

**Submission
No 11**

INQUIRY INTO RACIAL VILIFICATION LAW IN NSW

Name: Mr Safwan Zabalawi

Date received: 5/03/2013

Law and Justice Committee
The Parliamentary Inquiry
into Racial Vilification Laws in NSW

5 March, 2013

Submission to The Law and Justice Committee

Viewing the subject of Racial Vilification Laws in NSW becomes the clearest when the reference in views is based on the concept of Human Rights. Obviously, an application of one particular right should not contradict the spirit of another. In this perspective then, the Right to Expression should not contradict other Rights of citizen: to live without discrimination and also to freely participate in public life.

The Right to participate in public life allows for public action against social injustice, such as: demonstrations, speeches and boycott, and which took place in the past against the oppressive and discriminatory policy of Apartheid-South Africa - these were "*public acts*" aimed at opposition of anti Human Rights groups of extremists who happened to be in government at that time.

On the political motivation of this government's decision to re-examine Racial Vilification Laws, an article in SMH refers to the issue of Boycott of Israel as a reason. The concept of "Boycott" is a public act based on legal and social liberty grounds. For example, boycott of products associated with animal cruelty, boycott of products associated with child-labour and boycott of companies which contribute to social injustice by systems based on apartheid - all these public acts are effective in inciting opposition to cruelty, child labour or apartheid.

This government supports the principle of *social co-existence* between diverse racial groups in NSW and opposes discrimination let alone apartheid. Based on this, and other facts related to Human Rights, Racial Vilification Laws should possess the spirit of Australian standards regarding social co-existence and opposition to apartheid. The legal act of boycotting (and informing the public about infringements of any side to human Rights) is not by its nature an act of inciting hatred but opposing racial hatred (as it happened in South Africa, and now with Israel).

Racial Vilification Laws would be defeating their essence if they are made to criminalise Boycott of Apartheid countries such as Israel. This boycott has firm legal grounds, it is supported by many Jews - while the description of Israel as an "apartheid state" was voiced by Israel's own PM (2007 and 2010). If this government's laws would imply that citizen's right to boycott is to be regarded as a form of 'incitement of hatred', then the laws can be misused by offenders of Human Rights, claiming of being "victims" ! In this way the government is making laws which suppress social and public actions to promote Human Rights and taking sides implicitly supporting offenders of Human Rights, by their own admission.

Instead of employing the court in such disputes, it would be more effective to seek remedies in terms of public discussion, forums, and open dialogue. The foreign-to -Australia policy of apartheid and racial/religious discrimination should not influence changing NSW Racial Vilification Laws.

Regards,

Safwan Zabalawii