

# **NEW ZEALAND 2018 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 response to 2017 media reports that a little-used blasphemous libel law was still in the statutes, the minister of justice proposed in March to repeal the law as part of broader amendments to the criminal code. In July a long-running dispute over the teaching of religious education in schools was relocated from the Human Rights Review Tribunal (HRRT) to the High Court. Advocates for secular education had complained that provisions of the law authorizing religious instruction in state schools were inconsistent with the more recent Bill of Rights Act. The High Court did not make a decision during the year. In September the Ministry of Education released draft guidelines on religious instruction in state primary and intermediate schools to help clarify the legal obligation of the schools' boards of trustees when allowing religious instruction. The Catholic and Anglican Churches asked the government to broaden the terms of reference of a commission on child abuse in institutions of care to include faith-based institutions.

The government-funded Human Rights Commission (HRC) received 65 complaints of discrimination based on religious belief for 2017-18. In July after media reported on anti-Semitic posters and leaflets in two cities, the New Zealand Jewish Council said anti-Semitism was increasing, particularly online.

The ambassador, as well as embassy and consulate general officers, continued to meet with the government and representatives of various religious groups throughout the country to discuss religious freedom and the role of religion in society. The embassy supported religious tolerance through activities such as the ambassador's attendance at the UN Holocaust Memorial Day service in Wellington in January. In March the embassy sponsored a Holocaust-themed exhibition appearing in schools. In August the ambassador met with Auckland Sikh and Muslim leaders, discussing among other things, interreligious cooperation on trafficking in persons.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 4.5 million (July 2018 estimate). According to 2013 census data (the most recent figures available), of those responding regarding religious affiliation, 12.6 percent are Roman Catholic, 11.8 percent Anglican, 8.5 percent Presbyterian, 15 percent other Christian denominations (including Maori syncretic religions such as Ratana and Ringatu), 2.1 percent Hindu, 1.5 percent Buddhist, 1.2 percent Muslim, and 0.2 percent Jewish. Between the censuses of 2006 and 2013, the number of Muslims and Hindus increased by 28 and 40 percent, respectively. 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 34 percent to 42 percent between 2006 and 2013; 4.4 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.” 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. 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, and 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.

The law provides that “teaching in every state [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.

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 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) 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 relocated to the High Court.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

In March the minister of justice proposed repeal of the blasphemy law, which carries a penalty of up to one year in prison, as part of broader amendments to the criminal code. As of the end of the year, a parliamentary committee was considering the amendments. In 2017, government ministers and religious leaders expressed surprise when the press reported there was such a law, which had last been used in an unsuccessful prosecution in 1922.

In July a long-running dispute over the teaching of religious education in schools was relocated from the HRRT to the High Court. The Secular Education Network (SEN) said many schools ignored legal restrictions on religious instruction. Unlike previous complaints targeting individual school boards, the SEN stated the HRC had not appropriately taken action against "state-sanctioned religious bias" by the Ministry of Education, or against alleged 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. The court took no decision during the year.

In September the Ministry of Education released draft guidelines on religious instruction in state primary schools to help clarify boards of trustees' legal obligations when allowing religious instruction, and to help trustees develop best practices regarding how to offer religious instruction. The draft guidelines provide guidance on how to enable the closure of schools during delivery of religious instruction in a way that reduces the possibility of discrimination.

In February the government announced the creation of the Royal Commission of Inquiry into the Historical Abuse of Children in State Care, for those youth who had been in detention centers, psychiatric hospitals, and orphanages. The royal commission, the highest level of government inquiry, is focusing on physical, sexual, and emotional abuse and neglect, and systemic bias based on race, gender, or sexual orientation during the period 1950 to 1999. After lobbying from Catholic and Anglican Church leaders, the government broadened the mandate of the royal commission to include faith-based institutions.

The New Zealand First Party, a government coalition partner, proposed the Respecting New Zealand Values Bill, which would require immigrants to agree to keep several "New Zealand values," including freedom of religion. Critics said some of the values listed in the bill were anti-immigrant and anti-Muslim, including one that would prohibit campaigning against alcohol consumption. The prime minister said the ruling Labour Party would not support the bill.

Historically, every parliamentary session had begun with a Christian prayer, but in February the new speaker of the house allowed a nondenominational blessing.

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

The HRC received 65 complaints of unlawful discrimination on the grounds of religious belief or lack of religious belief during 2017-18, compared with 69 complaints during 2016-17.

In July a New Zealand Jewish Council spokesperson told reporters that anti-Semitism was increasing, with hate speech towards Jews particularly prevalent in social media. Responding to reports of anti-Semitic posters and leaflets distributed in Auckland and Dunedin, the council elaborated that anti-Semitic activity in the country seemed to have increased recently, including graffiti, verbal abuse, and desecration of headstones, but especially anti-Jewish sentiment in social media.

In March an Auckland secondary school student stated that his school did not allow him to wear a spaghetti colander for his school identity photograph, contrary to his religious beliefs. The student is a member of the Church of the Flying Spaghetti Monster, otherwise known as Pastafarianism, which is a legally recognized religion in the country. The student stated that he contacted the HRC over the incident but had accepted the school's decision for the time being.

#### **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 and Pacific islands, and interfaith action against forced labor and human trafficking within migrant communities.

The embassy supported religious tolerance and other themes through participation in programs marking the Holocaust. In January the ambassador brought attention to the issue by attending the UN Holocaust Memorial Day service organized by the Jewish community in Wellington, and he later visited the Holocaust Centre. In March the embassy sponsored a Holocaust-themed exhibition that traveled to schools around the country, highlighting the story of Anne Frank. In August the ambassador met with Sikh and Muslim leaders in Auckland to discuss labor and human trafficking issues that disproportionately affect their communities, as well as to highlight how religious groups could cooperate on these issues.