

MYAN Submission to the Australia Human Rights
Commission

‘Free and Equal: An Australian Conversation on
Human Rights.’

Background

About MYAN

Multicultural Youth Advocacy Network Australia (MYAN) is Australia's national peak body representing the rights and interests of young people from refugee and migrant backgrounds and those who work with them.

MYAN works in partnership with young people, government and non-government agencies at the state and territory and national levels to ensure that the rights and interests of young people from refugee and migrant backgrounds are recognised and addressed in policy and service delivery. MYAN provides expert policy advice, undertakes a range of sector development activities and supports young people to develop leadership skills. Our vision is that all young people from refugee and migrant backgrounds can access the support and opportunities they need to be active citizens in Australian society.

MYAN developed the *National Youth Settlement Framework (NYSF)*, to support a targeted approach to strengthening and addressing the rights and needs of newly arrived young people settling in Australia. The NYSF is Australia's first evidence-based guide to supporting and measuring good practice in youth settlement and has a human rights approach at its centre.

Young people from refugee and migrant backgrounds in Australia

All young people in Australia deserve to be 'free and equal' - full recognition of, and access to their civic, political, economic and social rights is vital to achieving this.

Cultural diversity is a reality and strength of Australia. One in four Australian young people are from a refugee or migrant background.¹ Just under a quarter of arrivals in the Humanitarian Program will likely be aged between 12 and 24 years and more than half aged between 18 and 25 years.² Their engagement as active citizens in Australian society has significant and long-term benefits for each young person, their families, communities, and a diverse and socially cohesive Australia.

Young people from refugee and migrant backgrounds are a diverse and resilient group who are important actors in protecting and strengthening human rights and creating positive change in their communities. However, they commonly face a range of barriers to accessing their human rights, including: culture, gender, limited or no English language, limited social capital, and racism and discrimination (both individual and structural). Young people who are more newly arrived in Australia face additional barriers in navigating the challenges of settlement in a new country as adolescents. Common challenges faced during settlement include learning a new language, understanding and

¹ Australian Bureau of Statistics (ABS) 2016 The Census of Population and Housing (Census)
<https://www.abs.gov.au/websitedbs/censushome.nsf/home/2016>

² MYAN Australia (2019) *Youth Settlement Trends in Australia :a Report on the Data 2017-2018* Carlton: MYAN Australia

navigating an unfamiliar culture and society (including complex social systems and structures such as education, health, welfare and the law) that require a high level of accountability, understanding and managing pre migration trauma and low or changed socio-economic status.³

[About this submission](#)

As part of The Australian Human Rights Commission (AHRC) human rights conference ‘Free and Equal’, MYAN was provided an opportunity to meet with Dr. Michelle Bachelet, UN High Commissioner for Human Rights: a significant opportunity for Dr. Bachelet to hear directly from young people in MYAN’s networks about key human rights issues facing them in Australia today. These included: the importance of targeted approaches in education to best ensure that young people access, remain engaged in and successfully navigate secondary education and education, training and employment pathways, barriers to meaningful employment, youth participation and the importance of investing in youth leadership, settlement and intergenerational dynamics, and the impact of racism and discrimination, including in the youth justice area.

The young people who attended this meeting welcomed the opportunity to follow up by contributing to a submission on this important Australian conversation on human rights. MYAN has included their voices in this submission, alongside information gathered through other national conversations with young people, and our broader policy work, to highlight some of the key human rights issues of concern facing young people from refugee and migrant backgrounds, in Australia.

This submission is provided in response to one of the key objectives of the AHRC *Issues Paper*: ‘Articulate key actions that all governments must take to adequately protect the human rights and freedoms of all Australians’. It has a focus on the rights and interests of young people (12 to 24 year olds) from refugee and migrant backgrounds in Australia and focuses predominantly on the following clusters of articles (enshrined in international human rights instruments to which Australia, as a signatory, has specific obligations): education; employment; non-discrimination, adequate standards of living, health and participation in decision making.

Targeted approaches are essential to supporting the active social, cultural and economic participation of young people from refugee and migrant backgrounds in Australian society, and the realisation of their civil, political, social and economic rights. MYAN looks forward to continuing engagement with the AHRC to advance this conversation about human rights in Australia.

[Human rights issues](#)

³ MYAN Australia (2016) *National Youth Settlement Framework* Carlton: MYAN Australia p. 12

1. Right to education, including vocational training and guidance (art. 28 CRC; art. 26 UDHR).

Education is a basic human right, enshrined in the 1989 Convention on the Rights of the Child and the Universal Declaration of Human Rights, both of which recognise that education is fundamental to the development of human potential and to full participation in society. All young people need equal and equitable opportunities to realise their potential, irrespective of their personal circumstances. Good educational outcomes play a critical role in the lives of young people by providing necessary job-related skills and knowledge, as well as supporting their capacity to become autonomous, have self-confidence and empathy, and be able to problem solve. Schools play a critical role in the settlement journey for young people from refugee and migrant backgrounds, contributing to building social capital and agency and a sense of belonging.

Mainstream schooling

“We felt university pathways are rarely discussed with us. Although we aren't at the level to study at university yet, we would still like information on how to pursue the pathway down the track.”

“Young people need more support and practical job search training; learn how to strengthen resumes; advice around workplace culture and expectations and soft skills required to get a job, as well as assistance in learning how to recover from rejection and failure.”

“I wanted to do architecture, but the teacher told me many times it's too hard for you. She said my math's was not good enough so I asked, 'What if I study?' She said my English wasn't good enough. I did the course anyway and would stay up to 2–3am studying. I got A+ in the subject.”

Access to targeted and responsive education and training is one of the most significant factors influencing the settlement process for young people from refugee and migrant backgrounds. Job-related skills and assets are essential for navigating a rapidly changing economic, technological, social and global environment for all young people, however, young people from refugee and migrant backgrounds can face specific barriers to remaining engaged in education and training pathways. They are often required to learn a new language in an unfamiliar learning environment and may have limited, interrupted or no formal schooling prior to their arrival in Australia and limited knowledge of the Australian education and training system. Succeeding in mainstream education and training can be challenging due to additional barriers which have been found to decrease enjoyment and engagement with school, including:

- limited or no literacy in their mother-tongue
- the impacts of racism/discrimination, and

- a lack of targeted and flexible support in schools.

If used as intended, the Gonski funding model (with needs-based loadings under the Education Act) can address inequity in our school system and provide the necessary support that students from refugee and migrant backgrounds need to reach their potential. However, the categorisation of loadings risks overlooking the supports that young people need at school as it does not recognise the broader context of settlement for young people.

English language literacy

“There is not enough language support or opportunities for young people who have intermediate English and you need to have a really high level of English to get a foot in the door.”

English language skills and education are essential foundations for social, economic and civic participation. English language acquisition is a critical part of settlement for young people from refugee and migrant backgrounds and their access to education and employment is highly dependent on their ability to successfully acquire English language skills.⁴

English literacy is the key to educational success, a range of post-school options, social participation and positive settlement outcomes. Intensive English language support is available either in school via the English as an Additional Language or Dialect (EAL/D) program or through youth-specific classes in the Adult Migrant English Program (AMEP).⁵ However, there are a number of systemic issues with these programs, including:

- AMEP classes are not always developmentally/age appropriate, which can discourage and disinterest young people.
- Limited funding provisions and accountability structures for AMEP funding across states and territories, and the absence of a national framework, resulting in:
 - funding being redirected away from specialised ESL support for newly arrived young people, and
 - significant disparities between states/territories in the level and nature of funding for these programs.

⁴ MYAN Australia (MYAN), BSL, MDA, ACS, CMRC, LMA, Foundation House, (2018) *English Language Acquisition for Young People from Refugee and Migrant Backgrounds: Reflections from Youth Transition Support Providers*.

⁵ While AMEP is generally a program for adults, ‘migrants and humanitarian entrants aged between 15 and 17 years of age, who do not have functional English and whose needs are not met through mainstream schooling, may be eligible to participate in the program.

- AMEP classes are capped at a total of 510 hours, which is not long enough for many young people to be adequately proficient for successful transition to mainstream secondary schools, and is inadequate for those not literate in their mother tongue.
- Often schools segregate their ESL students, increasing the isolation of young people from the mainstream and highlighting their 'difference'.

These issues increase the risk of disengagement and withdrawal from school, failing to provide young people with adequate tuition to acquire proficiency in English to successfully negotiate Australia's mainstream education and training or employment systems.

Impact of immigration policy

Many young people from asylum seeking or refugee backgrounds residing in Australia on temporary visas - temporary protection, safe haven enterprise visas or bridging visas- are faced with restrictions on studying which impacts their right to education. This includes their classification as 'international students' should they wish to pursue higher education, which requires them to pay full international student tuition fees which is vastly unaffordable, effectively excluding these young people from higher education and training opportunities.

For young people to fully realise their human right to education and embrace the opportunities that a quality education provides, education has to be equitable, and accessible for all young people who reside in the Australian community.

Young people from refugee and migrant backgrounds require the same access as their peers to quality learning opportunities that will expand their future opportunities, unlock their full potential and result in improved social and economic benefits for both the individual and the broader Australian community.

Recommendations:

1. That the Federal Government should develop a National EAL/D Framework to guide, direct and monitor funding allocations for English language learning in schools, including increased funding transparency, accountability and utilisation for schools with an EAL/D cohort.
2. That the Federal Government should implement the recommendations from the *Inquiry Report on School Funding* in relation to monitoring and accountability mechanisms to ensure that Federal Government funding intended for students with limited English is only used for these students.

3. That the Federal Government should develop a national youth strategy for AMEP to ensure that young people's needs are adequately met through the program, including:
 - Targeted funding for the delivery of youth-specific courses by AMEP service providers nationally, for clients under the age of 25 out of school or post school.
 - Investment in greater linkages between AMEP and youth settlement services as essential to the provision of AMEP.
 - Increased flexibility and expanded eligibility for all young people to access AMEP within the first five years of arrival.
 4. That the Federal Government should remove restrictions on the maximum period young people can attend English Language Schools (ELs) or Intensive English Language Centres (IELCs).
 5. That all levels of government should fund specialist staff and programs in schools, including multicultural youth workers, to provide targeted support for young people to remain in education.
 6. That the Federal Government should grant people seeking asylum and refugees on temporary visas access to Commonwealth Supported Places and the higher education loan scheme.
 7. That for youth-specific employment programs, the Federal Government should provide employment-specific and industry-specific opportunities for English language learning for young people in and out of schools.
 8. That the Federal Government should work with AMEP providers to develop and utilise data collection mechanisms that accurately measure access, engagement and track the educational progress of young people from refugee and migrant backgrounds in schools and post-school education (including TAFE and VET).
- 2. Right to work including free choice of employment and to protection against unemployment (art. 23 UDHR)**

"I want to know more about my rights as a young person in Australia because sometimes I feel like I'm being used. I was exploited at work, I didn't know my legal rights, I worked 70 hours and was paid \$70. Knowing the law is very important."

“They (employment service) took experience off my resume from working overseas. I worked for three or four years overseas, but they took it off my resume, told me not to include that.”

“It's been 7 years that I've been in Australia and whenever I apply for a job I never hear back. This is not only a problem in Sydney but is happening all around the country. Whenever I go for an interview they ask me if I have Citizenship or am a permanent resident. When I tell them my visa type they reject or refuse my application because of company policies that only permit permanent residents to work with them. My experience isn't unique.”

“We do not have the same social networks as people born in Australia, and the lack of these networks means that finding our first jobs is even harder for multicultural young people ... it is easier to get job when there are more people from your culture.”

Economic participation in the form of secure employment is fundamental to the successful settlement outcomes for all migrants and refugees, and particularly for young people, who will spend most of their working life in Australia.

As at 2018, the unemployment rate for the general youth population (15-24) was 12.5%, more than double the general rate.⁶ Many young people in Australia encounter difficulties when trying to secure stable employment, and can face considerable disadvantage in the labour market, however young people from refugee and migrant backgrounds face additional barriers in accessing meaningful and sustainable employment when compared with their Australian-born, non-immigrant peers. These include:

- Limited English language skills.
- Lack of understanding about post compulsory training options/pathways.
- Lack of awareness about Australian workplace culture and expectations.
- Lack of familiarity with employment services and Australian systems.
- Negotiating family expectations regarding training and career options.
- Experiences of racism and discrimination in looking for work and at work, including unconscious bias from employers in relation to the capabilities and assets of young people from refugee and migrant backgrounds.
- Limited social capital and networks, including links with employers.
- Lack of recognition of prior learning and/or training undertaken outside of Australia.

⁶ Dhillon. Z & Cassidy. N (2018) *Labour Market Outcomes for Younger People* June Quarter 2018. Bulletin

- Reluctance from potential employers to hire young people who are not citizens or permanent residents because they are misinformed or unaware about who can legally work in Australia.

Exclusion from the labour market impacts on the security, and physical and mental wellbeing of young people from refugee and migrant backgrounds, and limits their ability to fully engage, participate and contribute to the broader community. Young people from refugee and migrant backgrounds need targeted programs that are responsive to their needs and context. Investment in supports and services that address these employment barriers faced by and facilitates their economic participation benefits has positive implications for the whole of society.

Recommendations:

1. That employment programs work directly with employers to build their knowledge and skills in employing young people from refugee and migrant backgrounds – to reinforce the value of workforce diversity and open up pathways and opportunities for young people from diverse communities – are critical and result in positive outcomes for both young people and employers.
 2. That schools and policy makers need to consider new avenues for work experience at school to ensure young people can gain the local work experience they need to be competitive in the labour market.
 3. That the Federal Government should ensure that any future federally funded employment services incorporate specialist services for young people from refugee and migrant backgrounds.
 4. That the Federal government incorporate accountability measures for cultural competency into funding guidelines and agreements for all federally-funded employment programs.
- 3. Right to non-discrimination of any kind, and protection against all forms of discrimination (art. 2 CRC; art. 7 UDHR)**

“We are not sure who to report discrimination to, we had never heard of the Fair Work Ombudsman or knew that we could seek advice on our rights or report discrimination anonymously.”

“The Interview stage is very difficult for people of colour and Muslim women who wear the hijab. My sister was denied a job because she wore the hijab, she was told during the interview you couldn’t wear a hijab if you work here.”

“I experienced ongoing questioning from others about my past rather than what I have to offer during the job interviews. We felt discriminated based on our names and so now migrant and refugee communities have been giving their children English names or shortening their name in order to make it easier for them to receive jobs and fit in.”

“Migrant and refugee youth stereotypes make it harder to feel a sense of belonging.”

“Language (whether it be limited English or just an accent) limits our employment opportunities. We experience comments regarding our language capacity from potential employers, like, ‘I don’t understand you,’ ‘your accent is hard to understand,’ ‘I am not sure if customers will understand you.’ People are not able to see through language barriers and see our motivation and enthusiasm.”

“At my previous workplace, I was unable to exercise my personal religious freedom. I was told I couldn’t do my prayers and made to feel uncomfortable by my regional manager.”

While Australian community is generally welcoming of new arrivals and supportive of our migration program and system, the last decade has seen increasingly vocal negative (and often unfounded) attitudes towards migration and particular communities threatens to challenge this long-standing social compact.⁷

Negative public sentiment and media can significantly influence young people’s views of themselves, their inclusion or exclusion within Australian society, and their self-worth.⁸ According to young people, statements (or silence) and actions in relation to policy and legislation, especially those that label specific groups as the ‘problem’, can contribute to feelings of isolation and marginalisation, directly impacting a young person’s sense of self and their ability to build a sense of belonging.⁹

In 2013, the Joint Standing Committee on Migration delivered a report following a national inquiry into migration and multiculturalism in Australia. It provided strong evidence ‘that the impact of race discrimination and prejudice is real, is becoming more pervasive, and can be deeply traumatic for the individuals who experience it.’¹⁰ Statistics indicate that racism and discrimination is still a significant issue for young people from refugee and migrant backgrounds-for example:

⁷ MYAN (2017) *Submission to the Joint Standing Committee on Migration: Inquiry into Settlement Outcomes*. Melbourne: Multicultural Youth Advocacy Network (MYAN), p. 40-41.

⁸ CMY (2014). *Fair and Accurate: Migrant and Refugee Young People, Crime and the Media*. Carlton: CMY.

⁹ MYAN & RCOA (2016) *Speaking Out: The Global Refugee Youth Consultations in Australia Report*. Available at: http://www.myan.org.au/file/file/GRYC%20Report_NOV2016.pdf.

¹⁰ Commonwealth of Australia (2013) *Inquiry into Migration and Multiculturalism in Australia* p.39

- An annual youth survey undertaken by Mission Australia in 2016 found that a third of all young Australians surveyed experienced unfair treatment or discrimination, with approximately 30% citing race or cultural background as the reason for the discrimination or unfair treatment.¹¹
- The same survey found that of more than 24,000 children and young people surveyed, equity and discrimination was found to be one of the top three issues facing young Australians. In the same year, 11.1% of Australians between 15 and 19 years of age reported that discrimination is a personal concern, an increase from 10.8% in 2013.¹²
- Mission Australia's 2019 youth survey found that of 23,357 young people surveyed that year, almost one quarter (24.8%) cited equity and discrimination as an important national issue.¹³
- In 2019, researchers from the Australian National University and Western Sydney University revealed that 40% of students nationally in school years five to nine from non-Anglo or European backgrounds reported experiencing racial discrimination by their peers.¹⁴
- In 2019, the Scanlon Foundation found that the reported experience of discrimination for the surveys 2014-19 has been highest among those aged 18-24.¹⁵

Recommendations:

1. That schools address racism in educational settings by:
 - Ensuring anti-racism, stereotyping and cultural issues are embedded in the school curriculum.
 - Implementing compulsory cultural competency and anti-racism training for teachers.
 - Working with schools to develop whole-of-school, anti-racism policies and strategies.
2. That all levels of governments should work with impacted communities, including young people from refugee and migrant backgrounds to support, strengthen, develop and implement anti-racism education programs.

¹¹ Bailey, V., Baker, A-M., Cave, L., Fildes, J., Perrens, B., Plummer, J. and Wearing, A. (2016) *Mission Australia's 2016 Youth Survey Report*, Mission Australia.

¹² Ibid.

¹³ Carlisle E., Fildes, J., Hall, S., Perrens, B., Perdriau, A., and Plummer, J. (2019) *Youth Survey Report 2019*, Sydney, NSW: Mission Australia

¹⁴ Priest, N, Chong, S, Truong, M, Sharif, M, Dunn, K, Paradies, Y, Nelson, J, Alam, O, Ward, A & Kavanagh, A. (2019) *Findings from the 2017 Speak Out Against Racism (SOAR) student and staff surveys* ANU

¹⁵ Markus, A (2019) *Mapping Social Cohesion: The Scanlon Foundation Surveys 2019* Available at <https://scanloninstitute.org.au/sites/default/files/2019-11/Mapping%20Social%20Cohesion%202019.pdf>

3. That the Federal Government implement comprehensive data collection and research on the experiences of young people from migrant and refugee backgrounds in relation to racism and discrimination in education and employment settings.
4. **The best interests of the child (art.3 CRC), the survival and development of the child (art. 6 CRC), appropriate protection and humanitarian assistance (art. 22 CRC) right to a standard of living (art. 27 CRC; art. 25 UDHR), the right to social security (art. 22 UDHR)**

“We see young people where their stress is due to their parents’ stress. We knew a young man who was trying to hurt himself at school. His parents had been kicked out of their home and it was very stressful for them. Now the housing is sorted, he’s happy as, he’s going great. Those things are stable now, housing, dad’s work – now he can just worry about school.” CMY multicultural youth worker¹⁶

The financial insecurity and stress of seeking asylum in Australia has a direct impact on the right of young people to an adequate standard of living. The removal of income support and housing for asylum seekers in 2018 pushed thousands of vulnerable people into destitution, and entirely dependent on charity, unable to ensure the most basic standard of living for children, young people and their families.¹⁷ Children and young people who are seeking asylum in Australia do not have access to the same social supports as children who are citizens. In particular, these families cannot access crisis payments from Centrelink in times of dire financial need, which severely restricts the ability of a parent to secure the conditions of living necessary for the child's development.

Children and young people make up over 40% of Australians facing homelessness. In 2017-2018, 15% of Specialist Homelessness Service (SHS) users presenting alone were young people, and Sudan was the country of origin of the third highest population group accessing services.¹⁸ While there is no clear homelessness data on young people from refugee and migrant backgrounds, anecdotal evidence suggests that they are overrepresented in presentation to SHS and we know that this group of young people face a complex mix of factors that may mean they are particularly vulnerable to homelessness. These include:

- Challenges understanding and accessing services and support often impacted by disrupted education, managing language acquisition and cultural adjustment.
- Lack of family and/or extended social support networks.
- Lack of financial and material resources.

¹⁶ Centre for Multicultural Youth (CMY) & the Multicultural Youth Advocacy Network (MYAN) Australia (2019) *Submission to the Productivity Commission’s Inquiry into the Social and Economic Benefits of Improving Mental Health*

¹⁷ Van Kooy, J & Ward, T (2018) *An Unnecessary Penalty: Economic impacts of changes to the Status Resolution Support Services (SRSS)* Refugee Council of Australia

¹⁸ MYAN Australia (2019) *2019 Federal Election Policy Platform* <https://myan.org.au/wp-content/uploads/2019/04/myanfederalectionpolicyplatform2019.pdf>

- The challenges of changed family composition and/or family breakdown.
- Overcrowded housing.

Given the vulnerability to social exclusion and homelessness, it is vital that the needs of young people from refugee and migrant backgrounds are explicitly recognised and addressed in any policies, programs and plans to tackle homelessness.

Recommendations:

1. That the Federal Government continue funding for the Reconnect Specialist program beyond June 2021 and further expand specialist Reconnect providers in high/new settlement areas.
2. That the Federal Government should take measures to reinstate measure of support that provide families and young people from asylum-seeking backgrounds who are in financial hardship to access a standard of living necessary for physical and mental development.
3. That the Federal government develop a National Housing Strategy that includes suitable social housing options / models specifically for young people from refugee and migrant backgrounds.
4. That the Federal government reinstate data collection in federally-funded homelessness services on age, country of birth and ethnicity to measure and improve program delivery for young people from refugee and migrant backgrounds.
5. That the Federal government should incorporate accountability measures for cultural competency into funding guidelines and agreements for specialist and mainstream homelessness agencies.
6. That all levels of government should include a targeted approach to address the rights and needs of young people from refugee and migrant backgrounds, in homelessness policy and programming and service delivery.

5. The right to the highest attainable standard of health (art. 24 CRC; art. 25 UDHR).

"I think it is just from a cultural point of view we don't really ask for help, it's not easy to go out and ask for help... There is also just a bit of shame. But, as well, on the other side is that services are not culturally safe and that's why our kids won't even go, even when they really need this specialist support."

"There are a lot of people in my situation who are experiencing mental health issues because of the stress of being unable to get a job."

“We try our best to keep our mental health and ourselves healthy. Most people are experiencing depression and there have been many suicides in the community. We (asylum seekers and refugees) are treated as second class citizens but all people should be treated equally.”

Young people from refugee and migrant backgrounds face a number of health risk factors in addition to those of the general youth population. Young asylum seekers and those from refugee backgrounds may face additional health issues as a result of lack of access to inadequate or timely health care over many years prior to arriving in Australia and this can be complicated by an unfamiliarity with and access to Australia’s healthcare system.

Mental health, particularly access to adequate, culturally-responsive support, is consistently highlighted by young people as a priority issue of concern. The mental health of young people from refugee and migrant backgrounds can be impacted by:

- Pre and post arrival traumatic experiences (including experiences in immigration detention).
- Experiences of racism and discrimination in Australia.
- Unemployment and financial stress.
- Challenges in learning a new language, navigating a new education system.
- The impact of settlement on family dynamics and intergenerational conflict.
- Negotiating issues of belonging and identity in a cross-cultural context.
- Different understandings of mental health and associated stigma.
- Limited understanding of the service system and/or access to culturally and youth appropriate support.

Young people from refugee and migrant backgrounds can be particularly vulnerable in terms of mental health and wellbeing. For example, national data shows that young people from humanitarian backgrounds have much higher levels of psychological stress-31% of young men and 37% of young women compared with 5% of men and 12% of women from the general youth population of Australia.¹⁹

Despite this, there are lower than expected numbers of young people from refugee and migrant backgrounds presenting to mental health services.²⁰ In the context of Australia, children and young people generally have relatively low levels of service usage (despite high levels of mental health issues), while refugee children and young people have even lower rates of utilisation of mental health services compared with young people more broadly.²¹

19 NMHC Report 2019, p.35

20 Colucci, et al., (2014).

21 Colucci, E. Minas, H. Szwarc, J. Guerra, C. & Paxton, G. (2015). *In or out? Barriers and facilitators to refugee-background young people accessing mental health services*. *Transcultural Psychiatry*, 52(6):766-90

Young people have identified multiple barriers that prevent them from accessing mental health services including:

- A lack of cultural responsiveness from mental health services.
- Challenges in understanding the concept of mental health.
- The impact of stigma and taboo that can surround mental health in some families and communities.
- The availability of interpretation services.
- The prohibitive cost of mental health services.
- The lengthy wait time for services that offer no-cost services.

In consultation with MYAN, young people have acknowledged and welcomed the government investment into *headspace* centres across the country, but are concerned about their accessibility for young people from migrant and refugee backgrounds. An independent review of headspace in 2015, undertaken by the Social Policy Research Centre at the University of New South Wales found that the service was not meeting the needs of culturally diverse young people. As at 2018, a national survey of headspace centres identified there remained a significant lack of appropriate workforce from CALD backgrounds. This suggests there is still significant work to be done to deliver culturally appropriate services for this population groups.²²

Young people highlight a need for mental health services to adopt community engagement models that are both youth and culturally relevant, particularly for early intervention services such as Headspace, in order to better facilitate access to the health care services they need, and are entitled to.

It is critical that cultural diversity and culturally responsive practice is regarded as an integral component of youth mental health practice as a whole, rather than merely an adjunct to standardised service delivery models designed to meet the needs of Australian-born, non-immigrant young people.

Recommendations:

1. That mental health providers must invest in culturally relevant and responsive mental health early intervention work with parents and caregivers from migrant and refugee backgrounds, to support the wellbeing of the young people in their care.

²² Orygen, The National Centre of Excellence in Youth Mental Health and headspace, National Youth Mental Health Foundation (2019) *Submission to the Productivity Commission's Inquiry into Mental Health*

2. That the Federal Government should develop a national framework to support good practice in the delivery of mental health services for young people from migrant and refugee backgrounds.
3. That the Federal Government should ensure Federal funding for youth health and mental health services (i.e. *headspace*) includes dedicated resources and specialised staff to build cultural capability using the National Youth Settlement Framework, to meet the needs of young people from refugee and migrant backgrounds.
4. That all levels of government should incorporate accountability measures for cultural competency into the funding guidelines and agreements for all youth health and youth mental health services, including investment in cultural competency training for mental health practitioners, social workers, and other allied health workers that engage directly with young refugee and migrant people.
5. That mental health providers should broaden the scope of mental health prevention to work holistically with young people, families and communities from migrant and refugee backgrounds – to take a family-focussed, community-based approach where relevant, rather than a purely individualised one.
6. That the Federal Government should develop a national youth health policy that recognises the specific needs of young people from refugee and migrant backgrounds and includes a focus on the social determinants of health.

6. The right of children and young people to participate in decisions that affect them (art. 12 CRC) and to participate freely in the community by joining groups or organisations (Article 15).

“Young people should be encouraged to step up with what they are passionate about to influence others. Opportunities to talk with the media more (and) to give their side of the story (as opposed to a mostly negative story that is often portrayed).”

“We need to recruit young people from each ethnic background – advocates for their community – and provide role models or supports to help identify issues, advocate and the solutions.”

“We believe that increasing the level of education and investment in ourselves leads to our voices being heard”

“The world sometimes expects so little from us young people, but there is no reason why we should prove them right!”

“It’s important that the Australian Government turn their focus on Australian people specifically young people in general. Young people in Australia are being ignored and excluded in decisions that will have significant impacts on them. There is an urgent need for the Australian government to acknowledge young people from migrant and refugee background and their issues.”

Australia is a signatory to international frameworks that affirm commitments to ensuring young people have opportunities to participate in their community and in decision making processes. MYAN suggests that supporting and creating opportunities for young people from refugee and migrant backgrounds to meaningfully participate in civic activities and processes builds a strong sense of agency and belonging and contributes towards a stronger, more socially cohesive society – one that is built upon inclusion, equity and a robust, dynamic multicultural society.

MYAN strongly affirms the rights of young people to participate in decision making that affects their health, wellbeing and development. MYAN believes that young people are the experts in their own lives and in order to improve youth participation in the governance of human rights, opportunities that facilitate their meaningful participation must be introduced/strengthened. For example, the young people we work with have expressed a clear desire to see their rights and interests represented in Australian politics. Young people feel that their voices are not heard nor their perspectives represented in Australian political debates, highlighting a need for political leaders to find new ways to engage directly with young people.

Youth participation approaches must recognise the right of young people to participate in decision-making that affects and shapes their lives, and that they are often best placed to identify their needs and should be supported to identify and advocate for solutions. It must also recognise that the voices of young people from refugee and migrant backgrounds are often marginalised in policy, advocacy and service delivery. Meaningful youth participation is not just about opportunity; it is about seeing young people as partners and equipping them with the knowledge, skills, and resources to effectively participate and influence policy and service delivery models.²³

Recommendations:

1. That all levels of government invest in initiatives that facilitate opportunities for young people to have their voices heard in civic and social domains to inform policy and decision making.

²³ MYAN Australia (2016) *National Youth Settlement Framework* Carlton: MYAN Australia p. 18

2. That all levels of government find ways to engage in dialogue with young people from refugee and migrant backgrounds to create opportunities to challenge the existing negative narratives around refugees and migrants.
3. That all levels of government create inclusive opportunities for young people from refugee and migrant backgrounds to interact with and gain a deeper understanding of formal politics and the civic processes in Australia. This includes investing in civic education support in schools to ensure all young people are supported to develop their knowledge of Australian society and culture, legal and political rights, laws, regulations, policies and political landscapes and the voting process.
4. All levels of government should fund and support seminars, conferences and similar events to promote youth participation, engagement and leadership.
7. **Further actions that should be taken to ensure an effective system to promote and protect human rights of young people.**

“Discussions will only take us so far, actions will bring about change.”

MYAN recognises the importance of including young people’s voices in decision-making at all levels, and their critical role as leaders and change agents in protecting and strengthening the human rights of all Australia’s young people. The young people we work with have identified additional issues of concern with respect to the promotion and protection of the rights of young people from refugee and migrant backgrounds including the following:

1. Young people need to feel heard by the governments that represent them. Young people from refugee and migrant backgrounds often feel excluded from the decision making that will have the greatest impact on them. There is an urgent need for accessible forums and platforms that allow young people participate in the decision making that affects them (i.e. policy and service delivery design, delivery and evaluation).
2. The Federal Government should raise the age of criminal responsibility in Australia from 10 to 14 years of age, in line with the recommendation made to relevant states by the United Nations.
3. All levels of government should make young people more visible in policy making and planning by gathering specific data on youth as a distinct population group.

4. That the Federal Government should rectify the lack of an Australian human rights act and implement a federal bill of rights to comprehensively protect human rights-in line with all other Western democracies.

5. The Department of Education, in conjunction with Australian schools should implement educational policies that educate young people about their human rights.