

Soo-jeedinno kadhan ah kicinta nacayb iyo takoorid: dukomiinti kooban

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Te Tāhū o Te Ture – Wasaarada Cadaalada (Wasaaradu) waxeey kaa dooneeysa ra'yi ka dhiibashadaada lix soo jeedin oo wax looga beddelaayo sharciga la xiriira kicinta nacaybka iyo takoorka.

Sharciga Xuquuqda Aadanaha ee 1993 ayaa mamnuucaya hadalka kiciya (kiciya) isir nacaybka. Sido kale waxeey mamnuucday takoorida loo geeysto qofka sababa la xiriira muuqaalka aqoonsigiisa.

Ka dib, dib-u-eegista Wasaarada iyo tallooyinka guddiga Boqortooyada ee Baaritaanka weerarki argagaxiso ee masaajidka Christchurch 15-kii Maarso 2019, Dowlada waxeey soo jeedineeysa isbedelo lagu xoojinaayo iyo lagu cadeeynaayo ilaalintaas.

Dowladu waxeey sido kale soo jeedineeysa in labo sharci oo ballaaran in lagu beddelo qodobada takoorka.

Aotearoa New Zealand waa umad kala duwan. Dowladu waxeey dooneeysa ineey xoojiso wadajirka bulshada eeyna Aotearoa New Zealand ka dhigto mid amaan u ah qof walba. Hagaajinta ka hortaga hadalka kicinaya nacaybka, iyo ilaalinta ka hortaga takoorka, ayaa taageeri doonta tan.

Xuriyatul qowlka waa qiimo muhiim u ah Aotearoa New Zealand. Waa qayb kamida sharciga xuquuqda New Zealand ee 1990, oo eey wehliso xorriyada takoorka. Soo jeedinta wax ka beddelka sharciga waxeey ujeedadiisa tahay sida loowanaajin lahaa ilaalinta xuquuqdan, oo eey kujirto hubinta dadka la-kulmay hadalka nacaybka ineey si xor ah u muujin karaan naftooda. Sharciga Xuquuqda waxuu oggolyahay xadidaado macquula oo ku saabsan xuquuqda, taaso isku dheelitiran oo ka dhan ah xuquuqda iyo danaha kuwa kale.

Dowladu waxeey mabda'ahaan ku oggolaatay lix soojeedin. Tani waxeey macnaheedu tahay ineey dowlada u maleeyneeysa in isbeddeladaan eey wanaagsan yihiin lakin eey dooneeysa ineey oggaato hadi eey la kulmaayaan waxyaabaha bulshada ka fileeysa kahor inteeysan gaarin go'aanka kama- danbeeysta ee ku saabsan hadi, iyo sidee, wax looga beddelaaya sharciga. Soo jeedimahaan weey isbedeli karaan iyadoo kuxiran jawaabaha lahelay.

Soo jeedimaha waxeey ku qoran yihiin hoos. Soo koobid, waxeey ujeedadoodu tahay:

- kordhi kooxaha bulshada ee eey ilaalinaayan qodobada kicinta
- cadeeynta hab-dhaqanka sharciga uu san oggolaan doonin isla markaana kordhiya caawiqibta kadhalaan karta jabinta sharciga
- hagaajinta ilaalinta kooxaha kahortaga takoorka ballaaran.

Waxaad ka heli karta asal faahfaahsan oo ku saabsan sharciga hada, soo- jeedimaha isbeddelka iyo sababahooda dokumiintiga dooda oo dhan: Soo jeedimaha kadhanka kicinta nacaybka iyo takoorka waxaa laga heli karaa halkaan www.justice.govt.nz/proposals-against-incitement-of-hatred-and-discrimination.

Waxaan rabnaa inaan adiga kaa maqalno

Dowlada waxeey rabtaa jawaab celintaada (gudbin) si eey uga caawiso go'aan ka gaarista hadi la-sameeynaayo isbeddelada soo jeedimaha, ama bedelka qayb kamida iyaga, ama in laqaado tallaabo kale oo ka duwan.

Soo gudbinta weey furantahay laga bilaabo 25-ka Juun ilaa 6-da Agoosto 2021. Waxaad kusoo diri karta soo gudbintaada shabakada/mareegta barta muwaadinka <https://consultations.justice.govt.nz>, limeeyl ahaan humanrights@justice.govt.nz ama boostada xuquuqda aadanaha, SX10088, Wellington.

Wixi macluumaad dheeriya ee ku saabsan habka soo gudbinta, oo eey kamid tahay macluumaadka ku saabsan sir heeynta iyo macluumaadka shaqsiga, fadlan ka eeg dokumiintiga doodda shabakadeena/mareegteena: www.justice.govt.nz/proposals-against-incitement-of-hatred-and-discrimination

Fadlan ka eeg bogga 6-aad ee dokumiintiga doodda faahfaahin ta la xiriirta sir heeynta iyo

Lix soojeedin

<p>Soo jeedinta Koowaad: Beddel luqada qodobada kicinta ee sharciga xuquuqda aadanaha ee 1993, si eey u ilaaliso kooxo badan oo lagu bartilmaadmeedsado hadal nacayb leh.</p>	<p>Qodobada kicinta ee hada jira waxuu khuseeya kaliya hadal lagu bartilmaameed- sanaayo koox sababo la xiriira midab kooda, qowmiyad, jinsi, ama wadankeey asal ahaan kasoo jeedaan. Kooxaha kale waxaa sido kale lagu weerara hadal nacayb ah, oo eey kujiraan kooxaha taaso ku saleysan diintooda, jinsigooda, galmada iyo naafonimada. Soo jeedintaani waxeey bedeli doonta sharciga siwalibo loo adeegsado hadii nacayb loo kiciyo koox dad ah sababo badan oo sifooyin ah. Tani waxaa kujira qaar kamida, ama dhamaan, sababaha kale mamnuuca takoorka ee qaybta 21 ee Sharciga Xuquuqda aadanaha (Qaybtaani waxeey ku xusantahay lifaaqa mid-kamid ah dokumiintiga doodda). Waxaanu dooneeyna aragtiyo ah kooxaha kale ee uu ilaalin lahaa isbedelkaan. Macluumaad dheeriya ayaa kaheli kartaa bogga 17 aad ee Dokumiintiga Doodda.</p>
<p>Soo jeedinta Labaad: Bedel qodobada ciqaabta ee jira kuna jira Sharciga Xuquuqda Aadanaha ee 1993, kuna bedel mid cusub oo leh ciqaabta danbiyada ahna sharciga</p>	<p>Tani waxeey macnaheedu tahay qofki si u la-kac ah u kiciya, huriya, joog teeya ama caadi kadhigta nacayb kadhan ah kooxaha la ilaaliyay waxuu jabinaaya sharciga, hadii eey sida sameeyaan iyagoo u hanjabaaya, aflagaadeeynaya ama ceeynaya, oo eey kujiraan kicinta rabashadaha. Tani ayaa khuseeysa iyadoon loo eegeeyn sida eey u sameeyeen hanjabaad ama xadgudub, oo eey</p>

<p>1961 kasoo cad oo wax ku'ool ah.</p>	<p>kujiraan hadal, qoraal, ama onleeynka. Macluumaad dheeriya ee ku saabsan kooxaha eey tahay in la'ilaaliyo, eeg soo- jeedinta bogga Koowaad. Macluumaad dheeriya ayaa kaheli kartaa bogga 18 aad ee Dokumiintiga Doodda.</p>
<p>Soo jeedinta Saddexaad: Kordhinta ciqaabta fal dambiyeedka si eey si fiican uga turjunto halista.</p>	<p>Ciqaabta hada jirta waa xarig saddex bilood ah ama ganaax ilaa \$7,000. Soo jeedinta waxeey tahay in ciqaabta lagaarsiyo ilaa saddex sano oo xariga ama ganaax dhan \$50,000. Macluumaad dheeriya ayaa kaheli kartaa bogga 19 aad ee Dokumiintiga Doodda.</p>
<p>Soo jeedinta Afaraad: Beddel luqada qodobada kicinta madaniga si eey ula-jaan qaadaan beddelaada lagu sameeyay qodobka dambiga.</p>	<p>Tani waxeey ku dari doonta 'kicinta/hurinta, joog teeynta ama caadiyeeynta nacaybka' oo eey wehliso erayada jira ee kujira qodobka madaniga (qaybta 61). Waxaan sido kale so dhaweeyneena jawaab celinta ku saabsan siyaabaha kale ee qodobkaan loo hagaajin karo. Macluumaad dheeriya ayaa kaheli kartaa bogga 21 aad ee Dokumiintiga Doodda.</p>
<p>Soo jeedinta Shanaad: Bedel qodobka madaniga si eey uga dhigto 'kicinta takoorka' mid kadhan sharciga.</p>	<p>Sharciga ayaa isbedelaya si shaqsiga looga mamnuuco kicinta ama kicinta dadka kale, kooxahaas ayaa dabooli doonna qodobka kicinta nacaybka (Eeg Soo jeedinta Koowaad). Tani waxeey u ogolaan doonta cabashooyinka gudiga xuquuqda aadanaha ee ku saabsan dhaqanka nuucaan oo kala ah. Macluumaad dheeriya ayaa kaheli kartaa bogga 22 aad ee Dokumiintiga Doodda.</p>
<p>Soo jeedinta Lixaad: Sido kale kudar sababo takoorid Sharciga Xuquuqda aadanaha si loo cadeeyo loona ilaalsho dadka labeebshaha ah iyo isku galmoodka.</p>	<p>Hada waxeey kasoo horjeeda sharciga inaad dadka ku-takoorto sabab la xiriira galmooda. Dowladu waxeey tixgelineeysa taas oo eey kujirto takoorida ku saleysan aqoonsiga jinsiga ama qeexida, sifooyinka galmada ama xaaladaha isku galmoodka. Soo jeedintaani waxeey soo jeedineeysa in sharciga lagu cadeeyo arrintaan. Macluumaad dheeriya ayaa kaheli kartaa bogga 23 aad ee Dokumiintiga Doodda.</p>

Waa maxay hadalka kicinta?

'Hadalka nacayb' waa eray ballaaran oo aan lagu isticmaalin Sharciga Aotearoa New Zealand's. Waxaa si guud loogu qeexa hadal bartilmaad ku ah shaqsi ama koox kaaso ku saleeysan sifooyin guud, tusaale jinsi, diin, ama galmo.

Lixda soo jeedin ee kor ku xusan waxeey si gaara ula xiriiraan hadalka kiciya nacaybka koox. Hadalka kiciya nacayb waa hadal aflagaado ah ama hanjabaada kasoo huriya cadaawad

looqabo koox dad ah (halkii looga jeedin lahaa hal qof) iyado lagu saleeynaayo astaan lawadaago. Taasi waa sababta aan uga hadalno wax ku saabsan 'hadalka kicinta', 'kicinta nacayb' iyo 'qodobada kicinta'.

Soo jeedimahaan ma eegayaan noocyada kale nacaybka ku dhisan. Macluumaad dheeraada oo ku saabsan shaqada la xiriirta ee aan daboolin hindisahaan waxaa laga heli kara bogga 25 aad ee Dokumiintiga Doodda.

Kicinta hadalka waxeey keenta waxyeelo

Hadalka kiciya nacayb waxuu keena waxyeelo weeyn. Waxeey saameeyn taban ku yeelaneeysa bulshooyinka la bartilmaameedsado iyo waxeeyna horseedi karta rabshado. Kicinta nacaybku waxeey dhaawacda bulshadeena iyadoo keenta dareen iyo dib u dhigida kamid ahaanshaha bulshada. Waxeey faafin karta is aaminaad la'aan iyo kala qeeyb sanaan u dhaxeeysa bulshadeena dhan ee earoa New Zealand.

Hagaajinta ilaalinta ka dhanka ah kicinta nacaybka waxeey kor u qaadeeysa bulsho badqabta iyo waxeeyna xoojineeysa aragtida bulshadeena ee ah in hab dhaqanka nuucaani ah uu waxeelo leeyahay.

Kicinta nacayb waxuu sido kale mamnuuc kayahay heshiisyada xuquuqda aadanaha, sidaa daraadeed bedelida sharciga ayaa inaga caawin doonta inaan la kulano waajibaadka caalamiga ee xuquuqda aadanaha.

Sharciga hada jira

Sharciga xuquuqda aadanaha ee 1993 waxuu ka kooban yahay qodob dambiyeed iyo mid madani ah. Nidaamka sharciga madaniga waxuu daboolaya isku dhacyada gaarka ee u dhaxeeya shaqsiyaadka, heey'adaha, iyo kiisaska qaar, ee maxaliga ama dowlada dhexe. Nidaamka sharciga dambiyada waxeey ujeedadiisu tahay aqoonsiga iyo mamnuucida dhaqamada aadka u daran iyo kuwa waxyeelada leh iyadoo la ciqaabayo dadka sharciyada jabiya.

Marka loo eego qodobka madaniga (qaybta 61) waxeey kasoo horjeeda sharciga in la isticmaalo, la daabaco, la baahiyo ama laqeeybiyo arrin qoran ama isticmaalida erayo labadaba:

1. hanjabaad, aflagaado, ama ceey, iyo
2. waxeey u badantahay ineey kiciso cadaawad ama eey u keento xaqiraad koox kasta taa soo ku saleeysan midab, jinsi, ama qowmiyad ama wadanka eey kaso jeedaan asal ahaan.

Qofku waxuu u dacwoon kara Gudiga Xuquuqda Aadanaha markeey u maleeynayaan in qof ku kacay wax sharci daro ah.

Qodobka danbiyada (qaybta 131) waxeey leedahay waa fal dambi kicinta nacayb jinsiyadeed iyadoo la daabaco, la baahiyo ama la qeeybiyo arrin qoran, ama isticmaalida erayo ah kuwa soosocda:

1. hanjabaad, aflagaado, ama ceey
2. waxeey u badantahay ineey kiciso cadaawad ama xumaan diidmo, ama u keento quudhsasho ama ku jeesjees koox kasta taso ku saleeysan midab, jinsi, ama qowmiyad ama wadanka eey kasoo jeedaan asal ahaan, iyo
3. loogu talagalay in lagu kiciyo cadaawad nuucaasa, niyad xumida, quudhsasho ama jeesjees.

Danbigaan waxaa ku muteesan karta xarig saddex bil ah, ama ganaax dhan \$7,000.

Xuriyatul qowlka waa la ilaaliya laakin waxaa lagu xadidi kara xad macquul ah

Xoriyatul qowlka waa udub dhexaadka bulshadeena, laakin taa macnaheedu maaha in dadka eey leeyihiin xaq eey waxeey rabaan isaga dhihi karaan. Sida dhamaan xuquuqda iyo xoriyada kujira Sharciga Xuquuqda, xuquuqda xoriyatul qowlka waxuu u xadidi kara sharciga hab cadeeynaya bulsho xor ah oo dimuquradiya.

Qodoboda kicinta ee hada jiro waxeey u xadidaayaan si macquul ah xoriyatul qowlka. Waxeey sameeyeen hab isku dheelitiran oo tixgelinaaya halista hadalka nacaybka kadhanka ee darnaata ciqaabta. Qodobada kicinta ayaa bartilmaameed sanaya hadalka, kuwa kale ayaa aaminsan in bulsho ka-kooban kooxo qowmiyado kala duwan eeynan si hufan u shaqeyn karin. Hadalka nuucaan ahi waxa uu doonaya inuu dadka iska horkeeno iyo abuuraya kala qeeyb-sanaan u dhaxeeysa bulshada.

Sharciga ayaa kadhigaya dabeecada kicintaan mamnuuc/sharcidaro maxaa yeelay isma qaadan karaan qayimka dimuqaraadiyada iyo xuquuqda aadanaha kajirta Aotearoa New Zealand's. Dabeecadahaan waxaa lagu saleeyay fikirka taaso ah maxaa yeelay sifooyin lawadaago (sida qowmiyad, diin, ama galmo) kooxaha qaar ee dadka waxeey leeyihiin qayim kahooseeya kuwa kale. Waxaa jiri karta aaminaad taaso ah in kooxahaan eeysan lahaan isku xuquuq, iyo/ama in loola dhaqmo si ka duwan kuwa kale iyo kasoo cida/saarida bulshada weeyn.

Waxaa muhiim ah in hoos laga xariiqo in soo jeedimahaan eeysan hoos u dhigeeyn marinka danbi kadhigista hadalka ama doodaha dadweeynaha ee looga hortagao arrimaha muhiimka ah.

Ujeedada soo jeedimahaan loogu talagalay wax ka-bedelka sharciga waa hubinta qof walba xuquuqdiisa in la ilaaliyo, iyo shaqsi kasta inuu qeexo nafsadiisa cabsi la'aan.

Dhibaatooyinka sharciga ayaa la- ogaaday

Wasaaradu waxeey dib-u-eegis ku sameeysay sharciga 2019 iyo waxeeyna soo ogaatay qodobada qaar. Guddiga boqortooyada ee baaritaanka weerarki argagaxiso ee masjidka Christchurch 15-kii maarso, 2019 ayaa sido kale aqoonsaday arrimo waxeeyna soo jeediyeen tallooyin ku saabsan isbedelka.

Saddex qodob oo muhiima ayaa la aqoonsaday:

1. Erayada labada qodob ee ciqaabta iyo madaniga ah macada. Guddiga Boqortooyada waxuu ku taliyay in dib loo-habeeyo erayga qodobka dambiga.
2. Kooxo badan ayeey sameeysay hadalka kicinta nacaybka marka loo eego kuwa hada la ilaaliyo. Qodobada waxeey daboolayaan kaliya jinsiga, dhalashada, qowmiyada iyo midabka. Kuwaani waa afar kamida kaliya saddex iyo tobanka 'sababaha mamnuuca takoorka' ee qaybta 21 aad ee Sharciga Xuquuqda Aadanaha.
3. Ciqaabta fal dambiyeedka waa mid aad u yar marka lala barbardhigo halista in si ula-kac ah dadka lo kiciyo.

Waxaanu dooneeyna jawaab celintaada lixdaan soo jeedin si wax ooga qabtoarrimahaan sharciga hada jira.

Tixgelinada Heshiiska Waitangi

Te Tiriti o Waitangi - Heshiiska Waitangi waxuu ku habboonyahay qodobada kicinta iyo ilaalinta ka-hortaga takoorka ee Sharciga Xuquuqda Aadanaha iyo soo jeedinta mab'da ahaan. Māori waxeey wajihi karaan hadal nacayb iyo hada waxaa daboolay qodobada kicinta ee kujira sababaha 'jinsi' ama 'asalka qowmiyada'. Soo jeedimahaan waxeey doonayaan ineey wanaajiyaan ilaalinta kooxaha, oo eey kujirto Māori, laga bilaabo hadalka kicinta nacaybka. Difaaca ayaa lagu xoojin doona meesha Māori eey ku dabooli laheeyd mid-kamida sababaha kale ee mamnuuca takoorka, tusaale ahaan marka loo eego takatāpui (Māori oo lagu garto jinsi kala duwan iyo qowmiyad).

Su'aalaha jawaab celinta ee ku saabsan soo jeedimaha

Dokumiintiga Doodda waxaa kujira su'aalo guud oo ku saabsan soo jeedimaha sido kale su'aalo khaasa oo kujira soojeedin kasta. Su'aalahaan ayaa hoos ku-qoran.

Saddex su'aalood oo aad u isticmaali karto dadajinta gudbinta ee dhamaan soo jeedimaha ayaa kala ah:

- Maku aragta wax halisa/khatara ama cawaaqib aan ku-talagal aheeyn oo ka imaankara soo jeedimahaan iyo, hadi eey sidaa tahay, maxeey yihiin?
- Majiraa habab soo jeedimahaan loo wanaajin karo/hagaajinkaro?
- Soo jeedimahaan ma soo bandhigaayaan wax uun arrimo dheeraada oo heshiiska Waitang ah marka laga yimaado kuwa la-carabaabay?

Su'aalaha ku saabsan Soo jeedinta Koowaad:

- Miyaad ku raacsantahay in u ballaarinta qodobada kicinta sidaan eey si wanaagsan/fiican u illaalin doonto kooxahaan?
 - Maxeey tahay sababta ama eeysan aheeyn sababta?
- Aragtidaada, Kooxda ayeey tahay inuu ilaaliyo isbedelkaan?
- Miyaad u maleeyneeysa ineey jiraan wax koox ah uun kuwaa soo wajahaya hadal nacayb taasoo eeynan isbedelkaan uusan ilaalin?

Su'aalaha ku saabsan Soo jeedinta Labaad:

- Miyaad ku raacsantahay u bedelida erayga qodobka ciqaabta habkaan ineey ka dhigi doonto mid cad iyo fudud in la-fahmo?
 - Maxeey tahay sababta ama eeysan aheeyn sababta?
- Miyaad u maleeyneeysa in soo jeedinta eey qaban doonto nuucyada dabeecadaha ee tahay in lagu mamnuuco dambiga cususb?

Su'aalaha ku saabsan Soo jeedinta Saddexaad:

- Miyaad u maleeyneeysan in ciqaabtaan eey si habboon uga turjumeeyso halista dambiga?
 - Maxeey tahay sababta ama eeysan aheeyn sababta?
- Hadii aadan ku raacsanayn, Dambiyadee loo isticmaali karaa isbarbardhig habboon?

Su'aalaha ku saabsan Soo jeedinta Afaraad:

- Miyaad taageersantahay beddelida luqadaan ee qaybta 61 (qodobka madaniga)?
 - Maxeey tahay sababta ama eeysan aheeyn sababta?
- Miyaad u maleeyneeysa in qayb kale oo ah erayga hada jira inuu jiro kasoo kujira qodobka madaniga ahna in labedelo?

Su'aalaha ku saabsan Soo jeedinta Shanaad:

- Miyaad taageersantahay oo eey kujirto mamnuucida kicinta takoorka ee qaybta 61?
 - Maxeey tahay sababta ama eeysan aheeyn sababta?

Su'aalaha ku saabsan Soo jeedinta Lixaad:

- Ma u tixgelineeysa in eray bixintaani habboontahay?
- Miyaad u maleeyneeysa in soo jeedintaan eey ku filan tahay dabooleeysana kooxaha kuwaaso ah in laga ilaaliyo takoorka sida uu qabo Sharciga Xuquuqda Aadanaha?
- Miyaad u tixgelineeysa in soo-jeedintaan si habboon u ilaalineeyso aqoonsiga jinsiga dhaqan gaar ah, oo eey kujiraan takatāpui?

Maxaad sameeyn karta hadii aad wajaheeyso hadal nacayb leh ama Dhaqan

Hadii aad dareento in nafsadaada eey halis kujirto, fadlan la xiriir biliiska. Hadii eey tahay wicid deg deg ah, wac 111. Hadii aad hadeer taan aadan kujirin halis, wac 105.

Wixi macluumaad dheeraada ee ku saabsan sida Guddiga Xuquuqda Aadanaha kuu caawin karaan, eeg: <https://www.hrc.co.nz/enquiries-and-complaints/how-make-complaint/>

Macluumaadka ku saabsan dhibaatooyinka midabka:

<https://www.hrc.co.nz/enquiries-and-complaints/faqs/racially-offensive-comments/>.

Wixii xadgud ah ee kadhaca Onleeynka : <https://www.netsafe.org.nz/>

Hadii aad jeceshahay inaad qof kala hadasho wax ku saabsan sida aad dareemeeyso, fadlan wac ama fariin u dir 1737.

Macluumaad dheeraad ah

Waxaad ka aqrisan karta dokumiintiga doolda oo dhan:

www.justice.govt.nz/proposals-against-incitement-of-hatred-and-discrimination

Macluumaad dheeraada waxaa kaheli karta sido kale Te Tāhū o Te Ture mareegta

Wasaarada Cadaalada:

www.justice.govt.nz/proposals-against-incitement-of-hatred-and-discrimination

