

# NEW ZEALAND 2019 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. At year's end, there was one legal action in progress against religious instruction in schools. In March an armed man attacked two Christchurch mosques, killing 51 persons and injuring 49 others, all Muslims. The prime minister labeled the shooter a terrorist and immediately condemned the attacks, advocating religious tolerance and calling for solidarity with the country's Muslim community. Immediately after the attacks, the government took a series of measures, including the establishment of a Royal Commission of Inquiry into the attacks and organization of public events to memorialize the victims. Following this attack on the Muslim community, in October the government announced 17 million New Zealand dollars (\$11.5 million) in extra funding to combat terrorist and violent extremist content online, including content related to religion. In March parliament repealed a little-used but longstanding blasphemy law. In May the Ministry of Education released guidelines on religious instruction in public schools to help clarify the legal obligation of the schools' boards of trustees when allowing religious instruction.

In the days following the mosque attacks, people from around the country condemned the violence and called for solidarity with the Muslim community. 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 was increasing, particularly online.

The Ambassador, as well as U.S. embassy and consulate general officers, continued to meet with government officials and representatives of various religious groups throughout the country to discuss religious freedom and the role of religion in society. In the aftermath of the Christchurch mosque attacks, the Ambassador led the embassy's engagement in a robust public outreach program, delivering messages of condolence and solidarity with the people of the country and condemnation of attacks on our "Muslim brothers and sisters."

## Section I. Religious Demography

The U.S. government estimates the total population at 4.6 million (midyear 2019 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 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 this registration.

The law provides that “teaching in every public primary school must, while the school is open, be entirely of a secular character.” A public primary school may close, including during normal school hours, for up to one hour per week, up to a total of 20 hours per year, to devote to religious instruction or religious observance, to be conducted in a manner approved by the school’s board of trustees. If a public primary school provides religious instruction or observes religious customs, it must allow students to opt out. Religious instruction or observance, if provided, usually takes place outside normal school hours. Public secondary schools may provide limited religious instruction and observances within certain parameters that ensure they do not discriminate against anyone who does not share that belief. General religious education 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**

Hours after the March 15 attack on two Christchurch mosques, Prime Minister Jacinda Ardern condemned the attacker as a terrorist and a criminal. The government called for solidarity with the Muslim community and advocated tolerance. In the aftermath of the attack, the prime minister and senior government officials participated in events that memorialized the victims, such as a service at one of the targeted mosques on March 21 that drew an estimated 20,000 participants. On March 19, parliament opened with its first-ever Islamic prayer in a show of solidarity with the Muslim community. In the weeks after, the government passed emergency legislation that included the establishment of a Royal Commission of Inquiry (typically reserved for "matters of the gravest public importance") into the attacks. To deter copycat attacks and reassure the Muslim community, armed police were deployed outside all the country's mosques and Islamic centers for six weeks after the Christchurch attacks. The prime minister called on international governments and the global technology sector to adopt the Christchurch Call for committed governments and technology companies to eliminate terrorist and violent extremist content online. In October the government announced 17 million New Zealand dollars (\$11.5 million) in extra funding for domestic law enforcement and work with partner governments and the international technology sector to combat terrorist and violent extremist content online, including content related to religion.

In March an amendment to a broader piece of legislation repealed a little-used but longstanding blasphemy law, which the minister of justice described as “archaic [and] obsolete.” The amendment was part of broader changes to the criminal code and was prompted by press reports in 2017 that the blasphemy law, last prosecuted (unsuccessfully) in 1922, was still on the books. The original law, which dated from 1908, set penalties of up to one year in prison for publishing “blasphemous libel” (not defined) against religion.

In May the Ministry of Education released guidelines on religious instruction in state primary schools to help clarify boards of trustees’ legal obligations when allowing religious instruction (which differs from general religious education, which is not regulated by legislation), and to help trustees develop best practices around how to offer religious instruction. The draft provided guidance on how to close schools for the delivery of religious instruction in a way that would reduce the possibility of discrimination. In early December the education minister proposed that schools require signed consent from a parent or caregiver before allowing a student to participate in religious instruction, as part of a broader Education and Training Bill. Some secular education advocates expressed concerns about the legality and propriety of any religious education in a secular education system.

In a legal action concerning a long-running dispute on religious instruction in schools, complainants from the Secular Education Network (SEN) said many schools ignored legal restrictions on religious instruction. SEN also stated the HRC had not taken appropriate action against broader “state-sanctioned religious bias” by the Ministry of Education, and said there was conflict between those sections of the Education Act authorizing religious instruction in state schools and the right of protection from discrimination due to religious beliefs in the more recent Bill of Rights Act. A decision in the High Court is expected in 2020.

### **Section III. Status of Societal Respect for Religious Freedom**

On March 15, Australian citizen Brenton Tarrant attacked the Al Noor Mosque and the Linwood Islamic center, both in Christchurch. The attacks, regarded as the country’s worst act of mass killing, resulted in 51 deaths and 49 injuries. All the victims were Muslims. The High Court in Christchurch set a trial date for Tarrant in May 2020, then moved it to June 2020 to avoid conflicting with Ramadan. Authorities charged Tarrant with multiple counts of murder and attempted murder and one count of terrorism.

In the days following the attacks, individuals from around the country condemned the violence and called for solidarity with Muslims. The media reported many non-Muslim women, including TV correspondents and police officers, wearing headscarves during the March 21 memorial. At the beginning of that service, the Islamic call to prayer was broadcast on national radio and television. In his message during the service, a leading imam thanked the prime minister for her leadership during the crisis and stated “. . . we are together (as a nation), we are determined not to let anyone divide us.” The president of the national Jewish Council said the organization was “sickened and devastated” by the attack and offered the council’s “full assistance and support” to the Muslim community. After the Royal Commission of Inquiry held its first meeting in July, some human rights advocates and Muslim community leaders said it was not transparent enough and was moving too quickly to adequately consult Muslims and the shooting survivors. Muslim leaders also criticized the slow pace of the trial and the High Court’s scheduling of hearings on Fridays. The internal affairs minister announced in November that the inquiry would be extended from December 2019 to April 2020 to take into account “the significant public interest” and Muslims’ concerns.

The New Zealand Jewish Council said that anti-Semitism was increasing, particularly online. Jewish community leaders expressed outrage when footage emerged of an Auckland mosque leader blaming the Israeli intelligence service Mossad for the mosque attacks while addressing a crowd of approximately 1,000 anti-racism protestors in Auckland. In July a New Zealand Jewish Council spokesperson accused Green Party Member of Parliament Golriz Ghahraman of anti-Semitism after she referred to Mary and Joseph as “Palestinian refugees,” which the spokesperson said ignored their Jewish identity and reflected an ongoing pattern of disrespect and marginalization of the Jewish community. Ghahraman apologized and promised to “improve her dialogue” with the community.

In March two buildings in the South Island towns of Christchurch and Greymouth belonging to The Church of Jesus Christ of Latter-day Saints were struck by suspicious fires within 48 hours. In April Jacob Lowenstein, who confessed to setting the fires and admitted to targeting the buildings based on their religious affiliation, was convicted and sentenced to six years and nine months in prison.

The HRC received 87 inquiries or 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.

#### **Section IV. U.S. Government Policy and Engagement**

Embassy and consulate general officials regularly met with officials in the HRC and Ministry of Foreign Affairs and Trade to consult on shared priorities of encouraging tolerance and religious freedom in the country. In October embassy representatives attended a reception at parliament that highlighted discrimination overseas against the Baha'i Faith.

In March the Ambassador led the embassy's outreach to the local Muslim community after the Christchurch mosque attacks. The Ambassador released a statement of support on the evening of the attacks, visited a mosque, and attended a vigil in Wellington to honor victims. He visited the headquarters of the Federation of Islamic Associations of New Zealand and attended a candlelight vigil in Christchurch where he was briefed by a U.S. imam, there as part of a humanitarian delegation to assist with funerals. The Ambassador later met the president of the International Muslim Association, who thanked him for his visits and words of support. The Ambassador delivered messages of condolence to local media and solidarity with the people of the country and condemnation of attacks on our "Muslim brothers and sisters." The embassy made extensive use of social media to extend the Ambassador's message of tolerance and religious inclusion to a wide audience. In July embassy officials facilitated a meeting between attack survivor Farid Ahmed and the President in the White House, as part of a visiting group of survivors of religious persecution. The visit generated considerable favorable press attention to religious freedom issues in the country.