

# African Australian Advocacy Centre

**Australia's Youth Justice and Incarceration System Submission on Behalf of African  
Australian Advocacy Centre (AAAC)**

**February 2025**

**SUBMISSION TO THE SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL  
AFFAIRS**

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## Abstract

The African Australian Advocacy Centre (AAAC) appreciates the opportunity to submit this submission to the Senate Standing Committee on Legal and Constitutional Affairs concerning Australia's youth justice and incarceration system. The treatment of young people of African descent in detention raises critical human rights concerns, as recognised under international conventions such as the United Nations Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR). Numerous inquiries, reports, and media investigations have consistently highlighted that the rights of children in detention are not adequately upheld. The imprisonment of young people often exposes them to punitive, harmful, and violent conditions, contrary to the principles of rehabilitation and protection enshrined in federal and state laws. For decades, the failure of states and territories to administer youth justice in a manner that ensures the safety and well-being of children has remained a pressing issue, disproportionately affecting marginalised communities, including those of African descent.

### About the African Australian Advocacy Centre (AAAC)

The African Australian Advocacy Centre ([AAAC](#)) is a charitable [organisation](#) dedicated to promoting and advocating for the human rights of people of African descent in Australia. Committed to justice and equity, AAAC engages in high-impact advocacy, research, and policy development to address systemic racism, discrimination, and social inequalities. Through strategic collaborations with government, academia, businesses, and civil society, AAAC amplifies African Australian voices in national and international forums. Operating across all Australian states and extending its reach to Switzerland and the United States, AAAC strengthens connections within the global African diaspora. The organisation plays a pivotal role in fostering leadership, civic participation, and cross-cultural understanding while tackling pressing issues such as racial justice, economic empowerment, and community resilience. By advocating for meaningful change, AAAC ensures that African Australians are not only recognised but also empowered to shape policies and contribute to a more just and inclusive society.

AAAC is particularly committed to fostering advocacy and education for African youth, creating opportunities for engagement, leadership, and policy influence. Moreover, through submissions like this one, AAAC continues to engage with relevant bodies on issues affecting African Australians, with a specific focus on the experiences of African youth.

AAAC believes that African Australians are significantly underrepresented in Australian society and works to promote a more positive and accurate image of the community. In doing so, the organization highlights the urgent need for policy reform, safe spaces, and greater representation in literature. AAAC views this inquiry as a step in the right direction, providing a crucial platform to voice the concerns and recommendations outlined in this submission.

#### AAAC's key initiatives include:

- **Submissions:** As part of its advocacy work, AAAC drafts submissions on a range of human rights issues affecting African Australians that are submitted to various institutions, including the Federal Senate, State Governments and the United Nations
- **Pro Bono Supervision Program for African and non-African students :** This program, specifically tailored for African and non-African students, offers mentorship during work placements, smoothing the transition from academics to professional settings. By enhancing professional skills, promoting cultural competence, and forging professional connections, the program enables equal opportunities and essential support. The program significantly contributes to the students' long-term career development by

enhancing employability and aiding a successful transition from education to employment.

- **Youth Programs:** Programs such as [Mentor Me](#), designed to equip African students with the skills to critically engage with and counter extreme ideologies and radicalization.
- **Volunteer and Work Placement Program:** This initiative provides structured mentorship during work placements, helping students transition smoothly from academic study to professional work environments. In addition, this volunteering program is a powerful tool for empowering young and adult people, strengthening communities, and driving long-term societal change.
- **African Literature Development Program:** In collaboration with WestWords and supported by the Ade's Family Foundation, this program includes seminars, webinars, and workshops aimed at fostering African literature and publications. AAAC also provides publishing opportunities for writers of African descent residing in Australia, offering both online and print platforms for their work. The organization believes that storytelling serves as a bridge for understanding and empathy between communities and generations, fostering a sense of belonging and pride for individuals aged 8 and above.
- **Community Engagement Meetings:** These discussions provide African youth with the opportunity to engage directly with community leaders, including [law enforcement](#), to address critical issues such as community violence, online hate crimes, and racial profiling.

The AAAC presents the following submission regarding Australia's youth justice and incarceration system to the Senate Standing Committee on Legal and Constitutional Affairs.

The treatment of young people within Australia's justice and incarceration system has frequently faced criticism for being ineffective, discriminatory, and detrimental to young people. Numerous incidents and reports highlight the state of the current system, making it reasonable to view these issues as indicative of a systemic failure to uphold human rights. However, these injustices do not affect all young people equally. African youth, particularly those from refugee and migrant backgrounds, often experience even harsher treatment due to intersecting factors such as racial profiling, socio-economic disadvantage, and cultural marginalization. The compounded effects of racial discrimination within the justice system place African youth at a heightened risk of over-policing, disproportionate incarceration, and systemic neglect. This intersection of race, youth, and justice underscores the need for a more nuanced understanding of how structural inequalities, evident within the system, shape their experiences and outcomes.

### **Labelled and Targeted; Overpoliced and Misjudged: The Impact of Racial Profiling on African Australians**

Over the past two decades, negativity toward Black Africans living in Australia has increased, driven in part by political rhetoric and public opinion.

Racial profiling is the use of race or ethnicity as a basis for judgment of criminality (Majavu, 2018). Racial profiling has significant implications for individuals and communities, particularly among African Australians (Fozdar, 2023). It is closely linked to labelling theory, which suggests that human behaviour is influenced by the way society perceives and categorises individuals. The negative labelling of African Australians as criminals not only stigmatises individuals but can also have profound consequences on entire communities, as innocent people are increasingly subjected to wrongful stops, searches, and arrests by law enforcement.

The labelling of young African minorities as criminals not only increases the likelihood of future criminal behaviour but also hinders their educational and employment opportunities (Schemer, 2012; Dixon & Azocar, 2007; Domke, 2001). Furthermore, the labelling of young people can act as a triggering process, increasing the likelihood of criminal activity while negatively impacting educational and employment prospects (Bernburg & Krohn, 2003). For instance, when individuals experience racial discrimination, they may internalise these societal labels as 'criminals' or 'deviants,' leading to further marginalisation within society and their communities (Bernburg & Krohn, 2003).

Labelling theory, developed by sociologist Howard Becker, posits that deviance is not inherent in an act but rather a result of societal perceptions and classifications (Wellford, 1975). This framework helps explain how negative labels can stigmatise individuals, leading to wrongful police stops, searches, and arrests. Research has shown that once young people are labelled as criminals, they are more likely to internalise and act upon these labels, further entrenching their marginalisation (Schemer, 2012; Dixon & Azocar, 2007; Domke, 2001). This delinquent labelling, perpetuated by the justice system and media, has been shown to increase the likelihood of repeated criminal behaviour (Bernburg, 2002).

The Australian media has played a key role in reinforcing negative stereotypes of refugees, particularly African refugees, portraying them as socially deviant and a threat to national identity (Baak, 2018). Such portrayals contribute to a self-fulfilling cycle of delinquency, as young African Australians are frequently subjected to racial profiling and over-policing. For instance, African youth in Melbourne are 2.5 times more likely to be stopped by the police than their non-African peers (Human Rights Commission). Numerous studies and reports have found that media narratives alienate and marginalise people from mainstream society (UNWGEPAD). Although most young people are not lawbreakers, the targeting and racial profiling of young ethnic minorities result in all individuals within the group being classified as criminally inclined or suspicious (White, 2009).

Moreover, Racial discrimination, experienced by young people during their developmental adolescent years can have a negative impact their sense of self and wellbeing. Studies have shown that there is a correlation between well-being and the cumulative effects of racial discrimination (Gibbons et. al., 2020 and Ferdinand, et, al., 2015). People who experience perceived racial discrimination during developmental years struggle to attain the inner resources to deal with threats to their identity and wellbeing which can lead to delinquent behaviour (Hopkins, 2020).

Racial profiling, therefore, is not just an act of discrimination but a systemic issue with significant consequences for social integration and equality. Studies, such as those by TeamWork WA and Haile-Michael & Issa (2015) in Victoria, document experiences of racial profiling as persistent harassment, ridicule, and a source of negative mental health outcomes. Addressing these issues requires policy interventions aimed at reducing the harms of racial profiling and fostering a more inclusive and equitable society.

Such discriminatory narratives not only harm individuals but also contribute to the broader social marginalisation of people of African descent. The Australian Community Capacity Study (2017), which surveyed 2,525 respondents, found that anti-African sentiment increased following media

reports linking young African Australians to crime (Benier et al., 2021). The widespread targeting and racial profiling of young ethnic minorities result in the collective criminalisation of entire communities, an image perpetuated by powerful institutions such as the media and law enforcement (White, 2009).

### **We Belong Here Report: Addressing Youth Justice & Incarceration**

The We Belong Here [report](#), presented by the African Australian Advocacy Centre (AAAC), highlights systemic inequalities facing African Australian youth in the justice system. It underscores racial profiling, over-policing, and disproportionate incarceration rates, calling for urgent reforms. The report advocates for culturally responsive interventions, diversion programs, and community-led solutions to prevent criminalisation. By prioritising education, mentorship, and economic opportunities, We Belong Here offers a roadmap to addressing youth justice challenges. Through policy change and investment in African Australian youth, AAAC pushes for an equitable system that fosters rehabilitation, inclusion, and long-term community safety.

#### **Key Findings from We Belong Here Report**

- **Over-Policing & Racial Profiling**  
African Australian youth experience disproportionate police surveillance, stop-and-search practices, and racial profiling, leading to higher criminalization rates despite no evidence of increased offending.
- **Disproportionate Incarceration Rates**  
Young people of African descent are overrepresented in Australia's juvenile justice system, often receiving harsher sentencing and limited access to diversion programs compared to their peers.
- **Barriers to Legal Support & Advocacy**  
Many African Australian youth and families face challenges accessing legal aid, navigating the justice system, and advocating for their rights due to systemic racism and lack of culturally competent legal services.
- **Limited Culturally Appropriate Rehabilitation & Support**  
Existing rehabilitation and reintegration programs fail to address the specific needs of African Australian youth, leading to high recidivism rates and limited opportunities for reintegration into society.
- **Education, Employment & Socioeconomic Inequalities**  
Socioeconomic disadvantage, school exclusion, and limited employment pathways increase vulnerability to the justice system, highlighting the urgent need for targeted educational and workforce inclusion programs.
- **Community-Led Solutions Are Key**  
African-led youth initiatives, mentoring, and restorative justice programs have shown success in reducing criminalization and fostering positive outcomes, reinforcing the need for increased funding and support for community-driven solutions.

### **Empowering African Youth for a Safer Future**

The *Empowering African Youth for a Safer Future* [program](#), led by the African Australian Advocacy Centre, is designed to equip African Australian youth with the skills to identify and

combat radicalisation and extremism. It addresses the unique challenges faced by African students, promoting resilience, inclusivity, and a safe school environment. The initiative focuses on raising awareness about extreme ideologies, building emotional resilience, fostering critical thinking, and addressing racism's impact. It also works to strengthen community ties within schools while offering support networks for guidance and assistance.

### **Key Finding from the *Empowering African Youth for a Safer Future* program**

One key finding from the *Empowering African Youth for a Safer Future* program is that creating supportive networks within schools significantly enhances the ability of African Australian youth to resist radicalisation and extremism. These networks, which include peers, mentors, and community stakeholders, provide emotional resilience, foster critical thinking, and promote inclusivity, helping students navigate the challenges of racism and harmful ideologies more effectively.

### **Bridging the Gap: African Youth and NSW Police in Dialogue**

On October 26th, 2024, the African Australian Advocacy Centre facilitated an engagement meeting between African youth and the NSW Police Hate Crime Unit. The discussions were diverse but focused primarily on defining hate crimes, their repercussions, and how best to address them within the community, including bridging the gap between African Youth and NSW Police.

The event had a significant emphasis on addressing hate crimes and their prevalence within NSW schools. On the day, African youth shared their lived experiences of facing discrimination and racially motivated incidents. For example, when an African student brought a toy gun to school, the police responded with a heavy-handed approach, resulting in the student's arrest. In contrast, a similar incident involving a white student did not lead to police involvement or an arrest.

These experiences underscored the pervasive nature of hate crimes in educational settings and the impacts on students' mental health and sense of belonging. Participants stressed that these hate crimes often result in youth becoming isolated and disconnected from their communities. This isolation can arise from feelings of being misunderstood, unprotected, or unsafe within their educational and social environments. Consequently, this disengagement can lead to vulnerability among affected youth and the wider community, increasing the risk of involvement in antisocial behaviours such as crime.

A key topic of discussion was the importance of community-led policing, with a focus on better reporting avenues. The lack of action when hate crimes were reported in schools highlighted the impact on victims when incidents were not addressed. This integrated the need for better interventions including support systems and the advertisement of hate crime reporting procedures in schools so that victims could address the discrimination. The focus on education for victims, guardians and staff was also discussed, particularly around children's rights and mandatory reporting procedures.

The event also discussed the existence of racial profiling by NSW police. Youth leaders talked about how it was underreported due to the lack of awareness about available reporting systems

and fear of retaliation. Many young people are unfamiliar with the proper channels to file complaints or are unsure if their grievances would be taken seriously.

Lastly, the event underlined a deeper understanding of the mistrust between police and youth, which is prevalent among African youth. This mistrust is not solely tied to direct experiences with local police but also influenced by perspectives shaped in their countries of heritage. Many of these young people come from countries where police corruption is widespread therefore leading to an imbedded sense of distrust. Even if a young person hasn't personally experienced racial profiling, hearing about it from their community or through the media can intensify their perception of police distrust in the local context. It is crucial to acknowledge these perspectives to bridge the gap and rebuild trust between police and youth.

In addition to the NSW Police engagement meeting, AAAC held a similar discussion in Canberra with the Federal Police. The initiative received positive feedback, with ACT Policing expressing a strong commitment to improving its understanding of these concerns and fostering collaboration. This highlights the importance of ongoing engagement with government bodies and AAAC's dedication to maintaining open and constructive dialogue ([ACT Police media release](#)).

### **Reinforcing Marginalisation: The compounding effect of Intergenerational Trauma, Media, Politics, and Public Perception**

Between 2002 and 2005 the proportion of refugees from Africa resettling in Australia increased to 70% of the total intake. ABS census data indicate that the number of people born in Africa rose from about 250,000 in 2006 to 447,524 people in 2021. Most of this cohort came as either voluntary or involuntary refugees. A key distinction between the two is that voluntary migrants relocate by choice in search of improved life opportunities while involuntary migrants are forced to flee their country due to serious threats to their safety, making return impossible.

While many refugees successfully rebuild their lives, the challenges of resettlement extend beyond logistical and economic adjustments. Individuals and their families not only face difficulties with acculturation but also grapple with lasting effects of experiences from their country of origin. Numerous studies have shown a link between parental trauma and its impacts on their children otherwise known as intergenerational trauma (Vaage, et, al., 2011 & Sangalang & Vang., 2017).

Many of these parents to African youth have endured horrific challenges due to war or other conflicts. This includes traumatic experiences such as displacement, violence, and loss. In addition to these traumas, the resettlement process itself presents significant challenges. These challenges include separation from their family and country of origin, language barriers, cultural barriers, parenting issues in a new country, underemployment, financial issues, access to adequate housing and racial discrimination. For many African Australian youth, these struggles are not only linked to past trauma but also shape their experiences within broader social institutions – including the justice system. As a result, some may experience heightened stress, anxiety, and behavioural challenges. This adds another layer of complexity to the difficulties faced by African young people in the justice system. The compounding effects of intergenerational trauma and societal

discrimination create a situation where young people feel alienated, misjudged, and disproportionately targeted.

This discrimination and marginalisation are further reinforced by the role of media and political influences in shaping public perception. Media and political influences play a major role in shaping public perceptions and can often reinforce negative stereotypes within the mainstream community (Schemer, 2012 Dixon, & Azocar, 2007, Domke, 2001). Through biased or selective reporting, the media can amplify certain negative narratives, portraying African Australians in an adverse way, whether intentionally or unintentionally. For example, the Schemer study (2012) showed how both negative and positive portrayals impacted public opinion where positive reporting reduced the negative portrayals people held about immigrants.

The Australian media has portrayed refugees who arrive in Australia as socially different, deviant and a danger to 'the Australian nation and national identity'" (Baak, 2018). An example is the reporting around the Moomba riots where the media attributed rising crime rates to African gangs which led to further racial vilification. However, statistical evidence contradicts this claim. For instance, Sudanese people make up 0.1% of Victoria's population but account for 1% of alleged offenders in the prison system. Although this is an overrepresentation, it's still a small part of the overall crime rate in Victoria. Particularly when you are over 25 times more likely to be seriously assaulted by someone born in Australia or New Zealand than by someone from Sudan. Another example of negative media influence is the Lion Gony murder, which was initially framed as a racially charged incident highlighting the so-called "Sudanese problem group". Media reports and authorities referenced "African gang-related" violence, but it was later revealed that the perpetrators were two white males. The link between the media's influence on public opinion was further highlighted in the 2017 Australian Community Capacity Study, which surveyed 2525 respondents and found that Anti-African sentiment increased following the media coverage (Benier et al 2021). The repercussions in mainstream society seemed to include instances of overt racism towards African people in general (Benier, et al., 2021). This media-driven racialisation contributes to the broader societal discrimination experienced by African Australians – reinforcing social exclusion and legitimising biased treatment in institutions such as the justice system.

Media narratives can create "folk devil" portrayals about African young people being threatening and menacing. However, the media often fails to provide context, overlooking the fact that these young people are frequently victims of abuse themselves. Rarely is the complexity of the situation represented. This leads to the vilification of marginalised youth, categorising them as delinquents. In turn, this negative portrayal fuels further social alienation, increasing the likelihood of interactions with the justice system.

Similarly, political discourse can contribute to these stereotypes, especially when politicians use rhetoric that targets African Australian communities, framing them as criminals or threats to society. When such narratives are pushed by influential political figures or platforms, they can legitimise biased views, deepening divisions within society. In both cases, the power of repetition and visibility in media and politics means that these stereotypes can become entrenched, affecting how African Australian communities are perceived and treated in our wider society.



## Recidivism

There is a likelihood of young people reoffending once they have been released from a sentenced detention. This is a clear indication of the simple yet significant fact that young people are not receiving the treatment they need when they are in prison. In NSW, between 2015 and 2016, juveniles had a recidivism rate of 79%, which was higher than adults. Additionally, 82% of those released from sentenced detention in 2015–16 returned to supervision within 12 months of release (Australian Institute of Health and Welfare 2018).

There is no question that the trauma endured in prison leaves lasting scars, with many individuals experiencing violence and abuse behind bars. Upon release, they continue to face overwhelming challenges, including limited employment opportunities and difficulties reintegrating not only into society but also within their own communities (Onsando et al., 2020).

### **Key Findings from the 2015 Haile-Michael and Issa Study in Victoria on Young People's Perceptions of the Justice System**

1. Young men of colour frequently report having had negative experiences at the hands of the police. These range from serious assaults to constant harassment and ridicule in public.
2. These interactions have led to adverse mental health outcomes and increased criminalisation among young people. Many expressed feelings of exclusion, anxiety, isolation, paranoia, and fear, reinforcing a sense of not belonging in society.
3. Racialized policing has also resulted in widespread mistrust among youth—not just toward the police, but the entire justice system.
4. Young people view institutional racism as part of a larger societal issue and advocate for a comprehensive review of the criminal justice system. They also emphasise the role of education in driving reform and cultural change within Victoria Police.
5. A significant concern raised was the lack of police accountability, with unclear complaints mechanisms making it difficult for individuals to seek justice.

**Mentor Me program in Western Australia is an example of a successful program that addresses some of the youth issues in this submission:**

### **Summary of Mentor Me**

The **Mentor Me Reconnect Programme** is a culturally tailored mentoring program aimed at supporting African youth, young adults, and families in Western Australia. The program addresses the unique challenges faced by these communities, including issues like immigration, domestic violence, homelessness, youth incarceration, and reintegration into society.

It offers four main services:

- school-based mentoring,
- youth-at-risk support,
- community-based mentoring, and
- victim and family support.

Through culturally competent mentors, the program focuses on enhancing educational engagement, improving career prospects, and providing emotional and psychological support for individuals affected by trauma, violence, and social marginalisation.

The program aims to empower participants by offering preventative strategies for at-risk youth, reducing the likelihood of incarceration, and supporting victims in their healing process. By providing one-on-one mentoring, emotional support, and access to resources, Mentor Me Reconnect helps foster personal growth, resilience, and stronger community connections. The program has been successful by improving educational outcomes, reducing recidivism rates, and strengthening the African community in Western Australia. Moving forward, the program seeks to expand its reach, train more mentors, and develop partnerships to ensure sustainable, long-term support for African families and youth in Australia.

### Case study example

Mr Yasolo X, 29, committed an offence, served his sentence and was released in August 2023 following a successfully appeal from the Administrative Review Tribunal. Despite remaining in the community for over a year without reoffending and actively demonstrating rehabilitation, his visa was cancelled in October 2024 under the new Ministerial Direction 110, which prioritises community safety. This decision appeared to unfairly vilify Michael for his past actions, despite him having served his time and made considerable efforts to turn his life around.

Since his 2023 release, Michael's positive transformation can be supported by several reputable members of the community. He has

- Secured stable employment and housing for himself and his pregnant partner.
- Been elected as Chair Member of ZAWA (Zimbabweans Around Western Australia), organising community events like the African Soccer Cup and Zimbabwe Family Day.
- Engaged with Mentor Me Reconnect, the Organisation of African Communities in WA, and Sisters Healing Space.
- Spoken at a panel on mental health for young men, sharing insights from his rehabilitation journey.
- Planned a community mental health workshop combining fitness, faith, and open discussions about coping mechanisms.
- Worked with TeamWork WA, an organisation led by an ex-detective focused on helping individuals reintegrate post-incarceration.

Michael's commitment to community service, rehabilitation, and leadership highlights the injustice of his visa cancellation. The Ministerial Direction 110 disproportionately affects African Australians, failing to account for rehabilitation efforts and reinforcing systemic discrimination within all areas of the justice system.

### Recommendations

- **Implement Culturally Responsive Early Intervention & Diversion Programs**  
Establish and fund programs that engage African Australian youth before they enter

the justice system. This includes mentoring, mental health support, and culturally appropriate youth services led by African community organizations. These initiatives should work closely with families, schools, and community leaders to address risk factors such as racial profiling, socio-economic disadvantage, and educational disengagement.

- **Reform Policing Practices & Strengthen Community-Led Justice Solutions**  
Train law enforcement on anti-racism, cultural competency, and trauma-informed approaches. Invest in community-driven alternatives to incarceration, such as restorative justice programs and African-led mediation initiatives, ensuring young people receive rehabilitation and support rather than punitive measures.
- **Help to establish a youth hub** in each states where African Australian youth can access resources, connect with mentors, and engage in constructive dialogue with stakeholders, including law enforcement. These hubs would provide a safe space for discussing issues of radicalisation and racism, fostering resilience and community collaboration.
- **Strengthening Research, Data Transparency & Accountability**  
Enhance research and data collection to identify and dismantle systemic exclusion while ensuring police make survey data publicly available. Recognise the economic burden of racial profiling and youth incarceration, which costs approximately \$2,748.96 per day.
- **Investing in Community-Led Solutions & Justice Reinvestment**  
Redirect funding from prisons toward education, mental health, and economic support systems that address root causes of crime. Justice reinvestment models, such as Maranguka in Bourke, demonstrate success in reducing crime and increasing youth retention in education.
- **Reforming Policing for Human Rights & Community Trust**  
Shift from risk-based policing to community-based policing, ensuring law enforcement prioritises human rights at all levels, recruitment, training, and active duty. Educate officers on cultural competence and fair law enforcement while banning racial profiling practices like unjustified street stops.
- **Empowering Youth & Enhancing Legal Protections**  
Increase education on reporting hate crimes and incidents, addressing concerns of police accountability. Implement culturally responsive reintegration frameworks like the "Ubuntu" model, emphasising belonging, family, and community support post-custody. Ensure positive representation of African Australians in public and institutional life.

**End.**

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