



Australian
Human Rights
Commission

Inquiry into right wing extremist movements in Australia

Australian Human Rights Commission

Submission to the Senate Legal and Constitutional Affairs
References Committee

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1 Introduction

1. The Australian Human Rights Commission (Commission) welcomes the opportunity to provide a submission to the Senate Legal and Constitutional Affairs References Committee on [right wing extremist movements in Australia](#).
2. The Commission is Australia's National Human Rights Institution. It provides independent and impartial services to promote and protect human rights and fundamental freedoms in Australia.
3. The Commission undertakes a range of policy development and research tasks that aim to promote compliance with Australia's human rights obligations, while also investigating and conciliating complaints of unlawful discrimination and breaches of human rights.
4. The Commission plays an important national role in the promotion of core human rights principles, including those relevant to this Inquiry, namely the elimination of all forms of racial discrimination.
5. In line with this, the Commission is currently progressing the development of a National Anti-Racism Framework, supported by Commonwealth Government funding. The Framework aims to provide a shared vision, as well as a focus for specific actions, to tackle racism in its interpersonal, institutional, and systemic forms.
6. The Commission's submission responds to the following terms of reference:
 - i. the terms and operation of the *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023*
 - ii. the threat posed by extremist movements, including right-wing extremism
 - iii. the role of the online environment in promoting extremism
 - iv. measures to counter violent extremism in Australia, with particular focus on young people.
7. The Commission's responses are largely drawn from the scoping phase of the National Anti-Racism Framework. In the scoping phase, the Commission conducted more than 100 consultations with communities

and organisations between March 2021 and April 2022, and received 164 public submissions – many from community members.

8. This culminated in the Commission's [*National Anti-Racism Framework Scoping Report*](#) (Scoping Report), published in December 2022 and referenced throughout this submission
9. The Commission is using the Scoping Report as an evidence base for the development and implementation of the National Anti-Racism Framework.
10. The Commission stresses the importance of national, holistic, and coordinated anti-racism action to effectively tackle far right extremism in Australia, and calls on the Commonwealth Government to endorse and implement a National Anti-Racism Framework as a crucial component of its counter-extremism response.

2 Recommendations

Recommendation 1

11. The Commission recommends the Commonwealth Government endorse a National Anti-Racism Framework and implement recommendations from the Australian Human Rights Commission's National Anti-Racism Framework Scoping Report as part of its counter-extremism response.

Recommendation 2

12. The Commission recommends building broad-based racial literacy and developing deeper understanding about race and racism in Australia as part of any counter-extremism response. A range of initiatives are recommended including introducing anti-racism curricula within education institutions that include truth-telling about Australia's settler colonial history, migration history, and the ongoing impacts of discriminatory policies; incorporating diverse histories, knowledge, and culture in curricula; and introducing anti-racism training and support networks for students, teachers, and employees.

Recommendation 3

13. The Commission recommends enhancing legal protections against the harms of violent extremism and racism including through:

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- a. introducing legal protections, such as improving the coverage of anti-discrimination laws and exploring law reform in counterterrorism and citizenship laws, and embedding them in rights-based frameworks guided by the principles of participation and equal access to justice
- b. ensuring legal protections are enforceable and reflective of Australia's commitments under the International Convention on the Elimination of All Forms of Racial Discrimination and the United Nations Declaration on the Rights of Indigenous Peoples
- c. taking atrocity-prevention and harms-based approaches to both online and offline hate crimes and incidents
- d. devising meaningful and timely remedies for hate crimes that are community-designed or led by significant community input, effective in reducing recidivism and repairing harms.
- e. enhancing access to rights and justice through the support of Aboriginal-controlled legal services, awareness campaigns on rights and reporting avenues, providing response teams with training about specific communities' needs to improve operational responses to hate crime reports, and conducting genuine community engagement that ensures the complaint mechanisms are accessible, community-centred, culturally safe, and trauma-informed.

Recommendation 4

14. The Commission recommends sustainably resourcing and bolstering community-controlled media organisations, as well as strengthening media regulation and standards, including in digital media and in relation to online hate, by:

- a. exploring law reforms that ensure anti-racism media standards are community-informed, enforced, and independently monitored
- b. establishing adequate moderation and regulation mechanisms across platforms to better protect individuals and communities from online race hate
- c. strengthening industry codes and standards in relation to online hate

- d. exploring the establishment of an independent body to monitor and enforce anti-racism standards across the media industry
- e. exploring options to expand information and education about cyber abuse takedown options and explore further enforcement mechanisms, including civil penalties, to alleviate the burden on negatively racialised communities.

3 The terms and operation of the *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023*

15. In 2023, the Commission participated in the Parliamentary Joint Committee's (PJCIS) review of the *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023*. The Commission expressed its view on the Bill's terms and operations through the following engagements:

- i. [Submission to PJCIS review \(July 2023\)](#).
- ii. Appearance at PJCIS public hearing – attended by Commission President, Emeritus Professor Rosalind Croucher AM, and previous Race Discrimination Commissioner, Mr Chin Tan (September 2023).
- iii. Providing the PJCIS with additional information taken on notice at the above appearance (September 2023).

4 The threat posed by extremist movements, including right wing extremism

16. The Commission's Scoping Report notes that organisations involved in relevant research – such as the Australian Hate Crime Network and Australian Muslim Advocacy Network – recognise that extremist movements are often driven by the 'violent denial of diversity'.¹

17. Extremist movements threaten an inclusive society through their violent denial of diversity, a foundation of racism, and harm diverse individuals and communities – particularly those that are negatively racialised.

18. Organisations have advocated for the need to enhance understanding of how extremist violence and hate crime both lie on the same continuum of violent denial of diversity, and that extremist violence should be recognised as an extension of hate crimes.
19. The Scoping Report notes that hate crime impacts not only the victim but also the victim's community and 'does significant damage to personal security, social belonging, inclusion, participation, and cohesion'.²
20. The online proliferation of extremist ideology and hate poses additional threats beyond physical violence. The role of the online environment is explored in the next section, responding to the associated term of reference.

5 The role of the online environment in promoting extremism

21. The Commission's Scoping Report highlights the online environment as a space where racism, dehumanisation and cyberbullying occur, and misinformation and disinformation spread. These threats of online hate may be aligned with extremist ideology and include incitement to violence.
22. In the Commission's Scoping Report, hate crimes experts advised of the unique ways the online environment facilitates the spread of hate and racism.
23. Bad actors online often adapt their methods or wordings of harassment to circumvent moderation, and/or amplify their messages through algorithms. This may turn individual incidents into a public harm.
24. Additionally, online hate can be carried out in roundabout ways through racist curation of information or stories. In their research, Australian Muslim Advocacy Network notes that this can amount to 'an aggregate harm of dehumanising an outgroup to an ingroup audience' over time, rather than it being targeted against individuals.³
25. Hate crime experts consulted for the Scoping Report noted that mis- and disinformation are tools of extremist movements that also spread online.⁴
26. The Commission acknowledges the impact of mis- and disinformation in undermining the promotion and protection of human rights in Australia, and will shortly be commencing a related project.

27. The Commission's project will focus on mis- and disinformation as it relates to racism and anti-racism, as well as its intersections with climate change, civic participation, misogyny, the rights of LGBTQIA+ peoples, and other human rights issues.
28. This project will involve a scoping review and diagnostics seeking to understand the threat of mis- and disinformation to human rights in Australia and the potential role of the Commission, as the national human rights institution, to support efforts to combat it.
29. This project will also involve the Commission developing, piloting and evaluating a number of strategies to combat mis- and disinformation in the immediate, intermediate and long term. It will be informed by scoping consultations, actor mapping and analysis of current trends.

6 Measures to counter violent extremism in Australia, with particular focus on young people

30. The Commission's Scoping Report recommends that governments adopt an atrocity-prevention approach in addressing hate crimes and violent extremism, both online and offline, by building an anti-racist public information environment that does not tolerate the dehumanisation of any groups based on protected characteristics.
31. The Commission stresses that fostering an anti-racist public information environment is crucial to tackling the enablers of hate crimes and extremism holistically, and would need to be supplemented by national, coordinated action on anti-racism under a National Anti-Racism Framework.
32. The Commission reiterates the urgency of the Commonwealth Government endorsing a National Anti-Racism Framework and implementing recommendations from the scoping phase of the Framework as part of its counter-extremism response.
33. The Scoping Report recommends a range of relevant strategies drawn from the Commission's consultations, particularly in the areas of education, public awareness, and racial literacy (page 169), legal protections (page 172), and media regulations and standards (page 175).
34. The Commission recommends building broad-based racial literacy and developing deeper understanding about race and racism in Australia as

part of any counter-extremism response. This can be done by introducing anti-racism curricula within education institutions that includes truth-telling about Australia's settler colonial history, migration history, and the ongoing impacts of discriminatory policies; incorporating diverse histories, knowledge, and culture in curricula; and introducing anti-racism training and support networks for students, teachers, and employees.

35. In terms of enhancing legal protections against the harms of violent extremism and racism, the Commission recommends:
- a. introducing legal protections, such as improving the coverage of anti-discrimination laws and exploring law reform in counterterrorism and citizenship laws, and embedding them in rights-based frameworks guided by the principles of participation and equal access to justice
 - b. ensuring legal protections are enforceable and reflective of Australia's commitments under the International Convention on the Elimination of All Forms of Racial Discrimination and the United Nations Declaration on the Rights of Indigenous Peoples
 - c. taking atrocity-prevention and harms-based approaches to both online and offline hate crimes and incidents
 - d. devising meaningful and timely remedies for hate crimes that are community-designed or led by significant community input, effective in reducing recidivism and repairing harms,
 - e. enhancing access to rights and justice through the support of Aboriginal-controlled legal services, awareness campaigns on rights and reporting avenues, providing response teams with training about specific communities' needs to improve operational responses to hate crime reports, and conducting genuine community engagement that ensures the complaint mechanisms are accessible, community-centred, culturally safe, and trauma-informed.
36. The Commission also recommends sustainably resourcing and bolstering community-controlled media organisations, as well as strengthening media regulation and standards, including in digital media and in relation to online hate, by:
- a. exploring law reforms that ensure anti-racism media standards are community-informed, enforced, and independently monitored;

- b. establishing adequate moderation and regulation mechanisms across platforms to better protect individuals and communities from online race hate
- c. strengthening industry codes and standards in relation to online hate
- d. exploring the establishment of an independent body to monitor and enforce anti-racism standards across the media industry
- e. exploring options to expand information and education about cyber abuse takedown options and explore further enforcement mechanisms, including civil penalties, to alleviate the burden on negatively racialised communities.

37. These recommendations are particularly relevant to countering violent extremism in young people, due to the importance of education and curbing online hate.

¹ The violent denial of diversity' is a definition first used by the Khalifer Ihler Global Institute that aims to capture how extremist violence is often driven by a belief that 'peaceful coexistence with someone different from them is impossible, and that violently enforcing this either through forced submission or through eradication of diversity is the solution'. See Australian Muslim Advocacy Network, Submission to the Parliamentary Joint Committee on Intelligence and Security, Parliament of Australia, Inquiry into and report on matters relating to extremist movements and radicalism in Australia (12 February 2021) 17– 8.

² Australian Muslim Advocacy Network, Submission No 52 to the Legal Affairs and Safety Committee, Queensland Legislative Assembly, Inquiry into Serious Vilification and Hate Crimes (12 June 2021) 19.

³ Australian Muslim Advocacy Network, Submission No 3 to the Select Committee on Social Media and Online Safety, Parliament of Australia, Inquiry into Social Media and Online Safety (21 December 2021) 8. See also Australian Muslim Advocacy Network, Submission No 52 to the Legal Affairs and Safety Committee, Queensland Legislative Assembly, Inquiry into Serious Vilification and Hate Crimes (12 June 2021) 8.

⁴ Australian Human Rights Commission, National Anti-Racism Framework Scoping Report 2022 (December 2022) 130.