



AUSTRALIAN  
LAWYERS  
FOR  
HUMAN RIGHTS

PO Box A147, Sydney South NSW 1235  
[info@alhr.org.au](mailto:info@alhr.org.au) [www.alhr.org.au](http://www.alhr.org.au)

**Media release: WEDNESDAY 21 March 2016**

## **Lawyers Slam Turnbull government for promoting hate speech on Harmony Day**

Australian Lawyers for Human Rights (ALHR) has slammed Coalition MPs' proposal to strip down Australia's racial discrimination laws on Harmony Day.

"The suggested change to replace the words 'insult, offend or humiliate' with 'harass' demonstrates a profound misunderstanding of the way racist hate speech works its harm by establishing racist discourse as socially acceptable," ALHR President Benedict Coyne said.

"It is likely to mean that only direct face to face abuse will be caught by the section. It seems that, if this change is adopted, people will be free to spout racist hate speech so long as it is in general terms and not directed at any specific individuals. But in many ways this is the most harmful type of speech.

"This situation is appalling especially given Australia's strong legacy of leadership in international human rights law. Lest we never forget that Gallipoli hero Colonel William Roy Hodgson played a major role in drafting the *1948 Universal Declaration on Human Rights* which established worldwide standards of acceptable behaviour (including the right to be free from racial discrimination) and was adopted under the UN Presidency of another famous Australian Dr HV Evatt," Mr Coyne said.

"It is perplexing that in 2017 so many Australian parliamentarians and commentators are so ill-educated about human rights and understand so little about how human rights are interpreted, or even about the real-life harms of racist hate speech.

Furthermore, it is profoundly concerning that Australia remains alone amongst first world countries in not having a Human Rights Act or a Bill of Rights. This sad situation creates a culture where most Australians, including our political leaders, are woefully uneducated about their human rights and legal rights.

"Human rights do not follow a hierarchy and not even 'free speech' trumps any other right – all must be protected together," Mr Coyne said. "Human rights must be balanced where they conflict, so the exercise of one person's rights impinges as little as possible upon the rights of others. Generally, speech should not be protected where it fails to respect the rights of others by limiting other's own speech, or infringing their rights to be free from racial discrimination or abuse. People have the right to hold whatever belief system they wish to hold in private. But any purported 'right' to act on that belief system by expressing it in public depends, upon the impact on others.

"So where people claim a right to free speech it is important to know what speech they want protection for. Do they want protection to tell lies? Do they want protection to express racist or sexist abuse? It is well known that such speech denigrates victims, makes them fearful of speaking publicly themselves, and causes physical harm. It seriously restricts the rights of others."

“No-one has an absolute right of free speech in any society. There are restrictions that relate to defamation, national security, privacy, and, in most civilised societies, hate speech. The question is, whether Australia wants to set a standard of respectful, non-discriminatory speech through our laws, - which are the only instrument we have to achieve this outcome – as Europeans do - or follow the United States down the path of allowing extremist, false and violent hate speech in any and every public forum. That is a path from which I believe there will be no return.”

ALHR’s LGBTI Sub-Committee Co-chair, Nicholas Stewart, also expressed concerns that the proposed revision of 18C was also a signal to the LGBTI community that it may be next in line for softening of protections.

Mr Stewart said: “18C in its current form protects hate speech on the grounds of race but should the provision be watered down, a strong signal is sent to other minority groups that freedom to denigrate minority groups is wrongly regarded by this government as overriding other human rights. In NSW there are specific protections for the LGBTI community from vilification on the grounds of homosexuality or transsexuality. ALHR is gravely concerned that the Federal Government’s ideological position on free speech is a sign to the States and Territories that they too may want to reform their laws to soften any protection of minorities against vilification.”

“It is very interesting to note that Canada has recently been down this exact path Australia is on now” says Mr Coyne, “and since they repealed their section 18C equivalent in 2013, incidents of online hate speech and racial vilification have sky rocketed some 600% according to the Canadian Broadcasting Corporation. The Canadian public and civil society groups and politicians are now calling for the re-introduction of the section.”

“Prime Minister Turnbull needs to grow a spine and stand up for the human rights of all Australians rather than cowardly caving into the extreme and radical views of his over-privileged and racist backbench. A huge amount of taxpayer’s dollars has been expended on this section 18C hysteria since 2014 and it is time the Government, left section 18C alone and got on with the business of governing and solving the many real problems of the Australian people.”

**To arrange an interview with Benedict Coyne or Nicholas Stewart, please contact Matt Mitchell on 0431 980 365 or [media@alhr.org.au](mailto:media@alhr.org.au)**

***ALHR was established in 1993 and is a national organisation of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and a secretariat at La Trobe University Law School in Melbourne. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.***

#### **Further information:**

1. “Canadians appear to be more hateful online. Here's what you can do about it” <http://www.cbc.ca/news/canada/marketplace-racism-online-tips-1.3943351>
2. Office of the GM and Editor in Chief, “Uncivil dialogue: Commenting and stories about indigenous people”, CBC News Online, 30 November 2015, <http://www.cbc.ca/newsblogs/community/editorsblog/2015/11/uncivil-dialogue-commenting-and-stories-about-indigenous-people.html>
3. Anna Mehler Paperny, “Hate crimes against Muslim-Canadians more than doubled in 3 years”, 13 April 2016, Global News Online: <http://globalnews.ca/news/2634032/hate-crimes-against-muslim-canadians-more-than-doubled-in-3-years/>