



**National Council of  
Women of New Zealand**

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Wahine O Aotearoa

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**Submission to the Government Administration Committee on the  
Inquiry into Hate Speech**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies and has 33 Branches throughout New Zealand. These Branches are attended by representatives of national organisations and some 150 other societies. There are also a number of individual members. Ten Standing Committees study specific issues, and are responsible for the collection and dissemination of information on their topic and for the writing of submissions. Information for the preparation of submissions is collected from the responses to questions appearing in the monthly NCWNZ *Circular* or sent by email when time is short. Submissions are also based on policies established at national meetings of the Council, and draw on earlier submissions on related issues.

Beryl Anderson in her September Presidential comment in the *Circular*, addressed the topic of Hate Speech from the point of view of social cohesion. NCWNZ recommends this article as giving a well-balanced point of view (attached). Beryl also points out that the inquiry must include Internet communication, which is now an accepted means of 'speaking' to some one.

An item requesting responses on the terms of reference for this inquiry was in September's issue of the *Circular*. This submission is based on responses to that item from eight branches, one national organisation, three individuals and the Public Issues Standing committee members.

The following points were made under the various headings of the terms of reference.

**Whether or not further legislation to prohibit or restrain hate speech is warranted.**

In all responses the majority opposed the need for further legislation. Reasons given included supporting the freedoms under the New Zealand Bill of Rights Act especially sections 13 and 14, and that there is already legislation to cover libel and defamation in the Human Rights Act. Such legislation should be enforced more strongly. Open debate, tolerance, personal responsibility and education were cited as preferred options to legislation.

**Whether censorship of material that vilifies certain groups would be a justified limitation on the rights and freedoms affirmed by the New Zealand Bill of Rights.**

Members felt that material which vilifies certain groups should be dealt with under libel and defamation legislation available under the Human Rights Act.

**An appropriate threshold test for prohibition or restraint of hate speech.**

NCWNZ members felt that setting an appropriate threshold is impossible, as one response stated, "this is because a person's definition of 'hate speech' often depends on their own personal perception, resulting from past experience and value base".

Members suggested any definitions would be challenged strongly in the courts.





**Whether any prohibition or restraint of hate speech or hateful expressions would be justified limitation on the rights and freedoms outlined in the New Zealand Bill of rights Act 1990.**

Under the New Zealand Bill of Rights, all have the right to freedom of expression under Section 14. Members felt that this freedom of speech was precious, and that strongly expressed views must be tolerated.

As the “Human Rights in New Zealand Summary Report” states, few media and public opportunities exist for both informed stakeholders and members of the public to freely debate, in an informed and constructive manner, the modern tensions between the right to freedom of expression and social responsibility (for example, the impact of hate speech).

The majority of members felt that this legislation should stand as it is without any limitations.

**The steps taken by the international community to control hate speech and hateful expressions.**

NCWNZ members were not aware of any actions taken by the international community apart from one response which quoted the Dominion Post of August 28: “Some other countries have hate speech laws, notably Germany with its history of oppression of Jews, but also France, Canada and, to an extent, Australia”.

**Conclusion**

NCWNZ believes that legislation to prohibit or control hate speech is not warranted at this time. NCWNZ members support Article 19 of the Universal Declaration of Human Rights —“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of any frontiers.” NCWNZ notes, however, that public education opportunities to develop strategies for exercising a right of reply should be implemented and the development of individual protection and responsibilities in relation to the Internet is required.

There was a strong feeling in one branch that this issue is moral and ethical, and a response by legislation is political correctness gone mad. It was suggested that this inquiry appears to be a result of David Irving not being allowed into New Zealand. The fact that David Irving was not permitted into this country, however, was based on his being a prohibited person and not because of the potential of any speech he may have given to incite racial hatred. One branch commented that perhaps he should be allowed to come and speak and then New Zealanders would have the opportunity to counter his arguments

Role modelling, education and anger management courses are perceived to be better options than imposing legislation which would be impossible to implement

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