

Rights of passage – two years on

The experiences of Australian-Sudanese young people



Victorian Equal Opportunity
& Human Rights Commission



Victorian Equal Opportunity
& Human Rights Commission

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Acronyms

AHRC Australian Human Rights Commission

CAV Consumer Affairs Victoria

DEECD Department of Education and Early Childhood Development (Victorian Government)

DHS Department of Human Services (Victorian Government)

DIIRD Department of Industry, Innovation and Regional Development (Victorian Government)

LEAD Localities Embracing and Accepting Diversity

SERMRC South Eastern Region Migrant Resource Centre

VCAL Victorian Certificate of Applied Learning

COMMISSIONER'S FOREWORD

Australian-Sudanese refugees are some of our newest arrivals in Victoria. Many have a history of displacement and they have often experienced torture and trauma.

Like waves of refugees and migrants before them, their main priority is to resettle peacefully with their families, develop a sense of belonging and contribute to their new society.

Sadly, members of the Australian-Sudanese community, particularly young people, continue to report to the Victorian Equal Opportunity and Human Rights Commission (the Commission) that they have had negative experiences that impact on their resettlement and social inclusion. These experiences include discrimination when looking for jobs and housing and feeling unfairly treated by the police.

These experiences are concerning not only because race discrimination is against the law, but also because it is widely recognised that race discrimination can significantly affect the health and wellbeing of young people and their transition into adulthood.¹ In addition to the negative physical and psychological impacts on individuals, race discrimination has been shown to reduce productivity and exacerbate social exclusion, affecting the community as a whole.

These issues are far from confined to Victoria. A recent report by the Australian Human Rights Commission, entitled *In our own words – African Australians: A review of human rights and social inclusion issues* and based on extensive consultations held around the country, highlighted that racism and discrimination continue to affect the daily lives of many Australian-Africans.²

The conclusions drawn in *In our own words* reinforce the findings of our own report *Rights of passage: the experiences of Australian-Sudanese young people*. The 2008 *Rights of passage* report aimed to provide an understanding of the issues from the perspective of young people in the City of Greater Dandenong in Melbourne's south-east.³

This 2010 progress report examines developments against the recommendations of *Rights of passage* and the extent to which they have been progressed over the past two years.

I would like to acknowledge the significant commitments by federal, state and local governments, Victoria Police and non-government agencies to address the issues raised in *Rights of passage* and their support for the social inclusion of Australian-Sudanese young people. Local governments in particular play an important role in reducing race discrimination and promoting diversity. They will continue to need the support of the State Government to pursue this critical work.

¹ G. H. Brody, et al., "Perceived discrimination and the adjustment of African American youths: a five-year longitudinal analysis with contextual moderation effects" (2006) 77 *Child Development*, 1170–89.

² Australian Human Rights Commission, *In our own words – African Australians: A review of human rights and social inclusion issues* (2010). See at: humanrights.gov.au/africanaus/review/index.html

³ Victorian Equal Opportunity and Human Rights Commission, *Rights of passage: The experiences of Australian-Sudanese young people* (2008). See at: humanrightscommission.vic.gov.au/rop

Victorian Government departments, councils, statutory authorities and non-government organisations were invited to contribute to this progress report and consultations were held with local community organisations and leaders.

The good news is that government bodies, non-government organisations and community organisations have developed and implemented a range of positive initiatives and projects. These are highlighted in this report.

Our research, however, also identifies the need for more systemic responses to the discrimination identified in *Rights of passage*, and for institutions to continue to improve practices and policies to reduce discrimination and ensure fair and equitable outcomes.

To ensure the human rights of Australian-Sudanese young people are considered, they need to be more effectively involved and consulted with during the early stages of planning and developing policies and projects. Such measures would contribute to the accessibility of programs to these young people.

There is also an ongoing lack of strategic training around diversity and cultural competency; such training is vital to ensure non-discriminatory service provision.

The insights gained from this report and the original *Rights of passage* report have implications far beyond the City of Greater Dandenong. Many of the issues that remain require institutional cultural change and well-planned, long-term, multi-level responses.

This sort of change does not occur overnight, and requires continuous consultation and involvement with the people affected. It also requires proactive steps to eliminate discrimination. The *Equal Opportunity Act 2010*, which will commence in August 2011, imposes a duty on institutions and organisations to eliminate race discrimination as far as possible, and as such, promises to be a powerful tool to improve policy, practices and outcomes.

I look forward to continuing to work collaboratively with governments, non-government organisations and the community to help ensure Australian-Sudanese young people can realise their dreams of settling peacefully, having their rights respected and being included as valuable members of our society.



Dr Helen Szoke

Commissioner
Victorian Equal Opportunity and Human Rights Commission

BACKGROUND

In 2007, following the death of 19 year-old Liep Gony at Noble Park Railway Station, representatives of the Australian-Sudanese community in the City of Greater Dandenong sought the assistance of the Commission to address the problems they were facing. Community members, particularly young people, told the Commission they felt unsafe in public spaces and felt targeted by the police. They also reported experiencing discrimination in education, employment and when accessing services.

The Commission responded to these concerns by using its research power under section 162 of the Equal Opportunity Act. The research consisted of over 200 interviews with young people and consultations with more than 30 community and government organisations in Greater Dandenong. Written submissions were also received. The Commission conducted an extensive literature review to inform its research.

The resulting report, *Rights of passage: the experiences of Australian-Sudanese young people*, released in December 2008, highlighted how youth and race intersected to make Australian-Sudanese young people feel stereotyped by the media and public institutions. This, combined with their experiences of discrimination, contributed to their feeling unsafe and excluded in public spaces, which affected their capacity to participate fully in the community.

Rights of passage made a number of recommendations to help address the discrimination they were facing and contribute to the realisation of their human rights. The report is available at: humanrightscommission.vic.gov.au/rop.

Legal context and terminology

This report has been prepared consistent with the Commission's obligations under section 162 of the *Equal Opportunity Act 1995*⁴ to undertake research to reduce discrimination, and to gather information from the community under its responsibilities to administer the *Racial and Religious Tolerance Act 2001*.⁵ The Commission's obligations under the Charter of Human Rights and Responsibilities⁶ (the Charter) have also informed its approach to preparing this report.

The Commission has chosen to use 'Australian-Sudanese young people' to describe young Australians who were born in Sudan or identify as having a Sudanese ancestry or background. The term Australian-Sudanese emphasises what many young people told us through *Rights of passage* and this report: that they are proud Australian citizens, identify as Australians and want to be considered as part of the mainstream Australian community.

⁴ *Equal Opportunity Act 1995*.

⁵ *Racial and Religious Tolerance Act 2001*.

⁶ Charter of Human Rights and Responsibilities.

THE COMMISSION'S RESPONSE

Since the release of the *Rights of passage* report, the Commission has advocated for the adoption of its recommendations.

Soon after the report's release, the Commission met with central government departments to brief them on the report and seek their support to progress the recommendations. It has also worked closely with local networks and non-government organisations in Greater Dandenong and government departments in the south-east region of Melbourne to support their work to address the issues raised in *Rights of passage*.

The Commission focused particular attention on supporting and encouraging local initiatives to address discrimination in education and employment and tensions between young people and police, given that these were identified as areas of high priority by the community.

More broadly, the findings of *Rights of passage* were drawn on to inform the Commission's ongoing efforts to address racism and discrimination in the areas of policy, education and law reform.

In doing this, a range of activities were undertaken to address the discrimination and human rights issues identified in the consultations with young people, community representatives and relevant government agencies. These activities included:

- providing young people with information about their rights
- educating the community through training and information provision
- engagement with law reform processes
- identifying and responding to systemic discrimination.

For example, with the recommendations of the *Rights of passage* report and broader human rights considerations in mind, the Commission has provided comment and feedback on a range of law reform initiatives that have been announced since the publication of the 2008 report.

- In its 2009 report on the operation of the Charter of Human Rights and Responsibilities, the Commission identified concerns about the introduction of the Summary Offences and Control of Weapons Acts Amendment Act 2009, which the Victorian Government acknowledged is incompatible with the Charter. The Commission has been monitoring the use of the legislation, which has strengthened police powers to search for weapons and issue 'move on' orders and which the Commission believes will have a disproportionate impact on young people.
- The Commission supported the Victorian Government's 2009 amendments to the Sentencing Act 1991 which mean that, when sentencing an offender, judges must consider whether the offence was motivated by the offender's hatred or prejudice towards the victim because of their identity (such as their racial or religious background).
- In its submission to the Victorian Government's 2010 review of identity motivated hate crime in Victoria, the Commission recommended

improving civil and criminal provisions to protect vulnerable groups against crime and conduct motivated by hatred or prejudice based on their identity.

The Commission recognises that it is also important to understand how institutional changes, such as those identified in the *Rights of passage* report, can impact on racism. To explore this connection further, the Commission is a partner in the VicHealth project, Localities Embracing and Accepting Diversity (LEAD). Through LEAD, two local councils – Whittlesea and Shepparton – will pilot initiatives aimed at reducing race discrimination and increasing support for diversity in areas including education, employment and sport. Currently in its early stages, the LEAD project promises to hold important learnings for other local government areas.

The Commission is also a partner in a University of Western Sydney project, due to be launched in late 2010, which will develop regionally appropriate anti-racism strategies.

Finally, the Commission helps people resolve complaints of race discrimination and racial and religious vilification under the Equal Opportunity Act and the Racial and Religious Tolerance Act. In both the 2008/09 and 2009/10 financial years, the Commission received over 200 complaints of race discrimination, most of which were in the area of employment.

ABOUT THIS REPORT

As a follow-up to *Rights of passage*, the Commission resolved to examine what developments there have been in the last two years to further the recommendations of the report.

To this end, the following Victorian Government departments, councils and statutory authorities (which were consulted as part of the development of the *Rights of passage* report) were invited to respond in writing on the progress they had made against the recommendations in the report:

City of Greater Dandenong Council

VicUrban

VicRoads

Victoria Police

Department of Justice

Department of Education and Early Childhood Development

Department of Human Services

Department of Health

Department of Planning and Community Development.

In addition, key non-government organisations working with Australian-Sudanese young people in the City of Greater Dandenong (which also contributed to *Rights of passage*) were invited to report on initiatives they had undertaken which further the report's recommendations. They were also asked to comment on what had changed for Australian-Sudanese young people since the publication of the report and what they now perceive as priority issues facing these young people.

The organisations which contributed include:

Adult Multicultural Education Services

Centre for Multicultural Youth

South East Regional Migrant Resource Centre

Springvale Monash Legal Service

Mission Australia.

COMMUNITY CONSULTATIONS

The Commission's work is informed by a human rights-based approach which fosters the active participation and inclusion of communities in addressing the issues affecting them. In keeping with this approach, the Commission facilitated community consultations in early 2010 to provide an opportunity for Australian-Sudanese young people to report on their experiences of living in the City of Greater Dandenong, reflect on the issues facing them and consider the changes required. This was particularly important given that the research for the *Rights of passage* report was instigated at the request of the community. Four consultations were organised by the Commission in conjunction with local community organisations and facilitated by two Australian-Sudanese young people. In total, 45 young people attended these consultations.

A separate consultation was also held with community leaders from the Sudanese Community Association of Australia.

The consultation questions were structured around the key themes identified in *Rights of passage*: public space and safety, representation by media and leaders, police, legal and consumer rights, education, health, sport and recreation, employment, and accommodation.⁷ Many young people who participated in the consultations said that they felt discriminated against in these areas of public life.

The Commission acknowledges that implementing community engagement processes and building trust through participation and consultation takes time. While programs and initiatives to address discrimination have been implemented since the *Rights of passage* report, comments from young people and feedback from community and government agencies indicate that real change is incremental.

⁷ See Appendix.

OUTCOMES OF THE COMMUNITY CONSULTATIONS

The following section outlines the main themes that arose in discussions with community members. These themes are reported against the main areas of public life identified as areas of discrimination in the 2008 *Rights of passage* report.

Public space and safety

*(I was) walking past and these ladies crossed the road and started running.*⁸

Feeling safe in public places is critical to young people's social inclusion and can raise human rights issues such as the enjoyment of human rights without discrimination, the protection of children, young people's ability to exercise their freedom of movement, right to privacy, right to liberty and security of person, and freedom of thought, conscience, religion and belief.

Young people told the Commission during the previous consultations that they had limited access to low cost and accessible recreational spaces in the City of Greater Dandenong. They also reported that they frequently felt unsafe and were the target of verbal and physical abuse when spending time in public places.

2008 Recommendations

In response to these reports, the Commission recommended that the council ensure the active engagement of Australian-Sudanese young people in the development of recreational spaces in Dandenong. The report also recommended that the council continue to resource intercultural programs which aim to encourage contact and break down stereotypes between different communities.

Progress

Community agencies such as the Centre for Multicultural Youth, and young people who participated in the Commission's consultations, report to the Commission that many young people and their families still do not feel safe in Dandenong and surrounding areas.⁹

*One day my aunt was coming from the city to Dandenong Station, she was also coming with one uncle. They had to catch the bus to Hampton Park. They were attacked and uncle's phone was stolen and he was bashed up; he didn't know who bashed him.*¹⁰

The Commission's recent consultations indicate that Australian-Sudanese young people continue to believe they are perceived as outsiders and dangerous by the broader community.

⁸ Consultation with young people at Sudanese Australian Integrated Learning program, 27 February 2010.

⁹ Centre for Multicultural Youth, Report to Victorian Equal Opportunity and Human Rights Commission, 15 February 2010.

¹⁰ Consultation with young people at the Paddy O'Donoghue Centre, Noble Park, 24 February 2010.

*They call us gangs but we're not gangs... some Sudanese, they've got like four, five, six kids... when they hang around, the community call us gangs but we're not, we just hang around together.*¹¹

Sudanese community leaders noted that the lack of culturally appropriate social venues poses a challenge for both the older and younger generations and that young people in particular often feel like outsiders in general youth spaces.¹²

Public space and safety have been a focus of meetings between the Commission the City of Greater Dandenong Council, VicUrban and Victoria Police aimed at furthering the recommendations of the *Rights of passage* report. The Commission made a presentation about the report's findings to the City of Greater Dandenong Community Safety Committee which includes representatives of the council, VicUrban, Victoria Police and the Dandenong Development Board.

The Commission has also met with VicUrban to advocate for the inclusion of young people from culturally and linguistically diverse backgrounds in planning as part of VicUrban's Revitalising Central Dandenong project.

Some community agencies expressed concerns to the Commission that the needs of African young people have not been taken into account through the Revitalising Central Dandenong process.

The council has reported that young people have been consulted on plans for public gathering spaces and on its action plan *Being Here: a Plan for Young People*. This plan will guide the priorities for collaborative action in the community to address key issues for refugee young people, such as provision of recreational activities.

The council also reports that it has encouraged programs that contribute to intercultural contact between diverse communities in the City of Greater Dandenong through its funding of community festivals and support of the local interfaith network.

A number of other intercultural initiatives were also reported to the Commission through the consultation process for this report.¹³ These initiatives include:

- Cultural Comprehension, a pilot program developed by the City of Greater Dandenong Youth Services in partnership with South East Regional Migrant Resource Centre (SERMRC) and Dandenong High School
- Southern Ethnic Advisory and Advocacy Council Building Bridges program funded by VicHealth
- Making Connections project funded by the Department of Immigration and Citizenship and run by Adult Multicultural Education Services, Centre for Multicultural Youth and SERMRC.

The Commission notes that these are all very positive initiatives to support the inclusion of newly arrived young people in the local community. Continued

¹¹ Consultation with young people at Sudanese Australian Integrated Learning program, above n 8.

¹² Meeting with president, Sudanese Community Association of Australia, Melbourne, 10 July 2009.

¹³ South Eastern Region Migrant Resource Centre, Report to Victorian Equal Opportunity and Human Rights Commission, 16 January 2010; City of Greater Dandenong, Report to Victorian Equal Opportunity and Human Rights Commission, 15 February 2010; Adult Multicultural Education Services, Report to Victorian Equal Opportunity and Human Rights Commission, February 2010.

consultation with the Australian-Sudanese community will be required to address their need for safe and culturally appropriate social spaces.¹⁴

Representation by media and leaders

*Media – they're the ones that have put us out there (with a) bad impression. They should try to take positive ideas about Sudanese, not only negative parts – they should take both ways.*¹⁵

The *Rights of passage* report was developed at a time when the Australian-Sudanese community was subjected to a high degree of media scrutiny following the death of Liep Gony in Noble Park. Community members told the Commission they felt misrepresented and negatively portrayed by the media and this affected how they were seen by the broader community.

2008 Recommendations

The recommendations in the report reflected community members' frustration with their representation by some media outlets. They requested information about making complaints about the media and called for public education campaigns to counter negative stereotyping by the broader community.

Progress

Since the release of the report, there have been a number of well-researched feature articles about the successes of the Australian-Sudanese community and the challenges its members face.

At a local level, the council reports that it has established a partnership with the *Dandenong Leader* newspaper to profile positive news stories on local young people.

The *Discrimination in the Media – A Guide to Complaining about Media Reporting* resource developed in 2010 by Springvale Monash Legal Service will also provide a valuable tool to assist communities to exercise their rights in relation to their representation in the media.

The Commission notes the significant decision by the Australian Communications and Media Authority in November 2009, which found that segments of *Ten News at Five*, *National Nine News*, and *Channel Seven News* broadcasts in Victoria on 3 October 2007 had breached the Commercial Television Code of Practice 2004 over reporting concerning Sudanese people in the south-east of Melbourne in 2007.

As a result of this decision, which was made in response to a complaint to Australian Communications and Media Authority by members of the Australian-African community, increased training measures will have to be introduced for all three broadcasters.

These developments are important for building an understanding in the media about the impact of their portrayal of culturally and linguistically diverse communities. However, Australian-Sudanese young people have told the Commission that until they routinely see themselves represented in the media in

¹⁴ South Eastern Region Migrant Resource Centre, above n 13.

¹⁵ Consultation with young people at Hope Theatre Group, 24 February 2010.

a positive light, they will continue to feel negatively stereotyped. As one young person said:

Discrimination will continue unless we appear on Australian Idol or the footy.

Police

Once I was walking back from a party at 12 o'clock at night, me and my friends. Police did a u-turn and came up to us and asked for my ID and my friends' ID. They said, 'If we get any complaints in this neighbourhood we're going to come over to your house and take you to the police station'. I said, 'What for, we didn't do anything, we're just walking home from a party' and they followed us to the station till we got on a train.¹⁶

During the consultations for the *Rights of passage* report, young people consistently told the Commission they felt the police treated them unfairly because of their race. Community members and agencies also expressed concerns that Australian-Sudanese young people in the City of Greater Dandenong were subject to excessive use of police 'stop and search' powers because of their race. There were also allegations of police abuse.

2008 Recommendations

The report's recommendations focused on achieving institutional and cultural change within Victoria Police. Recommendations included: a review of police use of 'stop and search' powers so they comply with the Equal Opportunity Act and the Charter of Human Rights and Responsibilities, that human rights and equal opportunity training be a priority for police in the City of Greater Dandenong, and that independent training be provided to young people as to their rights and responsibilities when dealing with the police.

Progress

The Commission recognises that police sometimes have a difficult task in balancing law enforcement with the need to respect individual rights and work effectively with culturally and linguistically diverse communities. Since the release of the report, the Commission has met with Victoria Police at both the central and local levels to advocate for its adoption of the report's recommendations.

Victoria Police has provided detailed information about its strategies to address the issues raised in the report. These include cultural competency and human rights training delivered through police academy training and management courses, and commencing a program to integrate human rights into policy and practice, including search procedures and the treatment of detainees in custody.¹⁷

An action plan based on the Victoria Police Multicultural Policy Statement has been developed to guide the work of its multicultural liaison officers.¹⁸ At a local level, Victoria Police has implemented an Assertive Youth Outreach Service with the support of the Victorian Multicultural Commission. Victoria Police reports

¹⁶ Consultation with young people at Sudanese Australian Integrated Learning program, above n 8.

¹⁷ Victoria Police, Report to Victorian Equal Opportunity and Human Rights Commission, 9 February 2010.

¹⁸ Ibid.

positive results from this program, which has a focus on crime prevention and diversion from the criminal justice system for refugee young people.

Victoria Police has also developed a local level agreement with Sudanese community leaders, which details how community leaders will assist young people who have contact with the justice system, and has appointed a New and Emerging Community Liaison Officer of Sudanese background to the Dandenong area.

Issues arising from contact with police were again given a high priority by Australian-Sudanese young people during the recent consultations. Some young people reported positive interactions with the police:

I had a good experience with the police. Me and my friend went to Sydney and on the way back we didn't have enough money to catch the bus back. We went to the police station and they came with us and talked to the bus driver and told him we don't have money and stuff. And when we went to camp, we had a police officer on camp and she was really lovely.¹⁹

However, notwithstanding strong leadership from Victoria Police and its support of multiculturalism and multi-faith communities, the consultations highlighted that the way policing operations in the City of Greater Dandenong are conducted is still regarded by some Australian-Sudanese young people as racist.

We were on (the) train and police came out of nowhere ... (they) said, 'Where's your ticket, where's your ID?' Then the police went away and we asked why (did they come up to us) and they said, 'There was a fight and it was Sudanese and we're trying to find out who caused it'.²⁰

It was my friend's birthday. About five (police) cars actually followed us to the party, they were waiting out there, I don't know why. We were trying to talk to them – they said, 'It's just a random check', but they were there for over one hour! They said, 'There are so many problems going on at the Sudanese parties'. We were like, 'It's a private party', but they wouldn't listen to us. The party finished then they followed us... That's why I think that not much changes. (It's like) you grow a tree, you cut it down, the roots are still there – they think they cut it down but the roots are still growing.²¹

Victoria Police reported that it has conducted a human rights risk assessment on the interaction between police and young people in public space. This assessment considered whether policing practices, including operations targeting groups identified as posing a particular risk to the community, are consistent with human rights expectations for interactions with young people.

A range of strategies was identified to mitigate the risks identified by Victoria Police in its risk assessment process. These included the risk that young people in the City of Greater Dandenong would identify increased contact with police resulting from policing operations as due to their race rather than their age. Strategies identified included human rights education and training for officers, support for South East Regional Migrant Resource Centre's Kar Kulture program,

¹⁹ Consultation with young people at Sudanese Australian Integrated Learning program, above n 8.

²⁰ Response from a consultation organised by Southern Ethnic Advisory and Advocacy Council with a group of the City of Greater Dandenong secondary college students, 23 February 2010.

²¹ Ibid.

proactive education programs for community groups, and ongoing referral to Youth Referral and Independent Persons Program.²²

Policing operations aimed at particular groups will invariably result in members of those groups feeling targeted. It appears clear that operations conducted in the City of Greater Dandenong aimed at preventing behaviour by young people identified by police as unlawful and anti-social can result in Australian-Sudanese young people feeling that they are 'profiled' as presenting a risk to the community because of their race.

Further, a number of Australian-Sudanese young people consulted reported incidences where they felt appropriate procedures were not followed and where, in their view, excessive force was used by police.

*I want to talk about how they use capsicum spray – you're going home, they ask for your name, they start swearing at you, you swear back, they're holding pepper spray, already a minute later you're being pepper sprayed.*²³

Some service providers in the Greater Dandenong have highlighted the need for more education for young people about their rights when dealing with the police. However according to a recent report by Springvale Monash Legal Service, rather than more education, young people identify their need for more support in asserting those rights and increasing police accountability. The report noted a number of systemic barriers to asserting these rights and resolving complaints.²⁴

It is clear that many Australian-Sudanese young people who participated in consultations with the Commission still feel targeted by police because of their race. As one young person said:

*Police, they shouldn't judge everybody by the way they look. They should see the people who are making trouble. They think everybody is the same.*²⁵

While programs which aim to strengthen relationships between the police and the Australian-Sudanese community can be valuable, it is in their daily experience of operational policing where change will be felt by Australian-Sudanese young people. The Commission encourages Victoria Police to continue its work at both the central and local levels to balance its obligations to uphold the law and maintain public order with its obligations to respect the rights of young people.

Legal and consumer rights

*The judge, when they see Sudanese, they always give us the maximum sentence, the maximum fine.*²⁶

The *Rights of passage* report documented the challenges facing service providers in ensuring that Australian-Sudanese young people have relevant and appropriate information about how the legal system works.

²² Victoria Police, above n 17.

²³ Consultation with young people at the Paddy O'Donoghue Centre, above n 10.

²⁴ Springvale Monash Legal Service, *Boys, you wanna give me some action? – Interventions in to policing of racialised communities* (2009) 19.

²⁵ Consultation organised by Southern Ethnic Advisory and Advocacy Council with a group of City of Greater Dandenong secondary college students, 23 February 2010.

²⁶ Consultation with young people at the Paddy O'Donoghue Centre, above n 10.

2008 Recommendations

The recommendations from the report included improving the accessibility of information and the provision of legal information in community languages.

Progress

A number of initiatives have been reported that further the report's recommendations around improving access to legal and consumer information for newly arrived communities.

Key among these is the Justice for Refugees program run by the Department of Justice, which began in 2008 and aims to improve refugee communities' understanding of the justice system and the system's responsiveness to these communities. The program has employed a part-time Sudanese community educator in the City of Greater Dandenong.

The Department of Justice in the Southern Metropolitan Region has provided information sessions about the Coroners Court to the Sudanese community in conjunction with the court and South Eastern Region Migrant Resource Centre (SERMRC).

Dandenong Magistrates' Court has worked with SERMRC to provide information sessions and court tours for members of the Sudanese community. The Court Referral and Evaluation for Drug Intervention and Treatment bail worker has advised Australian-African young people about the legal process.

In 2009/10, Consumer Affairs Victoria delivered over 18 consumer information sessions to refugee and newly arrived communities in the Southern Metropolitan Region. These sessions covered topics such as mobile phone contracts, buying a second hand car, refunds, renting, and credit.²⁷

VicRoads is currently reviewing its interpreting and translating service providers to ensure it provides appropriate language services and that its customer centre staff are trained in working with interpreters. The organisation is also translating key fact sheets into 20 community languages, including those relevant to the Sudanese community, and its computer-based driver knowledge test will soon include Sudanese community languages.²⁸

These initiatives highlight the responsiveness of government and non-government service providers at the central and local levels to the needs of refugee and newly arrived communities. They represent positive steps to ensure their services are accessible and these communities are not disadvantaged. The Commission encourages the continuation of such measures to support the realisation of the right to equality before the law.

²⁷ Department of Justice, Report to Victorian Equal Opportunity and Human Rights Commission, 22 February 2010.

²⁸ VicRoads, Report to Victorian Equal Opportunity and Human Rights Commission, 12 February 2010.

Education

When young people arrive as refugees and get to school they get very frustrated because of lack of English skills; this leads to young people dropping out of school and hanging out in places like the train station... We are trying to encourage young people to make something of themselves, to say to young people, 'You need to get up'.²⁹

A number of young people consulted for the *Rights of passage* report said they felt they had been treated less favourably within the education system and had experienced racism at school.

2008 Recommendations

In its report the Commission recommended professional development and training for all schools in the City of Greater Dandenong on how to identify and deal with race discrimination.

Progress

Since the publication of *Rights of passage* in 2008, the Department of Education and Early Childhood Development (DEECD) has subsequently released two documents which address some of its recommendations: the *Cultural Diversity Plan 2008–2010* and *Education for Global and Multicultural Citizenship – A strategy for Victorian Government Schools 2009–2013*.³⁰

DEECD reported to the Commission that it has an ongoing collaboration with the community sector to support newly arrived young people in the City of Greater Dandenong including participation in the Southern Metropolitan Region Reference Group to support refugee students. This group includes the South East Local Learning and Employment Network, Centre for Multicultural Youth, the Victorian Foundation for Survivors of Torture and the School Focused Youth Service.

DEECD also funds the Learning Beyond the Bell out of school hours learning support program delivered by Centre for Multicultural Youth, which aims to increase the connection between refugee and migrant young people, schools and the community, and improve attitudes to learning.

Further, DEECD reported a number of initiatives that are helping schools with refugee students to provide more effective outcomes for their students, including training in improving pathways for refugees and a new English as a Second Language Victorian Certificate of Applied Learning (VCAL) at Noble Park Secondary College. Mission Australia reported the ongoing need to promote VCAL programs and the lack of understanding of VCAL within the Australian-Sudanese community.³¹

South Eastern Region Migrant Resource Centre (SERMRC) indicated that it is still receiving reports of some Sudanese and other refugee young people struggling with education, especially at secondary school level. However, it has

²⁹ Meeting with Sudanese Community Association of Australia, 10 May 2010.

³⁰ Department of Education and Early Childhood Development, *Cultural Diversity Plan 2008–2010* (2008); Department of Education and Early Childhood Development, *Education for Global and Multicultural Citizenship Strategy* (2009).

³¹ Mission Australia, Report to Victorian Equal Opportunity and Human Rights Commission, 12 February 2010.

been encouraged by the innovative approaches being taken by some schools, particularly Dandenong and Cleeland secondary colleges.³²

The Commission encourages the continuation of such approaches to support recently arrived young people to succeed in education. A number of Australian-Sudanese secondary school students who participated in the Commission's consultations emphasised their strong desire to do well in school and to be encouraged to continue on to further education:

A lot of kids, they say, 'Oh, I was thinking to do medicine but the teacher told me I can't do it'. They destroy (their) motivation so they think I'll just do the easy (course).³³

Since the release of *Rights of passage*, the Commission has received a number of requests from schools in Greater Dandenong for support in addressing racism within the school community. The Commission has responded by providing assistance to these schools and raising these issues with DEECD.

Recent research on the impact of racism on the health and wellbeing of young Australians, conducted by Deakin University for the Foundation for Young Australians with the support of the Commission,³⁴ found that the majority of racist incidents take place within school settings and that students are more likely to report these incidents to school staff. The report from this research recommends well-targeted professional development of teachers, school leaders and administrative staff on the effect of personal attitudes and structural racism on the health and wellbeing of the school community.

Supported by this research, Deakin University has developed Building Bridges, a resource for schools which presents a framework for effecting positive, whole-of-school change in culturally diverse schools.³⁵

DEECD reports that it has developed a professional development program to support schools to address subtle and institutionalised racism. The program will target school leadership and year level coordinators, with at least two representatives participating per school.

The Commission is also aware of a number of programs underway in the City of Greater Dandenong to strengthen intercultural understanding within schools, such as Cultural Comprehension being delivered by SERMRC at Dandenong High School.

Effectively addressing tensions in schools with students from racially diverse backgrounds takes time and requires a whole-of-school approach that is supported by the broader community. The Commission acknowledges the commitment of DEECD, service providers, principals, teachers and student welfare coordinators to deal with these challenging issues and supports their ongoing efforts to build inclusive school communities in the City of Greater Dandenong.

³² South Eastern Region Migrant Resource Centre, above n 13.

³³ Consultation with young people at Hope Theatre Group, above n 15.

³⁴ F. Mansouri, L. Jenkins, L. Morgan and M. Taouk, *The impact of racism upon the health and wellbeing of young Australians* (2009).

³⁵ F. Mansouri, L. Jenkins, M. Leach and L. Walsh, *Building Bridges: Creating a Culture of Diversity* (2009).

Health

The World Health Organisation reported that when governments adopt a rights-based approach, ill health in vulnerable communities is reduced. It also reported that respect for cultural rights³⁶ requires the adequate funding of a range of health services to provide culturally competent care.

The *Rights of passage* report highlighted barriers for Australian-Sudanese young people in accessing health services, such as limited use of interpreters and, at times, culturally inappropriate service provision.

2008 Recommendations

The Commission identified the need for the Department of Human Services (DHS) and Southern Health to deliver ongoing training and education for nurses and doctors in hospitals on culturally appropriate service provision, and language services policies to ensure effective use of interpreters.

Progress

DHS launched a Cultural Responsiveness Framework³⁷ in 2010, which aims to improve and extend the capacity and performance of health services to provide culturally and linguistically responsive health care. At the local level, DHS is leading the development of a Services Charter through the Connections for At Risk Young People initiative, which recognises trauma as having an impact on young peoples' access to services.

Southern Health reported that the Refugee Health Nurse program and the Dandenong Hospital Outpatients Refugee Health Clinic continue to be highly valued and utilised. Southern Health identifies mental health, sexual and reproductive health (such as early pregnancy), alcohol abuse and binge drinking as priority health-related issues facing young people in the Australian-Sudanese community.³⁸

Southern Health also reported that a Cultural Diversity Committee was established in 2009 to advise its Executive Management Team on factors contributing to health services which respect and respond to the cultural and linguistic diversity of its community.

Adult Multicultural Education Services has been coordinating visits to health centres and hospitals to familiarise the Australian-Sudanese community with health services, and improve its knowledge of and access to these services.

South Eastern Region Migrant Resource Centre (SERMRC) has run a program targeting young Australian-African mothers to inform them about maternal child health services.

The Refugee Health Research Consortium, formed in early 2010 in the cities of Greater Dandenong and Casey, aims to contribute to better refugee health outcomes. Members include the DHS, Department of Health, Monash University Faculty of Medicine and community agencies such as Foundation House. The

³⁶ World Health Organisation, *WHO's Contribution to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance: Health and Freedom from Discrimination* (2001) p6.

³⁷ Department of Health, *Cultural Responsiveness Framework – Guidelines for Victorian health services* (2009).

³⁸ Southern Health, Report to Victorian Equal Opportunity and Human Rights Commission, 19 March 2010.

Consortium fosters collaboration on refugee health research, facilitates knowledge transfer and exchanges and informs policy and practice in refugee health.

The Dandenong Casey General Practice Association has worked with the Centre for Ethnicity and Health to organise general practitioners' training on working with interpreters. In response to the training, the Centre for Ethnicity and Health has recommended that the Victorian Multicultural Commission, which funds the program, investigate the most appropriate context and format for delivery of cultural diversity training for general practitioners. The Centre for Ethnicity and Health also recommended that Victorian Multicultural Commission consider a social marketing campaign to increase clients' understanding of their rights and provide information on how to request and access interpreters.

The Commission encourages health service providers in the City of Greater Dandenong to continue to take a human rights-based approach, with an emphasis on the right to equality and the right to health, in order to reinforce good health outcomes for Australian-Sudanese young people.

Sport and recreation

*Now people start not to do parties or anything in these halls, they start to hire reception centres because most of the time they (community venues) don't accept us.*³⁹

Sport and recreation have the potential to play an important role in the social inclusion of young people by providing them with opportunities to develop social connections as well as improve their self-confidence.

In *Rights of passage*, Australian-Sudanese young people reported that a lack of low-cost sport and recreation opportunities was a contributing factor to their congregating in public spaces with their friends. Some young people also identified that race discrimination discouraged them from participating in mainstream sports.

2008 Recommendations

The Commission recommended further training for sporting associations in the City of Greater Dandenong and the need to embed inclusive practices in State Sporting Association funding agreements.

Progress

The Commission welcomes the Victorian Government's *Respect Agenda*, which focuses on promoting an understanding of difference and diversity, and highlights the potential for sport to encourage intercultural contact and social inclusion.⁴⁰

Since the release of *Rights of passage*, a number of innovative recreation programs aimed young people in the City of Greater Dandenong have been established.

Mission Australia has been funded through the Department of Health and Ageing to work with Australian-African young people to increase their participation in

³⁹ Consultation with young people at Hope Theatre Group, n 15.

⁴⁰ Department of Planning and Community Development, *Respect Agenda* (2010) dvc.vic.gov.au/web14/dvc/dvcmain.nsf/headingpagesdisplay/community+developmentrespect+agenda at 17 June 2010.

sport and recreation. The project collaborates with the Victorian Football Federation and Netball Association, providing 'come and try' days as well as nutrition and health information.

The council reports that its Youth Services Division provides a number of accessible and free to low-cost activities for young people within the municipality. These include a sports inclusion project funded through the Department of Planning and Community Development, which engages at-risk refugee and migrant young people through sport and recreation activities.

Centre for Multicultural Youth reported that it has recently added a sports and recreation worker in the City of Greater Dandenong to work on increasing the community's capacity to offer sport and recreation opportunities to newly arrived and migrant young people.

The Department of Planning and Community Development reported that Play by the Rules information packs have been distributed and promoted in the City of Greater Dandenong through its Sports Inclusion Project with council. Play by the Rules provides information and online learning for community sport and recreation providers on preventing and responding to discrimination and harassment, and developing inclusive sporting environments. The Commission is a partner in Play by the Rules along with other state anti-discrimination bodies and national agencies including the Australian Sports Commission and the Australian Human Rights Commission.

Sport and Recreation Victoria has developed and distributed a governance and inclusion kit, Leading Clubs, to over 1600 local clubs. It has also recently announced the implementation of the Victorian Code of Conduct for Community Sport. The Code details the behaviours expected of participants in community sport.

Such initiatives have the potential to support the inclusion and participation of Australian-African young people and other young people from culturally and linguistically diverse backgrounds in mainstream sporting activities.

Employment

I applied for a job – they talked to me on the phone then when I got there they were like, 'Are you black?' I was like, 'I'm just looking for a job, does it matter if I'm black?' but they were like, 'We can't take you'.

Discrimination in employment limits young people's social and economic participation. Recent Commission reports, including *Rights of passage* and *Harnessing diversity – addressing racial and religious discrimination in employment*, identify that refugee and migrant young people face particular barriers to entering the workforce and gaining sustainable employment. Australian-Sudanese young people in the City of Greater Dandenong report that some employers have preconceived notions about Sudanese people that lead to a reluctance to employ them.

2008 Recommendations

Rights of passage recommended that the Commission and the City of Greater Dandenong Council work with small and medium enterprises and Job Services Australia providers to promote equal opportunity policies and the employment of Australian-Sudanese young people.

Progress

A number of initiatives were reported to the Commission, supporting at-risk young people in the City of Greater Dandenong to be work ready. These include programs funded by the Department of Industry, Innovation and Regional Development (DIIRD) to support the placement of up to 35 young people from the Australian-African community residing in the Noble Park area.

Mission Australia promotes local job seekers to employers, as well as running programs to help employers better understand the needs of employees from disadvantaged backgrounds. The organisation received funding from DIIRD for two projects in Dandenong which have resulted in 19 young people gaining employment.⁴¹ Mission Australia also reported that it provides transitional labour market programs through social enterprises based in the Greater Dandenong area.

In *Rights of passage* and subsequent consultations, Australian-Sudanese young people indicated that they do not always feel well supported by local Job Services Australia providers and that they are often treated less favourably than other job seekers.

The Commission has met with the National Employment Services Association, a not-for-profit association representing organisations delivering employment services to jobseekers, to discuss training opportunities about rights and responsibilities as well as best practice in working with refugee and migrant communities. To date, the Commission has delivered training to one large Job Services Australia provider in the City of Greater Dandenong and presented to 700 Job Services Australia providers at the National Employment Services Association practitioners conference in June 2010.

Resources developed through the Commission's partnership with VicHealth's Localities Embracing and Accepting Diversity (LEAD) project will prove valuable in assisting employers in Greater Dandenong to manage a diverse workforce. LEAD focuses on reducing discrimination in areas of public life including employment. It is informed by VicHealth's *More than Tolerance* report,⁴² which found that nearly two in five people born in countries where English is not the main language spoken reported that they had experienced discrimination and intolerance in the workplace.

One of the greatest costs arising from race discrimination in employment is a loss of productivity, skills and innovation due to the talents and skills of culturally and linguistically diverse communities being underused. Australian-Sudanese community leaders emphasised that employment is fundamental in the achievement of social inclusion for members of newly arrived communities:

*At some stage as part of integration we need to have a job, a good job, so we can be part of this community.*⁴³

The Commission commends the programs currently underway in the City of Greater Dandenong that support access to employment by Australian-Sudanese young people. It encourages the continuation of such initiatives, both to support

⁴¹ Department of Planning and Community Development, Report to Victorian Equal Opportunity and Human Rights Commission, 15 February 2010.

⁴² VicHealth, *More than Tolerance: Embracing diversity for health – Discrimination affecting migrant and refugee communities in Victoria, its health consequences, community attitudes and solutions* (2007).

⁴³ Meeting with Sudanese Community Association of Australia, above n 29.

young people to enter and remain in employment and to support businesses in the area providing employment to an increasingly diverse workforce.

Accommodation

*In 2008, me and my mum were looking for a house. (The real estate agent) told us the property had already been taken. Then there was another guy and they gave the key to that guy and I said to them, 'Why do you say the property has been taken?' (We went to) police, they said, 'You need to call Consumer Affairs.'*⁴⁴

Experiences of discrimination by real estate agents because of their age and race continue to be a concern for many Australian-Sudanese young people in the City of Greater Dandenong. They also cited difficulties in accessing culturally appropriate support from housing service providers funded through the Department of Human Services (DHS).

2008 Recommendations

The Commission recommended the need for continued education for property managers, real estate agents and landlords about their responsibilities under the Equal Opportunity Act. It was also recommended that funding agreements with housing service providers mandate the provision of training on culturally appropriate service provision and the development of language services policies to ensure effective use of interpreters.

Progress

The proposed Services Charter being developed by DHS and service providers in Greater Dandenong will include DHS-funded housing services. It has the potential to contribute to improved service provision for young people who have experienced torture and trauma and have English as a second language.

A 'youth hub' has been established to support young people aged 15–25 years in the Dandenong, Casey, Cardinia, and Frankston and Mornington Peninsula regions. Coordinated by Youthlinks in Noble Park, the hub offers young people comprehensive housing, support and educational and employment options, with intake and relevant services provided by four agencies including Peninsula Youth and Family Services.

A young renters program has been developed by Springvale Community Aid Advice Bureau and Springvale Monash Legal Service. The program, based on a model developed by Peninsula Legal Service, works with local real estate agents and young people to improve access to private rental housing.

The challenges of a rental market where there is a shortage of accommodation further increases the potential for discriminatory practices by accommodation providers. More information and training is required, and the Commission notes that peak body leadership groups such as the Real Estate Institute of Victoria offer the most effective means for reinforcing the obligations under the Equal Opportunity Act. Their role in this process should be encouraged.

⁴⁴ Consultation with young people at the Paddy O'Donoghue Centre, above n 10.

THE WAY FORWARD

This report reflects the significant commitment and work undertaken by a range of government and non-government agencies and the Australian-Sudanese community in response to a particularly difficult series of issues which arose in the City of Greater Dandenong some years ago and to which the *Rights of passage* report responded.

The Commission is aware that many of the issues raised in the report are systemic, having ramifications beyond the City of Greater Dandenong and affecting members of other newly arrived communities. Time is required to build trust and communication between young people and public institutions, and time is required to address the systemic barriers that have been identified in this report. With this in mind, the Commission encourages institutions to continue to improve their practices and policies to address race discrimination.

The new *Equal Opportunity Act 2010*, which comes into force in August 2011, imposes a duty on institutions including government, non-government agencies and businesses which have anti-discrimination obligations to take proactive measures to prevent race discrimination. In addition, many of the agencies mentioned in this report are public authorities for the purpose of the Charter of Human Rights and Responsibilities meaning that they have obligations to consider human rights when they make laws, develop policies or provide services. The Commission is committed to working with these institutions to assist them to comply with their obligations, and with the community to help them exercise their rights under these laws.

This report has provided another opportunity to hear directly from Australian-Sudanese young people in the City of Greater Dandenong. We encourage Australian-Sudanese young people – and other young people experiencing discrimination – to continue to give voice to their experiences. It is also important that they take the opportunity to participate in the planning and development of programs in their local area, to ensure that they can continue to build on the local initiatives that have been put in place to address their concerns.

APPENDIX

Consultation questions

The following questions were put to Australian-Sudanese young people who attended the community consultations aimed at exploring their experiences in the City of Greater Dandenong (including Dandenong, Springvale and Noble Park).

Main questions

- How do you feel about living in and around Dandenong?
- What are the best things about living here?
- What are the worst things about living here?

Safety

- How safe do you feel in and around Dandenong?

If the response is negative:

- Why do you think this is?
- What would make you feel safer in these places?

Police

- Have you had any positive or negative experiences with the police in the past 12 months?
- If so, can you tell us about these?
- Is this different to how things were a few years ago?

If the response is negative:

- Why do you think this is?
- What do you think would make things better with the police?

Public spaces

- What kinds of places are there for young people to hang out in Dandenong and nearby suburbs?

If the response is negative:

- What do you think would make things better?

Work

- Have you been looking for work in or around Dandenong?
- If so, can you tell us about your experiences looking for work?

If the response is negative:

- Why do you think this is?
- What do you think would make things better?
- Do you currently have a job in or near Dandenong?
- If so, can you tell us about your experiences at work?

If the response is negative:

- Why do you think this is?
- What do you think would make things better?

School

- How would you describe your experiences at school?
- With teachers?
- With other students?

If the response is negative:

- Why do you think this is?
- What do you think would make things better?

Final questions

- Is there anything else you'd like to tell us about your experiences in Dandenong, good or bad?
- Is there anything else you think would make things better for Australian-Sudanese young people in Dandenong?

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NOTES

THE VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSION

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body that reports to the Victorian Parliament through the State Attorney-General. The Commission's vision is for a community where every person values and respects equal opportunity and human rights.

The Commission has functions and responsibilities under the:

- *Equal Opportunity Act 1995*
- Charter of Human Rights and Responsibilities
- *Racial and Religious Tolerance Act 2001*.

Our role

The Commission's role is to:

- help resolve complaints about discrimination, sexual harassment and racial and religious vilification by offering a free and impartial complaint-handling service
- provide education about equal opportunity, racial and religious tolerance, human rights and the Charter
- undertake projects and activities aimed at eliminating discrimination and racial and religious intolerance
- conduct research and provide policy advice
- undertake specific functions in relation to the Charter, which include:
 - reporting annually to the Attorney-General on the operation of the Charter
 - providing ad hoc advice to the Attorney-General in relation to the Charter
 - conducting human rights reviews upon request by public authorities and the Attorney-General
 - intervening in court and tribunal proceedings involving questions related to the Charter
 - assisting the Attorney-General with the review of the Charter in 2011 and 2015.

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