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Please find below DPA’s submission on the Human Rights (Incitement on Grounds of Religious Belief) Amendment Bill

## Disabled Persons Assembly NZ

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**Introducing Disabled Persons Assembly NZ**

**We work on systemic change for the equity of disabled people**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/%24file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**We drive systemic change through:**

* **Leadership:** reflecting the collective voice of disabled people, locally, nationally and internationally.
* **Information and advice:** informing and advising on policies impacting on the lives of disabled people.
* **Advocacy:** supporting disabled people to have a voice, including a collective voice, in society.
* **Monitoring:** monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

**United Nations Convention on the Rights of Persons with Disabilities**

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),[[1]](#footnote-2) a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention. There are a number of UNCRPD articles particularly relevant to this submission, including:

* **Article 4.3 (General Obligations):** The implementation of the UNCRPD depends on a partnership between DPOs and the Government. This highlighted in Article 4.3 which says governments shall consult closely with and actively involve disabled people, including disabled children, through their representative organisations. This partnership goes beyond just consulting with disabled people. It mandates governments to actively involve disabled people and our organisations in everything that affects us.
* **Article 13 (Access to Justice).**
* **Article 16 (Freedom from exploitation, violence and abuse)**

**New Zealand Disability Strategy 2016-2026**

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy[[2]](#footnote-3) to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision.

There are a number of Strategy outcomes particularly relevant to this submission, including:

* **Outcome 4 – Rights Protection and Justice.**

# The Submission

DPA is deeply disappointed in the limited scope of this bill which only proposes to prohibit incitement of disharmony (ie hate speech) against religious groups.

By banning hate speech targeted at religious groups but not hate speech that targets disabled people, the queer community and women, this bill risks increasing already high levels of abuse against these demographics.

This is simply unacceptable given the existing high rates of abuse and violence that disabled people face and the fact that violent rhetoric and hate speech against marginalised groups, including those who are multiply marginalised, is visibly increasing around the world, especially on social media.

It also creates the unintended consequence that should this bill pass in its current form, then people who use their religious beliefs to justify hate speech (incitement) against disabled people or the queer community or women will have greater legal protection from hate speech than the communities they target with their rhetoric.

A Ministry of Justice discussion document in 2021 proposed these other groups be also protected, and during that consultation DPA made it clear that we strongly supported their proposals. [[3]](#footnote-4)

DPA finds it beyond disappointing to find that suddenly, late in the process, these proposals have been withdrawn, leaving disabled people, women, and the queer community to continue to be exposed to hate speech without legal protection.

It should not take a mass murder of disabled people or other extreme act of hate to get protection for us from hate speech and incitement. Such mass murders of disabled people have occurred overseas ( see [Disability Hate Leads to Mass Murder in Japan - Global Comment](https://globalcomment.com/disability-hate-leads-to-mass-murder-in-japan/)) . There is no reason to believe that Aotearoa NZ would be safe from such a tragedy targeting disabled people here.

It is important to recognise that disabled people’s anxiety in Aotearoa NZ about not being explicitly protected from hate speech arises because both historically and in recent times disabled people have been targets for violent extremism and ideology.

In particular DPA would like to remind the committee that at the start of the Holocaust, disabled people were the first targets for the T4 killings. [Mass Murder of People with Disabilities and the Holocaust | IHRA (holocaustremembrance.com)](https://www.holocaustremembrance.com/resources/publications/mass-murder-people-disabilities-and-holocaust)

Disabled people have been targeted for many reasons, including because we are different, seen as less than, seen to be taking resources away from more ‘worthy’ and more ‘productive’ people, because of an ideology of racial “purity’’ that sees disabled people as undesirable and something to be eliminated. All of which fuels hate speech and violence against disabled people.

In Aotearoa NZ disabled people are much more likely than non-disabled people to be subject to violence and abuse [Disabled people report higher rates of sexual, physical violence, new research shows | Stuff.co.nz](https://www.stuff.co.nz/national/health/300363035/disabled-people-report-higher-rates-of-sexual-physical-violence-new-research-shows) .

For all of the above reasons, DPA believes that the potential for a violent extremist attack in NZ targeting disabled people is there.

DPA strongly believes that the language in the incitement provisions of the Human Rights Act should be changed to incorporate all protected groups. It is patently unjust and inequitable to single out some at risk groups for protection against incitement and not include other groups who are also facing high rates of violence and abuse.

DPA urges the committee to recommend that the language in the incitement provisions of the Human Rights Act should be changed to incorporate **all protected groups** (all groups protected under Section 21).

DPA also strongly supports adding trans, gender diverse and intersex people to section 21 to make it clear that they are protected from discrimination.

We further suggest that in order to avoid the need for repeated changes to the law, whenever a new protected ground of discrimination is added to the Human Rights Act, the law should be written in such a way that any new grounds can automatically be covered by incitement of hatred and discrimination.

1. United Nations. (2006). *United Nations Convention on the Rights of People with Disabilities.* Retrieved from: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> [↑](#footnote-ref-2)
2. Office for Disability Issues. (2016). *New Zealand Disability Strategy.* Retrieved from: https://www.odi.govt.nz/nz-disability-strategy/ [↑](#footnote-ref-3)
3. [DPA-submission-on-the-Incitement-of-Hatred-and-Discrimination-Discussion-Paper-August-2021.docx (live.com)](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dpa.org.nz%2Fstore%2Fdoc%2FDPA-submission-on-the-Incitement-of-Hatred-and-Discrimination-Discussion-Paper-August-2021.docx&wdOrigin=BROWSELINK) [↑](#footnote-ref-4)