

Human rights advocacy is lawful



What academic and healthcare professionals should do if faced with complaints for human rights advocacy

This guide outlines how academics or professionals should respond to complaints about human rights advocacy, especially regarding Palestine.

Stay calm—such advocacy is legally protected.

Many complaints are intimidation tactics; involve relevant experts to address them effectively.

Steps to take

Seek as much information as possible about the formal process

- Request
- the legal basis for the complaint,
 - details of the investigative process,
 - and the specific policies (e.g. grievance or discrimination) under which it's being handled.

Look at the facts of what you have said and seek the relevant help

- Request the exact accusations and specific words/actions in question.
- Review AMAN's dehumanising material criteria to assess any breach: <https://www.aman.net.au/policy-brief-combatting-online-dehumanisation-of-minorities/>
- Criticism of states, ideologies, or governments isn't racial vilification under Australian law.
- Some employers may have their own social media rules, but those rules should be reasonable, linked to your occupation and impose an even standard.
- Consider seeking support from your union, a relevant lawyer, or the Islamophobia Register Australia.



Suppressing human rights advocacy discriminates against Palestinians

- International Court of Justice orders under the Genocide Convention and breaches of international law require advocacy.
- Suppressing this advocacy may violate human rights and constitute unlawful racial discrimination against Palestinians or unlawful political discrimination.

Claiming that human rights or health advocacy is Antisemitic has no legal basis

- Criticism of a state, military, or government isn't racial vilification and wouldn't hold in court or a rights commission.
- Prolonged action without legal basis may be abuse of process or harassment.
- Suppressing human rights advocacy can amount to unlawful racial or political discrimination.



Protections against political discrimination

Anti-Zionism is not antisemitism; criticising an ideology differs from targeting Jewish people.

Defamation

If a complaint is publicly disclosed and defames you, consider a defamation claim—consult a defamation lawyer.

In the public service

Australian Public Service employees must comply with the Public Service Act 1999 (Cth) and the APS Code of Conduct (s6.4.4). Displaying political material is generally inappropriate, though “political” is not clearly defined. Wearing a kufiyyeh or Palestinian symbols should be approached with caution if it may suggest bias in client or patient interactions. Where other cultural symbols or non-official flags are permitted, similar expressions may be allowed. Decisions should be consistent and used to guide discussion.

Complaints and due process



- Baseless, prolonged complaints may constitute harassment.
- Breaches of the privacy policy or due process when handling a complaint against you are usually grounds for complaint.
- If you've suffered psychological harm, you may be entitled to stress leave or compensation.
- Consult an employment lawyer or work compensation lawyer.

Legal protections for your freedom of expression

- Racial vilification laws exclude good faith, public interest discussions and don't cover criticism of ideologies, states, or militaries—only speech targeting protected attributes. Protected attributes include race, ethnicity, religion or national origin.
- Tasmania, Victoria, the ACT, WA, and Queensland protect against discrimination based on political beliefs.
- Federal law also guards against unlawful termination at work due to political discrimination.
- Human rights laws in VIC, ACT, and QLD protect free expression.
- If you are a public servant, the APS Code of Conduct does put limitations on wearing or displaying political material.

This is general information, not legal advice.
Consult a legal professional for advice specific
to your situation.

For further information about AMAN, visit
<https://www.aman.net.au/>