

LITMUS

Making Aotearoa Safer and More Inclusive Targeted Engagement

Summary of engagement

Prepared for:

Ministry of Justice (Te Tāhū o te Ture)

Ministry of Social Development (Te Manatū Whakahiato Ora)

Department of Internal Affairs (Te Tari Taiwhenua)

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Summary

This report presents the feedback from targeted engagement with affected and interested communities on the response to key recommendations made by the Royal Commission of Inquiry into the attack on Christchurch mosques to improve social cohesion. The feedback will be used by the Ministry of Social Development (MSD), the Ministry of Justice (MOJ) and the Department of Internal Affairs (DIA) to inform policy.

This report presents:

- communities' experiences and expressions on enhancing social cohesion
- communities' feedback on proposals against incitement of hatred and discrimination.

This report also discusses communities' perceptions of Objectionable Material.

The targeted engagement was one important component of the wider public consultation government agencies undertook on the Royal Commission of Inquiry's recommendations to improve social cohesion. Social cohesion is about enabling everyone to belong, participate and have confidence in public institutions.

We completed 30 hui throughout Aotearoa, including hui with Māori, Pasifika and ethnic communities, disability, rainbow and faith-based communities.

Experiences and expressions on social cohesion

Māori and other communities strongly believe Te Tiriti o Waitangi provides the foundation for a safe and inclusive Aotearoa.

Communities did not consider the term "social cohesion" adequately captured or reflected the Government's intent to create a safer and more inclusive Aotearoa.

Communities articulated a safe and inclusive Aotearoa is a place where culture is valued, celebrated and protected. Other essential features include communities living harmoniously side by side, opportunities for all, equitable outcomes and trust in public institutions.

Education is the key to social cohesion. Communities consider education at all levels is vital for supporting positive attitudes, celebrating diversity, promoting inclusion, and making Aotearoa more nurturing.

Experiences and expressions on incitement proposals

Māori, Pasifika, ethnic communities, disabled and rainbow, and faith-based communities experience daily hatred and discrimination.

Māori felt strongly that there should be a focus on Te Tiriti of Waitangi, Te Ao Māori and tikanga Māori in the proposed reforms and within the Act itself to ensure that it reflects modern-day Aotearoa.

Many communities were sceptical over the incitement proposals. Faith-based communities, in particular, are concerned over the proposed reforms' impingements on free speech, and therefore balance is needed. Communities also believe the reforms could drive incitement underground or give more ammunition for extremists.

Many communities also had serious concerns about inequitable access to justice as a barrier to making complaints to the police or going through complex court processes.

Many communities also questioned the effectiveness of punitive actions, as they thought they would reinforce current systems and not modify behaviours. They considered Māori and other culturally-led restorative processes would have more potential to change perpetrators' attitudes, beliefs and behaviours and keep people safe.

Introduction

Mihi

E rere ana ngā mihi nui ki ngā tāngata o Aotearoa e whakawhitiwhiti whakaaro ana, e whakawhitiwhiti wheako ana mō te noho haumaruru ki Aotearoa. Ko aua mihi nui rā ki ngā tāngata whenua, ki ngā tāngata Tiriti, ki ngā tāngata takatāpui, ki ngā tāngata Pasifika, ki ngā tāngata hauā, ki ngā tāngata katoa, ki ngā hāhi katoa, puta noa i Aotearoa.

Aotearoa

Aotearoa—the land of the long white cloud, a nation that celebrates our indigeneity and our diversity. Aotearoa New Zealand—a place almost 5 million people call home, and a whenua where everyone should feel that they belong and are safe.

There have been times in our history where this has not been the case, including the Tūhoe raids, the dawn raids on Pasifika whānau and the recent terrorist attack in Christchurch. With the subsequent Royal Commission of Inquiry into the terrorist attack in Christchurch on the masjidain, the Government is proposing to strengthen the human rights and objectionable materials legislation. The Government is also seeking people's views on social cohesion—people feeling accepted, included and safe in Aotearoa New Zealand.

As part of hearing people's experience, views and feedback, we engaged with tangata whenua, Māori, rangatahi Māori, Pasifika, Pasifika youth, ethnic communities, and faith, disabled and rainbow communities. Our engagements were also undertaken in te Reo Māori, Samoan, New Zealand Sign Language and English. All of the Māori engagements were co-facilitated by members of the engaging community and in the language of those communities.

Te Tiriti o Waitangi

As the foundational document of Aotearoa, Te Tiriti o Waitangi underpins the relationship between Māori and the Government—in particular, the principles of partnership, participation, and protection.

These principles are pertinent for all communities of Aotearoa as well as the Crown, across the three engagements of strengthening the Human Rights Act; the Films, Video and Publications Classifications (FVPC) Act and the social cohesion kōrero.

Strengthening the human rights and FVPC legislation engagements were an opportunity for officials and Government to listen and hear from the communities that these proposals are intended to protect, and ensure that policy decisions and direction reflect the lived realities of whānau, hapū, iwi and communities.

Further, that these communities have the opportunity to participate in the proposals intended for them and their whānau safety.

The social cohesion Treaty relationship was summed up by Associate Minister Hon Priyanca Radhakrishnan:

‘The context for creating a socially cohesive society in Aotearoa New Zealand is underpinned by Te Tiriti o Waitangi, Te Ao Māori perspectives and the Māori-Crown relationship.’

Royal Commission recommendations to improve social cohesion

Strengthening social cohesion

The Royal Commission of Inquiry into the attack on Christchurch mosques report¹ made recommendations to improve social cohesion. Social cohesion is about enabling everyone to belong, participate and have confidence in public institutions.

The Government engaged with communities to understand what's important to them and what changes are needed to make Aotearoa more socially cohesive. This work relates to Recommendations 28 and 29.

Communities' views will help the Government understand where it should focus and what actions to take.

Proposals against incitement of hatred and discrimination

The Government wants to foster greater social cohesion in Aotearoa so that it is a place where everyone feels that they belong. An important part of this is standing against conduct and language that harms our people. The Ministry of Justice is the lead agency for this work.

The Government has agreed in principle to six proposed changes to the Human Rights Act 1993. These proposals target the types of communication that seek to spread and entrench feelings of intolerance, injustice, prejudice, and hatred against a group based on a shared characteristic, such as ethnicity, religion or sexuality. These proposals respond to Recommendation 40.

The six proposals recommend to:

1. increase the groups that are protected by the incitement provisions
2. make clear what behaviour the law prohibits and increase the consequences for breaking the law
3. increase the punishment for the criminal offence
4. change the language of the civil incitement provision to match the changes in Recommendation 4
5. improve the protections against wider discrimination by changing the civil provision so it makes "incitement to discriminate" against the law, and

¹ The Royal Commission of Inquiry. Ko tō tātou kāinga tēnei, Report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019.

6. add to the grounds of discrimination in the Human Rights Act to clarify that trans, gender-diverse, and intersex people are protected from discrimination.

The Government engaged with communities to hear their views on the proposals and suggestions for improvement.

Definition of objectionable material

The Department of Internal Affairs is the lead agency for the implementation of Recommendation 41.

The Report recommended amending the current definition to make it clear that creating, possessing or distributing material relating to racial superiority, racial hatred and racial discrimination would be a criminal offence.

The Department wants to understand the public's views on a change to ensure communities are safe.

The Government engaged with communities who experience racially-motivated discrimination and hate speech to hear their views on the recommendations and any suggestions for improving the changes.

The targeted engagement process

We completed 30 hui throughout Aotearoa, including hui with Māori, Pasifika and ethnic communities, disability, rainbow and faith-based communities. Hui were conducted between 13 July and 6 August 2021.

We completed four general hui

General hui were held in Auckland, Hamilton, Wellington and online. The Ministry of Social Development emailed 210 organisations and individuals, inviting them to attend a general hui. The Ministry of Justice, Department of Internal Affairs and the Department of Prime Minister and Cabinet contributed to the attendees list. General hui consisted of diverse communities and ranged from 13 to 44 people attending.

A fifth general hui planned for Christchurch was replaced with several smaller hui with different communities reflecting communities' preferences.

We also completed 26 community focus groups

Focus groups were held with individual communities. Our facilitators reached out to their communities to invite them to a 90-minute kōrero. Focus groups were smaller and more intimate than general hui. They were designed to hear from the experiences of people who have not typically engaged in government consultation processes because they:

- are not aware of government engagement processes
- have had a poor experience/relationship with government services
- face barriers accessing a large public engagement event
- prefer to discuss issues in their own communities
- prefer to meet in the evenings.

Engagement schedule

Table 1: Date, group, time, location and number of attendees

No.	Date	Group	Time	Location	Attended
1	13-Jul	Faith-based communities	12-2pm	Auckland	9
2	13-Jul	Ethnic communities	3-5pm	Auckland	10
3	13-Jul	Muslim women	6-8pm	Auckland	15
4	16-Jul	People living with mental illness	10.30am-12.30pm	Wellington	9
5	19-Jul	Māori law students	5-7pm	Wellington	6
6	19-Jul	Faith-based communities	4.30-6.30pm	Wellington	9
7	19-Jul	Transgender and gender minorities	6-8pm	Wellington	7
8	20-Jul	General hui	10am-1pm	Wellington	21
9	20-Jul	General hui	3-5pm	Online	13
10	21-Jul	Intersex community	6-8pm	Wellington	7
11	22-Jul	Takatāpui	6-8pm	Wellington	8
12	26-Jul	Ethnic communities	4.30-6.30pm	Hamilton	4
13	26-Jul	Māori	5-7pm	Hamilton	13
14	27-Jul	General hui	10am-1pm	Hamilton	44
15	27-Jul	Pasifika	1-3pm	Auckland	8
16	28-Jul	Pasifika	9-11am	Hamilton	14
17	28-Jul	General hui	10am-1pm	Auckland	15
18	28-Jul	Deaf community	6-8pm	Auckland	6
19	28-Jul	Māori	5-7pm	Auckland	11
20	29-Jul	Pasifika	10am-12noon	Wellington	14
21	2-Aug	Māori	5-7pm	Christchurch	12
22	2-Aug	Ethnic communities	4.30-6.30pm	Christchurch	6
23	3-Aug	Muslim women	10am-12noon	Christchurch	5
24	3-Aug	Muslim	1-3pm	Christchurch	10

No.	Date	Group	Time	Location	Attended
25	3-Aug	Pasifika	1-4pm	Christchurch	3
26	3-Aug	Neurodiverse community	4-6pm	Christchurch	6
27	4-Aug	Mixed rainbow communities	6-8pm	Online	4
28	5-Aug	Muslim rangatahi	6-8pm	Online	5
29	5-Aug	Disability community	6-8pm	Online	6
30	6-Aug	Pasifika rangatahi	6-8pm	Online	3
				Total	294

Table 2: Attendees at focus groups

Community	Attended
Māori	43
Pasifika	44
Disabled	27
Ethnic communities	20
Muslim / Interfaith	58
Rainbow	27
Total Number	219

Please note this breakdown applies to focus groups. We did not collect this data for people who participated in general hui.

Analysis and reporting

We gathered all feedback for analysis. This included officials' and facilitators' written notes and comments made on flip-chart paper and post-it notes. We also reviewed audio recordings where notes were not clear.

We coded comments into issues and themes. We had separate themes for the Royal Commission of Inquiry's recommendations relating to improving social cohesion and fit-for-purpose laws and policies. We developed an Excel spreadsheet for each code with a description of what each code covered.

We then reported the findings to tell the story of what was learnt from hui. This included creating a narrative about the issues and opportunities that communities identified.

The report was reviewed by facilitators and officials before being finalised.

The communities

Māori

Through this engagement we purposefully sought to gather a range of Māori views on the three kaupapa including rangatahi, whānau, rural- and urban-based whānau. It is important to note that the themes captured here represent the diverse range of views of these groups and inform and complement the views of iwi. Nor are these views reflective of all Māori. The Ministry of Justice, the Ministry of Social Development and the Department of Internal Affairs retained responsibility for engaging with iwi directly.

Tauira Ture Māori | Māori law students—This hui was mostly rangatahi, up-and-coming Māori lawyers who provided both kaupapa Māori, technical expertise and insight. They are also members of Ngāi Tauira Māori—Māori students' network and Ngā Tauira Ture Māori—Māori law students. The hui included all Māori speakers, first and final year Māori law students, and teina/tuākana from various iwi. This was the only online Māori hui of these engagements, and it was also the first time for the Māori law students to participate in government agencies engagements.

Kirikiriōa | Hamilton—Urban-based Māori, from kaumātua to pakeke to rangatahi who are affiliated with a range of iwi and speak Māori to varying degrees. The shared and diverse experiences of this hui reflect those of university students, urban youth, marae kaumātua, young professionals, Māori working in government agencies, and long-term kaupapa Māori advocates. This group ranged from those never having participated in government-led engagement before to those who are experienced and practised at advocating for Māori.

Tāmaki | Auckland—Hau kāinga-based (living in their tribal area) iwi across three generations: kuia, mātua and rangatahi. A community who are linked by whakapapa and who all work either for, or with, their iwi. The kōrero reflected the intergenerational experiences and issues ranging from those of a rangatahi carver, to rangatahi leaders—CEO, chairperson—and kaumātua leadership of a kuia rōpū. By nature of iwi members, most of these people have constantly advocated for iwi and Māori kaupapa.

Ōtautahi | Christchurch—A whānau (extended family) of three generations hui from mokopuna, mātua and kuia. All have grown up with te Reo Māori and were working and/or supporting kaupapa Māori, including born and raised with te reo to those who regained their reo from kōhanga, kura and whare wānanga. The group included rangatahi from school and university, and working professional parents with leadership roles in Māori immersion education. The kuia had also spent her life working in Māori immersion education.

Takatāpui | Māori LGBTQIA+ communities—The Takatāpui community reflects not only the diversity of being Māori, but also of the takatāpui community that reflects their lived experiences and their feedback. They are all members of a takatāpui community group that has been operating for more than 20 years. This community is constantly engaged with, and therefore some are sceptical and pessimistic of any value of their engagement being utilised to make meaningful change. Takatāpui took leadership from the outset; firstly, requesting their own hui, rather than being included with Māori and/or rainbow communities' hui. This was their recommendation, as they are in a “double bind”, being tangata whenua and LGBTQIA+.

Takatāpui led and ran the hui as they saw fit. They advised how the hui would be run, starting with a whakatau, sharing collectively and individually as Takatāpui, and then co-facilitated the kōrero. They find strength and safety with each other in their community, and are able to wānanga in a safe place. Rather than agencies coming and talking to them, Takatāpui collectively advised how they would run the hui. Additional to asserting the right to have their own hui, they led the preparation, co-facilitated, sought a debrief and asked for how their content will be cared for and treated.

Pasifika—Wellington, Auckland, Hamilton, Christchurch and online with members from across Pacific communities. They represented diverse backgrounds, including those working in advocacy, support, and other professional roles. We also spoke with Pasifika youth, who are invested in and advocate for Pasifika youth voices to be heard. Everyone has experience of discrimination and racism in person and online. They provided a mixture of intergenerational viewpoints and shared nuanced experiences of being Aotearoa-born and/or migrants. Some of their insights echoed input from ethnic minorities, as well as Christians from faith-based community groups.

Ethnic communities—They represented diverse backgrounds, sexes, ages, ethnicities, and religions. They included people who had migrated here to work or to study, former refugees, and people born in Aotearoa. “Ethnic communities” refers to ethnic minorities from Africa, Latin America, the Middle East, Europe and Asia. Most participants are deeply connected to their local communities. They hold a number of volunteer roles, including board membership, development practitioners, and community workers, and have English as their second or third language. These participants contributed to ethnic community and faith-based discussions.

Disabled communities—Disabled communities represented people living with mental health and distress, neurodiverse communities (predominantly those who are autistic² or living with

² There is no agreed upon term. Some people prefer people first language, such as ‘person with autism’, whilst others prefer ‘autistic person’. We have chosen the latter, but they are interchangeable.

Asperger's), people from the Deaf/hearing impaired community³, and others from a mixture of different disabled communities. This included those with chronic, invisible health conditions. Some communities feel more engagement fatigue than others, particularly those who have given feedback in the past on other topics that did not result in any systematic improvements in their lives. Like neurodiverse communities and those in transitional housing, others have never been consulted before and saw this as an important opportunity to be heard.

It is important to acknowledge that not everyone identifies with the label “disability”, especially those with mental illness and distress, Deaf people, and those who live with chronic illness. While we use the phrasing “disability” and “disabled communities” within this report, we have tried to respect and highlight nuances of perspectives and identities as much as possible. Disabled people also live at various intersections with other communities, identities, and ethnicities. With the exception of the Deaf hui who were all Pākehā, a quarter of our attendees were Māori.

Rainbow communities—We conducted separate hui with transgender and gender minorities⁴ and intersex⁵ communities in Wellington, and an online focus group of people identifying as lesbian and gay. Members of rainbow communities also participated in general hui across the country. Rainbow communities are not homogenous, with diverse lived experiences within and between groups. All rainbow communities face systemic discrimination and exclusion in Aotearoa, with issues impacting each person and group differently. Many people found the concept of social cohesion challenging to imagine because they are fighting for greater legal protection and resources to survive and cultivate a sense of community. For the intersex community, this consultation was the first time the Government sat down to listen.

Faith-based communities—Community members were from diverse ethnic groups and faiths, including Muslim (Sunni, Shia and Ahmadi Muslims), Christian, Buddhist, Sikh, Jewish, and Baha'i Faith. We also conducted hui with Muslim women and Muslim youth. Attendees included religious community leaders, community workers, retired academics, lawyers, as well as professional and experienced public servants.

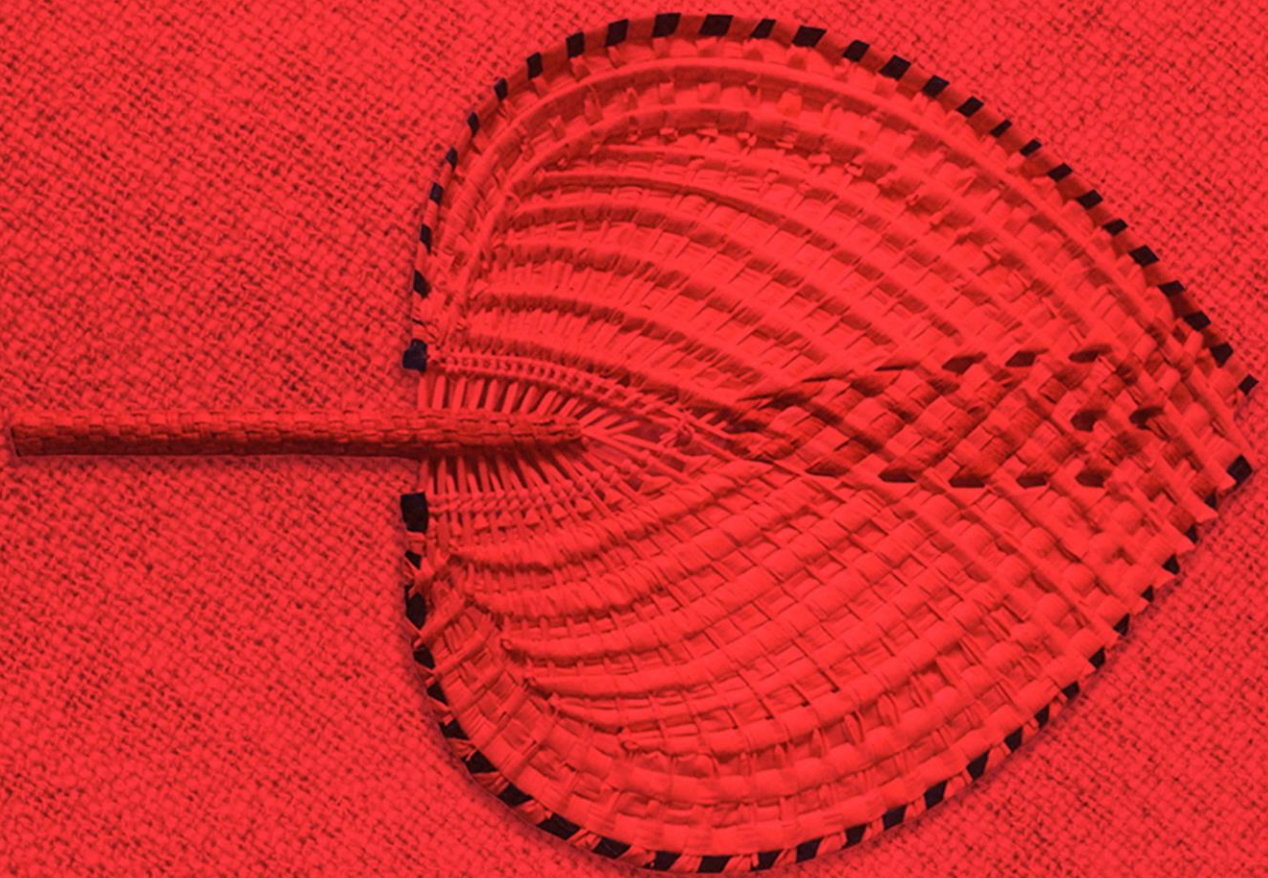
³ While the majority of people identified as Deaf, some related more to the term “hearing impaired”. We include both terms throughout the feedback that was specifically related to Deaf culture and experiences of audism.

⁴ There is not always agreement on which term is appropriate to describe those whose gender identities demonstrate a diversity of expression beyond the binary framework. Those we spoke with used the phrase “nonbinary”, which we want to acknowledge. We use the term “gender minorities” because we realise that it is a contentious topic and people may identify more closely with terms other than nonbinary, including genderqueer and gender fluid.

⁵ Intersex refers to neither a specific sex characteristic or gender identity. It is an umbrella term within which approximately 40 variations of sex development reside. Intersex people have diverse sexes, genders, and sexualities. This means that they experience discrimination associated with being intersex and may also face the same challenges as other rainbow communities.

Their experiences are highlighted both in the ethnic minorities section as well as this faith-based one.

Experiences and expressions on social cohesion



What's important for Māori?

Te Tiriti o Waitangi provides the foundation for social cohesion

'We should include values-based, Te Tiriti, and Te Ao Māori concepts to the changes to ensure that it is a truly Aotearoa concept and ensures that we are capturing tāngata whenua views.'

Māori participants felt that Te Tiriti o Waitangi must provide the foundation for a safe and inclusive Aotearoa. Participants visioned that a safe and inclusive Aotearoa would:

- have Te Tiriti o Waitangi as its foundation
- clearly recognise Māori in their role as tangata whenua
- reflect Te Ao Māori values and concepts
- value, protect and foster te Reo Māori
- enable whānau, hapū, and iwi Māori to thrive
- be inclusive of all cultures within Aotearoa.

'We would respect and maintain our dual identities while also being inclusive of all cultures across the country.'

The term “social cohesion” does not resonate with Māori participants

Māori participants did not consider the term “social cohesion” adequately captured or reflected the Government's intent to create a safer and more inclusive Aotearoa.

'I'm not sure what the term “cohesion” actually means. I don't know how that fits with us and me as Māori.'

'Sounds like “Let's dream up the kaupapa and then add a Māori word to it”—use a big flowery word but it doesn't really describe the concept accurately.'

The place of Māori must be as a Treaty partner and inform government strategy on social cohesion

'If we want to do what's best for Māori – go and talk with iwi to understand and listen. Iwi are key to a socially cohesive society.'

Māori felt that to develop a strategy Government must:

- clearly acknowledge and recognise Māori as tangata whenua (and understand the diversities within tangata whenua by generation, by location and by te reo and tikanga Māori knowledge and experience)
- engage with the broad range of Māori leaders including, but not limited to iwi leaders, urban authority leaders and rangatahi leaders about social cohesion
- listen to and capture the views of whānau and rangatahi Māori (our up-and-coming leaders) from both hau kāinga and living in other iwi rohe
- recognise the difference between bi-culturalism and multi-culturalism.

'We've gone from trying to be bicultural to being multicultural without getting biculturalism done correctly. We need to get the fundamentals right before we can truly create a multicultural society done correctly—to be multicultural, we must first be bicultural.'

Te Ao Māori, te Reo Māori and tikanga Māori must be valued, celebrated and protected

'Ensuring Te Ao Māori is incorporated everywhere. It isn't happening quick enough but the faster we do it the better off we will be. I love that our culture is being celebrated but I want to make sure that it is not tokenised.'

Māori participants viewed Te Ao Māori, te Reo Māori and tikanga Māori as central to social cohesion:

- ensure that Te Ao Māori and te Reo Māori are incorporated and valued across all parts of Aotearoa (including rural and urban)
- ensure the intellectual property of tangata whenua/mātauranga Māori is operationalised and protected
- recognise the growing hunger for people of all cultures wanting to learn more tikanga and te Reo Māori— Māori mai, Pākehā mai, Chinese mai
- safeguard the quality of tikanga/te reo being taught by non-Māori.

Government must create institutional change, informed by expert Māori policy advice, to eliminate disparities

'I think the government can do better and we should expect more from them.'

Māori view the continual inequities experienced by Māori as an impediment to social cohesion. Participants expect Government to:

- address the persistent social and economic disparities experienced by whānau Māori

- create policy that reflects Māori and the lived realities of whānau and the aspirations of whānau that aren't currently captured
- make institutional change by transforming its institutions and Western structures so that they value and incorporate Māori world views
- actively generate and advocate for Māori influence in policy.

'There needs to be high level systems change across governments to incorporate Māori world views—that values our sets of skills and mātauranga Māori. It's always a side bar though. It's real knowledge—everyone needs to know about.'

'We have to empower our own who are skilled in order to influence policy.'

Education is the key to social cohesion

'We need to ensure that there is an opportunity to learn and understand why there needs to be a focus on being a better person in our society where we are accepting of each other without discrimination.'

Māori focus group participants identified that:

- prevention is key to building an Aotearoa that is free of hate and incitement and that this shift needs to be driven in and by the education system
- civics education is critical at all levels of the education system so that everyone is educated about the history of Aotearoa
- education needs to include the voices, experiences and kōrero of Māori and that this content needs to be embedded in the curriculum and taught via inter-generational teaching methodology.

What's important for Takatāpui?

Awareness and understanding

The hui started with whānau sharing and endorsing Dr Elizabeth Kerekere's definition of Takatāpui⁶. This was critical and important to share, as one of the key challenges is ensuring people have an understanding of Takatāpui.

There is high awareness amongst the younger community of Takatāpui that the challenge is people understanding and appreciating the wide-ranging and diverse expressions of Takatāpui and, therefore, their different experiences and expressions.

'It is a very long game, keeping the knowledge going. 'We are not homogenous.'

Safety and wellbeing

The local Takatāpui group is an opportunity for Takatāpui to be together, to be safe and share with each other. They have to create these opportunities for themselves, and they find strength with each other and appreciate being able to wānanga under their tikanga.

Outside of their own community/communities Takatāpui regularly encounter, often daily, threats against them and their safety. One specifically spoke about the daily verbal, physical and sexual abuse and threat to life in the sex worker industry.

Mental wellbeing

Mental health is a huge concern for the Takatāpui communities. They shared that the rates of suicide and mental health challenges are unacceptably high and devastating for their community. Many acknowledged that the high suicide rates have strong links with undiagnosed, untreated or unsupported mental health issues.

Belonging is a Treaty right

Belonging in Aotearoa New Zealand is a fundamental right under Te Tiriti. The right to belong as both Tangata Whenua (Māori) and Tangata Tiriti (non-Maori). One participant described how we can be connected while "being", and that it can work beautifully:

'It is like oil and water, with oil and water we can make a beautiful salad dressing.'

⁶ 'Takatāpui is an umbrella term that embraces all Māori with diverse gender, identities, sexualities and sex characteristics including whakawāhine, tangata ira tāne, lesbian, gay, bisexual, trans, intersex and queer. It emphasises Māori cultural and spiritual identity as equal to or more important than gender identity, sexuality, or having diverse sex characteristics' (Kerekere, 2017). See: Kerekere, E. (2017). Part of the whānau: The emergence of takatāpui identity-he whāriki takatāpui. PhD dissertation.

Takatāpui shared that they feel they belong when they are connected, when everyone's mana is protected and when all of us are upheld. Connections are the things that bind us together, respectful of everyone's differences at the same time.

The local Takatāpuhi group and community provides these connections, a safe place to be together. Many talked about threats to their safety and wellbeing being a daily concern; the experience of being known and belonging is created by themselves for themselves.

Aotearoa policy includes everyone and Māori values

Takatāpui concerns can't be solved by policy only. Policy needs to be inclusive, withstand time, mature, and incorporate everything that they want.

'Unfortunately, previous government policies have harmed and fractured the Takatāpui community, so therefore has been part of the problem.'

Takatāpui shared that their identities are either fractured or homogenised by policy and, therefore, policy makers. As one said, 'Don't box me.'

'For us it is not having to choose between Māori and other communities. For example, not needing to choose between being Christian and Takatāpuhi, or Māori and queer.'

'Takatāpuhi need to be at the table to develop policies.'

Government and leadership needed

Colonisation has had a huge impact on socialisation and ongoing racism and bias experienced by many Takatāpui. This unfortunate legacy has affected both Takatāpui and Māori, Takatāpui say it is critical to authentically respond to keeping Takatāpui and communities safe, and that:

- Te Titiri is the starting point at all levels of leadership and governance
- all policy frameworks recognise the right of Takatāpui and Māori as tangata whenua
- there is recognition of the legacy of colonisation on Māori and Takatāpui
- all policies are inclusive and adaptive, not one that changes with each new government
- leadership and government work to design, develop and deliver with the Takatāpui community, policies that address the education curriculum and mental health in particular.

Education is key

Education is important to teach all people of Aotearoa about the Treaty, tangata whenua, AND the Takatāpui communities and the diversities of identities and expressions in their community. One participant acknowledged that some have had their Takatāpui identities fractured, illegitimised and suppressed and worse, through colonial policies, the education system and churches.

Education was discussed as one way of building awareness and promoting the diversity of the Takatāpui community, at the same enabling Māori rangatahi to feel supported to explore their identities.

‘Social cohesion is connection, a reminder that we need to respect differences in society. Everyone has a right to feel safe, irrespective of their views, they should be and feel safe. We need to look at the barriers particularly in mental health and education. Addressing these barriers, we get closer to the goal of social cohesion.’

What's important for Pasifika?

For Pasifika, social cohesion is about harmony, kindness, respect, recognition, and safety. Social cohesion is also fulfilled through having equal opportunities for all and equitable outcomes. Pasifika believe education can have a significant role in enhancing social cohesion.

Harmony, kindness, respect, and safety are vital for social cohesion

'A socially cohesive society is one that works towards the wellbeing of all its members first; fights exclusion, hate and marginalisation; creates a sense of belonging; promotes trust, kindness, compassion, diversity and inclusion; and ensures that members have the opportunity to do better and have access and the resources to support upward mobility.'

Pasifika said the following things are essential to living in a socially cohesive Aotearoa:

Harmony and belonging

- communities living in harmony and working towards the same goal, vision, and values
- a sense of belonging and feeling part of the community
- having trust in others, including public institutions
- families having opportunities to thrive.

Respect and recognition

- honouring Te Tiriti o Waitangi as the founding document and the Crown's obligation to tangata whenua
- respecting and protecting Pasifika values, sacred spaces, traditions, and customs, including religion and spirituality
- being aware of, respecting and learning from other cultures, religions, beliefs, and communities.

Kindness and compassion

- empathetic Government policies that put the well-being of the community first
- family-friendly and supportive employers and workplaces
- communities raising children, caring for older people and looking after one another.

Safety

- safer communities through reduced crime
- an Aotearoa free from marginalisation, exclusion, hatred and discrimination
- a place where kids can play in the street.

'Connectedness, building shared visions and values within our communities and connecting relationships.'

'A community coming together to work in harmony with each other.'

'One connected country demonstrating the best of who we are.'

Opportunities and equitable outcomes for all

For Pasifika, a socially cohesive Aotearoa would mean:

- opportunities for Māori, Pasifika, and all communities to participate fairly and thrive fully in society
- equitable outcomes for all New Zealanders in education, health, housing, the justice system, business and employment.

Pasifika suggested the following system-wide changes to illuminate disparities:

Improvements to leadership, resource sharing, and policy

- more resource and power-sharing between the Government and grassroots communities
- more leaders and public figures who reflect the aspirations of communities
- kinder, accessible (less jargon), and easier-to-understand strategies, policies and programmes, an example being the Government's response to COVID-19
- joined-up and collaborative (less siloed) central and local Government
- more genuine community engagement
- auditing, monitoring and evaluating policies to ensure they are responsive and effective, and that funding trickles down to communities.

'Give up some of the power—let the people and communities decide what actions are needed and how to distribute resources. Clean house—if you always do what you've always done, that's what you'll get! Know our community, engage with our community. Listen to those who work at the grassroots level of communities. Resource community organisations to provide services for our community.'

Friendlier workplaces and fairer entitlements

- family-friendly and supportive employers and workplaces
- better wages and conditions for lower-wage workers
- better policies to protect workers from hatred and discrimination; managers and colleagues who call out racist and “below the line” behaviour; and employers who enforce policies
- fairer and transparent disciplinary policies
- whānau-friendly leave provisions.

An equitable health system

- an overhaul of Aotearoa's health system to be more responsive to Māori and Pasifika, which Pasifika stated they experience significant racism and discrimination from
- more recognition, and funding for mental health services
- improved engagement and experiences with the Health and Disability Commissioner.

Improvements to education

- overhauling our education system to be more responsive to Māori, Pasifika, and all communities so rangatahi can excel and thrive. For example, ensuring that kinaesthetic learning is catered to.

A more equitable justice system

- improving the experiences of Pasifika youth going through the justice system (Pasifika rangatahi commented on the biased nature of policing)
- more preventative services, e.g., local government funding youth events
- more access to restorative justice
- more youth-friendly services for juvenile offenders
- improving knowledge, capability and experiences of the courts and complaints avenues, including the Human Rights Commission.

'The under-privileged would live as equitably as the privileged. No discrimination. No racism. No white privilege.'

Education plays a vital role

Pasifika communities said the education system has a vital role in supporting positive attitudes, celebrating diversity, and promoting inclusion across generations.

'Schools [should] discuss the hateful speech and discrimination in schools, universities, workplaces etc. Promote that it's not OK to support or turn a blind eye to this behaviour.'

Pasifika recommended:

- widening the school curriculum to include learning about:
 - Te Tiriti o Waitangi, colonisation and the Dawn Raids and their effects on Māori and Pasifika
 - different cultures, beliefs, gender, disability and sexuality, and language competence
 - hate speech and its harmful impacts
 - basic life skills relevant to today's world like budgeting, self-sufficiency, cooking and health and social services.
- educating church leaders and elders about tolerance and acceptance of all communities, including transgender people, gender-diverse and rainbow communities.

What's important for ethnic communities?

For ethnic communities, social cohesion is about having a sense of belonging, communities coexisting and living harmoniously and safely together, and being treated fairly and having trust restored. Like other communities, they believe education is the key to social cohesion.

Having a sense of belonging

Ethnic communities identified a sense of belonging and attachment to Aotearoa as central to social cohesion. They felt belonging was a better and friendlier term than social cohesion.

For ethnic minorities, belonging means:

- feeling attachment to this land, people, culture, traditions, and celebrations
- feeling accepted by other New Zealanders because of their contribution to Aotearoa in employment, investment, sport, voluntary work, etc.
- being honoured as a person and a member of their community
- public institutions supporting, validating and reaffirming their existence in Aotearoa (don't want to be identified as "others" or "MELAA")
- feeling accepted by other New Zealanders through residency or citizenship (note: ethnic minorities didn't connect their sense of belonging with holding residency and citizenship)
- people no longer asking the "loaded" question, 'where are you from?'

'When after 20 years of living here, people don't label me as an immigrant. I am always identified as where I come from. How am I going to feel like I actually belong in this beautiful country when I am always labelled an immigrant?'

'Being asked where we are from reflects how we feel. My children, they don't even know they are anything but Kiwi, but I am constantly reminded. When I go overseas or when my family visits from overseas, they think I am a Kiwi, but not when I'm here.'

'You don't wake up in the morning and think okay, I'm going to belong today because I have a passport; or that I have permanent residence.'

'When people are my allies, they want to know me and change the system to make my life better. It goes beyond simply acknowledging me. It's about assigning respect and mana.'

Coexisting harmoniously and feeling safe

Ethnic minorities said being able to live together with tolerance and peace is critical for social cohesion. This means:

- being able to speak their languages, follow their customs and practise their beliefs

- individuals and groups feel comfortable and exist side by side regardless of their ethnic, religious, or political differences
- young people are confident in their skin and proud of who they are
- everyone's strengths and talents are equally recognised and rewarded
- a culture of collective security where everyone looks out for each other
- living in a neighbourhood with low crime.

Where everyone is treated fairly, and communities are accommodating and welcoming

'When everyone in our society is treated fairly equally no matter their faith, gender or sexual orientation. When everyone feels like they matter in our society. It doesn't matter whether or not they are in a "higher position" or "lower position".'

Ethnic minorities reflected that living in a socially cohesive Aotearoa would require Government, non-government organisations and individuals to be more accommodating and welcoming. Ethnic minorities have different outcomes and trajectories that impact their experiences of inclusion and confidence, and trust in public institutions.

An Aotearoa that is more accommodating and welcoming would start with having greater diversity on public sector boards and in senior roles. People feel positions of power are getting better regarding gender balance, but the intersectionality with ethnicity, religion, disability, and sexuality is not represented. Having more diversity on boards will ensure that strategy, policy, and planning are more responsive to all communities. Having people from minority communities in positions of influence is good role modelling for young people.

Communities spoke about the need for:

- **Genuine equal employment opportunities.** Government and large businesses must promote and enable equitable hiring practices through policies, training and monitoring. Communities spoke about discriminatory hiring, with highly qualified people being overlooked for teaching and other professional positions despite meeting entry requirements.
- **Better pay, conditions and protections for migrant workers.** Better pay and conditions and protections are needed for migrant workers, particularly migrant women of colour. These women are mainly working in low-skilled industries, e.g., cleaning and hospitality. People spoke about employers treating workers like "slaves" because they needed a visa.
- **Being accepted if our kids mess up.** Families need more acceptance, compassion, and support when their children are in trouble. Families spoke about their children being

more visible and treated differently than other children. When their child gets into trouble, it not only impacts their child and family but the whole community.

Strengthening community groups to achieve outcomes

Ethnic communities discussed the important role of non-government organisations in enabling a socially cohesive Aotearoa. There is a need to improve resourcing for resettlement programmes, as one year of funding is not sufficient for former refugees to integrate into New Zealand society. Many former refugees did not choose to settle here. It is extremely tough for people to settle in New Zealand and find work, settle their children into school, learn English, make friends, and access services.

Action is needed in the following areas:

- sufficient opportunity and support for learning English (ESOL) and adequate access to interpreting and translation services for communities
- confidential mental health counselling and advocacy. Former refugees have often experienced trauma and other harmful episodes in their lives.
- support for young people in dealing with the stresses of adapting and transitioning between cultures inside and outside the home
- support for new refugees and migrant families to connect, make friends, build networks, and engage socially with others in their new local neighbourhood
- support with finding suitable employment or starting a business
- accessing health services
- support with positive parenting in a different legal and cultural environment
- accessing legal avenues.

Restoring trust

Trust in the Government is particularly relevant for ethnic minorities. This would mean:

- Government agencies are genuine and empathetic regarding the complexity of the issues many ethnic minorities face, including mental health, participation in employment and access to housing, etc.
- being genuine when engaging and collaborating with communities on issues and decisions that affect them. Good engagement includes the Government being inclusive in their discourse, having all groups represented and valuing everyone's opinions.

Education is the key

'Acknowledging and honouring indigenous people by setting the history of Aotearoa straight. Apologising for actions like the Dawn Raids and making amends is heartfelt. A big part of our belief is forgiveness. We don't see this happening in many other countries like Australia.'

'Training needs to go beyond "I like curry" or "I did an exchange programme in Japan, so I know what it's like to be an outsider.'"

'I invited all my work colleagues home for Eid. My mum was like, "Oh, this is what we do; this is why we eat our food." It was the first time they had been to someone's house to see their customs in a very neutral format.'

Ethnic minorities believe the attitudes and behaviours of others have an essential bearing on social cohesion. They feel education at all levels is vital for changing attitudes and behaviours and for Aotearoa to become more nurturing.

They believe that:

- Te Tiriti o Waitangi provides the foundation for social cohesion. It should have greater acknowledgement in our public institutions
- children need to learn about positive values and behaviours in early learning centres and schools. Teaching about religion and faith-based topics and gender inclusiveness and sexuality helps children better understand, recognise, and respect themselves and others. This requires a review of curriculums
- more authentic cultural capability building is needed in all sectors and at all levels of the workforce
- more celebrations of cultural and religious events of importance are needed to unite communities. When Government, councils, communities, and workplaces commemorate and honour events like Matariki, Eid, and Diwali, people learn and better understand all cultures and faiths
- the Government should support civic education so people know their rights and obligations as citizens.

What's important for disabled communities?

Social cohesion is strongly linked with disabled people's ability to influence decisions, the acceptance of their cultures, and equitable access and outcomes for all. The term "disability" is broad and diverse with significant intersectionality. Disabled people said groups such as disabled rainbow and disabled Māori are likely to have other needs and experiences which should be explored in future engagement.

Building social cohesion for disabled people requires the greater capability to influence the decisions that affect their lives

'When Government includes us more than they say they do. When I see more disabled people in Government and in positions at power. When we have a seat at the table. When we aren't ignored. When people stop assuming I can't be a parent.'

Disabled people felt that transformational change is needed at all levels to build the capability for disabled people to influence, including:

- having a Ministry of Disability that focuses on all types of disabilities and impairments, visible and invisible. Not having one means that the needs of disabled communities are often neglected
- creating a Disability Act in addition to protections under the Human Rights Act 1993
- having disabled people involved in every layer of power and in Government will mean their needs are fully represented
- more protection for disabled community members who are vulnerable so that if they do need to complain about mistreatment by carers, government agencies, or other services, they feel safe to do so.

Supporting the role of Deaf and neurodiverse culture is a vital aspect of building social cohesion

'When we are validated as having our own culture. Our culture runs alongside neurotypical. We dip in and dip out of that culture. With open and broad-minded comes acceptance. This is what we aim to do.'

For Deaf and neurodiverse people, having their cultures validated would happen when:

- Deafness is not viewed as an abnormal disorder that needs curing
- more people learn New Zealand Sign Language (NZSL), and everyone appreciates how beautiful, special, and poetic NZSL is
- NZSL is more visible in the community. The Deaf community find having an NZSL interpreter at the daily 1 pm COVID-19 briefings empowering
- Deaf and hearing-impaired children are accepted and thriving, rather than bullied
- neurodiverse people are not being forced into groups and told they should try more to belong
- positive rather than negative things are said about Deaf and neurodiverse communities.

Social cohesion will occur when access for disabled people is improved

Disabled people spoke of the many significant barriers they face when participating in the community. While COVID-19 is of grave concern to disabled people, they valued how the pandemic has positively improved access for disabled people as more of the world has moved online. They stated that improving access to disabled people improves access for everyone.

Disabled people said improving access means:

- greater accountability for disabled peoples' access needs in public spaces and free movement between different environments
- more public spaces with low sensory environments would make people with neurodiversity feel like they belong—big shout out to COVID-19 vaccination clinics offering low sensory environments
- educating employers about how to support neurodiverse employees, e.g., the need for softer lighting and quiet spaces. Disabled people said low sensory environments are suitable for the productivity of neurotypical people too
- Government and businesses should provide more opportunities to transact online rather than make people go into an office or talk to someone on the phone (e.g., self-service checkouts and online apps)
- more access to NZSL, including making NZSL interpreters mandatory in courtrooms and when communicating with the police. Deaf and hearing-impaired people want this option without feeling like they have to beg

- more funding to community organisations providing programmes that enhance lives and advocate for disabled people when accessing government agencies.

'When my line manager comes up and asks if I am OK. She has learnt to look at my response at different levels. She knows my body language.'

'Equity is key for social cohesion. Our health, education and welfare systems must enable equitable outcomes for disabled people.'

Equity in health and education

'Doctors should connect you to another provider and not 'dis' you or claim they are an expert.'

Disabled people said equity in health care and education means:

- earlier, more affordable and quality diagnosis for young people and adults who want a neurodiversity diagnosis in Aotearoa. Getting a diagnosis is often a relief and validates who people are. People find it hard to get a diagnosis through the public health system. Many can't afford to pay thousands to go private
- more training for General Practitioners to care for people with neurodiversity. General practitioners need to be more empathetic to someone wanting a diagnosis rather than thinking they are talking nonsense
- more training for clinicians on how to be responsive to Deaf people and not treat them like they are in need of curing. Upskilling paediatricians about having informed conversations with parents when their child is born deaf
- supporting those living with mental illness or distress who often struggle to access an under-resourced mental health system. As well as being able to get help before crises happen, non-profit organisations that provide essential services and support need more funding to continue their work
- more quality and inclusive education for Deaf children. Giving them opportunities to participate in Deaf culture.

Equity in housing and welfare support

Disabled people said that to have improved housing and welfare support, they need:

- improved food, income and housing security. Some disabled people live in precarious housing that is not dry, healthy or adequately modified. Many live in transitional housing, which causes further instability.
- more accessible income support for disabled people and those living with chronic illness that is not threatened when people are in relationships. Being able to live a meaningful life requires reliable and greater levels of income.
- more affordable housing that meets diverse accessibility needs and is close to community support is essential for all.
- improved mechanisms to ensure less employment discrimination, including during the recruitment, hiring, and training phases. Feeling safe to request reasonable accommodations or complain without fear of repercussions is vital.

Education and breaking down stigma is key to social cohesion

'When people recognise me for my talents. At work, I come up with solutions, and I also see patterns that other people don't see. I can also pick up on things that make me a good detective. But I don't like it when people make assumptions like "Oh, you must be good at maths." Well, I am when I have a calculator.'

Disabled people spoke about one of the most significant barriers to social cohesion being the attitudes of able-bodied people. Disabled people spoke of needing more:

- community awareness-raising of what neurodiversity is and how the lack of understanding can impact individuals. Many people have not heard of the term "neurodiversity". It is also an invisible disability. Those who hold incorrect information cultivate myths, e.g., all neurodiverse people are good at maths.
- education within non-Deaf or hearing-impaired communities that dismantles stigma and promotes deafness as mana-enhancing and valuable
- public education programmes that incorporate kaupapa Māori approaches. People spoke about how the media campaigns around reducing the stigma of mental health were effective and empowering.
- public campaigns that challenge preconceived ideas and raise awareness about invisible disabilities and chronic illness
- allies who are courageous and stand up to discrimination, led by the needs and leadership of disabled communities.

'When I'm not told I need to be cured. Not being judged for what people think we should be. When being neurodiverse is seen as difference and not a disability. When I'm not "othered". When society is compassionate towards those with invisible disabilities.'

'There is a difference between alone and lonely. Sometimes I want to be alone and not be forced into a social group. I still like being on the edges of the social group, but I don't particularly appreciate being excluded because I am different.'

'Being able to participate in society. When able-bodied people stand up for my rights. When I am valued. Living in accessible, affordable housing. Not being a tick box. When I am employed because I'm capable and my needs are met to do so, not just because we now have better technology because of Covid. When I don't have to worry if there will be an accessible toilet or not.'

What's important for rainbow communities?

To create and strengthen social cohesion in Aotearoa, all rainbow communities agreed that Te Tiriti o Waitangi is the starting point at all levels of leadership and governance. Social cohesion is only possible if systemic change enables greater protection for self-identification and self-determination. This means having the tools and support to lead a good life, and responsive and accessible healthcare. Rainbow communities consider collective responsibility, celebrating diversity, and resourcing community organisations to take care of their communities to be essential for social cohesion. Finally, everyone wanted to improve governance, policies, laws, education, healthcare, and society for rainbow youth who experience significant barriers and discrimination.

What's important for the intersex community?

This hui was the first time government officials consulted the intersex community and listened to their stories and hopes for a socially cohesive Aotearoa. The intersex community saw this engagement as a historical event. Attendees were passionate about being part of the conversation. However, they felt like it was a 'massive task when being asked to even dare imagine a world where we might belong, feel safe and included.'

A key message from the hui is that the intersex community is not a monolith. Instead, it is a collective of intersex people with diverse ethnicities, ages and experiences of medication, treatment, abuse, trauma, and comfort in talking about it.

Greater legal protection that acknowledges harm done

'I know of no other situation where the ability to remove healthy tissue from a body is protected by law.'

Aotearoa must be more inclusive and afford greater legal protections to intersex people to foster inclusion and belonging.

Greater legal protection would include:

- medical institutions acknowledging injustices, starting with an apology and reparations
- intersex people having legal recognition and protection of their rights to self-determination. To achieve this, the medical system's policy and governance need to move away from the medicalisation of intersex as a disorder to be cured and embrace it as celebrated diversity.

'In NZ under the Crimes Act, we (thankfully) forbid female genital mutilation—often associated with cultural practice. But STILL in 2021 we have under the Crimes Act a section which protects doctors from any sanctions—in their so-called treatment of intersex humans.'

- protection from surgeries and medical interventions without their explicit consent.

'Words like participation: we're not even at the starting line yet, unlike other groups that are further ahead. That needs to be kept in perspective. Can't run if you haven't been able to walk.'

Improvements in healthcare

Intersex people live in bodies that are pathologised and considered in need of fixing to align them with a Western sexual characteristic binary. This medicalised model stigmatises, silences, and has encouraged shame within the community. One attendee called it 'an invisibilising'.

For intersex people, appropriate and responsive medical care is key for self-determination and bodily autonomy. This includes:

- improved training in medical schools and ongoing education about intersex and diverse genders and sexes. In particular, reframing intersex as a variation rather than pathologising and medicalising it as a deficit or condition in need of fixing or changing.
- intersex people need empathetic medical professionals who are partners in their well-being and willing to listen to the community's diverse needs
- rethinking health care that has a specific goal of wellbeing, is non-invasive and fosters self-acceptance
- encouraging intersex youth to love who they are, with access to appropriate, funded psychological support
- providing funded support to parents and access to peer support.

Celebration of diversity

'The ultimate social cohesion is when we are not defined by our difference but are respected for who we are.'

For intersex people, living in a society where diversity is celebrated is essential for people to feel like they belong. This involves:

- having safe spaces and forums for the intersex community, recognising that people have multiple and shifting identities
- in addition to changes within the law and the medical system, the education system, institutional structures, and justice system acknowledge and encourage diversity of sex, gender, and sexuality
- a community-wide embracing of people who are different to one another
- educational campaigns to reduce stigma about intersex and the multiple sexes, genders, and sexualities.

What's important for transgender and gender minority communities?

Systemic change informed by greater protection

'For some people, just asking them to start with "cohesion" is challenging because they may have to sacrifice a huge amount just to adhere with the dominant group that's holding the power.'

For transgender and gender minority communities to experience social cohesion and inclusion, they must first see systemic changes within governance and policy. This includes:

- leadership and governance taking greater responsibility for the severe health, employment, housing, and mental well-being inequities
- having more marginalised people in leadership and policy roles ensures diversity of views and enables more confidence in the Government
- recognising that transgender and gender minority people face inequities that society has enabled. Acknowledging this and providing funded pathways for wraparound support is key.
- a more accessible way to change the sex on their birth certificate more easily.

Funded pathways to healthcare

Having access to responsive healthcare is critical for transgender and gender minority people to live a fulfilled life. This includes:

- funding pathways to empathetic medical professionals who will treat them with respect
- funded mental health support
- the option to access hormones from a General Practitioner instead of requiring the approval of a psychologist
- having funded pathways to access surgery.

Being supported to lead a good life

'If issues facing trans people are solved, we still have a socially stratified society if the rest is the same. You can deal with discrimination etc., but without economic justice, there will always be people left out.'

Central to social cohesion is having basic needs met and fewer barriers to employment and safe housing. Participants spoke of free market profits being the driving force for housing and employment difficulties for vulnerable people. They seek:

- improved access to employment opportunities, and challenging obstacles to discrimination in workplaces
- improved housing options and standards so that people have access to dry, affordable homes

- Government, society and business sector taking greater responsibility for tackling discrimination, harassment and violence statistics
- accessible pathways for sustained income support
- mechanisms that provide safety so people can report discrimination without the threat of retaliation.

‘There’s lots of trying to convince people that we are valid. I remember us discussing how free market profit motives being put ahead of human welfare as the driving force for housing and employment difficulties for vulnerable people, and that effective and sustainable solutions require that market forces aren’t prioritised above human need in policy.’

Embracing diversity and better resourcing of safe spaces

‘Government teams working on this want to do their best but need to recognise what they can’t do. They can improve incomes, benefits, housing, discrimination law, fund healthcare (our biggest barrier). This means more than social cohesion, it isn’t a pipe dream.’

- Having what one person described as ‘positive visibility’, not needing to hide who they are, and a collective sense of responsibility for one another is a prerequisite to participating in society.
- The funding of safe and accessible spaces is essential. Community spaces are often the hub of communities, providing a haven for minority groups to come together and connect. Moreover, it needs to be run by the community, for the community.

What’s important for rainbow communities more generally?

‘We are part of these communities, we have to live it. Just give us the funding so we can keep doing what we do already.’

For rainbow communities to feel accepted and be able to support their communities, it is important that:

- they do not need to hide their sexuality within specific environments (such as churches)
- having allies who are willing to work with communities and rainbow youth in championing their rights
- to keep doing their important work, organisations receive more government resourcing, and funding is essential to reduce burnout and compassion fatigue that communities experience
- youth are encouraged to embrace their gender identities and sexuality without ostracisation and bullying, particularly in school environments.

What's important for faith-based communities?

The following feedback is a summary of feedback from faith-based communities including Muslim (Sunni, Shia and Ahmadi Muslims), Christian, Buddhist, Sikh, Jewish, and Baha'i Faith.

Faith-based communities emphasised the importance of being free to celebrate and practice their diverse faiths without discrimination and judgement from others. They value an Aotearoa that is inclusive of different belief sets and approaches to religion and spirituality.

Faith-based communities were the most comfortable with the term "social cohesion" because it is familiar and integral to their faith-based or spiritual practices and dialogues. They strongly felt that social cohesion should not be conflated with assimilation. It is also essential that people are not discriminated against either in interviews or workplaces for their religious beliefs. Finally, faith is often found at the intersection of sexuality, and those who belong to faith groups and rainbow groups described feeling pulled between the two. For them, not needing to hide all aspects of their identity would be empowering.

Although Aotearoa is a secular society, colonisation introduced Christianity. It remains the dominant religion today. Going into these discussions, we knew we would find issues and concerns experienced across the groups, and some more specific to others. In recognition of the 15 March mosque attacks, we include what social cohesion and belonging would look like in response to the specific issues and discrimination Muslims face. These include having supportive employers and the flexibility to take time out to pray. Their children feeling safe and proud to practise their religion without being bullied was also important.

Faith-based communities see social cohesion as a term which should never be associated with assimilation

'Social cohesion could mean looking out to make sure you are not different (stultifying). It could be a code word for everybody being exactly the same. I fear what this means for non-Pākehā New Zealand.'

For faith-based communities:

- "social cohesion" is seen as a Government term that may have consequences if it carries notions of assimilation of people to the mainstream culture
- changing societal expectations and norms will have more of an impact on the well-being of communities than imposing change via legislation
- people must value the cultural identity and diversity of others as much as they do their identity as a New Zealander.

Social cohesion is about coming to accommodation on an overarching set of shared principles while valuing diversity

‘Unity is consensus about what makes a harmonious society. You don't need to be the same, but can all agree on major principles like health, education, justice, and job opportunities.... We don't have a constitution that sets out our major aims. Without that, the Government calling for cohesion is imposing something on us.’

For faith-based communities, characteristics of social cohesion include:

- acknowledging Māori as indigenous people and addressing past injustices
- recognising that we are all human first and can connect through shared values despite our religious beliefs or gender
- diverse community groups coming together in unity and celebrating difference
- communities supporting different communities in times of need regardless of religious beliefs
- everyone having equitable access to education, health and other resources needed for quality of life
- workplaces not discriminating against people based on their ethnicity and/or religion
- teaching children, the next generation, about accepting diversity.

‘If we see everybody as equal, then it brings us together. Understand we are all equal first. Respect the uniqueness but look for similarities.’

The Government needs to engage better with faith-based communities to identify and implement solutions

‘We hear Government saying they want to talk to communities but then don't do it. [They are] not contacting the right people. They need to action the words that they said would lead to a compassionate community.’

For faith-based communities, the Government needs to:

- better engage faith-based communities in the identification of issues and solutions to support those communities' sense of belonging
- gain insights from community organisations about change needed and likely outcomes (rather than from increasing academic funded research that might not recognise nuances in religion and beliefs)
- implement promised policy changes to support inclusion and diversity
- identify where systemic institutional racism presides (at all levels of society)

- focus more on the mental health of communities
- invest in education and include religion in the curriculum—this will expose children to different religions/cultures at an early age
- employ university graduates who reflect the communities they work with.

‘Over-consulted, but not understood. We will share views on 20 different things, and policy advisors will pick the top three.’

‘We need real and authentic diversity within Government employment. The ethnic graduate programme is the first step, but this needs to continue.’

Specific things that are important for Muslim communities to experience social cohesion and belonging:

Feeling safe and encouraged to practice their faith

‘Social cohesiveness will mean that minority and marginalised groups in society will no longer feel like they're validating their existence or justifying their identities. It will mean safety, belonging and dignity for every New Zealander.’

For Muslim people, being able to follow their religion without being discriminated against or insulted is crucial. This means:

- women walking down the street wearing hijab without hearing racial or Islamophobic slurs, or being abused. They want to feel confident to go out alone without fear.
- employers enabling Muslim employees to take time out to pray during their working days
- children not being bullied at school for being Muslim
- children feeling proud of their identities as Muslims
- not seeing the Muslim community vilified in the news each day. Instead, they seek a change in narrative that normalises Islam.

Making room for everyone

‘Social cohesion to me means belonging without the expectation of assimilation from the wider New Zealand public. My identity as a New Zealander should not need to be validated or questioned because of my Muslim or Arab identity. Assimilation insinuates that I have to wash away parts of my identity to be recognised or considered a New Zealander, which is not the case. We should not pick and choose when we are our proud of Aotearoa's diversity.’

Participants reported the joy of living in a country with many other faiths and cultures. Social cohesion is about:

- not having to justify their existence or assimilate into the dominant groups to belong

- sharing their customs and religious celebrations with others. For example, Muslim women enjoy introducing their colleagues or friends to their customs, food, and religious celebrations.
- room to celebrate all religious festivals, and embrace one another's differences as if they were their own
- recognising that some groups are more disadvantaged than others and working towards improving their lives. Everyone has the right to equal opportunities.

A more responsive health system

Participants spoke of feeling dismissed by doctors. They need:

- culturally appropriate health care
- Muslim women having their preferences met for female clinicians when giving birth
- general practitioners and other clinicians to respect their husband's role in appointments.

Honouring communities' needs following the March 15 terror attacks

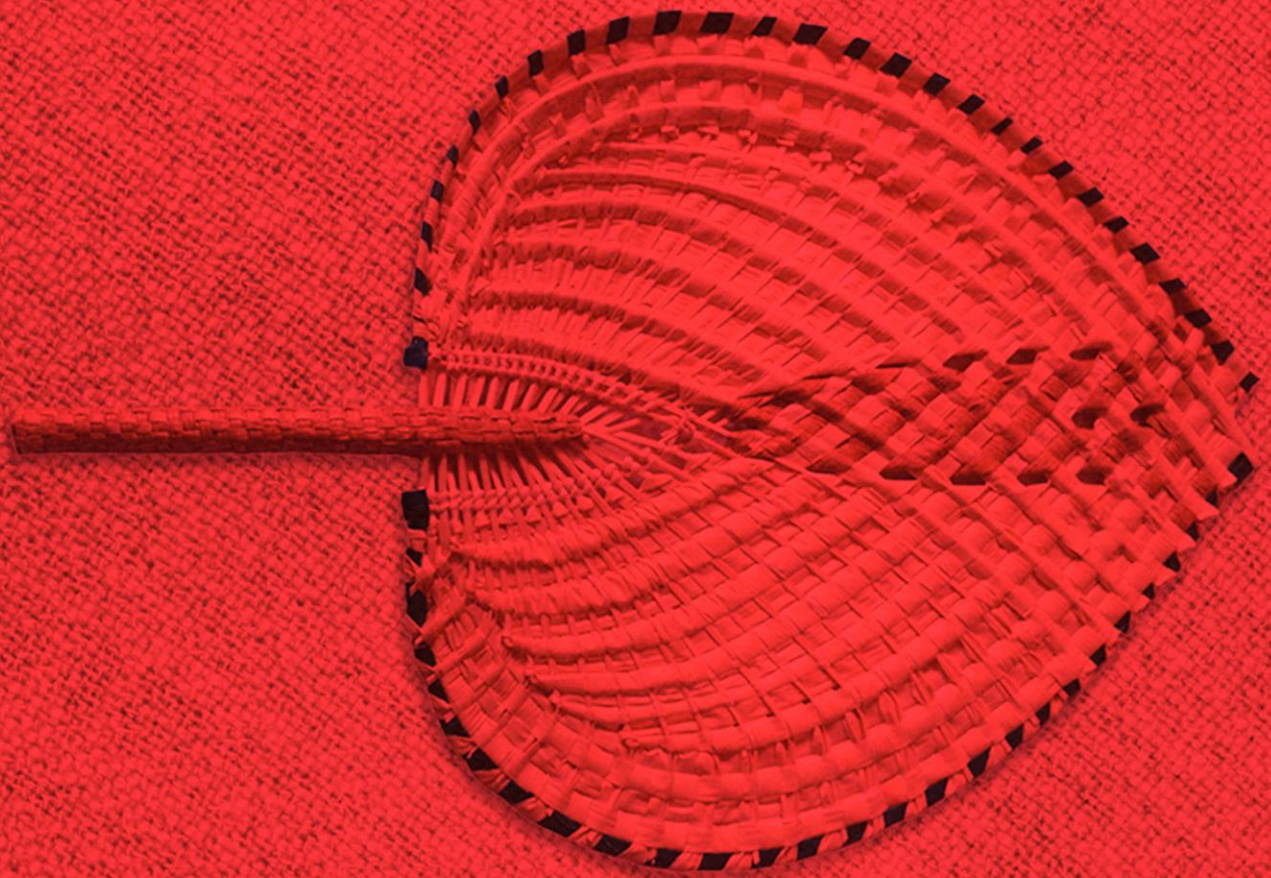
The Muslim community is still healing from the trauma and devastation of the mosque attacks. One of the discussion points was wanting to restore their faith in Government and their handling of consultation processes. This means:

- Government honouring communities' considerable time to attend meetings post the March 15 attacks by feeding back findings and collectively agreeing and implementing actions
- restoring trust between the Government and the Muslim community following the March 15 terror attacks. This includes efficiently and effectively implementing lessons learnt and significant changes to firearms licencing and security. (The dignity restoration of the Dawn Raids apology was compared with the 'underwhelming' response to the Royal Commission of Inquiry into the Christchurch terror attack).

Positive representation

- More platforms are needed to show the everyday lives of Muslims and other communities and break down stigma and stereotypes. These communications and engagements would offset mainstream media portrayal of Muslims only concerning the mosque attacks.

Experiences and expressions on incitement proposals



Feedback from Māori

Māori experience of hatred and discrimination

'We don't feel safe to be Māori in Christchurch because of the often-racist stereotypes against Māori, just because of the way you look, they stare at us when we go in the stores.'

Māori focus group participants reported:

- numerous examples of hatred and discrimination that they experienced in the community. Experiencing racism is part of their everyday and lived reality and that racism towards Māori is a historical and inter-generational phenomenon.
- being impacted by the institutionalised racism and bias of government agencies and services, and that successive generations of Māori continue to experience this
- racist behaviour makes Māori feel unsafe, negatively impacts Māori wellbeing, limits their choices, inhibits their participation in society and consequently they suppress or limit the way they express themselves outside of their homes or communities
- that they generally felt safe when amongst Māori gatherings/community but felt exposed and unsafe in the wider community due to racism, discrimination and hatred.

The legislation needs to reflect Māori as a Treaty partner

Māori focus group participants felt strongly that there should be a focus on Te Tiriti o Waitangi, Te Ao Māori and tikanga Māori in the proposed reforms and within the Act itself to ensure that it reflects the modern-day Aotearoa New Zealand we live in.

'The wording of the reforms and legislation, including the Act, need to reflect Māori/tāngata whenua as a Treaty partner and recognise the partnership with Māori/Iwi in legislation. A paragraph/preamble which mentions it is no longer acceptable and should be changed.'

'He iwi manaaki, we are hospitable people. If legislation is based on Te Ao Māori it has the potential to change individual beliefs and behaviour and therefore communities.'

Prison sentences are unlikely to change the behaviour of perpetrators

Some Māori participants questioned the effectiveness of prison sentences in general and the extent to which they would, or rather would not, modify the behaviour of perpetrators.

'Is there an alternative route? While it's important to have a penalty, what is required to influence a thought and/or an idea, without sending them to jail? Going to jail isn't going to fix it. Sending them to jail only embeds further those attitudes.'

'We don't need more people to go to prison—it's too punitive, we need something like mediation service, Māori dispute resolution, courts are not the right place—it takes too much energy and resources, we need to ensure that there is an opportunity to learn and understand why—there needs to be a focus on being a better person in our society where we are accepting and don't discriminate.'

Māori-led reconciliation has the potential to change the behaviour of perpetrators

Some Māori participants felt:

- the Act and the proposed new punishments should focus on creating individuals who are more likely to contribute to society rather than on punitive actions which will only reinforce the current systems/process
- the key to eliminating hatred is to put in place processes that change the beliefs and behaviours of the perpetrators
- some form of Māori/iwi-led reconciliation process, based on a Te Ao Māori framework, would be more effective in changing the beliefs and behaviour of perpetrators.

'I think we're missing an opportunity to educate people—we need to focus on a Te Ao Māori framework—funded by the government and give iwi a real opportunity to work with offenders to test different models of reconciliation.'

Other Māori participants questioned the value of a reconciliation process and felt there was a risk that this approach would end up as a "nicety".

There needs to be a lever that protects Māori from racism

Māori focus group participants expressed concern that:

- current laws don't protect Māori from racism or abuse and violence associated with that racism
- they have observed and experienced an increase in the levels and the severity of racist acts and behaviours.

'How can legislation give us the opportunity to prevent and or recognise racism? Quite often the threshold is too high to keep the wellbeing of our people safe.'

'One of the concerns that I have is how long and how far do we have to wait until it gets extreme—serious and death threats. We realise there are laws in place currently—these don't actually end up protecting our people and the harassment that they receive as a result.'

Rangatahi need support to deal with online discrimination and hate speech

Māori focus group participants were very concerned about the impact of objectionable material on rangatahi. Participants felt that:

- rangatahi are exposed to a high level of discrimination online
- content can escalate quickly across different platforms and contribute to depression and suicide
- there needs to be support for rangatahi to develop the necessary skills to deal with the emotional side and/or struggles with content online
- strategies for tamariki, rangatahi and whānau need to account for in-school and out-of-school time to ensure they are equipped and protected
- more education is needed about where rangatahi can report online content that is objectionable, offensive, and threatening
- safe spaces online need to be created for rangatahi to participate.

'We need to be having open conversations with our young ones—about some of the material that can be out there, educating them on strategies. So that is relatable to our kids, it's a different world now for technology, it travels with them, so it can teach them how to deal with it.'

Feedback from Takatāpui

‘While we are in both Māori and rainbow communities, there are things that come from the Takatāpui experience that only Takatāpui can speak to.’

Terms to include everyone

Rather than use general terms in the legislation, all the cultural terms should be included, e.g. tangata whenua, Pasifika etc. Gender terms should also be specified in the legislation e.g. gender identity, gender diversity, gender orientation.

The main thing that has been excluded is gender identity. The Crown Law opinion says sex includes gender identity. However, this has never been tested in the Supreme Court. So it is better to have it up front and be clear—include gender identity.

There should be another ‘other’ category because you can’t characterise everyone as there may be other diversities we don’t even have words for yet. How do we include those too?

‘Crown isn’t going to legislate for acceptance. Expanding and clarifying the current provisions is a good thing, but it is only a part of it.’

An occupation and profession to be protected

It was agreed that particular occupations and professions need protection from hate speech and discrimination, that are experienced regularly. Sex workers and sex workers’ professional voice were represented and it was agreed by all in attendance that they should be included in the legislation.

‘Someone who works at McDonalds for example doesn’t have their life threatened every day like we do.’

‘We want a safe and accepting place for everyone including mana wahine.’

Feedback from Pasifika communities

Pasifika communities affected by hatred and discrimination every day

Pasifika experience hatred and discrimination regularly, and it is pervasive across society. Institutional and casual racism is a part of everyday life for Pasifika, including in health and education, workplaces, sports grounds, clubs, and schools. Pasifika rangatahi experience discrimination through biased policing and their involvement with the justice system. Hate speech and racist attitudes towards the community take place on social media and in person. Pasifika have also experienced intergenerational trauma through racist policies such as Dawn Raids.

'All groups experience this. The stigma around racial slurs, gender and financial status play a part.'

Consequently, Pasifika (like other communities we engaged with) gave important and pertinent general feedback on the proposed law changes.

The proposals are unclear

Pasifika made the following general comments about the clarity of the proposals against incitement and the information presented.

- The proposals, in general, are not clear. Pasifika (like other communities we engaged with) found key terms including “hate speech”, “the incitement of hatred” and “freedom of speech” particularly unclear. Due to lack of clarity, Pasifika tertiary students paid a consultant to simplify and clarify the issues presented in the discussion document to inform their public submission.
- If the law is changed, Pasifika rangatahi are concerned over the interpretation of the law by the courts. Young people felt the definitions should be 'watertight' and 'rock solid' in any subsequent Bill and legislation, so the meanings are precise to avoid misinterpretation.
- Pasifika also commented whether the changes to the law would differentiate between someone who is blatantly hateful instead of someone who is ignorant or expressing their opinions or ideas.

A change in the law could have negative consequences

Pasifika raised the following concerns if there is a change in the law:

- church leaders and elders could be punished for teaching their beliefs or providing spiritual guidance to communities. This punishment would go against freedom of expression in religion and respect for elders, which are important constructs in Pasifika communities.
- more ammunition could be given to 'free speech extremists' to use against Pasifika communities. This might have the opposite effect that the law changes are seeking to address.

Concerns around victims' access to justice and a desire for more flexible avenues

The current avenues for redress are not well understood or accessible for Pasifika communities. This includes the courts and complaints mechanisms such as the Human Rights Commission and the Health and Disability Commissioner. People recommend more awareness-raising and skill-building to raise knowledge and capability to enable their people to participate in legal and complaints processes.

As discussed earlier, Pasifika rangatahi have low confidence in the justice system due to their experiences of biased policing and poor access to justice. Pasifika youth felt access to justice if they were victims of incitement, would be particularly problematic for young people and people living in deprived areas.

Pasifika rangatahi recommended using tribunals for hate speech⁷. Tribunals are considered more accessible than the courts, with referees being more representative of the communities that they serve. Pasifika youth also felt the tribunal process would be more fitting with the intent of the proposals, which concerns changing systems and intergenerational healing and support.

Pasifika rangatahi also spoke of the uneven resources of perpetrators and victims. Perpetrators (likely to be Pākehā New Zealanders) have better knowledge of court systems, can more afford good representation, and, therefore, are more likely to get a better outcome.

Pasifika rangatahi also recommended having community liaison officers to assist youth who were victims of incitement to access justice.

⁷ We found that incitement and hate speech are generally understood to be the same thing and are therefore used interchangeably by the attendees.

Reviewing the law after two years

Pasifika rangatahi recommended that any law reform is reviewed after two years. This review would ensure that communities have confidence in the law. The review would also ensure that the law effectively targets the types of communications that seek to spread and entrench feelings of hatred and discrimination.

Other ways to protect communities from incitement

Pasifika youth recommend a public register of groups and individuals living in Aotearoa who incite hatred and discrimination through social media, documentation, manifestos, etc. This register would allow the public to be aware of people who openly incite hatred and discrimination.

Pasifika youth also recommend active surveillance from law enforcement and intelligence agencies on those who incite hatred and discrimination. Enforcement should include deporting non-residents or declining residency applications for people known to have a history of incitement.

Comments on specific proposals

Pasifika made the following comments on individual proposals:

Proposal one: Increasing the groups protected

- Pasifika felt increasing the groups protected by the incitement provisions should include groups with ethical beliefs, political opinions, and age.

Proposal two: Making clearer the behaviour the law prohibits

- Pasifika considered the law should cover deliberate behaviours that threaten or impose oppression on a group in a hateful or demeaning manner. These behaviours would include verbal, physical and emotional acts, racial slurs, and online and social media shaming.

Proposal three: Increasing the consequences for breaking the law

- Pasifika youth considered the financial consequences for breaking the law should be commensurate with the perpetrators' income. They felt a fine of up to \$50,000 is not a deterrent for a wealthy person.

Feedback from ethnic communities

How are ethnic communities affected by hatred and discrimination?

Ethnic communities continue to experience discrimination based on the colour of their skin, language, accent, religion, and ethnicity. From time to time, they are subjected to bullying, mocking, labelling, stereotyping and, in extreme cases, violence. In recent times, participants identified the persistence of negative attitudes such as racism, xenophobia, prejudice, and intolerance at workplaces when engaging and accessing public services.

They identified a range of triggers for incitement of hatred and discrimination:

- the majority culture fears minority cultures will become more powerful and dominate the majority
- cultural insensitivity, a lack of cultural awareness, intolerance of other languages and accents, mispronouncing names
- a lack of confidence in engaging with others from different cultural backgrounds.

People experience hatred and discrimination despite the New Zealand Bill of Rights Act 1990 and Human Rights Act 1993

Although human rights, hate speech and equal opportunities for all are affirmed under current legislation, people experience:

- significant prejudice in the workplace
- racism and discrimination when engaging with public institutions and accessing services.

These harms result in social and economic inequalities for ethnic communities, undermining social cohesion.

Ethnic communities were sceptical of proposals

Ethnic communities were sceptical that the proposals to amend legislation would bring about any change in society and questioned if it would have prevented the March 15 attacks. They asked how a breach would be policed and requested a broader interpretation of hate speech.

They also thought a change in the law could result in:

- people who incite going underground or stirring behind closed doors
- repercussions or unforeseen consequences, especially in schools and workplaces
- people not being able to criticise anything. They warned that balance is needed, and the law shouldn't swing too far the other way.

Ethnic minorities favoured education

Ethnic minorities felt education and social pressure enables people to speak out, hold perpetrators accountable, and bring about cultural change. Education also provides people with skills and tools to know what action they can take when they experience hate speech or discrimination.

They concluded that legislation is essential and acts as a signal to bring society to account. However, education is a long-term strategy.

Ethnic minorities made the following comments on proposals:

Proposal one: Increasing the groups protected

- It is a good idea to have a law that protects against the incitement of hatred and discrimination.
- Many groups in society are discriminated against and oppressed, including women, gender minority, non-heteronormative sexualities/sexual orientation, ethnic, religious and disabled communities.
- Support expanding the categories but stress that the law should capture and include everyone.
- Identities and groups emerge and evolve. Therefore, a considerable risk is if a group is not listed, it might not be protected by the law.

Proposal two: Making clearer the behaviour the law prohibits

- Ethnic minorities consider discriminatory insults are often more harmful than violent actions because insults cause psychological damage to people and could ruin their lives.
- This conduct is detrimental to our society, particularly when it leads to other offences.
- The law should prevent hateful abuse on platforms where words are used as a weapon.
- The definition of verbal abuse should align with what's included in the Family Violence Act 2018.

Proposal three: Increasing the consequences for breaking the law

- Ethnic minorities are comfortable with this proposal as a deterrent. They believe increasing the consequences would mean people would take the offence more seriously.
- If someone is found guilty, it will not necessarily change their behaviour (punishment stops the behaviour, but it doesn't change behaviour).
- What changes people is teaching them new skills and communicating in pro-social rather than anti-social ways. They believe mediation is also needed.
- A custodial sentence is suitable for certain incitement, e.g., people getting large followings on social media. Jail would get these people out of circulation.
- Making online platforms more responsible and accountable is also needed.

Feedback from disabled communities

'Hate speech laws are a tricky thing to implement. There are many cases overseas and in New Zealand where things fall through cracks. These laws can't become a paper tiger that doesn't have any teeth when challenged.'

While it is important to disabled communities that they are offered targeted protection under the Human Rights Act, they do not feel it is adequate to ensure their day-to-day safety. These laws will not necessarily reduce daily online bullying and threats, particularly if aimed at an individual and not the wider group. There was also concern that these laws are only offering punitive measures and not focusing enough on the prevention of harm that comes from discrimination and incitement of hatred. These laws mustn't become 'paper tigers', to quote a group attendee, but rather be an evolving approach to dismantling hatred towards minority groups.

There was inadequate information about the proposals online

To better understand the proposals, attendees needed:

- more information and clarity on how the changed laws could be evoked
- accessible examples and statistics of the current law's application in cases of racism or white supremacy
- not being able to find examples of information about the possible complaints process meant people felt underprepared to discuss the proposals
- there was concern that even if the proposed changes do become legislation, the bar will be set too high to ever prosecute someone.

Disabled people need to feel safe and protected from mistreatment

'When I can complain about discrimination and mistreatment without fearing repercussions. When we don't have the threat of cuts to our benefits when we speak out. When I'm not being discriminated against. When I'm not being threatened.'

- Each disability group spoke about the historical and ongoing mistreatment of disabled people and how stereotypes portray them as dependent, uneducable, unemployable, and a burden to society. This leaves people open to discrimination and hate speech on a regular basis. Examples include being reduced to their disability, intimidated, public humiliation, called slurs and insults, and physical violence.

- Disabled people rarely feel safe and secure when they are out publicly but also experience vulnerability in their own homes. This can be at the hands of family and carers or online. All forms of abuse have a significant detrimental impact on wellbeing, mental health, and sense of safety.
- Disability advocates report facing abuse and receiving death threats online from strangers. Although they have reported it, the police told them nothing could be done.

Access to the justice system is a critical challenge

- Many disabled people are much less likely to report hate speech or crimes because of previous traumatising experiences with police. Those who are Māori, Pasifika, ethnic minorities or require interpreters and/or extra support to communicate with authorities face compounded challenges and inequities.
- The disabled community can experience mistreatment from their carers and are at risk of retaliation that endangers their lives if they speak out. Having laws in place does not reduce their vulnerability to being harmed.
- More tailored funding and confidential support services that are responsive to the diverse needs of the community are essential so that people have accessible avenues to justice.
- Government has a central role to play in ensuring police and the justice system are held accountable.
- The Deaf community needs funded access to NZSL interpreters both when in communication with police and in courts. This requirement is currently not mandatory. Not having these needs met makes this community feel dehumanised, ignored, and unlikely to come forward.
- Disability needs to be represented more within the justice system, from lawyers to judges. An attendee said that the lack of undergraduate tertiary training in all sectors around disability means that graduates who go on to work in law and justice do not adequately understand the complexities of disability-related hate speech and crimes.

Other ways to prevent discrimination and the incitement of hatred

'There has to be systemic, transformative change, not just legal piecemeal like with our current laws.'

- Prevention is the key to avoid the escalation of hate speech into violence. One example given was that any legislative change is the ambulance at the bottom of the cliff.
- There must be more focus on fostering community engagement and improved infrastructure that can authentically tackle other things that make people feel safe, including housing, policies, income, and healthcare.
- Education that dismantles the toxic representation of disabled people is a positive way to tackle discrimination and hate speech towards the community. People used the leadership approach to COVID-19, and encouragement of Aotearoa to feel like a team to combat the pandemic, as an excellent example of working towards a collective goal.
- Strength-based messaging and restorative justice using a tikanga Māori approach is an important way to move forward.
- Allies willing to call out inappropriate behaviour, speech, or attitudes reduces the burden that disabled people carry. Disabled people feel like they are often left to put up with or fight, if possible, discrimination and hate speech on their own.

Feedback from all rainbow communities

Members of rainbow communities face discrimination and hatred in several aspects of their lives, including employment, education, health care, housing, and policy. Collectively the groups shared stories of violence and discrimination associated with transphobia, homophobia, biphobia, racism, and others. For transgender, gender minority and intersex people, the presence of far-right groups in society and the increase of social media bullying targeted towards them is extremely traumatising and detrimental to their wellbeing. People also spoke about the recent ‘trans panic’ around sport and media coverage having a backlash on their community, with many receiving hate speech and threats of violence. Finally, people expressed concern that aged members can experience trans, les, bi, and homophobia in aged care facilities.

Communities all agree on the principle of having more protection from discrimination and incitement of hatred. For some, they hope the proposals will act as a deterrent to hate speech, threats, and violence. However, many people had serious concerns about the inequitable access to justice as a barrier to making complaints to the police or going through complex court processes. Everyone felt very strongly that a punitive approach is not the answer. Education and a restorative model of justice is more in line with Te Tiriti principles and one that attendees across the rainbow groups resonated with.

Feedback from intersex people

The laws are not a silver bullet

Everyone at the hui was in support of there being greater targeted protection for intersex people. At the same time:

- the proposed legislative changes will not be able to stop all hate speech or crimes
- we won't know if the term “incitement” will work until it is tested in court
- it is paramount that the law protects older members of communities who may also be disabled, Māori, Pasifika, or from an ethnic minority, and face intersecting discrimination, racism, and mistreatment
- better enforcing of prohibitions against violence and hatred against people.

Other legal changes are required to protect their safety and reduce discrimination

'The point of including us in anti-discrimination legislation is meaningless if it doesn't result in us having the power to challenge infant surgeries.'

- Anti-discrimination proposals need to address structural discrimination, not only individual.
- The intersex community sees the lack of legal protection around self-determination and forced medical procedures on children as a hate crime.
- These proposals are one of several steps that the Government needs to take for the intersex community to feel safe and heard in Aotearoa.

Education and balancing laws with freedom of speech is essential

- A punitive approach is not going to reduce incitement of hatred, and participants were passionate about restorative justice.
- Targeted education is required to understand why it is wrong to incite hatred or discriminate against others. This sits alongside promoting acceptance and tolerance of one another.
- Freedom of speech needs to be protected, but not at the expense of other groups.
- There needs to be consideration of how normalised behaviours are problematic and potentially mask hate speech. An example given was groups that support women's rights sometimes deny those of transgender and intersex people.

Proposal one: Increasing the groups protected

- Increasing the groups that are protected is a step in the right direction.
- It is essential to have religion there because of the mosque attacks.
- Rangatahi should be protected, as well as older people.

Proposal six: Clarity around language

- The intersex community spoke about intersex as being neither a “sex” or “gender identity”, explaining that people have different sexes, gender identities, and sexualities across the community. They also understand that not everyone identifies with the term “intersex”. Intersex people must be able to indicate that they are intersex and what their gender and/or sex is too, if appropriate.

- They would like the language in legislation to be “variation of sex characteristics (VSC)” alongside the term “intersex”. VSC is an important legal term, and intersex is a reclaimed term.

Feedback from transgender and gender minority people

Increasing penalties may not stop the incitement of hatred

‘An easier way to report discrimination when it begins, rather than waiting until it escalates.’

- Often discrimination and hate behaviour are covert and difficult to prove. People spoke of the way little things add up and are unsure how the proposed changes will accommodate the day-to-day hatred and discrimination people face.
- For the laws to be effective, there needs to be more targeted monitoring of groups that regularly incite hatred against minority groups.
- Concern that the proposed law changes might incite violence against the communities it seeks to protect before they are passed.
- For people to feel safe, there needs to be a balance of a punitive approach with an educational and more inclusive approach.

Equitable access to justice systems is essential

‘Barriers to access the justice systems will impact disproportionately on minority groups.’

Transgender and gender minority people spoke of traumatic encounters with the justice system, which reduces people’s confidence in going forward with complaints. To increase trust in the justice system, they seek:

- anti-discrimination measures and accountability in place to ensure that the justice system and police are not biased as they determine what counts as serious incitement of hatred
- accessible financial pathways and administrative processes
- a reduction of other barriers, including the fear of losing their income or homelessness
- an equitable justice system that is informed by decolonisation
- a move away from a punitive justice system to one that is equitable and informed by decolonisation is vital.

Proposal one: Increasing the groups protected

- People agree with including the additional minority groups in the Human Rights Act.
- There are concerns that people could say they don't "hate" a group but instead do not care for their ideology/beliefs and still actively foster divisiveness.
- It is essential to have religion there because of the mosque attacks.

Proposal five: Change to civil provision to make incitement to discriminate against the law

- While "incitement to discrimination" is unlikely to be misinterpreted or misused, the term "incitement to hatred" is vague and might be.

Proposal six: Clarity around language

For transgender and gender minority people, language around sex and gender has been used as a weapon against them by other groups. This proposal was one of the most critical points of the discussions, with participants wanting to see:

- clarity around language that reflects that which transgender and gender minority people use
- language that is nuanced and appreciates the interconnectedness between gender and sex, rather than separating them
- they suggest the phrasing: "sex including pregnancy", "sex characteristics", "gender", "gender identity", and "gender expression".

Feedback from other rainbow communities

Other feedback from rainbow groups more generally centred around the potentiality of the proposed changes. At the same time, they acknowledged the lack of faith communities have in the justice system, and the work that needs to be done. They reported:

Symbolic gestures are important. The proposed changes act as a message of what is not tolerated by society in Aotearoa. Therefore, it has a symbolic meaning, and participants felt hopeful. They did not think the inclusion of more groups would change people's perspectives and beliefs. However, it may change behaviour.

Lacking faith in the system. These communities rarely have financial or other resources to pursue complaints, and people often have to pick their battles. This is another reason why they are wary and have little faith in 'the system'.

Importance of moving away from fear-based responses. Some people felt that approaching incitement of hatred punitively is a fear-based response instead of finding ways to reduce the likelihood of it happening to begin with. They suggested educational campaigns that increase awareness may help reduce stigma. Furthermore, they would like to see a restorative approach to justice based on Te Tiriti principles.

Proposal five: Change to civil provision to make incitement to discriminate against the law

- Extending of the grounds of discrimination is not necessarily an avenue to seek redress through the court, but as an important step to influence service delivery and policy.
- There were concerns people could call hate speech “political” and be excused.
- Participants supported political opinion to be protected by the Human Rights Act when it does not incite hatred against any person or group.

Feedback from faith-based communities

Faith-based communities experience discrimination and hate speech in a variety of environments, including at work, school, and online. It is directed at ideologies, such as Islam, and is part of broader experiences of racism. Everyone wanted to make sure that law changes do not impact the right to freedom regarding religious ideologies. They were against the incitement of hatred towards any group, highlighting the tensions involved in this debate and the need to make sure certain policy has more clarity. One overarching theme was the belief that laws to protect minority groups or people most at risk of discrimination and hatred will not protect against significant hate crimes, such as the Mosque attacks, from happening.

Experience of hatred and discrimination for faith-based communities

Faith-based participants reported that hate speech and its impact are unlikely to be understood by people who haven't experienced it. Faith-based participants said:

- they experience intimidating hate and discrimination in several different settings, including at school, work, and via social media platforms
- social media platforms are the main place where discrimination and racism are happening (exacerbated by COVID-19). Threatening comments made online make recipients feel intimidated and can lead to them fearing for the safety of themselves and their family.
- social media is used particularly to discriminate and suppress Māori culture
- social media has amplified racism to the extent that it has become “more felt” even though there is no physical interface
- there is potential for incitement in school settings where a dominant group discriminates against a vulnerable one.

Freedom of speech to enable the expression of religious ideologies is important to faith-based communities and different from hate speech

‘The importance of keeping freedom of speech. People have different ways of expressing themselves. They have their freedom.’

Faith-based participants reported concern about:

- encroachments on freedom of expression that might suppress religious ideologies (e.g., making the ability to criticise gender identity unlawful)
- blurred lines between what is considered hate speech and free speech, with media and communities insisting that incitement is a form of free speech
- if subjective ethical beliefs are drawn on as a basis for suppressing free speech
- legislation against incitement that is “too vague” and could be misinterpreted.

Faith-based participants emphasised that:

- many people come from other countries to live in Aotearoa because they can safely express religious views
- the diversity of religious views allows for greater learning.

‘If you start to avoid any speech about religion because you don’t know what you’ll say wrong, how can we grow together? There is richness in diversity of views.’

Legislation is not likely to prevent speech that incites significant harm

Faith-based participants reported that:

- often speech that incites hatred cannot be identified until it becomes public, and more resourcing is needed to discover non-public forums inciting hatred
- the law is unlikely to be able to protect individuals facing daily hate and discrimination
- the law alone is insufficient to protect people, as seen in the Christchurch Mosque attacks
- victims may be too scared to speak up or feel that nothing will happen should they lay a complaint with the police
- while legislation is good for “firefighting”, it is also essential to look at prevention. For example, there were calls to review the school curriculum and look to the International Baccalaureate as an example that teaches one to be “a global citizen”.

Intention means different things depending on the dominant worldview in a particular situation

‘We talk about inciting but where does it start? Where do we excuse it, where does it start? Someone like a comedian joking in front of 300–400 people. Is it incitement? It is the start of incitement. You might not take it seriously but someone else might think, ‘Oh, this is okay.’

For faith-based participants:

- incitement is a broad definition that means different things to different groups
- hate and discrimination are better terms than incitement as they have more explicit meanings and are better understood
- to be effective, the government needs to understand what incitement looks like from the perspective of minority groups.

A clear policy proposal is needed to enable a shared understanding of the legislation and its implications

‘The government needs to give a clear policy proposal and test it out. It needs to be workable, measurable, practical, that can't be weaponised against faith.’

For faith-based participants:

- examples of unlawful behaviour and implications of the law would make government proposals more accessible to faith-based groups and give the community confidence that the Government has a good grasp of what it is proposing
- The Government needs to consider the fatigue of some communities from the level of consultation.

Feedback on objectionable material

Pasifika, Māori and ethnic communities were asked for feedback by the Department of Internal Affairs on the implementation of Recommendation 41.

Objectionable material related to race is deeply distressing and harmful for marginalised communities. Objectionable material comes in many mediums—written and verbal. Communities were concerned that there is benevolence about what objectionable material is doing to people who are reacting and reinforcing it.

Communities shared the following pertinent comments in relation to objectionable material:

- most people agreed that material showing racial hate, racial superiority and racial discrimination should be banned for general consumption
- most people agreed it is important for academics and researchers to access objectionable material for the purposes of research and the public good
- nearly everyone was aware of the terms “racial hatred” and “racial discrimination”. However, many people had not heard the words “racial superiority”.
- participants believed strongly that people should be able to offer their opinions, but if those opinions incite behaviours and/or calls for behaviour that would incite hate and bias then their material should be banned
- Māori felt that the proposed definition of “objectionable” is subjective and that tangata whenua should also be explicit in the definition. On a related note, Māori were also concerned about the extent of negative and hateful portrayal of Māori through a number of channels. They agreed that channels should be moderated.

‘I reflect on the NZ terrorist’s manifesto and the Oslo Manifesto which are incredibly detrimental to our societies but vital for research and academic purposes. I believe there should be some sort of process in which academics are approved access to these materials while also ensuring that we are not inflicting more harm against the affected communities.’



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