Policy Paper: A Call for the Consideration of Young Offenders' Social and Environmental Risk Factors to Effectively and Holistically Tackle Youth Crimes within Multicultural Communities in Queensland.

What's the problem?

Youth crimes have become a hot issue in Australia, and Queensland is one of the states hit the hardest. For example, the number of young people who were under youth justice supervision on any average day in Queensland in the period between 2022-23 was 1,595; 4 in 5 (81%) were supervised in the community, and 19% in detention (Australian Institute of Health and Welfare 2024). Previous studies have concluded that the general belief that refugees, asylum seekers, and migrants represent a crime problem is misguided – the statistical connection of crime to ethnic minority groups is usually scant, and all scientific evidence suggests that the so-called ethnic crime is disproportionately low. Yet, the moral panic regarding ethnic gangs continues to attract attention in the public (Coventry, Dawes, Moston & Palmer 2015).

Young Australians from culturally and linguistical diverse (CALD) communities have historically received negative media and political attention where they are portrayed as perpetrators of significant criminal activities (Benier & Higginson 2024). Already by 1988, the mainstream Australian public expressed their concerns in relation to the growing number of organised criminal activities by the Vietnamese criminal gangs, with media and politicians reporting that some members of the Vietnamese community were heavily armed and moving into drugs and gambling (Parliament of Australia, n.d).

The 'notorious' Vietnamese gangs and their rival faction – Chinatown gangs – operated from Sydney for decades, it was claimed, with links across all Australian states and territories (ABC 2023).

Later in the 2000s, stereotypes against CALD youth intensified and expanded, with African, Middle Eastern, and Asian communities particularly targeted for their alleged criminal minds and activities, including but not limited to gang memberships (Benier & Higginson 2024). More recently in February 2024, African community members in Southeastern Queensland were under siege because of a tragic incident where an African teenager fatally stabbed a 70-year-old grandmother at a shopping centre car park. As a result, some Africans who lived and/or worked in and around the centre experienced verbal and physical abuses by the public while heading to work, forcing them to take leave for an extended period or live in constant fear (The Guardian 2024). The stereotypical discourses against young people from CALD communities in Australia have not only amplified the perceived threats that come with migration, but they have also enhanced the reductive action of labelling migrant, asylum seekers, and refugees as subaltern natives; that is, those who belong to the socially subordinate category of the 'dangerous Other' (Benier & Higginson 2024).

There are several social and environmental factors that plunge them into positions of vulnerability. For example, the migration journey to Australia often involves a history of torture and trauma, which is often passed on from one generation to another because it remains unaddressed for a long-time post-arrival in the country (ABC 2024). Through ECCQ's engagement with multicultural community representatives, youth leaders have repeatedly made a point that inter-generational trauma remains a key underlying factor in multicultural youth disengagement in education and employment, leading to a chain of other vulnerabilities, including higher incarceration rates. This is also supported by the literature, with Chokshi et al. (2023) coming to the same conclusion that 55% of young offenders were disengaged from education, training or employment.

Addressing the education and employment gaps within multicultural communities is complex due to reported individual and systemic challenges. Australia is a country of paradox. It is renowned for its multiculturalism, with diversity largely celebrated, and overt racism not tolerated at personal, institutional, or systemic levels. However, significant barriers continue to persist (Fozdar 2022, p. 686). Racism remains a reality across Australian social, economic, and cultural spheres. It affects population groups and individuals in various degrees based on their ethnicity and other intersecting identities such as age and gender (Fozdar 2022, p. 686). Racism has also created a system of oppression and hierarchies between social groups based on perceived differences – place of origin, race, and cultural background, exacerbating societal inequalities structurally, institutionally, and interpersonally (Fozdar 2022, p. 686).

There is an increasing intolerance towards some cultural groups, with discourses about who should belong shaping the Australian social fabric and justice (Dunn 2004, p. 410). In Australian schools, for example, racism is a major barrier to marginalised students' academic achievement, particularly when teachers engage in exclusionary practices or demonstrate a certain level of passivity in dealing with racialized incidents (Baak 2019, p. 128). If Michael McGown (2019) was correct to suggest that 40 percent of non-white Australian students are victims of racial discrimination at school, and that they are left feeling as if racism has become a part their everyday life, then their prospect to achieve meaningful employment that would keep them away from criminal gangs at the completion of their high school is minimal. As the recent Multicultural Framework review report (Department of Home Affairs, 2024) summarizes it, 'history is within living memory and plays out in the systemic and institutional racism experienced by First Nations and racially marginalised and minoritised people today...In overcoming discrimination, dismantling barriers to achieve equity and justice for all, and accepting the strength of our multicultural identity, we must recognise and learn from this history'.

More dangerously, the disproportionate and stigmatising police treatment of young people from CALD communities makes it harder to effectively address the issue of youth crimes within multicultural communities. The level of distrust implies that the multicultural public would not even cooperate with the police. As such, without public support to report suspicious activities and assist with the identification of offenders, the role of the police is significantly limited. Therefore, it can be concluded that Australian (and Queensland) systems have failed to address the issue of youth crimes within the multicultural communities holistically.

Case Study 1

Tony was born in Australia in the 1990's after his parents fled from Vietnam, arriving in Sydney in 1980. Tony's unresolved family history of torture and trauma throughout his parents' journey from Vietnam to Australia led his father to alcoholism, and that alcoholism and abuse tore Tony's childhood apart. His desire to belong lured him into a notorious criminal gang; where heroin gifted him tens of thousands of dollars and, at some stage, almost killed him (ABC 2023).

This case study supports a statement made by the Australian Parliament in 2017 that experiences of young migrants and refugees in Australia are highly stressful, filled with uncertainty and can pose a significant impact on a young person's physical and mental health and wellbeing. This in turn adds considerable complexity to their settlement process and overall performance in Australia (Parliament of Australia 2017). Knowing that there is a positive relationship between mental health disorders and the risk of incarceration during adolescence and adulthood (Akpanekpo et al. (2024), the unresolved mental health disorders potentially exposed Tony's family to a chain of other vulnerabilities.

Case Study 2

In 1987, an estimated 20,000 young South Sudanese boys left their homes and families in South Sudan, empty-handed. Some of these boys had just turned 6 years old. They walked more than a thousand miles, through bushes, crossing rivers, etc. Half of them died before they reached Kakuma refugee camp in Kenya. The survivors of this tragic exodus became known as the Lost Boys of Sudan (International Rescue Committee, 2024).

The rest of us in Australia can only imagine what some of these kids (now adults and potentially living in Queensland) have gone through and how it continues to shape their behaviour, performance and future in Australia, particularly if the trauma caused by this journey has remained unaddressed. The existing Australian law applies the presumption of doli incapax (The common law presumes that a child between the age of 10 and 14 years does not possess the necessary knowledge to have criminal intention, that is, the child is incapable of committing a crime due to a lack of understanding of the difference between right and wrong), and this implies full criminal responsibility on older children without any consideration of their cognitive development, social and environmental risk factors (Tuomi & Moritz 2023), such as the case of Tony's family from Vietnam or the lost boys of South Sudan.

What Has ECCQ Already Done to Engage Multicultural Youth Positively and Meaningfully?

As part of ECCQ, the Youth Ethnic Network (YEN) was formed to bring together youth from CALD background in Queensland, aged between 20 and 30 years, to share information and work together to find durable solutions to the critical issues facing the multicultural youth, including but not limited to youth crimes. This is achieved by:

- Identifying, discussing, and suggest solutions to physical and mental health challenges faced by young people from CALD backgrounds.
- Encouraging CALD Youth's active participation in decision making processes regarding issues that affect their lives in accordance with social justice, access, and equity agenda.
- Networking and collaborating with other groups to broaden awareness of key issues and develop collaborative solutions, which seek to improve the status of Youth in Queensland and nationally.
- Informing ECCQ on young people's issues to ensure their voice in ECCQ's advocacy to all levels of government and non-government sectors in areas of policy and service delivery.
- Helping design and develop a holistic approach to improving outcomes for youth from CALD backgrounds in Queensland.

What are we Asking For?

ECCQ asks the Queensland Government to invest in YEN to ensure youth crime is analysed and addressed holistically in consideration of relevant social and environmental factors.

We further ask the Queensland Government to invest in programmes that are designed to change the way in which multicultural youth interact with the Police and the justice system. ECCQ remains available to provide training to Queensland Police for them to broaden their understanding of multicultural communities' experiences and cultural expectations.

We also remain available to help the Queensland Government to develop strategies to engage with community leaders to develop strategies that engage young people in key programs, such as those focusing on culturally appropriate counselling services, domestic and family violence prevention, parenting support, gender-responsive budgeting, and procurement measures. These initiatives address fundamental issues that contribute to family dysfunctions, which in turn lead to youth crimes, as identified through our daily interactions with community leaders. Additionally, we can help amplify youth voices, ensuring they are consulted to inform anti-racism policies and practices across schools, workplaces, media, and communities. That would empower them as agents of positive change while fostering a more inclusive future.

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