

NEW ZEALAND 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The unwritten constitution, which comprises 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 June, the independent advisory group providing advice to the government on the recommendations of the Royal Commission established after the 2019 Christchurch mosque shootings that killed 51 persons said it was “very concerned by the lack of observable progress on work on incitement and hate speech and reporting tools.”

The government-funded Human Rights Commission (HRC) received 42 inquiries or complaints of discrimination based on religious belief for the period from July 2021 to June 2022, compared with 47 from July 2020 to June 2021. In a March report, the New Zealand Jewish Council (NZJC) noted “a sharp rise in the number of reported antisemitic incidents in New Zealand in the past few years.”

The U.S. Ambassador, as well as officers from the embassy and consulate general, met with government officials and discussed religious freedom and tolerance. 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 5.1 million (midyear 2022). 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

48.2 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, which comprises 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 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. The Ministry of Education publishes guidelines to help school boards navigate the legal framework regulating religious instruction.

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, on the third anniversary of the 2019 Christchurch mosque attacks that resulted in 51 deaths, Prime Minister Jacinda Ardern stated that the government had "a lot of work to do" in fulfilling recommendations made by the royal commission of inquiry following the attacks, which included 44 specific points including increased funding for a number of initiatives. The report also 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. In June, the independent advisory group providing advice to the government on its response to the royal commission said it was "very concerned by the lack of observable progress on work on incitement and hate speech and reporting tools." At the same time, the Federation of Islamic Associations said that "government

agencies are working in earnest and sincerely,” but that more funding would be needed to implement the report’s recommendations.

In August, Ministry of Justice officials said work had begun on reform of hate crime legislation in the second half of 2021, and in October, the justice minister “promised” to introduce new legislation “by the next election,” but according to a variety of commentators, a draft bill was not expected before the next general election, scheduled for October 2023.

The HRC maintained its recommendation, first put forth in 2004, that police should collect specific hate crime data. In 2021, the human rights commissioner highlighted “the importance of data collection and reporting by the police of hate incidents that are potentially motivated by racism [allowing for] systematically recorded race-based harassment and violence.” 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 September, the High Court ruled that government officials were not acting unlawfully when they restricted and regulated religious services during the COVID-19 pandemic. The court acknowledged that the rules curtailed the protected right to “manifest religious beliefs” but stated that such rules were allowable in a health emergency.

In June, the government announced it would join, as an observer, the International Holocaust Remembrance Alliance, which works to “unite governments and promote Holocaust education.” The NZJC and the Holocaust Center of New Zealand welcomed the decision, but the Palestine Solidarity Network Aotearoa (NZ) said the move would “undermine the fight against antisemitism and racism of all kinds.”

Section III. Status of Societal Respect for Religious Freedom

In February, the physical assault and verbal abuse of a Muslim student at the publicly funded Otago Girls’ High School, which media reported was unprovoked,

and which was filmed and circulated widely on social media, led to the expulsion of two students.

The government-funded HRC received 42 inquiries or complaints regarding discrimination based on religious belief for the period from July 2021 to June 2022, compared with 47 for the period July 2020 to June 2021.

In March, the NZJC published its *Antisemitism in New Zealand 2021 Survey*, which noted “a sharp rise in the number of reported antisemitic incidents in the country in the past few years.” In June, the council expressed concern regarding a rise in online antisemitic content, which it said, “poses real danger” and “can create conditions which incite real violence.”

Section IV. U.S. Government Policy and Engagement

The U.S. Ambassador, 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 2019 Christchurch mosque attacks, including for the New Zealand-led Christchurch Call to Action to Eliminate Terrorist and Violent Extremist Content Online Leaders’ Summit in New York in September. They met with representatives of various religious groups throughout the country to discuss religious freedom and the role of religion in society. In November, the Ambassador met with a prominent member of the NZJC to discuss antisemitism. The Chargé d’Affaires attended the Holocaust Center Remembrance Day event in Wellington, and an embassy officer attended a similar event in Hamilton in January.