



AUSTRALIAN MUSLIM ADVOCACY NETWORK

NSW LAW REFORM COMMISSION REVIEW OF THE ANTI-DISCRIMINATION ACT 1977 (NSW)

Submissions by the Australian Muslim Advocacy Network (AMAN)

29 September 2023

1. ABOUT AMAN

AMAN is a civil society organisation that works to prevent harm to Australian Muslims from racism, hatred, and Islamophobia. We do it by using the law, but we also use research, media, and discussion with Government and Parliament. Sometimes, AMAN will test existing laws to see how effective they are. This can involve running legal cases. AMAN can also test different processes to see what victims experience when they report. We use all this information to make arguments about what needs to change.

AMAN has brought a vilification complaint under the Queensland Anti-Discrimination Act 1991 twice: First, against the former Senator Fraser Anning, resulting in a legal victory¹, and second, against X Corp. and Twitter Australia Holdings Ltd, which is still on foot before the Queensland Civil and Administrative Tribunal. AMAN has also supported individual complaints under the federal Race Discrimination Act (as the AHRC does not accept s 18C complaints from Muslim representative bodies) and the Anti-Discrimination Act 1977 (NSW) (**the Act**).

AMAN, therefore, brings significant and practical end-to-end user experience of vilification laws in NSW and QLD.

AMAN has also been developing working definitions of dehumanising material² (refer to **Schedule A**) that have been incorporated into research reports.³

2. RECOMMENDATIONS

2.1 Urgently introduce discrimination protection for persons based on their religion, religious belief or activity. This should include

- (a) protection against unlawful discrimination, direct and indirect, on the grounds of religious belief or activity
- (b) shields for contract workers from discrimination on the grounds of their religious beliefs or activities.

¹ [Fraser Anning ordered to remove Facebook and Twitter posts that tribunal found vilified Muslims - ABC News](#)

² [Policy Brief – Dehumanisation – AMAN](#)

³ Risius M, Blasiak K, Wibisino S, Jabri-Markwell R, Louis W (2021) [Dynamic Matrix of Extremisms and Terrorism \(DMET\): a continuum approach towards identifying different degrees of extremisms](#). Report to the Global Internet Forum to Counter Terrorism;

[Online Hate Speech In Australia: The Role of News Media and Pathways for Change - Purpose](#)

(c) Applicability to the same range of educational authorities, providers of goods or services, providers of accommodation and registered clubs as is offered in other discrimination clauses.

- 2.2 **Alternatively to Recommendation 2.1, urgently clarify that the race discrimination provisions cover Muslims (and other ethno-religious communities) until a broader review of the Act can be completed.**
- 2.3 **Maintain support for the changes to the Act made by the Anti-Discrimination Amendment (Religious Vilification) Bill 2023, including for religious community organisations to benefit from vilification protections.**
- 2.4 **Shift the burden of contending with racism from affected individuals and communities to the whole of society by making it part of the core business of employers to take all reasonable and proportionate measures to eliminate racist harassment.**
- 2.5 **Ensure that a complainant can bring a discrimination complaint against an agency or authority (such as NSW Police, Youth Justice and Justice Health & Forensic Mental Health Network) for failing to take reasonable measures to screen staff for dehumanising and discriminatory, racist attitudes (including anti-Muslim attitudes), given the prevalence of these attitudes in Australian society, the power dynamic/extreme vulnerability present in these contexts. Currently, the NSW Anti-Discrimination Board's view is that the staff recruitment process does not amount to providing a service as defined in ss19 and 49M (ss19 and 49M).**
- 2.6 **Ensure that a victim of racist violence by police officers (amounting to unreasonable force) can pursue redress through discrimination and vilification laws. Our police should not be above the law; they should be role models when it comes to community standards. Currently, the Anti-Discrimination Board regards the use of force by NSW police against a person as likely not being carried during a 'service' that would come within the ambit of the ADA. Other forums to complain about NSW police conduct are woefully non-transparent and unfit for purpose.**
- 2.7 **Clarify that prison custody of inmates comes within the provision of services within the ambit of the ADA, despite case authorities.⁴ Persons within their custody and care should benefit from discrimination protection.**
- 2.8 **Clarify that where a complainant is detained under provisions of the Mental Health (Forensic Provisions) Act 1990, the respondent provides the Complainant with a service as defined in section 49M of the ADA. Persons within their care should benefit from discrimination protection.**
- 2.9 **Ensure that vilification and discrimination complaints can be brought by representative bodies (see, for, e.g., 134(3-5) ADA 1991 Qld; QHRC has proposed this be extended to discrimination complaints, *Building Belonging Report 2022*).**
- 2.10 **Ensure that the Act (including vilification and discrimination clauses) applies to foreign social media companies whose platforms are accessed**

⁴ State of New South Wales v Whiteoak [2014] NSWCATAP 99

by end-users based in New South Wales, recognising that the spread of dehumanising material online is a public harm, not a private one.

- 2.11 Introduce a Human Rights Act.
- 2.12 Improve their existing criminal laws by introducing statutory circumstances of aggravation for certain crimes wholly or partially motivated by hatred rather than considering it at sentencing.
- 2.13 Otherwise, avoid expanding criminal legislation, particularly in the context of 'violent extremism'.
- 2.14 Ensure that any NSW Parliamentary Code of Conduct also references anti-dehumanisation standards, given the heightened effect of political discourse on stoking racial prejudice and anti-religious and anti-Muslim sentiment.
- 2.15 Build resilience within NSW Schools to dehumanising material by introducing the concept and examples into age-appropriate curriculum.

3. DISCUSSION

3.1 Why discrimination protections for Muslims are urgent

- (a) Anti-Islam and anti-Muslim sentiment
 - (i) Over time, the confluence of legal, cultural and political power to conflate Islam and terrorism has profoundly dehumanised Australian Muslims by suggesting that they
 - (A) are polluting, despoiling, or debilitating an ingroup or society as a whole;
 - (B) have a diminished capacity for human warmth and feeling or to make up their own mind, reason or form their own individual thoughts;
 - (C) pose a powerful threat or menace to an ingroup or society, posing overtly or deceptively;
 - (D) are to be held responsible for and deserving of collective punishment for the specific crimes or alleged crimes of some of their "members";
 - (E) are inherently criminal, dangerous, violent or evil by nature;
 - (F) prey upon children, the aged, and the vulnerable;
 - (G) are inherently primitive, coarse, savage, intellectually inferior or incapable of achievement on a par with other humans;
 - (H) must be excised or exiled from public space, neighbourhood or nation.

- (ii) This affects Australian Muslims, as reported hate incidents show^{5, 6}
- (b) Remedying anti-Muslim racism and Islamophobia
 - (i) Research suggests that Islamophobia and anti-Muslim sentiment are highly prevalent and cannot be remedied due to terrorism concerns.⁷ At the same time, terrorism concern levels are high due to the conflation of terrorism and Islam in the media and our law. This has supported the mainstreaming of hostile political rhetoric,⁸ fuelling anti-Islam movements. Anti-Muslim sentiment continues to be prevalent⁹. Bringing about institutional changes in media, government, law enforcement, and various workplace settings requires discrimination protections.
- (c) The amendment of the Minn Government to close the gap in vilification protection meets an urgent need, and they are to be congratulated for listening and responding with haste.
- (d) Equally, **discrimination protections** for the Muslim community are critically urgent given the prevalence and mainstreaming of anti-Muslim and anti-Islam attitudes across services and workplaces. We urge the consideration of a stop-gap remedy, as our community should not be denied protections in the short and medium term if the NSW Government intends to embark on a significant review and redrafting of the Act.

3.2 To rebuild trust, discriminatory conduct by law enforcement, prison officers, and government staff should not be off-limits under the Act.

- (i) Existing limitations with the Act mean that enormous spheres of discriminatory conduct are off limits because they are carried out by statutory agencies or deemed not to be providing a service within the ambit of the Act (ss19 and 49M).

⁵ Derya Iner, *Islamophobia in Australia Report, 2023* (Charles Sturt University and ISRA)

⁶ Based on a review of the Ministerial responses to successive Scanlon Foundation Reports which have shown exceptionally high levels of distrust and negative sentiment towards Muslims among Australians.

⁷ Matteo Vergani, Fethi Mansouri, Liliana Orellana (2022) *Terrorism concern and persistence of negative attitudes towards Islam and Muslims. Community and Applied Social Psychology*. Volume 32, Issue 6

⁸ Derya Iner and Sean McManus. "Islamophobia in Australia." In *The Rise of Global Islamophobia in the War on Terror*, edited by Naved Bakali and Farid Hafiz. UK: Manchester University Press. See for eg: Conifer, D. (2015, December 5). Tony Abbot calls for 'religious revolution' inside Islam, defends controversial 2014 budget measures as 'justifiable and right'. ABC news; Davey, M. (2018, November 12). Bourke Street attack: Morrison accused of 'scapegoating' Muslim Community. The Guardian; Henderson, A. and Conifer, D. (2015, December 9). Malcolm Turnbull warns against blanket statements after Tony Abbott calls for Islam to change. ABC; Humphries, D. (2006, February 25.) Live here and be Australian, Howard declares. Sydney Morning Herald; Karp, P. (2018, November 12). Morrison urges Muslim community to be more 'proactive in tackling terrorism. The Guardian; Karp, P. (2020, April 20). Tony Abbott's anti-Muslim rhetoric while PM 'profoundly dangerous', Malcolm Turnbull says. The Guardian; Medhora, S. (2015, February 24). Tony Abbott urges Muslim groups to 'get with the program' and condemn extremism. The Guardian.

⁹ Kevin Dunn, above n (1).

- (ii) In particular, NSW Police, Youth Justice and Justice Health & Forensic Mental Health Network must be treated as providing a service to persons in their custody or care, or another category must be formulated to ensure that redress under the Act is available.

3.3 Positive obligations imposed on employers to prevent sexual harassment should apply equally to racist harassment and all forms of dehumanising speech

- (a) Racist harassment must include racism based on notions of cultural, biological and skin colour superiority.
- (b) Education about dehumanising material (see **Schedule A**) and how to avoid engaging in dehumanising speech should be included in the positive obligation on employers to create a safe work environment for their staff.

3.4 Clarify that social media companies must respect NSW vilification laws

- (a) The Act should be amended to ensure that both vilification and discrimination clauses apply to foreign social media companies whose platforms are accessed by end-users based in New South Wales.¹⁰

3.5 Vilification complaint mechanisms are insufficient; dehumanisation must be treated as public harm.

- (a) Vilification and the advocacy of hatred continue to be treated as private harm. While we have laws in most states and territories to target religious vilification, these avenues are ineffective in targeting the scale of online hatred, racism and Islamophobia. Public regulators must be engaged with definitions of clearly vilifying material and impose financial penalties on serial actors and the platforms that enable them. The business model of inciting hatred based on a group's race and religion must be disrupted through proportionate penalties.
- (b) AMAN has submitted to the Australian Government that states cannot meet their obligations to prevent incitement to genocide under the Rome Statute and to prevent the advocacy of hatred under the International Covenant on Civil and Political Rights through vilification laws alone. Anti-dehumanisation standards that connect to parliamentary codes of conduct, media and online safety regulation must be introduced to treat racism as a public harm and provide a social atmosphere for citizens that supports their right to health and non-discrimination.
- (c) While it is true that Muslims are not one ethnicity or 'race', much of our community is visibly Muslim by appearance and dress and targeted by racist discourse. Islamophobia is seen as operating as a form of racialisation enacted through ideas and practices that amalgamate all Muslims into one group and treat characteristics associated with Muslims (violence, misogyny, political allegiance/disloyalty, incompatibility with

¹⁰ [X should answer to Queensland authorities over Islamophobic tweets by an American, tribunal hears | Queensland | The Guardian](#)

Western values, etc.) as if they are innate¹¹. Pilkington writes about the far right in the UK: “This expression of hostility towards ‘Islam’, rather than ‘Muslims’ or any particular ethnic group, it is shown, is employed by activists to support claims that the movement is ‘not racist’.¹² In Australia, there is evidence that white supremacist groups exploited this perceived public leniency towards anti-Muslim bigotry for many years.¹³ Over the past decade, anti-Islam movements have been the predominant force behind the growth of white supremacist movements in Australia.¹⁴

- (d) To give full effect to Australia’s commitment to prevent genocide and ban the advocacy of hatred, the Australian Government should consider introducing anti-dehumanisation standards that are integrated across social and traditional media regulation and parliamentary codes of conduct and provide additional guidance to judicial officers in applying vilification and discrimination laws. AMAN has published working definitions of dehumanising speech and discourse (including through disinformation) (**Schedule A**).
- (e) Much vilification occurs through media or social media. Yet, the vilification framework continues to hold the burden and risk on the victim, allowing gigantic platforms to externalise the social cost while internalising the profits. The Online Safety Act only addresses hatred directed at individuals, not communities. To support a more preventative approach (known as ‘safety by design’), Australia needs to clarify harmful forms of hatred encapsulated by dehumanising material.¹⁵
- (f) The NSW Government can help by embracing definitions of dehumanising material to guide a range of institutions.

3.6 Vilification protections must continue to apply to community/civil society organisations as well as natural persons

Community organisations representing the interests of groups identified based on protected attributes like race or religion can become targets of vilification and hatred online and offline. They must be able to bring a complaint. Within the Act’s existing vilification provisions, a person includes both a corporate and natural person. This should be maintained for all protected groups, including religious community organisations.

3.7 Representative bodies must be able to bring discrimination and vilification complaints on behalf of groups or communities

AMAN has brought legal actions under the Queensland Anti-Discrimination Act as a representative entity (section 134(3-5)). The Queensland Human Rights Commission has recently proposed extending this to discrimination complaints, *Building Belonging*

¹¹ Hilary Pilkington (2016), *Loud and Proud: Passion and Politics in the English Defence League*, Manchester University Press, p 150

¹² *Ibid*, 125.

¹³ Julie Nathan, ‘The Rise of Australia’s Activist Far Right: How Far Will It Go?’, ABC News: Religion and Ethics, 31 January 2018.

¹⁴ Hedaya Institute

¹⁵ [Policy Brief – Dehumanisation – AMAN](#)

Report 2022. AMAN believes this is necessary as discrimination elements of our complaints have been knocked out because of this limitation.

3.8 Assistance must be provided to complainants from non-English speaking and low-literacy backgrounds

Legal Aid is not funded to support most discrimination or vilification complaints. Where a complainant does reach a lawyer, they are almost always discouraged from seeking redress under the law, given the way the law is weighted in favour of major institutions.

Still, there is a benefit to engaging in conciliation processes to force practical problem-solving, for example, where a service or employer is not taking a complaint seriously. In AMAN's experience of working with the NSW Anti-Discrimination Board in 2020-22, the Board's staff were not equipped to assist complainants from non-English speaking and low-literacy backgrounds.

3.9 NSW needs a Human Rights Act

- (a) Driving accountability and improvement in institutions
 - (i) A NSW Human Rights Act introduces a **positive obligation** on institutions to consider the impact of their decisions on people. It also deepens the capacity of Australians to respond to unjust or problematic laws.
 - (ii) A complaint must follow a **structured and accountable process**, or it will lead nowhere.
 - (iii) Action Plans and our electoral system *do not change* **systemic and cultural problems** within institutions. Yet, we have expected those systems to achieve those ends for generations.
 - (iv) Institutions are not naturally incentivised to explore problems that show possible wrongdoing or neglect. Whether related to housing, employment, education, health, or community safety and policing, a NSW Human Rights Act has the potential to provide the structure and incentive for continual improvement by institutions.
 - (v) Discrimination laws offer essential protection, but they maintain the lion's share of the burden and risk on the victim and tend to take a narrow view of the problem.
 - (vi) It would be important that a Human Rights Act apply to actions by publicly funded bodies, including where that action is carried out under a power conferred by statute (for example, law enforcement bodies; involuntary orders made under the mental health legislation; and the actions of corrections officers).
- (b) Benefits for Democracy
 - (i) Establishing a Human Rights Act in NSW would help facilitate dialogue among individuals and communities **with institutions**. It will locate the problem-solving with the responsible decision-makers and knowledge-holders.

- (ii) Enacting a NSW Human Rights Act would provide individuals with greater clarity and understanding of their rights, enabling them to assert and protect them more effectively. A Federal Human Rights Act would foster greater **access to justice**, which, over time, creates more **trust** in the rule of law.
 - (iii) By clearly defining and promoting human rights standards, such an Act would provide a platform for open and meaningful communication. It would enable individuals to express their **grievances and concerns**, facilitating a deeper understanding of the other side's perspectives through pre-conferencing and conciliation. There is evidence of the benefits of civil processes as a form of restorative justice that can reduce future harm by building insight, empathy and mutual understanding.
- (c) Protecting Religious Freedom
- (i) A NSW Human Rights Act would enable human rights to be examined together under multiple human rights dimensions. The struggles in recent years to legislate to protect religious freedom have reflected an attempt to improvise in the absence of a federal Human Rights Act. Australia is a proudly pluralist nation regarding cultures and religions – This core value must be protected by law.
 - (ii) Human rights include the freedom to manifest religion or belief, either individually or in community with others, and in public or private, in worship, observance, practice and teaching (ICCPR, article 18.1). Freedom of religion has both an individual and a collective aspect, under which religious bodies ought to be free to manifest the religious beliefs of their members.¹⁶
 - (iii) Australia's obligations under articles 18.1 and 19.2 of the ICCPR are to ensure that all Australian laws, including State and Territory laws, do not unjustifiably restrict freedom of religion and freedom of expression. Australia also has obligations under article 18.4 of the ICCPR to have respect for the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions.
 - (iv) Under article 18.3 of the ICCPR, freedom to manifest one's religion or beliefs may be subject *only* to such limitations as are prescribed by law and are *necessary* to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
 - (v) A NSW Human Rights Act will emphasise that all rights must be treated with equal importance, and no right should be prioritised at the expense of any other. This foundational principle of human rights law clarifies the relationship between human rights. It

¹⁶ Nicholas Aroney, 'Freedom of Religion as an Associational Right' (2014) 33 University of Queensland Law Journal 153, 178-181 (available at: <https://ssrn.com/abstract=2507045>); Nicholas Aroney and Patrick Parkinson, 'Associational Freedom, Anti-Discrimination Law and the New Multiculturalism' (2019) 44 Australasian Journal of Legal Philosophy 1, 8-13 (available at: <https://ssrn.com/abstract=3543308>).

recognises that all rights are interconnected and interdependent, and there is no hierarchy of rights in international law.

3.10 NSW should strengthen their criminal laws by introducing statutory circumstances of aggravation for crimes wholly or partially motivated by hatred

- (a) AMAN has played a leading role in hate crime law reform in Queensland. AMAN's research associates have also assessed the effectiveness of NSW's current hate crime legal framework, using the *R v Lozina* (Parramatta assault of a pregnant Muslim woman in November 2019) as a case study.
- (b) When a place of worship is vandalised with hateful threats or a woman in hijab is harassed in a public place for being Muslim, those matters must be called hate crimes by police, media and the law. In most places in Australia, those matters won't be treated as hate crimes but are called property damage, public nuisance, or an unfortunate incident that warrants no further action.
- (c) Hate crime laws are not a proven deterrent to spreading hatred online or in the physical world. However, they are still necessary to maintain community confidence in the legal system, social belonging, and safety.
- (d) AMAN supports introducing effective hate crime laws in Australian states and territories. We have studied existing hate crime provisions in Australia, the UK, the US and Scotland to understand what has and hasn't worked.
- (e) We made a detailed submission to a Queensland Parliamentary inquiry.¹⁷ We have argued for thresholds that work for the community.¹⁸
- (f) Working as part of a community coalition of faith and cultural organisations in Queensland, we supported the development of hate crime laws introduced into the Queensland Parliament in March 2023. These laws are promising because:
 - (i) The Bill introduces a statutory circumstance of aggravation to a broad range of existing crimes. This means that police can charge a crime as a Hate Crime from the beginning, and the penalty will be higher. This will encourage police to investigate and support better data and evidence collection during investigations. It will also mean that media can report incidents as Hate Crimes rather than threatening vandalism on a mosque being called 'property damage'.
 - (ii) Racist street harassment is covered, including public incitements of hatred by white nationalists and Nazis that disrupt people's peaceful enjoyment of public places.

¹⁷ [052.pdf \(parliament.qld.gov.au\)](#)

¹⁸ [Hate Crime Law Reform in Queensland – AMAN](#);

- (iii) The motive element requires a Hate Crime to be wholly or partly motivated by hatred or serious contempt. This means that if there is another personal motive, it won't exclude the crime from being called a Hate Crime.
- (iv) Factors like the perpetrator's mental illness, age and other factors can still be considered at sentencing, but it won't detract from the crime still being called a Hate Crime.
- (v) Improvements to the existing criminal offence of serious vilification (inciting violence and harm against protected groups) will encourage greater use.

3.11 NSW should otherwise avoid expanding criminal legislation, particularly in the undefined context of violent extremism

AMAN supports the strengthening of civil laws and improvements to criminal law. We do not support the expansion of criminal offences, particularly in realms that expose young people from marginalised communities, including teenagers and persons with disabilities, to criminalisation. For example, AMAN and other Muslim civil society and religious organisations have strongly opposed the proposed ban of the 'IS Flag' and Schedule 2 offences in the Counterterrorism legislation amendment (Prohibited Hate Symbols) Bill 2023 introduced into the Australian Parliament.

SCHEDULE A

DEHUMANISING MATERIAL

(1) Dehumanising material is the material produced or published, which an ordinary person would conclude portrays the class of persons identified based on a protected characteristic (“class of persons”) as not deserving to be treated equally to other humans because they lack qualities intrinsic to humans. Dehumanising material includes portraying the class of persons:

(a) to be or have the appearance, qualities, or behaviour of

(i) an animal, insect, filth, form of disease or bacteria;

(ii) inanimate or mechanical objects; or

(iii) a supernatural alien or demon.

(b) are polluting, despoiling, or debilitating an ingroup or society as a whole;

(c) have a diminished capacity for human warmth and feeling or to make up their own mind, reason or form their own individual thoughts;

(d) homogeneously pose a powerful threat or menace to an in-group or society, posing overtly or deceptively;

(e) are to be held responsible for and deserving of collective punishment for the specific crimes or alleged crimes of some of their “members”;

(f) are inherently criminal, dangerous, violent or evil by nature;

(g) do not love or care for their children;

(h) prey upon children, the aged, and the vulnerable;

(i) was subject as a group to past tragedy or persecution that should now be trivialised, ridiculed, glorified or celebrated;

(j) are inherently primitive, coarse, savage, intellectually inferior or incapable of achievement on a par with other humans;

(k) must be categorised and denigrated according to skin colour or concepts of racial purity or blood quantum or

(l) must be excised or exiled from public space, neighbourhood or nation.

(2) Without limiting how the material in section (1) is presented, forms of presentation may include,

(a) speech or words;

(b) the curation or packaging of information;

(c) images; and

(d) insignia.

Intention component

If the above definition was used as a standalone civil penalty, it should be complemented by an intention component:

in circumstances in which a reasonable person would conclude that the material was intended to portray the class of persons as not deserving to be treated equally to other humans or to incite hatred, serious contempt or severe ridicule toward the class of persons.

Adding an intention element may make enforcement more difficult and may not be necessary, especially if the definition is used as part of a legal framework where there are already intention components or exceptions available.

How did we develop this working definition?

AMAN developed this working definition after spearheading a study of five information operations online (Abdalla, Ally and Jabri-Markwell, 2021). The first iteration of this definition was published in a joint paper with UQ researchers (Risius et al, 2021). It continues to be developed with input received from researchers, lawyers and civil society.

Possible dehumanising conceptions are surfaced through research and then tested against [Haslam](#)'s frame of whether it deprives a group of qualities that are intrinsic to humans. If a subject is dehumanised as a mechanistic form, they are portrayed as 'lacking in emotionality, warmth, cognitive openness, individual agency, and, because [human nature] is essentialized, depth.' A subject that is dehumanised as animalistic, is portrayed as 'coarse, uncultured, lacking in self-control, and unintelligent' and 'immoral or amoral' (258).

Some conceptions are found to fall outside the frame of dehumanisation but could still qualify as vilification or discrimination, for example, using anti-discrimination laws.

The three categories of dehumanising comparisons or metaphors in Clause (a) are drawn from [Maynard and Benesch](#) (80), and fleshed out with further examples from tech company policies (refer to Meta for example).

Clause (b) is derived from Maynard and Benesch (80).

Clause (c) is derived from [Haslam](#) (258).

Clauses (d) and (e) are elements of dangerous speech that Maynard and Benesch refer to as ‘threat construction’ and ‘guilt attribution’ respectively (81). However, [Abdalla, Ally and Jabri-Markwell’s](#) work shows how such conceptions are also dehumanising, as they assume a group operates with a single mindset, lacking independent thought or human depth (using Haslam’s definition), and combine with ideas that Muslims are inherently violent, barbaric, savage, or plan to infiltrate, flood, reproduce and replace (like disease, vermin)(15). The same study found that the melding and flattening of Muslim identities behind a threat narrative through headlines over time was a dehumanisation technique (17). Demographic invasion theory-based memes (9) or headlines that provided ‘proof’ for such theory (20) elicited explicit dehumanising speech from audiences.

Maynard and Benesch write, ‘Like guilt attribution and threat construction, dehumanization moves out-group members into a social category in which conventional moral restraints on how people can be treated do not seem to apply’ (80).

Clauses (f), (h), (i) are drawn from the ‘Hallmarks of Hate’, which were endorsed by the Supreme Court of Canada in *Saskatchewan (Human Rights Commission) v. Whatcott* 2013 SCC 11, [2013] 1 S.C.R. 467. These Hallmarks of Hate were developed after reviewing a series of successful judgements involving incitement of hatred to a range of protected groups. These clauses were tested using Haslam’s definitional frame for the denial of intrinsic human qualities.

Clauses (f) (‘criminal’) and (g) are drawn from harmful characterisations cited in the Uluru Statement of the Heart.

Clauses (j) and (k) are drawn from AMAN’s observations of online information operations generating disgust toward First Nations Peoples. Disgust is a common effect of dehumanising discourse. These clauses were tested using Haslam’s definitional frame for the denial of intrinsic human qualities.

Clause (l) was drawn from Nicole Asquith’s Verbal and Textual Hostility Framework. (Asquith, N. L. (2013). The role of verbal-textual hostility in hate crime regulation (2003, 2007). Violent Crime Directorate, London Metropolitan Police Service.) The data and process used to formulate this Framework is exceptional. Reassuringly, this research had surfaced examples that were already captured by this Working Definition of Dehumanising Material.

This working definition is a work in progress. AMAN welcomes feedback as it continues to be developed.

Updated 15 July 2023