



AUSTRALIAN
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Chorus of opposition to racial discrimination changes grows

Australian Lawyers for Human Rights (ALHR) has joined a diverse range of groups in condemning the Federal Government's proposed changes to the *Racial Discrimination Act 1975* (Cth) (RDA).

Unpopular within the Government's own party at both a [federal](#) and [state](#) level, the proposed changes have also been rejected by [88% of respondents to a recent Nielsen poll](#).

Nathan Kennedy, President of ALHR, said: "this poll shows that, in spite of the misinformation which has been spouted regarding the existing protections from racial discrimination, public opinion is in line with international human rights law which provides that racial hatred constituting incitement to discrimination, hostility or violence must be prohibited by local law".

The Government's proposed changes to the RDA will take Australia out of step with Western democracies including the UK, Canada, New Zealand, Ireland, Germany, the Netherlands, and with the Council of Europe, which prohibit racial vilification and racist hate speech in terms similar to, or broader than, the existing RDA.

In its recent submission on the proposed changes, ALHR said that a watered-down RDA would fail to protect human dignity owing to its narrow focus only on incitement of hatred and fear of physical violence. Racial abuse is a type of bullying which harms victims' [health](#) and opportunities, and restricts their own free speech. It undermines Australia's social cohesion and democracy. As history has taught us, unchecked racial abuse poisons society and can lead to devastating consequences.

ALHR strongly opposes the removal of the existing reference in the RDA to acts 'reasonably likely to offend, insult or humiliate'. To properly comply with international law, says ALHR, the RDA should include a wider definition of vilification, covering psychological and not merely physical intimidation; exemptions and defences must involve reasonableness, truth, fairness or good faith; and the standard of reasonableness should be determined from the perspective of a hypothetical reasonable representative of the victim group.

Mr Kennedy said: "Free speech and freedom from racial vilification are complementary rights, and it is generally accepted both in international law and numerous other democracies that it is possible to achieve an appropriate regulatory balance between them. We already have many laws restricting speech because the right to freedom of speech carries with it duties and responsibilities. It is difficult to see on what grounds 'free speech' for some can be elevated to a status whereby it trumps the right of others to live their lives free from intimidation and harassment on the grounds of race."

ALHR's full submission can be accessed at <http://www.alhr.asn.au/activities/2014/04/30/submission-on-freedom-of-speech-repeal-of-s-18c-bill-2014.html>

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ALHR (Australian Lawyers for Human Rights) is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 3000 people, with active National, State and Territory committees.