

# NEW ZEALAND 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution provides for religious freedom, including the right to manifest religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private. The law prohibits discrimination based on religious belief. In May the media reported that a little-known blasphemy law was still in effect. It has not been applied since 1922, and some observers said it was anomalous in light of legislation that is more recent. An opposition party attempt to repeal the law was defeated by the governing coalition that, although it was itself in favor of repeal, preferred any changes to go through an ongoing review committee. In April a long-running dispute over the teaching of religious education in schools reached the Human Rights Review Tribunal. Advocates for secular education complained the Ministry of Education and the government-funded Human Rights Commission (HRC) supported a proreligious – and specifically pro-evangelical Christian – bias by lax enforcement of laws and regulations. A decision was not expected until at least April 2018, due to a backlog of cases at the tribunal.

Jewish and Muslim leaders reported anti-Semitic and anti-Muslim incidents. The HRC received 69 complaints of discrimination based on religious belief for 2016-17, 16 percent fewer than the previous year. The HRC, government officials, and community leaders denounced these incidents. In April after media reports of anti-Semitic posters appearing on a college campus, the New Zealand Jewish Council President said anti-Semitism was increasing, particularly online. In September the media and national Muslim groups condemned a University of Waikato academic's criticisms of religious observance in the workplace on a public social media forum. The university condemned all discriminatory language and said it would investigate. In February an attacker verbally and physically assaulted a group of headscarf-wearing Muslim women in Huntly. Police apprehended the attacker, who pleaded guilty to assault and expressed remorse for her actions.

The Ambassador and embassy and consulate general officers continued to meet with the government and representatives of all major religious groups throughout the country to discuss religious freedom and the role of religion in society. In August the Consul General hosted an interfaith event in Auckland and followed up with a grant to a local Islamic Center for its interfaith community work.

## **Section I. Religious Demography**

The U.S. government estimates the population at 4.5 million (July 2017 estimate). According to 2013 census data, of those responding regarding religious affiliation, 12.6 percent are Roman Catholic, 11.8 percent are Anglican, 8.5 percent Presbyterian, 15 percent other Christian denominations (including Maori syncretic religions), 2.1 percent Hindu, 1.5 percent Buddhist, 1.2 percent Muslim, and 0.2 percent Jewish. Since 2006, the number of Muslims and Hindus has increased by 28 and 40 percent, respectively. More than 90 additional religious groups together constitute less than 1 percent of the population. The number of persons stating they had no religious affiliation increased from 34 percent to 42 percent, compared with the 2006 data; 4.4 percent of the respondents to the census question on religion stated they objected to the question.

Indigenous Maori make up approximately 15 percent of the country's population. According to 2013 census data, of those Maori responding regarding religious affiliation, 11.2 percent are Catholic, 10.8 percent are Anglican, and 8.9 percent belong to syncretic Maori Christian groups such as Ratana and Ringatu. 46 percent stated no religious affiliation, while 6.5 percent did not respond regarding religion.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution, comprised of several basic laws, states that religious expression is “subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” According to the law, religious practices may not breach the peace.

The government does not require the licensing or registration of religious groups; however, if a religious group desires to collect money for any charitable purpose, including the advancement of its religion, and obtain tax benefits, it must register with the Department of Internal Affairs as a charitable trust. The registration must provide the rules of the organization showing it is a nonprofit organization and a list of officers free from conflict of interest who will not put their own interests above the organization. There is no fee for this registration.

The law provides that “teaching in every state [public] primary school must, while the school is open, be entirely of a secular character.” A public primary school,

however, may close for up to one hour a week up to a total of 20 hours a year to devote to religious instruction or religious observance, to be conducted in a manner approved by the school's board of trustees. If a public primary school provides religious instruction or observes religious customs, it must allow students to opt out. Religious instruction or observance, if provided, usually takes place outside normal school hours. Public secondary schools may provide limited religious instruction and observances within certain parameters that ensure it does not discriminate against anyone who does not share that belief.

Citizens may file complaints of unlawful discrimination, including on the basis of religious belief, to the government-funded HRC. The HRC's mandate includes assuring equal treatment of all religious groups under the law, protecting the right to safety for religious individuals and communities, promoting freedom of religious expression and reasonable accommodation for religious groups, and promoting religious tolerance in education. In the event a complaint is not resolved satisfactorily with the assistance of HRC mediation, the complainant may proceed to the Human Rights Review Tribunal. The tribunal has the authority to issue restraining orders, award monetary damages, or declare a breach of the Human Rights Act, which is reported to parliament. Conduct prohibited by the Human Rights Act (e.g., workplace discrimination) may also be prosecuted under other applicable laws. In addition to the HRC dispute resolution mechanism, a complainant may initiate proceedings in the court system.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

The HRC intervened in a number of cases, including proceedings related to the teaching of religious instruction in schools. During the year, the HRC also published the "A-Z Pre-Employment Guide to Human Rights for Employers and Employees," a set of guidelines aimed at ensuring equality and fairness for all job applicants, regardless of a range of factors, including religion.

In May the media reported that the country had a blasphemy law on its statutes, taking government ministers and religious leaders by surprise. The law carries a prison term not exceeding one year. The press reported that it had not been applied since a failed prosecution in 1922, and it had been superseded by a more recent bill of rights. An opposition party attempt to repeal the law was defeated. The then Prime Minister, Bill English, said that although he agreed the blasphemy law should be replaced, any amendments should "go through the proper process" of an

ongoing review committee examining criminal legislation, which would give the public the opportunity to express opinions on any potential change.

In April a long-running dispute over the teaching of education in schools reached the Human Rights Review Tribunal. The Secular Education Network (SEN) said that many schools ignored legal restrictions on religious instruction. Unlike previous complaints targeting individual school boards, the SEN complained of “state-sanctioned religious bias” by the Ministry of Education, lack of appropriate action from the HRC, and alleged conflicts with the Bill of Rights Act. A decision was not expected until at least April 2018, due to a backlog of new cases awaiting hearing and determination at the tribunal.

Every parliamentary session began with a Christian prayer.

### **Section III. Status of Societal Respect for Religious Freedom**

The HRC received 69 complaints of unlawful discrimination on the grounds of religious belief or lack of religious belief during 2016-17, compared with 85 complaints during 2015-16.

In February a woman at a rest stop in Huntly in the rural Waikato region physically attacked and made anti-Muslim comments to a group of female Muslims wearing headscarves. The attacker was charged with common assault and pleaded guilty. She later expressed remorse, citing a history of alcohol abuse and mental illness as contributory to her actions.

In April the New Zealand Jewish Council President told reporters that anti-Semitism was increasing, with hate speech towards Jews particularly prevalent on social media. Also in April police investigated after anti-Semitic posters were placed around a college in Queenstown. Two men were later interviewed by police but not charged.

In September a University of Waikato academic used a public social media forum on workplace diversity to question the value of employees who “stop work five times per day to talk to an imaginary being.” Media and national Muslim groups criticized the comment. The university condemned discriminatory language, reiterated its commitment to diversity, and said it would investigate.

In August the pastor of a small independent Christian church in Auckland was quoted as saying he is in favor of gay marriage, “as long as a bullet goes through

their head the moment they kiss.” The media and Christian leaders criticized the statement. Police sought legal advice on whether to pursue the matter but ultimately decided not to proceed, saying no criminal offense could be shown to have been committed.

#### **Section IV. U.S. Government Policy and Engagement**

Embassy officers regularly met with government officials in the HRC and Foreign Ministry to discuss interfaith action on antitrafficking and actions to encourage tolerance, diversity, and religious freedom regionally.

In July the Charge d’Affaires spoke at an embassy-funded antitrafficking-in-persons conference convened by the Anglican Church. His remarks highlighted the embassy’s support of faith communities who are among the country’s most active groups in combating trafficking, as well as the importance of encouraging tolerance, diversity, and religious freedom as safeguards against a range of human rights abuses. In September the Ambassador met with the conference convener, promising continued embassy support for the Church’s interdenominational leadership in this area.

In August the Consul General in Auckland engaged in a series of meetings with resettled refugees from diverse religious backgrounds to learn about the successes and challenges of integrating into the country. She highlighted the importance of tolerance, diversity, and religious freedom as norms in the country and vital to resettlement.

In August the Consul General in Auckland invited approximately 30 religious leaders to an interfaith event to mark World Humanitarian Day. In September she presented an Interfaith Community Grant to one of the attendees to recognize the Avondale Islamic Center for its interfaith community work with the city’s homeless. Again, her remarks stressed the importance of religious freedom and diversity.