

# Hon Kiri Allan

MP for East Coast  
Minister of Justice  
Minister for Regional Development  
Associate Minister of Transport



26 June 2023

Arihia Bennett  
Chair, Kāpuia

Tēnā koe Arihia

## Hate speech, incitement and hate crime

Thank you for your letter of 23 March 2023, to the Lead Coordination Minister for the Government Response to the Royal Commission on the Christchurch Mosque attacks, Hon Andrew Little, regarding hate speech, incitement and hate crime. I am responding as the matters you have raised fall within my responsibilities as Minister of Justice.

I valued the opportunity to meet with Kāpuia in December last year and talk about the Government's rationale for referring this work to Te Aka Matua o te Ture, the Law Commission. As we discussed, the feedback from the 2021 public consultation showed significant differences of views and generated extensive debate. The Government then decided the Law Commission is best placed to review how the law deals with both hate-motivated offending and speech inciting hatred against specific groups.

As you also indicate in your letter, alongside this, the Government asked the Commission to consider the protections in the Human Rights Act 1993 (the **Act**) for transgender people, non-binary people, and people with variations of sex characteristics. This includes whether to change the prohibited grounds of discrimination in the Act, which do not clearly prohibit discrimination on the grounds of a person's gender. Evidence shows our Rainbow communities frequently experience discrimination and prejudice.

The Commission is independent from the Government, which was a major factor in why I gave the Commission this reference, to help advance the public debate on this area of the law. The Commission determines its own process and has decided to progress the reference as two projects, with the Sex, Gender and Discrimination project underway first. I expect that this first project will feed into and help inform aspects of the Legal Responses to Hate project.

It is vital that any reform improves people's safety rather than be corrosive. The Government wants to better protect all groups from the harms caused by incitement and hate crime, and I see the Commission's work as an important first step.

Thank you for your ongoing commitment and support of this work.

Nāku noa, nā

A handwritten signature in blue ink, appearing to be 'Kiri Allan'.

Hon Kiri Allan  
**Minister of Justice**

cc Amokura Kawharu  
**President, Law Commission**