

Human Rights Law Centre – Northern Territory 2024 Election Platform

In the lead up to the 2024 Northern Territory election this August, the Human Rights Law Centre calls on all parties to commit to addressing the Northern Territory’s imprisonment crisis and to create a fairer legal system for everyone.

The Human Rights Law Centre recommends that all parties commit to raising the age of criminal responsibility, ending mistreatment in youth prisons, building up community-led self-determined supports, ensuring independent and robust police accountability mechanisms, and ending discriminatory policing and excessive use of force by police.

1. Raising the age of criminal responsibility to at least 14 years old

Last year, the Northern Territory Government raised the minimum age of criminal responsibility to 12 years of age. While this was a step in the right direction, consistent with international human rights standards, medical science and criminological evidence, raising the age to 14 is the absolute bare minimum reform required to achieve the goal of supporting children to thrive in the community. Under no circumstances should the government consider lowering the age of criminal responsibility.

The current age of criminal responsibility disproportionately impacts and harms Aboriginal children, and the Northern Territory Parliament must proceed to raise the age to at least 14 with no exceptions. The rationale for raising the age – that children’s brains are still developing and that they do not fully understand the consequences of their actions – is true across the board, not in relation to any specific types of behaviour. No new police powers should be created once the age of criminal responsibility is raised as any contact with the police can cause harm to children.

Criminalising children under the age of 14 also does not ensure the safety of the community, but instead increases the likelihood of future involvement in the criminal legal system. Rather than focusing on criminalising children, the Northern Territory Parliament must focus on addressing the currently unmet needs that are causing contact with the criminal legal system in the first place.

2. Ending mistreatment in youth prisons

Alongside raising the age and working to reduce the number of children coming into contact with the criminal legal system, the Human Rights Law Centre calls on the Northern Territory Parliament to ban the use of harmful prison practices that undermine any rehabilitative purpose that youth prisons might serve.

As highlighted by the Royal Commission into abuses at Don Dale, the use of solitary confinement on children as well as the number of Central Australian children locked in Don Dale far from family and country, contributes to the high number of children in detention self-harming and in distress.

The Northern Territory Parliament must:

- Prohibit the use of solitary confinement of children;

- Ban the detention of children in adult prisons; and
- Maintain the ban on the use of spit hoods in youth prisons.

3. Building up community-led, self-determined supports

Aboriginal communities and organisations have always had the answers. Instead of investing more money in more police and prisons operating in the same way, the Northern Territory Parliament should commit to ensuring proper resourcing is provided for self-determined solutions including Aboriginal community-led alternatives to police and community-controlled support services.

This includes empowering and working collaboratively with community-run initiatives like Community Safety Patrols, Mediators and Peacemakers which use cultural authority, traditional knowledge and culturally-appropriate methods of dispute resolution to empower community members. The Northern Territory Parliament should urgently and genuinely co-design a community policing model, and provide sufficient funding for on country, Aboriginal-led programs and services to support people who come in contact with or who are at risk of coming into contact with the criminal legal system, especially First Nations children.

4. Holding police to account, and ending discriminatory policing and excessive use of force

The Human Rights Law Centre supported the North Australian Aboriginal Justice Agency in the coronial inquest into the police-shooting death of Warlpiri and Luritja teenager Kumanjayi Walker. Through involvement in the Kumanjayi Walker inquest, the Human Rights Law Centre has highlighted systemic injustices experienced by Aboriginal people in the Northern Territory, including overt and institutional racism in policing in the Northern Territory.

As a result of revelations made during the coronial inquest, we understand that the Northern Territory Independent Commissioner Against Corruption and NT Police are currently undertaking a joint investigation into racism within the police force. This is a wholly inadequate response and the status quo of police investigating themselves and dodging accountability for their actions must end.

In order to end discriminatory policing and excessive use of force, the Northern Territory Parliament should:

- Establish an independent police watchdog to investigate complaints of police wrongdoing;
- Prioritise the Aboriginal Justice Agreement, in particular the commitment to reviewing issues of systemic racism in Government departments and prioritising Northern Territory Police;
- Commit to an anti-racism strategy for Northern Territory Police which requires all Northern Territory Police to complete ongoing and regular anti-racism training, as well as training on systemic racism and the ongoing impacts of over-policing and mass imprisonment in the Northern Territory; and
- Reform the use of force laws to include restrictions and limitations on use of force by police, strengthen a 'last resort' approach and develop a more robust safety matrix to prevent the increasing use of excessive and lethal force when police interact with Aboriginal people.