

Q & A's

Why are we doing this?

Aotearoa New Zealand should be a place where everyone feels that they belong. The Government wants to foster greater social cohesion and an important part of this is standing against conduct and language that harms our people. Having clearer incitement laws is one important step in the Government's response to harmful behaviour and discrimination.

This public engagement is to progress the Government's commitment to address the recommendations of the Royal Commission of Inquiry into the terrorist attack on the Christchurch masjidain on 15 March 2019.

The current provisions in the Human Rights Act are unclear and could go further to protect those who may be subject to the incitement of hatred.

The goal is to test if the six proposals for change meet the community's expectations for the protection against inciting hatred and other forms of discrimination.

What is the difference between hate speech and hate crimes?

Hate speech is a broad term that is not defined in Aotearoa New Zealand law. As I mentioned, we're focussing specifically on inciting speech rather than all types of hateful speech. Speech that 'incites hatred' is abusive or threatening speech that stirs up hostility towards a group of people (rather than being directed at one person) based on a common characteristic they share.

A hate crime tends to refer to criminal conduct where the perpetrator is motivated by hatred towards a group based on a characteristic like race, colour, national origin, sex, gender, disability, religion, or sexual orientation.

Why move the offence to the Crimes Act from the Human Rights Act?

Having incitement as an offence in the Crimes Act, sends an important signal about how serious we are about addressing hate speech at the extreme end of the spectrum.

Why are you proposing to significantly increase the penalty?

The Ministry's review, and the Royal Commission report, both concluded that the penalties for the criminal offence was relatively low and did not reflect the seriousness of intentionally inciting hatred.

The discussion document contains more information on why the proposed penalty is considered appropriate, but of course, I am interested in hearing from the public on the proposed changes.

What is social cohesion?

The Royal Commission outlined a definition of a socially cohesive society as one in which everybody has a sense of:

- Belonging – a sense of being part of the community, trust in others and respect for law and human rights
- Inclusion – equity of opportunities and outcomes in work, income, education, health and housing
- Participation – involvement in social and community activities and in political and civic life
- Recognition – valuing diversity and respecting differences
- Legitimacy – confidence in public institutions.

This definition was developed by Prof Paul Spoonley, Robin Peace, Andrew Butcher and Damian O'Neill. More information about social cohesion is in the Ministry of Social Development discussion document.