
Urban Development and Transport Committee ATTACHMENTS UNDER SEPARATE COVER

Date: Thursday 5 August 2021
Time: 9.30am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

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Friday 6 August 2021

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Christchurch City Council submission on the proposals against incitement of hatred and discrimination

Introduction

1. Christchurch City Council (the Council) thanks the Ministry of Justice for the opportunity to provide comment on the Proposals against incitement of hatred and discrimination.
2. We welcome the proposals to strengthen provisions to protect our communities from direct, indirect and incited hatred and discrimination. Christchurch has been uniquely impacted since the events of 15 March 2019, and the Council supports greater protections for our communities from direct, indirect, and incitement of hatred and discrimination. As a result of these events, Christchurch knows and has experienced the consequences of incitement, which underlines why the changes proposed are so important.
3. We note that feedback is requested for each of the six proposals, and have provided specific feedback for each area. We would like to highlight that the proposals do not raise the need for prevention. Greater investment in social cohesion and addressing inequality, alongside deterrents, will have a greater impact in preventing incitement towards hatred and discrimination than a focus on prosecution.

Submission

Proposal One: Change the language in the incitement provisions in the human rights act so that they protect more groups that are targeted by hateful speech.

4. We agree that more groups need to be covered by the incitement provisions to protect them from discrimination. The current limitations on "colour, race, or ethnic or national origins" does not cover a number of other vulnerable communities, such as religion and ethical beliefs, gender and sex, disability, age, or sexual orientation. While these are specific areas susceptible to hatred and incitement, we would welcome the addition of all thirteen grounds for discrimination to ensure consistency across legislation, noting the Attorney-General's approval would prevent frivolous prosecutions.

Proposal Two: Replace the existing criminal provision with a new criminal offence in the Crimes Act that is clearer and more effective.

5. We support the intent of adjusting the criminal provisions for greater clarity and effectiveness, in particular the extension to include electronic means. Intentionally inciting or normalising hatred

against protected groups should be an offence regardless of the means of transmission, and this gap in modern legislation should be addressed.

6. Modernising terminology to increase the clarity of legislation is also welcomed. However, we question whether "hatred" is too narrow in meaning to replace the existing terms as this could create opportunities for less emotive, but still highly damaging messages of incitement.
7. We agree that the success of incitement should not be one of the determinants of whether it is a criminal offence; the intent of the action itself is cause enough for consideration as a possible criminal offence.
8. We note that criminal offences should not be bound by the threshold of 'inciting violence', as hatred and discrimination extends beyond that barrier, causing harm that is not physical in nature. Harm to the dignity and autonomy of our people and communities is important, and should be included in any criminal provisions. Clarification on the severity of different offences would be appropriate as part of the public consultation process in order to reduce concerns relating to freedom of expression.

Proposal Three: Increase the punishment for criminal offences to reflect their seriousness.

9. We agree that the punishment for these criminal offences should be elevated to be in line with similar benchmarks and welcome the requirement for the Attorney-General to approve criminal prosecutions in order to prevent frivolous reporting.

Proposal Four: Change the language of the civil incitement provision to match the changes being made to the criminal provision.

10. We acknowledge the opportunity to reword the civil incitement provisions in s.61 Human Rights Act 1993 to include "inciting/stirring up, maintaining or normalising hatred". As with paragraph eight above clarification on the differing levels of severity for these types of incitement would likely help address public concerns surrounding freedom of expression. We would welcome the extension of s.61 to include the thirteen recognised areas of discrimination to remain consistent with the previously proposed changes.

Proposal Five: Change the civil provision so that it makes "incitement to discriminate" against the law.

11. The extension of a civil provision to make it against the law to "incite to discriminate" is logical and welcome where there is established intent (as identified in Proposal Two). We believe it is important to ensure that any deliberate attempt to incite discrimination upon others is unlawful. We acknowledge Aotearoa New Zealand's obligations in the International Covenant on Civil and Political Rights (ICCPR).

Proposal Six: Add to the grounds of discrimination in the human rights act to clarify that trans, gender diverse, and intersex people are protected from discrimination.

12. We understand that this is a proposal that clarifies existing protections for these groups under the status quo. This is a community vulnerable to discrimination and messages of hate, and we welcome the clarification ensuring they will be protected.

Conclusion

13. These proposals are a welcome opportunity to revise, update and clarify Aotearoa New Zealand's protections for those being target by hatred and discrimination. We view that any targeted hatred and discrimination should have provisions under legislation to address significant concerns and reduce the harm to our communities and all people in Aotearoa New Zealand.

Thank you for the opportunity to provide this submission.

For any clarification on points within this submission please contact Nicholas Adams, Policy and Planning Advisor (nick.adams@ccc.govt.nz).

Yours faithfully

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6 August 2021

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Christchurch City Council submission on Social Cohesion for everyone in New Zealand

Introduction

1. Christchurch City Council (the Council) thanks the Ministry of Social Development for the opportunity to provide comment to the Social Cohesion for everyone in New Zealand consultation.
2. We acknowledge the programme launched by the Ministry of Social Development as a welcome step in strengthening social cohesion and supporting communities and society to be safer, more accepting and inclusive.
3. Christchurch has faced significant challenges over the last ten years, which have tested the city but also been a catalyst for creativity, innovation and collective action. The Council is refreshing its Strengthening Communities Strategy to build on this, and we look forward to considering how our strategy can be advanced by this social cohesion programme.
4. We have framed our response to your submission on the four key points presented in the questionnaire.

Submission

Social cohesion outcomes – what's important to you?

5. We believe that social cohesion is an outcome of the social capital that exists within strong and connected communities. Social capital includes features such as networks, norms and social trust that facilitate coordination and cooperation for mutual benefit. Developing this capital is where local government is strongest and is able to act directly, leading to improved social cohesion.
6. We note that while the proposed social cohesion policy direction is being led from central government, we believe local government is better situated to act at the community and neighbourhood level. Local government organisations have robust and enduring connections to the communities and groups who are working closest to the grass roots. This includes geographical communities and communities of interest or identity. Local community networks and agencies, both formal and informal, can respond more directly and rapidly. Local government plays an active role in nurturing and supporting these communities.
7. The Council seeks to work in a partnership at all times. A more formal approach to partnering between central and local government, reflecting the concept of subsidiarity and localism

would allow local Territorial Local Authorities to be a key delivery partner and facilitator, acting in concert with an overall national plan.

8. We believe it is important that any work focusing on social cohesion acknowledges the high level of diversity in our communities, and that social cohesion strategies must not focus on any single specific group. A cohesive society and associated government programmes must reflect the different identities, nationalities and backgrounds of our communities and have equity its core. The programmes must also be co-designed with those people the programmes are designed to support. We must also recognise that there are barriers to participation, which need to be factored into any engagement, design and implementation.
9. Any implementation strategy must recognise that there are members of society who feel, or are at risk of, being disenfranchised. The findings of the Royal Commission of Inquiry indicated that there are people who are isolated and disconnected from society or the community around them, and we believe that any social cohesion work must focus on these disenfranchised individuals and the societal drivers that have caused this situation. Any strategies focusing on social cohesion must include this group or they will not address the individuals most at-risk of resisting attempts to build social cohesion.
10. We also note that structural exclusion currently inhibits a number of existing mechanisms that should support greater social cohesion. Inappropriate, misaligned or poorly targeted communication and resourcing means programmes do not reach those most in need. This results in individuals not being able to participate in civic society, risking further disengagement from those around them. Structural exclusion can exacerbate inequities due to cultural norms, language barriers or physical accessibility issues. Many of these issues are generational, and need closer and early engagement with youth and children at a community and school level.
11. The consultation does not expand on the issue of income inequality and the relationship with social capital and cohesion. We believe that it is important that the consultation process recognise the influence of income inequality and poverty, and that measures to address these issues will need to be undertaken as part of the efforts and contribution towards greater social cohesion.

How will we know if we're making progress?

12. Any social cohesion programme needs to deliver national benchmarks to highlight where disengagement is happening in society, allowing central government, local government and communities to target those most in need. We believe that the current mix of population based surveys, consultations and census data are either insufficient or are not timely to react to changing societal dynamics. Data collection needs to be consistent across Aotearoa New Zealand to allow comparison and analysis to support social cohesion. For example, there is an inconsistent capture of ethnicity statistics. We would support central government developing a more comprehensive approach to data collection, analysis and regular reporting across government agencies and non-government organisations.
13. We believe any national benchmarking should also be aligned to the Living Standards Framework, reflecting the importance of social cohesion to national wellbeing and security.

14. There are a number of trusted institutions and community groups who are deeply involved with vulnerable and at-risk communities. We recommend that a closer working relationship between government and these organisations be developed. Engagement with these institutions and community groups should be an element of the national wellbeing benchmarks. It is important that local networks are empowered to take action and have more responsibility for their communities when supported to do so.
15. We note the relatively low numbers of people participating and voting in local body elections both in Aotearoa New Zealand and across the world in general. There are a number of reasons for this low level of participation, such as technology but we also note that the decline at the local level highlights a potential disconnect between government and the community, poor civic engagement, and a loss of trust in official institutions. As such, voter turnout should be used as an indicator of social cohesion, and future discussions around voting age and compulsion could be considered.

What the evidence says about building social cohesion

16. In relation to number one, "fostering common values and inclusive social norms", Aotearoa New Zealand is not a homogenous society with common values. We believe that rather than try to create a programme for social cohesion that makes our country have one society or set of cultural values, we should celebrate and embrace our diversity.
17. We note that some communities and individuals are wary of losing their identity as part of Aotearoa New Zealand becoming more diverse and cohesive. We believe that much of the resistance and antagonism against vulnerable and at-risk communities comes from a fear that their culture or identity is being left behind. This creates a natural blockade to progress, acceptance and diversity. Social cohesion strategies must include these individuals in order to reduce their sense of disenfranchisement and be receptive to a more diverse community.
18. In order to address these issues there needs to be a focus on building social capital and trust in broader society to provide room to change and grow. Without that capital developed, change can seem radical and swift. Aotearoa New Zealand is built on a foundation of bicultural traditions and heritage, providing common ground to build from. This heritage builds social capital and should form the backbone of any approach to inclusion and social cohesion.
19. We are also concerned that there are recent or second generation migrants who can be left behind when they do not have positive settlement in Aotearoa New Zealand. This isolation can lead to people being within our communities but standing apart from society. Aotearoa New Zealand has an opportunity to learn from our international partners who have seen similar issues of isolation and disenfranchisement escalate.

Taking action to strengthen social cohesion

20. We believe that achieving social cohesion involves everyone, as this is a continual process rather than being an end-state. Instead of considering which specific groups should be involved, we see that a lack of social cohesion impacts all of society, from governmental organisations to individuals. Social cohesion is a collaboration and partnership of everyone involved in the community. It impacts where they live, work and play, and affects their sense of belonging and desire to contribute.

21. Noting Christchurch's experiences from 15 March 2019, we believe that significant impediments to achieving social cohesion can become issues for the security and safety of our residents. In an increasingly interconnected world, greater focus needs to be on the role and impact of mainstream media, social media, and other means of digital communication. Changes are needed in order to keep local communities safe and free from hatred and discrimination. Diversity and inclusion training needs to be mainstreamed in our education facilities to be embedded in our national qualifications framework.
22. We recognise the importance of acting intentionally in this space and as such, believe there may be value in Local Government New Zealand (LGNZ) mandating that every council develop their own Social Cohesion Strategy, or least regularly report against agreed benchmarks or outcomes to our residents and at a national level. For example, Council maintains a Strengthening Communities Strategy that directly addresses social cohesion issues. However, appropriate national benchmarking and monitoring will require consistent data capture across Aotearoa New Zealand.

Conclusion

23. The findings of the Royal Commission of Inquiry and this consultation are welcomed. Bringing our communities together without leaving members of our society isolated and disenfranchised is an important step forward in the future of Aotearoa New Zealand. We believe that a close and formal partnership between central government, local government and our communities is key to delivering successful and resourced programmes of action.
24. We stress that any national programmes that develop from this social cohesion consultation must acknowledge the unique aspects of each region, and the existing relationships, networks, knowledge, and social capital that currently exists.

Thank you for the opportunity to provide this submission.

For any clarification on points within this submission please contact Nicholas Adams, Policy and Project Advisor [Nick.Adams@ccc.govt.nz].

Yours faithfully

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