



Submission to the National Children's Commissioner on  
Australia's implementation of the *United Nations  
Convention on the Rights of the Child*

May 2018

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## Jesuit Social Services: Who we are and what we do

Jesuit Social Services has been working for more than 40 years delivering practical support and advocating for improved policies to achieve strong, cohesive and vibrant communities where every individual can play their role and flourish.

We work with some of the most marginalised individuals and communities, often experiencing multiple and complex challenges. Jesuit Social Services works where the need is greatest and where we have the capacity, experience and skills to make the most difference.

Our services span Victoria, New South Wales and the Northern Territory where we support more than 57,000 individuals and families.

Our service delivery and advocacy focuses on the following key areas:

- **Justice and crime prevention** – people involved with the justice system
- **Mental health and wellbeing** – people with multiple and complex needs and those affected by suicide, trauma and complex bereavement
- **Settlement and community building** – recently arrived immigrants and refugees, and disadvantaged communities
- **Education, training and employment** – people with barriers to sustainable employment.

The promotion of **education, lifelong learning and capacity building** is fundamental to all our activity. We believe this is the most effective means of helping people to reach their potential and exercise their full citizenship. This, in turn, strengthens the broader community.

Research, advocacy and policy are coordinated across all program and major interest areas of Jesuit Social Services. Our advocacy is grounded in the knowledge, expertise and experiences of program staff and participants, as well as academic research and evidence. We seek to influence policies, practices, legislation and budget investment to positively influence participants' lives and improve approaches to address long term social challenges. We do this by working collaboratively with the community sector to build coalitions and alliances around key issues, and building strong relationships with key decision-makers and the community.

Our Learning and Practice Development Unit builds the capacity of our services through staff development, training and evaluation, as well as articulating and disseminating information on best practice approaches to working with participants and communities across our programs.

*We acknowledge the Traditional Custodians of all the lands on which Jesuit Social Services operates and pay respect to their Elders past and present. We express our gratitude for their love and care of the land and all life.*

## Our recommendations

- That Australian Governments (federal, state and territory), in partnership with the community, act immediately to put in place appropriate structures, plans and resources targeted to the most vulnerable communities to effectively break the web of disadvantage. Doing so will have clear and tangible benefits for children across Australia.
- That youth detention facilities be prioritised as requiring immediate attention as part of Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) implementation.
- That an independent third-party reviewer should be established to regularly review conditions for those accommodated in regional processing centres.
- The use of isolation of children and young people in youth justice facilities be banned.
- The youth justice workforce must be grounded in principles that place the interests, developmental needs and rehabilitation of children and young people at the forefront, with a minimum qualification introduced across Australia.
- That offshore processing centres should be closed to ensure the safety, dignity, and legal rights of all asylum seekers – with a priority of settling children with their families in Australia as a matter of urgency.
- That the Australian Government ceases the immigration detention of children in Australia.
- That restorative approaches such as group conferencing be expanded throughout criminal justice systems across Australia, based on the successful Victorian model.
- That the Australian Government withdraw its reservation to article 37(c) of the UNCRC, which allows children and young people to be detained with adults.
- That the age of criminal responsibility is raised to 14 (as a minimum) across all states and territories, and put in place evidence-based approaches to supporting vulnerable children who are below this age. This should include methods of holding them to account, such as restorative justice and family centred approaches as well as preventative measures, which target the social and economic factors which lead to anti-social behaviour.
- That the Federal Government develop justice targets as part of the Closing the Gap framework, including:
  - (a) close the gap in the rates of imprisonment between Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040; and
  - (b) cut disproportionate rates of violence against Aboriginal and Torres Strait Islander people to at least close the gap by 2040, with priority strategies for women and children.<sup>1</sup>

- That governments consider introducing the use of Racial Equity Tools to guide policy decision-making.
- That, reiterating the recommendations of the Refugee Council of Australia’s 2016 report *Addressing the pain of separation for refugee families*, the following changes concerning access to family reunion for refugees be made:
  - allocate at least 5,000 visas under the family stream of the Migration Program for refugee and humanitarian entrants
  - introduce needs-based concessions under the family stream of the Migration Program
  - conduct a consultation with refugee communities, practitioners involved in providing support with family reunion applications and other relevant stakeholders to develop a process for assessing eligibility for the concessions
  - reduce processing times, increase funding to support the process and remove restrictions to family reunion to people arriving by boat
  - reduce the associated costs, increase the allocated places and decouple the Community Support Program from the offshore Refugee and Humanitarian Program.
- That all Governments expand restorative justice conferencing to out-of-home care placement.
- That all Aboriginal and Torres Strait Islander and CALD young people in out-of-home care placement have individual cultural plans developed to ensure that their culturally specific needs are met.
- That targets are introduced as part of the Closing the Gap framework that seek to:
  - reduce the rate of Aboriginal and Torres Strait Islander children and young people in out-of-home care
  - increase compliance in child protection placements of the Aboriginal Placement Principle
- That all Governments extend the age of young people leaving out-of-home care to 21 years, and invest in additional services to support this approach.
- That National Preventive Mechanisms across Australia explore a range of new or innovative feedback channels to complement more traditional mechanisms to allow people who have been detained to offer their views post-release.
- That National Preventive Mechanisms use third parties (such as community service organisations) to give people a voice once they have been released from detention.

## Introduction

Jesuit Social Services welcomes the opportunity to contribute to the *National Children's Commissioner's report to the United Nations Committee on the Rights of the Child*.

Since the previous United Nations Convention on the Rights of the Child (UNCRC) report, there has been little progress in the protection of Australian children and young people. Many of the same key issues are faced by vulnerable young Australians, and government responses have fallen short.

Despite Australia's ratification of the Optional Protocol to the Convention Against Torture (OPCAT), young people are still subjected to inhumane treatment, both in criminal justice detention and in the offshore facilities accommodating children seeking asylum. Too many children are incarcerated in our criminal justice system, and Aboriginal and Torres Strait Islander young people are still overrepresented. The age of criminal responsibility has not been raised, and remains out of line with international standards. Young people in out of home care are left vulnerable when they are forced to leave state care at 18, without the necessary supports to transition successfully into young adulthood. These are areas of particular concern for Jesuit Social Services.

Our submission offers feedback on a number of the key human rights 'clusters' that are relevant to our work, with a particular focus on the Northern Territory and Victoria, based on our grounded experience and advocacy in these two jurisdictions.

Often, the young people most affected by these shortcomings in policy and practice are those already involved in a web of entrenched disadvantage. Before responding to the specific proposals, we would like to highlight some of the critical issues faced by particular communities which inform the discussion of children's rights.

### *Entrenched disadvantage*

In 2015, Jesuit Social Services along with Catholic Social Services Australia released the findings of its fourth *Dropping off the Edge* report (DOTE),<sup>2</sup> which found that complex and entrenched disadvantage continues to be experienced by a small but persistent number of locations in each state and territory across Australia. These communities experience a web-like structure of disadvantage, with significant problems including unemployment, a lack of affordable and safe housing, low educational attainment, and poor quality infrastructure and services.<sup>3</sup>

### *A new approach*

The social fabric of communities can play an influential role in buffering the worst effects of disadvantage<sup>4</sup>, with community factors being shown to influence mental health levels in children<sup>5</sup>, educational achievement and levels of safety and crime<sup>6</sup>.

The impacts of trauma (including neglect and exposure to violence) on children are severe and have lasting consequences, with altered brain growth and psychological functioning shown to be linked to trauma<sup>7</sup>. There are long-term social costs associated with this, including mental health issues and other chronic health problems, criminality, homelessness, substance misuse and abuse and intergenerational transmission of abuse. It is estimated that child abuse and neglect in Australia cost almost \$5 billion per year, including interventions and the associated long-term human and social costs<sup>8</sup>.

A new approach is needed so we do not continue to fail the communities that bear the greatest burden of disadvantage. A sustained long-term commitment across the government, community and business sectors is urgently required to resolve this complex problem.

Jesuit Social Services calls on all Governments, in partnership with the community, to act immediately to put in place appropriate structures, plans and resources targeted to our most vulnerable communities to effectively break the web of disadvantage.

We need a multi-layered, cooperative and coordinated strategy that is owned and driven by the community. It must involve all layers of government and the business and community sectors, reflecting shared responsibility and joint commitment to resolve this entrenched problem. This strategy must take account of the unique characteristics and circumstances of local communities and be sustained over the long term. It must be:

- **Targeted** – The response must be targeted or concentrated to specific areas that meet the most severe criteria for disadvantage.
- **Tailored** – The policies, programs and approach to dealing with disadvantage in a community must be unique to that community's needs, tailored to their particular circumstances, based on the unique linkages between indicators in that area and supplemented by informed audits of existing programs in that locality.
- **Integrated and cooperative** – The response needs to acknowledge that disadvantage in one dimension of life (e.g. unemployment) reinforces disadvantage in other areas (e.g. household income). Effective responses to reducing disadvantage must address the multiple and interrelated causes and exacerbating factors that underpin the entrenched nature of disadvantage experienced by communities. Effective responses therefore involve cooperation between government and departmental portfolios, integrated community initiatives and coordination between different levels of government.
- **A long term horizon** – DOTE 2015 demonstrates that not only is entrenched disadvantage persistent across time but that short-term policies do not work in addressing the experience of disadvantage among communities. A long-term, bipartisan commitment is vital to prevent communities from dropping off the edge.
- **Community owned and driven** – Community leaders must be engaged to drive sustained change. A new approach must recognise the strength within communities and work with them to build capacity, generate action, attract external resources and maintain direction and energy. There is a well-documented history of the benefit of 'aid', disconnected from the strengthening of specific community capacities, tapering off and disappearing once external inputs cease.
- **Engaged at the individual, community and national levels** – Research into the outcomes people experience in life demonstrates that individuals are affected by their own capabilities and opportunities, their family circumstances, their community, and the broader social and economic environment. Any effective change in the outcomes for individuals must therefore include action across these three domains of life: individual, community and macro environment.



We call on Australian Governments (federal, state and territory), in partnership with the community, to act immediately to put in place appropriate structures, plans and resources targeted to the most vulnerable communities to effectively break the web of disadvantage. Doing so will have clear and tangible benefits for children across Australia.

## United Nations Convention on the Rights of the Child

### Violence against children

While Australia's ratification of OPCAT is a positive step in protecting the rights of children, across Australia children in juvenile detention continue to experience significant harm.

The troubling abuses in Australia's youth detention facilities are symptomatic of a youth justice system in crisis across the country - one that is increasingly shifting from rehabilitation towards punishment, and from reasoned, informed and evidence-based practices to reactionary, politically populist interventions. For example, in Victoria, we have seen a significant breach of human rights in the detention of children at an adult prison in 2017. The children detained at the Barwon prison site were held in isolation for up to 23 hours a day in cells designed for adult men, handcuffed during routine activities, and held in an environment that was found by experts to be demoralising and dehumanising. Their detention was found to be unlawful by the Victorian Supreme Court.<sup>9</sup>

Jesuit Social Services' recent #JusticeSolutions study tour in 2017 was an initiative looking outside our borders for solutions to youth justice problems in Australia. Senior leaders of our organisation undertook an international tour, taking in parts of Norway, Germany, Spain, the United Kingdom and the United States.

On the #JusticeSolutions tour we learnt that a good youth justice system must have a clear vision. It seems an obvious place to start, but it became very clear that successful youth justice systems have a clear vision and well-articulated purpose. Jesuit Social Services' vision for the youth justice system is to enable young people who offend (or are at risk of offending) to lead healthy, productive and crime-free lives. To achieve this, our purpose must be rehabilitation.

We saw that good youth justice systems focus on early intervention and diversion, preventing young people from further contact with the justice system, using child-specific approaches and engaging families and communities. They have thorough assessment and planning processes that are supported by strong social infrastructure and well-resourced community alternatives to locking up young people. When prison is necessary, the focus is on strong education, addressing problem behaviour and underlying needs, and building social and practical skills through programs that prepare young people for reintegration into their community. They use facilities that are small and close to the homes of detainees, with positive cultures and well qualified staff who are trained to build relationships of trust, rather than punish.

All of this is underlined by a deep commitment to take the time to hear the voices of young people, and the voices of their families, to truly understand what is driving their behaviour and ensure that those issues and needs are addressed.

An illustration that captures our vision and model for youth justice is included at Appendix A.

## Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment

Articles 37(a) and 28(2)

Australia's ratification of OPCAT

Jesuit Social Services welcomes Australia's agreement to ratify OPCAT, and calls for its implementation as a matter of urgency.

We support the Australian Government's commitment to ratify OPCAT and believe it:

- presents a valuable opportunity to strengthen oversight measures already in place, and enhance Australia's commitment to these protections
- will help improve oversight mechanisms and ensure that practices in youth and adult detention facilities meet UN standards of treatment and are thoroughly investigated – this includes assessing the use of isolation and solitary confinement, and subjecting these types of practices to investigation by an independent monitoring body, strengthening accountability and improving outcomes for detainees
- offers a clear opportunity to drive more holistic and therapeutic practices within prisons, and the justice system more broadly
- provides children, young people and adults within these environments – who may experience disadvantaged in multiple and complex ways – with a voice.

However, there are areas which demand immediate attention.

### *Specific places of detention that are of immediate concern*

Given the National Children's Commissioner's work in 2016<sup>10</sup> to assess the readiness of youth justice processes to implement OPCAT identified that all jurisdictions have some gaps that must be addressed as they move towards compliance with the NPM criteria, we recommend that youth detention centres require immediate attention.

**We recommend that youth detention facilities be prioritised as requiring immediate attention as part of OPCAT implementation.**

We are also concerned by the treatment of children in Australia's care accommodated in the Nauru Regional Processing Centre, which is not subject to inspection under the OPCAT. We note there have been significant incidents of children on Nauru being placed at risk of harm which may amount to cruel, inhuman or degrading treatment. There have been more than 60 incidents of child abuse, 30 of which were reported to have been perpetrated by staff at the Nauru Regional Processing Centre.

Jesuit Social Services' submission to the Senate Inquiry into *Serious allegations of abuse, self-harm and neglect of asylum seekers in relation to the Nauru Regional Processing Centre, and any like allegations in relation to the Manus Regional Processing Centre*<sup>11</sup>, highlights numerous allegations of abuse, protests and frequent reports of self-harm and attempted suicide. The Submission raises the

important question of who in practice is responsible for ensuring that the rights of people seeking asylum are upheld. Recent debate over legal jurisdiction indicates a lapse in transparency and accountability, and consequently undermines the protection of people directly affected by the experience of prolonged immigration detention.

It is our view that the Australian Government is responsible for people who travel to Australia seeking asylum, and that an independent third-party reviewer should be established to regularly review conditions for those in Australia's care at Nauru and Manus Island.

**We recommend that an independent third-party reviewer should be established to regularly review conditions for those accommodated in regional processing centres.**

### *Use of lockdowns, isolation and restraint*

#### *Impacts of solitary confinement: International research and our experience*

In light of the health and community safety risks associated with solitary confinement as confirmed by both international research and local experience, Jesuit Social Services considers that the use of isolation in youth justice centres should be banned. Practices must ensure that harm to children and young people is minimised and that their rights are protected.

We recognise and support the findings of the World Health Organisation,<sup>12</sup> which show that:

- the detrimental effects of solitary confinement on health include anxiety, depression, anger, cognitive disturbances, perceptual distortions, paranoia and psychosis
- levels of self-harm and suicide, which are already much higher among prisoners than in the general population, rise even further in segregation units
- prisoners with pre-existing mental illness are particularly vulnerable to the effects of solitary confinement
- children and young adults are still developing physically, mentally and socially, which makes them particularly vulnerable to the negative effects of solitary confinement
- solitary confinement can affect rehabilitation efforts and former prisoners' chances of successful reintegration into society following their release
- international human rights law requires that the use of solitary confinement be kept to a minimum and reserved for the few cases where it is absolutely necessary, and that it be used for as short a time as possible.

Solitary confinement negatively affects an individual's overall level of physical and mental health in custody. Many people describe experiencing physical health impacts such as deterioration in eyesight (e.g. seeing black dots), poor appetite and joint pain. Mental health impacts are more profound and include increased difficulty in regulating emotions (e.g. anger/rage), constant hypervigilance and paranoia, distortions in time, increased suicide/self-harm risk, increased symptoms of anxiety/depression, and describe feeling that they are going 'crazy'.

Solitary confinement also creates significant barriers to achieving successful rehabilitation and reintegration. For children, researchers have demonstrated the link between isolation and lasting psychological damage.<sup>13</sup> Children and young people are particularly vulnerable due to the fact that they are still developing mentally and physically. The traumatic nature of isolation can have a severe



consequence on adolescent brain development, making them all the more vulnerable to sustained contained with the justice system and suicide.<sup>14</sup>

In the Northern Territory, excessive use of isolation, lockdowns and restraint in youth detention centres has been identified in a number of reviews:

- Children’s Commissioner Own Initiative Report 2016: *“...prolonged and often repeated episodes of isolation for extended periods of time were identified. This often led to further outbursts with the young person becoming increasingly more agitated and attempting self-harm.”*
- Vita Report 2016: *“The review found that too much reliance was placed on confinement and separating detainees away at Don Dale in particular. This was probably due to the lack of appropriate cellular and other centre infrastructure as well as a lack of training and supervision of staff.”*
- Royal Commission Final Report: *“Isolation of children and young people was used on some detainees excessively, punitively and in breach of section 153(5) of the Youth Justice Act (NT) ... detainees were placed in physically and mentally unhealthy conditions.”* The conditions at the centres in question *“caused suffering to many children and young people, and very likely, in some cases, lasting psychological damage to those who not only needed their help but whom the state had committed to help by enacting rehabilitative provisions in the Youth Justice Act (NT).”*

In Victoria, *The Same Four Walls* report from the Commission for Children and Young People found that isolation and lockdowns were closely related practices used to manage behaviour in Victorian youth justice centres. The report found the number of lockdowns was “unacceptably high” and “had a detrimental impact on young people”, and that isolations were being repeatedly used on portions of the youth prison cohort, often without relevant authorisation.<sup>15</sup>

Solitary confinement and isolation are not conducive to rehabilitation, reintegration or community safety, and increase risk to the community.

**The use of isolation of children and young people in youth justice facilities should be banned.**

#### *Staff training/capacity*

Legislative, regulatory and oversight frameworks must be underpinned and complemented by an ongoing and enhanced focus on strengthening a culture that supports a rehabilitative approach in custodial environments. In this regard, it is critical that prisons are sufficiently resourced to manage the multiple and complex needs of children and young people in detention.

Part of the challenge is that staff are often low-paid and operating in a culture of monitoring and compliance. Staff within youth detention centres set the tone for the people’s experience of detention. The influence that these officers’ behaviour has on people in their care is significant.

A therapeutic and trauma-informed approach to detention is the beginning of an approach which – when delivered together with purposeful day-based activities, access to therapy, restorative practice, and offender specific programs – has the potential to greatly improve outcomes for people leaving detention.

We believe that Governments must ensure that youth detention officers are trained in a trauma-informed youth specific therapeutic practice framework by experienced and qualified instructors, and that this should: be delivered by an accredited provider; be part of a program of ongoing professional development; complemented by Senior Practitioners; and supported by regular reflective practice.

*Example - Youth justice*

Jesuit Social Services believes that recent events in Victoria have highlighted the risk of using an under-skilled, under-resourced and casualised workforce to address the needs of a vulnerable and complex group of young people. In the Northern Territory, the inadequacy of staff training has been widely documented.<sup>16</sup>

We can turn to international jurisdictions to see examples of best-practice in youth justice workforce capability (see table below). In the United States, industry hiring processes have tightened over time, largely due to staff misconduct. Juvenile corrections officers working in federal youth detention centres are required to possess a university level degree and the selection process involves a thorough background investigation that includes inquiries with family members and friends.<sup>17</sup> In the Netherlands, staff require a minimum three-year bachelor degree to work in youth prisons,<sup>18</sup> and in Spain’s youth detention ‘Re-education Centres’ run by non-profit organisation Diagrama, front-line staff (named ‘educators’) are expected to have a professional qualification.<sup>19</sup>

Jurisdiction	Facility	Minimum qualification
Victoria	Youth justice centre	None
Northern Territory	Youth Detention Centre	Certificate IV in Youth Justice <sup>20</sup>
United States	Federal youth detention centre	Undergraduate university degree
The Netherlands	Youth detention centre	Undergraduate university degree
Spain	Re-education Centre	Professional qualification

The youth justice workforce must be grounded in principles that place the interests, developmental needs and rehabilitation of children and young people at the forefront, with a minimum qualification introduced across Australia.

## Special protection measures

Special protection measures enshrine the rights of young people in justice contexts, the rights of Aboriginal and Torres Strait Islander young people, and the rights of young people outside their country of origin seeking refugee protection.

### Children outside their country of origin seeking refugee protection, unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration

#### Article 22

##### Treatment of children seeking asylum

It is a tragedy that the Australian Government continues to needlessly prolong its punishment of men, women and children seeking asylum who arrived by boat - ostensibly to discourage irregular migration, despite this being largely accomplished through boat turn backs - rather than finding a durable solution to resolve the status of a significant number of people in Australia's care.

Australia is the only country in the world to detain children who seek asylum as a first option, rather than last option. Australia's treatment of children who come here seeking asylum is in breach of a myriad of international human rights obligations that Australia has ratified, including the UNCRC.

We acknowledge the significant decrease in the number of children held in immigration detention facilities during this reporting period. However, we note that children remain subject to statutory indefinite mandatory immigration detention should they arrive in Australia by irregular means or lose their lawful status. Research indicates that children in migrant detention are at an increased risk of psychosocial and developmental problems, particularly given the prevalence of histories of trauma amongst this cohort, and the re-traumatising effects detention can have.<sup>21</sup> A third of children in immigration detention in Australia have experienced a mental health disorder requiring psychiatric attention. Over 300 children committed or threatened self-harm over a 15-month period.<sup>22</sup> Regardless of the conditions in which children are held, a number of studies have shown that detention has a profound and negative impact on child health and development. Even very short periods of detention can undermine child psychological and physical well-being and compromise their cognitive development. We support the End Child Detention Coalition recommendation for the Australian Government to pass legislation which reflects the current practice of placing children in an alternative to detention program in the community when on Australian territory.

A significant number of children who have sought refugee status in Australia have been denied access to appropriate protection. Children in the so-called 'legacy caseload', now recognised as refugees, face an uncertain future, having only been granted temporary visas. In addition, after almost five years of waiting, 22 children and their families remain in the Nauru Regional Processing Centre without a permanent solution.<sup>23</sup>

Jesuit Social Services believes that offshore processing centres should be closed to ensure the safety, dignity, and legal rights of all asylum seekers. We call on the Australian Government to close down the Nauru processing operation and to bring all asylum-seekers and refugees in Nauru to Australia. The

Australian Government should abolish temporary forms of protection, grant permanent visas to all those recognised as refugees, and bring all asylum seekers offshore in our care to Australia.

Jesuit Social Services advocates for the humane, just and dignified treatment of people seeking asylum. We recommend that offshore processing centres should be closed to ensure the safety, dignity, and legal rights of all asylum seekers – with a priority of settling children with their families in Australia as a matter of urgency.

We recommend that the Australian Government ceases the immigration detention of children in Australia.

Sentencing of children, the existence of alternative sanctions based on a restorative approach; children deprived of their liberty, and measures to ensure that any arrest, detention or imprisonment of a child shall be used as a measure of last resort and for the shortest appropriate time

Article 37(b)-(d)

*Diversion and restorative justice*

Article 37 of the UN Convention of the Rights of the Child mandates that arrest, detention or imprisonment are used only a last resort for young people. Article 40 also advocates for specialised and separate courts for young people to meet their specific needs in a legal context.

Despite considerable evidence that diversion and restorative justice promote community safety while meeting international human rights standards, governments across Australia continue to disproportionately invest in detention.

*Positive examples of diversion and restorative justice approaches*

Diversionary and restorative programs effectively contribute to the positive development of young people, emphasising:

- the importance of restorative justice principles, processes and practice
- a therapeutic approach that responds to the needs of vulnerable children and young people, particularly those in the child protection system who come into contact with the justice system
- the critical role of education as a protective factor, and the need to ensure vulnerable children's continued engagement in school.

*Youth Justice Group Conferencing*

Undue reliance on detention in criminal justice policy is both ineffective and costly. There is little evidence that tougher sentencing policy improves community safety through deterrence or incapacitation.<sup>24</sup> In fact, several studies have found that imprisonment increases the likelihood of offending behaviour and has the potential to negatively affect prisoners, particularly younger, lower-risk offenders.<sup>25</sup>



Restorative practices are more effective in reducing re-offending and making our communities safer. Jesuit Social Services works with young people in the justice system in Victoria and the Northern Territory, using a problem-solving approach to offending that is based on principles of restorative justice.

In Victoria, Jesuit Social Services has delivered the Youth Justice Group Conferencing program since 2003, enabling dialogue between young people who have offended, their victims and the wider community. The program is grounded in principles of restorative justice, which emphasise reparation and restoration,<sup>26</sup> and aims to:

- hold children and young people to account for their behaviour
- raise the young person's understanding of the impact of their offending on the victim, their family and/or significant others and the community
- reduce the frequency and seriousness of re-offending by the young person completing the program
- improve the young person's connection to family/significant others and their integration into the community
- negotiate an outcome plan that sets out what the young person will do to make amends for their offending
- increase victim satisfaction with the criminal justice process
- divert the young person from a more intensive and less effective sentence.<sup>27</sup>

Since March 2017, Jesuit Social Services has also delivered a youth justice group conferencing program in the Northern Territory operating under a similar model. This pre-sentence program has already seen 48 young people referred. All young people referred have been Aboriginal and Torres Strait Islander, and cultural safety and ensuring a culturally strengthening process (e.g. by engaging Aboriginal elders in group conferences) has been a paramount consideration in convening group conferences.

Restorative justice group conferencing is effective: a 2010 KPMG independent evaluation of young people who completed a group conference between 2007 and 2009 found that more than 80 per cent of participants had not reoffended two years later – this compared to 57 per cent for the comparison group (i.e. young people who had been placed on Probation or on a Youth Supervision Order).<sup>28</sup> A number of evaluations have also shown that group conferencing achieves very high rates of victim satisfaction.<sup>29</sup>

Restorative justice is also more cost-effective than keeping a young person in detention. For every \$1 invested on Youth Justice Group Conferencing, for example, the Victorian Government saves at least \$1.21 in the short term, and this saving is likely to increase in the long term.<sup>30</sup> On every level, it makes more sense to divert young people away from the justice system.

**Restorative approaches such as group conferencing should be expanded throughout criminal justice systems across Australia, based on the successful Victorian model.**

In 2011, the Australian Human Rights Commission recommended Australia withdraw its reservation to article 37(c) of the UNCRC, which requires that children not be detained with adults.



Jesuit Social Services has long maintained that children and young people must be held in separate detention facilities to adults.

International best practice in youth detention promotes small and non-institutional settings where young people are supported and challenged to address their problematic behaviour, take responsibility for daily living tasks, and gain education, employment and life skills to help them transition back into the community. Such facilities are staffed with personnel with teaching, social work and psychology qualifications, dedicated to addressing the specific needs of children and young people.

Detention of children and young people alongside adults contradicts best-practice and compromises their safety.

Despite previous recommendations, in 2018 the Australian Government indicated that it would continue its reservation to article 37(c) of the UNCRC.

The Australian Government should withdraw its reservation to article 37(c) of the UNCRC, which allows children and young people to be detained with adults.

## Administration of juvenile justice, the existence of specialised and separate courts and the applicable minimum age of criminal responsibility

### Article 40

#### The age of criminal responsibility

Despite the previous Concluding Observations of the UNCRC in 2012 calling for the age of criminal responsibility in Australia to an 'internationally acceptable level', this critical adjustment has not yet been made.

A small number of vulnerable children enter the criminal justice system at a very young age. We know this group is among the most vulnerable in our community and that children first detained between the ages of 10 and 14 are more likely, compared to those first supervised at older ages, to have sustained and frequent contact with the criminal justice system throughout their life<sup>31</sup>. Through Jesuit Social Services' experience and research, particularly *Thinking Outside: Alternatives to Remand for Children*<sup>32</sup>, we know that opportunities are still being missed to intervene and divert vulnerable children and young people from the criminal justice system.

Child offending experts, psychologists and criminologists agree that younger children have rarely developed the social, emotional and intellectual maturity necessary for criminal responsibility before the age of 14 years and also lack the capacity to properly engage in the justice system. Consequently, procedural fairness cannot be assured and criminal justice proceedings fail to guarantee a just response to children's behaviour. The most effective approach to prevent these children's trajectories into the justice system is to address the issues driving their vulnerability such as family dysfunction, trauma, abuse and neglect.

In line with international standards embodied in the UNCRC and enacted in many overseas jurisdictions<sup>33</sup>, we recommend raising the age of criminal responsibility to the age of 14 (as a minimum) across all states and territories. According to an international study of 90 countries, 68 per cent had a minimum criminal age of 12 or higher, with the most common age being 14 years.<sup>34</sup>

**We recommend raising the age of criminal responsibility to the age of 14 (as a minimum) across all states and territories.**

#### Age of criminal responsibility: international comparison

AUS	NZ	CAN	ENG	USA <sup>1</sup>	FRA	GER	SWE	NED	CHN	JPN
10	10	12	10	6-12	13	14	15	12	14	14

Source: Hazel 2008, *Cross-national comparison of youth justice*, Youth Justice Board for England and Wales.

**We recommend putting in place evidence-based approaches to supporting vulnerable children who are below this age. This should include methods of holding them to account, such as restorative justice and family centred approaches as well as preventative measures, which target the social and economic factors which lead to anti-social behaviour.**

## Children belonging to a minority or an indigenous group

### Article 30

More needs to be done to divert Aboriginal and Torres Strait Islander children and young people to prevent them from becoming entrenched in the justice system. Responses to Aboriginal and Torres Strait Islander youth offending need to recognise the role that intergenerational trauma and disadvantage play in children and young people’s behaviour. Responses to Aboriginal and Torres Strait Islander youth offending must be culturally appropriate, recognise the importance of community Elders and involve the whole family, including extended relatives.

### Closing the Gap – Justice targets

The Commonwealth Government should develop measurable and strategic justice targets as part of the Council of Australian Governments review of the Closing the Gap policy and in this way deliver a nationally coordinated approach to addressing the overrepresentation of Aboriginal and Torres Strait Islander young people in prison. Currently, Aboriginal and Torres Strait Islander young people are imprisoned at an alarming rate: in 2015-2016, Indigenous children aged 10-17 were 17 times as likely as non-Indigenous young people to be under supervision, and 48 per cent of young people under supervision on an average day were Indigenous.<sup>35</sup>

Targets adopted unilaterally by states and territories are insufficient; all levels of government are responsible for addressing Aboriginal and Torres Strait Islander overrepresentation in the justice

<sup>1</sup> The age of criminal responsibility varies between US states.

system.<sup>36</sup> Justice targets would focus national policy attention on ‘closing the gap’ when it comes to Aboriginal and Torres Strait Islander incarceration rates while simultaneously providing a cohesive framework for stakeholders across Australia to work to improve life outcomes for Aboriginal and Torres Strait Islander peoples. Adopting justice targets would complement and strengthen efforts to meet existing Closing the Gap targets, particularly those related to health, employment and education.<sup>37</sup>

Justice targets must be accompanied by community-driven solutions to address Aboriginal and Torres Strait Islander offending due to the clear and proven link between offending and social disadvantage.<sup>38</sup> Justice reinvestment could be implemented as an approach to re-direct funding towards such solutions. The Federal Government must make sustained investments to address the root causes of disadvantage within Aboriginal and Torres Strait Islander communities in order to deliver on these justice targets.

These justice targets must be measurable so that Governments can be held accountable to the targets in the long term. They should also be developed in consultation and partnership with Aboriginal and Torres Strait Islander bodies and communities.<sup>39</sup>

Jesuit Social Services supports calls by the Human Rights Law Centre and Change the Record Coalition for the Federal Government to develop justice targets as part of the Closing the Gap framework. These targets should aim to:

- (a) close the gap in the rates of imprisonment between Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040; and
- (b) cut disproportionate rates of violence against Aboriginal and Torres Strait Islander people to at least close the gap by 2040, with priority strategies for women and children.<sup>40</sup>

We recommend the Federal Government develop justice targets as part of the Closing the Gap framework, including:

- (a) close the gap in the rates of imprisonment between Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040; and
- (b) cut disproportionate rates of violence against Aboriginal and Torres Strait Islander people to at least close the gap by 2040, with priority strategies for women and children.

Barreng Moorop: A positive example of a restorative justice approach for at-risk young Aboriginal and Torres Strait Islander people

Barreng Moorop offers an example of a response that effectively contributes to the positive development of Aboriginal and Torres Strait Islander children. It emphasises:

- the importance of restorative justice principles, processes and practice
- a therapeutic approach that responds to the needs of vulnerable children, particularly those in the child protection system who come into contact with the justice system

- an understanding of the particular needs of Aboriginal children and young people who are overrepresented in the youth justice system
- the critical role of education as a protective factor, and the need to ensure vulnerable children's continued engagement in school.

### *Our approach*

Recognising the need to divert vulnerable children away from the youth justice system, Jesuit Social Services delivers the Barreng Moorop program in partnership with the Victorian Aboriginal Legal Service (VALS) and the Victorian Aboriginal Child Care Agency (VACCA). The program is funded by the Commonwealth Government, and in 2017 was transitioned from Jesuit Social Services as the lead to VACCA to administer and run the program, with VALS and Jesuit Social Services remaining engaged as partners.

Barreng Moorop works with 10-14 year old children, their siblings and their families residing in the North and West metropolitan regions of Melbourne who intersect the criminal justice system. The program provides culturally responsive trauma-informed services to divert young Aboriginal people away from the criminal justice system. Since its inception in 2015, Barreng Moorop has assisted 35 Aboriginal children and their families.

Barreng Moorop works with the whole family and community (where appropriate) to provide a wrap-around response, understanding the composition of Aboriginal families, in which the extended family plays an active role. The responsibility of child care and rearing is shared amongst a range of family members with, in many cases, a multi-generational core of kin providing primary care.

Barreng Moorop works with, and provides support to, family members with the focus of using family, community and culture as a protective factor to divert young people away from the criminal justice system in a manner which is sustainable and genuine.

Barreng Moorop uses trauma informed practice which acknowledges past trauma Aboriginal people have experienced throughout history due to colonisation, loss of culture and connection to land and the removal of children from their families. We note that these factors and the impact of transgenerational trauma plays out in the daily life of many of the Aboriginal children and families we work with.

Outcomes<sup>2</sup> from Barreng Moorop participants in 2016-17 show that a number of positive improvements were seen, including:

- 82 per cent of participants had an improved view of self
- 76 per cent of participants had improved health and wellbeing
- 76 per cent of participants had improved connection with family
- 76 per cent of participants had an improved capacity to set goals
- 65 per cent of participants had improved participation in education or employment.

### Racial Equity Tools

One of the measures being used in the US to address the overrepresentation of minority groups in the criminal justice system is the adoption of 'Racial Equity Tools', which Jesuit Social Services was

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<sup>2</sup> Data sourced from internal participant database measuring improvements against Jesuit Social Services' Our Way of Working outcomes in 2016-17

introduced to during meetings with Seattle University and the City of Seattle as part of our recent #JusticeSolutions study tour<sup>3</sup>.

Racial Equity Tools provide a structure for institutionalising the consideration of racial equity and involve assessing (in several ways and at several stages) racial elements of any new proposals (see Appendix B, which contains an outline of a Racial Equity Tool). The Tool is designed to integrate explicit consideration of racial equity in decisions, including policies, practices, programs and budgets. The tool is both a product and a process. Use of a Racial Equity Tool can help to develop strategies and actions that reduce racial inequities and improve outcomes for all groups, such as lowering the overrepresentation of people of colour in prison.

The Tool recognises that many current inequities in our society are sustained by historical legacies, structures and systems that repeat patterns of exclusion. Without intentional intervention, institutions and structures will continue to perpetuate racial inequities. Seattle's support for Racial Equity Tools acknowledges that Government has the ability to implement policy change at multiple levels and across multiple sectors to drive larger systemic change.

A Racial Equity Tool:

- proactively seeks to eliminate racial inequities and advance equity
- identifies clear goals, objectives and measurable outcomes
- engages community in decision-making processes
- identifies who will benefit or be burdened by a given decision, examines potential unintended consequences of a decision, and develops strategies to advance racial equity and mitigate unintended negative consequences
- develops mechanisms for successful implementation and evaluation of impact.

The tool can be used at multiple levels to increase impact and effectiveness, such as:

- **government staff:** the routine use of a Racial Equity Tool by staff provides the opportunity to integrate racial equity across the breadth, meaning all governmental functions, and depth, meaning across hierarchy.
- **elected officials:** elected officials have the opportunity to use a Racial Equity Tool to set broad priorities, bringing consistency between values and practice.
- **community organisations:** community based organisations can ask questions of government about use of Racial Equity Tools to ensure accountability. In addition, community based organisations can use a similar or aligned Racial Equity Tool within their own organisations to also advance racial equity.

Racial Equity Tools promote data and evidence-based policy decisions that also target specific geographic areas, critical if we are to address locational, entrenched disadvantage. They promote targeting our responses to the most vulnerable members of society and they encourage governments to recognise the unintended consequences of their decisions and to partner with disproportionately affected communities to achieve long-term positive change.

Racial Equity Tools may be useful in the Australian context, particularly for addressing the overrepresentation of Aboriginal and Torres Strait peoples in the criminal justice system. Jesuit Social

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<sup>3</sup> See full report here: <https://jss.org.au/justicesolutions-expanding-the-conversation/>



Services believes the unacceptable over-representation of Aboriginal and Torres Strait Islander peoples in the adult and youth justice systems needs to be at the forefront of every debate and decision. There is a need for widespread agreement that any policy, practice or legislative change that has the potential to adversely affect Aboriginal and Torres Strait Islander peoples be thoroughly assessed and reviewed. Racial Equity Tools are a promising mechanism to begin addressing this issue, and also stand to bring benefit to new and emerging CALD communities that may be over-represented in the justice system.

The current proposal in Victoria to build a new youth justice centre is one example of a decision that would have benefited from being assessed against a Racial Equity Tool. Given the over-representation of Aboriginal and Torres Strait Islander young people in the criminal justice system, a Racial Equity Tool assessment would have helped to interrogate the potential adverse effects of the new youth prison on this cohort.

We recommend that governments consider introducing the use of Racial Equity Tools to guide policy decision-making.

## Family environment and alternative care

The UNCRC outlines protections for young people in alternative care and calls for the preservation of the family environment. Current policy fails to meet these standards, and all too often disrupts the timely resettlement of family units.

Young people in out of home care have unique needs, particularly in relation to justice involvement and support upon leaving state care. These areas demand attention for policy reform.

## Family reunification

### Article 10

Article 10 of the Convention of the Rights of the Child stipulates that family reunification must be dealt with in a positive, humane and expeditious manner. Australia's current policies not only fail to meet this standard, but hinder the reunification of migrant children with their families.

Family separation causes great psychological, social, financial and social cohesion costs to individuals and communities. Many refugees in Australia face the daily struggle of being separated from their families. The effects are exacerbated for children. The current approach by the Australian government unfairly disadvantages refugees in reuniting with their families.

Reunited families can offer stable support networks for refugees and humanitarian entrants, which will ultimately reduce demand on government and community services. Family support also offers the stability and caring arrangements that foster stable employment.

At present, the main avenue for people who have had their refugee status confirmed and want to attempt to reunite with family members is the Special Humanitarian Program. However, demand outstrips the number of available places and many refugees face significant barriers sourcing evidence to validate their claims. People who apply for the Special Humanitarian Program are also subject to prolonged waiting periods which leads to uncertainty and stress, and has a detrimental impact on people's health and wellbeing.

**Reiterating the recommendations of the Refugee Council of Australia's 2016 report 'Addressing the pain of separation for refugee families', we call for the following changes concerning access to family reunion for refugees to be made:**

- 1. allocate at least 5,000 visas under the family stream of the Migration Program for refugee and humanitarian entrants**
- 2. introduce needs-based concessions under the family stream of the Migration Program**
- 3. conduct a consultation with refugee communities, practitioners involved in providing support with family reunion applications and other relevant stakeholders to develop a process for assessing eligibility for the concessions**
- 4. reduce processing times, increase funding to support the process and remove restrictions to family reunion to people arriving by boat**
- 5. reduce the associated costs, increase the allocated places and decouple the Community Support Program from the offshore Refugee and Humanitarian Program.**

## Children deprived of family environment

### Article 10

#### Out-of-home care

##### *Expanding restorative justice*

It is well established that there are clear links between young people's involvement in the out-of-home care system and youth justice. The Australian Institute of Health and Welfare (AIHW) reported that between 2014 and 2016, 6.5 per cent of young people involved in the child protection system were also under youth justice supervision at some point within this two year period. This is 12 times the rate of youth justice supervision in the wider population.<sup>41</sup>

Jesuit Social Services believes that there is an opportunity to work in a better way with young people who find themselves in challenging situations in out-of-home care settings. Currently these young people have limited access to a therapeutic, diversionary, restorative based process to work through the issues they face. Too often, the criminal justice system ends up being the default response for these young people. A restorative justice process using the methodology of Group Conferencing is an effective means of addressing conflict and repairing the harms experienced by children in residential units.

Restorative Justice Group Conferencing is a proven tool that works particularly well when used alongside purposeful, intentional case management targeted at the needs of the young person, their family and more broadly at community. Importantly, it is also a process that offers the victims of crime and their family a stronger voice in the justice process and an opportunity to seek closure for what has often been a terrible experience in their life. Group Conferencing should be used as part of a range of interventions to address a young person's offending and a way of starting to get the young person to have the dialogue and begin to consider the impact of their offending.

We recommend all Governments commit to adopting an effective therapeutic and restorative intervention at the pre-court/pre-sentence stage to address issues that contribute to young people's challenging behaviour within residential units and therefore divert them from possible criminal charges.

**We recommend that all Governments expand restorative justice conferencing to out-of-home care placement.**

#### *Culturally specific needs*

Aboriginal and Torres Strait Islander child and young people are more at risk of involvement in child protection than their non-Indigenous peers. Nationally, Aboriginal and Torres Strait Islander children and young people are 7.6 times more likely to come into contact with child protection.<sup>42</sup>

The former Victorian Commissioner for Aboriginal Children and Young People Andrew Jackomos's landmark Taskforce 1000 project and subsequent *Always Was, Always Will Be Koori Children* report found that, in Victoria alone, more than 86 per cent of Aboriginal young people were case managed by a non-Aboriginal agency, 60 per cent were placed with a non-Aboriginal carer, 42 per cent were away from their extended family, and more than 40 per cent were separated from their brothers and sisters.<sup>43</sup> Nationally, recent AIHW findings revealed that while in total, 68 per cent of Indigenous children in out of home care were placed with other relatives/kin, other Indigenous caregivers, or in Indigenous residential care, this varied on a state to state basis. In Queensland 43 per cent of Aboriginal and Torres Strait Islander young people in out of home care were not placed in homes that met any of these standards. In Tasmania, this figure is 58.8 per cent.<sup>44</sup>

**Jesuit Social Services believes that all Aboriginal and Torres Strait Islander and CALD young people in out-of-home care placement should have individual cultural plans developed to ensure that their culturally specific needs are met.**

**Jesuit Social Services calls for the introduction of targets as part of the Closing the Gap framework that seek to:**

- **reduce the rate of Aboriginal and Torres Strait Islander children and young people in out-of-home care**
- **increase compliance in child protection placements of the Aboriginal Placement Principle.**



### *Extending the age of young people leaving out-of-home care*

Jesuit Social Services endorses the Home Stretch campaign, advocating for the extension of out-of-home care to the age of 21. The current requirement of young people to leave out-of-home care at the age of 18 is seeing many young people transitioning from out-of-home care directly into welfare, the justice system and/or homelessness supports. While Tasmanian and South Australian state government have recently committed to extending the out-of-home care age to 21, other states and territories are yet to follow.

Children and young people in out-of-home care are some of society's most vulnerable. They have traumatic histories of abuse and neglect that they are often still recovering from. They often experience inadequacies in the quality of their care (this has been highlighted in a 2015 Senate Inquiry, *Protecting Victoria's Vulnerable Children*, and in former Victorian Commissioner for Children and Young People Bernie Geary's *As a good parent would* report). They also can have limited support networks beyond their care setting.

Currently, young people leaving out-of-home care are:

- **more likely to come from areas of lower socioeconomic status:** in 2016-2017, 35 per cent of children involved with child protection were from the lowest socioeconomic area<sup>45</sup>
- **more likely to be of Aboriginal or Torres Strait Islander background:** Aboriginal and Torres Strait Islander Children are 10 times more likely to be in out-of-home care<sup>46</sup>
- **more likely to come into contact with the justice system:** In 2015-2016, young people in the child protection system were 12 times more likely to also be under youth justice supervision.
- **more likely to experience periods of homelessness:** 35% of young people experience homelessness within the first 12 months of leaving care<sup>47</sup>
- **more likely to have or to develop mental illness**<sup>48</sup>
- **more likely to have low levels of educational attainment:** a study of 77 care leavers found that 53% had an educational attainment level of Year 10 or below<sup>49</sup>
- **more likely to have a problem with substance abuse:** a study of 77 care leavers found that 53% had a substance abuse problem<sup>50</sup>

International research highlights that the extension of the out-of-home care system to 21 years, that provides holistic support and a stable living environment for young people, would see improvements in:

- educational and employment outcomes<sup>51</sup>
- housing stability<sup>52</sup>
- physical and mental health<sup>53</sup>
- alcohol and drug dependency<sup>54</sup>
- contact with the justice system<sup>55</sup>
- civic participation and social integration<sup>56</sup>.

Young people leaving care need a graduated transition into adulthood that provides ongoing, holistic support for their needs. Access to stable, supported housing plays a crucial role in assisting those leaving care to transition successfully. Providing the security of a stable living environment and

support from carers and support services helps to create an environment for young people where they can build their confidence as young adults and transition safely to independence.

We recommend all Governments extend the age of young people leaving out-of-home care to 21 years, and invest in additional services to support this approach.

## General principles

### Respect for the views of the child

#### Article 12

It is crucial to listen to and meaningfully include the voice of young people in policy that directly concerns them. It is particularly pressing in custodial environments to hear the voice of young people and provide legitimate feedback channels.

#### Inspection and feedback mechanisms for children in custody

##### *Ensuring a diversity of options*

It is critical that there is a diversity of mechanisms and responses to ensure that the rights of children and young people are upheld in custodial settings. There is a clear opportunity to better monitor quality and complaints and to explore other avenues to support people to raise and articulate their concerns. Jesuit Social Services' experience working with people who intersect the criminal justice system – including custodial settings – confirm that establishing a relationship of trust is critical to understanding their experience of custody.

In practice, often the last opportunity for people in detention to offer feedback is at exit; however, providing additional formal channels to feed into existing mechanisms (e.g. Commissioner for Children and Young People) once young people are in the community would enhance accountability. For instance, this could include the development of web-based applications where young people can provide feedback. It is important to note that literacy and a lack of access to the internet when incarcerated would restrict this channel. A broad range of mechanisms should be available to young people so that they can provide feedback in a safe and supported manner.

It is also critical to make sure that young people are aware of their rights in detention and how they can make a complaint. This will help ensure they are empowered to raise issues if they are being mistreated or not feeling safe.

We recommend NPMs across Australia explore a range of new or innovative feedback channels to complement more traditional mechanisms to allow people who have been detained to offer their views post-release.

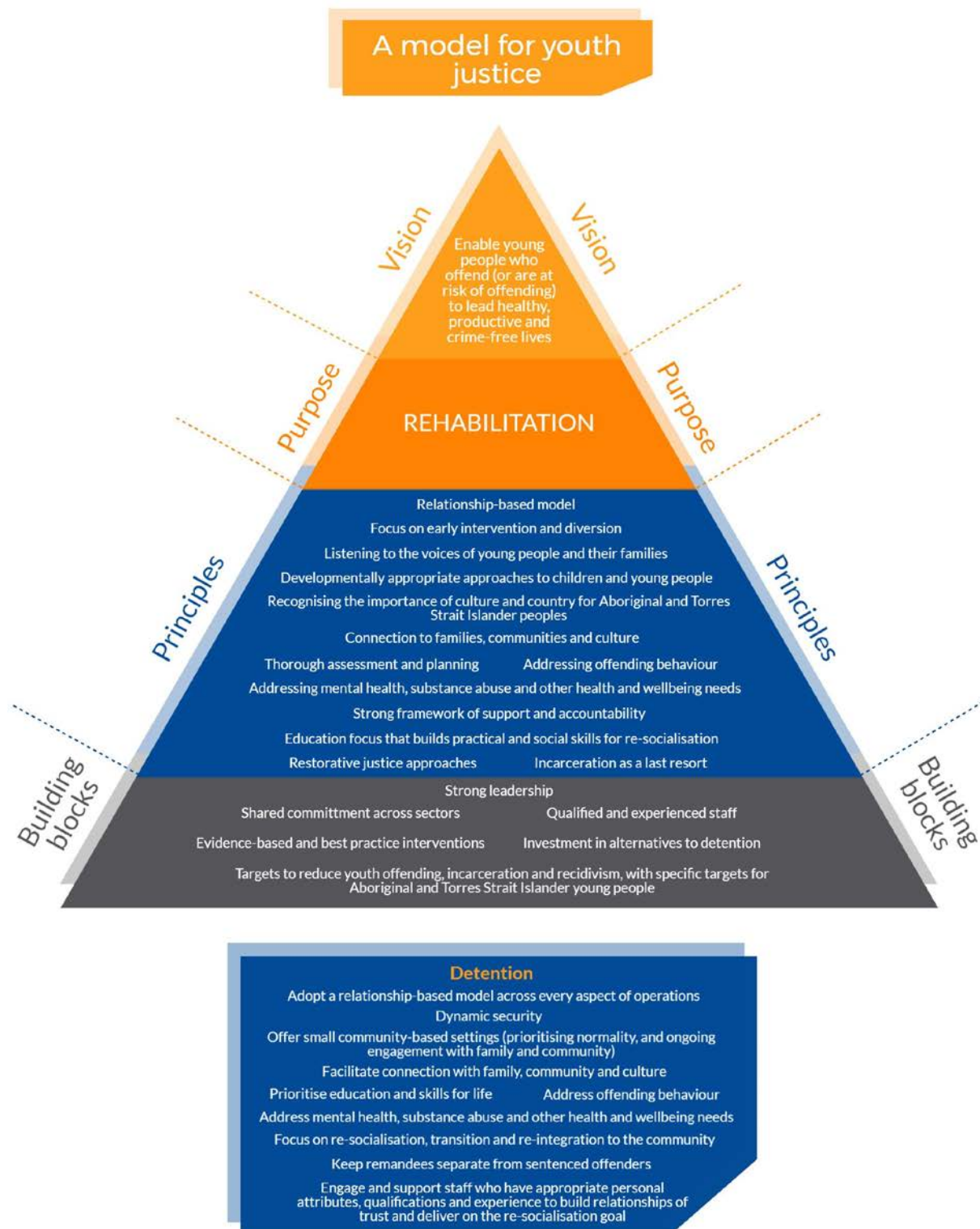
*Harnessing the expertise of community service organisations (CSOs)*

In addition to using volunteers, we could also strengthen processes by using third parties (such as CSOs) to give people a voice once they have been released from detention. Because CSOs are more removed from the statutory environment and have built trust with those in/exiting custody, they have a crucial role to play in identifying problems in places of detention. In this context, it is vital that formal mechanisms are established to enable CSOs to work with NPMs to effectively harness their on-the-ground program experience, and to develop positive solutions in a collaborative manner.

We call on NPMs to use third parties (such as community service organisations) to give people a voice once they have been released from detention.

## Appendices

### Appendix A: Our vision and model for youth justice



## Appendix B: Racial Equity Tool

The Racial Equity Tool is set of six steps and questions:<sup>57</sup>

### Step 1. Proposal

- What is the policy, program, practice or budget decision under consideration?
- What are the desired results and outcomes?
- What does this proposal have an ability to impact?

### Step 2. Data

- What's the data? What does the data tell us?
- Will the proposal have impacts in specific geographic areas (neighborhoods, areas, or regions)? What are the racial demographics of those living in the area?
- What does population level data tell you about existing racial inequities?
- What does it tell you about root causes or factors influencing racial inequities?

### Step 3. Community engagement

- How have communities been engaged?
- Are there opportunities to expand engagement?
- Who are the most affected community members who are concerned with or have experience related to this proposal? How have you involved these community members in the development of this proposal?
- What has your engagement process told you about the burdens or benefits for different groups?
- What has your engagement process told you about the factors that produce or perpetuate racial inequity related to this proposal?

### Step 4. Analysis and strategies

- Who will benefit from or be burdened by your proposal?
- What are your strategies for advancing racial equity or mitigating unintended consequences?
- Given what you have learned from the data and stakeholder involvement, how will the proposal increase or decrease racial equity? Who would benefit from or be burdened by your proposal?
- What are potential unintended consequences? What are the ways in which your proposal could be modified to enhance positive impacts or reduce negative impacts?
- Are there complementary strategies that you can implement? What are ways in which existing partnerships could be strengthened to maximise impact in the community? How will you partner with stakeholders for long-term positive change?
- Are the impacts aligned with your community outcomes defined in Step #1?

### Step 5. Implementation

- What is your plan for implementation?
- Is your plan: realistic? adequately funded? adequately resourced with personnel? adequately resourced with mechanisms to ensure successful implementation and enforcement?

adequately resourced to ensure on-going data collection, public reporting, and community engagement?

**Step 6. Accountability and communication**

- How will you ensure accountability, communicate, and evaluate results?
- How will impacts be documented and evaluated? Are you achieving the anticipated outcomes? Are you having impact in the community?
- What are your messages and communication strategies that are will help advance racial equity?
- How will you continue to partner and deepen relationships with communities to make sure your work to advance racial equity is working and sustainable for the long haul?



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