



Make it Just: Young People from Refugee and Migrant Backgrounds & Youth Justice

**A partnership between CMY and VICSEG New
Futures, with the support of Jesuit Social Services
and the Office for Youth.**



**Tuesday 8th March 2011
Melbourne Multicultural Hub**

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Introduction & Objectives of the Forum

Young people coming out of Youth Justice custody need three things: somewhere to live, a steady job, and real friendships. These words from Father Brosnan, reported by Johnny King from Jesuit Social Services, sum up the difficulties young people meet when finishing a custodial sentence and exiting the system.

On Tuesday 8th March 2011, the Centre for Multicultural Youth (CMY) and the Victorian Cooperative on Children's Services for Ethnic Groups (VICSEG) brought together workers from the Youth Justice sector and the settlement and multicultural sectors, to discuss the specific circumstances of young people of migrant and refugee backgrounds who come into contact with the justice system.

Over 100 people from a range of services participated in the forum, many of whom had never previously been involved in a CMY or VICSEG event. Presenters guided participants through the experiences of young people from refugee and migrant backgrounds in the system. Topics Included:

- An overview of the Youth Justice System
- Working with Young People at Risk
- Young People during Police Interviews
- Experiences of Young People in Custody
- Working with Young People and their Families after exiting Youth Justice

Following these presentations, participants heard about new programs run by Brosnan Youth Services, Victoria Police and the Springvale Monash Legal Centre.

Finally, a panel of workers representing the Pacific Islander, Karen and African communities provided examples of how their communities dealt with young people who get 'into trouble' with the police.

This report provides information about each of the programs run by the presenters and summarizes some of the key discussion points from the day. The report also includes suggestions from participants' evaluations regarding key advocacy issues and issues that remain un-addressed for this cohort of young people and bring together some recommendations for further consultation and action.

The State of Play

Victoria has three Youth Justice Centres

- Malmsbury Youth Training Centre: 90 bed facility for young men aged 18- 21 yrs
- Melbourne Youth Justice Centre (MYJC): 5 units; 90 bed facility for young men aged 15-17yrs
- Parkville Youth Residential Centre (PYRC): 30 bed facility for boys and young women both on remand or sentenced; accommodates boys aged 10- yrs & women aged 10- 21 yrs

MYJC and PYRC are now known as Parkville Precinct.

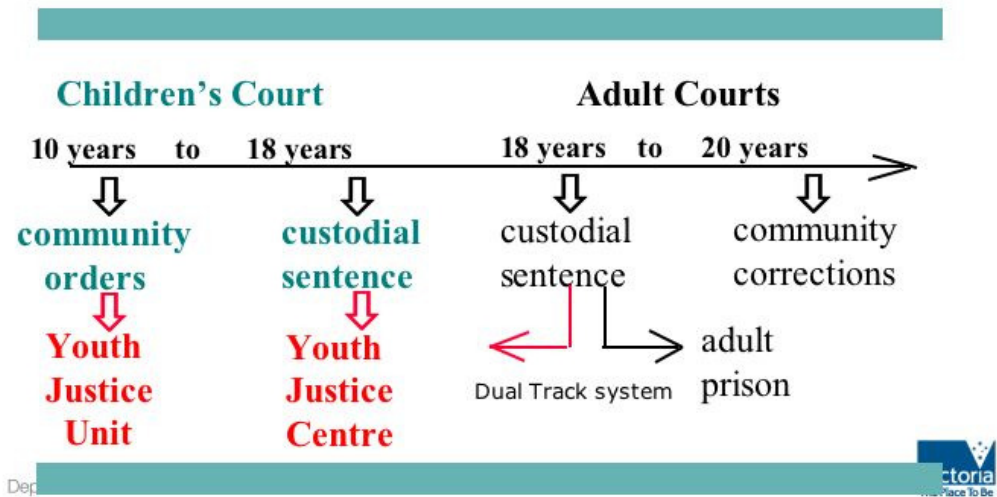
The number of young people in the system is very small. Statistics presented by the Department of Human Services reported that in 2004-2005, out of more than half-a-million (534,479) young people aged 10 to 17 years, 954 received a community-based order, and 166 were in custody.

Based on January 2011 data, Brimbank and Hume are the main LGAs where these young people lived (16% and 15% respectively). Out of 446 young people on community-based orders in 2011, 212 were Australian-born (indigenous and non-Indigenous), and 195 were born overseas (including New Zealand, the Americas, and Europe). Country of origin was unknown for 39.

Entry to the Youth Justice Program occurs via two pathways: the Children’s Court, Criminal Division, and adult courts, usually the Magistrates’ Courts.

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Speakers profiles

Sue Burge,
Department Human Services
Youth Justice Program Team Leader,
North and West Region

The DHS Youth Justice Program is responsible for the supervision of young people on Court Orders across the state. DHS run the Eight Youth Justice Units and three custodial centres in Victoria.

The program has a strong focus on diversion and works to minimize the progression of young offenders into the youth justice and adult correction facilities.

The North West region is the largest region in the state. There is generally between 450 and 500 clients across the region at any given time

Girma Seid,
Centre for Multicultural Youth
Brimbank Young African Men's Project

The Brimbank Young African Men's Project is an outreach initiative that targets young men of African background who are disengaged from education, employment and training, have had contact with the police, or are experiencing other difficulties with settlement. The project comprises outreach, group work, 'celebration activities', mentoring and information provision. The project has a pre-pathways focus and seeks to connect participants to CMY (and partners) as a step towards reconnecting with educations, training, counseling or supports.

For more information contact Girma Seid at CMY at gseid@cmynet.au

Vivianne Dias,
Centre for Multicultural Youth
Youth Referral and Independent Person Program (YRIPP)
State Coordinator

YRIPP trains and supports people working as independent persons across Victoria. YRIPP provides up to date training, a state wide Independent Person roster, resources for police and parents and access to a 24 hour legal advice line for people in custody.

For more information about YRIPP visit: <http://www.cmy.net.au/YRIPP/YRIPPHome>

Liz Magunda,
Department Human Services
Youth Justice Custodial Services
Cultural Support Worker

The role of the Cultural Support Worker is to assess the needs of young people from a cultural aspect, support young people and assist with family contact, legal representation, explanation of rights, rules and behavioural expectations within custodial setting and in the community.

Other responsibilities include:

- Organising activities and programs for young people that meet their cultural needs and raise cultural awareness
- Resourcing support from community elders to assist clients address 'Men business'
- Linking young people to appropriate cultural community services & transitional programs
- Linking young people to culturally appropriate mentors/role models

- Organising interpreters for young people and their families

Yousif Mohamed
VICSEG New Futures
Youth Justice Support and Mentoring Training Program

This VICSEG Program works with young men coming out of the youth justice system. A key component of the program is to build trust with young men and their families in order to provide mentors and support for them when they exit.

For more information on current Active Young African programs at VICSEG, email youngafricans@vicsegnewfutures.org.au or visit www.vicsegnewfutures.org.au.

Johnny King,
Brosnan Youth Services
Brosnan African Visitation and Mentoring Program

The Brosnan African Visitation and Mentoring program is a new program that aims to provide strong mentorship and relationships for young people from Africa who have come into contact with the youth justice system.

The program will provide visitation and someone to catch up with when the young person is released. Training will be provided to mentors.

Bec Smith
Springvale Monash Legal Service
Envisioning Justice

The Visioning Justice project will train a number of young people from diverse backgrounds in radio skills; supported by project workers, the participants will produce a series of radio documentaries discussing perspectives on the criminal justice system and justice broadly.

This project directly follows research from the Springvale Monash Legal Service around African young people and policing.

The aims of the project are to: increase support and skill-base of young people from diverse backgrounds, particularly in producing media; and contribute to an increased responsiveness to these young people by the criminal justice system and community sectors. The radio documentaries will be used as a tool for informing policy bodies and encouraging them to take on board the perspectives of those communities most affected.

Catherine Gatt and Prue Blackmore
Victoria Police
Youth Support Service Model

A new Youth Support Service helping young people at risk of entering the youth justice system is expected to be fully operational across the state by the end of March 2011.

A total of 55 new youth workers will provide the service with the aim of addressing the underlying causes of youth crime. Of these, 20 workers have been recruited to Department of Human Services regional youth justice units, where they will provide statutory supervision of young people on community-based court orders.

The other 35 youth workers will be based in community service organisations across Victoria – 23 in Melbourne and the other 12 in the regional centers of Ballarat, Bendigo, Geelong, Latrobe Valley, Mildura and Shepparton.

Victoria Police will refer at-risk young people to the Youth Support Service in their local area, where workers will meet with them, determine what their needs and goals are and connect them with a range of services, such as health, accommodation and legal services.

For more information about the new Youth Support Program contact Prue Blackmore on 9096 7018 or prue.blackmore@dhs.vic.gov.au

Issues raised

Throughout the day and the various presentations, some key issues emerged around the causes of refugee and migrant young people's involvement in the justice system, and ways this could be addressed.

These issues were:

- Failure in education and failure to find employment
- Confusion about young people's exact age, and how this impacts on referrals and transition to Juvenile / Adult Detention facilities and programs
- The role of family in supporting young people and their rehabilitation
- The role of community
- The need for agencies to work more collaboratively
- The key role of mentors in supporting young people in and exiting detention

These issues are explored below.

Lack of education, the key cause of disengagement

A recurring theme of the day was how disengagement is at the source of crime and delinquency; behind disengagement, almost always, is educational failure. Presenters working directly with young people all described their difficulties integrating into mainstream schools with little previous education, and how their experience of racism in school was a factor in their leaving. Failing to succeed at school, they drop out, start 'hanging out', use alcohol and other drugs, and become involved in criminal activities.

Girma Seid, from CMY, also highlighted the lack of participation opportunities for these young people: most have tried to find work but failed, they are not necessarily welcome in their community and at community activities, and they profoundly distrust services that may otherwise be able to help them re-engage.

Their sense of isolation leads them to look for other young people with similar experiences, with whom they can share a sense of belonging. Their 'hanging around' can be seen as threatening, and the young people in the African Young Men project report feeling singled out in public spaces and targeted by the police.

In this context, school is more than a way to educational and employment achievement, it also provides a social fabric, without which these young people are adrift. Presenters asked for more support for schools to combat racism.

Confusion about young people's exact age

Young people who come to Australia as refugees are often recorded as being born on 1st January, as their exact date (or even year) of birth is unknown. There are several reasons for this. In many cases, young people and their families genuinely do not know when the young person was born, and there are no birth certificates to provide this evidence.

In other cases, some parents/guardians may minimise the age of their children in order to be able to bring them (as young people have to be under the age of 16 to be allowed to migrate to Australia with their parents); or they may have done so previously in order to spare their children from being recruited in the army.

This difficulty in determining their age in turns makes it difficult to assess young people in the system; it also affects their transition/transfer to adult prison, which would otherwise occur when they turn 18.

Young people's lack of understanding of the Justice System

Many young people, particularly if they are newly-arrived, have limited understanding of their rights and responsibilities. They also do not understand the role of the court and the justice system.

Fines are typically issued for driving under the influence or without a license, travelling on public transport without a ticket, drinking in public places, disorderly behaviour, or breaking and entry. The young people involved rarely understand the legal consequences of their actions. They accumulate fines (up to \$7,000 for one young man in the Brimbank program). They do not know about Legal Aid and about available options to reduce the debt. Unable to pay the fines they disregard them, and remove themselves further and further away from agencies and community.

Several presenters mentioned the high incidence of undiagnosed mental health issues in these young people, and the fact that young people and families may be reluctant to use mental health services due to stigma. Young people's refugee and post-migration experiences can affect their mental health and their ability to engage positively with the system, and it is important for the courts to be aware of this. More collaboration between settlement services and the justice system would help the system better understand the circumstances of the young people and how they affect their ability to engage.

The role of family in supporting young people and their rehabilitation

The point was made that families do not understand the justice system and its requirements; they may be in denial of their child's crime (*'My son would not do something like this'*), particularly sexual crimes; or they may not understand the consequences of non-compliance (*'My child cannot attend the appointment as I need him home today to help me'*). Some families feel that the appropriate response is to keep young people at home to protect them from re-offending – inadvertently preventing them from attending appointments required by their sentence.

Once they recognize that the crime has been committed, the family may ostracise the young person and refuse to support them when they exit custody. Returning the young person back to their country of origin can be seen as a way to remove them from the risk of re-offending – thereby sending an already alienated young person to a country and distant relatives they may not know.

Family breakdown is often one of the reasons for disengagement, with mothers being the sole carer for several children, and feeling overwhelmed. Youisf Mohamed from VICSEG asked for mothers to be better supported.

Liz Muganda from Youth Justice Custodial Services in Parkville insisted on the importance of working with families: the young person's rehabilitation will depend on its family's ability and willingness to take him/her back.

The role of community

The shame young people experience regarding their offence can be a powerful deterrent to them reconnecting with their community. Liz Muganda's experience as the Cultural Support Worker in Parkville is that young people in custody experience intense shame at the offences they committed.

The stigma and rejection from the community may compound this. Young people who have been in trouble with the law may not be willing, or be welcome, to attend community events where their extended family will be present.

To this end, the Brimbank Young Men's Program works with communities and elders, inviting them to events staged by the young men. In Girma Seid's experience, this can be a challenge because the young men have been away from home for a long time and it takes time to re-establish trust between them and their community.

Work needs to be done with community elders and community mentors to support this reconnection. Johnny King from Brosnan Youth Services recommended *'tapping in the resilience that is in the communities and finding ways to harness it'*.

The role of mentors

Most of the presenters discussed the importance of mentors, in custody and upon release. WhiteLion, VICSEG, Brosnan Youth Services and the DHS Parkville Precinct are all recruiting mentors to provide 'real friendship' and support.

While workers can try to provide accommodation and employment (although both are extremely difficult to find for someone with little experience and a police record), their role is not to be 'friends'. The third of Father Brosnan's 'needs of young people exiting custody' can only be met by people who volunteer their time to accompany young people from refugee and migrant background on the road to rehabilitation.

Johnny King from Brosnan Youth Services explained that the role of the mentor was to be *'a listener, not a case manager'*. Young people may choose someone from their cultural community as a mentor, or may prefer someone who has no connection to their community, and it is important for the recruiting agency to be open to this.

The need for agencies to work more collaboratively.

Agencies need to work together on a common response and to ensure that different agencies are not giving different messages to families and to young people (*'One agency works with the family, another one works with the young person, and they don't talk to each other'*). There is overlapping and duplication in the current service provision.

Establishing trust is a liability with at-risk young people, who may feel that they have been 'let down' by the system every step of the way. Establishing trust takes time; a willingness to go and meet young people where they are (including in custody) rather than expect them to attend appointments, is a key factor to the development of relationships between the worker and the young person.

Agencies can become frustrated at young people's failures to attend appointments, not realizing that the transient nature of their accommodation makes it difficult for them to plan. Many of the young people at risk are couch-surfing, or staying in emergency accommodation. Depending on where they can spend the night, their client may find him/herself in Dandenong on the morning of an appointment in St Albans. This makes it difficult and frustrating for agencies to work with them.

Temese Leulia from Te Waka One Ocean also asked for more dialogue between service providers and communities, to create conversation about the needs of young people and to avoid stereotyping (in his case, of young Pacific Islanders).

In his concluding remarks, Girma Seid stated that *'it is not about changing the system, but about how the system can be more flexible and what the services approach will be. It is about how to make the existing system work for young people'*.

Where to From Here?

As part of our evaluation process we asked participants to answer two questions:

- **What are the key issues that we need to take back to government?**
- **What is the main un-addressed issue for you, in your work?**

Feedback from participants echoed much of the views put forward by the presenters: the need to engage and support families, the importance of education, difficulty verifying a young person's age and mentor recruitment.

However the need for better collaboration between the multicultural and settlement services and youth justice services was the most common response. Many explicitly wrote that this lack of coordination was a major roadblock to providing effective support for this cohort of young people.

CMY recommends a follow-up forum focused primarily on Service Coordination across these sectors. CMY believes that, with a focus on improved service coordination, issues around the role of education providers, the engagement of families, and mentor recruitment could also be addressed. Targeting coordinators and managers in the community sector (settlement, housing, justice, ethno-specific), Youth Justice, Victoria Police and School Welfare Coordinators the forum could provide a step towards improved partnerships, networks and ultimately better support for young people.

Other issues raised by participants included:

- The need for more multicultural youth justice workers
- Issues surrounding slow court processing times
- The need for more flexibility from service providers.

When asked what the main un-addressed issue for people in their work was, participants noted three key issues:

- An inability to adequately support families
- The role of education providers
- Issues around cultural competency for workers and Victoria Police officers.

CMY recommends that training be developed for workers from youth justice sector to support the engagement of young people from migrant and refugee backgrounds. Training around working in the context of the family is also recommended.

For more information

For more information about this Statewide Forum, visit CMY's website
www.cmy.net.au/StatewideNetwork

Or contact:

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