

OPEN LETTER:

**AUSTRALIA MUST RETAIN STRONG AND EFFECTIVE
PROTECTIONS AGAINST RACIAL VILIFICATION**

10 December 2013

Dear Attorney

We write to urge you not to repeal the racial vilification provisions in the *Racial Discrimination Act 1975* (Cth). It is vital that there are strong and effective protections against racial vilification in Australian law.

Racial hatred causes serious harm to individuals and diminishes us all as a community. It increases the likelihood of racial discrimination and racist violence.

Unfortunately racism remains widespread in our Australian community. Racial vilification complaints to the Australian Human Rights Commission increased 59 per cent last year. According to the Challenging Racism Project, approximately 20 per cent of Australians have experienced forms of race hate.

The Racial Discrimination Act has long played a critical role in combating racial hatred and protecting individuals and groups against discrimination and hate speech based on race, colour, descent or national or ethnic origin.

The protections against racial vilification in section 18C of the Act make it unlawful to offend, insult, humiliate or intimidate on the basis of race. Section 18D contains safeguards that protect freedom of speech and appropriately balance it with freedom from vilification. Fair comment on public interest matters is completely protected by these safeguards if it is done reasonably and in good faith.

The right to freedom of speech is fundamental to our democracy but it is not absolute. Australian laws place limits on our speech and expression in areas like defamation, false advertising, sexual harassment and threats to kill.

The Australian Government should demonstrate its commitment to the diverse cultural, ethnic, and religious communities that make up the rich fabric of our multicultural nation by ruling out any repeal of the racial vilification provisions of the Racial Discrimination Act.

Australia is obliged under international law to prohibit acts that promote racial hatred. Repealing these provisions will produce a situation in which there are no clear limits for racist hate speech in Australia. Strong and effective protections against racial vilification must be maintained. Any changes to the laws should only be undertaken with extreme caution and involve a comprehensive public consultation process.

This open letter is supported by the following organisations:

1. ACT Council of Social Service Inc (ACTCOSS)
2. African Think Tank
3. All Together Now
4. Amnesty International Australia
5. ANTaR National
6. Asylum Seeker Resource Centre
7. Aurora Project
8. Australian Chinese Community Association of NSW Inc
9. Australian Council of Social Service (ACOSS)
10. Australian Council of Trade Unions (ACTU)
11. Australian Lawyers Alliance
12. Australian Lawyers for Human Rights
13. Australian Manufacturing Workers' Union
14. Australian Muslim Women's Centre for Human Rights
15. Badhii Aboriginal Grandmothers Group Inc
16. Bass Coast/South Gippsland Reconciliation Group (Vic)
17. Bathurst Refugee Support Group
18. B'nai B'rith Australia / New Zealand
19. The Body Shop Australia
20. Bridge of Hope Foundation Inc
21. CASE for Refugees
22. Centacare Cairns
23. Central Australian Aboriginal Legal Aid Service Inc
24. Central Australian Women's Legal Service (CAWLS)
25. Centre for Comparative Constitutional Studies, Melbourne Law School
26. Centre for Human Rights Education, Curtin University
27. Centre for Multicultural Youth
28. Challenging Racism Project
29. Children with Disability Australia
30. City of Marion
31. Civil Liberties Australia
32. Community Legal Centres NSW Inc
33. Community West Inc
34. Congress of Aboriginal and Torres Strait Islander Nurses and Midwives

35. Construction Mining and Energy Union (CFMEU) Mining and Energy Division
36. COTA Victoria
37. Criminal Lawyers Association of the Northern Territory
38. Deerubbin Local Aboriginal Land Council
39. Disability Discrimination Legal Service
40. Eastern Community Legal Centre Inc
41. Ecumenical Social Justice Group Western Suburbs Inc
42. Environmental Defender's Office (ACT) Inc
43. Ethnic Communities Council of Queensland
44. Ethnic Communities' Council of Victoria
45. Ethnic Communities Council of WA
46. Far West Community Legal Centre Inc
47. Far West Women's Domestic Violence Court Advocacy Service
48. Federation of Community Legal Centres (Victoria) Inc
49. Federation of Ethnic Communities' Councils of Australia (FECCA)
50. Fitzroy Legal Service
51. Flemington & Kensington Community Legal Centre
52. Gamarada Indigenous Healing and Life Training Ltd
53. Garl Garl Walbu Alcohol Association Aboriginal Corporation
54. Geraldton Resource Centre Inc
55. Gugan Gulwan Youth Aboriginal Corporation
56. Gurehgam Corp Ltd
57. Hawkesbury Nepean Community Legal Centre
58. Hornsby Area Residents for Reconciliation
59. Human Rights Law Centre
60. Human Rights Alliance Australia
61. Hunter Community Legal Centre
62. Illawarra Legal Centre Inc
63. Indigenous Peoples Organisations (IPO) Network of Australia
64. Indigenous Social Justice Association
65. Institute for Cultural Diversity
66. Jazz Queensland Inc
67. Jimmy Little Foundation
68. Justice Action
69. Justice Connect
70. Kingsford Legal Centre

71. Larrakia Nation
72. Launceston Community Legal Centre
73. Liverpool Plains Shire Council
74. Lowitja Institute
75. Manly Community Centre and Services Inc
76. Many Rivers Family Violence Prevention & Legal Service
77. Melaleuca Refugee Centre Torture and Trauma Survivor's Service of the Northern Territory Inc
78. Mental Health Association NSW
79. Migrant Resource Centre (Northern Tasmania) Inc
80. Moree Reconciliation Group
81. Multicultural Communities Council of South Australia
82. Multicultural Council of Tasmania
83. Multicultural Development Association
84. Multicultural Youth Advocacy Network (Australia)
85. National Aboriginal and Torres Strait Islander Higher Education Consortium (Aboriginal Corporation)
86. National Aboriginal and Torres Strait Islander Legal Services (NATSILS)
87. National Association of Community Legal Centres (NACLC)
88. National Family Violence Prevention Legal Services Forum
89. National Union of Students
90. National Welfare Rights Network
91. Nepean Community & Neighbourhood Services
92. New Israel Fund Australia Foundation
93. New South Wales Society of Labor Lawyers
94. Ngalaya Aboriginal Corporation
95. Northern Beaches Refugee Sanctuary
96. Northern Rivers Community Legal Centre
97. NSW Council for Civil Liberties
98. NSW Council of Social Service (NCOSS)
99. NSW Reconciliation Council
100. NT Council of Social Service Inc (NTCOSS)
101. O'Brien Solicitors
102. Older Women's Network NSW Inc
103. Online Hate Prevention Institute
104. Open City Inc
105. Our Community

106. Oxfam Australia
107. People with Disability Australia
108. Queensland Association of Independent Legal Services Inc
109. Ralph Legal, Solicitors
110. Reconciliation Australia
111. REDWatch Inc – Redfern Waterloo
112. Refugee Council of Australia
113. Religious Society of Friends (Quakers) in Australia
114. SAF,T
115. SEARMS Aboriginal Corporation
116. Secretariat of National Aboriginal and Islander Child Care (SNAICC)
117. Seniors Rights Victoria
118. Settlement Council of Australia
119. Settlement Services International
120. Sikh Youth Australia
121. Sisters Inside
122. South Australian Council of Social Service (SACOSS)
123. South West Sydney Legal Centre
124. St Bede's Social Justice Group Braidwood
125. St Luke's Anglican Church Maylands
126. The Stringer
127. Student Representative Council, University of New South Wales
128. Tangentyere Council Inc
129. Tasmanian Aboriginal Centre
130. TRAC Productions
131. Union Aid Abroad – APHEDA
132. Uniting Church in Australia Assembly
133. Uniting Church in Australia Northern Synod
134. Uniting Church in Australia Queensland Synod
135. Uniting Church in Australia, Synod of Victoria and Tasmania
136. Uniting Church in Australia, Synod of Western Australia
137. Uniting Church in South Australia
138. Universal Rights Network
139. Victorian Gay & Lesbian Rights Lobby
140. WA Council of Social Service (WACOSS)
141. Warra Warra Legal Service

142. Welcome to Australia
143. Wheatbelt Community Legal Centre Inc
144. WilliamsonLegal
145. Women in Prison Advocacy Network (WIPAN)
146. Women's Health West
147. Women's Legal Centre (ACT & Region) Inc
148. Women's Legal Service (SA) Inc
149. Women's Law Centre, Perth
150. Women's Legal Services Australia Network
151. Women's Legal Services NSW
152. Worimi Aboriginal Traditional Owners Group
153. Youth Action NSW
154. Youthlaw
155. YWCA Australia