

Ngā uakitanga mō te korenga o te tuketuke i te māhie me te toihara

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He whakatakinga nā te Minita o Te Tāhū o te Ture

Tēnā koutou,

Ko kaha ake tō tātou pāpori i ngā tini iwi e kīia nei ko Aotearoa te kāinga,=.

E rāhuitia ana e te Human Rights Act 1993 ngā kōrero e tuketuke ai i te whakatetenga mātāwaka, ā, e rāhuitia ana te toihara ki te tangata nā tētahi āhuatanga o tōna tuakiri. He arotakenga nā te Minita o te Ture, he marohitanga hoki nā te Komihana Pakirehua ki te parekura whakatuma ki te masjidain i Ōtautahi i te 15 o Māehe 2019, e uaki ana te Kāwanatanga i ngā panonitanga kia kaha ake ai, kia mārama ake ai hoki ēnei tautiakitanga. E uaki ana hoki te Kāwanatanga i ngā panonitanga whānui ā-ture e rua anō ki ngā whakaritenga toihara. E whakarato ana tēnei puka i tō whaiwāhitanga e urupare ai koe ki ēnei uakitanga, ki ēnei marohitanga ki ngā whanaketanga.

E aro pū ana ngā uakitanga ki ngā momo whakawhitinga kōrero ko ōna manako ko te tutū i te whakahāweatanga, te whakawā, me te māhie ki ngā tāngata o tō tātou pāpori. E taurite ana ngā tāngata katoa, ka mutu, ko tauporitia tō tātou pāpori ki ngā tāngata me ō rātou tini āhuatanga tuakiri. He takahi i ngā uara o te kotahitanga me te whakaehu te tuketuke i te māhie ki tētahi rōpū ko tētahi āhuatanga ōna te take, pēnei i te mātāwaka, te hāhi, te aronga hōkaka hoki. E kore rawa nei e whakaaetia tērā tuketukenga i tō tātou pāpori.

He uara hirahira te mana whakaputa whakaaro, e tautiakina ana e tēnei Kāwanatanga. Ko whakamanahia ki te New Zealand Bill of Rights Act 1990, waihoki ko te mana kia kaua e whakatoiharatia. Ko tētahi whāinga o ngā uakitanga nei he tautiaki ake i ēnei mōtika, tae rā anō ki ngā mōtika o ngā tāngata, ko rātou te pokapū o te kōrero māhie, kia whaimana ki te whakaputa whakaaro. He mana whakatau ārai tō te Bill of Rights Act mō ngā mōtika, e whakataurite nei i ngā mōtika me ngā ngahautanga a ērā atu.

E mate ana ēnei uakitanga kia whakatūrutu whānui i ngā whakaritenga tuketukenga ki ngā rōpū e ngaua nei e te kōrero māhie, pēnei i ngā hunga hāhi, me ngā hapori kahukura. E kore ngā ture hōu e whakaheke i te taumata teitei mō te whakataihara i te kōrero, e karo rānei i te tohe a te marea i ngā take hirahira.

E mate ana te Kāwanatanga kia whāngai ake i te kotahitanga ā-pāpori ki Aotearoa, e rangona ai e te katoa te kaitiakitanga. Ko tētahi wāhi hirahira o tēnei ko te tū ki te whakahē i ngā mahi, me te reo e whakamamae ana i a tātou. He whakaehu nō tātou ko kaha ake a Aoteroa. Nā te ngākau aroha o ngā hapori, kua ākina te kotahitanga, ko kaha tonu te pāpori. Nā ngā wheako māhie, e kore pea e rangona e ngā tāngata te haumarutanga me te manaakitanga ki ngā wāhi e tika ana kia waiho hei kāinga mō rātou. E toro ake hoki pea ki te toihara me te taikaha. E ākina ana koe e au kia tuarititia ō whakaaro mō ngā uakitanga nei ki a mātou.

Ngā mihi,

Hon Kris Faafoi
Minita o te Ture

He whakarāpopototanga o ngā uakitanga

Ko whakaae mātāpono mai te Kāwanatanga ki ngā uakitanga katoa o raro iho nei. Ko te tikanga o te whakaaetanga mātāpono ko whakaaetia whānuitia, heoti ko kore e āta whai whakaaro ki ngā panonitanga tautuhi me ōna taipitopito. Ko te tikanga nei, e whakapono ana te Kāwanatanga he mea pai ngā panonitanga nei, heoti e hiahia ana kia whakarongo ki ngā kōrero a te marea ā mua i te whakatau, me te uaki ture kia panoni i te ture. Kei te āhua o te urupare ka whakahoki mai, ka panoni pea ngā uakitanga.

E kitea ana ki te whārangi 17 o tēnei puka te roanga atu i ngā kōrero mō ēnei uakitanga, me te take e uaki ana hoki.

He wāhi iti noa ēnei uakitanga o tā te Kāwanatanga urupare ki ngā marohitanga a te Komihana Pakirehua ki te parekura whakatumā ki tngā whare karakia Ihirama i Ōtautahi i te 15 o Māehe 2019. Ko meinga whānuitia ētahi atu o ngā mahi a te Kāwanatanga kia mārama, kia whakatika i te hara me te kōrero māhie, ki te whārangi 25. E oti i a koe te ākona ake tēnei, me ngā mahi anō e uruparengia ngā marohitanga ki konei: <https://dpmc.govt.nz/our-programmes/national-security/royal-commission-inquiry-terrorist-attack-christchurch-masjidain>

Ngā uakitanga mō te korenga o te tuketuke i te māhie/taraweti

Te whakarahi ake i ngā rōpū e tautiakina e ngā whakaritenga tuketuke

- **Uakitanga Tuatahi:** Kia panoni i te reo i ngā whakaritenga tuketuke o te Human Rights Act 1993 e tautiaki ai te tokomaha ake o ngā hunga e ngaua ana e te kōrero māhie.
 - I tēnei wā tonu, e tautiakitia ana tētahi hunga, e ai ki te Ture pēnā ko tautuhi te tuketuke ki a rātou, nā te tae o ō rātou kiri, nā te mātāwaka, te whakapapa rānei.
 - E ai ki tēnei uakitanga, ka tokomaha ake ngā hunga e tautiakina ai e te ture pēnā i tuketuketia te māhie ki a rātou nā tētahi āhuatanga ō rātou. E tae rā anō pea tēnei ki ētahi, ki te katoa rānei o ngā kaupapa ko whārikihia ki te Human Rights Act. Ko meinga ēnei kaupapa ki te wāhanga 21 o te Ture, ko tāpirihia hoki ki te Āpitianga Tuatahi.

Kia whakamārama ake i ngā whanonga e rāhuitia ana e te ture, me te whakakaha ake i ngā whiunga mō te takahi i te ture

- **Uakitanga Tuarua:** Kia whakakapi i te ngā whakaritenga taihara o te Human Rights Act 1993 ki tētahi hara taihara hōu i te Crimes Act 1961 e mārama ake ana, e whaihua ake ana hoki.
 - Ka panoni i te ture e takahia ai e te tangata ka tuketuke tūturu, ka kōrori, ka pupuru, ka whakanoa rānei i te māhie ki tētahi rōpū tautuhi, nā tētahi āhuatanga ko meinga ki te Uakitanga Tuatahi, mā te kapatau, te whakamanioro, te whakaparahako hoki, tae rā anō ki te tuketuke i te taikaha.
 - Ahakoa te āhuatanga o te kapatau, te whakamanioro, te whakaparahako rānei, ka takahia tonutia te ture e te tangata. Kāore he aha pēnā i meinga ā-waha, ā-tuhi (ki te pikitia, ngā kupu rānei), ā-tuihono rānei (pēnei i te pae pāpori, te tmēra, te pātuhi matihiko rānei) ki tētahi tangata.
- **Uakitanga Tuatoru:** Kia whakakaha ake i te whiunga ki te taihara e kitea mārika ai te hirahira. Ka panoni tēnei mai i te mauhere tae noa ki ngā marama e toru, mai i te utunga rānei tae noa ki te \$7,000, kia tae noa ki ngā tau e toru ki te whare herehere, kia utua rānei tae noa ki te \$50,000.
- **Uakitanga Tuawhā:** Kia panoni i te reo o te whakaritenga tuketuke ā-marea kia ōrite ki ngā panonitanga ki te whakaritenga taihara.

Te whakawhanake i ngā tautiakitanga ki te toihara whānui

- **Uakitanga Tuarima:** Kia panoni i te whakaritenga ā-marea e noho ai te “tuketuke kia whakaparahako” ki te taha kino o te ture.
 - Ka panoni te ture kia rāhui i te tāngata i te tuketuke, te kōrori rānei i ngā tāngata kia whakaparahako i ngā hunga anō, nā tētahi āhuatanga e tautiakina e tērā ture. Ka takahia te ture e te tangata ka akiaki i ngā tāngata anō kia whakaparahako, kia whakahāwea rānei i ngā hunga e tautiakina ana. Ko tā tēnei, e oti i te tangata te tohe atu ki Te Kāhui Tika Tangata.
- **Uakitanga Tuaono:** Kia āpiti ki ngā tikanga toihara o te Human Rights Act kia whakamārama ake te tautiakitanga o ngā hunga irawhiti, ira whakaehu, me te taihemarua, i te toihara.

- I tēnei wā tonu, kua hē te whakaparahako i te tangata nā tōna ira. E whakapae ana te Kāwanatanga e tautiaki ana tēnei i ngā pānga toihara nā te tautuhinga ira, te whakahuanga ā-ira rānei, te hōkakatanga, te tūnga taihemarua rānei, heoti, e oti i te ture kia mārama ake. Ka panoni i te ture kia āta hāngai ai ki ēnei āhuatanga o te ira me te hōkakatanga.

Me pēhea te urupare

E mate ana te Kāwanatanga kia rongō i tō urupare

E mate ana te Kāwanatanga kia whai urupare i ngā hunga whānui ki ngā uakitanga i tēnei puka. Mā ō urupare, me ō marohitanga whakawhanaketanga e whakapae i ngā whakataunga whakamutunga a te Kāwanatanga.

E hāngai anahe ana tēnei puka wānanga ki ngā whakaritenga tuketuke o te Human Rights Act. E kitea ana te roanga atu o ngā kōrero mō ngā mahi a te Kāwanatanga e hāngai ana, ki te whārangi 25.

E whakaaetia ana ngā urupare mai i te 25 o Hune ki te 6 o Ākuhata 2021

E tuwhera ana ngā tononga urupare mai i te 25 o Hune ki te 6 o Ākuhata 2021].

Pēnā e whakaae ana te Kāwanatanga ki te whakahohe panonitanga ki te ture, ka whaiwāhi hoki koe kia uruparengia te panonitanga ture hei te wā o te pūnaha komiti kōwhiringa.

E oti i a koe te urupare mā te paetukutuku Ministry's Citizen Space

E oti i a koe te kite i te Citizen Space ki [website]. Mā tēnei paetukutuku e ngāwari ai te huarahi urupare ki ngā uakitanga.

E oti hoki i a koe te urupare mā te īmēra, mā te pōhi rānei

E oti i a koe te tuku i tō urupare mā te īmēra ki humanrights@justice.govt.nz.

E oti i a koe te tuku ā-ringa i tō urupare ki Te Kāhui Tika Tangata, Te Tāhū o te Ture, SX10088, Te Whanganui a Tara.

Ngā mōhiohio tūmataiti me te matawhaiaro

Kia mōhio mai, kei raro pea tō urupare i te mana o tētahi tono ki te Tāhū o te Ture kia whai mōhiohio nā te Official Information Act 1982. Whakaae ana kia kaiponutia tonutia ngā taipitopito matawhaiaro e ai ki te Ture, tae rā anō ki tō ingoa me tō wāhi noho. Pēnā kāore koe

e pīrangī ana kia wātea mai ngā mōhiohio ka tukuna mai e koe, me mārama tāu meinga noatia tēnei, me whakamārama hoki i te take e pēnā ai. Hei tauira, ka mate koe kia noho tūmataiti ētahi mōhiohio nā te āhuatanga rahirahi o ērā mōhiohio matawhaiaro. Ka whai whakaaro te Tāhū o te Ture ki ō whakaaro ina uruparengia ana ērā tono.

He manawhakahaere hoki tō te Privacy Act 2020 mō tā te Tāhū kohikohi, pupuri, whakamahi, whakaputa hoki i te mōhiohio matawhaiaro e pā ana ki a koe, me ngā mōhiohio ka whakarotongia e koe. He mōtika tōu kia uru, kia whakatika hoki i ngā mōhiohio matawhaiaro.

Ka kaha te whakaputa a te Tāhū i ngā whakarāpopototanga o ngā urupare. Ka kore tēnei whakarāpopototanga e tae rā anō ki ngā mōhiohio e tautuhia ai koe.

Ngā pātai me te roanga atu o ngā kōrero

Pēnā he pātai āu, he hiahia rānei ki te roanga atu o ngā kōrero mō te arotakenga, the pūnaha urupare rānei, toroa tā mātou paetukutuku: www.justice.govt.nz/proposals-against-incitement-of-hatred-and-discrimination, whakapāngia mai ā-īmēra rānei ki: humanrights@justice.govt.nz.

E hiahia ana te Kāwanatanga kia whakawhāiti, kia whakakorengia rānei ngā ārai ki te urupare, engari e mārama tonu ana, he ārai pea ki ētahi mō te tuari whakaaro. Pēnā e kore e oti i a koe te tuku urupare mā te Citizen Space, mā te īmēra, mā te pōhi rānei, whakapāngia mai ki tētahi o ngā ara o runga ake nei, ā, mā mātou koe e āwhina ki te tuku urupare mai.

Ngā āwangawanga haumarutanga

E rapu ana tēnei puka wānanga i ō ake whakaaro mō ngā panonitanga ki ngā ture e hāngai ana ki te tuketuke a te māhie. Ahakoa e mate ana mātou ki ngā urupare e meinga ana ngā wheako a ngā tāngata, e tohu ana kia kua koe e tuku mai i ngā mōhiohio rahirahi, matawhaiaro rānei e pīrangitia kētia nei e koe kia tūmataiti tonu, ā, e tohu ana i a koe kia kua hoki e whakaingoa i ngā tāngata e taea te tautuhi.

E oti i a koe te aha pēnā e rangona ana te kōrero, te whanonga māhie rānei?

E hirahira ana tō haumarutanga ki a mātou. Pēnā e tūraru ana ka pāngia koe e te mamae ā-tinana, ā-hinengaro rānei i ngā ihirangi o tēnei pukapuka, he mea hirahira kia mōhio koe ki ngā ara e wātea ana ki a koe e whai āwhina ai.

- Pēnā e whakapae ana koe he tūraru ki tō haumarutanga, whakapāngia tōtika ki ngā Pirihimana. Pēnā he mea ohotata, waea atu ki 111. Pēnā e kore koe e noho mōrearea ana ināia tonu nei, waea atu ki 105.
- Mō te roanga atu o ngā mōhiohio mō te pēheatanga o tā Te Kāhui Tika Tangata āwhina atu, tirohia <https://www.hrc.co.nz/enquiries-and-complaints/how-make-complaint/>
 - o Mō te mōhiohio o te whakaīwheta ā-mātāwaka, <https://www.hrc.co.nz/enquiries-and-complaints/faqs/racially-offensive-comments/>
- Mō te whakamanioro ā-tuihono, <https://www.netsafe.org.nz/>
- Pēnā e mate ana koe kia kōrero ki tētahi mō tāu e rongono nei, e oti i a koe te waea, te pātuhi rānei ki 1737.

Te tuarongo me te horopaki

He aha e mahia nei tēnei e te Kāwanatanga?

He aha te kōrero māhie?

Ko te 'kōrero māhie' tētahi karangatanga whānui e kore e kitea ki te ture ki Aotearoa. I te nuinga o te wā, ko kīia he kōrero e huaki ana i tētahi tangata, tētahi hunga rānei nā tētahi āhuatanga noa ōna, hei tauira, te mātāwaka, te whakapono, te hōkakatanga rānei.

E hāngai pū ana ngā uakitanga i tēnei puka ki ngā kōrero e tuketuke ana i te māhie ki tētahi hunga.

E hāngai ana ngā uakitanga me ngā whakaritenga o nāianei i te Human Rights Act ki te kōrero e 'tuketuke ana i te māhie' ki ngā tāngata, ngā hunga kē atu rānei. Ko te kōrero e 'tuketuke ana i te māhie' he mea whakamanioro, he mea kapatau rānei, e tutū ana i te puehu ki tētahi hunga (kaua kē ki te tangata kotahi), ā, e hāngai ana ki tētahi āhuatanga o rātou.

E tino whakamamae ana te kōrero e tuketuke ana i te māhie

E whakapae ana te Kāwanatanga, he kapatau te kōrero e tuketuke ana i te māhie, ki te tauritetanga, te whakaehu, me te whakaute. Mā te tuketuke i te māhie e pāngia kino ai te mamae, ka ngākau pōuri ngā hapori ki te pokapū o ngā kōrero, ā, ā tōna wā, ka pā mai te taikaha. Ka pā kino mai te tuketuke i te māhie ki tō tātou pāpori mā te tutū i te puehu, me te whakararu i te kotahitanga o te hapori, te hora i te kore-whakapono, me te whakawehe i ō mātou hapori katoa.

E matea ana ngā ture e whawhai ana i te kōrero māhie e ngā tiriti mōtika o ngā tāngata ā-motu.

Ko rāhuitia te tuketuke i te māhie e ngā tiriti mōtika o ngā tāngata ā-motu. Me whai a Aotearoa i te International Convention on the Elimination of All Forms of Racial Discrimination (CERD), e meinga nei kia whakaturetia te whawhai ki te kōrero māhie, ka mutu, ko mahia tērā e Aotearoa.

E matea ana e te International Covenant on Civil and Political Rights (ICCPR) ngā ture e whawhai ana i te hapahapainga o te māhie ā-motu, ā-mātāwaka, ā-whakapono hoki, e tae rā anō ki te tuketuke i ētahi atu kia whakaparahako, kia taraweti, kia taikaha.

E hiahia ana te Kāwanatanga ki te whakawhanake i ngā tautiakitanga kia whawhai i te tuketuke o te māhie

Mā te tautiaki i ngā tāngata i te tuketuke o te māhie e whakatairangatia ai nga hapori haumarū, e whakatūturutia ai hoki te kōrero e kī nei he mahi kino te tuketuke i te māhie e whakamamae ana, ki tā te pāpori titiro. Ko rāhuitia kētia ki ngā ture ā-marea, me ngā ture taihara, engari, e taea tonu nei te whakapai ake.

Kei te whārangi 17 ngā taipitopito mō ngā uakitanga e whai whakaaro ana te Kāwanatanga.

E hiahia ana te Kāwanatanga ki te rongō i ōu whakaaro mō ngā uakitanga.

E hiahia ana tēnei puka kia whakamātau i ēnei uakitanga. E whakarato ana i te mōhiohio mō ngā uakitanga, ā, e tono ana hoki i te urupare me ngā marohitanga e whakawhanaketia ai.

E mōhio nei te Kāwanatanga he tokomaha ngā tāngata e aro ana ki tēnei mahi, ka mutu, he mea hirahira hoki te whakarongo ki ōu whakaaro.

Ko tautiakina te mōtika kia whakaputa whakaaro, heoti, kei te āhua o ngā herenga whai tikanga

E tautiaki ana te Wāhanga 14 o te New Zealand Bill of Rights Act 1990 i te mana whakaputa reo. E tae rā anō ana tēnei ki te mana kia rapu, kia whai, kia whakatō i ngā mōhiohio me ngā whakapae ahakoa te kaupapa, ahakoa te momo. Ko whakaaetia hoki te mana kia whakaputa reo ki te Universal Declaration of Human Rights of 1948 me te ICCPR.

Pēnei i ngā mōtika me ngā mana ki te Bill of Rights Act, e taea ana te ārai i te mana whakaputa reo e te ture, e hāngai tonu ai ki tētahi pāpori manapori, e whaimana ana hoki. E torutoru ngā ture ki Aotearoa e ārai ana i te mana whakaputa reo e hāngai pēnei ana hoki. E mate ana ēnei ture ki te whakataurite i te mana whakaputa reo, me ngā mōtika, ngā ngahau anō hoki. Hei tauira, mā ngā taumata whakarōpū kiriata e ārai i te mana whakaputa o ngā kaihangā rātou ko ngā kaimātaki e whaimana tonu ai ngā mōtika a ngā tamariki me te marea, hei tautiaki i a rātou i ngā momo ihirangi e pāngia ai pea te kino, e takahi rānei i ngā taumata a te pāpori.

E rua ngā whakaritenga o te Human Rights Act 1993 e rāhui ana i te tuketuke o te taraweti

E tae rā anō ana ngā whakaritenga tuketuke ki ngā whakaritenga ā-marea, ā-taihara hoki

E tae rā anō ana te ture ā-marea ki ngā tohe tūmataiti i waenga i ngā tāngata, ngā umanga, ā, i ētahi wā, te kāwanatanga ā-rohe, ā- motu rānei. Ka hāngai pea ngā tohe ki ngā kirimana, te raru pūtea, ngā mahinga rānei, pēnei i te hakurara. Ko tā te mahi ā-marea he whaiwāhi ki te whakatika i te mamae, i te pakarutanga i meinga e tētahi ki tētahi atu, he karo i te toaitanga hoki.

Ko tā te pūnaha taihara mahi he rāhui i te momo mahi e ai ki te pāpori me whai uapare, te momo rānei e mamae, mā te whiunga, te taitutanga, me te whakakino tūmatawhānui. He haepapa, ngā take taihara, e kawea nei e te Motu, engia he māngai pāpori, e whiu ana ki te tangata.

Te whakaritenga tuketuke ā-marea kia whakahē i te whakatetenga mātāwaka

E meinga nei e te whakaritenga ā-marea o te Human Rights Act (wāhanga 61) kua takahi te tangata i te ture pēnā ka whakamahi, ka whakaputa, ka pāpāho, ka toha i ngā tuhinga, ka whakamahi kupu rānei e pēnei ana:

1. e kapatau ana, e whakamanioro ana, e whakaparanga ana rānei, ā,
2. e tinga ana kia tuketuke i te taraweti, ka meinga te whakapuwheto ki tētahi hunga nā te tae o te kiri, nā te mātāwaka, nā te whakapapa rānei.

E oti i te tangata te tohe atu ki Te Kāhui Tika Tangata (te Komihana) ina whakapae ana ia ko takahi tētahi i te ture, e ai ki te wāhanga 61. E oti i te tangata te tohe atu ki te Komihana mō ngā kōrero katoa, ahakoa ehara pea ia i tētahi o te hunga e whakaparahakotia nei.

Ko tā te Komihana mahi he ngana kia whakatau i te mauri. E oti i te Komihana te whakarato mōhiohio, te tautoko kia whakatau raru, me te takawaenga. Ehara i te mea whakatūturu te takawaenga. Pēnā ka whakahē i te takawaenga, ka rarahu te whakatau tohe rānei, e oti i te kaitohe te tono ki te Taraipiunara Arotake Motika Tangata (te Taraipiunara). E oti i te Taraipiunara te whakahaere kaupapa e whakatau ai i te take mā te taunakitanga e wātea mai ana.

Pēnā e whakatau ai te Taraipiunara ko takahia te wāhanga 61, e oti i a ia te tuku i te rongoā e whaimana ana. E tae rā anō ana tēnei ki te tauākī i tā te kaikaro takahī ture, te whakatau tono ārikarika ki te kaikaro e kore ai ia e takahi tonu, e tōaitia rānei, me te whakawhiwhi i ngā pūtea tae rā anō ki te \$350,000.

Ko meinga katoatia te tuhinga o wāhanga 61 ki te Āpitihianga Tuatahi.

Te whakaritenga taihara mō te tuketuke i te whakatetenga mātāwaka

E ai ki ngā whakaritenga taihara ki te Human Rights Act (wāhanga 131), he mea taihara te tuketuke i te whakatetenga mātāwaka mā te whakaputa, te pāpāho, te toha i ngā tuhinga, te whakamahi kupu rānei e pēnei katoa ana:

1. e kapatau ana, e whakamanioro ana, e whakaparanga ana rānei, ā,
2. e tinga ana ka whakahihiko i te taraweti, te kikino rānei, ka tutū i te whakapuwheto, te tāwai ki tētahi hunga, nā te tae o te kiri, te mātāwaka, te whakapapa rānei, me te aha hoki,
3. e kawatau ana ka whakahihiko i te taraweti, te kikino, te whakapuwheto, te tāwai rānei.

Ko te whiunga mō tēnei e tae rā anō ana ki te herenga mō ngā marama e toru, ki te utunga \$7,000 rānei. Ko te tangata e whiua ana e ai ki te wāhanga 131 ka whai whakawātanga ki te Kōti ā-Rohe e whakatau ai pēnā rānei kua mau tangetange.

Ko meinga katoatia te tuhinga o wāhanga 131 ki te Āpitiwhanga Tuatahi.

He rāhui parahau ngā whakaritenga tuketuke ki te mana o te whakaputa reo.

Hei mea kotahi, ka waihangia ngā whakaritenga tuketuke i tētahi ara taurite e whaiwhakaaro ana ki te rahirahi o te kōrero māhie me te kaha o te whiunga. He mea rahirahi ake ngā whiunga e whakaata ana i te ngana tūturu ki te akiaki i ngā aurongo taraweti ki ērā atu tāngata (wāhanga 131), i te kōrero e kore e whai nei i tērā takunetanga (wāhanga 61).

Ko tā ngā whakaritenga tuketuke o nāianei he whakapakepake i ngā tāngata kia whakapono ki te whakaaro ko waihangatia te pāpori ki ngā iwi rerekē, ka mutu, tē taea e ēnei whakaritenga te ora, ā, ka pakanga ngā tāngata. E rāhui ana te ture i te tuketuke o ēnei whanonga nā te kore hāngai pū ki ngā mōtika tangata, me ngā uara manapori ki Aotearoa. E whawhai ana ēnei whanonga ki ngā uara manapori, nā te ū ki te whakaaro, he iti iho te mana o ngā āhukatanga tahitanga pēnei i te mātāwaka, te whakapono, te hōkakatanga rānei o ētahi hunga. He whakapononga pea me kua ēnei rōpū e whai i ngā mōtika ōrite, me rerekē hoki te manaaki, me awere hoki.

Ka pā kino mai te kōrero e tuketuke ana i te māhie, i ngā mōtika tangata o ngā hunga kei te aroaro, pēnei i te mōtika tauritetanga, te mana whakaputa reo, te mana kia hūnuku haere, me te mana hononga. E pēnei ana nā te mamae kino ka pā mai nā tēnei whanonga, waihoki te kore haumarutanga ka anga ki te karo i ngā hohenga tūmatawhānui, me te kore e noho pai mai ki te pāpori. Nā konā, e matea ana te tauritenga o ēnei momo kōrero ki ngā ture ā-marea, ā-taihara hoki

He ture kē atu e rāhui ana i ngā momo kōrero māhie anō.

He ture kē atu e tautiaki ana i ngā tāngata takitahi i ngā momo kōrero māhie anō. Hei tauira, e hāngai ana te Summary Offences Act 1981, te Harmful Digital Communications Act 2015, te Harassment Act 1997 me te Films, Videos, and Publications Classifications Act 1993 ki ētahi momo kōrero māhie.

E hāngai anahe ana tēnei puka wānanga ki ngā whakaritenga tuketuke ki te Human Rights Act. E kitea ana te roanga atu o ngā kōrero mō ngā mahi a te Kāwanatanga e hāngai ana, ki te whārangi 25.

Ko tautuhia ētahi raru ki te ture o nāiane

I tautuhia ngā tini rarurau i ngā whakaritenga o nāiane ki tētahi arotakenga i mahia e te Tāhū o te Ture, me te pūrongo nā te Kōmihana Pakirehua ki te parekura whakatuma ki te whare karakia Ihirama i Ōtautahi i te 15 o Māehe 2019.

Tē mārama nei te whakatakotoranga o te kupu i te whakaritenga taihara o nāiane

I whakatauria e te Komihana, e kore nei te whakatakotoranga o te kupu ki te whakaritenga taihara e whakamārama rawa nei i te taumata mō te momo mahinga me whakataihara. I mea mai, kua pīroiroi rawa te kōrero o nāiane, ā, e marohia ana kia whakatakoto anō mō te tikanga ka kapohia noatia te kōrero hārukiruki. I kitea ētahi raru e te Komihana, i ngā kōrero o te whakaritenga ā-marea, heoti, e aro pū ana āna marohitanga ki te whakaritenga taihara. I mea mai te Komihana kua tawhito kē te whakaritenga taihara, me te aha hoki, kua kore e hāngai ki ngā kōrero matihiko, pēnei i ngā whakaritenga ā-marea.

E whakapā ana te kōrero tuketuke māhie i ngā hunga tokomaha ake i ngā hunga e meinga kētia ana ki ngā whakaritenga o nāiane

I whakatau te arotakenga a te Tāhū, me te Pūrongo a te Komihana, kua mānihi rawa ngā whakaritenga, mō ngā momo hunga e hāngai ana, nā te hāngai noa ki te mātāwaka, te whakapapa, me te tae o te kiri. E whā noa iho, o te tekau mā toru, ngā “tikanga rāhui mō te toihara” ko meinga ki te wāhanga 21 o te Human Rights Act.

Ko te whakamāramatanga o tētahi tikanga rāhui ko te takahitanga a tētahi toihara ko hāngai pū ki ngā āhuatanga i whakarārangihia, māna e hāngai ana tētahi, neke atu rānei, o ngā whakaaetanga. Ko meinga katoatia te tuinga o wāhanga 21 ki te Āpitianga Tuatahi.

He āputa tēnei nā te kore taenga rā anō o ētahi o ngā hunga e tautiakina ana i te toihara, ki ngā tautiakitanga ki te kōrero e tuketuke ana i te māhie. Heoti, he mana anō tō ētahi hunga kē atu e pāngia e te kōrero e tuketuke ana i te mahie.

He hakahaka rawa te whiunga mō te takahi i te whakaritenga taihara.

I whakatau te arotakenga a te Tāhū, me te pūrongo a te Komihana, he hanga hakahaka te whiunga o te herenga toru marama mō te taihara nā, ā, e kore nei e tino whakaatu pai i te rahirahi o te tuketuke tūturu i te māhie.

E matea ana te urupare ki ngā uakitanga e one e te Kāwanatanga

He aha te pūtake o ēnei uakitanga?

E mate ana ngā uakitanga ki te whakatau i ngā raruraru o te ture o nāiane, pēnei i whakatakotohia o runga ake nei. Ko te whāinga o ēnei panonitanga he whakamārama ake, he whakamana ake hoki i ngā tautiakitanga ki te kōrero e tuketuke ana i te māhie. I marohitia ētahi o ēnei panonitanga e te Komihana. Ko whakaae mātāpono te Kāwanatanga ki te whakatinana i ngā panonitanga i ngā uakitanga. Ko te tikanga o te whakaaetanga mātāpono ko whakaaetia whānuitia, heoti ko kore e āta whai whakaaro ki ngā panonitanga tautuhi me ōna taipitopito.

E mate ana ēnei panonitanga kia whakatūturu i ō te pāpori hiahia, me ōna kawatau kia tautiakihiā i te kōrero e tuketuke ana i te māhie. E ai ki te Kāwanatanga, ko ngā uakitanga nei te tauritenga mō te rāhuitanga o te kōrero māhie, me te whakataiharatanga hoki i ētahi wā.

Mā ēnei panonitanga e tutuki ai i a mātou ngā hiahia mōtika tangata ā-motu e ai ki te ICCPR, ā, e hāngai ana ki ngā herenga ko meinga e ngā ohu mōtika tangata ā-rohe, pēnei i te Human Rights Council i te Universal Periodic Review (UPR) o Aotearoa i te Hānuere 2019, te UN Committee on the Elimination of Discrimination against Women i te Hūrae 2018, me te UN Committee on the Elimination of All Forms of Racial Discrimination i te 2017.

E mate ana te Kāwanatanga kia rangona, kia whai whakaaro hoki ki ō whakaaro mō ēnei uakitanga ā mua i tāna whakatau whakamutunga.

He aha ngā hohenga ā mohoa nei?

Te hohenga ki te kōrero māhie

I te 2019, i hui tahi te Tāhū o te Ture me te Kāhui Tika Tangata ki ngā hunga e tinga ana ka noho ki te aroaro o te kōrero māhie, e mārama ake ai ki ō rātou wheako, me ō rātou tirohanga. I whakaatuatu ēnei hohenga i uakitanga ki tēnei puka.

Te hohenga ki te pūrongo Komihana Pakirehua

I whakaputa te Komihana Pakirehua mō te Parekura Whare Karakia ki Ōtautahi i tāna pūrongo ki te marea i te 8 o Tihema 2020. I muri i te whakaputanga o te pūrongo, i whakatū hui tūmatawhānui a Hon Andrew Little, Minita Takawaenga Kaihautū mō te Komihana, rātou ko Hon Priyanca Radhakrishnan, Minita mō Te Tari Mātāwaka, ko ngā tāngata nō ngā tari

kāwanatanga anō, me ētahi hapori Muhirama, rātou ko ngā hunga whakapono, me ngā hunga mātāwaka whānui ake, puta noa i Aotearoa i te Hānuere me te Pēpuere 2021.

I tū ēnei hui kia āwhina i te Kāwanatanga kia mārama ki ngā āwangawanga matua me ngā whakaarotau a ngā hapori, kia whakautu i ngā pātai e pā ana ki te pūrongo me tāna whakatinanatanga, kia urupare mō āna kaupapa, kia wānanga hoki mō te hohenga tonutanga a ngā hapori kia awheawhe ki te Kāwanatanga me ngā tari kāwanatanga haere ake nei. I wānangahia ngā tini raruraru ki ēnei hui. Ko tētahi o ngā āwangawanga i hua mai ko te kōrero māhie, te taihara māhie, me ngā mahinga māhie kua pāngia te tokomaha o ō tātou hapori, me te whakatika i ngā ture, hei utauta hirahira mō te panonitanga.

Ngā whai whakaarotanga ki te Tiriti o Waitangi

E hāngai ana te Tiriti o Waitangi ki ngā whakaritenga tuketuke me ngā tautiakitanga ki te toihara i te Human Rights Act, me ngā uakitanga ki tēnei puka. He hunga e kaha pāngia nei e te kōrero māhie te hunga Māori, ka mutu, ko tautiakina rātou e ai ki ngā whakaritenga tuketuke nā ngā tikanga “mātāwaka” me te “whakapapa”. E mate ana ēnei uakitanga i tēnei puka kia tautiaki ake i ngā hunga mātāwaka, tae rā anō ki Ngāi Māori, ki ngā kōrero e tuketuke ana i te māhie. Ina koa, whakakaha ake ngā tautiakitanga e noho ai ngā Māori ki te mana o ngā tikanga rāhui o te toihara, hei tauira, te takatāpui.

Haere ake nei

Ā muri i te tātari i ngā uruparenga, ka whai whakaaro te Kāwanatanga kia whakatūturu i ngā panonitanga kia pēnei tonu ai, kia whakarerekēngia ai rānei kei te āhua o te urupare, kia whai kē i tētahi atu ara rānei.

E kawatau ana ka wātea mai tētahi whakarāpopototanga o ngā urupare me ngā mōhiohio mō ngā whakataunga a te Kāwanatanga ki te marea hei te otinga o tēnei tau.

Whakaratongia ana ngā pātai hei uruparenga ki ngā uakitanga e tēnei puka

E tae rā anō ana te wāhanga e whai ake nei ki ngā uakitanga e ono, me te aha hoki, e whakautu ana i ngā pātai e hāngai tōtika ana ki tēnā, ki tēnā o ngā uakitanga. Anei ētahi pātai e toru e oti i a koe te whakamahi kia whāngai i tō urupare ki ngā uakitanga katoa:

- Kei te kite rānei koe i ētahi tūraru, i ētahi tukunga iho rānei e kore nei e kawatau ana, ka mutu, he aha ēnā?
- He ara e whakapaingia ake ai ēnei uakitanga?
- Haere ake nei, he pānga ake ō ēnei uakitanga ki te Tiriti o Waitangi hāunga i ngā mea ko meinga kētia ki tēnei puka?

He āpitihanga mō te roanga atu o ngā kōrero e hāngai ana ki ngā panonitanga ā-ture

Ko meinga whānuitia ngā uakitanga i te puka o raro iho. Heoti, e kōrerotia ana ngā raru hoki e ngā uakitanga, mō te tikanga tautuhi ā-ture nei o ngā kupu takitahi, me te pēheatanga o te kapohanga o ētahi kupu tautuhi i te momo whanonga nā. Pēnā e ngahau ana koe ki te pānui i te roanga atu o ngā kōrero mō ngā panonitanga reo e uaki ana mō te Human Rights Act, e kitea ana ēnei ki te Āpitihanga Tuarua ki muri o tēnei puka.

Ngā uakitanga e hāngai ana ki te tukutuke o te māhie

Te whakarahi ake i ngā rōpū e tautiakina ana e ngā whakaritenga tuketuke

1 *Uakitanga Tuatahi: Kia panoni i te reo i ngā whakaritenga tuketuke o te Human Rights Act 1993 e tautiakina ai te tokomaha ake o ngā hunga e ngaua ana e te kōrero māhie.*

He aha te ture o nāianeī?

E hāngai ana ngā whakaritenga tuketuke ki te kōrero e aro pū ana ki tētahi hunga nā “te tae o te kiri, te mātāwaka, te whakapapa rānei”.

He aha te raru ki te ture o nāianeī?

He tokomaha ake ngā hunga kei te aroaro o ngā kōrero māhie i ērā e hāngai noa ana ki “te tae o te kiri, te mātāwaka, te whakapapa rānei”, tae rā anō ki ngā hunga e hāngai ana ki te whakapono, te ira, te hōkakatanga, me te hauātanga. E whakapae ana te Kāwanatanga e hē ana hoki te tuketuke i te māhie mō ēnei take, ā, me whai whakaaro hoki ngā hātepe ā-marea, ā-taihara hoki. I whakatau hoki te Komihana, me āpiti te whakapono ki ngā whakaritenga.

Ka aha tēnei uakitanga?

Ka panoni tēnei uakitanga i te whakatakotoranga o te kupu i ngā whakaritenga tuketuke e rua e hāngai pai ana ki ngā hunga tokomaha ake, e tautiakina ai rātou i te toihara e te Human Rights Act.

Ka hāngai tonu ki ngā hunga e hāngai hoki ana ki “te tae o te kiri, te mātāwaka, te whakapapa rānei”, engari ka hāngai hoki ki te kōrero e tuketuke ana i te māhie, i te taraweti rānei, ki ngā hunga anō e tautiakina ana i te toihara e te Human Rights Act.

He take anō ka rangona e ngā hunga te kōrero māhie, tae rā anō ki tōna ira (me tōna tautuhi ā-ira), tōna whakapononga, tōna hauātanga, tōna hōkakatanga rānei. E whakapae ana te Kāwanatanga e taea hoki ana te tautiaki ngā hunga anō e rongu ana i te kōrero māhie, ki te ture, ka mutu, e ngahau ana ki ngā tirohanga ki ngā hunga me tautiaki e tēnei panonitanga.

I te ao tūturu nei, ko te tikanga, pēnā i mea atu, i tuhi rānei tētahi tangata i tētahi mea i tae rā anō ki ngā hiahiatanga o te ture, i te aro pū hoki ki tētahi hunga nā tētahi o ngā āhuatanga ko āpitihiā, e oti i tētahi te tuku tohe ki te Kāhui Tika Tangata, ki ngā Pirihimana rānei. Mā te Kāhui Tika Tangata, mā ngā Pirihimana rānei e whakatau ko tēhea te ara haere ake nā.

Te urupare ki te Uakitanga Tuatahi

- E whakaae ana koe, mā te whakawhānui pēnei i ngā whakaritenga tuketuke e pai ake ai te tautiaki i ēnei hunga?
 - o He aha ai, he aha e kore nei rānei?
- Hei tāu, ko ēhea ngā hunga me tautiaki e te panonitanga nei?
- E whakapae ana koe he hunga e rongō ana i te kōrero māhie e kore e tautiakina e tēnei panonitanga?

Kia whakamārama ake i ngā whanonga e rāhuitia ana e ai ki te ture, me te whakakaha ake i ngā whiunga mō te takahi i te ture

2

Uakitanga Tuarua: Kia whakakapi i te ngā whakaritenga taihara ki tētahi hara taihara hōu i te Crimes Act e mārama ake ana, e whaihua ake ana hoki

He aha te ture o nāianeī?

I meinga kētia i tēnei puka (ki te whārangi 12), he taihara kē te “tuketuke tūturu i te whakatete mātāwaka” i Aotearoa, ki te wāhanga 131 o te Human Rights Act.

He aha te raru ki te ture o nāianeī?

He whakaritenga pīroiroi tēnei, ka mutu, he mea taumaha te mārama. Ka whakamahi i ngā karangatanga e whā, te “taraweti”, te “kikino”, te “whakapuwheto”, me te “tāwai”, ā, he whānui ngā tikanga, ka mutu ka inaki hoki pea. Ka whakamahi hoki i te kupu “whakahihiko” ki te horopaki e kore e kaha whakamahia i te reo o ia rā, o ia rā. I mea mai hoki te Komihana, e kore e tae rā anō ki ngā whakawhitinga kōrerotanga, pēnei i te whakaritenga ā-marea.

Ka aha tēnei uakitanga?

Ka waihanga tēnei uakitanga i tētahi whakaritenga taihara hōu ki te Crimes Act e mārama ake ana, e ngāwari ake ana te mārama hoki ki te wāhanga 131 o te Human Rights Act.

I tēnei uakitanga, ka whakakapia ngā karangatanga “taraweti”, “kikino”, “whakapuwheto”, me “tāwai” ki te “māhie”. I marohitia tēnei kupu e te Komihana, nā rātou anō i whakamana te panoni o ngā kupu kia whakawhāiti i te tikanga, ina whakataurite ana ki te hara o nāianeī.

Mā te uinga e haere ake nei e whakatauria tūturutia ai ngā kupu ake o te whakaritenga. E tae rā anō ki te whakatau pēnā me whakamahi i te karangatanga “tuketuke”, te “kōrori”, te aha atu rānei me te tikanga ōrite.

Ka rāhuitia e tēnei uakitanga, te kōrero e pupuru ana, e whakanoa ana i te māhie, āpiti atu hoki ki te kōrero e tuketuke ana, e kōrori ana rānei i te māhie. E whakatūturu ana tēnei kia takahi ngā whakawhitinga kōrero e aro ana ki ngā tāngata, he whakaaro hārukiruki kē pea ō rātou, i te ture.

Ka tae rā anō te uakitanga ki ngā momo whakawhitinga kōrero katoa (me te whakawhitinga matihiko).

Ka tautiaki tēnei uakitanga i te mana kia whakaputa reo mā te whakatūturu i te whakataiharatanga o te kōrero māhie hārukiruki anake, ā, me whai takune kia whakawhanake, kia whakakaha ake rānei i te māhie ki tētahi hunga.

Ka meinga tēnei taihara hōu ki te Crimes Act 1961 e tohua ai te rahirahi o tēnei taihara.

E tae rā anō ngā kupu o tēnei uakitanga ki te toronga ake o ngā hunga e tautiakina. Mō te pātai e hāngai ana ki ngā hunga me tautiaki e ngā whakaritenga tuketuke, tirohia te Uakitanga Tuatahi.

Te urupare ki te Uakitanga Tuarua

- E whakaae ana koe, mā te panoni i ngā kupu o te whakaritenga taihara e mārama ake ai, e ngāwari ake ai hoki te mārama?
 - o He aha ai, he aha e kore nei rānei?
- Hei tāu, e tae rā anō tēnei uakitanga ki ngā momo whanonga ka takahi i te ture, e ai ki te hara hōu?

3

Uakitanga Tuatoru: Kia whakakaha ake i te whiunga ki te taihara ki te mōrahi whakaherenga toru tau, ki te mōrahi utunga \$50,000 rānei, e kitea mārika ai te hirahira

He aha te ture o nāianeī?

Ko te whinga o nāianeī (me kī, ko te utu) pēnā ka mau tangetange te tangata mō te tuketuketanga taihara, ko te mōrahi whakaherenga toru marama, ko te mōrahi utunga \$7,000 rānei.

He aha te raru ki te ture o nāianeī?

E ai ki te aromatawai o te rahirahi o te whanonga e hāngai ana ki te whakaritenga taihara hōu, me tētahi whakatauritenga ki ngā hara taihara anō, e whakapae ana te Kāwanatanga ko hakahaka rawa ngā whiunga o nāianeī. I mea mai hoki te Komihana ko hakahaka rawa ngā whiunga, ā, i uaki i tētahi mōrahi whakaherenga roa ake, tae noa ki ngā tau e toru.

Ka aha tēnei uakitanga?

Mā te uakitanga nei e whakarahi ake te whiunga mōrahi mō te taihara hōu ki te whakaherenga mō ngā tau e toru, ki tētahi utunga rānei tae noa ki te \$50,000.

Nā te kapo a tēnei taihara i te whanonga e mate ana ki te whakahora i te māhie ki ngā hunga pāpori, e whakapae ana te Kāwanatanga me kaha ake ngā whiunga i ērā o te whiu i te māhie ki te tangata kotahi.

Anei ētahi o ngā hara me ngā whiunga e hanga rite ana:

- mō te hara o te whanonga ture kore, ki te wāhanga 3 o te Summary Offences Act 1981, he whiunga mōrahi o te whakaherenga mō ngā marama e toru, me te utunga o te \$2,000
- mō te hara o te pōhi i tētahi kōrero matihiko e whakamamae ana, ki te wāhanga 22 o te Harmful Digital Communications Act 2015, he whiunga mōrahi o te whakaherenga mō ngā tau e rua, me te utunga o te \$50,000
- Mō te hara o te kapatau ki te kōhuru, te whakamamae pākaha rānei, ki te wāhanga 306 o te Crimes Act 1961, he whiunga mōrahi o te whakaherenga mō ngā tau e whitu
- Mō te hara o te waihanga, te toha rānei i tētahi whakaputanga harehare, ki te wāhanga 124 o te Films, Videos, Publications, Classification Act 1993, he whiunga mōrahi o te whakaherenga mō ngā tau tekau mā whā

Te urupare ki te Uakitanga Tuatoru

- Hei tāu, e tika ana te whiunga nei mō te rahirahi o te taihara?
 - o He aha ai, he aha e kore nei rānei?
- Pēnā e whakahē ana koe, he aha ngā taihara hei whakatauritenga?

4 Uakitanga Tuawhā: Kia panoni i te reo o te whakaritenga tuketuke ā-marea kia ōrite ake ki ngā panonitanga ki te whakaritenga taihara

He aha te ture o nāianeī?

I meinga kētia i tēnei puka (ki te whārangi 11), he whakaritenga ā-marea te wāhanga 61 o te Human Rights Act, e kī nei ko hē ā-ture pēnā ka tuketuke te tangata i te taraweti, i te whakapuwheto rānei ki tētahi hunga, nā “te tae o te kiri, te mātāwaka, te whakapapa rānei”.

He aha te raru ki te ture o nāianeī?

Pēnā ka whakamanahia te Uakitanga Tuarua, ka hua mai te hārakirakitanga i waenga i ngā kupu ka whakamahia i te whakaritenga ā-marea me te whakaritenga taihara. Mā tēnei e rangirua ai te tangata mō te rerenga kētanga i waenga i te “tuketuke, te kōrori rānei i te māhie” me te “whakahihiko i te tarawetie, te whakapuwheto rānei”. E kore pea e mārama te kite, me tohe te tangata e ai ki te whakaritenga ā-marea ina tuketuke i te māhie. E kore e takune te whakatau i tēnei rerenga kētanga o te whakaritenga ā-marea me te whakaritenga taihara.

Ka aha tēnei uakitanga?

Ka panonitia e tēnei uakitanga ngā kupu o te whakaritenga tuketukenga ā-marea kia tae rā anō ki te “tuketuke/kōrori, te pupuru, te whakanoa māhie rānei” kia noho tahi ki ngā kupu o nāianeī.

Me whai riteritenga ngā whakaritenga ā-marea, ā-taihara hoki mō ngā momo whanonga e rāhuitia nei. He mea awhero te taenga rā anō o te “māhie” ki te whakaritenga ā-marea e uruhi ai i te kawenga ā-marea mō te whakawhitinga kōrero e rahirahi rawa ana, e whakamamae rawa ana rānei.

E kore nei te uakitanga o nāianeī e mea panonitanga kē atu ki te whakaritenga ā-marea. I mea mai te Komihana e hua ake ana ngā kupu o te whakaritenga ā-marea i ngā raruraru uruhitanga nā te kore e tino mārama.

E matea ana pea ētahi atu panonitanga e te whakaritenga e meinga ai ngā tuketuke hāunga i te māhie.

Te urupare ki te Uakitanga Tuarua

- E tautoko ana koe i te panonitanga a te reo ki te wāhanga 61?
 - o He aha ai, he aha e kore nei rānei?
- Hei tāu, me panoni ētahi atu wāhanga, ngā kupu rānei o te whakaritenga ā-marea?

Te whakawhanake whānūi i ngā tautiakitanga mō te toihara

Ko tautuhia e te Kāwanatanga ngā raru e rua mō te ture e hāngai ana ki te toihara i te Human Rights Act e mate ana ia kia kōrerohia. E mate ana te Kāwanatanga kia rongu i ōu whakaaro mō ēnei hoki

5 Uakitanga Tuarima: *Kia panoni i te whakaritenga ā-marea e takahi ai te "tuketuke kia toihara" i te ture.*

He aha te ture o nāianeī?

E kore nei te wāhanga 61 e paku mea mai i te “tuketuke kia toihara”.

He aha te raru ki te ture o nāianeī?

E ai ki te ICCPR, “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” Kua tūhono atu a Aotearoa ki te ICCPR, engari e kore nei e rāhuitia te tuketuke kia toihara e te ture o Aotearoa. Mā ngā panonitanga e uakina ana e tīaroaro ake te ture o Aotearoa ki te ICCPR.

Ka aha tēnei uakitanga?

Mā tēnei e kore e whakaaetia ā-turetia te tuketuke i ētahi atu kia toihara ki ērā hunga e tautiakina ana ki te toihara nā te Human Rights Act, e whaimana hoki ana i te whakaritenga o te tuketuke i te māhie. Ko tā te toihara he whakaparahako i te tangata nā tētahi āhuetanga ōna, pēnei i te mātāwaka, te ira rānei. Pēnei i te Uakitanga Tuawhā, ka panoni tēnei i ngā kupu o te whakaritenga ā-marea.

Te urupare ki te Uakitanga Tuarima

- E whakaae ana koe ki te taenga rā anō o te rāhui i te tuketuke kia toihara, i te wāhanga 61?
 - o He aha ai, he aha e kore nei rānei?

6 Uakitanga Tuaono: Kia āpiti ki ngā tikanga toihara ki te Human Rights Act kia whakamārama ake te tautiakitanga o ngā hunga irawhiti, ira whakaehu, me te taihemarua, i te toihara

He aha te ture o nāianeī?

Ko ngā tikanga toihara e rāhuitia nei i te Human Rights Act e tae rā anō ana ki te “taihemahema, e tae rā anō ana hoki ki te hapūtanga me te whakawhānautanga” me te “hōkakatanga, me kī, ko te taearo, te toukeke, te takatāpui, te taerarua rānei”.

He aha te raru ki te ture o nāianeī?

E whakapae ana te Kāwanatanga e kore nei ngā whakaritenga o nāianeī e mārama ana, e kore nei ngā hunga irawhiti, ira whakaehu, taihemarua hoki e tautiakina ki te toihara. E whakapae ana te Kāwanatanga me te Kāhui Tika Tangata, e whaimana ana ēnei hunga i te tikanga “taihemahema”, engari he mea rerekē te “taihemahema” me te “ira”, nā reira me mārama ake te ture.

Ka aha tēnei uakitanga?

Ka panoni tēnei uakitanga i ngā āhuatanga rāhui o te toihara, ki te Human Rights Act, e whakamārama ake ai ngā tautiakitanga mō ngā hunga irawhiti, ira whakaehu, tauhemarua hoki. Ka tutuki tēnei i te panoni i ngā kupu o te tikanga “taihemahema” kia tae rā ano ki “ngā āhuatanga taihemahema, te tūnga taihemahema rua rānei” me te tāpiri i tētahi tikanga hōu mō te “ira, tae rā anō ki te mana ā-ira, me te tuakiri ā-ira” Mā tēnei e mārama ake ai te hēnga ā-ture kia toihara nā te ira, te mana ā-ira, te tuakiri ā-ira, ngā āhuatanga taihemahema, te tūnga taihemahemarua rānei. E mōhio ana mātou ki ngā kupu anō e taea ana te whakamahi, pēnei i te “tangonitanga o ngā āhuatanga taihemahema,” te “tāhūrua-kore” rānei, kaua pea ko te ira whakaehu.

E hāngai pū ana te Tiriti o Waitangi ki tēnei uakitanga. E hiahia ana te Kāwanatanga kia whakatūturu i te tautiakitanga mārika o ngā hunga takatāpui, me ērā atu tuakiri ā-ira whai tikanga, i te toihara. Ko te takatāpui tētahi kupu tawhito e mea nei he ‘pirihonga o te ira ōrite.’ Ko whaimana anō hei whakakotahi i ngā Māori katoa e tautuhi ana ki ngā ira whakaehu me ngā taihemahema pēnei i te whakawāhine, te tangata ira tāne, te takatāpui, te toukeke, te irawhiti, te taihemahemarua me te irakē.

E kore nei tēnei uakitanga e hāngai pū ana ki ngā whakaritenga mō te tuketuke o te māhie. Heoti, mā te Uakitanga Tuatahi pea e whakatōroa ake ngā whakaritenga tuketuke e tautiaki ai i ngā hunga irawhiti, ira whakaehu, taihemahemarua hoki, i ngā kōrero e tuketuke ana i te māhie.

E aro pū ana te hohenga o tēnei uakitanga ki te whakatūturutanga o te reo tika i te wāhanga 21 o te Ture, nā te whakapae a te Kāwanatanga he whakamāramatanga tēnei o te ture o nāianeī, ehara kē ia i te panonitanga matua ki te ture.

Te urupare ki te Uakitanga Tuaono

- E whakaae ana koe ki te tika o ngā kupu e whakamahia nei?
- Hei tāu, e whakamana pai ana tēnei uakitanga i ngā hunga me tautiaki i te toihara, e ai ki te Human Rights Act?
- E whakapae ana koe e tautiaki pai ana tēnei uakitanga i ngā tuakiri ahurea ā-ira, tae rā anō ki te takatāpui?

Ngā mahi e hāngai ana, e kore e meinga ki te puka nei

Ko aro pū tēnei puka wānanga ki tētahi āhuatanga tautuhi o te mahi whānui a te kāwanatanga.

E mahi ana te Kāwanatanga i ngā mahinga whakaehu e urupare ana ki ngā marohitanga a te Komihana. I tīmata ētahi o ngā mahi nei i mua kē atu i te pūrongo Komihana. E tae rā anō ana ki:

- te whakakaha i te mana o te Kāhui Tika Tangata kia urupare ki te kōrero māhie, te kaikiri, me te toihara
- ngā mahi a ngā Pirihimana e tautuhi tika ai, e whakamau ai, e pūrongo ai, e urupare ai hoki ki te taihara māhie
- ngā mahi a te Tāhū o te Ture e hāngai ana ki te taihara māhie
- te taupaepae i te hārukiritanga whakarekereke me te whakatumatanga
- ngā panonitanga ki te tikanga o te harehare, e ai ki te Films, Videos and Publications Classifications Act
- te whakatū i Te Tari Mātāwaka e whakawhanake ai i ngā hua mō ngā hapori mātāwaka
- te ū ki te kotahitanga ā-pāpori
- te whakawhanake i tētahi Whakamarehetanga Hohenga mō te Whakakore Kaikiri ā-Motu, me
- te mahi kia whakakaha ake i te aumangea ki te whakapōhēhē me te mōhiohio hē