



JESUIT SOCIAL SERVICES POLICY UNIT

SUBMISSION

BUILDING HOPE, SKILLS AND CONFIDENCE

Submission to the Australian Human Rights Commission inquiry into African Australians and human rights and social inclusion issues

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Executive summary

Jesuit Social Services welcomes the opportunity to make the following submission to the Australian Human Rights Commission's (AHRC) inquiry into human rights and social inclusion issues for African Australians.

Jesuit Social Services' has been working with recently arrived migrants for many years and presently undertakes a range of activities focusing on culturally and linguistically diverse (CALD) communities, including African Australians.

The following submission focuses on those aspects of the AHRC's inquiry where Jesuit Social Services has experience to contribute: human rights and social inclusion issues related to education, training, employment, and the justice system.

While the African Australian community has an enormous amount to contribute they face major challenges in resettling and integrating. The most important supports we can provide them to do this are the hope, skills, information and confidence to ensure they can engage with society, whether this is through education and training or the dignity and mobility that come through securing a job.

Although the contemporary experience of African Australians has much in common with that of earlier migrant communities we have worked with, there are crucial differences. This means that while there is much we can utilise about what works from the experience of earlier arrivals, there is a need for new thinking on issues such as employment and engagement with the justice system.

We make the following recommendations to this inquiry.

Recommendation 1

That the AHRC investigate changes to the system of English language training for migrants who have recently arrived, including African Australians, with the aim of making it more inclusive and effective.

Recommendation 2

That the AHRC explore the feasibility of identifying former teachers among the African Australian community and how they might be trained as teacher aides for African Australian students experiencing difficulty at school.

Recommendation 3

That AHRC investigates strategies to better engage African Australian parents in their children's schooling.

Recommendation 4

That the AHRC examine strategies to ensure more African Australians undertake university and vocational education, including:

- Better informing African Australian students and their parents about their options for post-secondary education and how this system works.
- Mechanisms to support their entry and their retention once in the system.

Recommendation 5

That the AHRC develop equity guidelines for use by the Commonwealth, state and territory governments to encourage greater public sector employment of people from CALD backgrounds, including African Australians.

Recommendation 6

That the AHRC support a national social marketing campaign aimed at encouraging employers, especially from small and medium businesses, to adopt more culturally inclusive workplace practices.

Recommendation 7

That labour market analysis is undertaken to examine the skills present in the African Australian community and match these with areas of labour market need.

Recommendation 8

That the AHRC examine what specific programs could be introduced to increase the employability of African Australian women.

Recommendation 9

That the AHRC examine the feasibility of the Commonwealth giving greater support to new forms of corporate social responsibility, such as social procurement, as a way of generating employment for CALD communities.

Recommendation 10

That AHRC investigate and publicise best practice activities adopted by the police, government and social welfare agencies across the country in relation to legal and justice issues faced by African Australians.

Recommendation 11

AHRC investigate the development and distribution nationally of more culturally appropriate material about the justice system for members of the African Australian community and direct service workers who engage with them, such as the material contained in Jesuit Social Services' Strong Bonds website.

Recommendation 12

That the AHRC examine how elders and internal community mediators from the African Australian community could be given a more defined role within our justice system, using Victoria's Koorie Court system as a model.

1. Introduction

Jesuit Social Services welcomes the opportunity to make the following submission to the Australian Human Rights Commission's (AHRC) inquiry into human rights and social inclusion issues for African Australians.

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families and communities. Our service has its origins in work with disadvantaged young people involved with the youth and adult justice system in Victoria. Our services presently include:

- **Brosnan Youth Services:** Supporting young people and adults in the justice and youth justice system to make a successful transition from custody back into the community.
- **Gateway:** Providing pathways to education, training and employment for young people with complex and multiple problems associated with mental health, substance abuse and homelessness.
- **Connexions:** Delivering intensive support and counseling for young people with mental health, substance and alcohol abuse problems.
- **Communities Together:** Working with residents, including members of the African Australian community, on public housing estates across metropolitan Melbourne.
- **Support After Suicide:** A bereavement support program developed specifically for those bereaved by suicide.

Our main focus is high-risk young people with complex and multiple problems and needs, isolated from mainstream employment and education services, and their families. Our approach to working with these people includes a commitment to understanding and appreciating each individual person in his or her totality. Rather than thinking about support from the perspective of separate issue 'silos' e.g. mental health, disability, drug and alcohol misuse, employment, housing, health, criminal justice, etc, we work in partnership with people to build a 'whole-of-life' approach to the way support is provided.

Respect for the value, dignity and human rights of each person are a fundamental philosophical and practical starting point of these efforts. As part of this, we strive to seek solutions that are inclusive of the cultural practices and perspectives of the people we work with, and view these as a source of strength not weakness.

Jesuit Social Services' has been working with recently arrived migrants for many years and presently undertakes a range of activities focusing on culturally and linguistically diverse (CALD) communities. This includes African Australians, mainly members of the Somali, Eritrean and Sudanese community living in public housing estates in inner metropolitan Melbourne, but increasingly in other parts of Melbourne.

Our activities relating to the African Australian community currently include:

- The work of Brosnan Youth Services in programs focusing on early intervention and young adults exiting the justice and youth justice system.

- Our African Project, part of the Communities Together program, which employs several African Australian community workers. Based in the Flemington Public Housing Estate, they oversee a range of activities, including a school holiday program, swimming and camping trips, and the African Homework Club.
- The African Australian Work Placement Program, a collaboration between Jesuit Social Services, the National Australia Bank and Adult Multicultural Education Services, to provide paid work experience for qualified African Australians.
- Strong Bonds, a website being produced by Jesuit Social Services, containing practical information to help parents and direct service workers build supportive family relationships with young people, including people who come from CALD backgrounds, such as the African Australians.

In addition, Jesuit Social Services believes it has a wider role to use its networks and influence to broker services and opportunities for or in partnership with the African Australian community, and to educate mainstream Australia about the challenges they face.

The following submission focuses on those aspects of the AHRC's inquiry where Jesuit Social Services has experience to contribute: education, training, employment, and the justice system. It has been informed by the work of many of our staff, including the members of our Africa Program and some of the young people they work with.

While the African Australian community has an enormous amount to contribute they do face major challenges resettling and integrating. The most important supports we can provide them to do this are the hope, skills, information and confidence to ensure they can engage with society, whether this is through education and training or the dignity and mobility that come through securing a job.

It is commonly assumed the African Australian community faces the same challenges experienced by previous migrant communities. Certainly, there are strong similarities, including:

- Subtle and less subtle forms of discrimination in areas such as housing, employment and education.
- Pre-arrival histories of significant trauma, violence, social and family dislocation.
- Difficulties accessing services and managing relationships with government agencies, the legal system and other bureaucratic entities.
- Difficulties faced by parents and young people in navigating the interplay between traditional culture and beliefs with life in Australia.

How these issues impact on African Australians will be different for younger and older people. It will also depend on factors such as access to education and training pre arrival in Australia, and the complex interplay of clan, religious, language, national, political and historical differences.

While the contemporary experience of African Australians has much in common with that of earlier migrant communities we have worked with, there are crucial differences. These include the decline of the manufacturing industry, previously the main source of employment for low skilled recently arrived communities, and the gradual privatisation of basic social services such as health and education, resulting in their increased cost and reduced availability.

Parallel with these developments, the expectations of the wider community for new migrants to integrate rapidly and smoothly have never been higher while their knowledge of Africa is limited, usually to highly stereotyped media reporting focusing only on problems such as AIDS, extreme poverty and conflict.

The differences mean that although there is much we can utilise from the experience of earlier arrivals about what works, there is also a need for new thinking on issues such as employment and the justice system.

1. Improving education and training

Access to education is a fundamental human right as well as being vital to the settlement and long term integration of recently arrived migrant groups.

How recent arrivals progress in our education system depends on a number of factors, many of them common to all Australians, some specific to newly arrived communities, such as level of education attainment pre-arrival and what language they were taught in.

Low level of English language proficiency

One of the most consistent issues cited by members of the African Australian community during the preparation of this submission are problems with the 510 hours of English language tuition supplied to recently arrived migrants. Many African Australians complete the tuition with only the most basic skills, certainly not enough to be employment ready. There are also claims some leave before they complete it. Some of the reasons given for this are:

- Large classes, meaning teachers are unable to provide individual attention.
- Lack of child care, particularly preventing women from attending.
- That many people do not have the means to practice what they have learnt after they have completed the training. This problem is particularly serious for women who may not have the confidence to go out and socialise or might have duties which keep them in the home.
- Lack of pathways from language training to school or employment opportunities.

The most common problem is the assumption that many African Australian arrivals are literate in their own native language. It is our experience that while some African Australians have a high level of education, many have yet to learn to read and write in their own language, let alone have the aptitude to learn English, lack learning skills and have difficulty writing.

Jesuit Social Services is currently piloting a project to provide conversational tutoring to CALD communities. This involves sourcing and training volunteers from our social

justice networks, and giving them an opportunity to engage in conversational tutoring with migrants learning English. Taking place under our Communities Together program, one of the target communities is African Australians, particularly African Australian women who may not get a chance to leave home and practise their English language skills.

Recommendation 1

That the AHRC investigate changes to the system of English language training for migrants who have recently arrived, including African Australians, with the aim of making it more inclusive and effective.

Doing school differently

What works in terms of schooling for disadvantaged groups, including students from CALD backgrounds, is the subject of much ongoing debate and research.

In our experience, far too many young people generally in Victoria experience trouble at school or do not attend regularly. Difficulties in secondary school can often be traced to inadequate approaches to planning the transition from primary school and the lack of individualised attention to young people's education and social difficulties during the crucial first two years of secondary school in Years 7 and 8.

Problems in primary school usually relate back to early childhood experience, including the depth of disadvantage suffered by a child in the home. For young African Australians much of this time may have been spent in refugee camps, for example, where they will have missed out on the foundational skills necessary to be successful at school. Anecdotal evidence gathered by Jesuit Social Services indicates that, as is the case in the rest of the community, it is boys who are encountering the most serious difficulties at school.

African Australians experience additional barriers to successfully completing school, including racist treatment from teachers and other pupils and the fact that they might be dealing with unprocessed trauma as a result of their pre-arrival. While schools have student welfare officers whose job includes helping students to cope with these issues, it is questionable how culturally attuned or sensitive these people are.

We believe the school system needs to implement a major cultural shift in the way it approaches support for disadvantaged young people with behavioural and learning difficulties generally, recently arrived migrants included. This should encompass more individualised attention on the range of preferred learning styles of young people, as well as alternative pathways and bridging programs.

A major problem is the way our primary and secondary school system is structured compared to parts of Africa. In Eastern Africa, students are assessed and allocated to a class level according to their educational competency. In Australia it is done by age. This can result in an African teenager with little formal education and poor English language skills having to sit in the same classroom as native English speakers. The teenager may hardly understand the teacher, let alone be able to contribute to the class or learn. This can have a negative impact on their self esteem, sense of belonging and participation. They may soon become frustrated and disengaged and drop out. This has major implications, not only in terms of future employability but because young people not at school are more prone to engage in activities that bring them to the attention of the police.

One strategy to help counter this problem relates to the fact that there are many former teachers among the African Australian community who are now unemployed.¹ Many members of the Somali community to leave refugee camps in Australia, US and Europe, for example, were teachers, a fact recognised in some studies.² The AHRC should look at the feasibility of identifying these people and training them up to act as teacher aides or mentors for young African Australians experiencing difficulties in school. Greater efforts also need to be made to engage African Australian parents, who may not have high levels of English proficiency and may not have attended school themselves, in their children's schooling.

Recommendation 2

That the AHRC explore the feasibility of identifying former teachers among the African Australian community and how they might be trained as teacher aids for African Australian students experiencing difficulty at school.

Recommendation 3

That AHRC investigates strategies to better engage African Australian parents in their children's schooling.

Many African Australian students lack the necessary supports to study out of hours. Their parents may not be able to provide assistance due to the fact that they themselves are struggling with English, the student may lack the necessary books and writing materials or be expected to spend their after school time doing housework or helping out around the house. The importance placed on family connections and the lack of affordable alternative housing options for the African Australian community means it is not unusual to have several generations of the same family living in the one small dwelling. Overcrowding is a particularly serious problem on the public housing estates. One case we are aware of involves seven members of the one Sudanese family living seven in a public housing flat, with the mother sleeping on the floor because there is not enough room. In addition to violating the right to appropriate housing, the lack of privacy resulting from these conditions can lead to tensions and inter-family conflicts. It also makes it hard for school children to study.

This situation was one of the motivations behind introduction of the African Homework Club. In discussions with Jesuit Social Services in 2003, members of the African Australian community identified a clear priority to provide assistance to young people with schooling and education. Based on the previous experience of successful homework clubs for disadvantaged young people in the City of Yarra, Jesuit Social Services Communities Together program workers and representatives of the African community developed a proposal to establish a homework club at Flemington. Funding was successfully obtained and the club was established at the end of 2004.

It has continued to grow and strengthen in recent years, with classes now run every Wednesday and Thursday with around 60 regular participants including children and young people of both primary and secondary school age. Although the main

¹ Interview with Dr Hussein Haraco, President, Somali Australia Council of Victoria, June 7 2009

² *Somali students in VET: some factors influencing pathways*, Maree Keating and Bonnie Simons, Equity Research Centre, 2008 p3

catchment area for those attending is the Flemington Public Housing Estate, participants come from as far away as Braybrook and Ascot Vale.

A recent initiative has been the establishment of weekend sessions for young people in Years 11 and 12 who require more support. Interestingly, the impetus for the Year 11 and 12 initiative came from young people who were 'graduates' of the original homework club, had completed year 11 and 12 and were now at university. These university educated young people now volunteer their time at weekends to assist the younger members of their community.

University and technical training

Increasing numbers of young African Australians are undertaking technical training and entering university. While this is positive, Jesuit Social Services has heard reports that some drop out before they complete their studies.

There are many reasons for this. Some young African Australians drop out simply because they see the road to qualifications as being too long and expensive, especially if there are no guarantees of a job at the end. Others, especially those from large families find the transition to the university environment where they have to fend for themselves, a challenge.

Another problem is the family pressure some young members of the community face to attend university when they may be more suited to alternative secondary school pathways such as the Victorian Certificate of Applied Learning (VCAL), which will take them to a technical qualification.³ The trend towards public schools selecting students who are scholastically endowed and playing down VCAL and other alternative pathways for fear the school could be perceived as being an inferior education provider role a part in this. A greater attempt also needs to be made to engage and inform parents and students about post-compulsory education options in Australia and how these operate.

Jesuit Social Services believes much can also be taken from work done to encourage Indigenous kids to attend university and vocational education and complete their studies, including the introduction of specific supports such as the use of African Australian peers and mentors to help school leavers adjust to the transition. Chisholm Institute of TAFE in Victoria employs a Sudanese Liaison Officer at its Dandenong campus to coordinate support. It has also introduced schemes to relieve fees and waiver material costs, assist with childcare, and create better links with local businesses to assist graduates with training and work experience and obtain employment after they complete their course.

Recommendation 4

That the AHRC examine strategies to ensure more African Australians undertake university and vocational education, including:

- Better informing African Australian students and their parents about their options for post-secondary education and how this system works.
- Mechanisms to support their entry and their retention once in the system.

2. Creating better employment opportunities

It is widely recognised that unemployment is a major issue for African Australians, particularly recent arrivals.

³ Ibid, p4

In Australia we like to stress that every person has the right to participate in employment he or she freely chooses and accepts. Not only is employment a fundamental means of escaping disadvantage, it also provides access to social connections and confidence. Not having a job deprives people of a lifestyle and position in our society. It defines them as being poor. Younger African Australians, witnessing their siblings and parents routinely denied job opportunities, especially if they are highly qualified, will often draw the conclusion there is little point staying at school or furthering their qualifications.

There are many factors behind the high rate of unemployment amongst the African Australian community.

Lack of education and training is obviously a key issue, while those African Australians who may have completed TAFE or university are often unable to get work because they lack work experience. At the same time, many highly qualified and highly skilled members of the African Australian community experience problems accessing employment equal to the work they may have been performing prior to arriving due to the fact their qualifications are not recognised by employers, even though these may be in areas of critical skill shortages.

Many African Australians claim they have been the victim of ongoing discrimination in the workplace. Examples we have heard of include African Australian women who wear the *hijab* feeling they have been ruled out of getting a job because of their appearance. Others claim they have failed to secure employment because they live in housing commission estates in parts of Melbourne considered undesirable, or because they have a Muslim or African sounding name on their CV. These allegations are consistent with the findings of other studies, one of which states “In light of evidence that there is under-reporting of complaints, these figures are likely to represent only a fraction of the true extent of discrimination in employment”.⁴

The employment prospects of the African Australian community have also been undermined by the decline of the manufacturing sector. Historically, a key source of jobs for unskilled recent arrivals, the sector has also provided them with social connections outside their ethnic group, exposure to spoken English, some understanding of Australian workplace culture, and, through this, opportunities for further training and advancement. In the eighties, for example, young Vietnamese were able to see their parents and older brothers and sisters moving into basic manufacturing jobs from which they then undertook further training, gradually transitioning into other, more highly skilled and well paid occupations.

The decline of manufacturing is a powerful break on the African Australian community’s ability to integrate economically, particularly given the increasing complexity of the economy and the fact that a basic certificate is needed even for relatively low skilled jobs.

“It is not what you know, it is who you know” was a sentiment frequently repeated by African Australians talked to in the process of researching this submission. This sentiment reflects a wider frustration on the part of skilled and unskilled members of the community alike, that they are falling even further behind in terms of the confidence and skills needed to get employment. Some of the basic issues they need assistance with include:

⁴ *Harnessing diversity; addressing racial and religious discrimination in employment*, Victorian Equal Opportunity and Human Rights Commission and Victorian Multicultural Commission, June 2008, p23

- Where to look for jobs.
- How to get work experience, including opportunities to volunteer and how to go about applying for these.
- How to compile a resume and act in a job interview.

There is also the wider issue of how to conduct oneself in a workplace. For example, the culture throughout much of the Horn of African places importance on modesty, being seen as selling yourself or your achievements is frowned on, whereas in our workplace culture it is often a vital part of getting ahead.

Although government employment services are supposed to provide assistance with these issues, many young African Australians consulted as part of this submission with experience of using them, were critical of their operation. In particular, the staff were viewed as lacking the skills to deal with people whose may not speak English as a first language.

A range of measures is needed to remove obstacles to labour market participation faced by African Australians. These include ensuring that employment services are funded to provide intensive, well-funded case management and relevant work experience opportunities for recently arrived migrants.

One recommendation made by a report on employment discrimination by the Victorian Equal Opportunity Commission (VEOC) and the Victorian Multicultural Commission (VMC), which Jesuit Social Services endorses, suggested the public sector develop equity initiatives for people from culturally and linguistically diverse backgrounds.⁵ This would encourage better employment outcomes for groups like African Australians.

Such an initiative could be broadened to include labour market analysis to identify and match areas of labour market need with skills present in the African Australian community. Community services are obviously one area. The need for skilled translators could be another.

Another recommendation made by VEOC and VMC supported by Jesuit Social Services, is the development of social marketing campaigns aimed at encouraging employers, especially from small and medium businesses, to adopt more culturally inclusive workplace practices.

Attention needs to be paid to some of the particular challenges confronting African Australian women in the job market. For a number of reasons, including the fact that they have primary care responsibilities for children and older relatives, African Australian women are often far more socially isolated than men. Poor English and financial literacy and lower mobility – women being less likely to get a driving licence than males, for example – compound this situation, with serious implications for their employability.

Jesuit Social Services has been examining ways it can use its networks to provide employment opportunities for the African Australian community in Melbourne. One initiative to come out of these discussions is the African Australian Work Placement

⁵ Ibid

Program, a partnership between Jesuit Social Services and the National Australia Bank (NAB) with the support of Adult Multicultural Education Services. This provides a professional bridging program, workplace mentoring and work experience at the NAB for qualified African Australians. The program provides the successful applicants with:

- Practical experience.
- Necessary monitoring and cultural support.
- Assistance developing a resume.
- Professional references.

Although the numbers are small – the Program has so far only been run twice and each group has comprised three candidates – the hope is that it will generate momentum whereby ‘past pupils’ will act as ongoing mentors for new recruits as well as serving as role models for other members of the community. Feedback from participants is that it has proven very successful in terms of providing the confidence and skills necessary to function effectively in an Australian workplace. One of those selected for the program has secured ongoing employment with NAB.

Jesuit Social Services is looking at undertaking a similar activity for unskilled members of the African Australian community through its proposed Social Procurement for Jobs project. This will create employment for disadvantaged jobseekers through facilitating improved approaches to social procurement by employers. Social procurement refers to where the social dimension of procurement is considered integral to the ‘value for money’ evaluation of procurement options, such as:

In collaboration with key social enterprise focused organisations, the project will provide ‘hands-on’ support to employers to implement best practice approaches to social procurement, with a focus on employment for long-term unemployed people and other disadvantaged groups, including African Australians.

Following widespread use of social procurement in the UK, there is considerable goodwill from Australian business, local government and community leaders regarding the potential for social procurement to achieve employment outcomes. However, social procurement in Australia has been hindered by a lack of business information to assist in implementing social procurement and efficient mechanisms linking those wanting to socially procure goods, services or labour with appropriate suppliers.

We believe these small-scale corporate linkages and social procurement programs have considerable scope to generate employment opportunities for African Australians.

Recommendation 5

That the AHRC develop equity guidelines for use by the Commonwealth, state and territory governments to encourage greater public sector employment of people from CALD backgrounds, including African Australians.

Recommendation 6

That the AHRC support a national social marketing campaign aimed at encouraging employers, especially from small and medium businesses, to adopt more culturally inclusive workplace practices.

Recommendation 7

That labour market analysis is undertaken to examine the skills present in the African Australian community and match these with areas of labour market need.

Recommendation 8

That the AHRC examine what specific programs could be introduced to increase the employability of African Australian women.

Recommendation 9

That the AHRC examine the feasibility of the Commonwealth giving greater support to new forms of corporate social responsibility, such as social procurement, as a way of generating employment for CALD communities.

3. African Australians and the justice system

Elements of the commercial media often exaggerate the number of African Australian youths engaged in anti-social or illegal activities. But while it is important to recognise that the level of crime among African Australians is no greater than that among the rest of Australian society that is not to say there is not a problem.

The increasing number of particularly young African Australians coming into contact with the justice system is of great concern. Staff at Brosnan Youth Services noticed the first African Australians coming through the justice system some years ago, mainly after dropping out of school and becoming involved in gang activities. According to a recent profile of the Victorian prison system the number of African Australians in prison increased from 32 in June 2004 to 61 in June 2008.⁶

Brosnan Youth Services programs are now starting to encounter some of these people through our LINK OUT and START OVER programs. LINK OUT provides intensive support and case management for young men 18 – 25 years of age, exiting prison. START OVER is an early intervention program which provides case management and supported referral to young people aged 10-18 years residing or connected to the City Of Yarra and the City of Darebin in metropolitan Melbourne, who have received a police caution. It is funded as a crime prevention program by the Victorian police and has a strong community development focus.

There are two important questions in relation to the increasing numbers of African Australians coming into contact with the justice system:

- What are the factors that can lead young people, in this case young African Australians, to being involved in the justice system?
- What can be done to prevent this happening or divert them from more serious engagement with our police, courts or the law?

The depth of disadvantage experienced by a young person, including issues such as failure at school, substance abuse and limited employment opportunities, are

⁶ *Statistical Profile of the Victorian Prison System, 2003 – 04 to 2007 – 08*, Corrections Victoria, 2009, table 26, p35

important influences. In the case of African Australians, this disadvantage can include pre-arrival experiences such as cultural dislocation, family dislocation and trauma from exposure to violence at an early age. This desensitises some young people and gives them a lack of understanding of their actions and the impact they have on their victims.

It is critical police are trained to deal with the cultural aspects of the communities they deal with. Failure to do this can result in behaviour that leaves African Australians feeling discriminated against or harassed. It can also result in relatively straight forward issues being blown up into larger conflicts. In many African nations, for example, it is not usual for young men to gather together on the street in large groups while in Australia the police view such gatherings as a potential threat. The fact that the public housing estates, home for much of the African Australian community, sit within increasingly affluent inner city suburbs, also serves to make them a magnet for police scrutiny, further increasing the likelihood African Australians will come into contact in the justice system.

Many members of the African Australian community have limited understanding of the justice system, the role of the police and courts or different notions of what constitutes a 'crime'. For example, while stealing a sweet from a shop is not condoned in African countries it is not a crime. Here it is shoplifting and punished accordingly. Families are often bewildered by the Australian justice system and find they are unable to assist their young people when they get caught up in it. This is part of a much broader lack of knowledge about our laws and bureaucratic processes, which includes everything from traffic rules and renting a house to family and child protection laws.

The engagement of young African Australians with our rights based culture often exaggerates this problem; creating conflict between the expectations of young people and the values of their parents, religion and community. Children adapt faster, including learning English, and utilise bureaucratic processes in way that can give them more rights – on paper at least – than their parents. Parents feel further disempowered due to the fact that their traditional supports, such as community elders and other internal cultural mediators, are not recognised by our legal system.

One example Jesuit Social Services is aware of involved a Sudanese woman living on a public housing estate who was having trouble with one of her sons. He was not listening to her anymore and she felt that he was out of control. He was also having trouble at school and was not communicating well with her. One day she was at home when he locked himself in his room and called the police. He told the police that his mother has been physically abusing him. The police came to the flat and talked to the mother and the child. The mother did not speak much English but the child was quite fluent. The police could only communicate with the child and listened to the child's story. The mother was unable to defend herself because she could not tell the police what had actually occurred, and took the blame for abusing her child.

The importance of changing police training and behaviour

We believe that contact with the justice system, especially for young people, is an indicator of social stress and that measures must be put in place to address this that have regard for broader social and cultural issues. Our experience over 30 years suggests old style 'harsh' policing rarely works. Instead, there are a number of other interventions to divert young African Australians from involvement in the justice system and give their families and communities a more prominent role in dealing with the issues arising from this. These approaches stress:

- Early intervention.
- Serious engagement with community leaders.
- The recruitment of people from culturally diverse backgrounds, in this case the African Australian community.
- Programs that educate police about the culture of the people they are dealing with.

The importance of these alternative approaches is increasingly recognised by the Victorian police, who over the last few years have introduced a range of initiatives to improve its relations with recently arrived migrant communities.⁷ These include promptly dealing with allegations of racist language by police, the introduction of community liaison officers and facilitating regular meetings between community elders and senior police.

Jesuit Social Services particularly welcomes the announcement in mid-June of four New and Emerging Community Liaison (NECL) Officers to work along side police across Melbourne. This is part of a broader range of programs, such as Justice for Refugees introduced in July 2008 by the Department of Justice.

The NECL initiative arose out of talks between senior police and members of the African Australian community in the wake of tensions between police and members of the Somali community around the Flemington Public Housing Estate in 2006-7. These individuals, who include a member of the Eritrean and Sudanese communities, are based on the system of Aboriginal Community Liaison Officers that has been in operation for several years now. They are unsworn and have a brief to work with CALD communities to improve their knowledge of the police and their powers, such as the use of capsicum spray or intervention orders. At the same time they are tasked with helping to drive culture change on the part of sworn officers and educate them about the people they are dealing with, including such things as the role of elders in specific communities. It is hoped these NECL officers will also act as role models for the community, in turn helping the police recruit people from more diverse ethnic backgrounds.

There is considerable scope to expand these initiatives within Victoria and to other states and territories, and to formulate additional measures, for example programs that expose judges, magistrates and other people working in our legal system to the culture and backgrounds of different migrant communities.

Early intervention activities

Well designed and targeted diversionary and intervention programs such as START OVER and 'Group conferencing' (a pre sentencing option for young offenders), do have a positive effect in terms of reducing recidivism, and these types of programs deserve greater recognition and support from the government.

Early intervention programs aimed at diverting young people away from trouble such as recreation activities and support at school such as homework clubs, and the provision of mentors to help build young people's self esteem are also important.

⁷ Summary Report, Youth Justice Forum March 10, 2009, African Think Tank, p4

Recommendation 10

That AHRC investigate and publicise best practice activities adopted by the police, government and social welfare agencies across the country in relation to legal and justice issues faced by African Australians.

Working with families

It is vital that families are provided with culturally appropriate information about what they can do in the event their children or members of their family experience legal problems or get into trouble with the police.

As indicated above, many African Australians do not understand the justice system and their involvement with police or the courts often erodes parent's sense of control and family relationships rather than supports them. This is compounded by trauma and family breakdown as a result of their experiences overseas, which can leave them with a strong distrust of government and authority figures.

Through our Strong Bonds – Building family connections' website⁸ and our approach to 'family aware' youth work practice, Jesuit Social Services is committed to providing practical information to parents and service workers to help build supportive family relationships with young people, drawing a wide range of evidence based research about parenting and family relationships. A key audience for this initiative is parents with children of adolescent age children 8 – 14.

The second phase of Strong Bonds aims to provide plain English language material on these issues to people from CALD backgrounds. The focus is on families with children who are having their first contact with the justice system, how to navigate it and the rights of all people, including the parents. The overall aim is to find and encourage positive supports for young people experiencing problems, less dependence on the welfare system and open up communication in families.

As Part of this we want to focus on educating direct practice workers on how to engage with families of at risk young people from culturally diverse backgrounds. Often service workers who are training in rights based approaches see the family as "the enemy" partly because they have traditionally only worked with the young person. It is our experience that they are often uncertain about how to engage with CALD families.

Greater support for elders and internal community mediators would also help families to better navigate the justice system. As is the case with Indigenous Australians, the various African Australian communities have their own system of cultural practices to help mediate conflict between and within families. This is usually a task undertaken by elders who traditionally have been called in to deal with issues involving young people that get into trouble or disputes within families. These people are a vital bridge between young people, their parents and the justice system. They can provide guidance in developing culturally sensitive programs and getting the community involved in them to ensure they work.

Consideration should be given to how these elders could be used to help mediate disputes or work with young offenders, in much the same way as they do in Indigenous Australia. For example, they could be trained in alternative dispute resolution mechanisms and given legal recognition in their own communities.

⁸ www.strongbonds.jss.org.au

Greater use of African Australian elders is just one way in which alternative dispute resolution mechanisms could be used within groups such as the African Australian community.

The work being done by the Victorian Koorie Court is another illustration of how this could work. Operating as a division of the Magistrates Court, it uses elders to work with young offenders to help them reconnect with their community and rehabilitate themselves. Operating since 2002, there is widespread agreement they have proven successful in reducing re-offending and strengthening the role of elders and family structures.

Recommendation 11

AHRC investigate the development and distribution nationally of more culturally appropriate material about the justice system for members of the African Australian community and direct service workers who engage with them, such as the material contained in Jesuit Social Services' Strong Bonds website.

Recommendation 12

That the AHRC examine how elders and internal community mediators from the African Australian community could be given a more defined role within our justice system, using the Victoria's Koorie Court system as a model.