



24 July 2025

Hon. Mark Mitchell
Minister for Ethnic Communities
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Despite Rejection, Harmony Accord Revives Risky Hate Speech Law Demands

Good afternoon,

1. We write to you in your capacity as Minister for Ethnic Communities, specifically regarding the Harmony Accord and recent calls, including from the Federation of the Islamic Associations of New Zealand (“FIANZ”), to implement the Royal Commission’s recommendation to expand hate speech laws to include religion. These proposals raise serious concerns for freedom of expression, particularly where they risk criminalising legitimate debate, criticism, or dissent about religious beliefs.
2. We commend the Harmony Accord as a voluntary and constructive initiative between two communities, and we support efforts that foster mutual understanding through dialogue. However, while the Accord itself does not propose legal change, FIANZ is using its launch to renew calls for hate speech laws that the Government has rightly rejected. This risks turning a symbol of unity into a platform for reforms that would undermine core democratic freedoms.
3. In its press release issued on Tuesday regarding the Harmony Accord, FIANZ made several demands of the Government, including a call to “*implement the recommendation of the Royal Commission with respect to hate speech*” and to “*include faith as a protected characteristic*” under the Human Rights Act. These proposals revive controversial and previously rejected reforms that would significantly expand the scope of speech subject to legal sanction.
4. One of the most fundamental pillars of a free and democratic society is the right to question, critique, and reject ideas, including religious beliefs. Unlike immutable characteristics such as race, religion involves systems of thought and moral claims that shape institutions, laws, and individual conduct. These are precisely the kinds of ideas that must remain open to scrutiny. Proposals to criminalise criticism of religion, even under the banner of combatting ‘hate’, risk granting religious beliefs a level of legal immunity that is inconsistent with liberal democratic values. New Zealanders must remain free to challenge and debate religious doctrines without the threat of prosecution.
5. While framed as a tool to protect vulnerable communities, hate speech laws often have the unintended, and sometimes intended, effect of silencing internal dissent. Those most at risk are frequently members of religious or ethnic communities who challenge traditional norms from within: reformers, feminists, LGBTQ+ adherents, former believers, or liberal theologians. When laws equate criticism of religious

practices with hatred, it is these individuals who are first silenced. Any law that prioritises protecting feelings over safeguarding open debate will disproportionately affect those with the least institutional power.

6. Initiatives such as the Harmony Accord should be commended when they foster dialogue and mutual understanding. But harmony cannot be imposed by suppressing disagreement. Social cohesion must be built on honest engagement, not fear of legal reprisal. Using such initiatives as vehicles to revive failed or rejected speech laws undermines their credibility and threatens to convert a symbol of unity into a pretext for censorship. New Zealanders must be free to express disagreement, even profound or uncomfortable disagreement, on matters of religion and belief, without that being mischaracterised as hate.
7. Our existing hate speech law, section 131 of the Human Rights Act, applies only to incitement against racial groups. This reflects a longstanding recognition that race, as an immutable characteristic, may justify narrowly drawn legal protection from incitement. Religion, by contrast, is a system of belief, and must be treated differently under law. Attempts to extend section 131 to religion would mark a significant shift in New Zealand's free speech framework, blurring the carefully maintained distinction between identity and ideology. Rather than correcting a gap, such a move would erode a principled boundary that protects robust public debate.
8. We invite your comments on the following:
 - a. Does the Government continue to stand by its commitment not to proceed with legislative reform expanding hate speech laws?
 - b. Do you agree that criminalising criticism of religion would have a chilling effect on open debate and potentially silence vulnerable voices within faith communities?
 - c. What role do you see the Harmony Accord playing in shaping future public policy, including in areas as sensitive as speech regulation?
 - d. Will you affirm that initiatives like the Harmony Accord should not be used to justify renewed calls for hate speech laws previously found to be unworkable and inconsistent with free speech protections?
9. We look forward to hearing from you.

Yours faithfully,

Free Speech Union (New Zealand) Inc.



Stephen Franks

Board Chair

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