

## Hara Ngākau Kino | Hate crime review

### Tūtohu Mahi

#### TIROHANGA WHĀNUI KI TE KAUPAPA

Ka arotake Te Aka Matua o te Ture i te ture i Aotearoa Nū Tīreni e hāngai ana ki te hara ngākau kino, e arotahi ana ki te whakataunga me panoni rānei te ture mō ngā hara hou ka ahu mai i te ngākau kino. I roto i tēnei arotake, ko te tikanga o te "hara ngākau kino" ko te mahi kua tohua kētia hei hara taihara e ai ki te ture o Aotearoa Nū Tīreni, otirā, e whakamahia ana nā te ngākau kino, te pukuriri rānei ki tētahi hunga tangata mō ōna āhukatanga motuhake (hei tauira, te momo ā-iwi, tae, mātāwaka, whakapono, taihema, ira, tuakiri ā-ira, aronga hōkaka, pakeke, whaikaha rānei).

I tēnei wa, ka aro atu te ture o Aotearoa Nū Tīreni ki ngā taihara ngākau kino i te wā whakawhiu. Ki te hara tētahi tangata nā te pukuriri ki tētahi hunga tangata kei a rātou he 'āhukatanga ōrite pūmau', hei te wā whakawhiu me whai whakaaro te kōti he tūāhukatanga whakatumatuma tēnei (tirohia wāhanga 9(1)(h) o te Sentencing Act 2002).

Ko tā te pūrongo o Te Kōmihana Uiui a Te Whakaeke Kaiwhakatuma i ngā Whare Kōrana o Ōtautahi i te 15 o Poutūterangi 2019, arā, the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019, he tūtohu ki te whakature i te hara hou ka puta i te ngākau kino. Ina koa, ka marohi te tūtohu 39 ko ētahi hara hou kua ahu mai i te ngākau kino ka whakamanatia ki:

- (a) te Summary Offences Act 1981 (e hāngai ana ki ngā hara o tēnei wā, arā, te whanonga mōrihariha, reo mōrihariha rānei, te tūkinu, te āta whakakino me te whakawehi); me
- (b) te Crimes Act 1961 (ka hāngai ki ngā hara o tēnei wā, arā, te tūkinu, te tahu whare, me te āta whakakino).

#### TE WHĀNUITANGA O TE AROTAKE

Tae atu te arotake o Te Aka Matua o te Ture ki te whaiwhakaaro, engari e kore e tepea ki te whakaaaro:

- (c) Ka ea rānei e te ture o tēnei wā ki Aotearoa te āta urupare ki te hara ngākau kino (ina koa ko wāhanga 9(1)(h) of the Sentencing Act 2002, e

whakaū ana me whai whakaaro ki te ahunga mai o te hara i te pukuriri) ina ka whakawhiu i te tangata hara.

- (d) Me whakaea, kāore rānei ngā take mō te whakamahi i te ture o tēnei wā mā ngā tukanga ture (tukanga whakahaere rānei), hei tauira, te whakature hara ka ahu mai i te ngākau kino.
- (e) Ki te whakaurua ētahi hara ngākau kino:
  - (i) me hāngai ērā ki ēwhea hara o tēnei wā;
  - (ii) me kapi ēhea āhukatanga whānui;
  - (iii) me pēhea te taunaki i te āhukatanga ngākau kino, pukuriri rānei o ngā hara;
  - (iv) he aha ngā mōrahi whiunga e tika ana; me
  - (v) e hiahiatia ana rānei he tāpiritanga ki te Sentencing Act e whai whakaaro atu ai ki ngā hara hou, ā, ka whakaū ai ka tika te whakatau whiunga i ngā tāngata hara e hara ngākau kino ana.

Ina tūtohu ana i te whakahoutanga, ka whai whakaaro Te Aka Matua o te Ture ki te ao Māori, ki te āhukatanga mātāwaka o te pāpori o Aotearoa hoki.

E kore te arotake e aro atu ki te whakataihara i ērā o ngā mahi kāore i te noho hei hara i raro i te ture o Aotearoa Nū Tīreni. Hei kaupare i te rangirua, e kore te arotake e whai whakaaro ki tūtohu 40 me 41 o te pūrongo o Te Kōmihana Uiui a Te Whakaeke Kaiwhakatuma i ngā Whare Kōrana o Ōtautahi i te 15 o Poutūterangi 2019, e pā ana ki:

- (a) te ture e pā ana ki te kōrero ngākau kino, tae ana ki wāhanga 61 me 131 o te Human Rights Act 1993; me
- (b) te tautuhinga o tēnei tūāhukatanga e kīia ana he 'objectionable' tētahi whakaputanga i roto i wāhanga 3 o te Films, Videos, and Publications Classification Act 1993.

## **TE WĀTAKA ME TE TUKANGA**

Ka whakarite Te Aka Matua o te Ture ki te whakawhitiwhiti tūmatanui ā te tīmatanga o te tau 2025.

Kei te aro atu Te Aka Matua o te Ture ki te tuku pūrongo me āna tūtohu ki te Minita māna te haepapa mō Te Aka Matua o te Ture i mua, hei waenganui rānei, i te tau 2025.

## **MŌ TE AKA MATUA O TE TURE**

Ko te Te Aka Matua o te Ture he hinonga motuhake o te Karauna e rato ana ki te Kāwanatanga te tohutohu mō te whakahounga ture. Kāore te Kāwanatanga e tohutohu me pēhea ā mātou mahi, ā mātou tūtohu rānei.

Ka whakahaere mātou i te rangahau me te whakapāpātanga, ā ka tuku tūtohu ki te Kāwanatanga hei whakawhanake i te ture. Ka whakaputaina aua tūtohu kei roto i tētahi pūrongo ki te Minister of Justice. Me tuku e te Minita tō mātou pūrongo ki te Pāremata.

Mā te Kāwanatanga e whakatau ka panoni i te ture, kāore rānei, ā, me pēhea te panoni. Ka taea e koe te ako tonu mō ā mātou mahi kei te paetukutuku a Te Aka Matua o te Ture.