

**Submission
No 64**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Arab Theatre Studio

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Submission to the NSW Committee on Law and Safety Inquiry into the use of slogans

Introduction

Arab Theatre Studio¹ (ATS) opposes the proposal to ban and criminalise political slogans, including phrases such as “Globalise the Intifada” and “From the River to the Sea”.

ATS believes that the act of banning political language and phrases undermines fundamental human rights including the right to freedom of expression and opinion of all peoples.

ATS has deep concerns that this proposal unfairly targets Palestinian and broader Arabic speaking communities and thus is inherently discriminatory. The proposal treats Palestinian and Arabic-speaking communities in NSW differently because *of their race and ethnic background* at the political level.

(a) The threat that the use of phrases like “Globalise the Intifada” poses to community cohesion and safety

As a community-based cultural organisation, ATS works closely with racialised communities to ensure their rights are promoted and protected. The racist discourses and narratives that are regularly peddled through English-language media and by state, federal and local politicians seeking to capitalise on intercommunal division and fracture pose the greatest risk and threat to community safety and wellbeing in our collective experience in NSW.

To suggest that protest slogans like “Globalise the Intifada” threaten community safety requires evidence. At present we are asked to suspend our critical faculties and accept this spurious claim that plays into the current political narrative. We request that the Committee makes public any empirical evidence in its possession that the phrase “Globalise the Intifada” poses a risk to community cohesion and safety.

The material reality is that anti-Arab and anti-Muslim racism is so normalised in Australian popular and political culture, that a 200 per cent increase in attacks and abuse of Muslim and Arab communities cited in a recent report² attracts no outrage, no concern for community safety, no care for Muslim women and girls who are most often the racialised gendered targets. At best Arab and Muslim communities are afforded bland statements that are meaningless because the words expressed are not matched by responsive action or accountability.

ATS recognises that the Arabic word “intifada” and protest slogan “Globalise the Intifada” – the only slogan offered up as an example in the Terms of Reference – are interpreted in this instance through a colonial lens. We also recognise both the word and phrase are exceptionalised precisely because the Arabic language, the Palestinian community, and broader Arabic-speaking communities have been targets of racist demonisation over time.

The word “intifada” translates literally as “shaking off”, but in popular vernacular means “rising up”. The word intifada was used in 1952 when the people of Baghdad engaged in large-scale protest against the Iraqi government; in Bahrain in the 1990s, when an intifada erupted with the people demanding a return to democratic rule; in 2003 when the Shia community launched an uprising which was also known as the “Iraqi Intifada” aimed at ending the US-led foreign military presence in Iraq; and more recently in 2005 in Lebanon with the Lebanese media referring to the people rising up as the “Intifada of Independence”, also known as the Cedar Revolution.

We recognise the word intifada is most widely known across the world via the uprising of Palestinian youth in 1987 in response to the violent military occupation of their lands and their lives. Just as in Sharpeville in 1960, when South Africans rose up against the violent racism of apartheid and were massacred, Palestinians rose up again in the Second Intifada (2000-2005) in response to racist incursions and state sanctioned violence. In both the contexts of Palestine and South Africa, the uprisings were pivotal in harnessing the power of people to challenge the violence of military occupation and colonialism.

Indeed, the UN declared March 21 to be International Day for the Elimination of Racial Discrimination, commemorating the bravery of those who rose up in Sharpeville against racist oppression and violence.

For Palestinians, Arabs and others, the word intifada denotes resistance against the ongoing oppression of the Palestinian people towards claiming their inalienable right to self-determination. The words of prominent Palestinian human rights lawyer Raji Sourani perfectly capture the motivations behind the earlier uprisings: “The Intifada’s message was simple ... that the Palestinian people don’t want occupation. They want self-determination.”³

To the comments made by the NSW Premier on 22 December 2025 stating the Palestinian Intifada was a violent uprising, we direct your attention to the United Nations General Assembly (UNGA) explicit affirmation of the right of Palestinians to resist Israel’s military occupation, including through armed struggle via two resolutions:

- UNGA Resolution 3314 (1974) affirmed the right of self-determination, freedom, and independence for all “peoples under colonial and racist regimes or other forms of alien domination,” and affirmed the “right of these peoples to struggle to that end and to seek and receive support.”⁴
- UNGA Resolution 37/43 (1982) reaffirmed the “inalienable right” of the Palestinian people “and all peoples under foreign and colonial domination” to self-determination. It also reaffirmed the legitimacy of “the struggle of peoples for [...] liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle.”⁵

The first and second intifadas were uprisings against the Israeli occupation in Palestine that included resistance by violent and nonviolent means. The second intifada (2000 – 2005) was a largely nonviolent uprising, though it included attacks against Israeli noncombatants. But to cast it as inherently violent is both ahistorical and deeply biased, as it ignores the far greater

violence that was visited upon Palestinian non-combatants by Israel during this same period in the context of illegal occupation by Israel and the ongoing dispossession of Palestinians from their land.

We include this as evidence in our submission as the Terms of Reference in their current formation have been conceived subjectively through a colonial lens.

The lack of knowledge and understanding of the Arabic language, and the elision of the historical and political meaning and import of the word intifada are not new to people in our shared communities that includes artists, Arabic language experts, politics and human rights scholars, teachers, community workers and allies.

We reject the assertion that “Globalise the Intifada” is directed at “certain communities”. The phrase is used in a variation of political struggles that ground its universal meaning to globalise the uprising against injustice everywhere – as is self-evident from the context in which the phrase has most commonly been chanted in NSW, notably on 26 January Invasion Day protests: “From Gadigal to Gaza. Globalise the Intifada”.

When asked if the expression “Globalise the Intifada” made him uncomfortable, the recently elected New York Mayor Zohran Mamdani defended the slogan, saying it captured “a desperate desire for equality and equal rights in standing up for Palestinian human rights.”⁶

Any measure that seeks to ban “certain phrases” based on a perceived meaning attributed by one community or a subjective interpretation by politicians with an agenda fails to consider what the word and phrase mean to speakers of the actual language in question, and to all those who understand its value in bringing people together to fight oppression.

(b) Claims that slogans are “inherently hateful”

ATS is unable to properly address this Term of Reference because of the lack of specificity and transparency about which terms are deemed “inherently hateful” and through which lens the terms are being judged.

Further, the Terms of Reference do not provide any information about:

- which phrases are alleged to be “so inherently hateful by their nature they lead to incitement of hatred and threaten community safety”
- who is said to be using the phrases and in what circumstances are they being used?
- how such phrases lead to incitement of hatred and hatred of what and by whom?
- how such unspecified phrases may therefore threaten community safety.

ATS regards this Term of Reference as subjective in the implication that the phrase “Globalise the Intifada” is “inherently hateful”. To interpret “Globalise the Intifada” as “inherently hateful” relies on a subjectivity that is informed by orientalist discourse and racist tropes that position Arabs as inherently violent and predatory, and whose opposition to Israel is based on hatred of Jewish people, rather than on a political response to 77 years of injustice, apartheid, genocide and land theft endured by both Palestinian and Lebanese peoples.

We reject the premise that the phrase “Globalise the Intifada” is “directed at certain communities to intimidate those communities and instil fear of violence”. We urge the Committee to include the perspective of Arabic speakers and others who understand the phrase “Globalise the Intifada” as an emancipatory slogan that calls on people of conscience

across the world to “shake off” oppression, to rise up as a global community in the service of freedom, equality and justice. This perspective is commonly shared by both Arabic-speaking peoples and non-Arabs alike, recognising the shared responsibility to protect and promote the rights of all peoples across the globe, whether it is in the cause of Indigenous people’s rights, workers’ rights, women’s rights, queer rights, or environmental rights.

ATS suggests that the Committee decolonise this Term of Reference in the service of upholding the principles of a fair and just multiculturalism that affirms equality of status and treatment.

(c) protecting communities from hatred and violence

ATS supports the imperative to protect communities from hatred, intimidation and violence, however we reject the implied premise that the term “Globalise the Intifada” and “From the River to the Sea” causes hatred, intimidation or violence to any community.

As stated in term (a) above, the **hatred, intimidation and violence** directed at racialised communities including Arab and Muslim communities is endemic and requires urgent action. ATS would suggest that the Committee recommend to the State Government that an Inquiry into Racist Violence in NSW be prioritised so that First Nations communities, African communities, South Asian and South East Asian communities, Pacific communities and Arabic-speaking communities are all afforded equal concern about and action to address the harm caused by the discursive violence of political hate speech experienced by racialised communities collectively in the state.

ATS would make the point that racism directed at and experienced by First Nations communities in NSW is lethal. There have been 617 Black deaths in custody across the nation since the Report of the Royal Commission in 1991. Last year the state of NSW registered the highest count of Black deaths in custody and yet there has been no inquiry called.

We strongly urge the Committee to reject the privileging of one community’s experience of racism over all other communities. The foregrounding of one group over all others effectively enacts a hierarchy of human rights. This approach to human rights conflicts with fundamental standards and responsibilities of duty bearers that insist on the universality, inalienability and indivisibility of human rights for all.

(d) Australian and international examples of best practice to combat the use of such slogans, including measures and approaches taken in the United Kingdom

ATS rejects the premise that the measures and approaches taken by the United Kingdom represent “best practice”. The UK has **not** passed laws to criminalise the specific phrase “Globalise the Intifada”, but rather have used existing laws, including racially aggravated public order offences under the Public Order Act, to arrest those who have chanted the phrase at protests.⁷ This represents a policy shift in London and Greater Manchester police to arrest anyone using the phrase.

The basis for this draconian policy shift is spurious and should not be adopted in NSW or Australia.

There is no factual basis, let alone evidence, that the phrase “Globalise the Intifada” contributed in any way to the attack on the Manchester synagogue on 2 October 2025 or the attack against Jewish people in Bondi.

The adoption of any similar policy in NSW would lead to racially and politically motivated

police prosecution of individuals for exercising their democratic right to freedom of expression.

As artists who respect this fundamental human right, ATS is opposed to any measures, whether based in legislation or policy, that would restrict any people's ability to use the phrase "Globalise the Intifada" in public and/or in artistic work.

(e) The Australian Constitution and the implied freedom of political communication

The implied freedom of political communication in the Australian constitution is a principle of law, not a specific right granted to individuals. It merely means that a law can be challenged as unconstitutional if it breaches the implied freedom of political communication in the Constitution.

As a collective of artists, we are deeply opposed to any restriction on freedom of expression, especially speech that is critical of states, racist ideologies and practices of settler colonialism, whether on stolen land on this continent or anywhere else in the world.

Freedom of expression is a fundamental human right articulated in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and is of foundational importance to the functioning of democracy and a free society.

ATS acknowledges that freedom of expression is not absolute and there are recognised limits to the exercise of this right in the ICCPR. But such restrictions are already amply covered by anti-vilification and hate speech laws.

As artists and cultural workers, we are deeply invested in this fundamental human right. We must be free to express our opposition to oppression and systems of power without restriction. We must be free to call for an end to injustice and the violence that settler colonialism and imperialism have visited upon the peoples of the world. We must be free to call for the intifada to be globalised, without fear of repression and criminal sanction.

It is inconceivable that a society can call itself a democracy whilst restricting such a fundamental human right.

There are no laws in NSW that protect an individual or group from repression and sanction for engaging in political debate. Discrimination on the grounds of political opinion is not unlawful in NSW. The important civil and political rights in the ICCPR, such as freedom of expression and freedom of assembly, have not been incorporated into NSW or Federal laws.

Existing laws and implied principles do not adequately protect individuals right to freedom of expression and to hold opinions without interference, especially in the current climate of political repression by institutions and lobbyists against those speaking out against genocide and oppression.

Many artists and writers have lost contracts, faced sanction or been dismissed for criticising the state of Israel and its practices and/or for simple expression of solidarity with Palestinians, such as wearing a kuffiyeh on stage. The examples are many and include the three actors in the Sydney Theatre Company production *The Seagull*, Yorta Yorta, Dja Dja Wurrung, Kalkaddoon and Yirandhali DJ and artist Miss Kaninna, Venice Biennale artists Khaled Sabsabi and Michael Dagastino, teacher Wasim El-Haj, journalist Antoinette Lattouf, pianist Jayson Gilham, cricket journalist Peter Lalor, writer Dr Randa Abdel-Fattah, writer Ren Wyld and poet Omar Sakr. Others, such as journalist Mary Kostakidis and academics Professor John Keane and Dr Nick Reimer have been taken to court for the political speech critical of Israel in litigation commenced under s 18C of the *Racial Discrimination Act 1975* (Cth).

ATS calls for greater protection of freedom of expression in NSW and Australia. We support NSW adopting a bill of human rights that would provide stronger protection for fundamental freedoms and afford people accessible legal remedies for the breach of their human rights.

To conclude, in the words of Palestinian academic Dr Lana Tatour, “We have the duty to ensure that there is no Palestine exception to freedom of speech.”⁸

(f) Existing offences and other measures in NSW and Commonwealth law

Existing Commonwealth and NSW laws are sufficiently robust to criminalise and deter those who would advocate violence and are already problematic in their scope and interpretation.

NSW has specific laws in place that criminalise certain forms of hate speech and conduct, including:

- **Intentionally Inciting Racial Hatred:** It is an offence under section 93ZAA of the *Crimes Act 1900* to intentionally and publicly incite hatred against a person or group based on their race (including colour, nationality, ethnicity, descent, or ethno religious background).
- **Threatening or Inciting Violence:** It is an offence under section 93Z of the *Crimes Act 1900*, to intentionally or recklessly threaten or incite violence against a person or group because of their race, religion, sexual orientation, gender identity, intersex status, or HIV/AIDS status.

Furthermore, if any criminal offence in NSW is wholly or partially motivated by hatred or prejudice, this is considered an aggravating factor during sentencing, which can lead to tougher penalties.

The NSW Law Reform Commission has expressed concern that terms like “hatred” are imprecise and subjective, with this ambiguity making them “an inappropriate standard for the criminal law”. Such laws have been enacted on top of existing provisions in State and Federal anti-discrimination legislation which already make racial hatred and racial vilification unlawful.

There is a great risk that a further strengthening of “hate laws” that do not adequately distinguish between antisemitism and criticism of the state of Israel will disproportionately target Palestinian people, people of Arabic-speaking background, and people who support the cause of justice and freedom in Palestine.

If a phrase like “Globalise the Intifada” can be considered hate speech, any pro-Palestinian comment might be a criminal offence in NSW. This is an impermissible restriction of a fundamental human right and will do nothing to address the scourge of actual racial hatred.

By not adequately protecting the public’s right to engage in robust criticism of Israel and the ideology of Zionism, NSW runs the risk that state agencies, such as the police, will be deployed to do the work of a foreign government and its lobbyists in silencing criticism of the state of Israel and its practices.

(g) Other concerns

This Inquiry was announced on 22 December 2025 with the closing deadline for submissions being 12 January 2026. A three-week timeframe is unacceptably short for an issue as serious as criminalising the use of political phrases in a so-called democracy, especially considering that this period includes holidays when many organisations are shut down. This has limited

the capacity of the community to make their voice heard. We expect the Committee to undertake its responsibilities to ensure all people are listened to equally.

We also wish to put on record that this Inquiry is contemplating outlawing expressions of pro-Palestinian solidarity against the backdrop of ongoing genocide,⁹ Nakba of Palestinians in Gaza and the West Bank¹⁰ and daily attacks in Lebanon.

While we debate the meaning of phrases and are forced to engage with institutional silencing of our human right to freedom of expression, Israel continues to exterminate Palestinians, destroy refugee camps, dispossess Palestinians from their land, and use starvation as a weapon of war.¹¹

We have the right and duty to speak out against this systemic violence and our own governments' complicity in this injustice. To fetter our ability to express our outrage at such horror and to call for change is a violation of our human rights.

We urge the Committee to proceed with the knowledge that our shared communities are politically literate and recognise the politics and power at play in the timing and framing of this Inquiry.

The Management Committee of Arab Theatre Studio

12 January 2025

¹ Arab Theatre Studio (ATS) was founded in 2014 and is an Arab artist led contemporary arts and cultural organisation based on Dharug land. ATS engages and collaborates with people from socially diverse Arabic speaking backgrounds, inclusive of first, second and third generation artists, as well as emerging, developing and established creatives. We have produced highly successful multi-artform artistic and cultural engagement work in our 11- year history on Dharug land.

² Aftab Malik, “Islamophobia has Surged Since the Bondi attack. Australia’s Muslim Community Should Not Have to Endure this Abuse” in *Guardian* 2 January 2026.

<<https://www.theguardian.com/commentisfree/2026/jan/02/islamophobia-surged-bondi-attack-australia-muslim-community-ntwnfb>> Accessed 11/01/2026.

³ *Let’s Talk Palestine*. <<https://letstalkpalestine.com/palestine101/intifada/>> Accessed 11/01/2026. ⁴ UNGA resolution 3314, “Definition of Aggression,” December 14, 1974.

⁴ UNGA resolution 3314, “Definition of Aggression,” December 14, 1974.

⁵ UNGA resolution 37/43, “Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights,” December 3, 1982.

⁶ Uri Pilichowski, “What does ‘Globalize the Intifada’ Mean?” <<https://www.mideastjournal.org/post/what-does-globalize-the-intifada-mean>> Accessed 11/01/2026.

⁷ Vikram Dodd and Nadeem Badshah, “Two arrested on suspicion of shouting slogans calling for ‘intifada’ at protest” in *Guardian* 18 December 2025. <https://www.theguardian.com/uk-news/2025/dec/17/met-police-gmp-crackdown-intifada-chants-pro-palestine-protests>. Accessed 11/01/2026.

⁸ Lana Tatour, “Censoring Palestine: Human Rights, Academic Freedom and the IHRA” in *Australian Journal of Human Rights* 13 August 2024. <<https://doi.org/10.1080/1323238X.2024.2385504>>

⁹ Israel’s actions in Gaza have been described as genocidal and/or found to meet the legal threshold for genocide in the Genocide Convention by a UN Commission of Inquiry, a Committee of UN experts, the UN Special Rapporteur, the constituent members of the Palestinian Human Rights Organizations Council (PHROC), the Lemkin Institute for Genocide Prevention, The Australian Centre for International Justice, Amnesty International, Human Rights Watch, B’Tselem and Physicians for Human Rights Israel, the International Association of Genocide Scholars (IAGS), Médecins Sans Frontières/Doctors Without Borders (MSF) and more. 11

¹⁰ “UN report chronicles intensification of decades of severe racial discrimination by Israel in occupied West Bank” <<https://www.ohchr.org/en/press-releases/2026/01/un-report-chronicles-intensification-decades-severe-racial-discrimination>> Accessed 11/01/2026.

¹¹ Penny Green, “As Genocide Continues in Gaza, the West Bank is Pushed into a New Nakba” in *Middle East Eye* 11 January 2026. <<https://www.middleeasteye.net/big-story/genocide-continues-gaza-west-bank-pushed-new-nakba>> Accessed 12/01/2026.