aboriginal justice forums held in Ottawa have presented and explored innovative approaches to service delivery among Aboriginal populations and in Aboriginal communities as well. Even if each forum has had a different theme, the common goal has been to present initiatives and programs aimed at addressing the overrepresentation of Aboriginals in the criminal justice system (as both victims and offenders), the issues that contribute to overrepresentation, and reducing violence in Aboriginal communities. Feedback from all four events speaks to the success of the forums.

Improvements in services for victims of hate crime:

Although one of the long-term intended outcomes of the Justice component of CAPAR is an improvement in services for victims of hate crime, all interview respondents agreed that this is a very difficult outcome to measure. The perception of those within the Department is that it is possible that this has occurred as a result of activities funded by CAPAR, but there is no concrete way of being certain. It was suggested that the training offered by Hate Crimes Solutions could have increased awareness and the capacity of those who work with victims; however, the feedback from this training is not significant enough to draw any solid conclusions. It was also pointed out that the networking and information sharing among government officials, provincial/territorial representatives and NGOs working with victims via conferences, presentations, working groups and others venues may have resulted in increased awareness and capacity to serve victims of hate crime; however, again, there are no clear indicators to demonstrate this.

Interview findings with project funding recipients and file reviews indicate the same uncertainty. Funding recipients were asked about the role their project(s) and activities may have played in contributing to improvements in services for victims of hate crime. Most indicated that they hoped that improvements had occurred and for those projects still ongoing, there is optimism that this will occur in the long term. Respondents pointed out the difficulty in being able to measure this goal and objective, even over time. Their perception is that small things can and are contributing to an improvement in services. For example, the ACLC believes the training they are doing on anti-black hate crimes with police is certainly at least raising an awareness and knowledge required to improve police services for victims of hate crime.

In addition, interview findings with project funding recipients from the Walpole Island First Nation suggest that they believe there will be some level of improvement in the court system over time, even if just one judge is aware of the issues facing Aboriginals in the criminal justice system as a result of their symposia and follow-up activities. One of the goals of their project has been to educate and raise awareness about how organizations who work with victims can improve their services, so that in turn those victims overrepresented in the system can equally access these services.

An increase in access to legal resources and assistance among overrepresented groups:

Similar to the results and findings above, this is another outcome that many felt was not one the Department or NGOs had the capacity to know or measure. Project funding recipients indicated that it was the intention of their projects to increase access to legal resources and assistance among overrepresented groups, but saw this as a continued work in progress over a longer term. The OJEN did indicate that their youth worker sessions in some ways had achieved this by providing information and local access to resource phone numbers and legal aid, introducing participants to duty counsel, providing referrals and distributing resource booklets.

One interviewee explained that the initial long-term issues and questions set out under CAPAR in the logic model may have been too broad and unrealistic to achieve, thus the difficulty in measuring and demonstrating the impact.

4.4. Economy

Efficiency and effectiveness

The evaluation found that some components and projects under the Justice-led initiative were efficient and effective ways to address race-based issues in the justice system, while other initiatives failed to either materialize or produce the intended results (i.e. Internet tip-line). It was pointed out by interview respondents that CAPAR was given a very wide mandate, with very small-scale financial and human resources, which has made it difficult to move forward with all intended activities.

The work completed by the Research and Statistics Division appears to be a strength of the initiative. A great deal of useful, valuable information and research has been produced and shared both inside and outside the Department. Interview respondents noted that the reports and research completed on hate crimes and race-based issues in the justice system are continually requested and referred to by universities, academics, community groups as well as other departments and organizations.

Although the G&C component has suffered from limited take-up since 2006, it is still viewed as a useful and positive mechanism for the Department to carry out its mandate as it relates to race-based issues in the justice system. It was seen as especially appropriate as it allows the community, those who directly work on issues of racism, discrimination and hate to carry out activities and projects, with support from the Department. The projects funded under CAPAR are seen as very important to contributing to the overall goal of the Action Plan. However, it was noted that the G&C component has not been utilized or achieved to its full potential as intended and that changes would increase its effectiveness and efficiency.

Duplication, overlap and other programs and work complementary to CAPAR

The only area within the Department that CAPAR may duplicate is the work being done under the Department's Aboriginal Justice Strategy (AJS). There was some speculation among interviewees that there may be some duplication, as CAPAR initiatives have focused on Aboriginal justice issues, for example the four forums that have taken place. However, interviewees also commented that in some ways it may complement the work being done by the AJS as it has resulted in collaboration, for example the Collaborative Working Group: responding to violence in Aboriginal communities and the four forums organized with AJS colleagues.

A lot of the work under CAPAR stands alone, as most of the projects funded under G&C funding have not focused solely on one particular issue or ethnocultural group. The file reviews and interviews with project funding recipients demonstrate a wide variety of issues being addressed and different ethnocultural groups being targeted. While broad in its mandate, in this way, CAPAR is somewhat unique within the Department as an initiative and strategy to combat and address racism and hate crimes.

There is also a great deal of work that has occurred and is occurring in the Criminal Law Policy Section, that, although not specifically funded or directed under CAPAR, complements the initiative in a very relevant way. Two particular examples were provided. One, the Cross Cultural Roundtable on Security which brings together 15 citizens from various ethnic, cultural and religious groups across Canada who are leaders in their respective communities. The group provides advice and perspectives to the Minister of Public Safety and the Minister of Justice concerning matters of national security. As part of her outreach activities, the Coordinator for CAPAR presented the Internet hate tip line project at the November 2007 meeting of the Roundtable. The Department still continues to do work with the Cross Cultural Roundtable, including looking at various issues related to terrorism and anti-terrorism legislation.

The Department is also involved at the international level on issues relating to hate crimes. A representative from the Criminal Law Policy Section attended a meeting of the Organization for Security and Co-operation in Europe (OSCE) in Vienna on hate crimes in 2009. At the time of the evaluation, representatives from the Criminal Law Policy Section were contacted about holding a seminar on Internet hate in Warsaw at the next OSCE meeting in 2010.

Although these particular outreach activities and participation in international sessions and conferences are not part of CAPAR per se, the examples demonstrate that the Department is engaged in complementary mechanisms all relevant to race-based issues in the justice system, which can be seen as strengthening the work of CAPAR. It was noted by one interviewee that it is important not to look at CAPAR in isolation but rather as complementary to other activities within the Department, demonstrating the need to continue on both and that together, the work contributes to the ultimate objectives of CAPAR.

Value for money

Almost all interviewees felt that the Justice component of CAPAR had been an efficient use of resources to a certain extent. Most interviewees pointed out that the challenges, in particular with the G&C funding and certain projects not moving forward have had a negative impact on the

initiative. The result of certain projects not being funded outside the Department, as well as the suspension of the work on hate on the Internet, was viewed by most as not being a particularly efficient use of resources. However, it was also acknowledged that given these barriers and the limited resources that were provided, good and significant work had been accomplished. Despite the challenges with G&C funding and the lack of completion of some initiatives (i.e. Internet tip line), most felt that CAPAR resources had been utilized as best as can be expected under the circumstances. It was also noted in particular that the CAPAR Coordinator has done a great deal of work across all three work priority areas and has developed many partnerships through her outreach efforts, and that this had been a positive benefit to the initiative.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1. Program Design and Delivery

G&C Component

The Department of Justice provides G&C funding for anti-racism activities and projects through the Justice Partnership and Innovation Program (JPIP). Although funding criteria are very broad, take-up continues to be limited resulting in lapses in G&C funding. Efforts have been made to actively communicate (and seek proposals) and promote the G&C funding available. Continued lack of public awareness of the Department's work pertaining to anti-racism activities and the Fund, along with administrative delays, are likely contributing factors.

Recommendation 1

It is recommended that the Department continue to ensure that a strategic and systematic approach is in place to continue soliciting proposals and communicating about the availability of the Fund, and explore alternative avenues of soliciting proposals for the Fund with a view of enhancing the effectiveness of the G&C component.

Management Response

Agreed.

Information about the Fund and funding criteria will continue to be visibly posted on the Programs Branch Website. Efforts will continue between policy lead and program designate to collaborate with applicants and to review briefing material that is submitted for approval. Additionally, a meeting will be held between the Program Coordinator, Programs Branch and senior officials to reexamine the review process for funding applications. In addition, in light of identified priorities, positive outreach measures will be taken to ensure take-up of the program.

5.2. Relevance

There was common consensus among all Department of Justice's stakeholders interviewed that the Justice component of CAPAR is consistent with departmental and government-wide objectives and priorities. Almost all interviewees stated that CAPAR embodies the Department's mandate and mission of ensuring that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice.

Evidence-based research and statistics demonstrate that racism and discrimination do exist in Canada and the work being done by the Department, partner departments as well as community and NGO organizations demonstrates that there is a clear and continued need for initiatives to counter racism and discrimination in Canada. All interviewees agreed that there continues to be a role for the Department to play in addressing these issues. The federal government has a specific mandate to counter racism in Canada and it was felt by most interview respondents that CAPAR continues to be consistent with these federal roles and responsibilities.

Recommendation 2

It is recommended that the Department maintain a role in continuing activities that pursue the fundamental goal of equality before the law and in addressing race-based issues in the justice system, and continue to work interdepartmentally as well as in collaboration with other departments and NGOs, with the view of continuing to support and develop anti-racism and anti-hate crime initiatives.

Management Response

Agreed.

The Coordinator will continue to convene departmental meetings to discuss relevant projects and activities. The CAPAR Steering Committee that has met at least quarterly since 2006 will continue to meet as the Anti-racism Steering Committee. This fiscal year, meetings will occur in September and December 2010 and in February 2011.

The Coordinator will work with her Justice colleagues in exploring the creation of an interdepartmental working group on anti-racism. (Initial meeting on September 17, 2010 with Citizen and Immigration Canada and Justice officials).

5.3. Effectiveness

Evaluation findings from the file and document review as well as key informant interviews suggest that the Department achieved many of its short and medium-term objectives through a series of activities. Long-term objectives have been difficult to achieve and measure; however, some work being done, in particular by NGOs through CAPAR funding, can be seen as contributing to several of the long-term objectives of the Justice component of CAPAR. The initiative has seen particular success in raising awareness and understanding in the area of victims of hate crime and the overrepresentation of ethnocultural groups in the justice system, as well as race-based issues in the justice system generally. Some intended projects were not possible to implement (i.e. Internet hate) and it was noted that when the initiative was first developed, it may have taken on more than was realistically achievable. However, there is a strong desire for certain initiatives to continue and for the work to carry on.

Recommendation 3

It is recommended that the Department of Justice and members of the CAPAR Steering Committee work together to revise the strategic direction of the program, including revisiting and revising the issues/questions/indicators (as they relate to the G&C funding as this is the only funded component that will continue) and outcomes of the Department's anti-racism/hate crimes mandate to accurately reflect the work the Department will continue to undertake in this area, with a view to providing a concrete plan and direction on how this will be done.

Management Response

Agreed.

The group that comprises the CAPAR Steering Committee will continue to meet, though its work will shift due to the official ending of the Government of Canada's Action Plan Against Racism. A planning overview meeting occurred with the Steering Committee and discussions continue with colleagues at Citizenship and Immigration Canada.

Work is continuing, particularly in the area of combating hate crime, with the Coordinator and Criminal Law Policy Section sharing obligations and co-lead status of hate crime/anti-racism work.

The work plan for O&M activities is reviewed and updated on an ongoing basis with the Director General, Strategic Initiatives and Law Reform Unit.

6. APPENDICES

Evaluation of *Canada's Action Plan Against Racism* – Department of Justice Component

Key Informant Interview Guide (DOJ Officials)

As you know, the Evaluation Division of the Department of Justice (DOJ) is conducting an evaluation of the DOJ component of *Canada's Action Plan Against Racism* (CAPAR). The purpose of the evaluation is to measure the progress and demonstrate the results of the Department's work under CAPAR. As part of the evaluation, we will be conducting interviews with a range of key informants involved with the Justice Component of CAPAR.

This interview will take approximately 1 to 1.5 hours. Responses to interview questions are confidential. No individuals will be identified in the final report, and findings will be summarized in aggregate form.

Note: We have indicated which questions in the guide are most likely to apply to you and your portfolio; however we do realize that you may not be in a position to address some of the questions. If you cannot answer a question, please let us know. Alternatively if there is a question where we have not indicated your name or portfolio, and you wish to provide a response or comment please feel free to do so.

Design and Delivery

1. Have there been any changes to the project funding application and selection process of the grants and contributions funding for CAPAR?
2. Do you see the need for any changes to the funding criteria for the departmental component of the Action Plan? If so, what changes and why?

3. Has project funding for the Department's component of CAPAR been effectively administered, managed and coordinated? Are improvements required? If yes, can you suggest alternatives or enhancements that would improve the design or delivery of the initiative?
4. Does Justice Canada's Action Plan Against Racism Steering Committee continue to be an effective mechanism for information sharing? If no, what alternative would you suggest?

Please keep in mind the departmental initiatives under CAPAR (only those which took place *after* January 2008) in which you have been involved when responding to the following questions:

5. What *new* knowledge and products have been generated under the Department's component of Canada's Action Plan Against Racism (research, policy and legal advice, projects etc.)?⁷
6. How have they been disseminated? With whom have they been shared? If they haven't been shared, why not?
7. What has been the uptake or adoption of materials/report recommendations, etc.? How has this been determined?
8. What new challenges, if any, have there been in implementing the CAPAR activities? How were they overcome?

Relevance

9. Does the Justice component of CAPAR continue to be consistent with departmental and government-wide objectives and priorities? Why or why not?
10. In your opinion, is there a continued need for initiatives to counter racism and discrimination in Canada? Please explain.
11. In what way(s) is the Justice component of CAPAR consistent with federal roles and responsibilities?

⁷ Only projects *after* December 2007

Performance (effectiveness)

12. How have Department of Justice activities under CAPAR in which you have been involved resulted in or made progress toward: (please provide concrete examples of ways in which these have been accomplished)
 - a) an increased awareness among justice system personnel (including Department of Justice personnel) of:
 - the special needs of victims of hate crime / the effects of hate crime on individuals and communities?
 - effective interventions for perpetrators of hate crime?
 - race-based issues in the justice system?
 - b) an improved understanding of the problem of overrepresentation of ethnocultural groups?
 - c) an increase in networking and information sharing opportunities?
 - d) the development of approaches and/or products to help victims and deliver services?
 - e) sharing and implementing best practices on effective interventions for perpetrators of hate crime?
 - f) the development and implementation of tools to help identify and report internet hate?
 - g) the identification and implementation of new/improved approaches to service delivery for overrepresented groups?
13. To what extent have there been improvements in services for victims of hate crime?
14. In your opinion, has access to legal resources and assistance increased among overrepresented groups in the criminal justice system?
15. Have there been any other changes (either intended or unintended) that the CAPAR initiatives in which you have been involved have brought about to date? If yes, what are they?

Performance (efficiency and economy)

16. Are the Justice-led activities under CAPAR the most efficient and effective ways to address race based issues in the justice system? What are some other alternatives?
17. Does any of the DOJ's work under CAPAR complement, duplicate, overlap or work at cross purposes with other government programs? If yes, which programs?
18. Have the justice-led activities under CAPAR been an efficient use of resources resulting in good value for money? What changes could be implemented to make it more efficient?
19. Do you have any other comments regarding the Department of Justice component of the Action Plan that you would like to add?

THANK YOU FOR YOUR PARTICIPATION.

Evaluation of *Canada's Action Plan against Racism* – Department of Justice Component

Key Informant Interview Guide (Outside DOJ)

As you know, the Evaluation Division of the Department of Justice (DOJ) is conducting an evaluation of the DOJ component of *Canada's Action Plan Against Racism* (CAPAR). The purpose of the evaluation is to measure the progress and demonstrate the results of the Department's work under CAPAR. As part of the evaluation, we will be conducting interviews with a range of key informants involved with the Justice Component of CAPAR.

This interview will take approximately 1 hour. Responses to interview questions are confidential. No individuals will be identified in the final report, and findings will be summarized in aggregate form.

Note: We realize that you may not be in a position to address some of the questions. If you cannot answer a question, please let us know.

1. Tell me briefly about your organization, its context, its mandate and the programs it offers.
2. How did you learn about the Department of Justice component of *Canada's Action Plan Against Racism*?
3. In your view, was the level of funding provided by the Department of Justice for your project sufficient to support your efforts?
4. What was your role in the project?
5. Who are/were the primary intended beneficiaries (target group of your project)?
6. What needs of the primary beneficiaries is/was your project designed to meet?
7. What were the main strengths of your project? What worked best?
8. What were the main weaknesses of your project? What did not work as well as you would have liked?
9. What were the main challenges that you encountered during the course of the project? How did you overcome these challenges?

10. Overall, to what extent was your project successful in achieving its specific objectives? Please explain your answer and provide examples.
11. What was the impact of your project? If the project is still ongoing, what are the intended impacts of your project? What changes has it brought about to date?
12. In your opinion, *on a scale of 1 to 5, where 1=Not at all, 3=To some extent, and 5=To a great extent*, to what extent was your project relevant to the following:

		Relevance to your project				
		Not at all		To some extent		To a great extent
(a)	Increasing awareness among justice system personnel and the public of the special needs of victims of hate crime / the effects of hate crime on individuals and communities?	1	2	3	4	5
(b)	Increasing awareness among justice system personnel of effective interventions for perpetrators of hate crime?	1	2	3	4	5
(c)	Improving understanding of the problem of overrepresentation of ethnocultural groups?	1	2	3	4	5
(d)	Increasing networking and information sharing opportunities?	1	2	3	4	5
(e)	Developing approaches and/or products to help victims and deliver services?	1	2	3	4	5
(f)	Sharing and implementing best practices on effective interventions for perpetrators of hate crime?	1	2	3	4	5
(g)	Developing and implementing tools to help identify and report internet hate?	1	2	3	4	5
(h)	Identifying and implementing new/improved approaches to service delivery for overrepresented groups?	1	2	3	4	5

13. To what extent has your project(s) contributed to improvements in services for victims of hate crime?
14. In what way, if any, has your project(s) contributed to an increase access to legal resources and assistance among overrepresented groups in the criminal justice system?
15. Have you shared the results of your project with others? If your project is still ongoing, do you plan to share the results of your project with others?
16. How did/will you disseminate the results of your project?
17. To whom were/will the results of your project be communicated?
18. What follow-up work/projects occurred?
19. Are there any changes or improvements you would recommend to the funding process, to better facilitate your organization gaining access to funding from the Department of Justice?
20. What would have been the impact if your project had not received funding from the Department of Justice?

THANK YOU FOR YOUR PARTICIPATION.