

NEW ZEALAND 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The 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. The law prohibits discrimination based on religious belief. In August, a court sentenced the individual convicted of committing the March 2019 Christchurch mosque shootings, the worst mass killings in the country's history, to life in prison with no parole – a sentence unique in the modern legal history of the country. The report by a royal commission established to investigate the Christchurch mosque attacks was published in December. In response, the government promised reforms aimed at safeguarding the country's minority religious and ethnic communities and at improving greater social cohesion. In August, the government introduced a new law covering religious instruction in public schools, and in September, the Ministry of Education released guidelines on religious instruction in state primary and intermediate schools designed to clarify the legal obligation of the schools' boards of trustees when allowing religious instruction.

The government-funded Human Rights Commission (HRC) received 87 inquiries or complaints of discrimination based on religious belief for 2018-19, compared with 65 in the previous period. The New Zealand Jewish Council said that anti-Semitism increased, particularly online.

The U.S. Ambassador and embassy and consulate general officers met with government officials to offer continuing support in the aftermath of the Christchurch mosque attacks. They 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 4.9 million (midyear 2020 estimate). According to 2018 census data, of those responding 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 constitution, comprising 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, 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 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 registration.

According to the 2020 Education and Training Act, which came into force in August, individual school boards that choose to allow religious instruction in public schools must have signed consent from a parent or caregiver to include a child in that religious instruction (“opt in”). The previous legislation required parents or guardians to make their wishes known in writing if they did not wish a child to take part in religious instruction or observance (“opt out”). The national education law specifies that teaching in state primary and intermediate schools must be secular while the school is open. The law allows schools to close for up to one hour per week and no more than 20 hours per year to allow religious instruction by voluntary instructors, which must be held on an opt-in basis. To comply with human rights laws, school boards must ensure that religious instruction does not discriminate against religious or nonreligious beliefs of students. The law states this should involve boards consulting closely with the school community, offering valid alternatives to religious instruction, providing secular school and student support services, and having an adequate complaints procedure to resolve issues. Religious observance and religious instruction – when a particular religion or faith is taught or given preference in a state primary or

intermediate school – differ from general religious education, which is not regulated by legislation.

Individuals may file complaints of unlawful discrimination, including on the basis of religious belief, to 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 the authority to issue restraining orders, award monetary damages, or declare a breach of the 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 prosecuted under other applicable laws. In addition to the HRC dispute resolution mechanism, a complainant may initiate proceedings in the court system; 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 August, a court in Christchurch sentenced the perpetrator of the March, 2019 Christchurch mosque shootings that took 51 lives and injured 49 others to life in prison with no parole. This was the first time in the country's history that such a sentence was handed down. A royal commission – the highest level of government inquiry – established to investigate the Christchurch mosque attacks published its findings in December. While the report found the government had made mistakes, it said the attack had been unpreventable. The government promised reforms aimed at safeguarding the country's minority religious and ethnic communities and at improving greater social cohesion.

In August, the Ministry of Education released guidelines on religious instruction in state primary and intermediate schools to help trustees develop best practices for religious instruction in compliance with the new Education and Training Act. The guidelines provided guidance on how to enable the closure of schools for the delivery of religious instruction in a way that would reduce the possibility of discrimination.

In September, following the entry into force of the Education and Training Act, the Secular Education Network, a local nongovernmental organization, withdrew from its long-running court case with the Ministry of Education, which had asserted that religious instruction allowances in the previous Education Act were inconsistent with the more recent Human Rights and Bill of Rights Acts. The network stated it was committed to continuing its broader efforts to end what it termed “religious indoctrination” in state primary and intermediate schools.

In June, the Justice Minister delayed any possible changes to hate speech legislation, which he had previously described as “woefully inadequate,” until after the country’s October general election. The Human Rights Commission has recommended since 2004 that police should collect specific hate crime data – a recommendation repeated in the 2019 HRC report, *It Happened Here: Reports of race and religious hate crime in New Zealand 2004-2012*, which brought together for the first time the HRC’s annual summaries of media reports on racially and religiously motivated crime during that period. The HRC condemned the absence of systematically collected data on these crimes, saying, “Without such data it is difficult to have an informed discussion about the prevalence of hate crimes.” It advocated that authorities gather information, including the number of complaints, prosecutions, and convictions for crimes motivated by characteristics such as race and religion.

Section III. Status of Societal Respect for Religious Freedom

The HRC received 87 complaints of unlawful discrimination on the grounds of religious belief or lack of religious belief during 2018-19, compared with 65 complaints during 2017-18. Reports of unlawful discrimination on the grounds of religious beliefs made up 13 per cent of all complaints raised with the commission in 2018-19.

While it said that anti-Semitic incidents remained rare, the New Zealand Jewish Council said online anti-Semitism was increasing. In January, a swastika was spray-painted on the outside wall of the Temple Sinai Wellington Jewish Progressive Congregation, and supportive anti-Semitic comments later appeared online.

Section IV. U.S. Government Policy and Engagement

The Ambassador and embassy and consulate general officers met with government officials to offer continuing support in the aftermath of the Christchurch mosque

attacks. Embassy and consulate general officials regularly met with officials in the HRC and Ministry of Foreign Affairs and Trade to consult on encouraging tolerance and religious freedom in the country. They also met with representatives of various religious groups throughout the country to discuss religious freedom and the role of religion in society. The embassy worked closely with an activist for equal rights for Muslim women to expand her networks and increase her public profile.