

**Submission
No 108**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Name: Dr Finola Laughren

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As pertains to terms of reference points:

- a) The threat that the use of phrases like “globalise the intifada” poses to community cohesion and safety and the importance of maintaining social harmony and cohesion;
- b) How best to prevent the use of phrases that are so inherently hateful by their nature that they lead to incitement of hatred and threaten community safety;
- c) The need to protect communities from hatred, intimidation and violence;

My responses are:

The slogans have been used in a variety of contexts, including to oppose the genocide in Gaza and express the Palestinian desire for statehood.

‘Intifada’ is a commonly-utilised term to describe the uprising/resistance for freedom by the Palestinian people against the actions of Israel. For example, the UN General Assembly used the term to describe the 1987 uprising.

‘From the river to the sea’ has been used by both Israeli and Palestinian politicians on the far ends of their respective political spectrums to claim the land “from the river to the sea” as belonging exclusively to either Jews or Palestinians. It is commonly used by more moderate camps amongst both Israelis and Palestinians as reflecting a desire for a political solution that would allow both groups to live in freedom in either one or two states.’, according to the Ontario Supreme Court in *University of Toronto (Governing Council) v. Doe et al.* 2024 ONSC 3755. The current Netanyahu Likud Party manifesto includes language to the same effect, being “between the Sea and the Jordan there will only be Israeli sovereignty.” (Likud Party Platform, 1977)

There is no evidence that the slogans have been used in themselves as an endorsement or expression of sympathy any terrorist organization or extremist group.

There is no evidence that banning the use of the slogans would have any impact on addressing the risk of extremist violence due to the lack of links between the use of these slogans and extremist violence and the difficulty of evaluating the risk of a person engaging in extremist violence. The Independent National Security Legislation Monitor, Mr Grant Donaldson SC, has expressed doubt that there could ever be a valid quantitative method to evaluate the risk of a person engaging in extremist violence because ‘within the pool of offenders, the variety of extremist violence and its causes is so diffuse that prediction of future acts is impossible’.

A variety of slogans are used in protests in Australia which could be interpreted as inciting violence and hatred, including slogans such as ‘fuck off, we’re full’ and ‘go back to where you came from’. There have been no legislative attempts to specifically prohibit such slogans.