

# INDIGENOUS YOUTH JUSTICE CONVERSATION GUIDE



To fight against the rising tide of ‘tough on crime’ rhetoric that unfairly discriminates against First Nations children, one of the most powerful things you can do is have conversations with friends, family and your neighbours. By speaking out, you can give others an opportunity to learn and reflect. You’re also standing up for what you believe in - empathy, compassion and fairness.

## TALKING POINTS:

- ***Australia's youth justice system is in crisis and it's harming children.***
- Every day, children as young as 10 are locked in cells, restrained, isolated and held in conditions that breach international human rights law. Many have not been convicted of any crime and. Most are on remand, detained because the system has failed to provide safe alternatives.
- Indigenous children are the most impacted. They are around 29 times more likely to be imprisoned than non-Indigenous children and make up the majority of children in detention nationwide. This is not because they offend more, but because they are over-policed, denied support and funneled into a punitive system that responds to vulnerability with punishment.
- Children are subjected to practices such as solitary confinement, spit hoods and detention in adult watch houses. These practices cause serious and lasting harm and, in some cases, meet the threshold of torture under international law.
- This harm comes at an extreme cost: Australia spends more than one billion dollars each year locking up children, with detention costing well over one million dollars per child per year in some jurisdictions. These funds are poured into cages and control instead of housing, healthcare, disability support and community-led programs that prevent harm and keep children safe.
- Locking up children does not make communities safer. It entrenches trauma, increases reoffending and violates Australia’s obligations to protect children’s rights, dignity and wellbeing. This crisis is not inevitable. It is the result of political choices and it can be stopped.

Amnesty’s ‘Community is Everything’ Indigenous Youth Justice campaign aims to end this inequality. We want a youth justice system that protects children rather than harms them. Our vision is to raise the age of criminal responsibility to at least 14 in the Northern Territory, Queensland and Victoria and to end the use of torturous practices against children nationally by 2030. This includes banning spit hoods, solitary confinement and the detention of children in adult watch houses.



## HOW TO HAVE EFFECTIVE CONVERSATIONS ABOUT INDIGENOUS YOUTH JUSTICE:

- **TIP 1:** Avoid questions that seem accusatory, like “Why would you think that?” These questions tend to make people feel defensive and they may treat the situation as a conflict rather than a discussion. Instead, try acknowledging their perspective before offering an alternative viewpoint. You could say: “There's some misinformation out there, I can see how you thought that”.
- **TIP 2:** Appeal to shared values of respect, fairness and unity. Try saying: “I hear you, I also believe that we all deserve to be treated with respect and dignity, no matter our background”.
- **TIP 3:** Lecturing someone or making them feel guilty can shut down the conversation. Try using 'I' statements to gently correct them. You could say: “I've realised it's pretty hurtful to say that” or “I've actually learnt that's not true”.
- **TIP 4:** It can also help to appeal to empathy and shared experiences by talking about people, rather than numbers or statistics. Ask people to clarify their stance and ask them what they would do if they were in the same situation. Try saying: “Do you mind explaining what you mean by that? I know you care about making a practical difference in the lives of First Nations People, which is why I think you would support raising the age of criminal responsibility”.
- **TIP 5:** Focus on the strengths of First Nations-led solutions. You can say: “We know that when First Nations People have steered the policies to address youth incarceration, such as community-led justice reinvestment programs, kids are far more likely to remain out of the criminal justice system, and instead connected to their community and attending school”.
- **TIP 6:** You don't always have to respond in the moment. If you're in a group situation, consider if it would be more effective to talk to someone in a private setting. Later, you can say to them: “Hey, something you said earlier has been on my mind, can we have a chat about it?”

**Every conversation and every effort has an impact. Knowing how to respond to discriminatory or prejudiced remarks is hard, but even harder when it comes from friends and family. When it gets tough, remind yourself that every conversation you have, and every action you take are acts of kindness that make a meaningful difference. Speaking up is a skill you can practice, and the more you know about allyship, the more you can help.**

**By creating a space for others to ask questions and learn more about First Nations justice, you can help to bring more people along, towards a better future for the whole country.**

**If the conversation gets heated or keeps escalating to the point that it's no longer productive, it's okay to remove yourself from the situation. Your safety matters.**

