



Community Is Everything - Indigenous Justice

Context and challenges

Indigenous children in Australia are failed by the justice system.

They are 29 times more likely to be imprisoned than non-Indigenous children trapped in a cycle of systemic disadvantage, poverty, poor education, lack of stable housing, and early police contact all of which increase their risk of being caught in the justice system. Instead of providing the support they need governments continue to lock up vulnerable children often in inhumane conditions that violate human rights.

Children as young as 10 are being held in adult watch houses, subjected to solitary confinement, and even forced into spit hoods — practices that amount to cruel, inhuman, and degrading treatment under international law. These policies are justified as a measure to make communities safer, but the evidence tells a different story. Instead of protecting communities, these policies cause irreparable harm to children. We need evidence-based, community-led solutions that prioritise safety, dignity, and rehabilitation over punishment. It's time for real change.

The urgency

In 2024, state governments have taken alarming steps backward:

- The Northern Territory government lowered the age of criminal responsibility from 12 to 10 and reintroduced spit hoods (a device that Amnesty International has declared an instrument of torture and that improper use of has resulted in deaths in custody).
- Queensland suspended its Human Rights Act to keep children in adult watch houses indefinitely and pushed punitive laws under the “Adult Time for Adult Crime” policy.
- Queensland removed incarceration as a last resort, despite it disproportionately affecting Indigenous children and violating their human rights.
- Victoria broke its promise to raise the age of criminal responsibility to 14.
- Western Australia continues to operate section 18, despite urgent recommendations from WA's coroner that the facility must be closed to prevent further deaths in custody.

Across all parts of Australia, children are being sentenced as adults and denied their basic rights.

In the last 18 months, two children have died in custody, and there remains a mental health crisis among formerly incarcerated young people. Without urgent action, more children will suffer.



Campaign Objectives

Since 2018, Amnesty has fought tirelessly to raise the age of criminal responsibility in Australia from 10 to 14 and secure more investment in diversion programs that will keep children in the communities and out of prisons. While we made progress, governments have backtracked, putting more children at risk.

We are campaigning to:

- Raise the age of criminal responsibility to at least 14 in at least 3 states.
- End the use of torturous practices, including spit hoods, solitary confinement, and adult watch houses for children.
- Secure increased funding from all levels of government for early intervention, diversion programs, and justice reinvestment.
- Reduce the overrepresentation of Indigenous children in the justice system and address the underlying causes of youth incarceration.

To get there, we're urgently pushing for:

- A National Justice Framework that upholds children's rights – A consistent, rights-based approach to youth justice across all states and territories. A national framework will help end the current patchwork of laws that leave some children more vulnerable than others.
- The age of criminality to be raised in a minimum of 3 states
- Public understanding of the root causes to help shift the narrative on youth justice. We need widespread awareness of how systemic disadvantage, intergenerational trauma, and lack of early support push children into the justice system. Changing punitive policies starts with changing mindsets.

Why Amnesty?

Without urgent action children will continue to suffer and die in the youth justice system.

If we don't act, more Indigenous children will be trapped in a broken system, facing abuse, trauma and lifelong harm. As a human rights organisation, walking away when the fight gets tough is not an option. Failing to act would betray the trust of First Nations communities, weaken our political influence, and risk losing funding from key donors and corporate partners committed to Indigenous justice. This is a fight we must continue and win.

Amnesty International Australia (AIA) has the independence, influence, and resources to drive real change: We are not reliant on government funding, so we can speak out without fear and hold those in power accountable.

Our Indigenous Rights team has strong relationships with communities and Parliament, allowing us to amplify voices that are often ignored.

AIA has a proven track record of mobilising supporters and securing funding for Indigenous justice campaigns and we need to take this to the next step now to organise communities across Australia to understand this issue in more detail and to be motivated to act. We are privileged as an organisation to have the resources and means to do this, so it is critical we take this step.



AIA has the ability to reach a wide audience of people and expose them to human rights education. After the disappointment of the referendum providing meaningful and powerful human rights education dismantle harmful stereotypes, build public support for evidence-based solutions, and create a justice system that prioritises rehabilitation over punishment. is a critical role AIA can and must play.

AIA's point of difference in the sector is our commitment to people power and as such we have the capacity to build a movement of activists to campaign to RTA.

What We've Learned

The federal government has shown reluctance to take leadership on raising the age of criminal responsibility. As a result, our work will be most effective by focusing on a state and territory-level approach. By dedicating efforts to specific jurisdictions, we can drive meaningful change where it matters most, holding state and territory governments accountable and pushing for the reforms needed to protect children and create safer communities.

We need to invest in building our activist base and provide them with clear calls to action to empower them to act. We need to establish powerful activist structures and networks to help us reach new and diverse voices and build momentum in our movement. Ensuring all the while we are backing first nations voices and changing the hearts and minds of Australians.

Human Rights Education is critical to changing hearts and minds. Most people don't know children as young as 10 can be locked up, but once they do, they want change. A simple conversation or fact sheet can turn passive supporters into active advocates and when those advocates and activists for youth justice publicly demonstrate support for change, we see the hearts and minds of communities changed, and governments pressured to act.

Narratives shift progress. Media narratives and political rhetoric can stall progress and fuel fear-based policies. Telling positive stories of young people and calling out the media misinformation is critical.