

Royal Commission into Antisemitism and Social Cohesion

Submission of the Australian Human Rights
Commission

12 June 2026

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Acknowledgement of Country

The Australian Human Rights Commission acknowledges the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders – past and present.

About the Australian Human Rights Commission

Our vision for Australia is one where everyone can live free and equal in dignity and rights as part of a strong, healthy democratic society.

We have 4 core functions under our legislation:

- Access to justice: We help people to resolve complaints of discrimination and human rights breaches through our complaint handling services.
- Fairer laws, policies and practices: We review existing and proposed laws, policies and practices and provide expert advice on how they can better protect people's human rights. We help organisations to protect human rights in their work. We publish reports on human rights problems and how to fix them.
- Education and understanding: We promote understanding, acceptance and public discussion of human rights. We deliver workplace and community human rights education and training.
- Compliance: We are the regulator for positive duty laws requiring employers and others to address sexual harassment, sex discrimination and other unlawful conduct.

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Foreword

Antisemitism is prejudice, discrimination and hatred against Jews. It is a form of racism. Antisemitism harms the Jewish community and it harms broader Australian society. We must eliminate antisemitism and all forms of racism in Australia.

The escalation of antisemitism in Australia in recent years has had a profound and deeply personal impact on Jewish people, families and communities. This is not something they should be left to confront in isolation. It is a defining moment for our nation, testing our collective resolve to stand against racism and uphold the dignity and safety of all.

Since the arrival of Jewish convicts on the First Fleet in 1788, Jews have been part of Australian society. Jews have made significant contributions to Australia in all aspects of life including law, business, architecture, music, science, politics, defence and sport. Two Jewish Australians have served in our nation's highest office of Governor-General.

Antisemitism has long been a feature of Australian society. Antisemitism is an ancient hatred that was imported into Australia after colonisation. Open antisemitism featured in Australian newspapers, magazines and political dialogue from the 1880's onwards drawing on common tropes. Australia had a hostile attitude to the plight of European Jews despite the horrors inflicted on them by the Nazi regime. Australian antisemitism led to the exclusion of Jews from sporting and social clubs and some businesses and to targeted migration limits.

While antisemitism was prevalent in Australia prior to the 7 October 2023 attack and Israel's response, it surged afterwards. From the hostile chants on the Opera House on 9 October to the terror attack at Bondi where 15 innocent people had their lives taken, the Australian Jewish community has endured a horrific manifestation of antisemitic hatred.

Antisemitism is causing Jewish Australians profound distress and harm. High profile incidents like the arson and graffiti attacks on synagogues, Jewish schools, businesses, homes, a Jewish MP's office and a childcare centre rightly receive significant public attention. What is often less appreciated is the way that the rise in antisemitism has profoundly changed the daily lives of Jewish Australians. The evidence gathered so far by this Royal Commission, by Jewish community organisations, by Parliamentary inquiries and academic research, and by the Australian Human Rights Commission's own work, attests to this. Antisemitism is making Jewish Australians feel pressure to hide their identity, religion and culture, to retreat from public life and to question their belonging in

our nation. It is fracturing relationships with friends, colleagues and community groups. The constant vigilance and heightened security needed to respond to antisemitic threats is exacting an exhausting psychological toll.

As this submission sets out, we need to respond to all forms of racism in a coordinated, targeted and foundational way. We also need to recognise that each form of racism and prejudice has unique dimensions requiring unique responses.

There are many unique aspects to antisemitism in Australia. The Australian Jewish community is relatively small, around 0.5% of our population and mostly living in Melbourne and Sydney. They have diverse ethnic backgrounds, political affiliations, cultures and varying levels of religious belief and practice. Jews are recognised as an ethnoreligious group, with religion and culture intertwined. Intergenerational trauma shapes Jewish Australian experiences. Melbourne is home to the largest per capita population of Holocaust survivors outside of Israel.

While Australian Jews have diverse views, a large majority describe themselves as Zionist – believing in the right of the Jewish people to self-determination through the establishment of a Jewish homeland in Israel. Many Australian Jews feel a strong attachment to the modern nation state of Israel. A small but significant part of the Australian Jewish community are Israeli and speak Hebrew as their first language. Some Australian Jews are opposed to Zionism. Many Australian Jews, both Zionist and non-Zionist, disagree with and actively protest against the actions of the Israeli Government.

An important driver of the surge in antisemitism in Australia has been people wrongly holding Australian Jews collectively responsible for the actions of the current Israeli Government. Some people also advance a perverse logic that because Israel has unjustly harmed people in Gaza, it somehow is justified to harm Australian Jews. Jews are demonised on the extreme left and extreme right of politics, often using ancient tropes. Understanding these unique dimensions to antisemitism in Australia assists in developing targeted actions to respond to it.

We acknowledge the courage of those who have shared their testimony with this Royal Commission and other inquiries, often at great personal cost. They do so because they want change. We must honour their evidence and bring about that change.

The issues being investigated by this Royal Commission go to the heart of our nation. When we fail to protect a minority group from harm, we fail as a nation. Taking action against antisemitism benefits our society as a whole. It requires us

to address the systemic and institutional failures which in turn helps other communities targeted by racism.

We cannot allow antisemitism, or any form of racism, to be normalised in our society. We must take urgent action to ensure that everyone in Australia can live in safety and equality, proud in their culture, religion and identity.

Hugh de Kretser, President

Giridharan Sivaraman, Race Discrimination Commissioner

Lorraine Finlay, Human Rights Commissioner

Executive Summary

1. The Australian Human Rights Commission (AHRC) welcomes the opportunity to engage with the Royal Commission into Antisemitism and Social Cohesion (Royal Commission). This submission builds on the AHRC's interim submission provided on 2 April 2026.
2. This submission will address clauses (a)(i), (a)(ii), (a)(iii), (a)(iv), and (b)(i) of the Letters Patent – Royal Commission on antisemitism and social cohesion (**Letters Patent**).
3. Recent work by the Commission has highlighted the pervasive nature of racism in Australia, which causes real harm to people every day. Racism has a long history here, beginning at first contact. It is entrenched in Australia's systems, structures and institutions.
4. Moments of crisis expose and intensify racism.¹ Antisemitism in Australia surged after the 7 October 2023 attack on Israel by Hamas and the subsequent war in Gaza.
5. The AHRC has heard from people about their lived experiences of antisemitism in Australia - its nature and its impact on people and communities. These experiences are discussed in detail in section 2 of this submission.
6. They include stories of antisemitism in workplaces, education settings, and the media. Antisemitism on social media was identified as a matter of priority concern. Antisemitism in political discourse was also raised.
7. The impact of the rise in antisemitism has been and continues to be severe. It has caused profound pain and distress and added weight on communities that have carried the trauma of experiences of vilification and discrimination for generations.
8. Antisemitism harms individuals and communities – affecting people's identity and self-esteem, health and personal security, their sense of belonging and inclusion in communities and their participation in public life.
9. Many shared with the AHRC that this burden has been compounded by the responses to antisemitism they and those in their community have experienced.
10. Government action, or the lack of it, to address antisemitism was identified as a compounding factor. Policing was flagged as an area in which antisemitism is little understood, where official responses are inconsistent or where sometimes there is no action taken at all. Some perceived the justice

system as failing to adequately act against antisemitism and protect targets from harm.

11. The horrific terrorist attack at Bondi Beach on 14 December 2025 is the worst antisemitic event ever seen on our shores. It shows how racial hatred can escalate into horrific violence, causing profound grief, trauma and loss for the Jewish community and others across the nation.
12. The terms of reference of this Royal Commission focus on addressing antisemitism and the Bondi attack. Our submission responds to this focus. Importantly, the Royal Commission's terms of reference include examining measures to strengthen social cohesion in Australia more broadly. In this regard, it is important to recognise that other forms of racism have surged in Australia in recent years, including racism against First Peoples, Islamophobia and anti-Palestinian racism. Each form of racism has both common and unique aspects. We need to comprehensively address all forms of racism in Australia. This will promote social cohesion. Our submission addresses these issues.

Recommendations

13. The AHRC supports strong legal protections against racism. Legal responses alone cannot address the complex social, cultural and technological factors that drive antisemitism. Policy, education and community led initiatives should work alongside legal frameworks to address antisemitism and strengthen inclusion.
14. Tackling antisemitism requires a multi-pronged approach focused on prevention, effective response mechanisms and institutional accountability.
15. Our recommendations are holistic and connected. They complement each other and address different aspects of this approach:
 - The National Anti-Racism Framework provides overarching policy guidance for addressing racism across the Australian community and within government. It forms a foundational response to racism and supports tailored targeted policy initiatives to address antisemitism and other unique forms of racism.
 - Reformed, modernised federal discrimination laws will create more effective protection against antisemitism and other forms of racism and prejudice. This should include establishing federal legal protection against religious discrimination.
 - Legislating a Digital Duty of Care will help to address racism and hatred online.

- Protecting human rights by establishing an Australian Human Rights Act will help to address racism and hatred, promote social cohesion and provide a framework for balancing rights such as freedom of expression and freedom from hate speech when they intersect.

16. The AHRC submits that the Royal Commission should make the following recommendations in its report.

Recommendations

1. The Australian Government should immediately establish a task force or similar mechanism to determine prioritisation and sequencing of each of the recommendations of the AHRC's National Anti-Racism Framework to address antisemitism and all forms of racism. The task force or similar mechanism should develop and oversee implementation plans for those priority recommendations. The task force or similar mechanism should be co-chaired by the Race Discrimination Commissioner and a Secretary (representing the Australian Government's Secretaries Board), with senior government membership from across federal, state and territory jurisdictions, and relevant peak organisations. The Australian Government should provide funding for identified priority recommendations.
2. The task force or similar mechanism or, if this is not established, Australian governments should consider the following recommendations of the National Anti-Racism Framework as a priority:
 - a. Recommendation 20 regarding mandatory workplace anti-racism training in government workplaces
 - b. Recommendation 43 regarding review of anti-racism and cultural safety training within the justice system
 - c. Recommendation 28 regarding mandatory professional development for primary and secondary school staff on racism and building capability to discuss it
 - d. Recommendation 29 regarding nationally consistent anti-racism resources and educational materials for staff and students in curricula that focus on recognising and rejecting racism including contemporary forms of racism
 - e. Recommendation 33 regarding funding public awareness and education on anti-racism for the community sporting sector, in partnership with the Australian Sports Commission
3. The Australian Government implement the following priority recommendations of the National Anti-Racism Framework:

- a. Recommendation 25 regarding developing nationally consistent standards for employers and employees to report experiences of racism and racial discrimination in the workplace
 - b. Recommendation 59 regarding adopting and funding a National Anti-Racism Data Plan
 - c. Recommendation 60 regarding collecting data about experiences of racism, including systemic and structural racism, in ongoing national surveys
4. Australian governments implement the following priority recommendations of the National Anti-Racism Framework:
 - a. Recommendation 61 regarding funding the Australian Human Rights Commission, anti-discrimination and human rights bodies, and work, health, and safety agencies to collect intersectional data under their respective mandates
 - b. Recommendation 62 regarding the commitment of ongoing and adequate funding to existing or prospective third-party reporting mechanisms that take an anti-racist approach to collecting data about racism as it affects different communities
5. The Australian Government should strengthen the *Racial Discrimination Act 1975 (Cth)* by legislating the following amendments:
 - a. Introduce a positive duty requiring government agencies, service providers, employers and persons conducting a business or undertaking to take reasonable and proportionate measures to eliminate, as far as possible, racial discrimination and racial vilification, consistent with Recommendation 10 of the National Anti-Racism Framework.
 - b. Introduce additional powers for the AHRC to assess compliance with, and enforcement of, the positive duty, consistent with Recommendation 11 of the National Anti-Racism Framework
 - c. Amend the victimisation provisions (sections 18AA and 27) to bring them in line with other federal anti-discrimination laws.
6. The Australian Government should amend the *Australian Human Rights Commission Act 1986 (Cth)* to remove the requirement in s 46POA for representative organisations to obtain the written consent of all represented individuals to commence proceedings in the federal courts.
7. The Australian Government should introduce offences for promoting or inciting racial hatred or superiority on the basis of race, colour or national or ethnic origin in the *Criminal Code Act 1995 (Cth)* that achieve full compliance with Article 4(a) of ICERD and withdraw Australia's reservation from ICERD.

8. The Australian Government should introduce laws to prohibit discrimination on the grounds of religion.
9. The Australian Government should continue investment in digital and AI literacy across all levels of education, and in the community, to equip people with the skills necessary to critically navigate information environments.
10. The Australian Government should ensure funding and support for civil society organisations working in the areas of digital rights (including online safety) in order to ensure independent research, education and engagement in this area.
11. The Australian Government Digital Duty of Care should require social media platforms to identify, assess and mitigate foreseeable risks arising from recommender systems and monetisation practices that incentivise the amplification and normalisation of antisemitism and other racist narratives.
12. The Australian Government should provide additional core funding to the Australian Human Rights Commission to resource:
 - a. the Investigations and Conciliation Service to process the high volume of complaints and to conduct conciliations in a timely manner
 - b. expanded education, community engagement and awareness activities to provide information about how to make complaints and the complaints process under the *Racial Discrimination Act 1975* (Cth).
13. The Australian Government should legislate a national Human Rights Act, in line with the recommendations of the *Free & Equal* report.

1 International human rights law and domestic implementation

This section gives an overview of the relationship between Australian domestic law and international human rights instruments. These instruments include specific rights to equality and non-discrimination, the rights to freedom of religion and freedom of expression and the right to freedom of peaceful assembly. Guidance about the balancing of rights by reference to human rights principles is also included.

17. Antisemitism impacts upon the lives and human rights of Jewish people around Australia. Understanding the nature and scope of these rights, as well as how these rights intersect, is crucial to improving responses to antisemitism.
18. In line with the AHRC's mandate to provide advice to enable the development of laws, policies and programs consistently with Australia's international human rights obligations, and having regard to the Royal Commission's Letters Patent, the below section explains how international human rights law can provide a framework to support effective domestic legal and policy responses to racism, including antisemitism.

International law

19. Human rights recognise and protect the inherent value of each person. They are grounded in principles of dignity, equality and mutual respect. Human rights advance the fair treatment of people and communities.
20. The Australian Government has signed and agreed to be bound by several major international human rights treaties and instruments,² including:
 - International Covenant on Civil and Political Rights (ICCPR)
 - International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
21. These treaties set out human rights that are relevant to the Royal Commission's inquiry, including in particular:
 - The rights to equality and non-discrimination
 - The right to religious freedom
 - The right to freedom of expression
 - The right to freedom of assembly.
22. These rights are not absolute and need to be balanced against one another, as well as other rights, in a functioning democracy.

23. International human rights law provides valuable guidance for States on how to balance rights where they intersect.
24. Before limiting fundamental rights such as freedom of assembly or speech, it is essential to assess whether less restrictive measures could address the harmful behaviour, ensuring any limitations are genuinely necessary and proportionate.

Equality, non-discrimination

25. The rights to equality and non-discrimination are protected under articles 2 and 26 of the ICCPR, as well as under other international treaties.³
26. States must ensure and respect the human rights of all people within their jurisdiction 'without distinction', including on the basis of race and religion.⁴ They should do so through existing law and adopting new laws and measures to give effect to human rights.⁵ People should be able to claim their rights and have an effective remedy where their rights are violated.⁶
27. States must also 'prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground' such as race and religion.⁷

Prohibiting racial discrimination

28. Racial discrimination is defined under article 1(1) of ICERD to mean:
29. any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
30. States must, under article 2(1) of the ICERD:
31. condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races.
32. To this end, States must:
 - ensure that public authorities and institutions do not engage in racial discrimination
 - undertake not to sponsor or support racial discrimination by people or organisations
 - review policies and reform laws and regulations that create or perpetuate racial discrimination and

- take 'special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them' to guarantee full and equal enjoyment of human rights.⁸

33. Under article 4 of ICERD, States must condemn propaganda and organisations based on 'ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form'. They are required to adopt immediate and positive measures to eradicate all incitement to, or acts of, such discrimination.⁹

34. States must penalise under law:

- the dissemination of ideas based on racial superiority or hatred
- incitement to racial discrimination
- acts of violence or incitement to acts of violence against people based on their race, colour or ethnic origin, and
- providing assistance to racist activities including financing them.¹⁰

35. When Australia ratified ICERD in September 1975, it made a declaration in the following terms:

Australia is not at present in a position specifically to treat as offences all the matters covered by article 4 (a) of the Convention. Acts of the kind there mentioned are punishable only to the extent provided by the existing criminal law dealing with such matters as the maintenance of public order, public mischief, assault, riot, criminal libel, conspiracy and attempts. It is the intention of the Australian Government, at the first suitable moment, to seek from Parliament legislation specifically implementing the terms of article 4 (a).

36. This reservation to Article 4 (a) has not been withdrawn and remains in place more than 50 years after Australia ratified the ICERD.

37. Under Article 5 of the ICERD, States must prohibit and eliminate racial discrimination in all its forms, and guarantee the right of everyone to equality before the law, including the enjoyment of the following rights:

- The right to freedom of thought, conscience and religion
- The right to freedom of opinion and expression
- The right to freedom of peaceful assembly and association
- The right to work, including to just and favourable conditions of work.
- The right to education and training
- The right to equal participation in cultural activities.¹¹

38. The CERD Committee has made clear that States must ensure the effective implementation of the prohibition against racial discrimination, be it through the use of public institutions, or ensuring private institutions do not create or perpetuate racial discrimination.¹²

Freedom of religion

39. The right to freedom of religion is protected under article 18 of the ICCPR:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching...¹³

40. States must not restrict freedom of thought and conscience or the freedom to have or adopt a religion or belief of one's choice.

41. States must also protect the freedom to manifest religion or belief, which may be exercised individually or in community with others, in private or in public. The right may be exercised through worship, observance, practice and teaching.¹⁴

42. The right to manifest religion and belief may be restricted by a State only where three conditions are met:

- The restriction is provided for by law
- The restriction is only imposed to protect public safety, order, health or morals, or the fundamental rights and freedoms of others and
- The restriction conforms to the strict tests of necessity and proportionality.¹⁵

43. States also have an obligation to prohibit manifestations of religion or belief where they amount to 'propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'.¹⁶

44. United Nations Special Rapporteurs are independent human rights experts appointed by the UN Human Rights Council. Successive Special Rapporteurs on freedom of religion or belief have provided guidance and recommendations on the protection of the rights relevant to the work of the Royal Commission.

45. In 2019, Special Rapporteur Ahmed Shaheed delivered a report to the UN General Assembly on the elimination of all forms of religious intolerance, focusing in particular on antisemitism.¹⁷ In that report, he said:

Antisemitism is toxic to democracy and mutual respect of citizens and threatens all societies in which it goes unchallenged...

the frequency of antisemitic incidents appears to be increasing in magnitude in several countries...

...those incidents have created a climate of fear among a substantial number of Jews, impairing their right to manifest their religion, and that discriminatory acts by individuals and laws and policies by Governments have also had a negative impact.¹⁸

46. The Special Rapporteur urged States to:

...follow a human rights-based approach to combating antisemitism. Such an approach includes implementing measures that foster the development of democratic societies that are resilient to extremist ideologies, including antisemitic propaganda, by fostering critical thinking, empathy and human rights literacy among self-reflective citizens with the requisite proficiency and confidence to peacefully and collectively reject antisemitism and other forms of intolerance and discrimination. It also requires investments in education and training to enhance society-wide literacy with regard to the different ways in which antisemitism manifests itself.¹⁹

47. He made several recommendations to States, including to:

- Invest in preventive security measures, compliant with human rights law, to deter antisemitic hate crimes
- Enact and enforce hate crime legislation that is 'clear, concrete and easy to understand'
- Establish data collection systems to document information on antisemitic hate crimes.
- Ensure accessible and confidential mechanisms to facilitate the reporting of antisemitic hate crimes and raise awareness within Jewish communities about where and how to report incidents.²⁰

48. In 2022, Special Rapporteur Nazila Ghinea delivered a report on hatred on the basis of religion or belief. The report discussed the forms that such hatred can take:

Concrete hateful representations of the targeted community often portray their inferiority, exclusion and lack of belonging, not only in terms of their religion or belief, but also their nationality, citizenship, race, migration status, cultural values, language and other factors that may be constructed in relation to it.

While they may deploy religious language and framing, the speakers themselves, including their political agendas, are often quite distanced

from religious teachings, practice or institutions. Instead, religion is weaponized by the speakers as an identity marker against which the “other” is contrasted.²¹

49. Forms of hatred on the basis of religion can include:

- direct threats, abuse and harassment (online and offline)
- the propagation of conspiracy theories, myths and stereotypes
- the denial of the Holocaust or other historical atrocities
- the attribution of responsibility to religious or belief minorities for the actions of their perceived “kin” elsewhere
- the use of biased or discriminatory language by public figures.²²

50. The Special Rapporteur recognised the significant impacts of hatred on the basis of religion or belief, including psychological harm and harm to dignity.²³

51. She emphasised that States’ measures to address hatred must be undertaken in a human rights compliant manner. Her recommendations include:

- Collecting data, records and reporting on all expressions of hate speech on a regular basis.
- Taking ‘timely and robust’ action against discriminator speech, in some cases through civil suits or administrative actions, or as a last resort in strictly justifiable situations, criminal sanctions.
- Investing in long-term trust building and cohesion to foster communication and collaboration
- Adopting comprehensive anti-discrimination legislation to prevent and respond to hatred based on religion or belief.
- Adopting legislation prohibiting advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence in accordance with article 20 of the ICCPR.²⁴

Freedom of expression

52. The United Nations Human Rights Committee monitors the implementation of the ICCPR. It has recognised freedom of expression as ‘the foundation stone for every free and democratic society’, ‘indispensable’ to the full development of the person, and essential for the protection and promotion of other human rights.²⁵

53. The right to freedom of expression is protected under article 19 of the ICCPR. It includes the:

freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.²⁶

54. States have an obligation to protect freedom of expression in all forms, including political discourse and discussion of human rights.²⁷
55. The right is not, however, absolute. The exercise of the right 'carries with it special duties and responsibilities', and expression can be appropriately restricted in certain circumstances.²⁸
56. Three conditions must be met to permit a restriction on freedom of expression under article 19(3):
- the restriction is provided for by law
 - the restriction is only imposed either for (a) the respect of the rights or reputations of others, or (b) for the protection of national security, public order, or public health or morals and
 - the restriction conforms to the strict tests of necessity and proportionality.²⁹
57. In addition to this, article 20(2) of the ICCPR *requires* States to restrict expression through prohibiting and providing sanctions for 'any advocacy or national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'.³⁰ This is done in order to avoid 'serious injury to the human rights of others'.³¹
58. Expression must meet a high threshold to be considered such advocacy:
- [A]dvocacy of national, racial or religious hatred is not a breach of article 20, paragraph 2, of the Covenant on its own. Such advocacy becomes an offence only when it *also constitutes incitement to discrimination, hostility or violence*; in other words, when the speaker seeks to provoke reactions (perlocutionary acts) on the part of the audience, and there is a very close link between the expression and the resulting risk of discrimination, hostility or violence. In this regard, context is central to the determination of whether or not a given expression constitutes incitement.³²
59. Where these prohibitions exist, they must also satisfy the three conditions set out under article 19(3).³³
60. As discussed above, States must also condemn and penalise under law racist propaganda and under Article 4 of ICERD.³⁴ The Committee on the Elimination of Racial Discrimination (CERD) monitors the implementation of the Convention, and has recommended that the following be taken into account in determining whether expression should be declared an offence punishable by law:
- The content and form of speech (e.g. provocative, directness, construction and dissemination, style of delivery)

- The economic, social and political climate at the time the speech was made and disseminated
- The position or status of the speaker, and the audience to which the speech is directed
- The reach of the speech, including means of transmission
- The objectives of speech (e.g. protecting or defending the human rights of individuals and groups should not be subject to criminal or other sanctions).³⁵

61. The CERD has emphasised that the expression of ideas and opinions made in the context of academic debates, political engagement or similar activity, and *without* incitement to hatred, contempt, violence or discrimination, should be regarded as legitimate exercises of the right to freedom of expression, even when such ideas are controversial.³⁶

62. United Nations experts have also provided guidance on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility in the Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence (Rabat Plan of Action).³⁷

63. The Rabat Plan of Action sets out factors for consideration, including social context, the speaker's status and intent, the content and form of the speech, nature of the audience, as well as the reach of communication and imminence of harm.³⁸

Right to peaceful assembly

64. States must protect the right to peaceful assembly under article 21 of the ICCPR. Under this right, people are able to 'express themselves collectively and...participate in shaping their societies'.³⁹

65. The Human Rights Committee has recognised this right as vital to the 'foundation of a system of participatory governance based on democracy, human rights, rule of law and pluralism'.⁴⁰ The Committee has set out detailed guidance on the interpretation of this right in its General Comment No 37. The below highlights aspects of that guidance the AHRC considers are particularly relevant to the Royal Commission's inquiry.

66. Peaceful assemblies can take varied forms, including protests.⁴¹ They may pursue contentious ideas or goals, and can cause disruption, whilst still being protected under international law.⁴²

67. The right to peaceful assembly protects 'non-violent gatherings' for specific purposes – principally expressive ones.⁴³ The rules that apply to freedom of expression apply to these expressive elements of assemblies.⁴⁴ People

engaging in expression have special duties and responsibilities, and must respect the human rights of others, including the right to non-discrimination.⁴⁵

68. States have an obligation to respect and ensure the right to peaceful assembly.⁴⁶ This entails both a negative duty to refrain from unwarranted interference with assemblies, and positive duties to facilitate peaceful assembly and create an enabling environment for the exercise of the right without discrimination.⁴⁷

69. The right to peaceful assembly is not, however, absolute. It may be limited in certain cases, if restrictions:

- Comply with the principle of legality
- Are necessary and proportionate to permissible grounds
- In pursuit of at least one of the following grounds only: the interests of national security, public safety, public order, the protection of public health and morals, or the protection of rights and freedoms of others.⁴⁸

70. The principle of legality refers to the need for restrictions to be imposed through the law, or through administrative decisions that are based on law. The laws in question need to be 'sufficiently precise' to allow people to decide how to regulate their conduct and should not confer unfettered discretion to those enforcing the laws.⁴⁹

71. Restrictions must also be necessary and proportionate 'in the context of a society based on democracy, the rule of law, political pluralism and human rights' – not just reasonable or expedient.⁵⁰ 'Necessary' means they respond to a 'pressing social need' relating to the permissible grounds, and must be the least intrusive measure to serve that function.⁵¹ Whether a restriction is 'proportionate' depends on weighing the potential benefit of interference (to the permissible grounds) against the detrimental impact of the interference on the enjoyment of the right to peaceful assembly.⁵² Where the detriment outweighs the benefit, the restriction is disproportionate and not permissible.⁵³

72. Article 21 sets out an exhaustive list of permissible grounds for limitation.

73. The ground of 'interests of national security' can be invoked where restrictions are 'necessary to preserve the State's capacity to protect the existence of the nation, its territorial integrity or political independence against a credible threat or use of force'.⁵⁴ This is a high threshold that will only be met by 'peaceful' assemblies in exceptional cases.⁵⁵

74. The ground of 'public safety' can be invoked where an assembly 'creates a real and significant risk to the safety of persons or a similar risk of serious damage to property'.⁵⁶
75. 'Public order' refers to the fundamental principles upon which society is founded (such as human rights) or the rules that ensure the proper functioning of society. States should not rely on vague definitions of 'public order' to justify undue restrictions and should be tolerant towards assemblies that are inherently or deliberately disruptive.⁵⁷
76. The ground of 'protection of public health' such as where there is an outbreak of infectious disease, applies only in exceptional cases.⁵⁸ The protection of 'morals' should not be used to protect understandings of morality from 'a single, social, philosophical or religious tradition', but rather 'in light of the universality of human rights, pluralism and...non-discrimination'.⁵⁹ It should similarly only be used in exceptional cases.⁶⁰
77. Protecting the 'rights and freedoms of others' may relate to other human rights in the ICCPR, or other human rights of people that are not participating in the assembly.⁶¹ In assessing this, States must accommodate peaceful assemblies, even if they disrupt ordinary life, unless they impose a 'disproportionate burden', in which case States need to provide detailed justification for restrictions.⁶²
78. States seeking to impose restrictions on the right bear the onus of demonstrating that the above conditions have been met.⁶³ A failure to do so amounts to a violation of article 21.⁶⁴
79. There are also additional considerations for States seeking to restrict peaceful assembly. States should:
- approach restrictions with the objective of facilitating the right to peaceful assembly.⁶⁵
 - ensure restrictions are not discriminatory, nor impair the essence of the right, or are aimed at discouraging participating in assemblies or causing a 'chilling effect'.⁶⁶
 - ensure restrictions are based on 'differentiated or individualised' assessments of the conduct of participants.⁶⁷ Blanket restrictions on assemblies are presumed to be disproportionate.⁶⁸
 - consider allowing assemblies and addressing possible transgressions at the event afterwards (rather than imposing prior constraints).⁶⁹
 - first seek to apply the 'least intrusive measures'.⁷⁰
 - consider prohibitions of a specific assembly only as a 'measure of last resort'.⁷¹

80. The Human Rights Committee makes clear that restrictions must be 'content neutral', because the contrary approach defeats the purpose of assemblies as a 'tool of political and social participation that allows people to advance ideas and establish the extent of the support that they enjoy'.⁷²
81. States must also ensure they respect other human rights relevant to peaceful assembly.
82. The rules applicable under article 19 (freedom of expression) of the ICCPR must be followed in States' responses to the expressive elements of peaceful assembly.⁷³ Restrictions should not be used to stifle expression relating to political opposition to government and challenges to authority.⁷⁴ Generally, the use of signs, banners, flags and uniforms are legitimate forms of expression, 'even if such symbols are reminders of a painful past'.⁷⁵ However, where symbols are 'directly and predominantly associated with incitement to discrimination, hostility or violence' appropriate restrictions should apply.⁷⁶
83. In accordance with article 20 of the ICCPR, action should be taken by States against participants in an assembly where their conduct amounts to propaganda for war, or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.⁷⁷ As far as possible, action should not be taken against the assembly as a whole, unless that assembly's 'dominant message' falls within the scope of article 20 – in which case States should address this in line with the requirements set out in articles 19 and 21.⁷⁸
84. As a general rule, the fact that an assembly provokes, or may provoke, a 'hostile reaction' from members of the public against participants does not justify restriction.⁷⁹
85. In exceptional cases where the State is 'manifestly unable' to protect participants from threats to their safety, restrictions may be imposed.⁸⁰ Restrictions will need to be able to withstand 'strict scrutiny':
- An unspecified risk of violence is insufficient.
 - A mere possibility that authorities will not have capacity to prevent or neutralise violence against participants is insufficient.
 - States must base restrictions on a 'concrete risk assessment'.
 - States must show that they would not be able to contain the situation, even if 'significant law enforcement capability were to be deployed'.
 - States must consider less intrusive restrictions (e.g. postponement or relocation) before resorting to prohibiting an assembly.⁸¹
86. Restrictions relating to time, place and manner of assembly must generally be content neutral, and authorities bear the onus of justifying such restrictions on a case-by-case basis.⁸²

87. The timing, duration or frequency of an assembly may be central to achieving its objectives.⁸³ Participants must have sufficient time to manifest their view or pursue other purposes effectively, and assemblies should generally be 'left to end by themselves'.⁸⁴ Restrictions on precise time or date of assemblies 'raise concerns about compatibility' with the ICCPR.⁸⁵ Assemblies should not be restricted solely because of their frequency.⁸⁶ The cumulative impact of a sustained assembly may be weighed in the proportionality assessment of a restriction.⁸⁷

88. Peaceful assemblies may, in principle, be conducted in all public spaces.⁸⁸ Some rules, such as access to buildings and parks, may limit the right to assemble in these spaces, but must be justifiable under the requirements of article 21.⁸⁹ Where restrictions are imposed, they:

- Should, as far as possible, allow participants to assemble within sight and sound of their target audience' or site important to their purpose.⁹⁰
- Should not relegate assemblies to 'remote areas' where they cannot effectively capture the attention of their intended audience, or the general public.
- Should not, as a general rule, impose a blanket ban on all assemblies in a capital city; all public places except one specific location within or outside of a city; or on all streets of a city.
- Should avoid designating perimeters of public places (e.g. courts, parliaments) where assembly may not take place.
- Must be 'specifically justified and narrowly circumscribed'.⁹¹

89. Peaceful assemblies may also take place in private spaces, however in these cases the 'interests of others with rights in the property must be given due weight'.⁹² Access to private property may not be denied on a discriminatory basis.⁹³ The following factors also need to be considered:

- Whether the space is routinely publicly accessible
- The nature and extent of the interference caused by the assembly on the interests of others with rights in the property
- Whether those holding rights in the property approve of the use
- Whether the ownership of the space is contested through the assembly
- Whether participants in the assembly have other reasonable means to achieve the purpose of the assembly.⁹⁴

90. States should allow participants to determine the equipment they want to use (e.g. posters, megaphones, musical instruments, technical equipment, structures).⁹⁵

91. States should not limit the number of participants allowed to take part in an assembly, unless there is a 'clear connection with a legitimate ground for restriction' set out in article 21.⁹⁶
92. Participants should also be allowed to wear face coverings or take steps to participate anonymously in an assembly, as part of the free expression or to protect their privacy (article 17 ICCPR).⁹⁷ Anonymity should be allowed 'unless their conduct presents reasonable grounds for arrest', or there are 'similarly compelling reasons'.⁹⁸ The use of disguises 'should not in itself be deemed to signify violent intent'.⁹⁹
93. Data gathering during assemblies may violate participants' right to privacy.¹⁰⁰ State authorities may collect relevant information to assist in facilitating assemblies, but this must not result in suppressing rights of creating a chilling effect.¹⁰¹ Information gathering by public or private entities (including that obtained through surveillance, intercepted communications or social media monitoring) must be collected, shared, retained and accessed strictly in conformity with international standards, including the right to privacy.¹⁰² It should not be used to intimidate or harass participants, or would be participants in assemblies.¹⁰³ Information collection should be regulated appropriately through public accessible domestic legal frameworks compatible with international standards, and subject to court scrutiny.¹⁰⁴
94. The restriction of public officials' participation in peaceful assemblies should only be as 'strictly required...to ensure public confidence in their impartiality, and...their ability to perform their service duties'.¹⁰⁵ Restrictions should comply with the requirements set out in article 21.¹⁰⁶
95. Organisers and participants of assemblies are 'expected to comply with the legal requirements of an assembly and may be held accountable for their own unlawful conduct'.¹⁰⁷ Organisers should only be held accountable for damage or injuries for which they were not directly responsible where 'evidence shows that... [they] could reasonably have foreseen and prevented the damage or injuries'.¹⁰⁸
96. State authorities should not require undertakings from individuals to not organise or participate in assembly in future, nor force anyone to participate in an assembly.¹⁰⁹ Criminal or administrative sanctions imposed on organisers or participants must be proportionate, non-discriminatory and 'not be based on ambiguous or overbroadly defined offences' or suppress the rights protected under the ICCPR.¹¹⁰ The criminalisation of acts of terrorism must not be overbroad or discriminatory, nor 'applied so as to curtail or discourage the exercise of the right of peaceful assembly'.¹¹¹

97. Recourse to courts or tribunals to seek remedy concerning restrictions on peaceful assembly should be available, including the possibility of appeal or review. The ‘timeliness or duration’ of proceedings should not jeopardise the exercise of the right to peaceful assembly, and procedural guarantees under the ICCPR apply in all cases.¹¹²
98. Notification schemes can enable authorities to facilitate the ‘smooth conduct of assemblies and protec[t] the rights of others’.¹¹³ However, where notification schemes require prior governmental approval from authorities for a protest to proceed, this ‘undercuts the idea that peaceful assembly is a basic right’.¹¹⁴ Such schemes should not be misused to stifle assemblies, and should only restrict the right to peaceful assembly in accordance with the conditions set out in article 21 of the ICCPR.¹¹⁵ Notification procedures should be transparent, not unduly bureaucratic, and should not impose disproportionate demands on organisers of assembly.¹¹⁶
99. Failure to notify authorities of an upcoming assembly does not render participation in that assembly unlawful, and ‘must not in itself be used as a basis of dispersing assembly, arresting participants or organisers, or for imposing undue sanctions’.¹¹⁷ Administrative sanctions for failure to notify need to be justified by authorities.¹¹⁸ Even where they are not notified, authorities still have obligations to (within their abilities) facilitate the assembly and protect participants.¹¹⁹
100. Notification requirements must be provided for under domestic law.¹²⁰ Minimum periods for advance notice should ‘not be excessively long’.¹²¹ Where imposed, restrictions need to be communicated early enough to organisers to allow time to access courts or other mechanisms for challenge.¹²² Notification regimes should exclude assemblies reasonably expected to have minimal impact on others due to nature, location, limited size or duration.¹²³ Notification should not be required for spontaneous assemblies ‘for which there is not enough time to provide notice’.¹²⁴
101. The Human Rights Committee has set out detailed guidance on the duties and powers of law enforcement agencies with respect to peaceful assembly.¹²⁵ This includes requirements for law enforcement to:
- respect and ensure the fundamental rights of organisers and participants, journalists, monitors and observers, medical personnel and members of the public.¹²⁶
 - protect public and private property from harm.¹²⁷
 - seek to facilitate peaceful assemblies.¹²⁸
 - establish channels of communication and dialogue for parties involved to advance preparedness, deescalate tensions and resolve disputes.¹²⁹

- plan policing that aims to enable assembly to take place as intended, minimise potential injury to people and damage to property.¹³⁰
- develop contingency plans and training protocols.¹³¹
- ensure clear command structures exist to underpin accountability.¹³²
- have protocols for recording and documenting events, ensuring officers can be identified and use of force is reported.¹³³
- be trained in the policing of assemblies, including on human rights standards.¹³⁴
- be the only authorities policing assemblies (the military should not be used to police assemblies, except in exceptional circumstances and with appropriate human rights training and compliance with international rules and standards).¹³⁵
- be suitably equipped, including where needed with less-lethal weapons (subject to strict independent tests and deployed with specific training) and protective equipment. The effect of such weapons on rights must be evaluated and monitored.¹³⁶

102. As regards law enforcement using force:

- they must seek to de-escalate situations with potential to result in violence.¹³⁷
- they must exhaust non-violent means and give prior warning if it becomes necessary to use force, unless 'doing either would be manifestly ineffective'.¹³⁸
- any use of force must comply with the principle of legality, necessity, proportionality, precaution, and non-discrimination.¹³⁹
- only the minimum force necessary may be used where required for a legitimate law enforcement purpose (dispersing assembly, preventing crime, or assisting in the lawful arrest of offenders or suspected offenders).¹⁴⁰
- once the need has passed, no further resort to force is permissible.¹⁴¹
- those using force must be accountable for each use of force.¹⁴²
- domestic legal regimes on use of force must comply with international law and should be guided by international standards.¹⁴³ Such laws must not grant officials largely unrestricted powers, not allow for force against participants in a 'wanton, excessive or discriminatory basis'.¹⁴⁴
- where law enforcement is prepared to use force, or violence is likely, authorities must ensure adequate medical facilities are available.¹⁴⁵

103. As regards the use of other powers by law enforcement:

- preventive detention to keep participants from participating in assembly may constitute an arbitrary deprivation of liberty.¹⁴⁶

- mass indiscriminate arrest prior to or following an assembly is arbitrary and unlawful.¹⁴⁷
- stop and search or frisk powers must not be exercised in a discriminatory manner and should only be exercised on 'reasonable suspicion of the commission or threat of a serious offence'.¹⁴⁸
- containment (encircling and closing in a section of participants) may only be used where necessary and proportionate to do so, to address 'actual violence or an imminent threat emanating from that section'.¹⁴⁹
- dispersal of assemblies may be resorted to 'only in exceptional cases' such as where an assembly is no longer peaceful, or 'there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures'.¹⁵⁰ Conditions for dispersal should be set out in domestic law.¹⁵¹ Force should be avoided as far as possible in dispersing assemblies.¹⁵²
- the use of less-lethal weapons with 'wide-area effects' such as tear gas and water cannons have indiscriminate effects.¹⁵³ All reasonable efforts should be made to limit risks and should only be used as a measure of last resort following verbal warning and time to for participants to disperse.¹⁵⁴
- firearms 'are not an appropriate tool for the policing of assemblies' and must never be used 'simply to disperse an assembly'.¹⁵⁵ Use must be limited to targeted individuals where it is 'strictly necessary to confront an imminent threat of death or serious injury'.¹⁵⁶ This minimum threshold applies also to the firing of rubber coated metal bullets.¹⁵⁷

104. Participants, journalists and monitors have a right to record law enforcement officials in the context of assemblies.¹⁵⁸ Law enforcement officials may also use recording devices such as body worn cameras, but this use should be consistent with 'clear and publicly available guidelines' to ensure adequate protection of privacy and prevent a chilling effect on participation in assemblies.¹⁵⁹

105. States are responsible under international law for the acts and omissions of their law enforcement agencies.¹⁶⁰ They should seek to promote a culture of accountability for law enforcement in the context of assemblies,¹⁶¹ and investigate 'effectively, impartially and in a timely manner any allegation or reasonable suspicion of unlawful use of force or other violations' by law enforcement officials.¹⁶²

106. States may only delegate tasks to private security services in 'exceptional circumstances' and remain responsible for the conduct of those service providers.¹⁶³ States should set out in national legislation the role and powers of private security service providers in law enforcement, and their training

and use of force should be strictly regulated.¹⁶⁴ Private security service providers should be accountable under domestic, and where relevant, international law.¹⁶⁵

107. States must also respect other relevant human rights. For example:

- Restrictions on people's ability to travel to participate in assemblies may violate the freedom of movement (article 12(1) ICCPR).¹⁶⁶
- Restrictions on peaceful assembly must be open to legal challenge in processes that meet fair and public hearing requirements (article 14(1) ICCPR).¹⁶⁷
- Restrictions on collective action affect both peaceful assemblies, and often association (article 22 ICCPR).
- Peaceful assembly is closely related to the right of political participation (article 25 ICCPR).
- The public should know about the legal and administrative framework applicable to assemblies as part of their right to information (article 19(2)).

The right to education

108. The right to education is protected under article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹⁶⁸ States agree that education shall:

- be directed to the full development of the human personality and the sense of its dignity
- strengthen the respect for human rights and fundamental freedoms
- enable all persons to participate effectively in a free society
- promote understanding, tolerance among all nations and all racial and religious groups...¹⁶⁹

109. The Committee on Economic, Social and Cultural Rights (CESCR) monitors the implementation of the ICESCR and has described the right as 'indispensable' to the realisation of human rights and 'vital' to the promotion of democracy.¹⁷⁰ At the individual level:

education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.¹⁷¹

110. Particularly relevant to the Royal Commission's inquiry, and the AHRC's work on racism in university settings, is the requirement for education to be accessible to everyone, without discrimination on any of the prohibited grounds such as race or religion.¹⁷² As part of this, States should 'fully and

immediately' apply the prohibition of discrimination in all aspects of education.¹⁷³

111. The CESCR has explained that the right to education can only be enjoyed if accompanied by the 'academic freedom' of staff and students. This refers to the freedom of the academic community, individually or collectively to 'pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing'.¹⁷⁴ It also extends to:

[T]he liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction. The enjoyment of academic freedom carries with it obligations, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds.

112. The enjoyment of academic freedom 'carries with it obligations, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds'.¹⁷⁵

113. Additionally, the CESCR considered the nature of self-governance in universities and its interrelationship with 'academic freedom' noting:

The enjoyment of academic freedom requires the autonomy of institutions of higher education. Autonomy is that degree of self-governance necessary for effective decision-making by institutions of higher education in relation to their academic work, standards, management and related activities. Self-governance, however, must be consistent with systems of public accountability, especially in respect of funding provided by the State. Given the substantial public investments made in higher education, an appropriate balance has to be struck between institutional autonomy and accountability. While there is no single model, institutional arrangements should be fair, just and equitable, and as transparent and participatory as possible.¹⁷⁶

114. While academic freedom is not expressly mentioned in the ICESCR or other international human rights treaties, it has been characterised as a key component of the right to freedom of expression, freedom of assembly and other rights.¹⁷⁷

115. In 2024, the Special Rapporteur on the right to education, Farida Shaheed delivered a report to the UN Human Rights Council on the right to academic freedom.¹⁷⁸ In that report, she said:

Academic freedom protects the ability of individuals to question and test received knowledge, to think outside conventional ideas and received opinions and to propose new concepts, including controversial or unpopular opinions, for the benefit of societies.¹⁷⁹

116. The Special Rapporteur recognised that academic freedom is ‘not absolute or unlimited’ and may be restricted, but only in a way that is consistent with international human rights law.¹⁸⁰

117. Restrictions on academic freedom must be consistent with the requirements of the right to freedom of expression (ICCPR Article 19).¹⁸¹ Similarly to the ‘special duties and responsibilities’ applying to the exercise of freedom of expression, academic freedom should be exercised consistently with:

- the obligation to seek truth and impart information according to ethical and professional standards
- the obligation to respond to contemporary problems and the needs of all members of society
- the duty to respect the academic freedom of others, ensure fair discussions of contrary views, and treat all without discrimination on prohibited grounds.¹⁸²

118. The Special Rapporteur emphasised therefore that:

Responsibility in the exercise of academic freedom, which includes the search for truth for the benefit of all and fair discussion of contrary views, is ... more stringent than that required in the area of freedom of expression. In its teaching component, this notably translates into teachers’ responsibilities to respect the right to education of students, including the aims of education in accordance with international standards; and conversely, the responsibilities of students and their families/communities to respect the freedom of expression of teachers in their teaching.¹⁸³

119. She recommended the following factors be considered in order to ensure academic freedom:

- the right of students to education, which implies a right to access information, in accordance with the development of their capacities and maturity

- the right to freedom of expression and academic freedom of teachers, who have special responsibilities that vary depending on the age and maturity of students
- the right of students to academic freedom, including the right to express themselves on specific subjects without fear of reprisal
- the respect due to cultural diversity and the need to ensure a multi perspective approach, including in subjects such as history
- international standards regarding possible limitations to human rights.¹⁸⁴

Domestic law

Protecting human rights in Australia

120. People in Australia cannot directly enforce the human rights protected by human rights treaties. Instead, international treaty obligations include the obligation on Australian governments and parliaments to adopt appropriate legislative measures to protect these rights in our domestic laws.

121. Only Queensland, Victoria and the ACT have Human Rights Acts and other laws which expressly protect human rights. Under these laws, human rights can be restricted, in broad terms, only when it is reasonable, taking into account issues like the purpose for the restriction and any less restrictive ways reasonably available to achieve that purpose.

Equality and non-discrimination

122. To advance equality and non-discrimination the Commonwealth Government and the state and territory governments have introduced laws to help protect people from discrimination and harassment. This includes the *Racial Discrimination Act 1975* (Cth) (RDA) at the federal level, as well as the following laws at the state and territory level:

- Australian Capital Territory – Discrimination Act 1991
- New South Wales – Anti-Discrimination Act 1977
- Northern Territory – Anti-Discrimination Act 1992
- Queensland – Anti-Discrimination Act 1991
- South Australia – Equal Opportunity Act 1984
- Tasmania – Anti-Discrimination Act 1998
- Victoria – Equal Opportunity Act 2010
- Western Australia – Equal Opportunity Act 1984.

123. The RDA makes racial discrimination unlawful in public life, protects equality before the law and prohibits offensive behaviour based on racial hatred.

124. Section 9 of the RDA defines racial discrimination. This section provides that it is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.
125. The RDA was extended in 1995 to prohibit any act done otherwise than in private that is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate a person or a group of people because of the race, colour or national or ethnic origin of the person or of some or all of the people in the group.¹⁸⁵ Section 18D sets out exemptions. These provisions aim to carefully balance competing rights. They aim to protect individuals and groups from harassment and fear based on race, colour or national or ethnic origin, while ensuring public debate on matters of public interest is not restricted.¹⁸⁶
126. Racial vilification provisions (Part IIA, sections 18B-18F) have remained substantively unchanged since their introduction. Most cases decided by courts under the RDA in recent years have involved consideration of those provisions.
127. Antisemitism is not specifically referenced in the RDA. However, the RDA and associated complaint and court processes provide legal protections for Jewish people against antisemitic conduct.
128. The term 'ethnic origin' has been interpreted in a number of jurisdictions to include Jewish people. The Full Court of the Federal Court in *Miller v Wertheim* stated that it could be 'readily accepted that Jewish people in Australia can comprise a group of people with an "ethnic origin"¹⁸⁷ for the purposes of the RDA.
129. The RDA has proven valuable in providing a remedy for people who have experienced racial discrimination, harassment and vilification.¹⁸⁸ It has also had a broader social impact by setting a standard that racial discrimination is unacceptable and should be unlawful.¹⁸⁹ However, it has a number of limitations in addressing racial discrimination. These are discussed further in section 3.

Freedom of religion

130. There is no specific federal anti-discrimination legislation to protect against discrimination on the basis of religion. People can make a complaint about religious discrimination in the context of employment under the *Australian Human Rights Commission Act 1986* (Cth) and the *Fair Work Act 2009* (Cth).

131. State and territory laws provide protections against discrimination and vilification on the basis of religion, although these vary.
132. There are some exemptions in federal, state and territory discrimination laws which permit discrimination by religious bodies in accordance with the doctrines of the religion.

Freedom of expression and peaceful assembly

133. While Australia has committed under relevant conventions to protect protest rights, these rights are not comprehensively protected under Australian law.
134. There is no express protection of the right to peaceful assembly under the Australian Constitution or Australian national laws. The High Court of Australia has ruled that the Australian Constitution protects an implied freedom of political communication because the Constitution is based on and creates a democratic system of government.¹⁹⁰ This implied freedom is not a personal human right. Rather, it is a limit on laws and government decisions that unreasonably restrict political communication, which includes peaceful protest.¹⁹¹
135. The right to peaceful assembly is also protected in the Australian common law. Parliaments can override this common law right by passing a law which shows a clear intent to restrict it.¹⁹²
136. The right to peaceful assembly is protected under legislation in all three jurisdictions that have enacted human rights legislation: Victoria, Queensland and the Australian Capital Territory.¹⁹³
137. Some state and territory laws can help facilitate the right of peaceful assemblies. For example, notification schemes and the designation of 'authorised assemblies' can provide participants in a protest with legal protections against being charged with offences such as obstruction.¹⁹⁴
138. Notification schemes do not however provide full protection for the right of peaceful assembly and there is a risk that these can be misused or built upon to require prior government approval for a protest, unduly restricting peaceful and spontaneous protests.

Balancing rights

139. Balancing rights where they intersect should be guided by international human rights law (see detailed discussion above) and given effect through domestic laws.

140. Individuals have a right to equality and non-discrimination, including on the basis of their race or religion. This right applies in all areas of life, including in the context of protest.
141. Individuals also have the right to express themselves and participate in peaceful assemblies without discrimination.
142. In practice, the balancing of rights can be a challenge. Cases currently before the courts concerning banned slogans are an example of the complexities inherent in seeking to balance rights and reflect how the individual circumstances of each matter are determinative in judicial outcomes.
143. Hate speech and incitement of racism may be limited under international human rights law as set out above. A range of Australian federal, state and territory civil and criminal laws prohibit racist hate speech, incitement of violence and the display of Nazi or terrorist material.¹⁹⁵
144. Protests in general should not be restricted solely based on the ideas or viewpoints taken by protesters, the frequency of protests or the disruption caused by them. While notification schemes and authorisation systems can facilitate cooperation between police and protestors, they should never become, in law or practice, permission schemes.
145. Where people within an assembly engage in conduct that may amount to discrimination or hate speech, police should respond on an individualised basis to suspected unlawful behaviour rather than seek to prohibit or disperse the entire protest. When policing protests where there may be breaches of these laws, law enforcement authorities need to carefully weigh up issues including:
- the content of the relevant behaviour
 - the likelihood of harm, and
 - the extent of the behaviour within the specific protest.
146. Where protests are large and/or violent policing them is challenging and police may hold legitimate concerns about public safety. Police are only justified in dispersing a protest in rare cases such as when the protest itself incites discrimination, hostility or violence. Force should generally not be used to disperse unlawful but non-violent protests. Mass arrests will usually be unlawful as an indiscriminate and arbitrary use of police power.
147. People peacefully participating in protests have a right to be safe and free from violence. The use of force by authorities should only occur in exceptional circumstances and as a last resort. Only the minimum force necessary may be used where it is required for a legitimate law enforcement

purpose during a protest. Any use of force must comply with the fundamental principles of legality, necessity, proportionality and non-discrimination. Law enforcement officials should seek to de-escalate situations that might result in violence. They must exhaust non-violent means.

2 Nature, prevalence and impacts of antisemitism

This section contributes to clause (a)(i) and clause (a)(iv) of the Letters Patent. It discusses the lack of consistent national data on antisemitism. It outlines recent evidence and data about the nature, prevalence and impact of antisemitism drawn from the AHRC's complaints data and Racism@Uni and Seen & Heard projects. Online antisemitism and mis and dis information and their impacts are discussed as a priority issue identified by Jewish community members. Priority recommendations about data are outlined here that would, if implemented, support the collection of comprehensive national data on antisemitism.

Data on antisemitism

148. AHRC complaints data as well as evidence and data from AHRC projects indicate that since 7 October 2023 there has been increased and escalating antisemitism in Australia.¹⁹⁶
149. The AHRC's work on the National Anti-Racism Framework identified that data on racism in Australia is limited, inconsistent across jurisdictions and often ad-hoc.¹⁹⁷ Australia lacks consolidated data infrastructure, particularly that of integration mechanisms necessary for data to be shared and compared.¹⁹⁸
150. This means there is a lack of comprehensive and consistent national data, including longitudinal data, on all forms of racism in Australia across settings such as workplaces, health, public life, education and law and justice.
151. This includes comprehensive national data on antisemitism and its intersecting forms of discrimination.
152. Annually since 2007 the Executive Council of Australian Jewry has compiled the Antisemitism Report. This report is a key source of data about antisemitism in Australia.¹⁹⁹ The Online Hate Prevention Institute (OHPI) collects and reports data about antisemitism in online spaces.²⁰⁰ These reports reveal a sharp rise in antisemitism.²⁰¹
153. These reports cannot however comprehensively capture the nature and prevalence of antisemitism in Australia. For example, the Antisemitism Report draws data from individual self-reports of antisemitism. While playing an important role in the collection of antisemitism data in Australia, a third-party reporting mechanism such as this cannot provide a comprehensive overview of the prevalence and nature of antisemitism.

154. Other streams of data about antisemitism include complaint data collected by the AHRC and other state and territory anti-discrimination bodies and police statistics about race and religious hate crimes.

155. Data collection about racism is also facilitated by nationwide surveys conducted by the Australian Bureau of Statistics (ABS), policy-oriented research initiatives by federal and state human rights institutions, and non-governmental initiatives and studies. This data collection can include data about antisemitism.

156. The AHRC notes that data on hate incidents across jurisdictions and in non-statutory reporting avenues is also inconsistent because of varied thresholds (both legal and non-legal) and definitions or standards for hate.

157. The AHRC has flagged the need to adopt and fund a national approach to collecting, using and managing data on experiences, reports and impacts of racism across states, territories and local jurisdictions²⁰² as a priority issue.²⁰³

158. The benefits of comprehensive national data on antisemitism would include:

- raising awareness about the existence, extent and severity of antisemitism experienced by communities and individuals
- meaningfully articulating experiences of antisemitism and its impacts
- identifying the institutions and structures through which antisemitism is operationalised
- bringing visibility of experiences of antisemitism to the broader public
- influencing policy and service delivery by securing appropriate resources and funding to address antisemitism and evaluating the impact of existing initiatives and programs
- acting as an important advocacy tool
- providing a powerful source of self-expression, giving communities and individuals autonomy in the way details about their experiences are collected and recorded²⁰⁴

Recommendation: The Australian Government implement the following priority recommendations of the National Anti-Racism Framework:

- a. Recommendation 25 regarding developing nationally consistent standards for employers and employees to report experiences of racism and racial discrimination in the workplace
- b. Recommendation 59 regarding adopting and funding a National Anti-Racism Data Plan

- c. Recommendation 60 regarding collecting data about experiences of racism, including systemic and structural racism, in ongoing national surveys

Recommendation: Australian governments implement the following priority recommendations of the National Anti-Racism Framework:

- a. Recommendation 61 regarding funding the Australian Human Rights Commission, anti-discrimination and human rights bodies, and work, health, and safety agencies to collect intersectional data under their respective mandates
- b. Recommendation 62 regarding the commitment of ongoing and adequate funding to existing or prospective third-party reporting mechanisms that take an anti-racist approach to collecting data about racism as it affects different communities

AHRC racial discrimination complaint data

159. The AHRC's interim submission provided information about the operation of the RDA and the AHRC's complaint handling process.²⁰⁵

160. As outlined there, if a Jewish person believes they have experienced racial discrimination or racial vilification, they can make a complaint to the AHRC under the RDA.

161. The role of the AHRC is to impartially inquire into and attempt to conciliate complaints alleging unlawful discrimination. This function is vested in the President and delegated to staff.

162. The AHRC is not a court or a tribunal. We do not make determinations about whether or not a breach of the law has occurred. The AHRC's focus is on providing access to justice in a manner that is accessible, quick and inexpensive.

163. If a complaint is not resolved through conciliation, the complainant can apply for the allegations to be heard and determined by the Federal Court of Australia or the Federal Circuit and Family Court of Australia.

164. For the Royal Commission's ease of reference the complaint data provided in the Interim Submission is repeated below and includes updated data about complaints received under the RDA in the first 3 months of 2026.

165. Table 1 - Complaints received by the AHRC under the RDA from Jewish people and/or people of Israeli national origin over the past 5 years and 3 months

	2021	2022	2023	2024	2025	2026**	Total
Total complaints	11	9	6	17	29	10	82
Complaints received by area*							
Education	2			1	3		6
Employment	5	5	2	2	5		19
Goods and services	2	1	4	1	2	3	13
Land, housing and accommodation				1		1	2
Racial vilification	4	3	1	13	19	8	48
Section 9 - racial discrimination	4	2	1	2	15	3	27
Complaints received on or after 7/10/2023 to 31/3/26	56						

*One complaint may relate to more than one area

**1/1/26-31/3/26

166. Table 1 provides data for the past 5 years and 3 months on complaints received under the RDA from Jewish people and/or people who are of Israeli national origin. As there can be an intersection between people who identify as Jewish and people of Israeli nation origin, the AHRC has included information about complaints made by people of Israeli national origin in this data set for completeness.

167. Over the past five years racial vilification has been the largest area of complaint for Jewish people making complaints under the RDA. Since 7 October 2023, the AHRC has received a significant increase in complaints under the RDA alleging antisemitic and/or anti-Jewish conduct.

168. Table 2 – Complaints received under the RDA over the past 5 years and 3 months

	2021	2022	2023	2024	2025	2026**	Total
Total complaints	542	456	466	404	523	111	2502
Complaints received by area*							
Access to places and facilities	9	14	6	9	14	2	54
Education	30	22	19	26	30	6	133
Employment	181	167	182	166	199	43	938
Goods and services	219	198	191	136	175	37	956
Land, housing and accommodation	12	14	15	13	13	2	69
Racial vilification	139	133	103	118	140	35	668
Section 9 – racial discrimination	210	201	211	230	322	78	1252
Complaints on or after 7/10/2023 to 31/3/26	1136						

*One complaint may relate to more than one area

**1/1/26-31/3/26

169. The AHRC notes that the complaints it receives represent only a fraction of the antisemitic and other racist incidents that happen in Australia. This is for a range of reasons, including:

- people who believe they have experienced racism may not know that the AHRC exists, what the RDA covers or how to make a complaint
- complaints about racial discrimination and racial vilification can also be made under state and territory discrimination laws. The Commonwealth and some states also have criminal laws covering hate crimes which people can take action under.
- in the area of employment, people can make applications to the Fair Work Commission where they believe they have been unlawfully dismissed or subjected to other harmful adverse actions because of their race, colour or national extraction
- to make a complaint that the Commission can progress, a person needs to be able to name the person or organisation that they believe has discriminated against them. This may not be possible for some actions like racist graffiti, racist chants or signs at public rallies or some social media posts.

Jurisprudence and legal tests

170. As outlined above if a complaint brought under the RDA is not resolved through conciliation, the complainant can apply for the allegations to be heard and determined by the Federal Court of Australia or the Federal Circuit and Family Court of Australia.

171. Various matters brought under s 18C of the RDA alleging racial vilification in circumstances where the actions of Israel and 'Zionism' have been criticised are currently before the Federal Court.

172. Decisions in interlocutory proceedings in these matters illustrate the complexity in some racial vilification cases.

173. The Court has noted that the expression "antisemitic" may bear a range of meanings and does not directly reflect the language of s 18C of the RDA.²⁰⁶ Matters brought under s 18C must make out the requirements of the statutory test included in the legislation.

174. In considering whether criticism of Zionism could be reasonably likely to offend, insult, humiliate or intimidate a group of people defined by reference to race, colour or national or ethnic origin, the Court has determined that this is something to be assessed taking into account all the circumstances.²⁰⁷

175. The Court has also noted that it is not immediately obvious that conduct which consists of speech that is about an ideology or political position, or which amounts to criticism of official action by a country, can never contravene s 18C and that determination of this is appropriately a matter for trial.²⁰⁸
176. The jurisprudence arising from the Court's decisions in these matters will provide more guidance around the statutory test in racial vilification cases brought under the RDA relating to criticism of Israel and Zionism.
177. Cases around racial and religious vilification under other state and territory laws as well as matters progressing under the *Criminal Code Act 1995* (Cth) and various state criminal laws will also clarify the application of legislative tests in place which seek to address racist and religiously motivated crimes, and racial and religious vilification and hate including antisemitism. For example, in February 2026 the Victorian Civil and Administrative Tribunal found that the conduct of an individual who initiated a chant of "All Zionists are terrorists" at a rally on 23 March 2025 contravened the *Racial and Religious Tolerance Act 2001* (Vic).²⁰⁹ In separate proceedings brought in the Melbourne Magistrates' Court under the *Summary Offences Act 1966* (Vic) it was found that the individual had used insulting words in public, but acquitted the individual on four charges based on the requisite criminal intent not being established beyond a reasonable doubt and deferred the finalisation of a fifth charge pending action that will argue that punishing the chant would breach the implied freedom of political communication.

Findings from AHRC projects

Racism at universities

178. The Australian Human Rights Commission's conducted an independent study into racism at universities. Respect at Uni: Study into antisemitism, Islamophobia, racism and the experience of First Nations people (Racism@Uni) is intended to be a first step in the design and development of a national, long-term approach to measuring and tracking racism in the tertiary sector.
179. The Study took a mixed-methods approach with evidence drawn from a national online survey, focus groups with students and staff, a policy audit of university policies and initiatives, as well as a literature review of racism at universities. 42 of 43 in-scope universities participated in the study and 76,131 university students and staff responded to the Racism@Uni survey. A further 310 participants contributed to focus groups.

180. The study found that racism is pervasive for students and staff at universities, with 69.9% of respondents reporting experiences of indirect racism, and 14.9% of respondents reporting experiences of direct racism.²¹⁰
181. Jewish, Israeli, Palestinian, Muslim and Middle Eastern staff and students have experienced very high levels of racism since the start of the Israel-Hamas war.²¹¹ Many Jewish respondents described the difficulties of trying to help others understand that their Jewish identity is distinct from political debates and the actions of the Israeli state.
182. For the purposes of the study, Jewish students and staff self-identified into two groups: respondents who identified Judaism as their religion, and respondents who identified as 'secular Jews'.
183. Of the 1,324 respondents in these groups, 93.8% of Jewish (religious) respondents, and 81% of Jewish (secular) respondents reported experiencing direct and indirect racism at university.²¹²
184. Student respondents reported always or often:
- Feeling uncomfortable disclosing racial, ethnic, cultural and/or religious identity (72.2% religious, 35.1% secular)
 - Feeling uncomfortable wearing items of clothing or jewellery that make racial, ethnic, cultural or religious identity visible to others (75.5% religious, 33.7% secular)
 - Mentally preparing for possible racist conversations (60.8% religious, 30.4% secular)
 - Staying away from campus to avoid experiencing racism during political and other actions (such as protests, demonstrations, poster displays (60% religious, 21.3% secular)
 - Not expressing views because it might affect visa to study or work in Australia (28.6% religious, 38.5% secular).²¹³
185. Staff reported always or often:
- Feeling uncomfortable disclosing racial, ethnic, cultural and/or religious identity (55.4% religious, 28% secular)
 - Feeling uncomfortable wearing items of clothing or jewellery that make racial, ethnic, cultural or religious identity visible to others (66.1% religious, 30.5% secular)
 - Mentally preparing for possible racist conversations (45.7% religious, 19.3% secular)
 - Staying away from campus to avoid experiencing racism during political and other actions (such as protests, demonstrations, poster displays (44.2% religious, 18.7% secular)

- Not expressing views because it might affect visa to study or work in Australia (13.4% religious, 3.4% secular).²¹⁴

186. Jewish staff and students experienced various forms of racism. Again, experiences varied between religious and secular Jewish individuals.

187. Jewish students reported:

- Being singled out or excluded (49% religious, 53% secular)
- Inappropriate jokes or comments (56% religious, 60% secular)
- Being told they were unintelligent or incapable (19% religious, 32% secular)
- Being unfairly stopped by university security (5% religious, 11% secular)
- Being physically threatened or assaulted (13% religious, 15% secular)
- Being verbally harassed, threatened or abused (46% religious, 43% secular)
- Being harassed, threatened or abused online (36% religious, 32% secular)
- Feeling they could not express their views (94% religious, 84% secular)
- Feeling they were not trusted (31% religious, 38% secular)
- Missing out on an opportunity they feel they deserved (10% religious, 28% secular)
- Receiving a worse mark than they felt they deserved (13.7% religious, 20.8% secular)
- Being told they get benefits because of their race/ religion/ ethnicity (25.2% religious, 26.4% secular).²¹⁵

188. Jewish staff reported:

- Feeling singled out or excluded (34% religious, 25% secular)
- Inappropriate jokes/ comments (41% religious, 31% secular)
- Being told they were unintelligent or incapable (11% religious, 17% secular)
- Being unfairly stopped by university security (2% religious, 2% secular)
- Being physically harassed, threatened or assaulted (10% religious, 3% secular)
- Being verbally harassed, threatened or abused (38% religious, 34% secular)
- Being harassed, threatened or abused online (20% religious, 20% secular)
- Feeling they could not express their views (85% religious, 86% secular)
- Feeling they were not trusted (26% religious, 31% secular)
- Missing out on an opportunity that they feel they deserved (15% religious, 19% secular).

- Being unfairly denied a promotion they felt they deserved (4% religious, 9.4% secular)
- Having negative student and/or peer evaluations made about them (14.3% religious, 28.1% secular).²¹⁶

189. Jewish students and staff reported significant impacts on their lives and wellbeing:

- Almost 1 in 2 students reported a negative impact on their academic studies.
- Almost 1 in 3 staff reported a negative impact on their career.
- Almost 3 in 4 students reported a negative impact on their mental health.
- 4 in 5 staff reported a negative impact on their mental health.
- Almost 4 in 5 students reported limited participation in university life.
- Almost 3 in 4 staff reported limited participating in university life.²¹⁷

190. Findings collected from Study participants through focus groups and free text in the Study survey reflect the lived experiences of racism of students and staff in Australian universities and reinforce that experiences of racism are extensive and occur in multiple forms. These experiences have profound impacts on wellbeing, connection and trust in institutions.

191. Across communities, participants describe prevalent exposure to racial slurs, taunts and derogatory comments. At times, these incidents escalate to physical assaults. These incidents occurred in academic settings (classrooms, libraries), outdoor campus spaces (walkways, sporting fields), social settings (prayer rooms), campus housing, and online environments connected to university life. Some Jewish participants shared that they feel unsafe and targeted on campus.

'As an Israeli and Jew, since the war in Gaza, I have not felt safe on campus. The protests against Israel are legitimate, but there have been too many incidences that crossed the line to antisemitism. The worst incident involves students targeting an individual Jewish staff member... This has made me fear my safety. Support from the University was minimal.' (Jewish staff member)²¹⁸

'The situation at the University over the past few years has been scary. I have felt unsafe on campus, in my residence (on campus), in online [university]-related spaces (e.g. Facebook groups), and in classes. I feel scared that if my religion is exposed during class discussions, I will be treated unequally. This has impacted my university experience generally, my mental and social wellbeing, and my course performances...' (Jewish student)²¹⁹

192. Students and staff reported that this lack of safety prevents them from participating fully and safely at university, with many participants reporting hesitation to be open with their identities and cultural expressions.

'I'd encountered antisemitism before, but I had never been scared to be Jewish. In uni, I frequently feel the need to hide my religion.' (Jewish student)²²⁰

'I didn't wear a Star of David necklace on campus for over a year because I just didn't want to be openly identified as a Jewish student.' (Jewish student)²²¹

193. Study participants described being subjected to homogenising stereotypes.

'It really is a form of antisemitism to make the assumption that people, by virtue of their identity, ethnic background, religion or whatever, all sort of think and feel and experience things the same way.' (Jewish staff member)²²²

194. Stereotypes in classrooms and meetings were also reported.

'Many university staff are promulgating antisemitic attitudes and ideas in the classroom. I constantly hear tropes to do with money, power, control, blood thirstiness and other anti-Semitic ideas in classrooms, and staff meetings.' (Jewish staff member)²²³

195. Many Study participants expressed frustration with their university's engagement practices, sharing that even when universities did engage, the process often felt symbolic rather than meaningful.

'[Universities should] [c]onsult more carefully and systematically with affected communities [...] not only token, selected staff [...] Provide opportunities for respectful dialogue rather than one-sided indoctrination.' (Jewish staff member)²²⁴

196. Study participants reported a lack of support throughout the reporting and complaints handling process. Participants across communities described university reporting systems as ineffective and unsafe, with the complaints-handling process itself often discouraging people from coming forward, if not retraumatising them.

'There was video evidence, and the threat was written on the back of a petition signatures page from the student group. We were told there was nothing to be done, and nothing ever did happen.' (Jewish staff member)²²⁵

'Specific and general events have been reported to the university on multiple occasions, with unsatisfactory responses each time, always

promising 'work behind the scenes' with no evidence of action, further support, or real change...' (Jewish participant)²²⁶

197. Academic freedom is seen as a core value of universities, but Study participants reported that it is poorly defined and inconsistently applied, often leading to silencing or censorship. Many staff and students reported feeling unable to express their views freely or safely. These issues were especially evident in how academic freedom and freedom of speech were unevenly used during the handling of racism-related complaints to excuse, deny or minimise experiences of racism.

198. The encampments that followed the events of 7 October 2023, and the ongoing Israel-Hamas war have intensified the challenge of balancing academic freedom, freedom of speech and the right to protest with the need to address hate speech. This challenge was reflected in the experiences of Jewish participants.

'Although I value freedom of speech and the right to protest, I feel that [the encampment] goes beyond legitimate expression and has created an atmosphere of hostility toward Jewish students. As a result, my student experience has been deeply affected. I often feel that I must hide my identity, as openly sharing that I am Israeli places me at risk of hostility.' (Jewish student)²²⁷

'...People have said to me that freedom of speech, even if it is calling for the murder of my people, supersedes my "sensitivities." There are signs in [redact name] that say "F..k Israel" and worse posted on people's cork boards - just a normal day at [redact university name]? I will not file a complaint - that would be career suicide...' (Jewish staff member)²²⁸

199. Participants from all backgrounds also described how fear, self-censorship, and targeted scrutiny have eroded their trust in universities' commitment to academic freedom.

'...I keep my head down and mouth shut on politics, knowing I would be immediately ostracised if I make any attempt to combat the group-think.' (Jewish staff member)²²⁹

Seen & Heard

200. The AHRC undertook the Seen & Heard project with funding from the Australian Government in response to a sharp rise in racism against Jewish, Palestinian, Muslim and Arab communities in Australia following the events of 7 October 2023.

201. The AHRC recognised that communities were not only under pressure, but under attack, and that any meaningful response had to begin with listening:

listening to what was happening, how it was being experienced, and what those affected thought was needed to address it.

202. The insights shared throughout the Seen & Heard project reveal the profound pain and distress caused by increased racism since 7 October 2023. They also reveal how racism has escalated in affected communities. Jewish community members for example said:

'I think what was different prior to October 7th versus post-October 7th is that, prior to October 7th...it wasn't OK to be openly racist.' (Jewish community member)²³⁰

'Speaking to hundreds of people in my community, there's absolutely been an increase. ...it's across the board, it's pretty much everywhere, whether that's in schools, and in the workplace, on the streets with graffiti. Endless graffiti all across the parks and park benches and it's just everywhere. There's absolutely been an increase in racism and antisemitism ... from our experience, yes.' (Jewish community member)²³¹

'It's sucked the air out of everything because this issue has just become all over everything. That's the thing now. Whatever we used to do and think about first thing in the morning, those things aren't so prevalent anymore. Things like this is just a symptom of what's happened. So, it's had a big impact.' (Jewish community member)²³²

203. Participants from all communities described the enormous impact the increase in racism has had on their wellbeing, personal and professional relationships, and sense of safety and belonging. One Jewish participant stated for example:

'I think everyone – and I'm sure this extends to the Arab, Muslim, Palestinian communities in Australia – everyone feels on edge about talking about where they come from, talking about or being open about where they come from. I certainly know for myself, I'm very selective about who I speak to about not only my work, but my background.' (Jewish community member)²³³

204. While each person's and each community's experience is unique, common themes emerged in relation to how racism operates and the impact it has on lives. Racism dehumanises, it is isolating, it has profound impacts on physical and mental wellbeing, it makes people feel unsafe, it destroys trust and it damages feelings of belonging. Jewish participants said:

'This massive dehumanisation... anecdotally and in stories, you see the dehumanisation of Jews in history, now we see a lot of dehumanisations and demonising ... a lot of black and white perspectives, a lot of simplification, et cetera. I haven't experienced it before. I see it in really

common places now amongst my friends and extended network.' (Jewish community member)²³⁴

205. 'In my own circle of friends, I've definitely experienced a feeling of isolation and a shrinking of my social group.... there's just no longer the openness that there used to be here. I've been here for 25, 30 years, and it didn't matter what race, colour or ethnic group you were from really. It was a very open area, and now I feel like that people have gone quite extreme on...speaking out against Israelis and a hostility towards Jewish people.... there's definitely a shift that's happening,' (Jewish community member)²³⁵

206. It is also imperative to recognise that each community experiences racism differently because of distinct histories, identities and intergenerational experiences. As one Jewish participant stated:

'I think that antisemitism and other forms of discrimination do share features. At one level, (they) can be tackled together, but I think there are differences. I think each form of discrimination has its own history, its own features. And I think just as important as tackling everything together, I think it's important to recognise that there are some systematic differences between antisemitism and other forms of discrimination or racism or hatred. It's not to prioritise one over the other, but I think to fail to recognise that will be doing a great injustice to this project. I think there are profound differences, and I think that to fail to see them is very problematic.' (Jewish community member)²³⁶

207. Individuals who are visibly identifiable, such as Orthodox Jewish men, described being more likely to be targeted in public than others within the Jewish community:

'I think those who are most affected are those who are visibly Jewish, and so the Orthodox men, because Orthodox men's garb is well, if they're, if they're ultra-Orthodox, it's that very obvious Black Hat, sometimes side lock thing. But even if they're modern orthodox because they often wear a skull cap. That makes them stand out. Women don't stand out as much because their outfits are not as obvious.' (Jewish community member)²³⁷

'It's become very politicised. So, I think twice about when I wear a Magen David (Star of David), which identifies my religion. Whereas before October 7th, I don't think anyone really would think twice. I mean I'm not wearing it right now. But should I tuck it away? I don't know who I'm around. It's become ...a polarising thing. You don't know how people will react to you being Jewish. Whereas I think previously most people in Australia were just maybe curious or it didn't matter because we're a multicultural society...I think now we all think twice about when we are in

places where we might not know everyone, how comfortable do we feel outing ourselves as being Jewish? And that is a terrible thing.' (Jewish community member)²³⁸

208. Jewish participants spoke about the legacy of trauma from being descendants of Holocaust survivors, carrying the weight of genocide not as distant history but as lived experience passed down through generations. Many Jewish participants said that antisemitic and racist behaviours are not only harmful in the present moment but also trigger deep intergenerational trauma.

'I'm a third generation Holocaust survivor. I think that anxiety and that memory is something that has been transmitted to me... I experience flashbacks. I experience panic attacks. We had graffiti on our street this week and it sent me spiralling the whole weekend until today when I realised, I was spiralling. Having flashes, Holocaust flashes and dreams about my own family story. Images of Holocaust scenes or death scenes and emerging of, I think the images we see coming out of Israel and my own psychological landscape. I had to go on medication. ...I've seen this in most of my friends.' (Jewish community member)²³⁹

209. Although the AHRC heard about instances of interpersonal discrimination and harms, many of the stories shared with us highlighted the ways racism is embedded in social norms, institutional policies and practices, and broader systems.

210. Across communities, participants told us that in Australia we are poorly equipped to deal with racism.²⁴⁰ We heard of the need for coordinated action to address racism and participants told us that government responses to all forms of racism must remain grounded in systemic approaches rather than fragmented measures.²⁴¹

211. The AHRC also heard that the systems that are supposed to protect people often fail, and at times cause and compound harm. Across communities, the education system and workplaces were consistently identified as places where people experience the harm of racism.

'Last year, on Year 12 muck-up day, the students arranged the desks in her classroom into the shape of a swastika. It was the first classroom she walked into that morning. The room was twice the size of this one, and the entire space was filled with a swastika.' (Jewish community member)²⁴²

'I've had issues in the workplace where I've been Sieg Heil'd and where there have been songs played on a loudspeaker over the kitchen like Heil Hitler, Kill the Jews, Kanye West. And everybody turns their head and looks

at me and many of the kitchen staff are aware of my religion and constantly make fun of me and point out that fact to other people and bully me because of it.' (Jewish community member)²⁴³

212. In workplaces, people experienced discrimination in recruitment, retaliation for speaking out about racism and loss of jobs or professional opportunities because of their identity or perceived political views.²⁴⁴ In universities, students and staff faced harassment, exclusion and censorship.²⁴⁵

213. In both settings complaints processes were described as punitive and ineffective, and culturally safe supports were limited.

'To be honest... I wouldn't go to the higher-ups anymore. I've tried to deal with them; they were useless. They don't really care ... So, I just deal with it myself. That's what it's got to. I just have to deal with it myself with my friends, with the people around me, my family.' (Jewish community member)²⁴⁶

214. Many described how the failure of workplace and institutional leaders to meaningfully address racism and the inability or unwillingness to recognise and act against it, even when formal mechanisms existed, added to the pain and distress communities are experiencing.²⁴⁷

215. Jewish participants along with those in other affected communities described how the media has played a significant role in shaping public attitudes, including through seemingly biased reporting and harmful stereotypes.²⁴⁸

'And what I find the media are doing, they're picking the fringe voices and platforming them. And it's not the fault of the fringe voices, you're allowed fringe voices. But to say that this is what the majority think and all of a sudden it is making us against them within the community.' (Jewish community member)²⁴⁹

216. The media's role in shaping public perception had real consequences for community wellbeing. Participants described feeling unsafe, anxious, and retraumatised by the way their communities were portrayed.²⁵⁰ Some avoided watching the news altogether, while others felt compelled to monitor coverage to protect themselves and their families, ensuring their voices are captured appropriately.²⁵¹

217. Participants also highlighted how the media, including social media platforms spread misinformation, disinformation and other harmful narratives. False claims, conspiracy theories, and propaganda are amplified, shaping public opinion and contributing to exclusion.

'Yeah, but ... they've all heard that the Jews control this and the Jews control Hollywood and the media and the world banking system. And because they've heard it growing up, they think it must be true.' (Jewish community member)²⁵²

218. Participants described social media platforms as major sites of racism, harassment and hate speech. They described experiences of violent threats, being doxed and targeted with slurs and abuse.²⁵³

'I was in a... WhatsApp chat group that was doxed by vile people ... They took our very innocent support group chat and exposed it ... made a list of Jews with our photos and went into our social media and verified who we were and spread this list not only around Australia on social media, but around the world.' (Jewish community member)²⁵⁴

219. There was widespread frustration with the failure of social media companies to moderate harmful content.²⁵⁵

220. Participants across communities expressed deep concern about the influence of political discourse in shaping public attitudes and fuelling division. They expressed the view that political leaders often use issues of racism and discrimination to advance their own agendas, rather than to promote understanding or justice.

'I've been really upset to see antisemitism and issues around Israel-Gaza being used as a political weapon by all parties, everyone in politics, is really disappointing. It just should be, everyone's committed to Australian multiculturalism, and it doesn't matter what political party you're from and of course people have different maybe foreign policies, but when it comes to how people are treated in Australia, it just should never be something that politicians are yelling at each other about in question time to score political points.' (Jewish community member)²⁵⁶

221. There was a strong sense from participants in all communities that government does not adequately represent or engage with communities affected by racism. Participants described official consultation processes as superficial, with decisions already made before community input was sought. Some felt that their voices were used to legitimise government actions rather than to shape them.²⁵⁷

222. The legal system was described as a site of entrenched racial bias, particularly civil law processes.²⁵⁸ Many shared the view that people's access to justice was directly affected by their identity and that existing laws are ineffective in addressing hate and discrimination.²⁵⁹

'You've got the police force who are bookended by legislation and judiciary, and the legislation hasn't really been up to scratch. And even in its current form, even with the new changes ... there's definitely changes to legislation that needs to happen.' (Jewish community member)²⁶⁰

223. Participants also described that perpetrators of racial violence and harassment often face little to no meaningful consequences from the justice system. Even in cases involving physical assault, threats or hate speech, police responses were seen as inadequate, with charges rarely reflecting the racialised nature of the harm. This lack of accountability was described as sending a message that such behaviour is tolerated, contributing to a climate where racialised communities feel unsafe and unprotected.

'So when the government doesn't provide the consequences or if the police aren't, as was commented on, given the capacity to act on legislation, or legislation isn't strong enough, or the judiciary, whatever, doesn't provide the capacity to rule in keeping the legislation, there needs to be accountability.' (Jewish community member)²⁶¹

224. A deep lack of trust in police responses to racism and hate crimes was highlighted by participants. This was shaped by repeated experiences of dismissal, minimisation and inaction.

225. Across communities, participants described police as lacking awareness of how racism manifests noting interactions with police revealed gaps in understanding about different types of racism, including antisemitism.

'I have tried the police a couple of times, but again, it's things that are not taken that seriously because it's like, so what if you're calling for the elimination of the Jew? It's not like you're killing anyone right now. So, who cares.' (Jewish community member)²⁶²

226. In some Jewish engagement sessions, participants spoke about the NSW Police response to the protest at the Opera House on 9 October 2023 and their hurt, anger and disappointment describing it as a pivotal moment, where police inaction against antisemitism gave broader permission for harmful acts against their community.²⁶³

'October 9 was a watershed moment because this huge hate-fest could occur on sacrosanct land with zero consequence. We've still seen zero consequence.' (Jewish community member)²⁶⁴

Online hate, and harmful narratives

227. As outlined above online antisemitism were priority concerns raised by Jewish communities in the Seen & Heard project.

228. Complaints brought under section 18C of the RDA especially since 7 October 2023 also indicate that antisemitism in the online world is a matter of significant concern.²⁶⁵ From 7 October 2023 to 31 March 2026 the AHRC has received 40 complaints from Jewish people or people of Israeli national origin alleging racial vilification under the RDA. More than 75 percent of these complaints relate to material published online. These complaints allege racial vilification in relation to a wide variety of online content, including words, images, speeches and videos published on social media platforms, the content of articles, cartoons, videos and/or news programs published online by media/news outlets and text on items sold online.

229. The recent Federal court case *Wertheim v Haddad* [2025] FCA 720 also provides pertinent detail about the nature, reach and harm of antisemitism experienced online by Jewish community members.

Decision - *Wertheim v Haddad* [2025] FCA 720

230. Two office holders of the Executive Council of Australian Jewry alleged racial hatred under the RDA in relation to the delivery of a series of 5 speeches by an Islamic preacher, William Haddad, in November 2023 (made up of 3 lectures, a sermon and an interview) at an Islamic religious centre in Bankstown NSW. The speeches were recorded and published to social media accounts.

231. Justice Angus Stewart of the Federal Court of Australia found that:

Taken together, the established imputations in Mr Haddad's lectures are fundamentally racist and antisemitic and devastatingly offensive and insulting. They make perverse generalisations against Jewish people as a group. Jewish people in Australia in November 2023 and thereafter would experience them to be harassing and intimidating. That is all the more so because they were made at the time of heightened vulnerability and fragility experienced by Jews in Australia, but they would also have been harassing and intimidating had they been made prior to 7 October 2023. That is because of their profound offensiveness and the long history of persecution of Jews associated with the use of such rhetoric. Those effects on Jews in Australia would be profound and serious.²⁶⁶

232. Justice Stewart found that the respondents had contravened section 18C of the RDA by delivering and publishing the lectures online and that the lectures were not made reasonably and in good faith in the course of any statement, publication, discussion or debate made or held for any genuine purpose in the public interest. The respondents were ordered to remove the lectures from the internet, take reasonable steps to have the lectures removed by

other publishers and publish corrective notices on their relevant social media accounts.

233. The project insights,²⁶⁷ the nature of complaints to the AHRC and cases brought to the Federal courts under s 18C of the RDA reveal that online antisemitism causes significant harm to individuals and communities and can fuel experiences of racism and hostility in the physical world.

234. This is because of its normalisation and its reach. The exponential spread of online hate and mis and disinformation is facilitated by algorithmic amplification, the lack of adequate content moderation and because it remains very difficult for affected individuals and communities to take action to remove content and to hold individuals and platforms accountable for its impact. This is discussed further in section 3 of the submission.

3 Opportunities for government action

This section contributes to clause (a)(ii), clause (a)(iii) and clause (b)(i) of the Letters Patent. It outlines opportunities for government action identified through the AHRC's work. Proposed initiatives include support for priority recommendations of the National Anti-Racism Framework including anti-racism education and curricula reform and workplace training that can be customised to address antisemitism. Relevant legislative reform is discussed and a best practice culture reform initiative discussed. Actions to support the AHRC's complaint handling work are also identified, as are parameters to guide the Australian Government's progress on a Digital Duty of Care.

235. It is vital that Australian governments take a broad and multi-pronged approach to addressing antisemitism and other forms of racism.
236. Government action must include a suite of responses such as support for access to justice, public awareness, education and policy initiatives as well as law reform.
237. The balancing of rights guided by international human rights principles must be a key consideration when designing and developing initiatives and making law. The corollary of taking a human rights-based approach is a more equal, safe, inclusive community which protects and balances people's rights and fosters participation, a sense of belonging and accountability.
238. We have identified the opportunities below for government action to address antisemitism and other forms of racism and to promote social cohesion more broadly.

National Anti-Racism Framework

239. The AHRC considers implementation of its National Anti-Racism Framework (**Framework**) to be a foundational action for all anti-racism work in Australia.
240. The Framework outlines a national, coordinated approach to addressing racism. It is a roadmap for governments, non-government organisations, businesses, and civil society organisations to take anti-racist action across sectors.
241. Many of the findings and recommendations in the AHRC's Racism@Uni report echo those in the Framework and its recommendations were again identified in the Seen & Heard project as solutions by Jewish communities affected by the rise in antisemitism since 7 October 2023.
242. The Framework recommendations have the capacity to tailor solutions to suit the needs of affected communities including those experiencing

antisemitism. Some organisations representing Jewish people in Australia have expressed support for taking the whole of society approach to tackling antisemitism and racism included in the Framework.²⁶⁸

243. There is widespread support for a Framework across communities affected by racism.²⁶⁹

244. Implementation of the Framework is widely supported by civil society organisations including those working to protect and promote rights in Australia and to ensure dignity, equality and safety for all. There have been widespread calls for the Australian Government to urgently commit to the Framework and establish the recommended mechanism to implement its recommendations.²⁷⁰

245. Organisations across sectors such as health and education have also called on governments to implement the Framework recognising, for example, its capacity to support coordinated anti-racism initiatives in partnership with affected communities²⁷¹ and embed anti-racism principles across all government policy, programs and institutions.²⁷²

246. The Framework's recommendations for governments have strong alignment with many of the recommendations of the Special Envoys to Combat Antisemitism²⁷³ and Islamophobia²⁷⁴ who have both commented favourably on the Framework.²⁷⁵ For example, some of the key actions for reform across Australia's workplaces and education sector set out in the Special Envoy's Plan to Combat Antisemitism align with the Framework.²⁷⁶

247. As a comprehensive, national, coordinated response to racism, implementation of the Framework's recommendations will address all forms of racism including antisemitism and support safe, cohesive, inclusive communities.

Recommendation: The Australian Government should immediately establish a task force or similar mechanism to determine prioritisation and sequencing of each of the recommendations of the AHRC's National Anti-Racism Framework to address antisemitism and all forms of racism. The task force or similar mechanism should develop and oversee implementation plans for those priority recommendations. The task force or similar mechanism should be co-chaired by the Race Discrimination Commissioner and a Secretary (representing the Australian Government's Secretaries Board), with senior government membership from across federal, state and territory jurisdictions, and relevant peak organisations. The Australian Government should provide funding for identified priority recommendations.

Recommendation: The task force or similar mechanism or, if this is not established, Australian governments, should consider the following recommendations of the National Anti-Racism Framework as a priority:

- a. Recommendation 20 regarding mandatory workplace anti-racism training in government workplaces
- b. Recommendation 43 regarding review of anti-racism and cultural safety training within the justice system
- c. Recommendation 28 regarding mandatory professional development for primary and secondary school staff on racism and building capability to discuss it
- d. Recommendation 29 regarding nationally consistent anti-racism resources and educational materials for staff and students in curricula that focus on recognising and rejecting racism including contemporary forms of racism
- e. Recommendation 33 regarding funding public awareness and education on anti-racism for the community sporting sector, in partnership with the Australian Sports Commission

Legislative reform

248. The AHRC's Free and Equal position paper released in 2021 *A reform agenda for federal discrimination law* set out a reform agenda for federal discrimination laws. It identified reforms for all 4 federal discrimination laws that would improve their effectiveness.

249. The identified reforms would ensure appropriate legal coverage, improve the usability of the legislation making it more accessible for people who have suffered discrimination and harassment, and assist businesses and other organisations to comply with the law and take actions to prevent discrimination from occurring in the first place. This includes through some new regulatory powers for the AHRC and standardising key provisions across the 4 discrimination laws – such as definitions of discrimination, how to evidence discrimination and to allow people to more easily bring complaints that sit at the intersections of discrimination laws.

250. This reform agenda identifies a range of reforms for the RDA such as bolstering protection against racial hatred, aligning victimisation provision under the RDA with other federal discrimination laws and improving the regulatory provisions of the RDA consistent with other areas of law.

251. The AHRC's work on racism, race discrimination and hate speech has identified additional changes needed to make relevant national

discrimination and vilification laws more effective such as increasing the capacity for representative actions.

252. Adequate legislative protection against religious discrimination in federal legislation remains a significant gap and the AHRC has long advocated for it.

253. Criminal law reform to criminalise the promotion or incitement of racial hatred is also identified as a mechanism to increase protections against racism and racial vilification.

254. Effective, modernised federal anti-discrimination laws supported by appropriate criminal sanctions against racism can build a preventative culture, enhance access to justice and provide regulatory tools to prevent racism and racial hatred. It is a vital part of a multi-pronged approach to addressing antisemitism and other forms of racism and is central to making communities stronger, healthier, safer and more prosperous.

Positive duty

255. The National Anti-Racism Framework includes key recommendations to strengthen the RDA and take proactive steps to address systemic and structural racism.

256. Recommendation 10 of the National Anti-Racism Framework calls for the introduction of a positive duty within the RDA including in workplaces. This would require government agencies, employers and persons conducting a business or undertaking to take proactive steps in their workplaces to prevent racial discrimination from occurring, rather than relying on people who have experienced discrimination to take action after harm occurs.

257. A positive duty is also recommended in:

- the provision of goods or services, with a particular focus on health, education, retail and hospitality, sport, housing and financial settings
- in access to places and facilities and
- in the provision of land, housing and other accommodation

258. Recommendation 11 of the National Anti-Racism Framework recommends that the RDA also be amended to provide powers to the AHRC to assess compliance with, and enforcement of, the positive duty. This includes providing the AHRC with the power and funding to:

- undertake assessments of the extent to which an organisation has complied with the duty, and issue compliance notices if it considers that an organisation has failed to comply
- enter into agreements or enforceable undertakings with the organisation

- apply to the Court for orders requiring compliance with the duty.

259. Introducing a positive duty aligns with Australia's human rights obligations, including pursuing all appropriate means and without delay a policy of eliminating racial discrimination in all its forms under article 2(1) of ICERD. A positive duty for employers and persons conducting a business or undertaking to take reasonable steps to eliminate racism as far as possible would help address gaps in the coverage of the RDA. It would also bring the RDA closer to the positive duty provisions of the *Sex Discrimination Act 1984* (Cth).

260. There is support for the inclusion of a positive duty in the RDA²⁷⁷ including from the union movement and from research institutes focussing on opportunities to improve workforce participation especially for those affected by racism.²⁷⁸

Representative actions

261. Racial hatred and vilification may be directed at groups and individuals.

262. Organisations representing targeted groups can make a complaint to the AHRC alleging racial vilification under s 18C of the RDA. This can be done as a 'representative complaint' on behalf of one or more persons aggrieved by the conduct under s 46P(2)(c) of the *Australian Human Rights Commission Act 1986* (Cth).

263. If the complaint cannot be conciliated, organisations may then make a 'representative application' on behalf of one or more of those people to a federal court pursuant to s 46PO(2A) of the *Australian Human Rights Commission Act 1986* (Cth).

264. A representative application under s 46POA currently requires the representative body to have the written consent of all individuals represented. This can be a difficult requirement to fulfil, particularly when the group is large, and has the potential to unnecessarily hinder the progress of representative applications.

265. Amending the law to remove barriers to community organisations bringing court proceedings on behalf of their members would reduce the burden on individuals to make complaints and commence proceedings in their own right alleging racial hatred and vilification. Removing the requirement in s 46POA for representatives, including representative bodies, to obtain the written consent of each represented individual would assist in reducing barriers to community groups taking action under s 18C of the RDA.

266. If this change were made, it may also be necessary to amend s 46POB to require the person making the representative application to notify the group

members so that they know they have the option to opt out of the proceeding if they wish.

Criminalising the promotion or incitement of racial hatred

267. Earlier this year, the Australian Government proposed amendments to the *Criminal Code Act 1995* (Cth) that could have addressed a gap in Australia's compliance with Article 4(a) of ICERD (discussed at paragraphs 28 to 30). This amendment would have criminalised the promotion or incitement of racial hatred or superiority on the basis of race, colour or national or ethnic origin.²⁷⁹ However, this proposal was withdrawn and was not passed by the Australian Parliament.

268. The proposed amendment to criminalise the incitement of racial hatred was part of an Omnibus Bill. The amendment was removed after objections and lack of support from other parties, including concerns over the breadth of the laws, their restriction on freedom of speech and the risk of the laws capturing legitimate political or social debate. Concerns were also raised about certain defences to the prohibition. The Australian Government instead focused on increasing penalties for existing hate crime offences, introducing aggravated offences and sentencing factors, and introducing a framework for listing prohibited hate groups and associated offences.

269. It is critical that criminal vilification laws are appropriately targeted and avoid unintended harmful consequences, overreach and unnecessary restrictions on other rights including freedom of expression.

270. Freedom of expression is not an absolute right,²⁸⁰ and its exercise carries special duties and responsibilities. It may be subject to certain restrictions as provided for by law and as are necessary for respecting the rights of others and protection of national security and public order (amongst others).²⁸¹ Any such restrictions must also meet strict tests of necessity and proportionality. This requires that any proposed restriction pursues a legitimate aim, is proportionate to that aim, and is no more restrictive than is required for the achievement of that aim.²⁸²

271. The AHRC supports action by the Australian Government to take steps to ensure full compliance with article 4(a) of ICERD. The Australian Government should amend the *Criminal Code Act 1995* (Cth) to criminalise the promotion or incitement of racial hatred or superiority on the basis of race, colour or national or ethnic origin so that full compliance with article 4(a) of ICERD is achieved and Australia's reservation from ICERD can be withdrawn. The AHRC considers that such an offence should also apply to other protected attributes, including sex, gender identity, sexual orientation, intersex status and disability.

272. Such action must ensure robust protections for freedom of expression and set a high threshold for the criminalisation of the promotion or incitement of racial hatred in keeping with the interpretation of article 4(a) of ICERD.

Victimisation

273. The victimisation provisions in the RDA are narrower and require a higher threshold to be established than other federal anti-discrimination acts. Under the RDA, for a person to make a valid complaint alleging victimisation, they must have experienced particular forms of detriment because they made, or proposed to make, a complaint to the AHRC or participated, or proposed to participate, in the AHRC's complaint process.²⁸³ The detriment they experienced must be that they were:

- refused employment
- dismissed, or threatened with dismissal
- prejudiced, or threatened to be prejudiced in their employment, or
- intimidated or coerced or had a financial or other form of penalty imposed on them.²⁸⁴

274. Under other federal anti-discrimination Acts, such as the *Sex Discrimination Act 1984* (Cth) and the *Disability Discrimination Act 1992* (Cth), the threshold to make a claim of victimisation is lower. A person can make a claim of victimisation if they experience 'any detriment' for a broad range of reasons, including that they reasonably asserted, proposed to assert or the other person believes they asserted rights that they have under the law. It is not necessary for the person to have taken, or proposed to take, active steps to make a complaint to the AHRC or participate in the AHRC's complaint process.

275. People who experience racism should not have fewer rights to protection from victimisation than people who are subjected to other forms of unlawful discrimination.

Protection against religious discrimination

276. There is limited protection in federal legislation against religious discrimination.²⁸⁵

277. At the federal level, a person may make a complaint to the AHRC or to the Fair Work Commission about discrimination on the basis of religion that occurs in the context of employment.

278. The AHRC can also inquire into complaints about acts done or practices engaged in by or on behalf of the Commonwealth that are contrary to

freedom of religion or belief and may examine Commonwealth laws to determine whether they are consistent with freedom of religion or belief.

279. However, unlike other Commonwealth discrimination laws, complaints of religious discrimination that are made to the AHRC do not give individuals a pathway to court if their complaint cannot be resolved at the Commission. As a result, this existing complaint pathway cannot result in a determination from an adjudicative body that provides a legally enforceable outcome.

280. The AHRC has consistently called for national legislative protection against religious discrimination.²⁸⁶

281. Jewish people are protected under the RDA as they have been recognised as being covered by the term 'ethnic origin'. However, given Judaism is a religion, it is appropriate that they are also protected against discrimination on the grounds of religion. Introducing federal protection against discrimination on the grounds of religion would be consistent with international human rights treaties to which Australia is bound, including the ICCPR which protects the right to equality and freedom of religion.

282. Introducing federal protection against discrimination on the grounds of religion would address a clear gap in federal discrimination law. It would make a statement that prejudice against people because of their religion should not be tolerated in Australia. It would provide a more appropriate pathway for redress for discrimination against Jewish people which is motivated by their religion. It would provide a pathway for redress for discrimination against Jewish people who may not be aware that the RDA covers antisemitic conduct.

Recommendation: The Australian Government should strengthen the *Racial Discrimination Act 1975* (Cth) by legislating the following amendments:

- a. Introduce a positive duty requiring government agencies, service providers, employers and persons conducting a business or undertaking to take reasonable and proportionate measures to eliminate, as far as possible, racial discrimination and racial vilification, consistent with Recommendation 10 of the National Anti-Racism Framework.
- b. Introduce additional powers for the AHRC to assess compliance with, and enforcement of, the positive duty, consistent with Recommendation 11 of the National Anti-Racism Framework
- c. Amend the victimisation provisions (sections 18AA and 27) to bring them in line with other federal anti-discrimination laws.

Recommendation: The Australian Government should amend the *Australian Human Rights Commission Act 1986* (Cth) to remove the requirement in s 46POA

for representative organisations to obtain the written consent of all represented individuals to commence proceedings in the federal courts.

Recommendation: The Australian Government should introduce offences for promoting or inciting racial hatred or superiority on the basis of race, colour or national or ethnic origin in the *Criminal Code Act 1995* (Cth) that achieve full compliance with Article 4(a) of ICERD and withdraw Australia's reservation from ICERD.

Recommendation: The Australian Government should introduce laws to prohibit discrimination on the grounds of religion.

Digital exposure and the normalisation of antisemitism

283. As outlined above in section 2 the normalisation and reach of online antisemitism and the extent of the harm it causes is a priority concern for Jewish community members.²⁸⁷

284. Online environments are often not passive or user-led. Online platforms curate and prioritise content through systems designed to maximise attention.²⁸⁸ As a result, the material that people encounter is shaped by data-driven predictions and commercial incentives. This means that exposure is largely environmental reflecting how platforms function, not simply what individuals seek out.

285. Evidence provided to a Commonwealth Legal and Constitutional Affairs References Committee inquiry on Right Wing Extremist Movements in Australia highlights that repeated exposure to harmful narratives (particularly when algorithmically amplified or insufficiently challenged) can shift perceptions of what is socially permissible. In this way, ideas previously seen as marginal may become normalised, as repeated and consequence-free exposure broadens the range of views considered legitimate in public discourse²⁸⁹

286. In the context of antisemitism, this process can expand the acceptance of stereotypes and rationalisations without requiring explicit endorsement. Rather, repetition and the absence of counter speech can gradually lower social barriers, such that what is frequently encountered comes to be seen as ordinary, and in turn, more readily tolerated.

Balancing safety and speech

287. Efforts to address online antisemitism must be carefully balanced with the protection of freedom of expression.²⁹⁰ The right to freedom of expression is recognised as a fundamental human right and has been described as

constituting 'the foundation stone for every free and democratic society'.²⁹¹ In particular, the UN Human Rights Committee has highlighted that:

When a State party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself, and the relation between right and restriction and between norm and exception must not be reversed.²⁹²

288. The boundary between protected expression and harmful speech is inherently contested, yet essential to clearly articulate.²⁹³ Drawing this line requires transparency and accountability – ensuring that no single platform, regulator or authority acts as the sole arbiter of acceptable speech.²⁹⁴ A durable response to antisemitism must protect Jewish communities from harm while preserving an open civic space in which disagreement and political debate can occur robustly without undue censorship.

Promoting information integrity

289. Addressing antisemitism and other harms online should not rely solely on removing offensive material. While content moderation plays an important role where harm is clear, a narrow focus on removing content risks addressing symptoms rather than causes. A more reliable response places greater emphasis on strengthening the integrity of the information environment itself, ensuring that accurate and reliable information is visible.

290. Initiatives that promote information integrity shift the focus from suppression to resilience. As noted by the UN Global Principles for Information Integrity this includes:

- **Societal trust and resilience:** recognises that information integrity depends on public confidence in the credibility of information and on society's capacity to respond to manipulation while maintaining social cohesion and safety.²⁹⁵
- **Healthy incentives:** examines how the design, governance and monetisation of digital systems shape patterns of exposure - particularly where commercial incentives prioritise outrage or virality in ways that normalise harmful narratives.²⁹⁶
- **Public empowerment:** focuses on whether people are equipped to engage with information environments in ways that support informed judgement and meaningful participation in public life, rather than being passively shaped by recommender systems and repeated exposure.²⁹⁷
- **Independent, free and pluralistic media:** affirms that information integrity relies on the presence of media institutions that operate independently of undue political or commercial influence – providing

accurate information necessary for democratic accountability and social trust.²⁹⁸

- **Transparency and research:** addresses the need for visibility into how information systems function (e.g. recommender systems) and for protected, independent research capable of identifying emerging risks.²⁹⁹

291. Such approaches recognise that harmful narratives, including antisemitic tropes, often thrive in environments of diminished trust and systems that reward outrage and polarisation.³⁰⁰ Filling these spaces with credible information and trusted voices can reduce the reach and impact of harmful content without unduly restricting lawful expression.

292. Framed in this way, efforts to counter antisemitism online form part of a broader, positive strategy to build societal trust and democratic resilience. By prioritising these principles Australia can address harm at its source rather than relying primarily on downstream enforcement.

293. In any response to the spread of antisemitism and weakening of social cohesion online, the Royal Commission should prioritise information integrity as a core pillar of its responses.

Recommendation: The Australian Government should continue investment in digital and AI literacy across all levels of education, and in the community, to equip people with the skills necessary to critically navigate information environments.

Recommendation: The Australian Government should ensure funding and support for civil society organisations working in the areas of digital rights (including online safety) in order to ensure independent research, education and engagement in this area.

Duty of care

294. The Australian Government has committed to a Digital Duty of Care. It should legislate a Duty which places responsibility on platforms to address foreseeable harms arising from the design and operation of their systems.³⁰¹ This duty should focus on recommender systems and monetisation practices that incentivise outrage or repeated exposure to harmful narratives. Social media platforms use 'recommender systems' to determine what content to show a user. A recommender system analyses user data and behaviour to automatically select the content it predicts the user is most likely to engage with.³⁰²

295. Where recommender systems and commercial incentives contribute to the amplification and normalisation of antisemitic content, platforms should be required to assess, mitigate and redesign those systems in a manner

consistent with human rights principles. Such a duty of care would target systemic drivers of harm (rather than individual items of content) by promoting accountability, transparency and safer design without prescribing content outcomes or suppressing legitimate expression.

Recommendation: The Australian Government Digital Duty of Care should require social media platforms to identify, assess and mitigate foreseeable risks arising from recommender systems and monetisation practices that incentivise the amplification and normalisation of antisemitism and other racist narratives.

AFP culture impact model

296. In July 2025, the Australian Federal Police (AFP) committed to continue its cultural reform partnership with the AHRC for a further 5-years. The partnership supports the AFP to embed a human rights approach and promote an organisational culture that values diversity and inclusion, in which staff feel safe, connected, respected and engaged.

297. Organisational culture affects how racism and other forms of unacceptable behaviour show up in the workplace, how it is understood and whether it is challenged, culture sets the unwritten rules about what behaviour is normal, tolerated, rewarded, and reported.

298. This year, the AHRC created an evidence-based report for the development of **A Transformative Culture Framework** for the AFP. This Framework identifies the organisation's current state and desired future state and levers for change. This work was informed by AFP workforce consultations in which the AHRC engaged members of the AFP workforce.

299. The AFP has engaged deeply with this work and has used the AHRC report to inform the development of a culture change strategy ***Our People, Our Culture: The AFP Culture Framework 2026 - 2030: A framework for continuous improvement towards our culture vision.***

300. To support the AFP in the next stages of this work the AHRC has developed a **Culture Impact Assessment Toolkit**. It will undergo user testing in the coming months. The toolkit provides a step-by-step set of prompts, questions and capacity-building exercises to guide how AFP initiatives are designed, planned and delivered. It will support early assessment of how proposed policies, programs and any significant operational changes may affect culture, belonging, safety, respect and fairness for the workforce and for different cultural and racial groups, reinforcing a prevention mindset.

301. This culture work hopes to embed guardrails for change and shift ways of thinking and approaches to workplace reform within the AFP, by providing a

more systems-based solution, that also supports individual skill building and learning at the same time.

302. If done well, this kind of culture work builds organisational commitment and results in continued resourcing. This can shift culture work from skill building towards behaviour change to systems change. It builds culture into the way organisational decisions are made, including through identifying unintended consequences and adjusting design, implementation, and accountability measures.

303. This work can support progress towards a diverse police force by focusing on organisational culture. When culture work is backed by strong accountability and a clear commitment, the workforce can better recognise and respond to racism and religious discrimination including antisemitism.

304. This will help to identify racially and religiously motivated offending, assist with engaging individuals and communities affected by racism and religious discrimination and hate, and reduce bias in assessment and decisions. Over time, stronger cultural capability and trust support reporting, investigations, and proportionate, preventative responses improving outcomes for racially and religiously motivated crime.

305. The AHRC encourages the Royal Commission to document its Culture Impact Assessment Toolkit as a transferable model for other police and law enforcement agencies, the implementation of which could be supported by the ongoing expertise of other human rights bodies across Australia.

Access to justice

306. The annual number of discrimination and human rights complaints received by the AHRC is around 30% higher than before the COVID-19 pandemic. This increase without an associated ongoing increase in funding has contributed to a complaint backlog and delays in finalising complaints.

307. In 2022, the Australian Government provided short term funding to assist in managing the backlog created by an unprecedented surge in complaints related to the COVID-19 pandemic. The temporary additional funding allowed the AHRC to stabilise the complaint backlog.

308. The AHRC has taken proactive steps to address the significant ongoing increased demand on its complaint services by:

- increasing staffing levels within our allocated budget
- triaging and prioritising complaints
- introducing innovative and more streamlined complaint handling processes.

309. Even with these changes, the AHRC lacks sufficient resources to meet the demands on its complaint services in a timely way.
310. The AHRC recognises the impact antisemitism and other forms of racism is having on communities in Australia affected by the ongoing conflict in the Middle East. Where complaints under the RDA are made, including those of antisemitism that relate to current issues, we prioritise them for allocation to officers to notify respondents of the complaint and explore conciliation.
311. Recent independent reviews of the AHRC's investigation and conciliation function found that the complaint handling function is efficiently managed. One review found that despite its efficient operations, the AHRC is unable to meet the rising demand for its complaint services.
312. The increase in complaints to the AHRC without an associated increase in funding has resulted in continuing delays to allocate complaints to officers and for conciliation processes to occur. This is especially pronounced for complaints not assessed as priority matters.
313. These delays have a real impact on access to justice and the ability of the AHRC to provide an effective and timely complaint handling service. Delays to action complaints has multiple effects:
- deter people from lodging complaints
 - contribute to an increase in people withdrawing their complaints
 - contribute to a decrease in the percentage of complaints being resolved through our conciliation processes.

Recommendation: The Australian Government should provide additional core funding to the Australian Human Rights Commission to resource:

- a. the Investigations and Conciliation Service to process the high volume of complaints and to conduct conciliations in a timely manner
- b. expanded education, community engagement and awareness activities to provide information about how to make complaints and the complaints process under the *Racial Discrimination Act 1975* (Cth).

Human Rights Act

314. When Australia ratifies a treaty under international law, that treaty does not automatically become part of Australian law. This means that people in Australia cannot directly enforce the human rights Australia has agreed to comply with in international human rights treaties. Australian governments and parliaments are meant to pass laws and take action to protect the human rights Australia has agreed to uphold under international law. Unfortunately, they haven't done this adequately.

315. An Australian Human Rights Act would help to address this gap protecting people's human rights in our nation. As part of our *Free and Equal* project, the AHRC recommended that the Australian Government introduce a Human Rights Act.
316. A Human Rights Act would protect the rights of all Australians, promote better understanding of those rights and give people the power to take action if their rights are breached through government action.
317. There are Human Rights Acts in Victoria, Queensland and the Australian Capital Territory and in similar nations like New Zealand, Canada and the United Kingdom.³⁰³
318. The AHRC has proposed a model for a national Human Rights Act, which has been supported by the Australian Parliament's Joint Committee on Human Rights (PJCHR) which recommended a Human Rights Act in 2024.
319. Under the AHRC's proposed model, the Human Rights Act would apply to Australian Government bodies like Government Departments, Ministers, public servants and agencies. It will not apply to State and Territory government bodies.
320. The Human Rights Act would require governments and public servants to properly consider and act compatibly with human rights when making decisions, delivering services and developing laws and policies. This would foster a better understanding of rights and builds a culture that prevents human rights breaches.
321. The HRA would also give people the power to take action if their rights are breached by allowing a person to raise the issue directly with a government body or with the AHRC for conciliation. If a matter cannot be resolved at that level, people would have the power to take action in court.
322. A Human Rights Act would help to address antisemitism and other forms of racism in Australia. It would protect people's rights to life, security of person (safety), equality, education and freedom of religion. It would require Australian Government bodies to properly consider and comply with those rights when carrying out their functions. These obligations would help to ensure, for example:
- federal law enforcement agencies take appropriate action to protect people from foreseeable threats to their safety (see eg: *Osman v United Kingdom* (1998) ECHR)
 - federal prosecution authorities take appropriate action to prosecute hate crimes

- universities take appropriate action to ensure safe and equal access to education
- federal agencies take appropriate actions to ensure people are able to safely and freely practice their religion.

323. A Human Rights Act would also provide a framework for balancing rights, like freedom of expression, peaceful assembly, safety and equality rights, when they intersect, drawing on established principles. It would promote social cohesion by strengthening a culture of protecting people's rights.

Recommendation: The Australian Government should legislate a national Human Rights Act, in line with the recommendations of the [*Free & Equal*](#) report.

4 Context

324. The following paragraphs provide important contextual information about key concepts that guide the work of the AHRC and are relevant to the Letters Patent of the Royal Commission.

Definition of antisemitism

325. Perspectives vary on the definition of antisemitism, including within the Jewish community.³⁰⁴ While definitions can be helpful to educate people about how racism can manifest, the AHRC does not endorse or reject specific definitions of antisemitism. Instead, the AHRC, working within its established statutory framework, is focused on listening carefully to evidence and people with lived experience.

326. The AHRC's work on antisemitism is guided by the binding human rights treaties which Australian Governments committed to uphold, the RDA, as well as state and territory legislation and case law on racial discrimination.

327. The AHRC is cautious about adopting formal definitions in laws, policies or frameworks. Experts have told us that formal definitions of racism can limit or restrict experiences when construed narrowly to exclude, rationalise, or excuse certain actions.³⁰⁵

Social cohesion

328. 'Social cohesion' means different things to different people.

329. It can be understood to mean our shared sense of belonging and attachment, trust in each other, trust in our government and institutions, our equality and inclusion, material wellbeing and our political participation. It can support our shared vision for Australia, connect us in our communities and support our wellbeing.

330. The AHRC's engagement with stakeholders and communities, including those affected by racism has revealed however that 'social cohesion' can be a contested term.

331. Even while it sounds like a positive unifying concept, it can be interpreted by some to mean conformity and assimilation. It can call for erasing differences of culture, language and faith.

332. It can also be used as an implied instruction to not talk about things that make people uncomfortable – like racism and other injustice.

333. It is imperative that social cohesion does not come at the expense of talking about, and achieving, justice and human rights.

334. Across the country antisemitism and other forms of racism damage our social fabric. We can counter this and strengthen social cohesion in Australia by acknowledging and addressing racial and other injustice and through strengthening our understanding, support and protection of human rights.

Endnotes

- ¹ Australian Human Rights Commission (AHRC), *The struggle to be seen, the power in being heard: Community insights from the Seen and Heard project* (Report March 2026) p 14 (Seen & Heard Report).
- ² [International Covenant on Civil and Political Rights \(ICCPR\)](#); [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#); [International Convention on the Elimination of All Forms of Racial Discrimination \(ICERD\)](#); [Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#); [Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#); [Convention on the Rights of the Child \(CRC\)](#); [Convention on the Rights of Persons with Disabilities \(CRPD\)](#).
- ³ See also ICCPR art 16; ICESCR art 2(2); ICERD arts 1, 2, 4, 5; CEDAW arts 2, 3, 4, 15; CRPD arts 3, 4, 5, 12.
- ⁴ ICCPR art 2(2).
- ⁵ ICCPR art 2(2).
- ⁶ ICCPR art 2(3).
- ⁷ ICCPR art 26.
- ⁸ ICERD art 2.
- ⁹ ICERD art 4.
- ¹⁰ ICERD art 4(a)
- ¹¹ ICERD art 5.
- ¹² Committee on the Elimination of Racial Discrimination, General Recommendation XX (48) on Article 5, UN Doc CERD/48/Misc.6/Rev.2 (26 February – 15 March 1996) para 5.
- ¹³ ICCPR art 18.
- ¹⁴ Human Rights Committee, General Comment No 22 (Article 18), UN Doc CCPR/C/21/Rev.1/Add.4 (23 September 1993) para 4 (General Comment No 22).
- ¹⁵ Human Rights Committee, General Comment No 22 para 8.
- ¹⁶ ICCPR art 20: Human Rights Committee, General Comment No 22 para 7.
- ¹⁷ Special Rapporteur on the freedom of religion or belief, Ahmed Shaheed, Report on Combating Antisemitism to Eliminate Discrimination and Intolerance based on Religion or Belief, UN Doc A/74/358 (20 September 2019) (Report on Antisemitism).
- ¹⁸ Special Rapporteur on the freedom of religion or belief, Report on Antisemitism para 2.
- ¹⁹ Special Rapporteur on the freedom of religion or belief, Report on Antisemitism para 74.
- ²⁰ Special Rapporteur on the freedom of religion or belief, Report on Antisemitism paras 76, 77, 79, 80.
- ²¹ Special Rapporteur on the freedom of religion or belief, Nazila Ghanea, Report on Hatred on the Basis of Religion or Belief, UN Doc A/HRC/55/47 (8 January 2024) para 11 (Report on Hatred on the Basis of Religion or Belief).

- ²² Special Rapporteur on the freedom of religion or belief, Report on Hatred on the Basis of Religion or Belief, para 14.
- ²³ Special Rapporteur on the freedom of religion or belief, Report on Hatred on the Basis of Religion or Belief, paras 3-8.
- ²⁴ Special Rapporteur on the freedom of religion or belief, Report on Hatred on the Basis of Religion or Belief, para 62.
- ²⁵ Human Rights Committee, General Comment No 34 para 4.
- ²⁶ ICCPR art 19(2).
- ²⁷ ICCPR arts 19(2), 19(3). Human Rights Committee, General Comment No 34 paras 11-12.
- ²⁸ ICCPR art 19(3).
- ²⁹ ICCPR art 19(3): Human Rights Committee, General Comment No 34 para 22.
- ³⁰ Human Rights Committee, General Comment No 11: Prohibition of Propaganda for War and Inciting National, Racial or Religious Hatred (Article 20) (29 July 1983) para 2 (General Comment No 11).
- ³¹ Special Rapporteur the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, Promotion and Protection of the Right to Freedom of Opinion and Expression, UN Doc A/HRC/14/23 (20 April 2010) para 79(h)(i) (2010 Report).
- ³² Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, Report on the Promotion and Protection of the Right to Freedom of Opinion and Expression, UN Doc A/66/290 (10 August 2011) para 28 (emphasis added) (2011 Report).
- ³³ Human Rights Committee, General Comment No 11 para 2; Human Rights Committee, General Comment No 34 para 50.
- ³⁴ CERD art 4(a). See also Committee on the Elimination of Racial Discrimination, General Recommendation No 35: Combating Racist Hate Speech, UN Doc CERD/C/GC/35 (26 September 2013) para 3 (General Recommendation No 35).
- ³⁵ Committee on the Elimination of Racial Discrimination, General Recommendation No 35 para 15.
- ³⁶ Committee on the Elimination of Racial Discrimination, General Recommendation No 35 para 25.
- ³⁷ Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred, UN Doc A/HRC/22/17/Add.4 (11 January 2013) (Rabat Plan of Action).
- ³⁸ Rabat Plan of Action, appendix para 29.
- ³⁹ Human Rights Committee, General Comment No 37: The Right of Peaceful Assembly (Article 21), UN Doc CCPR/C/GC (17 September 2020) para 4 (General Comment No 37).
- ⁴⁰ Human Rights Committee, General Comment No 37 para 1.
- ⁴¹ Human Rights Committee, General Comment No 37 para 6.

- ⁴² Human Rights Committee, General Comment No 37 para 7.
- ⁴³ Human Rights Committee, General Comment No 37 para 4.
- ⁴⁴ Human Rights Committee, General Comment No 37 para 49.
- ⁴⁵ Human Rights Committee, General Comment No 34 para 21.
- ⁴⁶ ICCPR art 2(1); Human Rights Committee, General Comment No 37 para 21.
- ⁴⁷ Human Rights Committee, General Comment No 37 paras 23-24.
- ⁴⁸ ICCPR art 21; Human Rights Committee, General Comment No 37 para 36.
- ⁴⁹ Human Rights Committee, General Comment No 37 para 39.
- ⁵⁰ Human Rights Committee, General Comment No 37 para 40.
- ⁵¹ Human Rights Committee, General Comment No 37 para 40.
- ⁵² Human Rights Committee, General Comment No 37 para 40.
- ⁵³ Human Rights Committee, General Comment No 37 para 40.
- ⁵⁴ Human Rights Committee, General Comment No 37 para 42.
- ⁵⁵ Human Rights Committee, General Comment No 37 para 42.
- ⁵⁶ Human Rights Committee, General Comment No 37 para 43.
- ⁵⁷ Human Rights Committee, General Comment No 37 para 44.
- ⁵⁸ Human Rights Committee, General Comment No 37 para 45.
- ⁵⁹ Human Rights Committee, General Comment No 37 para 46.
- ⁶⁰ Human Rights Committee, General Comment No 37 para 46.
- ⁶¹ Human Rights Committee, General Comment No 37 para 47.
- ⁶² Human Rights Committee, General Comment No 37 para 47.
- ⁶³ Human Rights Committee, General Comment No 37 para 36.
- ⁶⁴ Human Rights Committee, General Comment No 37 para 36.
- ⁶⁵ Human Rights Committee, General Comment No 37 para 36.
- ⁶⁶ Human Rights Committee, General Comment No 37 para 36.
- ⁶⁷ Human Rights Committee, General Comment No 37 para 38.
- ⁶⁸ Human Rights Committee, General Comment No 37 para 38.
- ⁶⁹ Human Rights Committee, General Comment No 37 para 37.
- ⁷⁰ Human Rights Committee, General Comment No 37 para 37.
- ⁷¹ Human Rights Committee, General Comment No 37 para 37.
- ⁷² Human Rights Committee, General Comment No 37 para 48.

- ⁷³ Human Rights Committee, General Comment No 37 para 49.
- ⁷⁴ Human Rights Committee, General Comment No 37 para 49.
- ⁷⁵ Human Rights Committee, General Comment No 37 para 51.
- ⁷⁶ Human Rights Committee, General Comment No 37 para 51.
- ⁷⁷ Human Rights Committee, General Comment No 37 para 50.
- ⁷⁸ Human Rights Committee, General Comment No 37 para 50.
- ⁷⁹ Human Rights Committee, General Comment No 37 para 52.
- ⁸⁰ Human Rights Committee, General Comment No 37 para 52.
- ⁸¹ Human Rights Committee, General Comment No 37 para 52.
- ⁸² Human Rights Committee, General Comment No 37 para 53.
- ⁸³ Human Rights Committee, General Comment No 37 para 54.
- ⁸⁴ Human Rights Committee, General Comment No 37 para 54.
- ⁸⁵ Human Rights Committee, General Comment No 37 para 54.
- ⁸⁶ Human Rights Committee, General Comment No 37 para 54.
- ⁸⁷ Human Rights Committee, General Comment No 37 para 54.
- ⁸⁸ Human Rights Committee, General Comment No 37 para 55.
- ⁸⁹ Human Rights Committee, General Comment No 37 para 55.
- ⁹⁰ Human Rights Committee, General Comment No 37 para 53.
- ⁹¹ Human Rights Committee, General Comment No 37 paras 55-56.
- ⁹² Human Rights Committee, General Comment No 37 para 57.
- ⁹³ Human Rights Committee, General Comment No 37 para 57.
- ⁹⁴ Human Rights Committee, General Comment No 37 para 57.
- ⁹⁵ Human Rights Committee, General Comment No 37 para 58.
- ⁹⁶ Human Rights Committee, General Comment No 37 para 59.
- ⁹⁷ Human Rights Committee, General Comment No 37 para 60.
- ⁹⁸ Human Rights Committee, General Comment No 37 para 60.
- ⁹⁹ Human Rights Committee, General Comment No 37 para 60.
- ¹⁰⁰ Human Rights Committee, General Comment No 37 para 99.
- ¹⁰¹ Human Rights Committee, General Comment No 37 para 61.
- ¹⁰² Human Rights Committee, General Comment No 37 paras 61-62.
- ¹⁰³ Human Rights Committee, General Comment No 37 para 61.
- ¹⁰⁴ Human Rights Committee, General Comment No 37 para 61.

- ¹⁰⁵ Human Rights Committee, General Comment No 37 para 63.
- ¹⁰⁶ Human Rights Committee, General Comment No 37 para 63.
- ¹⁰⁷ Human Rights Committee, General Comment No 37 para 65.
- ¹⁰⁸ Human Rights Committee, General Comment No 37 para 65.
- ¹⁰⁹ Human Rights Committee, General Comment No 37 para 65.
- ¹¹⁰ Human Rights Committee, General Comment No 37 paras 66-67.
- ¹¹¹ Human Rights Committee, General Comment No 37 para 68.
- ¹¹² Human Rights Committee, General Comment No 37 para 69.
- ¹¹³ Human Rights Committee, General Comment No 37 para 70.
- ¹¹⁴ Human Rights Committee, General Comment No 37 para 70.
- ¹¹⁵ Human Rights Committee, General Comment No 37 para 70.
- ¹¹⁶ Human Rights Committee, General Comment No 37 para 70.
- ¹¹⁷ Human Rights Committee, General Comment No 37 para 71.
- ¹¹⁸ Human Rights Committee, General Comment No 37 para 71.
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- ¹²⁰ Human Rights Committee, General Comment No 37 para 72.
- ¹²¹ Human Rights Committee, General Comment No 37 para 72.
- ¹²² Human Rights Committee, General Comment No 37 para 72.
- ¹²³ Human Rights Committee, General Comment No 37 para 72.
- ¹²⁴ Human Rights Committee, General Comment No 37 para 72.
- ¹²⁵ Human Rights Committee, General Comment No 37 paras 74-95.
- ¹²⁶ Human Rights Committee, General Comment No 37 para 74.
- ¹²⁷ Human Rights Committee, General Comment No 37 para 74.
- ¹²⁸ Human Rights Committee, General Comment No 37 para 74.
- ¹²⁹ Human Rights Committee, General Comment No 37 para 75.
- ¹³⁰ Human Rights Committee, General Comment No 37 para 76.
- ¹³¹ Human Rights Committee, General Comment No 37 para 77.
- ¹³² Human Rights Committee, General Comment No 37 para 77.
- ¹³³ Human Rights Committee, General Comment No 37 para 77.
- ¹³⁴ Human Rights Committee, General Comment No 37 para 80.
- ¹³⁵ Human Rights Committee, General Comment No 37 para 80.
- ¹³⁶ Human Rights Committee, General Comment No 37 para 81.

- ¹³⁷ Human Rights Committee, General Comment No 37 para 78.
- ¹³⁸ Human Rights Committee, General Comment No 37 para 78.
- ¹³⁹ Human Rights Committee, General Comment No 37 para 78.
- ¹⁴⁰ Human Rights Committee, General Comment No 37 para 79.
- ¹⁴¹ Human Rights Committee, General Comment No 37 para 79.
- ¹⁴² Human Rights Committee, General Comment No 37 para 79.
- ¹⁴³ Human Rights Committee, General Comment No 37 para 79.
- ¹⁴⁴ Human Rights Committee, General Comment No 37 para 79.
- ¹⁴⁵ Human Rights Committee, General Comment No 37 para 88.
- ¹⁴⁶ Human Rights Committee, General Comment No 37 para 82.
- ¹⁴⁷ Human Rights Committee, General Comment No 37 para 82.
- ¹⁴⁸ Human Rights Committee, General Comment No 37 para 83.
- ¹⁴⁹ Human Rights Committee, General Comment No 37 para 84.
- ¹⁵⁰ Human Rights Committee, General Comment No 37 para 85.
- ¹⁵¹ Human Rights Committee, General Comment No 37 para 85.
- ¹⁵² Human Rights Committee, General Comment No 37 para 86.
- ¹⁵³ Human Rights Committee, General Comment No 37 para 87.
- ¹⁵⁴ Human Rights Committee, General Comment No 37 para 87.
- ¹⁵⁵ Human Rights Committee, General Comment No 37 para 88.
- ¹⁵⁶ Human Rights Committee, General Comment No 37 para 88.
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- ¹⁶² Human Rights Committee, General Comment No 37 para 90.
- ¹⁶³ Human Rights Committee, General Comment No 37 para 93.
- ¹⁶⁴ Human Rights Committee, General Comment No 37 para 93.
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- ¹⁶⁶ Human Rights Committee, General Comment No 37 para 99.
- ¹⁶⁷ Human Rights Committee, General Comment No 37 para 99.
- ¹⁶⁸ See also ICESCR art 14.

¹⁶⁹ ICESCR art 13(1).

¹⁷⁰ Committee on Economic, Social and Cultural Rights, General Comment No 13: The Right to Education (Art 13), UN Doc E/C.12/1999/10 (8 December 1999) para 1 (General Comment No 13).

¹⁷¹ Committee on Economic, Social and Cultural Rights, General Comment No 13 para 1.

¹⁷² Committee on Economic, Social and Cultural Rights, General Comment No 13 para 6(b).

¹⁷³ Committee on Economic, Social and Cultural Rights, General Comment No 13 para 31.

¹⁷⁴ CESCR, General Comment No 13 para 39.

¹⁷⁵ CESCR, General Comment No 13 para 39.

¹⁷⁶ Committee on Economic, Social and Cultural Rights, General Comment No 13 para 40.

¹⁷⁷ Special Rapporteur on the right to education, Farida Shaheed, Report on the Right to Academic Freedom, UN Doc A/HRC/56/58 (27 June 2024) (Report on Academic Freedom) para 10. See also e.g. ICCPR art 19; ICESCR arts 13, 15; CRC arts 28, 29.

¹⁷⁸ Special Rapporteur on the right to education, Report on Academic Freedom.

¹⁷⁹ Special Rapporteur on the right to education, Report on Academic Freedom para 2.

¹⁸⁰ Special Rapporteur on the right to education, Report on Academic Freedom para 24. ICCPR art 19 and ICESCR art 4 are particularly relevant here.

¹⁸¹ Special Rapporteur on the right to education, Report on Academic Freedom para 24.

¹⁸² Special Rapporteur, Report on Academic Freedom para 28.

¹⁸³ Special Rapporteur, Report on Academic Freedom para 29.

¹⁸⁴ Special Rapporteur on the right to education, Report on Academic Freedom para 40.

¹⁸⁵ Part IIA of the [Racial Discrimination Act 1975 \(Cth\)](#) prohibits offensive behaviour based on racial hatred. For the purposes of this submission, we have used the term 'racial vilification' because it more clearly conveys the meaning of this part of the RDA.

¹⁸⁶ The '[Racial Hatred Bill 1994 Explanatory Memorandum](#)' outlines that the racial hatred law 'maintains a balance between the right to free speech and the protection of individuals and groups from harassment and fear because of their race, colour or national or ethnic origin.'

¹⁸⁷ [2002] FCAFC 156 [14].

¹⁸⁸ Mr Giridharan Sivaraman, Race Discrimination Commissioner, [50th Anniversary of the Racial Discrimination Act – Whitlam Institute](#), 17 June 2025.

¹⁸⁹ The Hon Michelle Rowland MP, *Racial Discrimination Act 50th Anniversary*, [House of Representatives Official Hansard 30 October 2025](#), 2971.

¹⁹⁰ Nationwide News In [Nationwide News Pty Ltd v Wills](#) (1992) 177 CLR 1 and [Australian Capital Television Pty Ltd v the Commonwealth](#) (1992) 177 CLR 106. Reaffirmed in in [Unions NSW v New South Wales](#) [2013] HCA 58.

¹⁹¹ *Lange v Australian Broadcasting Corporation* (1997) 187 CLR 520.

- ¹⁹² See generally *Coco v The Queen* (1994) 179 CLR 427; *Electrolux Home Products Pty Ltd v Australian Workers' Union* (2004) 221 CLR 309; See also Australian Human Rights Commission, *Common law rights, human rights scrutiny and the rule of law* (Webpage) <<https://humanrights.gov.au/?a=68735>>; Australian Human Rights Commission, *Explainer: Protest rights in Australia* (Webpage) <<https://humanrights.gov.au/resource-hub/by-resource-type/publications/rights-and-freedoms/guides/protest-rights-australia-explainer>> (Protest Rights Explainer).
- ¹⁹³ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 16; *Human Rights Act 2019* (Qld) s 22(1); *Human Rights Act 2004* (ACT) s 15(1).
- ¹⁹⁴ See e.g. *Summary Offences Act 1988 No 25* (NSW) s 24.
- ¹⁹⁵ See e.g. *Racial Discrimination Act 1975* (Cth) s 18C; *Criminal Code Act 1995* (Cth) ss 80.2A, 80.2B, 80.2BA, 80.2BB, 80.2DA & 80.2H-80.2HA; *Anti-Discrimination Act 1977* (NSW) s 20C; *Crimes Act 1900* (NSW) ss 93Z-93ZAB; *Racial and Religious Tolerance Act 2001* (Vic) ss 7-8; *Crimes Act 1958* (Vic) ss 195N-195O; *Summary Offences Act 1953* (SA) s 32B; *Police Offences Act 1935* (Tas) s 6C.
- ¹⁹⁶ See for example 29-31 of this submission, AHRC, *Seen & Heard Report*, 25 and AHRC, *Respect at Uni: Study into antisemitism, Islamophobia, racism and the experience of First Nations people* (Report February 2026) (Respect at Uni Report), 44-45.
- ¹⁹⁷ AHRC, *National Anti-Racism Framework: A Roadmap to Eliminating Racism in Australia* (Full report, November 2024) (NARF Report) 13.
- ¹⁹⁸ AHRC, *National Anti-Racism Framework Scoping Report 2022* (Report, December 2022) (NARF Scoping Report), 86.
- ¹⁹⁹ <https://www.ecaj.org.au/category/our-work/report/antisemitism-report/>
- ²⁰⁰ See for example Dr Andre Oboler, Dr Patrick Scolyer-Gray, Liana Levin, *Social media and the normalisation of hate: October 7 2 years on*, 2025
- ²⁰¹ See also Scanlon Foundation, *The 2024 Mapping Social Cohesion Report*, p. 48 which flags this rise.
- ²⁰² AHRC, NARF Report, recommendations 59 and 61, pp 22-23.
- ²⁰³ AHRC, NARF Scoping Report, p 86.
- ²⁰⁴ AHRC, NARF Scoping Report, p 85.
- ²⁰⁵ AHRC, *Royal Commission into antisemitism and social cohesion - Interim Submission of the Australian Human Rights Commission*, April 2026, p 9.
- ²⁰⁶ *Cassuto v Kostakidis* [2025] FCA 1226 at [42].
- ²⁰⁷ *Toltz v Riemer* [2025] FCA 1385 at [89]-[104].
- ²⁰⁸ *Cassuto v Kostakidis* [2025] FCA 1226 at [41]-[48].
- ²⁰⁹ See for example *Vorchheimer v Tayeh* [2026] VCAT 134;
- ²¹⁰ AHRC, (Report, February 2026) 51 (Respect at Uni Report).
- ²¹¹ AHRC, Respect at Uni Report, p 44.
- ²¹² AHRC, Respect at Uni Report, p 81.

- ²¹³ AHRC, Respect at Uni Report, pp 82-83.
- ²¹⁴ AHRC, Respect at Uni Report, pp 82-83.
- ²¹⁵ AHRC, Respect at Uni Report, pp 83-84.
- ²¹⁶ AHRC, Respect at Uni Report, pp 84-85.
- ²¹⁷ AHRC, Respect at Uni Report, p 86.
- ²¹⁸ AHRC, Respect at Uni Report, p 150.
- ²¹⁹ AHRC, Respect at Uni Report, p 150.
- ²²⁰ AHRC, Respect at Uni Report, p 45.
- ²²¹ AHRC, Respect at Uni Report, p 157.
- ²²² AHRC, Respect at Uni Report, p 172.
- ²²³ AHRC, Respect at Uni Report, p 114.
- ²²⁴ AHRC, Respect at Uni Report, p 128.
- ²²⁵ AHRC, Respect at Uni Report, p 143.
- ²²⁶ AHRC, Respect at Uni Report, p 162.
- ²²⁷ AHRC, Respect at Uni Report, p 145.
- ²²⁸ AHRC, Respect at Uni Report, p 146.
- ²²⁹ AHRC, Respect at Uni Report, p 146.
- ²³⁰ AHRC, Seen & Heard Report, p 10.
- ²³¹ AHRC, Seen & Heard Report, p 25.
- ²³² AHRC, Seen & Heard Report, p 28.
- ²³³ AHRC, Seen & Heard Report, p 10.
- ²³⁴ AHRC, Seen & Heard Report, p 11.
- ²³⁵ AHRC, Seen & Heard Report, p 30.
- ²³⁶ AHRC, Seen & Heard Report, p 18.
- ²³⁷ AHRC, Seen & Heard Report, p 27.
- ²³⁸ AHRC, Seen & Heard Report, p 33.
- ²³⁹ AHRC, Seen & Heard Report, p 28.
- ²⁴⁰ AHRC, Seen & Heard Report, p 12.
- ²⁴¹ AHRC, Seen & Heard Report, p 50.
- ²⁴² AHRC, Seen & Heard Report, p 43.
- ²⁴³ AHRC, Seen & Heard Report, p 39.
- ²⁴⁴ AHRC, Seen & Heard Report, p 12.

²⁴⁵ AHRC, Seen & Heard Report, p 12.

²⁴⁶ AHRC, Seen & Heard Report, p 44.

²⁴⁷ AHRC, Seen & Heard Report, p 12.

²⁴⁸ AHRC, Seen & Heard Report, p 45.

²⁴⁹ AHRC, Seen & Heard Report, p 47

²⁵⁰ AHRC, Seen & Heard Report, p 48.

²⁵¹ AHRC, Seen & Heard Report, p 48.

²⁵² AHRC, Seen & Heard Report, p 46

²⁵³ AHRC, Seen & Heard Report, p 46

²⁵⁴ AHRC, Seen & Heard Report, p 47

²⁵⁵ AHRC, Seen & Heard Report, p 47

²⁵⁶ AHRC, Seen & Heard Report, p 48.

²⁵⁷ AHRC, Seen & Heard Report, p 51.

²⁵⁸ AHRC, Seen & Heard Report, p 52.

²⁵⁹ AHRC, Seen & Heard Report, p 52.

²⁶⁰ AHRC, Seen & Heard Report, p 53.

²⁶¹ AHRC, Seen & Heard Report, p 53.

²⁶² AHRC, Seen & Heard Report, p 54.

²⁶³ AHRC, Seen & Heard Report, p 54.

²⁶⁴ AHRC, Seen & Heard Report, p 54.

²⁶⁵ See Table 1 on p. 38.

²⁶⁶ [Wertheim v Haddad](#) [2024] FCA 720 [197].

²⁶⁷ AHRC, Seen & Heard Report and AHRC, Respect at Uni Report.

²⁶⁸ See Jewish Council of Australia [Media Release: Jewish Council urges pause on rushed and dangerous hate speech Bill](#), 14 January 2026.

²⁶⁹ AHRC, NARF Scoping Report, p 9.

²⁷⁰ See SSI, [Joint statement: It's time to fully commit to the National Anti-Racism Framework](#), 25 November 2025

²⁷¹ RACGP, [Racism in the healthcare system - Position statement](#), March 2025, p 2.

²⁷² Reconciliation Australia, [Submission to the Inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander people](#) – Submission 106, p 9; Lowitja Institute, [Inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander people - Submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs-](#) Submission 198, May 2026, p 26

²⁷³ AHRC, Seen & Heard Report p 15.

²⁷⁴ See Australia's Special Envoy to Combat Islamophobia, [A National Response to Islamophobia: A Strategic Framework for Inclusion, Safety and Prosperity](#), September 2025, pp 28, 31, 36, 37 where the recommendations of the Special Envoy call for the implementation of Framework recommendations.

²⁷⁵ AHRC, [Royal Commission into antisemitism and social cohesion - Interim Submission](#), 2026, p. 6

²⁷⁶ Australia's Special Envoy to Combat Antisemitism, [Special Envoy's Plan to Combat Antisemitism - A policy-oriented framework for government and the Australian community](#), July 2025, see pp 8 and 13 for aligned actions

²⁷⁷ AHRC, NARF Report, p 31.

²⁷⁸ See for example UWU, [UWU Inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander people](#) - Submission 178, p 8 which sets out the ACTU's support for a positive duty and Centre for Indigenous People and Work, [Inquiry into Racism, Hate and Violence Directed at Aboriginal and Torres Strait Islander People 2026](#) - Submission 62, p 4.

²⁷⁹ See first exposure draft of the *Combatting Antisemitism, Hate and Extremism (Criminal and Migration Laws) Bill 2026* (Cth), s 80.2BF; see also *International Convention on the Elimination of Racial Discrimination* ('ICERD'), art 4(a).

²⁸⁰ The right is enshrined in a range of international and regional human rights instruments, including [Universal Declaration of Human Rights](#) ('UDHR') art 19 and ICCPR art 19; See also CRPD art 21; CRC art 12; [Convention on Human Rights and Fundamental Freedoms](#) (European Convention on Human Rights) art 10; [American Convention on Human Rights, Pact of San Jose](#) (ACHR) art 13; [African Charter on Human and Peoples' Rights](#) art 9; [ASEAN Human Rights Declaration](#) art 23.

²⁸¹ ICCPR art 19(3).

²⁸² Special Rapporteur the promotion and protection of the right to freedom of opinion and expression, 2010 Report, 13-15 [79]-[81]; See also Human Rights Committee, General Comment No 34, 6 [22].

²⁸³ *Racial Discrimination Act 1975* (Cth), s 18AA(2).

²⁸⁴ *Racial Discrimination Act 1975* (Cth), s 18AA(2).

²⁸⁵ Human Rights Committee, Concluding Observations on the Sixth periodic Report of Australia, UN Doc CCPR/C/AUS/CO/6 (1 December 2017) para 17; Committee on Economic, Social and Cultural Rights, Concluding Observations on the Sixth Periodic Report of Australia, UN Doc E/C.12/AUS/CO/6 (25 February 2026) para 20.

²⁸⁶ NARF Scoping Report 72; Australian Human Rights Commission, Submission to the Expert Panel, Religious Freedom Review (February 2018) 4-5 [10]; Australian Human Rights Commission, Submission to the Parliamentary Joint Committee on Human Rights, Religious Discrimination Bill 2021 and related bills (21 December 2021) 71 [304].

²⁸⁷ Blue Square Alliance, *Coded, Conspiratorial and Accelerated: The State of Antisemitism Online* (Report, 2026) pp 3-6; Voice of the People, *The 2025 Jewish Landscape Report* (Report, 2025) pp 8

& 14 where 76% believe rising antisemitism to be the most critical issue. The report goes on to note that respondents highlighted online spaces and social media as being spaces they experienced antisemitism.

²⁸⁸ eSafety Commissioner, *Recommender Systems and Algorithms – Position Statement* (webpage) <<https://www.esafety.gov.au/industry/tech-trends-and-challenges/recommender-systems-and-algorithms>>.

²⁸⁹ See Legal and Constitutional Affairs References Committee inquiry on Right wing extremist movements in Australia, *Final Report* (Report, December 2024) pp. 22-24 [2.20]-[2.32].

²⁹⁰ Freedom of expression is protected under a range of instruments including ICCPR art 19; UDHR art 19; CRPD art 21; CRC art 12; European Convention on Human Rights art 10; ACHR art 13; African Charter on Human and Peoples' Rights art 9; ASEAN Human Rights Declaration art 23.

²⁹¹ Human Rights Committee, General Comment No 34, 1 [2].

²⁹² Human Rights Committee, General Comment No 34 para 21.

²⁹³ See generally Australian Human Rights Commission, Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts on *Exposure Draft of the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023* (Submission, 18 August 2023); see also Australian Human Rights Commission, Submission to the Environment and Communications Legislation Committee on *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2024* (Submission, 07 October 2024).

²⁹⁴ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, *Freedom of Expression and Elections in the Digital Age*, UN Doc A/HRC/59/50 (11 June 2025) 17 [93]. See also generally Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, *Threats to Freedom of Expression Online in Turbulent Times*, UN Doc A/80/341 (18 August 2025).

²⁹⁵ United Nations, *Global Principles for Information Integrity: Recommendations for Multi-stakeholder Action* (Report, 2025) (Global Principles for Information Integrity) pp 8-9.

²⁹⁶ United Nations, *Global Principles for Information Integrity*, pp 10-11.

²⁹⁷ United Nations, *Global Principles for Information Integrity*, p 12.

²⁹⁸ United Nations, *Global Principles for Information Integrity*, pp 14-15.

²⁹⁹ United Nations, *Global Principles for Information Integrity*, pp 16-17.

³⁰⁰ See generally United Nations, *From Principles to Practice: Strengthening Information Integrity* (Issues Brief, September 2025).

³⁰¹ See Australian Government, '[Government Response to the Independent Review of the Online Safety Act 2021](#)', 14 April 2026.

³⁰² eSafety Commissioner, *Recommender Systems and Algorithms – Position Statement* (webpage) <<https://www.esafety.gov.au/industry/tech-trends-and-challenges/recommender-systems-and-algorithms>>.

³⁰³ See *Charter of Human Rights and Responsibilities Act 2006* (Vic); *Human Rights Act 2019* (Qld); *Human Rights Act 2004* (ACT); *Human Rights Act 1993* (NZ); *Canadian Human Rights Act*, RSC 1985 c H-6; *Human Rights Act 1998* (UK).

³⁰⁴ AHRC, *Respect at Uni* p 46.

³⁰⁵ Australian Human Rights Commission, *Anti-Racism Data Report*, 2026, publication pending.