

**NSW Service for the Treatment and
Rehabilitation of Torture and Trauma
Survivors (STARTTS) with the Public Interest
Advocacy Centre (PIAC)**

**Joint Submission on the Australian
Human Rights Commission Discussion
Paper: *African Australians: A report on
human rights and social inclusion issues***



August 2009

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Introduction

The NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS)

The NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) is a state-wide Affiliated Health Organisation, a not-for-profit company registered with the Australian Securities and Investments Commission (ASIC) and a registered Public Benevolent Institution with the Australian Taxation Office (ATO). STARTTS mission is to develop and implement ways to facilitate the healing process of survivors of torture and refugee trauma, and to assist and resource individuals and organisations who work with them to provide appropriate, effective and culturally sensitive services. STARTTS clients are survivors of torture and trauma in the context of organised violence and state terrorism who have settled in Australia. The majority have arrived through the Australian Refugee and Humanitarian Program.

STARTTS service provision philosophy is based on recognizing the socio-political, cultural and human rights context of the traumatic experiences undergone by torture and trauma survivors, and the complex interaction between the effects of the traumatic experiences and subsequent stresses associated with the exile, migration and resettlement processes, in the context of the individual and their own make-up and life experience. Particular emphasis is placed on a holistic client centred approach which recognises and addresses the importance of language, cultural, religious and socio-political issues to overcome access barriers and increase the effectiveness of both community development and clinical interventions.

Based on this philosophy, STARTTS provides a broad range of services including assessment; counselling for all age groups; psychiatric assessment and interventions; family therapy; group interventions; assistance to overcome vocational and non-vocational barriers to employment; bodywork such as massage, physiotherapy, acupuncture and pain management groups; support groups; programs for children and youth; and various strategies to increase the capacity of support networks and refugee communities to sustain their members.

The focus of the STARTTS approach is on building capacity and empowering people and communities to take control over their own lives, using a strengths-based approach and building on individual, family, community and cultural strengths. Funding is primarily provided by the NSW Department of Health, the Federal Department of Health and Ageing and the Department of Immigration and Citizenship, the latter for assessment and short to medium term counselling intervention under the Integrated Humanitarian Settlement Strategy (IHSS). More information on STARTTS' services and programs can be found at <http://www.startts.org.au>.

The Public Interest Advocacy Centre (PIAC)

The Public Interest Advocacy Centre (PIAC) is an independent, non-profit law and policy organisation that works for a fair, just and democratic society, empowering

citizens, consumers and communities by taking strategic action on public interest issues.

PIAC identifies public interest issues and, where possible and appropriate, works co-operatively with other organisations to advocate for individuals and groups affected. PIAC seeks to:

- expose and redress unjust or unsafe practices, deficient laws or policies;
- promote accountable, transparent and responsive government;
- encourage, influence and inform public debate on issues affecting legal and democratic rights;
- promote the development of law that reflects the public interest;
- develop and assist community organisations with a public interest focus to pursue the interests of the communities they represent;
- develop models to respond to unmet legal need; and
- maintain an effective and sustainable organisation.

Established in July 1982 as an initiative of the Law Foundation of New South Wales, with support from the NSW Legal Aid Commission, PIAC was the first, and remains the only broadly based public interest legal centre in Australia. Financial support for PIAC comes primarily from the NSW Public Purpose Fund and the Commonwealth and State Community Legal Services Program. PIAC also receives funding from the NSW Government Department of Water and Energy for its work on utilities, and from Allens Arthur Robinson for its Indigenous Justice Program. PIAC also generates income from project and case grants, seminars, consultancy fees, donations and recovery of costs in legal actions.

More information about PIAC's services and programs can be found at <http://www.piac.asn.au>.

STARTTS' Work with African Australians and African communities

Over the last ten years, STARTTS has provided assistance and support to an increasing number of refugees and people with refugee like backgrounds from Africa. Many of these clients have experienced the trauma of war and have spent extended periods of time in refugee camps. A significant number have also been victims of torture. Most are suffering severe dislocation and feelings of loss and displacement. Some have lost their entire family network. Upon arrival in Australia they continue to face difficulties such as lack of English language, unemployment, family separation and conflict, racism and negative community attitudes.

A detailed outline of STARTTS' work with African communities from 2000 – 2009 is attached to this Submission as Appendix A.

STARTTS recognises that recovery from torture and trauma requires a holistic approach in which community development is an essential component. Since 2000, STARTTS has had involvement with a wide variety of African communities and organisations, including the South Sudanese, Sierra Leonean, Burundian, Liberian, Congolese and Somali communities, the African Women's Group, the African Australian Islamic Association and the Horn of African Relief and Development

Agency. STARTTS' involvement has included carrying out community consultations, facilitating strategic planning processes, assisting with funding submissions, advocacy and event and project management (see Appendix A for details).

STARTTS has also delivered its *Families in Cultural Transition* program (FICT) to a number of African communities. This program aims to reduce the social isolation and family conflicts that often accompany migration by building a comprehensive resource kit for facilitators and using it to train groups of newly arrived refugee families.

From its inception STARTTS has used a Bi-cultural Counsellor Model in order to respond appropriately to the mental health needs of clients from refugee and refugee-like backgrounds. In accordance with this model, STARTTS recruited and trained six Counsellors/ Project Officers from the South Sudanese, Congolese, Sierra Leonean and Somali communities between 2004 and 2006. The presence of these trainees has enabled STARTTS staff and management to expand and enhance their knowledge and awareness of cultural, political and social issues faced by a variety of African communities. The trainees have also acted as highly successful bridges between STARTTS and a number of African communities.

In addition, STARTTS has recruited a number of African staff into African-specific and generic positions within the organisation, particularly in the community development field (see Attachment A for details). This has enhanced STARTTS relationships with many communities and has enabled STARTTS to provide a holistic service on all levels of the social system, starting from the individual to family and community.

PIAC's Work on Human Rights and Access to Justice

PIAC has a long history of advocating for the need for better human rights protection in Australia. For the last five years, PIAC has been working across Australia and more particularly in New South Wales, to promote awareness of human rights in the community, and more recently, to assist marginalised communities to respond to the National Human Rights Consultation. PIAC supports the enactment of federal, state and territory laws that guarantee human rights in Australia and ensure that legislation and government policies and conduct are consistent with these rights. PIAC also undertakes casework in the area of human rights, including privacy and discrimination claims.

In recent years, PIAC has become increasingly aware of human rights and social inclusion issues impacting on African Australians. On a number of occasions PIAC has been approached by representatives from African communities concerned about derogatory statements being made by broadcasters and other people in public positions about people of African descent. PIAC has assisted in these matters by providing legal advice and information as well as appropriate referrals.

Access to justice is another key focus for PIAC. For many years, PIAC has worked towards making the justice system more accessible for marginalised and disadvantaged clients by developing and piloting models for unmet legal need,

exploring and promoting innovative ways of funding and progressing public interest law and identifying, challenging and preventing systemic barriers to access to justice.

In 2008, PIAC launched the Mental Health Legal Services Project (MHLSP), a two-year initiative funded by Legal Aid NSW and PIAC. Through the MHLSP, PIAC aims to develop appropriate and sustainable responses to the unmet legal needs of people in NSW who are mentally ill, and to systematically identify and respond to the barriers to justice facing people in NSW who are mentally ill. In 2009, PIAC received additional funding from the NSW Public Purpose Fund to enable the establishment of four pilots to test different models of service delivery aimed at improving access to justice for people with mental illness. Each of the pilot programs seeks to facilitate a more holistic service through creating a direct interface between legal services and other supports, such as non-legal advocacy, social work, clinical treatment, rehabilitation and community development.¹

Through its contact and consultations with STARTTS over the years, PIAC became aware of particular difficulties experienced by STARTTS clients in accessing the justice system. Social disadvantage and economic marginalization experienced by people with mental illness is greatly exacerbated for refugees who are torture and trauma survivors, due to a range of factors including physical and mental health problems, lack of English skills and lack of formal education. The sequelae of torture and other traumas experienced in the context of organized violence not only places individuals, families and communities in a vulnerable position in the host country, at risk of secondary victimization, but it also interferes with their ability to access and utilize their internal resources to their full potential. This places refugees at a profound disadvantage when attempting to negotiate the complex demands of exile, migration and resettlement processes,² let alone in dealing with other legal issues that arise.

In recognition of these difficulties, one of the two-year pilot projects within the MHLSP focuses on assisting STARTTS clients and potential clients to access mainstream legal services. This pilot project involves a PIAC solicitor working at STARTTS four days per week to provide legal information, advice and referrals to STARTTS clients with pressing legal needs.

A significant number of the matters that the PIAC solicitor has dealt with since commencing working at STARTTS in June 2009 have involved clients from African backgrounds. These matters have ranged from simple governance issues for community organisations through to complex matters raising potentially serious infringements of rights in the criminal justice system.

¹ For further information about PIAC's Mental Health Legal Services Project, see S Kilkeary, "Making Human Rights 'Real' in Mental Health" (2009) 29 *PIAC Bulletin* 6.

² J Aroche and M Coello, "Towards a systematic approach for the treatment and rehabilitation of torture and trauma survivors: the experience of STARTTS in Australia", Paper presented at 4th International Conference of Centres, Institutions and Individuals Concerned with Victims of Organised Violence: "Caring for and Empowering Victims of Human Rights Violations", DAP, Tagaytay City, Philippines, 5-9 December 1994.

The Australian Human Rights Commission's African Australians: A Report on Human Rights and Social Inclusion Issues Discussion Paper

PIAC and STARTTS welcome the opportunity to provide a Joint Submission to the Australian Human Rights Commission's *African Australians: A Report on Human Rights and Social Inclusion Issues Discussion Paper* ("the Discussion Paper"). While the majority of the submission is written from the STARTTS perspective, PIAC's involvement is particularly centered on the Justice Section according to its area of expertise.

In preparing this Joint Submission we have consulted with STARTTS counsellors, community workers and other staff from African backgrounds, with our African clients and with our contacts in African communities.

Our Joint Submission addresses each of the Discussion Paper's main headings: Health, Education, Employment, Housing and Justice. Rather than answering the specific questions in the Discussion Paper, we have commented instead on broad issues of concern for us and our clients. Where possible, we have made recommendations for reform and included examples of good practice. We have also added a brief section on issues of capacity building in the area of self-advocacy by African communities.

Our experience working with clients and communities from African backgrounds has made us aware of the enormous diversity amongst African Australians in terms of ethnicity, race, language, culture and religion. The experiences of Africans who have arrived as part of Australia's Refugee and Humanitarian Program are significantly different to the experiences of voluntary migrants from Africa. In addition, there are vast differences between African Australians in terms of socio-economic status, areas of residence, length of time in Australia, educational opportunities, generational and gender differences. We welcome the Australian Human Rights Commission Inquiry as a means of raising awareness of this diversity and dispelling the misconceptions that persist in the Australian community that all African people are a homogenous group.

It is to be hoped that as a result of its consultations, the Australian Human Rights Commission will recommend programs and services to enhance the human rights protections and social inclusion of African Australians. However, it is essential that such programs and services not be targeted at Africans generally or even at the "African community." To be effective and sustainable, programs and services need to be carefully planned and structured to take into account the different needs and expectations of the various African communities.

It is also vitally important that any programs and services be well resourced and sustainable, rather than short term projects that end with no opportunity for recurrent funding.

Any programs or services need to be clearly targeted and should actually be "needed". In our experience, programs and services are less likely to be successful if they are

simply “delivered” to African Australian communities by large impersonal institutions. Rather, African Australian communities should be consulted about the programs and services in advance and should be actively engaged in their delivery.

Finally, we note that the Discussion Paper tends to focus on the difficulties that many African Australians have had with areas such as housing, education, employment and the justice system. We accept that it is necessary to draw attention to these difficulties in order to expose areas where support and service provision may be inadequate and reform necessary. However, in our view it is also very important to recognise the significant positive contributions that many African communities have made to Australian society in a relatively short period of time. These contributions are all the more remarkable given the hardships that have been endured by many members of these communities. In our Joint Submission, we will attempt to highlight some of these achievements.

Summary of recommendations

Employment and Training

- 1. The Adult Migrant English Program should not be limited by hours completed but by the level of English acquired. Students in the program should be allowed to continue studying until they have reached a level that will allow them to obtain employment or continue into further education.*
- 2. Job Services Australia should take a proactive role in assisting overseas qualified job seekers attain recognition for their overseas qualifications, including financial support.*
- 3. Intensive bridging courses and mentoring programs should be funded to allow African Australians and other refugees to update their skills and obtain the recognition they require to become employable in their relevant field.*
- 4. State, territory and federal anti-discrimination bodies such as the Australian Human Rights Commission and the NSW Anti-Discrimination Board should raise awareness of the difficulties being faced by African Australians in accessing employment and provide appropriate education and training to employers about their responsibilities under anti-discrimination legislation not to discriminate against African Australians in employment.*
- 5. Specialist programs that cater for the needs of African Australians and other refugees should continue to be piloted and funded to secure long-term employment for those who are experiencing significant barriers to enter the workforce.*
- 6. Childcare training should be provided for women of African and other refugee backgrounds, as this will cater for the communities' need for childcare services whilst also providing more employment opportunities for women.*
- 7. The Jobs Fund should approve STARTTS' application for additional Enterprise Facilitators and a possible expansion to rural and regional areas of NSW.*

Education

- 8. Service providers in the education sector should continue to invest in training in cultural competence and the impact of the refugee experiences on learning.*
- 9. The NSW Department of Education and Training's strategies should continue to be funded and extended to, further schools that need to support their African Australians and other refugee students.*

10. *Examples of good practice in education should be widely shared.*
11. *Intensive English Centres should receive adequate support and funding to ensure the best possible start in education system for African Australian students. The funding should also contribute to additional counsellor hours.*
12. *Routine Transition Programs from Intensive English Centres into mainstream high schools should be developed, implemented and evaluated. The funding should include additional counsellor hours.*
13. *Teacher's aids at Intensive English Centres should access regular training in teaching techniques and Intensive English Centre curriculum.*
14. *After-school help programs should be made widely available to African Australian students as well as to other refugee and humanitarian entrant students.*
15. *Schools should implement a variety of parent engagement strategies with African Australian parents. These strategies should raise awareness of parents about their rights in their child's education and the value of their active engagement in this process. Some of the strategies may include encouragement of multicultural events involving parents.*
16. *The Families in Cultural Transition (FICT) partnership between STARTTS and NSW Department of Education and Training should continue and that states and territories where torture and trauma services run FICT should consider a similar strategy.*
17. *Adult Migrant English Program (AMEP) students who have not reached a satisfactory level of English should be allowed to continue to attend classes until a satisfactory level is achieved, regardless of the hours prescribed.*
18. *Specific strategies should be implemented to support learning needs of Adult Migrant English Program students suffering from consequences of exposure to torture and trauma.*
19. *Adult Migrant English Program providers should ensure that the students with satisfactory level of English have access to appropriate vocational and/or academic pathways*
20. *Adult Migrant English Program staff should continue to receive cultural awareness training and training on teaching survivors of torture and trauma.*
21. *The Adult Migrant English Program potential to enhance settlement experiences through targeted information provision/health promotion should be utilised. It may be possible to deliver Families in Cultural Transition as an adjunct to Adult Migrant English Program classes.*
22. *TAFE Outreach should receive sufficient funding, as this is an important pathway into formal education for many African women.*

23. *African women should receive information about their childcare options prior to exiting Adult Migrant English Program.*
24. *Specific courses should be designed to increase a number of African women involved in the childcare industry particularly Family Day Care*

Health

25. *Private health practitioners should be encouraged to utilize the Translating and Interpreting Service (TIS) Doctors Priority Line when providing services to African Australians and other refugees.*
26. *TIS services provided to pharmacies should continue to be supported and be extended to comprise more African languages. Pharmacies should be encouraged to provide this service on a regular basis to their clients.*
27. *Wider training should be provided to mainstream health service providers to educate them about the programs available for African Australians, so that their clients can access appropriate specialist services.*
28. *The funding and promotion of models of best practice in primary health such as the Refugee Clinics by the NSW Refugee Health Service should be enhanced to enable these programs to reach refugees in rural areas and areas of low demand.*
29. *Innovative practice models such as the 'Fairfield Refugee Nutrition Program' provided by the NSW Refugee Health Service and those provided in conjunction with the NSW Department of Education and Training should continue to be funded and extended to other locations.*
30. *Health service providers should continue to provide services for individual, family and community, creating relationships with the communities based on trust, in order to raise awareness about mental health issues and reduce the stigma present in African Australian and other refugee communities.*
31. *Mental health treatment provided to African Australians should be culturally congruent and linguistically and culturally appropriate.*
32. *Mental health services should be flexible and willing to adapt the ways they deliver their services in response to client feedback.*
33. *Strategies should be developed to provide information to African Australians, in relation to mental health, in their own language and in a number of mediums (written, spoken and visual) whilst taking into consideration the different cultural understandings of mental health.*
34. *Funding should be provided to torture and trauma services to plan, implement and evaluate suicide prevention projects in collaboration with leaders and elders of African communities.*

35. *An extended family approach should be considered in migration programs so that unmarried children over 18 and other loved ones are able to join their families in Australia.*
36. *More support and opportunities for single mothers and Women at Risk should be established so that they can learn to cope with the difficulties of raising a family without a male figure in a culturally different society.*
37. *Options for a larger-scale, sustainable and systemic delivery of Families in Cultural Transition should be explored. It may be possible that Families in Cultural Transition becomes an integral aspect of Adult Migrant English Program or Integrated Humanitarian Settlement Strategy service provision to enable access to all newly arrived Refugees and Humanitarian Entrants.*

Housing

38. *A specific portion of the funding received under the Nation Building Economic Stimulus Plan should be targeted for accommodation schemes accessible to newly arrived Refugees and Humanitarian Entrants. This would be achieved through partnerships between the Commonwealth, States and the Community Housing providers. Such housing should be located in safe areas, accessible to public transport and employment opportunities and in proximity to existing African and other refugee communities.*
39. *Future construction of social housing should take into account the family structure of this group, leading to the construction of a certain number of larger homes that cater to the needs of the African communities as well as those catering for the needs of single people.*
40. *Cluster accommodation options for newly arrived Refugees and Humanitarian Entrants should be considered and possibly developed through the nation Building Economic Stimulus Plan.*
41. *Initial accommodation services should be extended beyond 6 months with provision for up to 12 months with the level of intensity of involvement decreasing after the first 6 months.*
42. *Towards the end of the first 6 month lease, tenants should be provided with training and assistance to understand how the private rental market works, how to go about finding suitable accommodation, and their rights and obligations as tenants. Those who require assistance should also be provided with assistance to look for accommodation. This is particularly important for those communities and entrants who have lived for extended periods in refugee camps.*
43. *It is important for newly arrived Special Humanitarian Program (SHP) entrants who have experienced a relationship breakdown with their proposer, to be able to access accommodation assistance. Ideally, the SHP arrivals would have an automatic access to the accommodation assistance as described above.*

44. *Women at Risk and other refugee women who are in vulnerable positions should immediately qualify for Priority Housing as they are dealing with highly complex needs in many areas of their lives.*
45. *The above recommendation (44) should be taken to ensure the protection of not only Women at Risk but also other women from the Refugee and Special Humanitarian Program who are in urgent need of this support such as those escaping domestic violence.*
46. *Training should be provided on tenancy issues for both Refugees and Humanitarian Entrants during the on-arrival accommodation phase.*
47. *It is essential that the NSW Housing Private Rental Brokerage Service is accessible to all African Australians who may require this service.*
48. *Education programs should be established through the Real Estate Institute, to encourage Real Estate Agents to work in conjunction with African Australians and other refugee communities and service providers working with those communities in order to increase cross-cultural competence in the Real Estate industry and raise awareness among refugee communities about their rights and duties.*
49. *Tenancy and home ownership information should be made available in plain English and a variety of African languages at a number of access points and communication mediums.*
50. *Information and education about housing responsibilities and housing provision in Australia should be provided before arrival, to ensure that refugees have a clear understanding of the Australian housing conditions and availability.*

Justice

51. *Information and education about the legal and justice systems should be provided to African Australians as soon as possible after arrival in Australia, ideally during the transition period. Such education should be provided in a broad range of African languages and in a variety of visual, written and verbal mediums to cater for a range of educational and literacy levels.*
52. *Funding should be made available to enable LawAccess and other services that provide legal information to provide such information in a broader range of African languages.*
53. *Legal education programs that provide legal education to African Australians in a manner that is culturally appropriate, relevant and engaging (such as the Justice for Refugees Program in Victoria) should be extended to other states and territories.*

54. *Funding should be made available for the recruitment and training of more Community Liaison Officers from African communities in state, territory and federal government law and justice departments.*
55. *The legal profession should consider using more flexible models of legal service delivery when providing services to African Australians, including models that rely on input and assistance from non-legal service providers including counsellors, community elders and community workers to navigate cultural and support issues.*
56. *More information should be made available to African Australians about the availability of pro bono and reduced fee legal services. This information should be made available in a broad range of African community languages.*
57. *Culturally appropriate education should be provided to African communities about the grounds of discrimination covered by state, territory and federal anti-discrimination laws, the role of the Australian Human Rights Commission (and state and territory anti-discrimination bodies) and the processes for making complaints.*
58. *Culturally appropriate education should be provided to African communities about rights under victims compensation laws and the process for making claims under these laws.*
59. *Police officers should receive ongoing education and training about cultural issues for African Australians and about the realities of the refugee and migration experience. Advisory groups consisting of African Australian community leaders should be established to assist in this process.*
60. *Funding should be provided for joint community policing programs between local police and African community elders.*
61. *More African Ethnic Community Liaison Officers should be recruited into state, territory and federal police forces and provided with adequate training and support to carry out their roles effectively.*
62. *Training and education should be provided to African Australians about their rights in relation to the exercise of police powers (for example, the right to silence).*
63. *Training and education should be provided to African Australians about processes for making complaints about police mistreatment.*
64. *Alternatives to imprisonment should be considered for refugee survivors of torture and trauma during the sentencing process.*
65. *Adequate assessments should be carried out of the torture and trauma backgrounds of refugees and people with refugee like backgrounds at the point of intake to correctional centres. Inmates identified as being torture or trauma survivors should be provided with access to appropriate counselling by STARTTS or other suitable agencies while in prison.*

66. *Prison Liaison Officers from African communities should be recruited and trained by the NSW Department of Corrective Services and its counterparts in other states and territories.*
67. *Systems need to be established to make it easier for African communities and elders to obtain information about African Australians who are in prison, while respecting the privacy rights of those in prison.*
68. *Culturally appropriate court support services need to be developed for African Australians and their families, particularly in the higher courts.*
69. *More culturally appropriate services need to be provided to support African Australians upon release from prison.*
70. *Education and training should be provided to African Australians and their families about procedures for making complaints about mistreatment in prison.*
71. *Initiatives to promote greater understanding of the Australian family law system among African Australian communities should continue to be developed and implemented.*
72. *The NSW Department of Community Services should fund the African Sessional Workers Project beyond 12 months and build into this project features that are long term and sustaining.*
73. *Programs similar to the African Sessional Workers Project in Western Sydney should be expanded to regional areas where African Australians have settled.*
74. *Research should be carried out into the viability of developing innovative approaches to conflict resolution that blend the approach of African communities with that of the Australian legal system.*
75. *Funding should be made available for the South Sudanese Conflict Resolution Project and for similar alternative models of dispute resolution using African community elders.*
76. *Where African community elders are called upon to assist with conflict resolution in their communities, they should be reimbursed by service providers or government for their travel, accommodation and meal costs.*
77. *Education programs should be conducted for service providers such as the NSW Police Force, Community Justice Centres, Department of Community Services and the Family Court to increase understanding of approaches by African communities to conflict resolution.*
78. *Education programs should be conducted for African community elders to increase understanding of conflict resolution processes within the Australian legal system.*

79. *Funding should be made available for the recruitment and training of more interpreters (including female interpreters) in African languages and for the ongoing support of these interpreters in their employment.*
80. *Education should be provided for African communities on the role of interpreters. Such education should, focus on the independence and neutrality of the role.*
81. *African Australians should be provided with access to qualified and appropriate interpreters at all stages of the judicial process, including when they are being interviewed by police.*
82. *There should be training and education for media and the community on lived experiences of African Australians.*
83. *African Australians should be provided with education and training about their rights to make complaints about racial vilification and other offensive media content, and the processes for making such complaints.*
84. *Funding should be provided for training and support of volunteer Media Liaison Officers in African communities and development of their own ethnic media outlets.*
85. *Support and funding should be provided to programs and initiatives that promote positive images of African Australians and celebrate their achievements.*

Interpreters

86. *More African Australians should be encouraged to undertake the required training to become accredited interpreters. This will create employment opportunities and provide more interpreters that can attend to the needs of the community. This could be achieved through an increased funding to TAFE Interpreting Courses with a particular focus on small and emerging languages.*
87. *Specific service providers should be involved in further training of interpreters to equip them with interpreting skills in particular settings such as health and law.*
88. *Health care providers should receive further training and information in the use of Translation and Interpreting Services (TIS) and be provided with incentives to encourage the use of this free service. This could be achieved in NSW through an increase in funding for the NSW Refugee Health Service to expand their GP Project and to include the specialists. Additionally, a new Medicare item could be created for the use of interpreters.*

Capacity Building and self-advocacy

89. *Funding bodies should ensure that African communities are not unfairly disadvantaged when competing for funds with more established organisations aiming to provide services to people from their own community.*
90. *African communities should receive sufficient infrastructure/community building funds to facilitate efficient organisational functioning. While project-based funding is useful it is difficult for small organisations to carry out those projects without infrastructure/core funding.*
91. *African communities should receive adequate project management training as well as ongoing access to mentoring in this area so that learning occurs in the relevant context and input is provided at a time the community leadership identifies a need for it. While this may be more costly in the beginning it is likely to yield significant long-term benefits.*
92. *Funding bodies should explore alternative methods of monitoring and evaluating service provision so as not to place undue pressure on service providers to assert their ownership of projects at the expense of community ownership.*
93. *African communities should be funded to develop and deliver cultural awareness raising/training packages for service providers.*
94. *Federal Government should develop funding/resourcing strategies to assist African communities with development of national bodies and build their capacity to engage in systems advocacy on national issues. Community participation in policy development and political processes is essential to ensure social inclusion of African Australians.*

1. Employment and Training

1.1 Employment

Obtaining sustainable employment is vital for the successful settlement of African Australians. It contributes to good mental health and wellbeing of the individual whilst also providing financial security and helping towards social inclusion.³. However, African Australians and other refugees are facing significant barriers that prevent them from exercising their human right to work. Little choice about the country of resettlement, unresolved trauma, language difficulties, problems with skills recognition and lack of local work experience and referees are just some of the hurdles that need to be resolved for African Australians to be able to gain employment and thus increase their social networks and accomplish financial independence.

According to the Department of Immigration and Citizenship (DIAC) Longitudinal Survey, Refugees and Humanitarian Entrants had significantly higher unemployment rates when compared to other migration categories. Further evidence of high unemployment among Refugees and Humanitarian Entrants can be located in DIAC Communities Information Summaries that derive their data from the 2006 Census. Below are unemployment figures for major African source countries of Refugees and Humanitarian Entrants over the last 10 years.

Country of Birth	Unemployment Rate
Sudan	28.5 %
Liberia	21.7 %
Somalia	30.8 %
Sierra Leone	16.7 %

According to the Small Area labour Market Quarterly of December 2008, the average national unemployment rate was 4.2 % and the unemployment rate for NSW was 4.8 %. Clearly, STARTTS client group experiences significant barriers to obtaining employment. It is likely that the above unemployment rates have increased since the 2006 Census, as many Refugees and Humanitarian Entrants work in casual and low-skill employment.

1.2 English language

Lack of English proficiency is one of the main difficulties preventing African Australians from getting employment. A number of African Australians and other refugees spent a significant amount of time in refugee camps where their education was significantly interrupted. For many refugees, this has led to illiteracy in their own language and lower employability. It is unrealistic to expect people who have not had the opportunity to attain education in their own language and who are dealing with the consequences of trauma and displacement to attain an acceptable level of English in the limited hours prescribed.

³ M Byrne, *The Other 50%: Refugee Men's Health* (2006) NSW Refugee Health Service, <<http://www.sswahs.nsw.gov.au/sswahs/refugee/pdf/theother50.pdf>> at 5 August 2009.

Recommendation

- 1. The Adult Migrant English Program should not be limited by hours completed but by the level of English acquired. Students in the program should be allowed to continue studying until they have reached a level that will allow them to obtain employment or continue into further education.***

1.3 Skills recognition

Refugees usually flee their countries in a hurry, often leaving behind important identification and documentation that includes academic achievements. It is often difficult for them to regain access to their records, which presents an obstacle to having their qualifications recognised in Australia. In addition, many African Australians and other refugees are unable to afford the costs of having their skills assessed by the National Office of Overseas Skills Recognition (AEI-NOOSR). The current costs are \$295 for Australian Citizens and Permanent Residents⁴, which can hinder people with low incomes from applying for an assessment.

According to the Australian Bureau of Statistics, just over one-third (34%) of migrants who arrived with a non-school qualification on arrival had their overseas qualifications recognised.⁵ This number is a reflection that the current system is not being accessed by the majority of overseas-qualified refugees and migrants.

Recommendations

- 2. Job Services Australia take a proactive role in assisting overseas-qualified job seekers attain recognition for their overseas qualifications, including financial support.***
- 3. Intensive bridging courses and mentoring programs should be funded to allow African Australians and other refugees to update their skills and obtain the recognition they require to become employable in their relevant field.***

1.4 Local Work Experience

Many African Australians are prevented from entering the labour market due to the lack of local work experience. Even when their overseas work experience may be relevant to the particular position, this may not be taken into sufficient consideration. Additionally, due to the nature of refugee experience, many African Australians do not have overseas employment records (eg Certificates of Service) and are unable to obtain those post-arrival to Australia. This not only hampers them in accessing labour

⁴ Australian Education International, Australian Government
<<http://aei.gov.au/AEI/QualificationsRecognition/Information/Step123.htm>> at 30 July 2009.

⁵ Australian Bureau of Statistics, *Labour Force Status and other Characteristics of Recent Migrants* (2007)
<[http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/7A12ECFE4A0E12D5CA2574560014CD36/\\$File/62500_nov%202007.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/7A12ECFE4A0E12D5CA2574560014CD36/$File/62500_nov%202007.pdf)> at 1 August 2009.

market but impacts on the rates of pay they receive as the pay rates tend to be linked to relevant work experience.

1.5 Discrimination

STARTTS staff and community contacts report that many African Australians are afraid of reporting discriminatory or unacceptable working conditions for fear that they may lose their jobs. Discrimination continues to be a barrier to accessing employment for African Australians and others from non-English speaking backgrounds. According to a study conducted by the Australian National University, job seekers with non Anglo-Saxon names need to apply to more jobs than their Anglo-Saxon counterparts in order to obtain the same number of interviews⁶. This study suggests that discrimination may be preventing refugees, African Australians and other migrants from entering the labour market. It may also be preventing African Australians from being recognised for their skills and capacities.

It is possible to complain about discrimination to state and federal anti-discrimination bodies. However, in many cases, discrimination suffered by employees and prospective employees is covert and difficult to prove.

It is important that African Australians be provided with information, education and training about their rights under anti-discrimination legislation. This is addressed in more detail in the Justice section of this Joint Submission (section 5.3).

It is also important that state and federal anti-discrimination bodies such as the Human Rights Commission and the NSW Anti-Discrimination Board raise awareness of the difficulties being faced by African Australians in accessing employment and provide appropriate education and training to employers about their responsibilities under anti-discrimination legislation not to discriminate against African Australians in employment.

Recommendations

- 4. State, territory and federal anti-discrimination bodies such as the Human Rights Commission and the NSW Anti-Discrimination Board should raise awareness of the difficulties being faced by African Australians in accessing employment and provide appropriate education and training to employers about their responsibilities under anti-discrimination legislation not to discriminate against African Australians in employment.***

1.6 Providing employment services for survivors of torture and trauma

We are not in a position to comment extensively on the newly introduced ‘Job Services Australia’. However, we wish to highlight that job seekers from refugee and/or torture and trauma backgrounds require more extensive and personalised

⁶ A Booth, A Leigh and E Varganova, *Does Racial and Ethnic Discrimination Vary Across Minority Groups? Evidence from Three Experiments* (2009) Australian National University <<http://econrssh.anu.edu.au/~aleigh/pdf/AuditDiscrimination.pdf>> at 30 July 2009.

assistance that focuses not only on job finding but also on assisting individuals to deal with the impact of torture and trauma and attain skills that will make them job-ready. Economic participation in society follows an increased social participation that can be facilitated through access to appropriate health and welfare services.

The impact of torture and trauma can severely interfere with a person's ability to work and deal with everyday life. The consequences of trauma are many and include physical aches, anxiety, intrusive memories, sleep disorders, flashbacks and anger issues among other symptoms. Therefore, it is important to support and continue pilots that provide specialist and culturally specific services to job seekers of refugees and/or torture and trauma backgrounds, as their needs are significantly different than other job seekers.

Between 2002 and 2009 the Personal Support Program (PSP) at STARTTS provided support to people from refugee backgrounds who were experiencing multiple barriers to being job-ready. Typically these clients, who were referred by Centrelink to STARTTS as a specialist provider of PSP, suffered from a range of physical and psychological post-trauma symptoms that led to social isolation, depression and anxiety, and family conflicts all of which limited their capacity to work. In most cases, these clients had already experienced failure in the Australian job market and education system and many had not been able to take advantage of free English tuition due to the difficulties that they experienced in the classroom. Participation in PSP at STARTTS allowed clients the time and support that they needed to deal with the many practical, social and psychological issues they faced.

Clients in the program received supportive and psychological counselling and access to other health services at STARTTS such as physiotherapy. PSP counsellors helped clients to deal with the many practical problems that they faced such as housing or financial issues, and provided a range of social activities and interest and vocational groups that allowed participants to learn new skills, build relationships and begin to become re-connected with the broader Australian society. Special PSP English classes were tailored to the needs of people with post-trauma symptoms and many clients found that for the first time since arriving in Australia, they were able to build their English language skills.

The great majority of participants completing the two-year program reported a decrease in the post-trauma symptoms that were preventing them from being able to work and an increased confidence and motivation to begin job seeking. Many participants were successful in finding work or embarking on or completing vocational study while still in the program. The new funding round of employment services that began in June 2009 no longer allows for specialist PSP providers to operate unless offering the full range of job-network services. As a result, STARTTS is no longer able to gain funding to operate as a PSP provider despite the high performance indicators that were consistently maintained throughout its delivery of the PSP program. The specialist services that were able to assist job seekers from refugee backgrounds are therefore no longer available to this group of people who so sorely need them.

For African Australians to achieve social inclusion in the workforce, it is essential that programs be in place to patiently and in a culturally relevant manner assist them in

addressing their trauma symptoms whilst strengthening their employment skills and creating opportunities for all refugees to enter the labour market.

Recommendation

- 5. Specialist programs that cater for the needs of African Australians and other refugees should continue to be piloted and funded to secure long-term employment for those who are experiencing significant barriers to enter the workforce.***

1.7 Women

Women not only experience the barriers explained above, but also obstacles that apply to them as women. As a result of cultural differences, a number of African women and other refugee women have dedicated their lives to raising their children and have not had any experience of education or paid employment. It is important for these women to be provided with time and training opportunities to adapt to new roles and thus assist them in the process of finding employment.

Lack of childcare is a considerable barrier for women who wish to enter the workforce. Numerous African Australian women are single parents as a result of their refugee experience and no longer have the extended family support they had in their country of origin. This creates anxiety as to who will care for the children while the mother is at work. It is often the case that there are not enough childcare facilities that provide an affordable and culturally relevant service within reach.

Recommendation

- 6. Childcare training should be provided for women of African and other refugee backgrounds, as this will cater for the communities' need for childcare services whilst also providing more employment opportunities for women.***

1.8 Self-employment opportunities

STARTTS is aware there are many refugees who have business ideas but are unable to access support from existing generic services, such as Business Advisory Services and NEIS, because they are geared to meet the needs of mainstream Australia. The main barriers faced by the STARTTS' clients are poor English language and literacy skills and sometimes financial literacy skills, and a poor knowledge of Australian business culture and the networks that could enable them to overcome those barriers by accessing people with the skills they lack.

In order to address some of these issues, STARTTS commenced with the highly innovative Enterprise Facilitation Project. The project has recently been approved for a three-year funding from DIAC and there is an application pending with the DEEWR Jobs Fund.

Refugee Enterprise Facilitation Project (EFP) aims to promote local economic growth by providing targeted support to local entrepreneurs from refugee backgrounds wishing to start or expand existing small business. The project is principally, geared

to meet the needs of entrepreneurs and potential entrepreneurs. The methodology used for this project is based on the Sirolli™ approach to local regeneration that was first pioneered in Western Australia and is now widely used in North America and more recently in the United Kingdom. It is a model of development that supports the creation of wealth from within a community by nurturing the intelligence and resourcefulness of its people and the development of community pride through the mentoring of local talent. It is also extremely cost effective with the average cost per new job created at A\$3,800.

Enterprise Facilitation model enables refugee entrepreneurs with good business ideas access to a team of volunteer professionals who can assist them with skills they often do not have in the Australian context – namely legal/financial and marketing. The Enterprise Facilitator connects the entrepreneurs with this support system and other mainstream small business initiatives when they are ready to access those.

Enterprise Facilitation differs from other forms of business mentoring or support in two significant ways. Firstly it offers a simple but effective management coaching approach that encourages entrepreneurs to form passionate and competent management teams before they seek finance and technical assistance. The rationale for the approach is that it is impossible to find a single entrepreneur who is equally passionate about the three major areas of business - production, marketing, and financial management. Secondly Enterprise Facilitation brings together the best and brightest leaders in the community to pool their knowledge and networks to enable the entrepreneur to find the right people to build the team that makes the business plan. Thus, Enterprise Facilitation also has a potential to contribute to the wider Social Inclusion Agenda. Currently, STARTTS Enterprise facilitation Project assists entrepreneurs from Zimbabwean, South Sudanese, Burundian, Somali, Liberian, Mauritanian and Sierra Leonean backgrounds. The Project employs one Enterprise Facilitator who has received 60 self-referrals in the last 3 months. This fact and a sample of overseas statistics indicate that Enterprise Facilitation has a significant job creation potential for African Australians.

For example in 2002, five Kansas projects involving 28 counties began using Enterprise Facilitation to support entrepreneurial growth at the community level. In the past five years:

- Over 80 % of businesses started in these projects are still active in 2007
- Each Enterprise Facilitator averages 10 to 15 business start-ups annually
- These start-ups produce 40 to 60 new jobs each year per project
- The annual budget per averages out to about \$2000 invested per job created

Recommendation

- 7. The Jobs Fund should approve STARTTS application for additional Enterprise Facilitators and a possible expansion to rural and regional areas of NSW.***

2. Education

Access to education is an essential aspect of the integration process for African Australians. It is an important vehicle for social inclusion that can lead to employment and social opportunities and more active participation in society. Illiteracy and lack of formal education due to wars and socio-economic problems faced by many African countries can slow down a smooth integration of African Australians into the education system.

Young Africans may face various challenges in accessing and enjoying their fundamental right to education. These include language barriers, limited or no previous formal education, difficulties transitioning to and accessing mainstream curriculum activities, the impact of torture and trauma experiences, lack of access to additional intensive tutoring or homework assistance and separation from family members (among other issues).

Many African Australians and other refugees struggle with the physical and psychological consequences of torture and trauma experiences. They may face various psychological difficulties such as depression, Post Traumatic Stress Disorder (PTSD) symptoms, anxiety and concentration and memory problems that can be an obstacle to their learning ability. Further, navigating the Australian education system can be a challenge for many African Australians and their families, who may be used to different approaches to education and learning.

Our educational concerns and recommendations are outlined below:

2.1 Training

Service providers in the education sector should continue to invest in training in cultural competence and the impact of the refugee experiences on learning. This will facilitate ongoing, understanding of the diversity of African cultures and communities and raise awareness of the difficulties that many African children and adolescents endure through their schooling in Australia. Regular training on the impact of the refugee experience helps teachers understand the reasons why some of their African students may appear withdrawn, struggle with concentration, struggle with school performance, or have poorer attendance rates. Ensuring teachers have access to professional development in this area, as well as the development of relevant programs and projects, facilitates a smoother transition for students from IEC into mainstream schools.

We commend the NSW Department of Education and Training (DET) for their *Refugee Support Strategy*, which comprises a range of different programs and strategies to help African Australians and other refugee students exercise their human right to education. STARTTS and the DET Multicultural Programs Unit (MPU) have collaborated on a number of the initiatives mentioned below. The DET's strategies include but are not limited to:

- English as Second Language (ESL) Programs;
- Refugee Transition program;
- Homework support;

- Student health and well-being – a number of School Counsellors are employed in dedicated Refugee Project Officer roles;
- Bilingual Support for students and families;
- Professional Learning for Teachers;
- Provision of the Families in Cultural Transition (FICT) program to the parents by STARTTS trained facilitators who are employees of DET;
- Provision of the Settling in Program designed jointly by STARTTS and DET to the students;
- Facilitating student access to a number of STARTTS programs and services such as Linking New Arrivals to Community Support (LiNCS), Jungle Tracks, Drumbeat, Capoeira Angola, FastForWord, counselling and neurofeedback. Majority of those initiatives occur in the school setting and during school hours.

We believe that the DET's strategies should continue to be funded and extended to further schools that need to support their African Australians and other refugee students. We understand that the Catholic Education Office (CEO) has also implemented a number of strategies to assist refugee students including appointment of a dedicated Refugee Project Officer.

Recommendations

- 8. Service providers in the education sector should continue to invest in training in cultural competence and the impact of the refugee experiences on learning.***
- 9. The NSW Department of Education and Training's strategies should continue to be funded and extended to further schools that need to support their African Australians and other refugee students.***
- 10. Examples of good practice in education should be widely shared.***

2.2 Intensive English Centres

Transitioning from the Intensive English Centres (IECs) to mainstream schools is a challenging and stressful process for African Australians and other refugee students. Adolescents are a particularly vulnerable group: they have to face the pressures of high school, often with limited or no previous formal education, at a time when they are also searching for a new identity as bicultural young adults. This has been identified as the reason for many African Australian students dropping out of school early. It is important for IECs to provide not only English support but also intensive curriculum assistance, to better prepare adolescents for the subjects and level at which they will be taught at mainstream school.

We support the use of bi-lingual teacher's aids at IEC's, especially for children and adolescents who have had their education interrupted or have a low-level of English proficiency. However, we recommend teacher's aids regularly access professional development training in teaching techniques and the IEC's curriculum. The Department of Education's *Promoting Positive Behaviour and Learning – Assisting Refugee Students at School* can be a helpful resource in that respect.

Recommendations

- 11. *Intensive English Centres should receive adequate support and funding to ensure the best possible start in education system for African Australian students.***
- 12. *Routine Transition Programs from Intensive English Centres into mainstream high schools should be developed, implemented and evaluated. The funding should include additional counsellor hours.***
- 13. *Teacher's aids at Intensive English Centres should access regular training in teaching techniques and Intensive English Centre curriculum.***

2.3 After-School Help

After-school programs for refugee students such as SPARK (*St Vincent de Paul Society Assisting Refugee Kids*) and the DET programs *After School Program for Refugee Students* and *Refugee Action Support Partnership*, provide excellent curriculum and cultural support for newly arrived refugee children. Many young African refugees are able to access and benefit from these programs that provide students with after-school homework help. The benefits of programs such as SPARK and *Refugee Action Support Partnership* is tridimensional; they aid in the settlement of the student, raise awareness of refugee issues (through the involvement of volunteers or students), and enable social interaction between refugees and mainstream societies. The SPARK program also takes place at schools and involves the student's teachers, who are often significant attachment figures for young people. We support programs like SPARK, which are easily accessible at the student's school, and recommend their extension to other school communities.

Recommendation

- 14. *An after-school help programs should be made widely available to African Australian students as well as other refugee and humanitarian entrant students.***

2.4 Parents

Language and differences in expectations can be a barrier to effective communication between the schools and the parents/guardians. Difficulties understanding letters from the school, the inability to help the child with their homework, and different cultural aspects can also cause friction between the schools and the child's parent/guardian.

The lack of participation by African parents in school activities, such as Harmony Day, may frustrate school staff and contributes to the belief that the parents are not interested in their children's schooling.⁷ STARTTS clients have reported that they do not participate in school activities because they lack confidence. Many African parents feel uncomfortable at their inability to speak English and communicate to

⁷ E Cassity and G Gow, *Shifting Space and Cultural Place: The Transition Experiences of African Young People in Western Sydney High Schools*, University of Sydney <<http://www.aare.edu.au/05pap/cas05485.pdf>> at 2 August 2008.

other parents, fear embarrassing their children and/or do not have the time as many have the responsibility of caring for a large family on their own. In addition, many Africans have fled state terrorism and oppressive regimes and thus fear questioning any state authority. As the schools are a part of the State, they sometimes fear that any complaints will be to the detriment of their child's schooling. To encourage more active involvement, awareness needs to be sensitively and patiently raised about two related issues: the parent's rights in their child's education; and the education system's value of the parents' input into the child's educational activities.

Recommendation

- 15. Schools should implement a variety of parent engagement strategies with African Australian parents. These strategies should raise awareness of parents about their rights in their child's education and the value of their active engagement in this process. Some of the strategies may include encouragement of multicultural events involving parents.***

Also, many parents feel that their roles have been reversed as their kids adapt and learn English at a faster pace. This situation causes stress in parent-child relationships as the child/adolescent is taking bigger responsibilities and parents become more reliant on their child for assistance. It is important for families to learn to understand and manage the pressure this situation causes in their relationship to enable them to maintain a strong family relation whilst settling in a new country. The STARTTS developed *Families in Cultural Transition* (FICT) kit (see Appendix) has been a successful tool in helping children and their guardians deal with this process.

STARTTS together with the Department of Education and Training (DET) are training school staff on how to utilise FICT. For many years, school bi-lingual staff have been trained to facilitate FICT with refugee parents, to help them gain confidence in their role as a parent in Australia and to educate them about the NSW education system. This program has proved to be a good practice model by enabling teachers and staff to provide information and assistance to children and their families, enhancing the parent's link to the school and increasing their understanding of Australian systems.

Recommendation

- 16. The Families in Cultural Transition (FICT) partnership between STARTTS and the NSW Department of Education and Training should continue and that states and territories where torture and trauma services run FICT should consider a similar strategy.***

2.5 AMEP

Illiteracy and lack of formal education due to wars and socio-economic problems faced by many African countries can slow down a smooth integration into the education system. As a result, some African Australians and other refugees are unable to obtain communicable English (Level 3) after the hours prescribed. It is important for African Australians and other ESL students to reach the English level proficiency required for the workplace.

Recommendation

- 17. *Adult Migrant English Program (AMEP) students who have not reached a satisfactory level of English should be allowed to continue to attend classes until a satisfactory level is achieved, regardless of the hours prescribed.***

Moreover, students who have had little or no formal schooling and who are dealing with the impact of torture and trauma on their health may find it extremely difficult to concentrate sitting in a classroom for several hours as they may not have those learning skills and are also suffering from memory and concentration problems as a result of trauma.

Recommendation

- 18. *Specific strategies should be implemented to support learning needs of Adult Migrant English Program students suffering from consequences of exposure to torture and trauma.***

On the other hand, students who have a satisfactory level of English need to be efficiently referred to other service providers and academic pathways that may be more in accordance with the student's needs and ambitions after an individual analysis of their career and development goals. We support the exploration and development of pilot programs to address this issue, such as Centrelink's recent *Social Inclusion Pathways for Refugee Youth*.

Recommendation

- 19. *Adult Migrant English Program providers should ensure that the students with satisfactory level of English have access to appropriate vocational and/or academic pathways***

AMEP teachers are the first source of education for newly arrived refugees and humanitarian entrants who may be dealing with impact of torture and trauma, family separation, and difficulties associated with finding housing and employment. It is therefore critical that AMEP providers continue to be trained in cultural awareness and the impact of refugee experiences on learning and settlement, to enable them to provide appropriate service to their students. Additionally, AMEP is a useful setting for provision of settlement and health related information. In NSW, the AMEP provider and a number of health providers have collaborated on health promotion initiatives in the areas of HIV/AIDS and general understanding of the NSW health system.

Recommendations

- 20. *Adult Migrant English Program staff should continue to receive cultural awareness training and training on teaching survivors of torture and trauma.***

21. *Adult Migrant English Program potential to enhance settlement experiences through targeted information provision/health promotion should be utilised. It may be possible to deliver Families in Cultural Transition as an adjunct to Adult Migrant English Program classes.*

2.6 TAFE

STARTTS clients have reported various issues with TAFE including lack of childcare facilities, which prevents many women and guardians from accessing further education. Also, once they are able to access TAFE but as a result of English language barriers or other difficulties fail the course twice, their place may be given to someone else, thus leaving these students with no options to continue their education. Further English language support should be provided to refugee students to ensure that they are able to succeed in the course they are enrolled in and prevent them from failing and losing their place. TAFE have also developed an approach to engage small and emerging communities. This has proven a useful initiative. Additionally, a variety of TAFE Outreach classes have been used particularly for women's classes.

Recommendations

22. *TAFE Outreach should receive sufficient funding, as this is an important pathway into formal education for many African women.*
23. *African women should receive information about their childcare options prior to exiting Adult Migrant English Program.*
24. *Specific courses should be designed to increase a number of African women involved in the childcare industry particularly Family Day Care.*

3. Health.

Good health is fundamental to successful settlement in a new country. Numerous African Australians have come from countries facing violent and oppressive regimes, conflict and massive displacement. The torture and trauma many African Australians have survived have a severe impact on their physical and mental health and it is important for them to be aware and able to access the various health programs available in Australia. African Australians and other refugees are facing a number of barriers to accessing the appropriate health services including lack of English proficiency, little understanding of "Western" health practices, stigma surrounding mental health and lack of education about the refugee experience among mainstream health providers.

3.1 Language and cultural barriers

The provision of culturally and linguistically appropriate health services is essential for settlement and recovery of all African Australians. It is crucial that the health consumers are able to express their symptoms, understand their medical condition and the treatment required in order to administer successful treatment, ensure compliance and reduce misdiagnosis. A number of STARTTS clients have reported that they do

not understand the purpose or instructions of the medications prescribed to them by their doctors. This lack of understanding seriously undermines compliance.

It is important for health providers to be educated on the impact of the refugee experience on the physical and mental health of the individual and to be aware of the range of services available to their African Australian clients so that they may treat and refer them appropriately.

We commend the NSW Refugee Health Service for their work with African Australians and other refugee communities. Some of their initiatives are:

- General Practice Clinics, which provide refugees with the services of a medical practitioner interested in refugee health, with a professional interpreter present.
- The Community Education Program provides information to refugees in relation to the NSW Health Care System through Bilingual Community Educators, in a variety of African and other languages.
- The Nutrition Education Program.
- Training of mainstream health care providers through a variety of resources and programs such as the GP Liaison Program.

Recommendations

- 25. Private health practitioners should be encouraged to utilize the Translating and Interpreting Service (TIS) Doctors Priority Line when providing services to African Australians and other refugees.***
- 26. Translating and Interpreting Service (TIS) services provided to pharmacies should continue to be supported and be extended to comprise more African languages. Pharmacies should be encouraged to provide this service on a regular basis to their clients.***
- 27. Wider training should be provided to mainstream health service providers to educate them about the programs available for African Australians, so that their clients can access appropriate specialist services.***
- 28. The funding and promotion of models of best practice in primary health such as the Refugee Clinics by the NSW Refugee Health Service should be enhanced to enable these programs to reach refugees in rural areas and areas of low demand.***

3.2 Nutrition

African Australians and other refugees may have difficulties adapting to the eating habits of a new country. Studies have found African Australians to be at risk of malnutrition and over nutrition.⁸ It is difficult, and at times cost prohibitive to access traditional African ingredients⁹ that leads to a change in eating habits.

⁸ AMH Renzaho and C Burns, "Post-migration food habits of sub-Saharan African Migrants in Victoria: A cross-sectional study" (2006) 63 *Nutrition and Dietetics* 92.

⁹ *Ibid.*

It is important for African Australians to have access to dietary and nutrition education in order to understand the foods available in Australia and assist them establish healthy eating patterns. A study of the sub-Saharan population in Victoria found that although a significant number of the population introduced having breakfast to eating habits, 21% reportedly continue to skip breakfast¹⁰.

Recommendation

- 29. *Innovative practice models such as the ‘Fairfield Refugee Nutrition Program’ provided by the NSW Refugee Health Service and those provided in conjunction with the NSW Department of Education and Training should continue to be funded and extended to other locations.***

3.3 Mental Health

African Australians and other refugees who have escaped war and violent conflict suffered torture, bereavement and forced separation from their loved ones are susceptible to suffering mental disorders.¹¹ The UN Convention Against Torture defines “torture” as follows:

torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or ... intimidating or coercing him ..., or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.¹²

The symptoms suffered by survivors of torture and trauma are many and can last for a number of years. These symptoms include: anxiety, depression, feelings of guilt (survivor’s guilt), loss of self esteem, sleep disorders (particularly nightmares), intrusive thoughts and flashbacks, memory and concentration problems, difficulties in social functioning, marital and family disruption.¹³ It is crucial that African Australians access mental health information and resources to assist them in dealing with the effects of torture and trauma.

It is also important to keep in mind that physiological reactions to trauma may not be culture-dependant but that idioms of distress, views on the causation of mental health problems and help seeking patterns are. Therefore it is important to offer services within a culturally congruent worldview. Thus, employment of bi-cultural staff and a number of other principles STARTTS applies in our work with African communities

¹⁰ *Ibid* 91.

¹¹ K Bhui, T Craig, S Mohamud, N Warfa, S A Stansfeld, G Thornicroft, S Curtis and P McCrone, “Mental disorders among Somali refugees” (2006) 41(5) *Social Psychiatry & Psychiatric Epidemiology* 400.

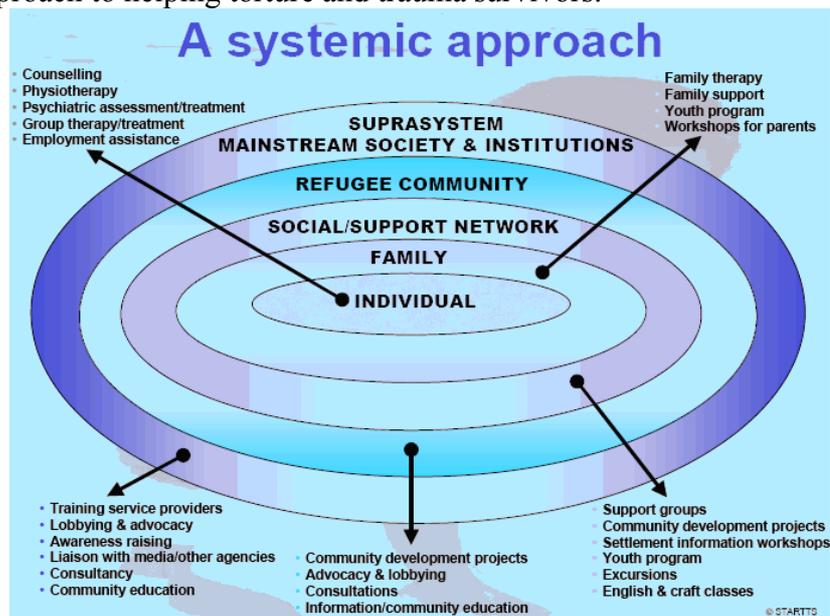
¹² UN *Convention Against Torture* (1975) <<http://www.hrweb.org/legal/cat.html>> at 5 August 2009

¹³ J Aroche and M Coello, *op.cit.*

assist with understanding of this worldview and adaptation of “Western” techniques so that they make sense within our clients’ worldviews.

Positive community attitudes towards mental health treatment are vital for the successful treatment of torture and trauma survivors. Research has shown that community attitudes and cultural beliefs towards mental health impact the health seeking behaviour of sufferers.¹⁴ Many sufferers of mental health problems do not like to admit to having a mental health condition, as this is usually associated with madness or abnormality. At STARTTS, we emphasise to our clients and communities that mental health symptoms are a normal reaction to the traumatic events they have endured. In the recent times STARTTS became aware of 5 cases of suicide among South Sudanese young males in NSW. It is likely that cultural transition and family pressures coupled with the impact of trauma and stigma around seeking assistance for mental health problems have contributed to these tragic events.

STARTTS recognises that to work effectively with African Australian communities and other refugees, we need to address all facets of a person’s life – individual, family, social, refugee community and mainstream society.¹⁵ Working at all levels allows for clients to develop trust with, thus making them more likely to seek the help of the provider when needed (detailed information about STARTTS work with African communities is provided in the Attachment A) The chart below illustrates STARTTS approach to helping torture and trauma survivors:



Recommendations

30. Health service providers should continue to provide services for individual, family and community, creating relationships with the communities based

¹⁴ C J Hugo, D E L Boshoff, A Traut, N Zungu-Dirwayi and D Stein, “Community attitudes toward and knowledge of mental illness in South Africa” (2003) 38(12) *Social Psychiatry & Psychiatric Epidemiology* 716.

¹⁵ For further information see www.startts.org.au.

on trust, in order to raise awareness about mental health issues and reduce the stigma present in African Australian and other refugee communities.

- 31. *Mental health treatment provided to African Australians should be culturally congruent and linguistically and culturally appropriate.***
- 32. *Mental health services should be flexible and willing to adapt the ways they deliver their services in response to client feedback.***
- 33. *Strategies should be developed to provide information to African Australians, in relation to mental health, in their own language are in a number of mediums (written, spoken and visual) whilst taking into consideration the different cultural understandings of mental health.***
- 34. *Funding should be provided to torture and trauma services to plan, implement and evaluate suicide prevention projects in collaboration with leaders and elders of African communities.***

3.4 Family separation issues

Many African Australian families are incomplete due to the death or separation during the refugee experience. Being around family members is an invaluable support to the integration experience. A supportive family environment plays a vital role in the rehabilitation process of trauma survivors.¹⁶ Many women consider having family around as the most important aspect of successful settlement.¹⁷ Family separation jeopardises a person's recovery from the traumatic experiences suffered. The family deals with a number of symptoms such as loss, grief and bereavement.

In addition, families that have lost the paternal figure may struggle as family dynamics have changed and male children attempt to take on the father's role as head of household. This leads to young males taking on more responsibilities that they can handle, exacerbating anxiety and other mental health issues.

Lack of understanding of extended family structures prevents many African Australians from obtaining a visa for their loved ones as the definition of family, for Australian migration purposes, usually refers to only the immediate family. Also, children over 18 years of age are not considered to be dependant, which can lead to parents being separated from their children, causing further stress and worry about the children left behind.

STARTTS has developed a number of programs to help children, adolescents and their parents deal with the emotions associated with loss, grief and traumatic experiences. For example, the Jungle Tracks Program utilises story telling to help engage feelings, bypass normal defence mechanisms, communicate in a non-threatening manner and ultimately be a catalyst for healing. Programs like Jungle Tracks are able to address the issues of the individual in a manner that is culturally

¹⁶ J Aroche and M Coello, *op.cit.*

¹⁷ B Ferguson and E Pittaway (eds) (1999) *Nobody Wants To Talk About It: Refugee Women's Mental Health*, 1st ed, Transcultural Mental Health Service, 37.

relevant and easy to understand. It helps survivors of trauma comprehend the normality of their feelings, thus helping children and adults deal with loss.

Recommendations

- 35. An extended family approach should be considered in migration programs so that unmarried children over 18 and other loved ones are able to join their families in Australia***
- 36. More support and opportunities for single mothers and Women at Risk should be established so that they can learn to cope with the difficulties of raising a family without a male figure in a culturally different society.***

3.5 Working with families

The *Families in Cultural Transition* program is one of the key strategies that enabled STARTTS to develop trusting relationships with African and other refugee communities. FICT aims to reduce the social isolation that often accompanies migration, by building a comprehensive resource kit for facilitators and using it to train groups of newly arrived refugee families. It also aims to introduce refugee families to key conceptual frameworks underpinning Australian society, and help them identify challenges to family dynamics resulting from exile, migration and resettlement and develop appropriate coping strategies. *Families in Cultural Transition* is based on experiential learning rather than information provision. FICT consists of 8 modules including: support systems, managing money, trauma and healing, families, children, youth, gender and enjoying new environment. An additional employment module is currently in a draft format.

FICT trains bilingual/bicultural community facilitators to use the resource kit to deliver experientially based workshops and to provide refugees with practical skills to help them cope in their new environment and normalise their experience of trauma. The program aims to strengthen relationships by enhancing family members' communication, relationship and parenting skills.

An intensive five-day training program is provided to FICT facilitators using the resource kit. The training includes:

- a one-day introduction to working with refugees
- principles of adult learning
- concepts of facilitation and co-facilitation
- group work concepts
- basic explanation of all modules
- Module 4 – Trauma and Healing is presented completely
- dealing with difficult scenarios
- self-care and vicarious trauma
- practice running program activities
- child protection
- ongoing supervision and access to professional development activities.

FICT facilitators also receive general supervision and clinical supervision by an experienced counsellor from STARTTS. They attend at least two support sessions with the counsellor where they may talk about trauma that has emerged either for themselves or for the group, and how to cope with it. Extra sessions are available if needed. Furthermore, FICT has a well-established evaluation methodology.

STARTTS staff have assisted torture and trauma services in other states and territories to implement FICT, which is currently delivered in Darwin, Perth, Brisbane and Canberra.

Over the last nine years, FICT was delivered with South Sudanese, North Sudanese, Sierra Leonean, Liberian, Congolese, Burundian, Mauritanian and Somali communities. Currently, STARTTS has 30 African Bi-cultural facilitators on the books. In addition to benefiting the participants directly, FICT is also an excellent capacity building strategy for both individual facilitators and their communities. Additionally, FICT is perceived as a highly culturally congruent and useful program by many African communities and has enabled STARTTS to develop trusting relationships within very short periods. Client feedback and formal evaluation indicate that a larger scale, systemic implementation of this program would be an extremely useful strategy to enhance settlement of both African and non-African refugees and humanitarian entrants. FICT fulfills a number of purposes related to health, settlement, social inclusion and improved family relationships and functioning.

Recommendation

- 37. That options for a larger-scale, sustainable and systemic delivery of Families in Cultural Transition be explored. It may be possible that Families in Cultural Transition becomes an integral aspect of Adult Migrant English Program or Integrated Humanitarian Settlement Strategy service provision to enable access to all newly arrived Refugees and Humanitarian Entrants.***

4. Housing

Many African Australians and other newly arrived refugees are finding it difficult to obtain suitable and secure accommodation. The highly competitive private rental market, coupled with an insufficient number of affordable homes and stricter guidelines for social housing in NSW are preventing many African Australians from exercising their human right to adequate housing, especially in Sydney where the problems are particularly acute.

With Sydney being the most expensive city to own a property, it is very difficult for newly arrived African Australians and other refugees to own their own home. Statistics from Shelter NSW reveal that only 1% of home purchase stock is available for very low-income households and just 7% for low income families.¹⁸ The lack of affordable homes to purchase is creating further financial hardship for many African Australians and other refugees.

¹⁸ Shelter NSW, *NSW Housing Factsheet: A quick guide to housing Facts and Figures* (2009) <<http://www.sheltersw.org.au/docs/fly09factsheet-nsw.pdf>> at 29 July 2009.

Adequate housing should be affordable, of appropriate size and located in proximity to services relevant to the community. In addition, housing needs to be close to public transport and employment opportunities to maximise the individual's integration prospects. Furthermore, stable and secure housing goes a long way towards assisting survivors of torture and trauma in their recovery process. STARTTS staff continue to report significant negative impacts of the lack of appropriate and affordable housing on their clients. Lack of housing often stalls the counselling and recovery processes.

4.1 Social Housing

Research by Beer & Foley identified various barriers to securing accommodation for recently arrived refugees in Australia including: language barriers, financial difficulties, discrimination by neighbours, harassment by agents and landlords and confusion about tenancy agreements and lease conditions.¹⁹ We believe in the construction of more social housing in order to cope with the high demands and provide assistance for newly arrived refugees and humanitarian entrants. The government's *Nation Building Economic Stimulus Plan* appears to be a promising initiative in this area.

We acknowledge a number of innovative housing products developed by the NSW Department of Housing. These include:

1. Private Rental Brokerage Service (PRBS) – The Private Rental Brokerage Service helps people who have support arrangements in place, to find and sustain accommodation in the private rental market. Referrals to this service can be made by various social and health support services. The service is delivered by Private Rental Specialists located in 15 NSW Housing Offices. Private Rental Specialists can:
 - *work with the client and support providers to develop a plan to live independently in private rental housing*
 - *speak with agents or landlords to help find suitable private rental housing*
 - *address any problems with previous tenancies*
 - *help if something goes wrong that might affect the tenancy*
 - *work with other agencies to provide coordinated services*

(NSW Housing, www.housing.nsw.gov.au)

2. Tenancy Guarantee – A Tenancy Guarantee can help people into a private rental property by offering a financial 'security' to the landlord. This may encourage the landlord to rent a property to someone they might otherwise refuse. A Tenancy Guarantee can help people who don't have rental references or who are listed on a tenant database. Lack of rental references is one of the issues African Australians and other refugees and humanitarian entrants face when trying to access private rental market. A Tenancy Guarantee can provide compensation of up to \$1,000 (including GST) to a landlord or agent

¹⁹ A Beer and P Foley, "Housing need and provision for recently arrived refugees in Australia" (2005) 58 *AHURI Research and Policy Bulletin*.

for unpaid rent or property damage if it comes to more than the rental bond. Tenancy Guarantees are available in the NSW Housing Offices and through a number of community housing providers.
(NSW Housing, www.housing.nsw.gov.au)

While the above are excellent initiatives with potential to assist STARTTS clients, the fact remains that there is a significant shortage of both social housing and affordable private rentals.

Recommendation

- 38. *A specific portion of the funding received under the Nation Building Economic Stimulus Plan should be targeted for accommodation schemes accessible to newly arrived Refugees and Humanitarian Entrants. This would be achieved through partnerships between the Commonwealth, States and the Community Housing providers. Such housing should be located in safe areas, accessible to public transport and employment opportunities and in proximity to existing African and other refugee communities.***

In comparison to Australian families, African families tend to be larger and may include extended family members. Public and private housing stock in Australia does not contain enough large and affordable homes to cater for the needs of African families. This may result in overcrowded homes, family conflict and even homelessness. The lack of adequately sized homes leads many African Australian families to find separate accommodation. This creates considerable distress as people are separated from their loved ones. Single people are also experiencing severe difficulties accessing affordable and appropriate accommodation.

Recommendation

- 39. *Future construction of social housing should take into account the family structure of this group, leading to the construction of a certain number of larger homes that cater to the needs of the African communities as well as those catering for the needs of single people.***

4.2 The Integrated Humanitarian Settlement Strategy (IHSS)

Refugees are currently able to access housing support through the Integrated Humanitarian Settlement Strategy (IHSS) for a period of 1 month during which time they are assisted in finding alternative accommodation. Due to the competitiveness of the private rental market and long waiting lists for public housing it is taking the IHSS, on average, double the time, to find refugees adequate accommodation. The current timeline is clearly insufficient to help African Australians and other refugees find suitable accommodation, particularly in capital cities such as Sydney where the problem is severe.

STARTTS considers that the emphasis in accommodation services should continue to be on assisting entrants with initial short-term accommodation and into secure long-term accommodation shortly after arrival.

Initial short-term group or cluster accommodation arrangements could have benefits in terms of facilitating provision of information, initial health services and community support, if suitable accommodation could be obtained. It should be noted that Australia has had considerable experience with variants of the Initial Reception Accommodation model, first as migrant hostels and later in the context of exercises such as Operation Safe Haven. New Zealand currently operates a version of the Initial Reception model with reported success.

A variant of the model that utilizes a smaller scale than the old migrant hostels, but still differs from cluster housing by the provision of common dining and entertainment areas might offer significant advantages in terms of providing a more gradual immersion into Australian society, creating an environment that facilitates the development of social networks that can then remain active once people move away from this setting. This residential setting would also provide a focus for educational, health related and recreational and supportive activities, particularly for youth, making these more accessible, effective and relevant to the needs and readiness of new arrivals. This approach could help prevent commonplace problems affecting refugees resettling in Australia, such as social isolation and lack of preparedness to deal successfully with the initial demands of settlement while still providing an incentive (separate kitchen and independent dining) to find permanent accommodation in the open market once the necessary rental market and other skills are mastered. Another advantage of this model is that it could be piloted on a small scale by opening only one or two reception centres to begin with.

This type of accommodation may be more appropriate for small communities, particularly newly-emerging communities who do not have existing or large community networks and support in Australia; and for single people who can be very isolated and for whom it is often very difficult to find appropriate, affordable accommodation.

It may also be most appropriate for communities that have come from extended periods in refugee camps, as a supported transition from the refugee camp to living independently in Australia.

We also recommend that whichever model of accommodation is adopted, in-kind support continues to be provided to meet the costs of accommodation and utilities for refugees in the first 4 weeks after arrival as there are so many other issues for entrants to deal with and learn about in the first 4 weeks, and so many initial expenses.

In many cases even the long term lease entrants are able to obtain is only for 6 months, which means they often need to move again soon after they have been exited from Accommodation Services. In most cases entrants do not yet have sufficient understanding of the rental market and how it operates, particularly in environments where rental accommodation is scarce such as Sydney. Many entrants are therefore in high need of assistance to find accommodation beyond the initial 6 months.

Recommendations

40. ***Cluster accommodation options for newly arrived Refugees and Humanitarian Entrants should be considered and possibly developed through the nation Building Economic Stimulus Plan.***
41. ***Initial accommodation services should be extended beyond 6 months with provision for up to 12 months with the level of intensity of involvement decreasing after the first 6 months.***
42. ***Towards the end of the first 6 month lease, tenants should be provided with training and assistance to understand how the private rental market works, how to go about finding suitable accommodation, and their rights and obligations as tenants. Those who require assistance should also be provided with assistance to look for accommodation. This is particularly important for those communities and entrants who have lived for extended periods in refugee camps.***

4.3 Special Humanitarian Program (SHP)

SHP entrants are ineligible for IHSS housing assistance, as they must rely on their proposers to help with obtaining accommodation. This means that many SHP entrants are staying at the proposer's residence upon arrival and until they are able to secure accommodation for themselves. It is not uncommon for relationships between proposers and SHP entrants to break down, thus leading to homelessness. According to Homelessness Australia one third of the refugee and asylum seeker population in Australia will become homeless at some point during their settlement in Australia.²⁰

Recommendation

43. ***It is important for newly arrived Special Humanitarian Program (SHP) entrants who have experienced a relationship breakdown with their proposer, to be able to access accommodation assistance. Ideally, the SHP arrivals would have an automatic access to the accommodation assistance as described above.***

4.4 Women at Risk

We are also concerned for the housing and welfare of African and other refugee women who have arrived in Australia under the Visa for Women at Risk (subclass 204). Women granted this visa have fled extreme conditions and often have dependent children and/or other family members. According to DIAC, 819 Women at Risk visas were granted with two African countries, namely the Democratic Republic of Congo and Somalia appearing in the top five (5) countries of birth for women issued with this visa.²¹

²⁰ Homelessness Australia, *Factsheet: Homelessness: NESB and Migrants*, <<http://www.homelessnessaustralia.org.au/>> at 29 July 2009.

²¹ Department of Immigration and Citizenship, *Annual Report 2007-2008* (2008) <<http://www.immi.gov.au/about/reports/annual/2007-08/html/outcome1/output1-2-1.htm>> at 24 July 2009.

Recommendations

- 44. Women at Risk and other refugee women who are in vulnerable positions should immediately qualify for Priority Housing as they are dealing with highly complex needs in many areas of their lives.***
- 45. The above recommendation (44) should be taken to ensure the protection of not only Women at Risk but also other women from the Refugee and Special Humanitarian Program who are in urgent need of this support such as those escaping domestic violence.***

4.5 Private Rental Market

African Australians and others with no previous rental history in Australia and no rental references are struggling to enter the private rental market. The above-mentioned NSW Housing products go some way towards alleviating this situation. Furthermore, once they have been able to secure a rental property, the lack of knowledge about their rights and responsibilities can create conflicts with the landlords and real estate agents and ultimately lead to losing the rental property.

Recommendations

- 46. Training should be provided on tenancy issues for both Refugees and Humanitarian Entrants during the on-arrival accommodation phase.***
- 47. It is essential that the NSW Housing Private Rental Brokerage Service is accessible to all African Australians who may require this service.***
- 48. Education programs should be established through the Real Estate Institute, to encourage Real Estate Agents to work in conjunction with African Australians and other refugee communities and service providers working with those communities in order to increase cross-cultural competence in the Real Estate industry and raise awareness among refugee communities about their rights and duties.***

Information about terms and conditions of Australian leases and information on rights and responsibilities should continue to be provided shortly after settlement in Australia to aid in the integration process. However, as the proposed entrants do not have access to the IHSS Housing Assistance and if the “Cluster Accommodation” options are not available to them, it is crucial for tenancy and home ownership information to be easily available in plain English and other community languages at a variety of access points and in a number of communication mediums such as DVDs, the internet and community media so that people can make informed choices and increase their chances of finding and maintaining a suitable home. It may be possible to provide this information through the AMEP providers.

Recommendations

- 49. Tenancy and home ownership information should be made available in plain English and a variety of African languages at a number of access points and communication mediums.***

- 50. *Information and education about housing responsibilities and housing provisions in Australia should be provided before arrival, to ensure that refugees have a clear understanding of the Australian housing conditions and availability.***

5. Justice

For many African Australians, the justice system is difficult to understand and even more difficult to access. Particular areas of concern include police and law enforcement, the criminal justice system, conflict resolution and interpreters. Each of these issues is discussed in this section.

5.1 Lack of Understanding of the Australian Legal System

For many of our African clients, the Australian legal system is bewildering and complex. Not only is it vastly different to the legal systems of their countries of origin or refuge, but also information about it is not always readily available or accessible in African languages. Consequently, there can be confusion about different courts and their roles, legal rights and responsibilities and legal procedures generally. One African STARTTS counsellor recently commented that for members of his community, complying with Australian law is like “sitting for a test without being given the curriculum”.

There is an urgent need to provide basic information about the legal system to African Australians. Legal pamphlets and documents need to be translated into African community languages and provided to African communities in metropolitan, regional and remote areas. We note that LawAccess provides legal information in certain African languages such as Swahili and Somali. However, there is a need for additional funding to be provided to this service to make legal information available in a broader range of African languages.

A number of our clients have expressed confusion about the differences between civil and criminal law. For example, the parents of a young Sudanese man who was tragically murdered in Sydney two years ago asked STARTTS to help them find a lawyer to prosecute the accused person. They were not aware that criminal cases in Australia are prosecuted by the State and believed that they would have to bring a case against the accused person themselves. Their confusion about this issue added considerably to their distress at the time.

There is also confusion about what acceptable behaviour is under Australian law and what is not. Actions that may have simply incurred a reprimand or warning in the country of origin or refuge may result in fines or penalties in Australia. For example, according to one STARTTS African community worker, many young members of his community were not aware that it is compulsory in New South Wales to buy a ticket when travelling on public transport.

Learning about the Australian legal system is only one of the many issues that African refugees and recent African migrants have to grapple with when they come to Australia. They are also getting used to a different culture, learning a new language

and negotiating basic services, such as housing, public transport and education. In addition, they might be dealing with ongoing trauma and feelings of dislocation.

Unless African refugees and migrants are provided with some form of education about the law and the justice system at an early stage in the settlement process, there is a risk that the first interactions of many African Australians with that system will be negative, setting a pattern for future experiences. For example, they might incur fines or penalties for behaviour they did not know was illegal and become unnecessarily entangled with the criminal justice system.

It should be recognized that providing legal education to African Australians is a complex process as it is not simply about providing them with new information about law and justice; it is also about untangling their pre-existing concepts and information. To be effective, legal education programs need to be carefully designed in consultation with African communities, and should take into account cultural, religious and community concerns and sensitivities. It should also be provided in a variety of visual, written and verbal mediums to cater for a range of educational and literacy levels.

We note that there have been a number of highly successful legal education programs, including the Justice for Refugees Program that is run by the Victorian Government. This program teaches refugees about the legal system, while also teaching justice agencies about the difficulties facing refugee communities. It employs six multilingual community educators to provide information to refugees about the Victorian legal system and social and legal regulation. It focuses on early intervention initiatives, information campaigns and multicultural liaison officers to improve access to justice services. Funding needs to be provided for similar programs in other states and territories.

We also note that the NSW Attorney General's Department now has a Sudanese Community Liaison Officer who is helping to develop culturally appropriate models of legal education for the Sudanese community. This initiative is commendable, and should be replicated for other African communities.

There have also been a number of successful collaborations between courts and African communities, including court open days and information sessions.²² These are an excellent method of providing legal education and information, while also breaking down fear and mistrust of the legal system.

Recommendations

- 51. Information and education about the legal and justice systems should be provided to African Australians as soon as possible after arrival in Australia, ideally during the transition period. Such education should be provided in a broad range of African languages and in a variety of visual,***

²² See for example, Anne Goldsbrough, Samia Baho and Maria Dimopoulos, "Courts and community collaboration – a partnership between African communities and the Magistrate's Court to address family violence", Paper presented at the *Just Partners Conference: Family Violence, Specialist Courts and the Idea of Integration*, Canberra, 22-23 May 2008.

written and verbal mediums to cater for a range of educational and literacy levels.

- 52. *Funding should be made available to enable LawAccess and other services that provide legal information to provide such information in a broader range of African languages.***
- 53. *Legal education programs that provide legal education to African Australians in a manner that is culturally appropriate, relevant and engaging (such as the Justice for Refugees Program in Victoria) should be extended to other states and territories.***
- 54. *Funding should be made available for the recruitment and training of more Community Liaison Officers from African communities in state, territory and federal government law and justice departments.***

5.2 Access to Justice

There are a number of very real barriers to the justice system for African Australians, particularly those who have suffered torture and trauma. Apart from lack of English language skills and lack of formal education, there may also be a level of fear and mistrust of the justice system due to negative experiences with authority prior to resettlement.

The manner in which legal services are typically provided in Australia may also constitute a barrier to justice for African Australians of refugee and refugee like backgrounds. Many survivors of torture and trauma are still suffering from physical injuries and may also experience concentration and memory problems. It may be difficult for them to keep legal appointments, travel long distances to attend appointments at legal offices in the city, or to process and retain complex legal information.

More flexible models of legal service delivery can help to overcome some of these barriers. PIAC's MHLSP, for example, relies on close co-operation between legal and non-legal service providers to facilitate greater awareness of the cultural and other factors that may be preventing clients from accessing the justice system. In one recent matter, an Ethiopian client failed to attend two meetings that had been arranged for him with a solicitor in the city. Subsequent efforts by the solicitor to contact him were not successful. The PIAC Solicitor working with STARTTS then liaised with one of the elders in the client's community who then contacted the client and arranged for him to meet with the solicitor at a venue in the suburb where the client lived. With the client's consent, the community elder accompanied the client to the meeting and provided him with support. The client's matter is now progressing, when it could very easily have been "dropped" following the client's failure to attend two appointments and the difficulties experienced in contacting him.

There appears to be limited awareness amongst African Australian clients of the availability of legal aid, community legal centres, and other forms of *pro bono* legal assistance. For example, some African STARTTS clients have expressed the view that pursuing a legal matter is "not worth it" because they will have to pay for a lawyer. The PIAC Solicitor working with STARTTS is currently working with these

clients to raise their awareness of *pro bono* and reduced fee legal services and to assist them to access these services when necessary. It is hoped that this will help to empower them to access the justice system themselves in the future.

Recommendations

55. *The legal profession should consider using more flexible models of legal service delivery when providing services to African Australians, including models that rely on input and assistance from non-legal service providers including counsellors, community elders and community workers to navigate cultural and support issues.*

56. *More information should be made available to African Australians about the availability of pro bono and reduced fee legal services. This information should be made available in a broad range of African community languages.*

5.3 Lack of Awareness of Basic Legal Rights

We have noticed a general lack of awareness and understanding by many African Australia clients of their basic legal rights. For example, few of our clients appear to be aware of their rights under federal and state anti-discrimination legislation to make complaints about discrimination, harassment, victimisation and vilification.

Even where there is knowledge of these rights, there is often a reluctance to make complaints because of fear of reprisals and prior negative experience when complaints were made in countries of origin or refuge.

Culturally appropriate education needs to be provided to African communities about the grounds of discrimination covered by state and federal anti-discrimination laws, the role of the NSW Anti-Discrimination Board and the Australian Human Rights Commission under these laws, and the process for making complaints. We note that there are some innovative community radio initiatives underway to provide this education to the Sudanese and the Sierra Leone Communities.²³ It is important that these initiatives be extended to other African communities, following appropriate consultation with those communities as to content and mode of delivery.

There appears to be little awareness in African communities of the right to seek compensation under victim's compensation laws. We understand that the NSW Attorney General's Department has some initiatives underway to provide education about victim's compensation laws to the Sudanese community. We applaud these excellent initiatives and recommend that they be extended to members of other African communities.

Recommendations

57. *Culturally appropriate education should be provided to African communities about the grounds of discrimination covered by state, territory and federal anti-discrimination laws, the role of the Australian Human*

²³ Anti-Discrimination Board of NSW (2009) 75 *Equal Time* 14.

Rights Commission (and state and territory anti-discrimination bodies) and the processes for making complaints.

- 58. *Culturally appropriate education should be provided to African communities about rights under victim's compensation laws and the process for lodging claims under these laws.***

5.4 Police and Law Enforcement

We acknowledge the significant efforts made by the police in recent years to work positively and effectively with migrant communities. However, many of our young African clients (as well as some of our African caseworkers and counsellors) have complained of feeling “targeted” by police. They claim that they are frequently stopped and searched by police while travelling on public transport, or simply walking down the street. They find this both disruptive and embarrassing and it tends to perpetuate fear of authority and to set up a cycle of negative interactions with police.

Police powers have been increased dramatically in New South Wales in recent years. Although these powers are supposed to be exercised without discrimination, many of our clients feel that in practice, this does not happen, and that racial profiling is common.

Our clients have also complained of a lack of cultural awareness by police. According to a Sudanese counsellor at STARTTS, it is a common feature of young Sudanese to socialise by gathering in large groups. However, when they do this in public places, they are often directed by police to “move on”. There is concern that move-on directions are not always “reasonable directions” as required by section 197 of the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW), as they are not given in circumstances where young people are obstructing other people or traffic or harassing, intimidating or causing fear to others. If young people attempt to remonstrate with police when given a direction to “move on”, cultural characteristics such as speaking loudly or using hand gestures are sometimes perceived incorrectly by police as being violent or threatening. This can result in young people being arrested and charged with offensive behaviour or disobeying a reasonable direction.

A recent initiative in Blacktown involved joint policing by the local police and Sudanese elders at a local shopping centre. As a result of this initiative, the rate of arrests of young Sudanese in the area fell dramatically as reported by the Local Area Commander. Similar initiatives should be trialled in other areas and with other African communities.

Employing African Australians in Ethnic Community Liaison Officer (ECLO) roles is another effective means of bridging the gap between police and African Australian communities. The ECLOs can advise police on customs, traditions and languages and also work with African communities to improve knowledge of policing services and law and order issues generally. Not only do such positions create employment opportunities for African Australians, they also help to reduce and prevent crime and divert African Australians away from the criminal justice system. However, it is not enough to simply recruit and train African ECLOs into the federal, territory and state

police forces. They should also be provided with adequate support to carry out their roles effectively and provided with meaningful career paths in the police force.

There is a lack of awareness among many African Australians about their rights in relation to the exercise of police powers (for example, the right to refuse to answer questions and the right to be told why they are being arrested). Many are also unaware that it is possible to make complaints about mistreatment by police. Training and education need to be provided to African communities on these issues.

A number of our African Australian clients and contacts in African communities have also complained of not being provided with police assistance when they are victims of crime, particularly crimes involving racial abuse. They feel that the police do not take complaints of racial abuse seriously and this further erodes their lack of trust in the police and the justice system. For example, one community elder described an incident where a young Sudanese man was racially abused and assaulted by a group of four other young men who were carrying knives. Although police attended the scene of the crime, no statement was taken from the victim at the time. Two weeks later, when he went to the police station in an attempt to give a statement, he was told he could not do so because the relevant police officer had been transferred.

Recommendations

- 59. Police officers should receive ongoing education and training about cultural issues for African Australians and about the realities of the refugee and migration experience. Advisory groups consisting of African Australian community leaders should be established to assist in this process.***
- 60. Funding should be provided for joint community policing programs between local police and African community elders.***
- 61. More African Ethnic Community Liaison Officers should be recruited into state, territory and federal police forces and provided with adequate training and support to carry out their roles effectively.***
- 62. Training and education should be provided to African Australians about their rights in relation to the exercise of police powers (for example, the right to silence).***
- 63. Training and education should be provided to African Australians about processes for making complaints about police mistreatment.***

5.5 The Criminal Justice System

Refugees who have suffered torture or trauma are particularly at risk in the criminal justice system. Imprisonment necessarily involves separation from other sources of support within families and communities and may evoke painful memories of previous traumatic experiences. Imprisonment also greatly increases the risk of recidivism and perpetuates feelings that the legal system is about punishment, rather than a means of enforcing rights.

Recently STARTTS and the PIAC Solicitor working with STARTTS assisted Sudanese community elders to prepare detailed reports for a court about a number of young men from their community who had pleaded guilty to serious criminal charges. These reports set out the experiences of the young men in Sudan, in refugee camps and since coming to Australia, the support available to them within the Sudanese community and the likely impact on them of further imprisonment. We understand that these reports were well received by the judge in the particular case, and were taken into account in considering alternatives to imprisonment.

It is important that the torture and trauma backgrounds of African Australians be taken into account at the sentencing stage of the criminal process in the manner outlined above. So far as possible, alternatives to imprisonment should be considered for those who have survived torture and trauma. An appropriate alternative might be residential-diversionary programs such as the Balund-a program at Tabulam (currently mainly for Aboriginal offenders), which focuses on restoring and valuing cultural links with land and history through activities such as farming and herding.

We are concerned that the torture and trauma backgrounds of our clients are not being taken into account when they are admitted to correctional centres, and that they are not being provided with access to appropriate counselling and support. Recently the family of a young Sudanese man who was on remand for murder approached STARTTS and the PIAC Solicitor working with STARTTS for assistance. Despite having a background of significant trauma involving experience of war, refugee camps and the death of his father, the young man was not provided with access to a counsellor until we intervened. At that stage, he had been in detention on remand for over 12 months.

For many African Australian families and communities, the Australian criminal justice system is confusing and alienating, and this can in turn impact on their ability to provide assistance and support. The Sudanese community has advised us that it is sometimes very difficult for them to get information about members of their community who are in prison, but who are not next of kin. Unfortunately, some of these inmates may have lost their entire families due to war or displacement, and instead rely on the community for support. If the community is unable to get information about them, they are unable to visit them to provide support and this may impact detrimentally on their mental health. More needs to be done to acknowledge the support role provided by African communities for African Australians who are in prison, particularly support provided by elders within those communities. The establishment of mechanisms to facilitate this contact needs to be undertaken carefully to ensure that the privacy rights of those in prison or detention are protected, but that they are given access to the support that may be available through their extended community.

There is a need for culturally appropriate court support services for African Australians, particularly in the higher courts. While there are services available through the NSW Attorney General's Department and the NSW Director of Public Prosecutions to provide support for victims and their families and for witnesses, there is very little available for defendants and their families. The Community Restorative Centre provides a court support scheme but it operates only in local courts and is not

funded to provide support for complex and lengthy trials in the higher criminal courts. Nor is it funded to provide information about its services in African languages.

There is also a need for more culturally appropriate support processes after a person is released from prison in order to reduce the risk of re-offending.

Finally, there is a need for increased awareness and education about peoples' rights inside prison and of processes for making complaints about mistreatment. We are aware of a number of African Australians who claim to have been assaulted in prison but have taken no action about this, due to lack of information about appropriate procedures or mistrust of those procedures.

In our view, many of the problems outlined above could be addressed through the NSW Department of Corrective Services appointing and training Prison Liaison Officers from African communities. Such officers could bridge the cultural gap between prison service providers and African families and communities and provide culturally appropriate information and support to African Australians who are in prison.

Recommendations

- 64. Alternatives to imprisonment should be considered for refugee survivors of torture and trauma during the sentencing process.***
- 65. Adequate assessments should be carried out of the torture and trauma backgrounds of refugees and people with refugee like backgrounds at the point of intake to correctional centres. Inmates identified as being torture or trauma survivors should be provided with access to appropriate counselling by STARTTS or other suitable agencies while in prison.***
- 66. Prison Liaison Officers from African communities should be recruited and trained by the NSW Department of Corrective Services and its counterparts in other states and territories.***
- 67. Systems need to be established to make it easier for African communities and elders to obtain information about African Australians who are in prison, while respecting the privacy rights of those in prison.***
- 68. Culturally appropriate court support services need to be developed for African Australians and their families, particularly in the higher courts.***
- 69. More culturally appropriate services need to be provided to support African Australians upon release from prison.***
- 70. Education and training should be provided to African Australians and their families about procedures for making complaints about mistreatment in prison.***

5.6 Family Law

Many of our African clients have found Australian laws and values concerning separation, divorce, property settlement and child custody to be very complex, and vastly different to their own laws and traditions. For example, Apprehended Violence Orders are not a familiar concept in some communities and there is confusion about the consequences of breaching these orders, and procedures to be followed to cancel orders in the event a couple reconciles.

Many community members do not understand why the Australian Government becomes involved through the family law system in what they perceive as private matters. Others have claimed that family law in Australia tends to focus on the narrowly defined “nuclear family” and does not pay sufficient regard to the diversity of family structure that exists in African communities. There is also concern that family law in Australia fails to recognise the importance of cultural values and cultural identity in African tradition.

We note that Legal Aid Queensland has trialled an education kit on family law specifically for African refugees.²⁴ Similar initiatives should be adopted by Legal Aid offices in other states and territories. Family Court open days are also a successful way of providing this information. We acknowledge the past initiatives by the Family Law Court of Australia and the Australian Multicultural Foundation to consult with a number of small and emerging communities as to the effective provision of education about the Family Law and justice systems.²⁵

Recommendation

- 71. Initiatives to promote greater understanding of the Australian family law system among African Australian communities should continue to be developed and implemented.***

5.7 Care and Protection Issues

Understanding how child protection laws work in Australia can be difficult for many African Australians. There are significant cultural differences in parenting practices between Africa and Australia, and this can lead to confusion and tension among newly arrived African families. Families who have experienced harsh conditions in refugee camps might find it difficult to adjust to different expectations of parenting in a new country. For example, if parents have spent years surviving on only one meal a day in a refugee camp, they may not understand why it is a problem if their child turns up to school in Australia without having had breakfast. There may also be confusion about acceptable and unacceptable methods of disciplining children. When African Australian families become involved in the child protection system they often feel threatened or frightened.

²⁴ Queensland Department of Communities (2009) *New Futures: The Queensland Government's Engagement with African Refugees*, 22.

²⁵ Family Court of Australia and Australian Multicultural Foundation (2003) *Towards the Development of a Model Consultative Process for a Diverse Australia, Roundtable Action Plan*, 3.

The Department of Community Services (DoCS) has recently funded the African Sessional Workers Project in Western Sydney. This Project, run by the Baulkham Hills, Holroyd Parramatta Migrant Resource Centre (BHHP MRC) employs eight African workers (who speak 12 African languages between them) to provide support to DoCS caseworkers targeting African communities, including southern Sudanese, Ethiopian, Somali, Liberian and Sierra Leone residents in Western Sydney. The African workers will provide information to African families about how the child protection system operates and work towards building positive relationships between these families and DoCS.

While this is a commendable project, it is unfortunate that it is only funded for 12 months. This does not allow sufficient time for an adequate evaluation of the effectiveness of the project. Moreover, if the project lapses at the end of 12 months and the African workers are removed, the benefit of any positive relationships built by them between DoCS and African families is likely to be lost. What is needed are longer term, well-resourced and sustainable programs that recruit and train African workers into ongoing caseworker positions within DoCS and support them to undertake tertiary studies in relevant disciplines such as social work and psychology.

Recommendations

- 72. The Department of Community Services should fund the African Sessional Workers Project beyond 12 months and build into this project features that are long term and sustaining.***
- 73. Programs similar to the African Sessional Workers Project in Western Sydney should be expanded to regional areas where African Australians have settled.***

5.8 Conflict Resolution

The impact of trauma, culture shock and settlement difficulties can often result in conflicts developing within African Australian communities or between these communities and other groups. For example, in recent years conflicts have developed between tribal groupings in some areas of New South Wales, and between youth from African communities and youth from other communities. Family conflicts between men and women and parents and children in African communities have also occurred. Like many refugee communities, African communities tend to have limited knowledge and understanding of how mainstream conflict resolution services involving the courts, the police and Community Justice Centres operate. Conversely, these mainstream conflict resolution services have little knowledge or understanding of traditional conflict resolution systems that operate within African communities, which may rely on particular processes of negotiation that respect kinship ties and elder roles. Unfortunately, the end result is often conflict escalation rather than conflict resolution.

Elders from the South Sudanese community are frequently called upon by the community or service providers to assist with conflict resolution. At the moment, their assistance is provided on an ad hoc basis and is purely voluntary. When the conflicts occur outside Sydney, the elders struggle to access financial resources to cover travel

and accommodation costs. In addition, the elders give of their time freely, suffering potential loss of income.

The Community of Southern Sudanese and Other Marginalised Areas (CSSAOMA) has developed a proposal for a South Sudanese Conflict Resolution Project (See Appendix 2). This is an innovative approach to conflict resolution that blends Western structures, systems, and processes with traditional South Sudanese approaches. The specific aims of the Project are:

1. To explore and document traditional South Sudanese approaches to conflict resolution;
2. To increase knowledge and awareness of “Western” conflict resolution approaches and Australian legal systems amongst South Sudanese elders and other community members;
3. To increase knowledge of South Sudanese conflict resolution approaches amongst Australian service providers;
4. To initiate a dialogue between the two groups resulting in a joint approach to conflict resolution blending both South Sudanese and Western processes;
5. To document and evaluate project outcomes so as to increase the potential for replication amongst other refugee communities in Australia;
6. To convene a pool of elders knowledgeable in both approaches to assist service providers and law enforcement agencies when required;
7. To pilot the approach both in Metropolitan and Rural/Regional New South Wales.

Although this proposal has been submitted to a number of funding sources, no funding has yet been secured for it.

Recommendations

- 74. Research should be carried out into the viability of developing innovative approaches to conflict resolution that blend the approach of African communities with that of the Australian legal system.***
- 75. Funding should be made available for the South Sudanese Conflict Resolution Project and for similar alternative models of dispute resolution using African community elders.***
- 76. Where African community elders are called upon to assist with conflict resolution in their communities, they should be reimbursed by service providers or government for their travel, accommodation and meal costs.***
- 77. Education programs should be conducted for service providers such as the NSW Police Force, Community Justice Centres, the Department of Community Services and the Family Court to increase understanding of approaches by African communities to conflict resolution.***
- 78. Education programs should be conducted for African community elders to increase understanding of conflict resolution processes within the Australian legal system.***

5.9 Interpreters in the Justice System

There is a scarcity of qualified, experienced interpreters in many African languages. Compared to the larger, more established culturally and linguistically diverse communities, there are fewer interpreters to call upon and this can hinder the efficiency of the justice process or result in pressure to use unqualified interpreters or family members instead.

The close-knit family and clan connections in some African communities mean that interpreters may sometimes be called upon to interpret in cases where they know the people involved or their families. This can potentially result in conflict of interest issues or bias.

The role of the interpreter in legal proceedings is a difficult one. He or she has to interpret witness testimony, legal arguments and legal processes. This can be a highly focused and exhausting task, particularly if a hearing goes over several days or even weeks. Interpreters are often at the centre stage of disputes and conflicts that involve their communities. This can be emotionally draining, and they risk “burning out” if not provided with adequate support.

There may sometimes be a degree of confusion about the interpreter’s role in court proceedings. If people do not understand the legal system, they may blame the interpreter if the case does not go the way they want it to. There might also be an expectation that the interpreter function as an advocate or cultural support worker, and disappointment and blame when this does not happen.

Some of our client communities have complained about under utilization of interpreters by police when African Australians are being interviewed by police. Evidence obtained in a police interview is just as important in the judicial process as evidence obtained during court proceedings. If African Australians are not provided with access to an appropriate interpreter at this stage, they risk answering questions or signing statements that they don’t understand. This could result in a serious infringement of their rights and a potential miscarriage of justice.

It is important to ensure that translating and interpreting services are culturally sensitive. For example, there may be some situations where it would be culturally inappropriate for a man to translate to an African woman. For some women, disclosing domestic assault, particularly sexual assault, to a male interpreter is inappropriate. It is therefore particularly important that sufficient female interpreters are recruited and trained in African community languages.

Recommendations

- 79. Funding should be made available for the recruitment and training of more interpreters (including female interpreters) in African languages and for the ongoing support of these interpreters in their employment.***
- 80. Education should be provided for African communities on the role of interpreters. Such education should focus on the independence and neutrality of the role.***

- 81. *African Australians should be provided with access to qualified and appropriate interpreters at all stages of the judicial process, including when they are being interviewed by the police.***

5.10 The Media

African Australians are frequently portrayed in the mainstream media in a negative manner. For example, they are frequently linked to alleged criminal activity and other unsociable behaviour, including being members of violent “gangs”. In addition, the use of descriptors such as ‘of African appearance’ perpetuates the stereotype that all African people are the same.

As already outlined in section 5.3 above, African Australians should be provided with information and education about their rights to make complaints about racial vilification and the process for making such complaints to anti-discrimination bodies.

The Australian Journalists Association (AJA) Code of Ethics states that race should not be unnecessarily focused on when reporting. It is possible to complain to the Judiciary Committee of the Media Entertainment and Arts Alliance (MEAA) about potential breaches of this Code. Offensive media conduct can also be reported to the Australian Press Council and the Australian Communications and Media Authority. African Australians should also be provided with information and education about their rights to use these avenues of complaint. Media liaison officers from African communities would provide an effective means of providing this information, responding to negative media stories about their communities and generating positive media coverage for these communities as well.

Perhaps one of the most effective ways to challenge negative images of African Australians is to counter them with positive images. We note a number of initiatives that have been taken to get the personal stories of African Australians “out there” and to provide African Australians with a voice to share their experiences.²⁶ These include projects such as The Sudanese Stories Oral History Project exhibition, held recently in Blacktown. This was a joint initiative between the Blacktown Council, the NSW Migration Heritage Centre and SydWest Multicultural Services Inc that recorded the experiences of Blacktown’s Sudanese people during years of civil war in Sudan and after their arrival in Blacktown. It celebrates the resilience of the Sudanese people and also acknowledges the contribution they now make to the Blacktown community.²⁷ More should be done to make the public aware of such stories. Increasing awareness and understanding of the lived experiences of African Australians will help to break down the negative stereotypes misunderstanding and fear. It will also promote a greater respect for African Australians’ resilience and a greater understanding of what they have endured.

²⁶ J Flanagan (2007) *Dropped from the moon: the settlement experiences of refugee communities in Tasmania*, Anglicare Tasmania Social Action and Research Centre; B Opi (2007) *The Voices of Refugee Youth: A Survey of the Issues and Challenges for Young People at Risk from New and Emerging Communities*, Migrant Resource Centre of South Australia.

²⁷ Nick Soon, “Sudanese refugees tell why they fled their country” *Blacktown Sun*, (26 June 2009) <<http://www.blacktownsun.com.au/news/local/news/general/sudanese-refugees-tell-why-they-fled-their-country/1552012.aspx>> at 2 August 2009.

Additionally, STARTTS has assisted a number of African communities with Media training and consultancy, particularly during crisis situations such as the refusal of Tamworth Council to support South Sudanese settlement in the area or the impact of the former Immigration Minister's (the Hon Kevin Andrews) comments about the ability of South Sudanese to integrate into Australian society.

Recommendations

- 82. There should be training and education for media and the general community on the lived experiences of African Australians.***
- 83. African Australians should be provided with education and training about their rights to make complaints about racial vilification and other offensive media content, and the processes for making such complaints.***
- 84. Funding should be provided for training and support of volunteer Media Liaison Officers in African communities and development of their own ethnic media outlets.***
- 85. Support and funding should be provided to programs and initiatives that promote positive images of African Australians and celebrate their achievements.***

6. Interpreters

STARTTS counsellors and clients reported that many African Australians and other refugees are relying on their children, family and/or friends to interpret for them because they are not accessing the extensive interpreting and translation services available. The use of these services is an efficient tool to break down language barriers between African Australians and service providers. However, there are various issues that need to be addressed in order to improve interpreting and translation services for the non-English speaking communities across all sectors.

There are insufficient interpreters available in certain African languages such as Swahili and Kirundi. One of STARTTS counsellors reported that he was unable to obtain a Kirundi interpreter for a Saturday consultation with the community as there was only one Kirundi interpreter and this person, for religious reasons, was unable to work on Saturdays. This lack of availability of interpreters is exacerbated in rural areas.

In addition, there are significant issues regarding confidentiality, trust and conflict of interest, especially for small communities where clients and interpreters are members of the same community and share the same family ties and social networks.

Many service providers in the health and other sectors are unaware of the language differences between the various communities that speak the same language. For example, Middle Eastern Arabic is not the same as Sudanese Arabic and Krio speakers do not necessarily understand English. This confusion may prevent clients from obtaining the best quality of service.

A number of private health care providers are not making sufficient use of the Translating and Interpreting Service (TIS), which often results in clients being unaware of how to correctly take their medication and address their medical conditions. It is important for doctors and clerical staff at doctors' offices to be informed about TIS so as to provide this service to every patient that requires it. STARTTS is aware that the NSW Refugee Health Service is putting a significant effort to remedy this situation through their GP Project. However, there are limits on their resources and the GP Project does not focus on the specialists.

Recommendations

- 86. More African Australians should be encouraged to undertake the required training to become accredited interpreters. This will create employment opportunities and provide more interpreters that can attend to the needs of the community. This could be achieved through an increased funding to TAFE Interpreting Courses with a particular focus on small and emerging languages.***
- 87. Specific service providers should be involved in further training of interpreters to equip them with interpreting skills in particular settings such as health and law.***
- 88. Health care providers should receive further training and information in the use of Translating and Interpreting Service (TIS) services and be provided with incentives to encourage the use of this free service. This could be achieved through an increase in funding for the NSW Refugee Health Service to expand their GP and to include the specialists. Additionally, a new Medicare item could be created for the use of interpreters.***

7. Capacity Building and self-advocacy

There are a number of African community organisations within all communities STARTTS has engaged. For the successful social inclusion, achievement of independence and an ability to engage into systems advocacy, it is essential that these organisations receive adequate financial and skill-building support. Currently, there are a number of barriers to this process including:

- African community organisations are competing for funding to provide services to their own community members with much larger organisations with well-developed infrastructure and management systems. Clearly, they are at a significant disadvantage. Additionally, it is usually expected that the very organisations that should support African communities to obtain their own funding are the organisations that compete for that funding (eg. Settlement Grants Program funding). It is essential that African community organisations have access to funding and that they are supported with implementation of their own projects. Such projects should be identified by those community organisations and the priorities defined by the community members. While this may be a more cost-

intensive approach to service provision for African communities, it is likely to yield higher long-term benefits.

- Most African community organisations are run by volunteer leaders. This results in inconsistent activities due to the leaders' lack of time and a heavy impact on their personal lives and finances. It is also common that African workers employed by various non-African specific organisations, take leadership roles in their own communities. However, this can lead to conflict of interest and places additional pressures on those workers. Consequently, it would be essential that relevant African community organisations are able to employ their own staff.
- The majority of African communities are dispersed all over Australia. Many communities are attempting to create national organisations in order to coordinate the local activities, reduce social isolation and engage in systems advocacy on national issues. However, these processes face significant barriers due to the prohibitive costs of airfares, accommodation and phone conferencing. There are currently no funding sources that could support formation of national organisations within various African communities.

Recommendations

- 89. Funding bodies should ensure that African communities are not unfairly disadvantaged when competing for funds with more established organisations aiming to provide services to people from their own community.***
- 90. African communities should receive sufficient infrastructure/community building funds to facilitate efficient organisational functioning. While project-based funding is useful it is difficult for small organisations to carry out those projects without infrastructure/core funding.***
- 91. African communities should receive adequate project management training as well as ongoing access to mentoring in this area so that learning occurs in the relevant context and input is provided at a time the community leadership identifies a need for it. While this may be more costly in the beginning it is likely to yield significant long-term benefits.***
- 92. Funding bodies should explore alternative methods of monitoring and evaluating service provision so as not to place undue pressure on service providers to assert their ownership of projects at the expense of community ownership.***
- 93. African communities should be funded to develop and deliver cultural awareness raising/training packages for service providers.***
- 94. Federal Government should develop funding/resourcing strategies to assist African communities with development of national bodies and build their capacity to engage in systems advocacy on national issues. Community participation in policy development and political processes is essential to ensure social inclusion of African Australians.***

Conclusion

The rights to employment, education, housing, health and justice are fundamental human rights. Unfortunately, for many African Australians (particularly those who have suffered torture and trauma) these rights are not a reality in Australia today.

While there are a number of services and programs in place to provide support and assistance to African Australians, it is clear that much more needs to be done if African Australians are to enjoy true social inclusion and human rights protections.

We hope that the Human Rights Commission's Inquiry into human rights and social inclusion issues for African Australians will ultimately result in the implementation of further service and programs (and the expansion of existing, best practice services and programs) aimed at making social inclusion and human rights protections a reality for African Australians.

In order to be effective, however, it is essential that such services and programs be well resourced and sustainable. They should also take account of the enormous diversity of African nations and cultures and be provided in a manner that actively engages African Australians.

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