

**Submission  
No 46**

## **MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED**

**Organisation:** Jewish Council of Australia

**Date Received:** 12 January 2026



JEWISH COUNCIL  
AUSTRALIA

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## Submission to NSW Parliament Committee on Law and Safety - Measures to prohibit slogans that incite hatred

**Submitted by:** The Jewish Council of Australia

**Date:** 12 January 2026

### **Introduction**

The Jewish Council of Australia welcomes the opportunity to contribute to the NSW Parliament Committee on Law and Safety Inquiry - Measures to prohibit slogans that incite hatred.

The Jewish Council is a registered charity made up of a diverse coalition of Jewish academics, lawyers, writers, and teachers with expertise in areas including Jewish history, human rights law, antiracism, First Nations justice, and politics. We provide an independent, expert Jewish voice opposing antisemitism and racism and supporting Palestinian human rights.

We work with policy-makers, civil society organisations, politicians, and the media, across the political spectrum, to advocate on issues of human rights, racism and antisemitism. We also host community events and forums, as well as facilitating discussion groups and events for thousands of Jewish people around the country.

The Jewish Council was formed in February 2024 amid Israel's bombardment of Gaza, to provide an alternative Jewish perspective to that provided by pro-Israel Jewish organisations. We are made up of two Executive Officers who serve as spokespeople for the Jewish Council, as well as an Executive and Advisory Committee of twenty Jewish people, who are all volunteers. We have over 1,300 Jewish people who have signed on to support our statement of Core Principles, publicly listed on our website.<sup>1</sup> The Jewish Council's formation in February 2024 reflects a growing movement of Jewish people in Australia, the USA, UK, Israel, and elsewhere in the world, who support Palestinian human rights.

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<sup>1</sup> <https://www.jewishcouncil.com.au/supporters>

# Jewish Council of Australia's submission

## Executive Summary

As a Jewish organisation deeply committed to fighting antisemitism and all forms of racism, we oppose the proposed banning of political slogans for four key reasons:

1. **The Inquiry's framing is discriminatory:** It selectively targets Arabic language and Palestinian political expression while ignoring hate speech affecting other communities.
2. **Banning slogans risks increasing, not decreasing, racism and antisemitism:** Targeting Arabic-speaking communities will further entrench racism and division while associating Jewish people with crackdowns on democratic freedoms.
3. **International evidence shows these bans fail:** The UK experience demonstrates that criminalising political speech leads to state overreach, human rights violations, and no improvement in community safety.
4. **Hate speech laws must comply with human rights:** Expanding laws to outlaw political language damages democratic freedoms and risks selective enforcement and overreach without improving community safety.

## 1. The Inquiry's framing is discriminatory

The Inquiry's terms of reference are fundamentally flawed in their selective focus. They cite only one example of allegedly intimidatory speech—"globalise the intifada"—while offering no examples of hateful speech affecting Aboriginal and Torres Strait Islander peoples, Muslims, Arabs, LGBTIQ+ communities, or migrants, despite well-documented instances of genuine hate speech targeting these groups.

By singling out an Arabic word for special scrutiny, the terms of reference themselves reproduce anti-Arab and Islamophobic assumptions that Arabic political expression is inherently threatening.

The term "intifada" is an Arabic word meaning "shake-off" or "uprising." Its use and meaning are far more complex than suggested by the Inquiry's framing.

The United Nations General Assembly, representing 193 countries, used the term "intifada" in 1988 to describe the Palestinian uprising, expressing that it had "received significant

attention and sympathy from world public opinion" while noting "deep concern" at Israel's occupation policies.<sup>2</sup>

In 2024 the Ontario Superior Court noted that different groups interpret "intifada" in fundamentally different ways:

- Some argue it refers to violence against Jews
- Others submit that as an Arabic noun derived from "nafada" (meaning "shaking off"), it is "popularly used by Palestinians to refer to an uprising against oppression" and that "dozens of 'intifadas' have occurred throughout history in the Arab world"
- Palestinian advocates explain that "globalize the intifada" is not a call for global violence but for "international support to end the oppression of the Palestinian people," noting that uprisings need not be violent and can take the form of peaceful protests<sup>3</sup>

The term "intifada" has been associated with violent actions in some historical contexts. However, this is merely *one interpretation* of the term, not its inherent or exclusive meaning. The word has a long, complex history in Palestine and the broader Middle East that cannot be reduced to a single definition.

The Inquiry's terms of reference decontextualise this Arabic word and falsely imply it inherently causes social harm and violence. This approach has repeatedly been used as a weapon to delegitimise Arab, Palestinian, and Muslim activists and community leaders. Neither government nor media have made serious attempts to engage with the term's history, diverse meanings, and implications.

The proposed ban singles out Arabic political expression for criminalisation while ignoring comparable or more extreme speech in other contexts. This is the definition of discriminatory treatment.

The focus on Arabic is racist. It positions Muslim and Arab communities as "extremist" and "unsafe," frames them as threats to social cohesion, and will result in increased policing, control, and social ostracisation of these communities. This approach does not protect Jews—it makes all marginalised communities, including Jewish communities, less safe.

Although the Inquiry's terms of reference focus on "globalise the intifada," the related phrase "from the river to the sea" is also often erroneously invoked as hateful.

Dr Max Kaiser, The Jewish Council of Australia's Executive Officer, discussed this phrase with *The Guardian*:

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<sup>2</sup> *The uprising (intifadah) of the Palestinian people*, GA Res 43/21, UN GAOR, 43rd sess, 45th plen mtg, UN Doc A/RES/43/21 (3 November 1988)

<sup>3</sup> *University of Toronto (Governing Council) v. Doe et al.* 2024 ONSC 3755, [100]

[www.canlii.org/en/on/onsc/doc/2024/2024onsc3755/2024onsc3755.pdf](http://www.canlii.org/en/on/onsc/doc/2024/2024onsc3755/2024onsc3755.pdf)

"In our interpretation, and as it's explained by Palestinian people the world over, [it] is a call for freedom and equality for all people, Jewish and Palestinian. Palestinian leaders in Australia have been very clear when they say freedom from the river to the sea, it extends to all people... It's definitely not something that should be construed as a threat to Jewish people or Israelis."<sup>4</sup>

This Inquiry must consider and centre how Palestinians and their supporters understand and use these terms, rather than accepting skewed, ignorant, and misleading interpretations. Palestinian solidarity leaders in Australia and internationally have consistently clarified that "from the river to the sea" is a call for democracy, equality, and justice between the Jordan River and the Mediterranean Sea.

## **2. Banning slogans risks increasing, not decreasing, antisemitism**

As a Jewish organisation, the Jewish Council is deeply concerned that this proposed ban will lead to *more* polarisation and discrimination and, consequently, *less* safety for racialised communities, including the Jewish community:

- Banning a phrase used by a specific racial/religious/ethnic group to raise awareness about injustice will be experienced by that group as discriminatory targeting, marginalisation, and demonisation
- This will worsen social cohesion, increase racism and strengthen the narratives relied upon by the far right to grow - that migrants, Palestinians and Muslims are an inherent problem for Australian society
- All marginalised communities, including Jews, become less safe in a more racist society.

When these bans are justified through the language of combating antisemitism or protecting Jewish safety, they risk producing a symbolic association of Jewish communities with the erosion of civil liberties. In pluralist democracies, Jewish safety has historically been secured not through exceptional security measures, but through robust democratic norms—freedom of expression, equal protection under the law, and resistance to collective blame. Policies that curtail these norms in the name of protecting Jews invert this historical lesson and place Jewish communities in an untenable position, appearing to benefit from restrictions that harm other minorities.<sup>5</sup>

This association has material consequences. It can fuel resentment among targeted communities, distort public understanding of antisemitism by conflating it with political dissent, and ultimately weaken solidarity against genuine antisemitic threats. It risks

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<sup>4</sup> Josh Butler and Caitlin Cassidy, 'Peter Dutton Compares "River to the Sea" Chants at Pro-Palestinian Protests to Hitler', *The Guardian* (online, 9 May 2024)

<sup>5</sup> Kenneth S. Stern, *The Conflict over the Conflict: The Israel/Palestine Campus Debate* (Toronto: University of Toronto Press, 2020); David Feldman, Ben Gidley, and Brendan McGeever, *Facing Antisemitism: The Struggle for Safety and Solidarity* (Runnymede Trust, 2025).

reproducing an old and dangerous antisemitic trope: that Jewish safety is achieved at the expense of broader democratic freedoms, rather than through their defence.

### **3. International evidence shows these bans fail**

NSW should resist the legislative trajectory observed in the United Kingdom, where the expansion of public order laws to criminalise specific slogans and political expressions has resulted in significant human rights concerns. As documented by Human Rights Watch, UK authorities have severely restricted the right to protest, in contravention of their international human rights obligations.<sup>6</sup>

The recent designation of Palestine Action—a group primarily engaged in nonviolent direct action—as a terrorist organisation serves as a critical cautionary tale. In August 2025, more than 500 people were arrested for simply participating in a protest supporting Palestine Action. Under UK legislation it is now an offence to display in public any item that arouses "reasonable suspicion" that the person is a member or supporter of the proscribed group. This demonstrates one dangerous trajectory of laws that criminalise political expression.

Rather than enhancing community safety, the UK's approach demonstrates how the broad application of counter-terrorism frameworks to civil advocacy can lead to systemic legal overreach that damages democracy.

Associate Professor Maria O'Sullivan, Deakin Law School, documents multiple jurisdictions where courts have rejected attempts to ban "from the river to the sea" and similar phrases including:

#### **Canada:**

- Calgary police arrested a protester in 2023 for using "from the river to the sea," charging him with causing a disturbance with hate motivation. The Alberta Crown prosecutor dropped all charges upon review.
- Legal scholars Professor Richard Moon (University of Windsor Faculty of Law) and Professor Doug King (Mount Royal University) noted the phrase "certainly" does not meet the definition of hate speech, with its meaning being "far too open-ended".<sup>7</sup>

#### **Netherlands:**

- A Dutch court held that activist Thomas Hofland should not be prosecuted for using "from the river to the sea" because the phrase is "subject to various interpretations"

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<sup>6</sup> Human Rights Watch, "Silencing the Streets: The Right to Protest Under Attack in the United Kingdom" (London: Human Rights Watch, January 8, 2026).

<sup>7</sup> Calgary Police Service statement – emailed to CBC News Canada and reported in <https://www.cbc.ca/news/canada/calgary/calgary-protester-charges-stayed-palestinian-chant-1.7032080> [emphasis added]

and "relates to the state of Israel and possibly to people with Israeli citizenship, but not to Jews because of their race or religion"<sup>8</sup>

International legal analysis consistently finds that these slogans have contested meanings and cannot be deemed inherently hateful or violent. Attempts to ban them result in discriminatory enforcement, legal challenges, and violations of civil liberties—without improving safety.

#### 4. Hate speech laws must comply with human rights

NSW currently has criminal laws addressing:

- Incitement to violence
- Threats and harassment
- Genuine intimidation

These laws focus on harmful conduct and actual threats, not on policing the content of political speech.

The Rabat Plan of Action, widely recognised as the international standard for addressing hate speech, requires assessment of six factors:

1. Context of the speech
2. The speaker
3. Intent
4. Content and form
5. Extent of the speech
6. Likelihood of producing immediate harm<sup>9</sup>

Automatic bans bypass this contextual analysis, treating words as inherently criminal regardless of context, intent, or actual harm caused.

The UN Human Rights Committee's General Comment 37 on the Right to Peaceful Assembly states:

"Generally, the use of flags, uniforms, signs and banners is to be regarded as a legitimate form of expression that **should not be restricted**, even if such symbols are reminders of a painful past. In exceptional cases, where such

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<sup>8</sup> <https://elsc.support/victory-from-the-river-to-the-sea-is-protected-speech-dutch-court-rules/>

<sup>9</sup> 'Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence' in Human Rights Committee, Annual Report of the United Nations High Commissioner for Human Rights, UN Doc A/HRC/22/17/Add 4 (11 January 2013)

symbols are directly and **predominantly associated** with incitement to discrimination, hostility or violence, appropriate restrictions should apply."<sup>10</sup>

The slogans at issue in this Inquiry do not meet this high threshold of being "directly and predominantly associated" with incitement.

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## Recommendations

The Jewish Council of Australia recommends that the Committee:

1. **Reject proposals to ban political slogans**, including "globalise the intifada," "from the river to the sea," or related phrases
  2. **Recognise that Palestinian symbols, slogans, and expressions of solidarity constitute political communication**, not hate speech
  3. **Reject the racial discrimination inherent in selectively policing Palestinian and Arabic political expression** while ignoring hate speech in other contexts
  4. **Distinguish clearly between universally recognised hate symbols and political expression** opposing occupation, apartheid, or state violence
  5. **Prioritise community education, dialogue, and anti-racism initiatives** over broad prohibitions or expanded police powers
  6. **Learn from international failures**, particularly the UK experience, rather than replicating approaches that have demonstrably failed to improve community safety while causing severe human rights violations
  7. **Protect, rather than restrict, the right to protest and freedom of political expression in NSW.**
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## Conclusion

As Jews committed to fighting antisemitism, we state unequivocally: **banning political slogans will not make Jewish people safer.**

What endangers Jewish safety is:

- Increased polarisation and racism

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<sup>10</sup> UN Human Rights Committee, *General Comment No. 37 on the Right of Peaceful Assembly (Article 21)*, 129th sess, UN Doc CCPR/C/GC/37 (17 September 2020) [51].

- The erosion of civil liberties that protect all minorities
- The scapegoating of marginalised communities
- The political misuse of antisemitism claims to silence legitimate political speech.

What genuinely protects Jewish safety is:

- Solidarity between marginalised communities
- Strong civil liberties that protect everyone's right to dissent
- A society committed to genuine pluralism and robust debate.

This Inquiry proceeds from a false premise: that Arabic political expression inherently threatens community safety. We reject this premise as discriminatory and dangerous. We call on the Committee to reject it as well.