

**Submission
No 116**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

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Submission to the NSW Inquiry on Banning Political Slogans

Introduction

As a researcher and academic at the University of Sydney specialising in transitional justice and enforced disappearances under the Franco regime in Spain, I oppose proposals to ban or criminalise political slogans, including phrases such as “globalise the intifada” and “from the river to the sea”. My work, including studies on the challenges to exhuming victims of the Spanish Civil War and Francoist dictatorship, has examined how politicised and repression of Republicans and left-leaning individuals created a legacy of silencing that persisted for over 80 years. This repression, under the guise of maintaining "peace" during Spain's transition to democracy, masked ongoing violence and denied justice to victims of enforced disappearances. I am concerned that banning political language in NSW would undermine protest rights, disproportionately impact Palestinian communities, and weaken democratic participation, potentially setting a precedent for broader suppression akin to the slippery slope seen in fascist regimes where language bans were used to erase dissent and collective memory. Furthermore, the banning of particular terms which are in another language, such as Arabic phrases that have been misused or misinterpreted by powerful interest groups, risks entrenching this suppression. For example, "intifada" fundamentally means to shake off, resist, or struggle, and reflects a legitimate movement against apartheid and genocidal actions by the state of Israel. Such bans, under the pretext of safety, could inadvertently prioritise a political ideology that conflates Judaism with state violence, doing nothing to protect NSW communities and instead making us all less safe by fostering division.

(a) Community cohesion and safety

There is no evidence that the use of these slogans, in and of themselves, poses a threat to community safety. In my experience studying peaceful protests and advocacy for justice in post-conflict Spain, such expressions are often used to voice solidarity and calls for accountability without inciting violence. For instance, during the Franco era, the regime banned Republican symbols and language under the pretext of national unity and safety, which instead deepened societal divisions and entrenched mistrust between communities. Silencing one community's political expression in NSW is more likely to deepen division and mistrust than to promote social cohesion, mirroring how Spain's blanket prohibitions fostered long-term alienation among repressed groups. This is particularly relevant when terms like "intifada" are targeted; by misrepresenting their original meanings of resistance and struggle against oppression, such legislation could exacerbate tensions rather than resolve them, ultimately undermining community safety.

(b) Claims that slogans are “inherently hateful”

Slogans cited in this inquiry have contested meanings and are used in different ways depending on context. Treating them as “inherently hateful” is racist and removes the need to consider intent or actual harm. In my research on the Franco regime, phrases and symbols associated with Republican resistance were similarly labelled as "subversive" or "hateful" by the dictatorship, justifying their criminalisation without regard for context or the non-violent intent of those using them. Political disagreement or offence should not be treated as criminal conduct. Restrictions on speech should be limited to situations involving genuine threats, intimidation or violence, as blanket interpretations risk repeating the historical errors of authoritarian regimes that used such claims to suppress opposition. Extending this to terms in

other languages, such as "intifada," which denotes shaking off or resisting injustice, often in response to apartheid and genocidal policies, highlights how power interest groups can misuse linguistic interpretations to stifle dissent, further entrenching racial and political biases.

(c) Protecting communities from hatred and violence

I strongly support protecting all communities from hatred, intimidation and violence. NSW already has criminal laws that address incitement to violence, threats and harassment. These laws focus on harmful conduct and provide appropriate safeguards. New laws banning political slogans such as "globalise the intifada" and "From the River to the Sea" are unnecessary. Drawing from Spain's experience, where the Franco regime's additional bans on "disruptive" language did little to curb actual violence but instead perpetuated a culture of fear and silencing, such measures in NSW could exacerbate rather than resolve tensions. Moreover, this type of legislation will not reduce antisemitism but actually extend and foment it, as it seeks to prioritise a political ideology and identity that conflates Judaism with violent state actions, thereby alienating communities and heightening risks of backlash without addressing root causes of hatred.

(d) Better approaches than banning slogans

Education, dialogue, anti-racism initiatives and the use of existing criminal law are more effective ways to address hatred and violence than banning words or phrases. Broad slogan bans risk escalating conflict rather than reducing it. My ethnographic work on forensic exhumations in Spain highlights how dialogue and educational efforts, such as public reckonings with historical injustices, have been crucial in democratising collective memory and fostering reconciliation after decades of enforced silence. In contrast, the regime's bans under fascism only prolonged division; NSW should prioritise similar constructive approaches over prohibitive ones, especially when dealing with multilingual terms that carry nuanced meanings of resistance.

(e) Free political expression

Banning specific political slogans would directly restrict political communication and protest. Political expression opposing occupation, apartheid or state violence should be protected, not singled out for punishment. The repression I have studied in Spain, where left-wing expressions were criminalised for 40 years under dictatorship, demonstrates how such bans create a chilling effect on free speech, stifling advocacy for justice and allowing injustices to persist unchecked. This is amplified when foreign-language terms are banned based on selective misinterpretations, as it silences global narratives of struggle and resistance.

(f) Existing laws are sufficient

Existing NSW and Commonwealth laws already deal with genuine threats to safety. Expanding into bans on political language risks inconsistent enforcement and overreach without improving community safety. Spain's transition period showed that relying on broad bans rather than targeted laws led to arbitrary applications and further erosion of trust in institutions. Prioritising bans on terms like "intifada" would only compound this, failing to enhance safety while potentially inflaming inter-community relations.

(g) Other concerns

Turning political language into an enforcement trigger risks increasing police–citizen confrontation at protests and damaging trust between communities and authorities. Such outcomes undermine long-term community safety and social cohesion. In the context of my research, the Franco regime's policing of language during protests not only escalated conflicts but also contributed to a legacy of enforced disappearances and unaddressed trauma, illustrating the dangers of prioritising suppression over dialogue. Similarly, in NSW, conflating legitimate resistance terminology with hatred could make all communities less safe by entrenching divisions and misdirecting efforts away from genuine protections against violence.

Conclusion and recommendations

In conclusion, my background in examining the long-term impacts of politicized and silencing under fascism in Spain underscores the perils of banning political language under the guise of safety. Such measures risk creating precedents that erode democratic freedoms and perpetuate division, much like the 80-year struggle for justice in Spain following the Civil War and dictatorship. The extension of bans to terms in other languages, misused by power interest groups to suppress resistance against apartheid and genocide, will not mitigate antisemitism but rather foment it by conflating religious identity with political violence, ultimately endangering NSW's social fabric. I urge the Committee to reject these proposals and instead focus on protecting free expression while addressing genuine harms through existing mechanisms.

I recommend to the Committee that:

1. No additional political slogans or symbols be banned or criminalised, including those associated with Palestinian advocacy.
2. Any proposed bans on specific slogans, including “globalise the intifada” or “From the River to the Sea” or “From the River to the Sea, Palestine will be Free” be abandoned.
3. Palestinian symbols, slogans and expressions of solidarity be explicitly recognised as protected political communication, not hate speech.
4. Legislation and guidance clearly distinguish between universally recognised hate symbols and political expression opposing occupation, apartheid or state violence.
5. Existing criminal law continue to address genuine threats of violence or intimidation without expanding into content-based regulation of political speech.
6. Protest rights and political expression be clearly protected within NSW criminal and public order law.
7. NSW Government acknowledge and reject the racial discrimination inherent in selectively policing Palestinian political expression.
8. NSW ensure any guidance to police and public authorities is content-neutral, evidence-based, and designed to prevent discriminatory enforcement against Palestinians and those advocating Palestinian rights.
9. Community education and dialogue initiatives be prioritised over broad prohibitions or expanded police powers.