

Submission on the Human Rights (Incitement on Ground of Religious Belief) Amendment Bill

This submission is from several members of the Rainbow Support Collective, listed at the end of this submission.

Rainbow Support Collective is an alliance of organisations which primarily work to support the human rights, health, and wellbeing of rainbow populations in Aotearoa. The collective comprises both national and regional organisations. Altogether, this collaboration represents organisations with around 450 rainbow community workers and regular volunteers.

We support the Bill's proposed changes to improve protections against hate speech for faith-based groups, and do not see the proposals as a threat to free expression or free speech.

Parliament representatives opposed to this legislation have cited that they are concerned that it may have a 'chilling effect' on public discourse and free speech concerning religious minorities. Our experience is that hate speech protections do not prevent people from voicing their opinions or participating in debate, even when those opinions contradict the fundamental rights of the protected population. As Rainbow organisations we regularly support people who have been marginalised because of their gender or sexuality. Although the populations we support are protected by human rights legislation from discrimination, we do not see that legislation preventing all discrimination in practice. Given our experiences being protected by human rights legislation, we do not share the view of those opposing these proposed changes that added hate speech protections will negatively affect free speech.

The Islamic Women's Council have highlighted dozens of incidents where Muslims, and particularly Muslim women have been targeted with violent actions as well as violent statements.¹ Discriminatory statements about Muslim people, threats of violence, or calls for them to leave the country have no place in the productive discourse that free speech protects. While we do not believe that this legislation will fully protect Muslim New Zealanders from aggressive speech, a chilling effect on the most egregious statements can only be a good thing for robust debate in good faith.

We also wish to express our frustration regarding what has been left out of this legislation. While we fully support any action taken to add legal protections to vulnerable populations including religious minorities, it is extremely disappointing that Rainbow people have been left out of this amendment. As organisations supporting Rainbow communities, we have seen a significant increase in hate speech and targeted violence in recent years. Additionally, Rainbow organisations have spent many years advocating for specific protections against discrimination for transgender and intersex populations. Protections from hate speech directed to rainbow people, as well as making discrimination protections more explicit for transgender and intersex people, were originally part of the proposed amendments. It is both disappointing and frustrating that these amendments are now out of

¹ ICWNZ- (2019, 29 August) - retrieved from <https://islamicwomenscouncilnz.co.nz/submissions-icwnz/> 26/1/2023

scope. We hope for further engagement with the Government to see these protections receive the careful consideration that they require.

Signed by:

RainbowYOUTH
Burnett Foundation Aotearoa
InsideOUT Kōaro
Rainbow Hub Waikato
Q-Youth Incorporated
Intersex Aotearoa
Te Ngākau Kahukura
OutLine Aotearoa