



AUSTRALIAN
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MEDIA RELEASE

For immediate release

ALHR supports an Australia of respect, not of hate speech

Australian Lawyers for Human Rights (ALHR) strongly reject the call for a ‘far reaching’ Parliamentary inquiry aimed at ‘scaling back’ s 18C of the Racial Discrimination Act. When similar attempts were made to erode protections against hate speech under the Abbott Government, these changes were unequivocally proven to be unpopular with the majority of Australians. They are also inconsistent with international human rights law.

“Those calling for an inquiry do not seem to understand” said Dr Tamsin Clarke of ALHR, “that the legislation is not about a person subjectively taking offence, but about whether the speech was objectively offensive and insulting – the kind of hate speech that encourages racism. Nor do they seem to understand that to be caught by the legislation, the speech must relate not to the victim’s actions but to their apparent identity, and must fall outside the many extensive exceptions in section 18D.”

“Indeed, those who decry section 18C as an unacceptable limitation on free speech appear to consistently and conveniently ignore the existence of section 18D, which clearly establishes that where something is said or done in good faith for genuine academic or scientific purpose or in the public interest it will not fall foul of section 18C. Nor will any material published in a fair and accurate report on a matter of public interest. “

“In the absence of a Commonwealth Bill of Rights, laws which prohibit hate speech seek to discourage racism by setting a standard of respectful speech and behaviour. Again and again over the 40 years since it was first enacted, the wider Australian community has supported the Racial Discrimination Act.”

“One can only conclude that those politicians who, despite overwhelming public support for the legislation, seek to roll it back, want themselves and others to be free to engage in racist hate speech. But this, as much evidence has shown, is likely to encourage racism.”

“If we are to remove legislative restrictions on insulting and offensive behaviour in Australia a lot more than the Racial Discrimination Act will have to change” says Dr Clarke. “But is that really what we want? That we should feel free to slander and attack people on the grounds of their racial identity, not their actions?”

“The call for an inquiry just proves,” says Dr Clarke “how badly Australia needs a Bill of Rights to protect all Australians’ human rights and in particular a person’s right to be treated with dignity and live a life free from intimidation and harassment on the grounds of race – a concept widely protected by law throughout the rest of the world but apparently alien to our politicians.”

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