

8 June 2023



The National Children's Commissioner

Australian Human Rights Commission

Dear Commissioner,

**Submission: Youth Justice and Child Wellbeing Reform across Australia**

On behalf of the African Youth Support Council (AYSC) – a youth department under the Queensland African Communities Council (QACC) – the umbrella organisation that represents more than 70,000 people and organisations of African descent residing in Queensland, I make the following submission in the attachment for the Youth Justice and Child Wellbeing and Reform across Australia.

Sincerely



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## FORWARD

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### **"It takes a village to raise a child"**

#### *African Proverb*

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1. **Can you identify reforms that show evidence of positive outcomes, including reductions in children’s and young people’s involvement in youth justice and child protection systems, either in Australia or internationally?**
2. **From your perspective, are there benefits in taking a national approach to youth justice and child wellbeing reform in Australia? If so, what are the next steps?**

Most people are familiar with the concept “it takes a village to raise a child.” However, not many people know the true meaning in practical terms when raising a child within the context of the African community. Culturally and traditionally, majority of African people believe that a child belongs to everyone in the community. If a child achieves something admirable, everyone takes pride in that, celebrates and uses it to encourage and motivate others to do the same. Equally, everybody in the community or village has a moral obligation to contribute to the upbringing of a child regardless of whether they relate to them or not. As a child, you would grow up knowing that this is the norm and one of the key customary principles and values of raising children in the village.

We believe some of our parents residing in the Western world still value the concept of “it takes a village to raise a child” approach. The question is how you would apply this concept in our current situation in Queensland or Australia. Most parents and community members

express their grievances about the system as they feel it is disempowering them as they believe children are misusing the system against their parents. Some children threaten their parents to call the police on them if they did not stop talking to them about their parental responsibilities.

A collective approach, shared responsibility, acknowledgement of unwavering love of parents for their children are essential characteristics of raising children within a collectivistic context. Therefore, practical empowerment of families and local communities involving transparent, genuine and intensive engagement, underpinned by trust and positive relationship-buildi<sup>2</sup> between the system and the community is paramount. Systems must be embedded in local communities in a way that gives them the responsibilities to determine their futures. These collectivist cultures are strongly knitted by their common cultural and traditional values. Understanding their social infrastructure and systems is critical.

Every parent loves their children and want the best for them. Every child has some aspirations, and it is a dream of every parent to see their children succeed and live a fulfilling life. For every African parent and those from similar collectivist cultures, their children are their savings for retirement. The parents journey to Australia to ensure the wellbeing and safety of their children. When children are successful the legacy and dignified retirement of parents is guaranteed. These parents, their children and communities simply need to be understood, actively listened to, respected and supported without prejudice. The community remains to be grateful towards Australia as Australia reached out to these families during desperate times and provided a safe environment upholding human rights, justice and freedom.

Except for Indigenous people, the African youth and community members are clearly overrepresented in the criminal justice system relative to the other cultural backgrounds. The trend is continuing to rise. At Brisbane Youth Detention Centre – a facility with the capacity of 153 young people, about 13.5% of its population are Africans. And up to 90.4% of young

people who identify themselves as gang affiliates are African youth. At West Moreton Youth Detention Centre – a facility with the capacity of 32 young people, about 37.3% of its population are African youth. Approximately, 92.3% of African youth identify themselves as belonging to a gang. The indicators are the same in the adult correctional centres where up to 2.1% of the prison’s population are African people.



The African Youth Support Council (AYSC) – the youth agency under the Queensland African Communities Council (QACC) – youth mentors conduct school-based programs in Logan, Brisbane and Ipswich areas. More than 80% of the African students currently don’t value education and are increasingly becoming disengaged from learning and instead are getting involved in anti-social behaviour. Students from the African school programs experience racism and discrimination within the schools. Additionally, their parents lack understanding of student issues. The parents of those students who were engaged in a series of exclusive forums organised by QACC made similar complaints about the schools, and their children being turned against them to create conflict in families. The parents and young people and the entire community’s distrust in institutions and services is growing as problems grow and families feel powerless, confused, frustrated, and misunderstood by the system. The system continues to apply the same old strategy of mainstream service delivery that never reaches the grassroots communities and particularly those who are struggling to engage and understand the system. The decision-makers continue to rely on quantitative data that never reflects the realities on the ground in terms of issues and what works.

The opening of the 3 centres dubbed as *The African Village* and strategically located in Moorooka, Geebung and Redbank Plains open hope for a potential solution to build a sense of belonging, identity, establish strategic partnerships, engage with the system and build positive relationships in safe spaces. This strategy is about the QACC leadership’s vision of introducing and embedding the system in the local community. The facilities – if well-resourced – will

operate 7 days a week including after hours to be responsive and flexible based on the social mobility of the community and to equally allow various social demographics, specialised service providers and agencies to utilise the space at the time that suits the community and their needs. The young people in the criminal justice system will have a safe space of cultural significance and symbolism to reconnect and build relationships with the community and services. The students who have been suspended will alternatively be referred to these spaces for ongoing support while on suspension. Different ethnic groups will have an opportunity to run language classes and cultural dance for their children to improve cultural connections and improve communications. Specialised service providers will no longer struggle to reach the community.

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#### AFRICAN YOUTH SUPPORT COUNCIL (AYSC)

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**Vision:** Every African Australian child in Queensland grow up feeling adequately supported, belonged, ambitious and optimistic about their future

**Mission:** Our children and young people can see themselves as fully embraced, valued, included at various levels of decision-making processes, with unquestionable equal access to professional opportunities in private, community and public sectors

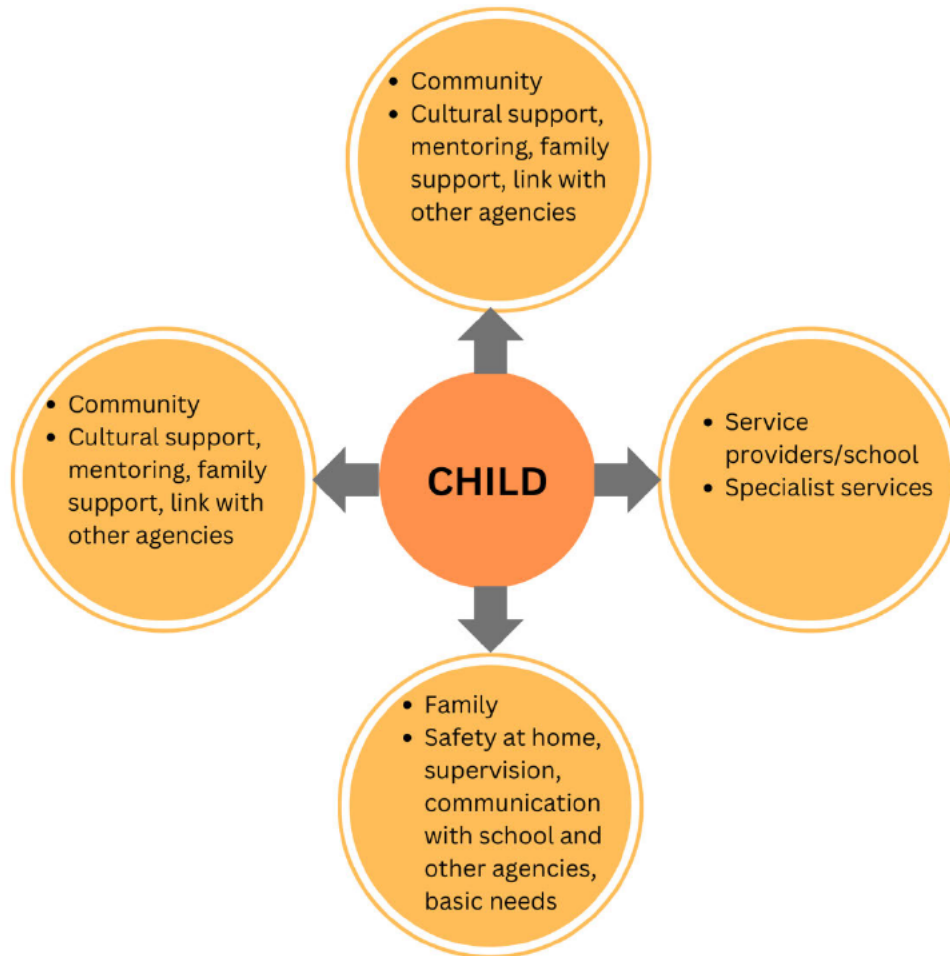
**Values:**

- Respect
- Responsibility
- Integrity
- Accountability
- Hard-work



- Non-judgmental

### THE AFRICAN VILLAGE MODEL



### FAMILY IN AFRICAN CONTEXT

A family from a typical African culture include not only members of the extended family, but all aunts, uncles, cousins, clan members, friends of the family and their associates well-known to the family. You would only distinguish, observe and follow strict cultural protocols that exclusively and clearly identify and allocate specific roles and responsibilities during social formalities and ceremonies such as marriages. All immediate, or nuclear and extended family members and carefully selected clan members and friends would be allocated speci 6

responsibilities when it comes to formalities. All members within the social circle would assume the responsibility of the child and either take action or report the matter to the concerned family to ensure the safety and wellbeing of the child.

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#### WHAT FACTORS CONTRIBUTE TO CHILDREN'S AND YOUNG PEOPLE'S INVOLVEMENT IN YOUTH JUSTICE SYSTEMS IN AUSTRALIA?

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- Trauma
- Racism and discrimination in schools and at workplaces. The students from the school programs reported some teachers and students have used the N-word and dismissive statements to silence them when there are issues involving students from different cultural backgrounds within the school.
- Drugs and other alcohol widely used by some youth and adults as coping mechanisms for stress
- Family breakdowns and DFV
- Communication barriers or lack of engagement between parents and schools and between parents and children
- Gang affiliation and youth crime and identity crisis among young people
- Distrust of institutions and system as a whole - underpinned by the community's wide perceptions of systemic discrimination, racism and deliberate practices by agencies that disempower the families and keep the community vulnerable and dependent

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#### TRAUMA, SHAME, AND DISTRUST

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Most of the parents and people who settled in Australia on humanitarian visas have gone through numerous phases of traumatic journeys across different countries before they settled in Australia. While travelling and finding safe place for their families, their lives were shaped by different traumatic, cultural, social and political events. Such families are comprised of

children who were born in different countries including Australia. A parent would typically be born in their home of origin, and maybe some of their children were born in the second country (refugee camps) and others finally in Australia. The family may have some members who are still in the refugee camps in different countries, some may have gone to other Western countries like U.S.A, Canada, U.K and others and majority of them may still be in their original home country. Some families may have lost a number of family members during these journeys and are caring for others somewhere else. The children while born in Australia or in the refugee camps and settled in Australia at a very young age, may not fully comprehend or understand this and what their parents may be going through. These family dynamics and even cultural diversity within the families including communication barriers and limited knowledge of the new system in Australia and external influence are mainly the cause of most of the relationship issues across our community. The complex social environment and the system also cause trust issues. Many people feel like they can't trust anyone because they would assume that those approaching them for assistance would not do so in line with their cultural norms, values and principles.

WHAT NEEDS TO BE CHANGED SO THAT YOUTH JUSTICE AND RELATED SYSTEMS  
PROTECT THE RIGHTS AND WELLBEING OF CHILDREN AND YOUNG PEOPLE?  
WHAT ARE THE BARRIERS TO CHANGE, AND HOW CAN THESE BE OVERCOME?

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1. Place-based/local community-led service delivery at places of cultural significance like the African Village where parents, youth and specialist services meet and obtain whole-family-centred support rather than individual-based
2. Resources investment in local cultural and community groups to support new humanitarian arrivals settlement locally.



3. Whole-family case management approach as opposed to individual young person case management alone
4. School-based youth mentors and cultural liaison officers
5. Mandatory for strategic partnerships between mainstream service providers and local community cultural groups to deliver government-funded family-support program
6. Employment of young leaders in policy positions and promotion of people from CALD or indigenous backgrounds into leadership's roles to inspire young people from their communities
7. Empowerment of parents from newly emerging communities with new skills, knowledge and information about the system
8. Understanding and respect for families and parents' knowledge of the issues and solutions for their families
9. Establishment of independent community-based body that assess the impact of government-funded programs that support local communities
10. Emphasis on qualitative data as opposed to quantitative data that do not measure the practical outcomes and impact
11. Quota for staff from newly emerging communities in senior management and boards of mainstream community service providers that support new families, parents and children
12. Local community-led transitional justice and rehabilitation programs inside and outside the prison system
13. Banning of mobile phones in schools/classrooms

14. During after-school and work hours and through the weekend, families, parents and youth engagement programs participate in local community-managed centres/spaces
15. Employment of court-based elders and people with cultural authority and knowledge to advise magistrates on local community rehabilitation programs and cultural support and connections

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#### AYSC EARLY INTERVENTION STRATEGY

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Our youth early intervention strategy is designed holistically to produce a strong, optimistic, ambitious, resilient and relatively integrated future generation of the African community in Queensland and Australia as a whole.

For several years now, we've observed our children struggling to find their place within their families, communities and schools. Communications between parents and their children, parents and schools or local authorities and with their communities are profoundly inconsistent, inadequate, uncoordinated and ineffective altogether. Such breakdowns in effective and positive communication strategies have consequently led to widespread high levels of distrust, conflicting expectations, frustrations and finally leaving most young people highly disconnected, disengaged and subsequently involved in anti-social behaviour.

Most parents also struggle to engage and understand the new system and institutions they live in due to communication barriers. This leaves most of them in social-isolation from the mainstream community. They feel disempowered by the system and as such, they're unable to exercise their proper authority as parents to raise their children responsibly. Their limited knowledge of, and interactions with the system also make it extremely difficult for them to adjust their parenting styles and communications with children at home. All of these

frustrations and pessimisms unsurprisingly cause a lot of mental health illnesses and family relationship-breakdowns and many other associated ramifications and negative spillovers.

The AYSC's youth and family early intervention strategy employs a variety of specifically, culturally appropriate and strategically targeted mechanisms to support families and children at home and in identified schools.

The mentors also work very closely with students' career experts, parents and teachers to ensure communication is consistent and expectations are managed and aligned to the student's needs and interests.

There are activities similarly co-designed by mentors with parents to help them improve their styles and means of communication and parenting techniques at home with their children and with schools and other child welfare institutions.

The purpose of the school-based program is to ensure our young people continue to be engaged, supported and connected through relationship and trust-building in their safe spaces of gathering at schools and in the community. The programs are inclusive of students from all backgrounds.

The program also assists the schools to better connect and build relationships with parents to ensure they're actively involved in their children's education and have better understanding of the Australian education system. The activities under this program are tailored to specifically meet each school's needs after extensive discussions with the school to identify the existing resources/programs and the gaps that are needed to be filled.

The program incorporates some outreach's support for parents who may be struggling to engage with the school to support their children in their learning journeys or want to look for a job to support the families. Those parents can be identified through the school and their children

who are involved in the program. The program is run by the Youth Mentors from AYSC in selected schools where there's a significant number of African students, or reports of disengagement from learning and other negative activities involving African young people.

It also involves suspension elements where our mentors can support any African students on school suspension to ensure they continue to complete their schoolwork at home, get a job, driving or learner's license and positively engaged in social activities and stay out of trouble while on suspension.

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#### LEADERSHIP AND REPRESENTATION

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Advocacy for youth voices to be represented at key reference groups, and encouragement for employers to diversify their work force, especially on senior leadership's roles where key decisions around resources allocations are made.

Investment of resources in career, leadership roles, mentoring in schools and families is essential to ensure the needs of the students are being met. This process will involve identifying potential leaders at a young age and working consistently to motivate, mentor and work with their families to support them through their education and career journeys.

QACC recognizes and awards young Africans who excel well in schools, universities, sport, business, art/music and other professional fields in order to motivate younger ones to follow similar footsteps and instill positive values in children to remain optimistic and focused.

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#### REHABILITATION STRATEGY

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- Intensive therapeutic, cultural and mentoring programs inside and outside the juvenile centres
- Case management

- Proper coordination of the release of a young person/transitional management from juvenile centres back into the community and engagement outside
- Transition of young adults from corrections to the community, and from juvenile centres to corrections
- Court support and referral pathways to housing, transport, employment, AOD and counselling services – with some trusted specialist services such as QPASTT to be invited to deliver further specific services at AYSC’s African Village centres : 12 similar centres in other communities
- A court structure similar to the Murri court where the participation of respected elders and people with cultural authority alongside the children magistrates actively participate in the legal proceedings.
- Mandatory community-based and led restorative conferencing and community service
- Local community-initiated and community -led programs at community’s centres similar to increase the community ownership and engagement




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## EVIDENCE

Data independently collected and analysed by the Queensland University of Technology indicates that more than 90% of participants in the AYSC’s programs have felt strong sense of belonging, identity, agency, and connection to culture. Evidence also suggests that there has been zero major gang-related incidences involving the young african people who participated in the African Village’s program over the past 12 months.

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## EXPERT’S ANALYSIS

According to Dr Tracey Westerman, an Indigenous psychologist with two decades of expertise on the impacts of race-related grief and trauma, expressed that some of the responses in dealing with youth crime should particularly include:



- Geo-mapping of the youth crime data to identify hotspots to mobilise and test prevention efforts
- Establish causal data-driven links between racism and juvenile justice outcomes
- Improve cultural competence in the justice system in a way that is measurable and trackable against youth crime rates
- *Develop unique criminogenic assessments to determine early risks and casual pathways to crime*

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#### TRAUMA AND “COMPROMISED ATTACHMENT” EFFECTS

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Dr Tracey Westerman also made some interesting observations around intergenerational issues and trauma. She stated that “compromised attachment” takes place when “there is disconnection from primary attachments” such as important figures in the child’s life like parents, teachers, extended family, guardians and other role models. The consequence of this is that similar compromised attachment is passed on by the child to the next “generations and future relationships” hence producing intergenerational disadvantage. The children need to know that the “love and support of their primary carers is there in a predictable and consistent way.” Dr Westerman believes that children disconnected from those key figures tend to develop “self-loathing alongside the feeling that they have nothing to lose” and that means they “no longer fear anything” including committing crime and going to prison.

Various studies indicate that between 80% to 93% of children/youth in prison have trauma. Dr Westerman stated that “untreated childhood trauma has strong links with substance abuse and violence” and that those children have limited capacity to “calm themselves.” She pointed out that placing “traumatised children with other traumatised children can create an environment that ensure heightened reactivity to others becomes normalised” and this increases the chances

of future criminal offending by those children. Therefore, treating the trauma is also a critical part of crime prevention strategy.

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#### SAVINGS TO THE GOVERNMENT



If the report that it costs up to \$761,509 to keep one child in jail is correct, then it equally means that the costs to the government in keeping about 36 African youth in jail is roughly around \$27,414,324 million a year. It would cost the government less than half a million dollars a year to fully support AYSC's strategy that could potentially prevent many of the children from <sup>14</sup> community from being incarcerated. Based on these numbers, it could save government \$2... million a year to support early intervention and rehabilitation strategies. These numbers may have not incorporated savings/costs associated with their economic contributions, community safety and so forth.

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#### NEED FOR THE NATIONAL APPROACH

A meaningful change can only take place under a nationally adapted and consistently implemented strategy because our young people are mobile and influence each other nationally. We have previously come across a significant number of our young people in the detention centres have travelled interstate to avoid being incarcerated and stayed in the safety of friends or relatives however these young person commit further offences in Queensland.



African Village at Moorooka



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African Village at Geebung



Official opening of Moorooka African Village





Meeting of African soccer coaches at the African Village in Moorooka Young people at the



African Village in Moorooka,