

NEW ZEALAND 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The unwritten constitution, comprised of several basic laws, provides 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 March, in response to the release of a royal commission report on the 2019 Christchurch mosque shootings which took 51 lives, the government promised reforms intended to safeguard minority religious and ethnic communities. The report recommended expanding civil and criminal protections against the incitement of hatred – which currently focus on color, race, and ethnic origin – to include religion, among other categories. In June, the government launched public consultations on proposed amendments to augment current hate speech laws.

The government-funded Human Rights Commission (HRC) received 45 inquiries or complaints of discrimination based on religious belief for the period July 2020-June 2021, compared with 53 for July 2019-June 2020. The New Zealand Jewish Council (NZJC) said antisemitism online increased, but that antisemitic incidents overall remained rare.

The U.S. Charge d’Affaires, as well as officers from the embassy and consulate general, met with government officials to discuss religious freedom and tolerance, and offered continuing support in the aftermath of the Christchurch mosque attacks. Embassy and consulate general officers also met with representatives of various religious groups throughout the country to discuss religious freedom and the role of religion in society.

Section I. Religious Demography

The U.S. government estimates the total population at 5 million (midyear 2021). According to 2018 census data, of those responding to the question regarding religious affiliation, 10.2 percent are Roman Catholic, 7 percent Anglican, 5 percent Presbyterian, 10 percent other Christian denominations (including Maori syncretic religions such as Ratana and Ringatu), 2.6 percent Hindu, 1.3 percent Muslim, 1.2 percent Buddhist, and 0.1 percent Jewish. More than 90 additional religious groups together constitute less than 1 percent of the population. The number of persons stating no religious affiliation increased from 42 percent to 49

percent between 2013 and 2018; 6.8 percent of the respondents to the census question on religion stated they objected to the question.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The unwritten 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.” The unwritten constitution provides 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. According to the law, religious practices may not breach the peace.

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

Education-related laws specify that curriculum and teaching in state primary and intermediate schools must be secular while the school is open. Schools that choose to offer religious instruction may close for up to one hour per week and no more than 20 hours per year to allow religious instruction by voluntary instructors. According to law, any local public school board that chooses to allow students to take part in religious instruction must have signed consent from a parent or caregiver for his or her child to opt into receiving that religious instruction. To comply with human rights laws, religious instruction may not discriminate against the religious or nonreligious beliefs of students. The law does not regulate general education regarding religion as an academic subject, but only when a particular religion or faith is taught or given preference. The law also requires school boards to consult closely with the school community, offer “valid alternatives” to religious instruction, provide secular school and student support services, and include a complaint procedure to resolve related issues.

Individuals may file complaints of unlawful discrimination, including on the basis of religious belief, with the 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 (HRRT). The tribunal has authority to issue restraining orders, award monetary damages, and/or declare a breach of the country's Human Rights Act through a report to parliament. Conduct prohibited by the Human Rights Act (e.g., workplace discrimination, including that based on religion) may also be subject to criminal prosecution under other applicable laws. In addition to the HRC dispute resolution mechanism, a complainant may initiate civil proceedings in court; in exceptional circumstances, HRRT cases may be transferred to the High Court.

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

Government Practices

In March, the government issued a statement concurring with the overall findings of the royal commission investigating the March 2019 Christchurch mosque attacks which resulted in 51 deaths. The government statement agreed in principle with the commission's 44 specific recommendations and supported funding for a number of initiatives. The government stated its promised reforms, led by a new Ministry for Ethnic Communities, were intended to better safeguard minority religious and ethnic communities and improve social cohesion. In particular, the report recommended that civil and criminal processes, remedies, and penalties intended to protect against the incitement of hatred – currently focused on color, race, and ethnic origin – should expand to include religion, among other categories. Between June and August, the government launched a series of public consultations on proposed amendments to current hate speech laws.

The HRC maintained its recommendation, first put forth in 2004, that police should collect specific hate crime data. The commission criticized the absence of systematically collected data on these crimes, saying in 2020, "Without such data it is difficult to have an informed discussion about the prevalence of hate crimes." The HRC advocated that authorities gather information, including the number of complaints, prosecutions, and convictions for crimes motivated by characteristics such as race and religion. Since 2020, the data collection system used by police

when logging information on crimes investigated has required the inclusion of “targeted protected characteristics” such as race or religion, according to media reports. The HRC stated there was, however, no single comprehensive record of investigations reflecting the elements of a “hate crime” as a standalone offense in the database.

In July, media reported on a group called StreetpreachingNZ which posted a video on TikTok showing a confrontation between a police officer and Christian street preachers in an area known for a broad spectrum of legal sex work. The Free Speech Union said the video was evidence of the government’s “vague and dangerous hate speech proposals.” A Free Speech Union representative stated the video showed that “what counts as ‘hate speech’ is based on wholly subjective notions.” A police spokesman referred to the event, at which the street preachers were using a microphone and amplifiers, as a “breach of peace” and said that they had moved on peacefully after police discussed the issue with them.

In April, press reported comments from the head of the Barnabas Fund, a global nongovernmental organization that advocates on behalf of persecuted Christians worldwide. Her comments were in support of a 2019 petition submitted to parliament requesting review of whether legislative changes were needed to better protect religious freedom. This included the freedom to preach with efforts to persuade others of the truth of one’s beliefs, the freedom to read the Bible in public, and the freedom to interpret the Bible without government interference. Johnston said, “People who have chosen a form of religion must not be marginalized or disadvantaged. We’d like to ask for a formal government review of . . . freedom of religion . . . and whether any group, for example, Christians, may be falling through the cracks and their rights being neglected, sidelined, or undermined.”

In January, Foreign Minister Nanaia Mahuta used social media to mark International Holocaust Remembrance Day and Governor General Patsy Reddy spoke at a national commemoration. Reddy described the contribution Holocaust survivors had made as immigrants to the country and stated her support for the Holocaust Centre of New Zealand’s goal to ensure every student has an opportunity to learn about the Holocaust at school. On the same day, Human Rights Commissioner Paul Hunt published an opinion piece in national media warning that antisemitism was growing in the country, particularly online, and said the HRC was preparing “a short paper on antisemitic [on-line] tropes so they can be avoided.”

Section III. Status of Societal Respect for Religious Freedom

The government-funded HRC received 45 inquiries or complaints of discrimination based on religious belief for July 2020-June 2021, compared with 53 for July 2019-June 2020.

In June, the NZJC reported that online antisemitic comments were increasing, but that antisemitic incidents overall remained rare. According to the NZJC, in 2020 there were 33 antisemitic incidents recorded in the country, and in 2021 there were 43 incidents recorded by November, ranging from “targeted, private antisemitic abuse of Jewish students online to a man giving the Nazi salute outside a synagogue,” and these incidents did not include “public antisemitic social media posts from New Zealanders or on [local] forums, and the NZJC also noticed an increase of those.” An NZJC survey found 70 members of New Zealand’s Jewish community had experienced antisemitic verbal insults and three had been physically attacked in the previous 12 months. The survey also found that 44 per cent thought antisemitism was a serious issue in the country – up from 16 percent in 2008.

In March, authorities charged an individual with making threatening comments online aimed at mosques in Christchurch. In April, authorities charged an individual with threatening to kill individuals attending a mosque in the city of Hastings. In both cases, the specific court proceedings, trial details, and sentences remained subject to court suppression orders. This restricted what information was made public “in order to protect the interests of justice and the integrity of the trial process,” according to official court policy. In most cases suppression orders are used to protect the identity of minors involved in a case.

Section IV. U.S. Government Policy and Engagement

The Charge d’Affaires, as well as officers from the embassy and consulate general, met with government officials to discuss religious freedom and tolerance, and to offer continuing support in the aftermath of the Christchurch mosque attacks. They met with representatives of various religious groups throughout the country to discuss religious freedom and the role of religion in society. The Charge visited mosques and Islamic centers in Wellington, Christchurch, and Queenstown to promote religious tolerance and to mark Ramadan.