



PSA 

OUT@PSA

Out@PSA submission to the Justice Committee on the Human Rights (Incitement on Ground of Religious Belief) Amendment Bill

About Out@PSA

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 83,000 members.

We are a democratic and bicultural union representing people working in the public service (including departments, crown agents, other crown entities, and state-owned enterprises); local government; tertiary education institutions; and non-governmental organisations working in the health, social services and community sectors.

Out@PSA is the PSA's network representing over 2,300 LGBTQI+ members. We advocate for the interests of our members, and aim to promote respectful, diverse and inclusive workplaces and public services.

Why this legislation matters to our members

As a network representing LGBTQIA+ workers, protection from hate speech is important to us.

LGBTQIA+ people in Aotearoa have long been the targets of discrimination and hate, which persists today. A 2021 Anti-Defamation League report showed that almost two thirds of LGBTQIA+ people surveyed had experienced online harassment, significantly higher than the general population.¹ A 2017 Stonewall survey of LGBT people in Britain showed 10% had experienced homophobic, biphobic or transphobic abuse online in the previous month alone, and that figure rose to over 25% for trans people.² Here in Aotearoa, research by Netsafe has shown that people who identify as non-heterosexual were significantly more likely to have been targeted with online hate.³

The recent global wave of homophobia and transphobia has been felt in Aotearoa too, with attacks on property⁴, threats, and even assaults. As the Royal Commission into the 2019 Christchurch terrorist attack pointed out, research shows that "online hate victimisation is part of a wider process of harm that can begin on social media and then migrate to the physical world."⁵ We believe

¹ Anti Defamation League, 2021. [Tracking Anti-Transgender Rhetoric Online, Offline, and In Our Legislative Chambers](#)

² Stonewall, 2017. LGBT in Britain: Hate Crime and Discrimination

³ Netsafe, 2019. [Measuring trends in online hate speech victimisation and exposure, and attitudes in New Zealand](#)

⁴ Examples include: Stuff, 2020. [Man admits anti-Semitic and homophobic attack on West Coast's pink church](#); Stuff, 2022. [Pair plead guilty to burning down Rainbow Youth building](#)

⁵ Report: [Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019](#), 2020. [Hate speech and hate crime related legislation](#). Part 9, Chapter 4.

protecting people from hate speech is an important tool in preventing physical violence and psychological harm.

Our feedback on the legislation

We support legislation to protect people against hate speech

We support legislation to protect people from hate speech, and we support the intent of the proposed legislation to protect people from hate speech on the grounds of religious belief. It is positive that the Government is taking steps to protect people from hate speech and speech that leads to physical violence.

We believe gender, gender expression and identity, sexual orientation and disability should be equally protected from hate speech

Any legislation protecting some groups from hate speech should protect all marginalised and discriminated-against groups equally.

That is why we believe the legislation needs to go further to include other groups that are routinely discriminated against and subject to hate speech, including LGBTQIA+ people, women, and people with disabilities.

We recommend that the legislation also provide protection from hate speech based on:

- Gender
- Gender expression and identity
- Sexual orientation
- Disability.

The exclusion of LGBTQIA+ people from the proposed legislation sends a worrying message that hate speech against our community is acceptable. It gives

We support further work to improve hate speech legislation

We note the Minister of Justice's statement that further work on hate speech laws will continue, and will include looking at whether further protections should be afforded to specific groups including the rainbow and disabled communities.⁶ We urge the Government to prioritise and quickly progress this work. We appreciate that hate speech law is difficult and important to get right; however we want to see the work progress, not stall.

We believe there could be opportunities to improve on the current law. The Royal Commission expressed a view that "the current laws in relation to hate crime and hate speech neither appropriately capture the culpability of hate-motivated offending, nor provide a workable mechanism to deal with hate speech."⁷

Conclusion

We appreciate the opportunity to submit on this legislation, and we support its intent. We strongly recommend the proposed law be amended to include additional protected groups (including women, LGBTQIA+ people and people with disabilities) and that further work to reform our hate speech laws continues.

⁶ Hon Kiritapu Allan, 2022. [Human Rights Act enhanced to protect religious communities](#)

⁷ Report: [Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019](#), 2020. [Hate speech and hate crime related legislation](#). Part 9, Chapter 4.