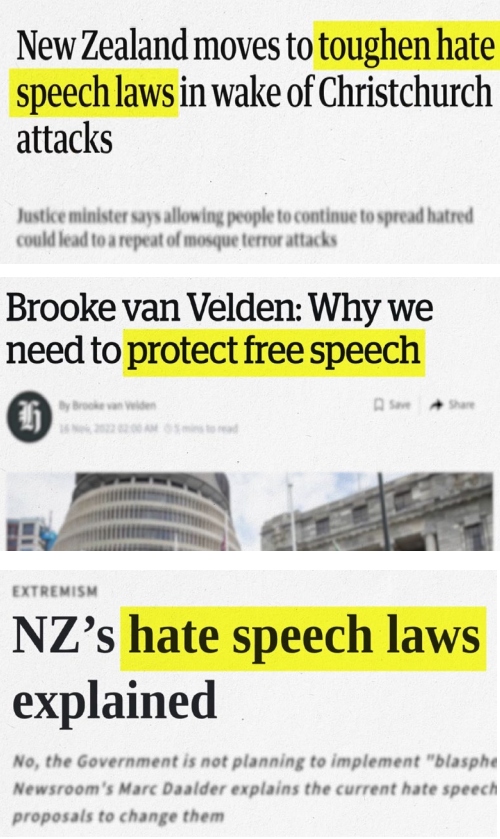
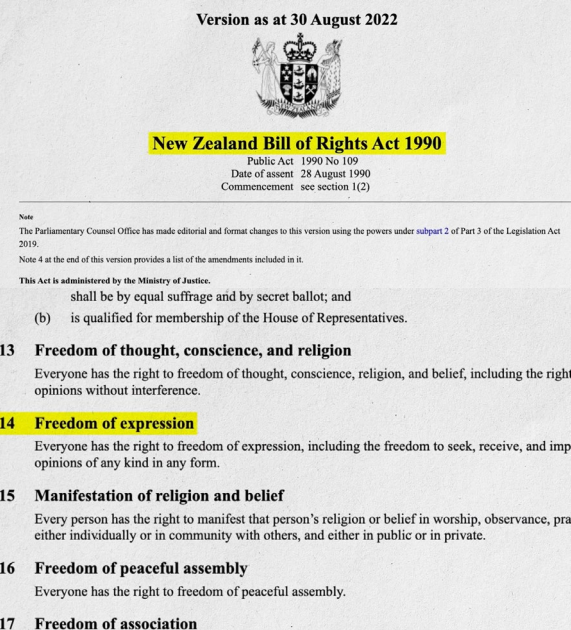


RECOGNISE:**3) Freedom of Expression and Inciting Racial Disharmony – 1.41 min**

Script	Image
<p>People's right to Freedom of Expression gets a lot of airtime in the media. So does the damage that can be done by hate speech.</p>	 <p>The first snippet is a headline: "New Zealand moves to toughen hate speech laws in wake of Christchurch attacks". Below it, a sub-headline reads: "Justice minister says allowing people to continue to spread hatred could lead to a repeat of mosque terror attacks".</p> <p>The second snippet is a social media post by Brooke van Velden titled "Brooke van Velden: Why we need to protect free speech". It includes a timestamp of "18 Nov, 2022 02:00 AM" and a "5 mins to read" indicator.</p> <p>The third snippet is a headline: "NZ's hate speech laws explained". Below it, a sub-headline reads: "No, the Government is not planning to implement 'blasphemy' laws. Newsroom's Marc Daalder explains the current hate speech proposals to change them".</p>
<p>Balancing people's rights and recognising what is going on is challenging.</p> <p>Something can be 'awful but lawful' because freedom of expression is protected under New Zealand law.</p>	<p>Officer to Camera</p>
<p>The New Zealand Bill Of Rights Act 1990 gives everyone in New Zealand 'the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.'</p>	 <p>The image shows the title page of the New Zealand Bill of Rights Act 1990. At the top, it says "Version as at 30 August 2022". Below that is the New Zealand Coat of Arms. The title "New Zealand Bill of Rights Act 1990" is highlighted in yellow. Below the title, it says "Public Act 1990 No 109", "Date of assent 28 August 1990", and "Commencement see section 1(2)".</p> <p><small>Note</small> The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.</p> <p><small>Note 4 at the end of this version provides a list of the amendments included in it.</small></p> <p><small>This Act is administered by the Ministry of Justice.</small></p> <p>shall be by equal suffrage and by secret ballot; and</p> <p>(b) is qualified for membership of the House of Representatives.</p> <p>13 Freedom of thought, conscience, and religion Everyone has the right to freedom of thought, conscience, religion, and belief, including the right to hold opinions without interference.</p> <p>14 Freedom of expression Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.</p> <p>15 Manifestation of religion and belief Every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.</p> <p>16 Freedom of peaceful assembly Everyone has the right to freedom of peaceful assembly.</p> <p>17 Freedom of association</p>

14 Freedom of expression

Everyone has the right to freedom of expression, including the freedom to seek, receive opinions of any kind in any form.

But freedom of expression and the need for public debate in a democratic society must be weighed up against other rights, for example, someone's right to freedom from discrimination.

As well as a being a general hate crime, criminal hate speech could be classified as inciting racial disharmony under section 131 of the Human Rights Act 1993

Everyone has the right to freedom of thought, conscience, religion, and opinions without interference.

(4) No one who is not a New Zealand citizen and who is not a permanent resident of New Zealand may be employed in a position of public trust or confidence except under a decision taken on grounds prescribed in the regulations.

Freedom of expression

Everyone has the right to freedom of expression, including the freedom to seek, receive opinions of any kind in any form.

Freedom from discrimination

(1) Everyone has the right to freedom from discrimination on the basis of race, ethnicity, religion, or sexual orientation.

(2) Measures taken in good faith to promote equality of race, ethnicity, religion, or sexual orientation are not discrimination.

Freedom of peaceful assembly

Everyone has the right to freedom of peaceful assembly.

Freedom of association

Everyone has the right to freedom of association.

Rights of minorities

A person who belongs to an ethnic, religious, or linguistic community with other members of that minority, language, of that minority.

Hate Incident

General Hate Crime

Criminal Hate Speech

Inciting Racial Disharmony

Criminal Hate Speech

Human Rights Act 1993

Part 6

Inciting racial disharmony

131 Inciting racial disharmony

(1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$7,000 who, with intent to excite hostility or ill-will against, or bring into contempt or ridicule, any group of persons in New Zealand on the ground of the colour, race, or ethnic or national origins of that group of persons,—

(a) publishes or distributes written matter which is threatening, abusive, or insulting, or broadcasts by means of radio or television words which are threatening, abusive, or insulting; or

(b) uses in any public place (as defined in section 2(1) of the Summary Offences Act 1981), or within the hearing of persons in any such public place, or at any meeting to which the public are invited or have access, words which are threatening, abusive, or insulting,—


being matter or words likely to excite hostility or ill-will against, or bring into contempt or ridicule, any such group of persons in New Zealand on the ground of the colour, race, or ethnic or national origins of that group of persons.

(2) For the purposes of this section, **publishes or distributes** and **written matter** have the meaning given to them in section 61.

Compare: 1971 No 150 s 25; 1977 No 49 s 86

Section 131(1) amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Version as at 1 December 2022



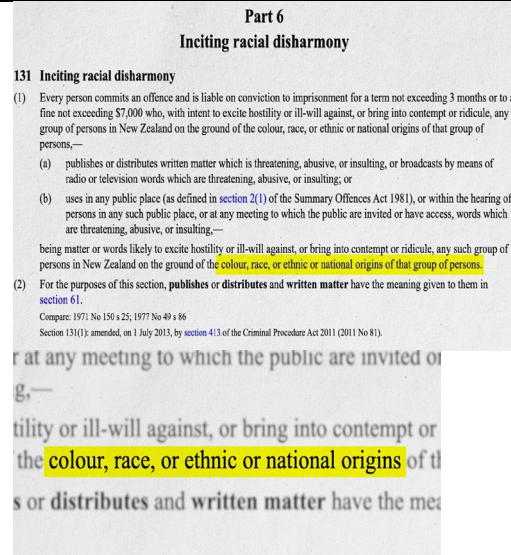
Human Rights Act 1993

Public Act 1993 No 82

Date of assent 10 August 1993

Commencement see section 1(2)

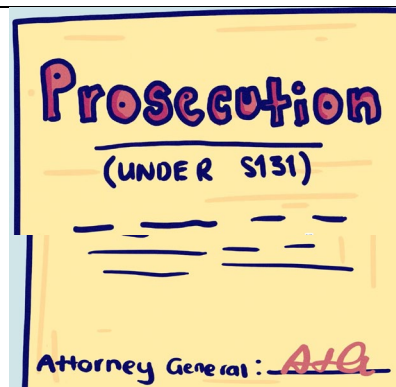
The focus of section 131 is race or ethnicity but it is not about someone expressing hostility towards someone else.



It is about the offender's intention to make other people hostile toward the victim's race or ethnicity.

IT IS ABOUT THE OFFENDER'S
INTENTION TO MAKE OTHER
PEOPLE HOSTILE TOWARDS THE
VICTIM'S RACE OR ETHNICITY.

You must gain consent from the Attorney General to bring a prosecution under section 131 of the Humans Rights Act. It is the O/C's responsibility to obtain this consent. They should contact Police Legal Services for details.



For more information on hate speech check out the other Hate Speech micro-video on the Hate Crime Learning Hub

What you do makes a difference.



