

Ref: 216550
1 April 2022

Anthony M
By email to D Sal at fyi-request-18785-7eaac4a3@requests.fyi.org.nz

Tēnā koe Anthony

Response to your request for Official Information

This is a response to your 5 March 2022 request for information from the Human Rights Commission.

Your request referred to paragraph 26 of the Cabinet paper CAB-21-SUB-0049 “Government response to the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain – first report back”, which reads:¹

“Increase the capacity of the Human Rights Commission

26. The HRC is engaging with the community to better understand what particular aspects would be most useful and appreciated by the public in order for them to strengthen their response to hate speech, racism and discrimination.”

You asked four questions, which we answer below.

1. How much funding has HRC received from Government in relation to the above?

The Commission was not funded specifically to carry out community engagement as described in the quoted paragraph 26.

Regarding the quoted heading above paragraph 26, following a December 2020 Cabinet decision (see proactive release of Cabinet papers “Continuing Action to Improve Social Inclusion”),² \$5m in funding (not yet all received or spent) has been committed to the broader social inclusion initiative described as “strengthening the capacity of the Human Rights Commission to respond to hate speech, racism and discrimination”.

We note that the Commission is an Independent Crown Entity and a National Human Rights Institution with A-status accreditation for independence. While government determines the level of funding the Commission receives, the Commission’s independence

¹ Available here: <https://dpmc.govt.nz/sites/default/files/2021-04/rcoi-first-report-back.pdf>. See page 5 of the PDF released.

² Available here: <https://dpmc.govt.nz/sites/default/files/2020-12/CAB-20-SUB-0513-continuing-action-to-improve-social-inclusion.pdf>. Title of paper: Continuing Action to Improve Social Inclusion (CAB-20-SUB-0513 refers) Title of minute: Continuing Action to Improve Social Inclusion (CAB-20-MIN-0513 refers). As you may already be aware, Cabinet papers related to the government response to the Royal Commission report are available here: <https://dpmc.govt.nz/publications/documents-relating-governments-response-royal-commission-inquiry-terrorist-attack>.

as to how it spends that money is important. (See “Financial Independence” on this information page about NHRIs: <https://www.asiapacificforum.net/members/what-are-nhris/independence/>. See also the Commission’s 2021/22 Statement of Performance Expectations and Statement of Intent: <https://www.hrc.co.nz/about/corporate-and-accountability-information/>).

2. When was the funding received?

As noted our answer to question 1, no funding was received specifically to carry out community engagement as described in above paragraph 26.

From the above-mentioned funding related to the broader social inclusion initiative of strengthening the Human Rights Commission, \$2.5m was received in March 2021. Another \$2.5m is being received quarterly during the 2021/22 financial year.

3. Since the publishing of the royal commission of inquiry report, what engagements has the HRC undertaken specifically focused on "what would be most useful and appreciated by the public in order for the HRC to strengthen their response to hate speech, racism and discrimination"?

Since the publication of the Royal Commission report, the Human Rights Commission has not carried out engagements *exclusively/specifically focused* on that topic. In the context of the Commission’s community engagement relating to the National Action Plan Against Racism, the Commission has asked on a public website and in online and in-person community engagements for community ideas for actions to address racism. In the context of a range of other engagements, the Commission response also remains a high priority area of information gathering for the Commission. These engagements include for example Commissioners’ conversations with community members and community representatives, and Commission staff engagements with individuals who call and email the Commission with complaints about hate incidents. The Commission maintains relationships with affected whānau, survivors and witnesses of the March 15 terror attacks. The Commission also attended throughout the country as independent observers to listen at many of the series of meetings government organised with communities following the Royal Commission report.

4. Since the funding has been received, what work by the Commission has been undertaken to strengthen their response to hate speech, racism, and discrimination, and how has that response changed from 2020 and earlier years?

This question was recently asked and answered in the Human Rights Commission’s annual review before the Justice Select Committee. The Select Committee hearing is available to view here: <https://www.facebook.com/JUSCNZ/videos/1013162449294429/>.

Between about 15:30 and 24:00 in that recording, MP Nicole McKee asks about the way the \$5m has been spent.³ In response to the question, Chief Commissioner Paul Hunt responds explaining the broad approach the Commission has taken to addressing harmful

³ Note she also references an additional \$485,000. That was an increase to baseline funding.

speech and social inclusion. The Acting Chief Executive then describes the new team that has been established and a range of actions taken in the period.

The new human rights information and support services team can offer voluntary, confidential early dispute resolution in incidents of harmful speech which do not meet the threshold for unlawfulness. This was not previously possible, when the Commission's team receiving queries from the public was focussed on triaging complaints to identify complaints alleging unlawful discrimination.

Other initiatives to address hate speech, racism and discrimination that would not have been possible without the additional funding, particularly in the context of increased demand related to COVID-19, are described in the Acting Chief Executive's answer. She also notes that \$1.6m has been spent to date from the \$5m.

Alternative avenues

If you are unhappy with this response, under the Official Information Act you are entitled to complain to the Ombudsman's Office. Information about how to make a complaint is available at www.ombudsman.parliament.nz or on freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Hannah Northover', with a stylized flourish at the end.

Hannah Northover

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