

Hate crime laws review:

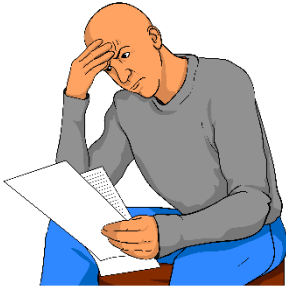
Part 2 –

Consultation Paper summary



Published: February 2025

Before you start



This information may upset some people when they are reading it.



If you are upset after reading this document you can talk to your:

- whānau / family
- friends.

NEED TO TALK?

1737

**free call or text
any time**

You can also contact Need to Talk by:

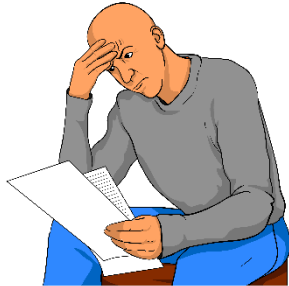
- calling 1737
- texting 1737



It does not cost any money to call / text 1737.



This is a long document.



It can be hard for some people to read a document this long.



Some things you can do to make it easier are:

- read it a few pages at a time
- set aside some quiet time to look at it
- have someone read it with you to support you to understand it.



What you will find in here

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About this document



This Easy Read document is from **Te Aka Matua o te Ture Law Commission**.



In this document we will call Te Aka Matua o te Ture Law Commission the **Law Commission**.

Where it says **we / our** this means the Law Commission.



The **Law Commission** does research to find out how to make the laws better here in Aotearoa New Zealand.



We are doing a **review** about **hate crime laws**.

Here **review** means looking at:

- how well something is working
- if anything should change.



Hate crime is when the reason for a crime is hate.

Laws are rules made by the Government which people must follow.



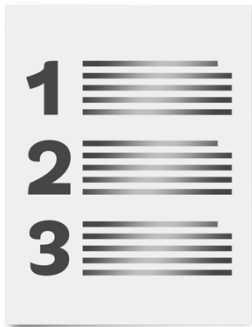
We want to find out what people think about hate crime laws here in Aotearoa New Zealand.



We have made a document to support people to do this.



It is called the Consultation Paper.



We have also made a **summary** of the Consultation Paper.



A **summary**:

- is shorter than the main document
- tells you the main ideas.

This document is called **Part 2**.



Part 2 is 1 of 4 documents making up the Easy Read summary of the Consultation Paper.



It tells you about the problems with the hate crime laws.



These 4 Easy Read documents will support you to make a **submission**.



Here a **submission** means the way you can tell us what you think about the hate crime laws in Aotearoa New Zealand.



Your submissions will help us to work out what needs to change about hate crime laws.



All 4 Easy Read documents have important information that will be useful when you make a submission.



The Information Sheet tells you what you need to know including:

- how to make your submission
- information about your privacy
- how we will use the information you give us in your submission
- where to get support if you find making a submission about hate crime laws upsetting
- where to send your submission
- links to the other information about the hate crime laws review.



Read the Easy Read terms of reference for this review here:

www.lawcom.govt.nz/our-work/hate-crime/tab/terms-of-reference



You need to send your submission to
the Law Commission by:

5pm



13 March 2025

Current hate crime laws

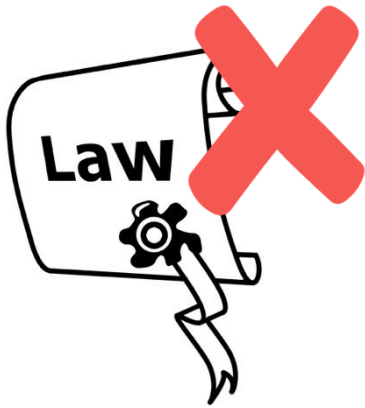
Current hate crime law says the court can give an **offender** a longer / bigger **sentence** if they commit a hate crime.



Here **current** means what is happening now.



An **offender** means a person who commits / does an **offence**.



An **offence** is when someone has:

- done something bad

and

- broken the law.

An offence can also be called a crime.

Here **sentence** means what a judge says should happen to someone who has committed a crime / **offence** like:

- going to prison
- paying a fine / money.



Hate crimes are committed because of hate towards group of people who have the same characteristics.



Here **characteristics** mean things a person / group have in common.

They can be things like:

- race / skin colour
- religion
- **gender**
- **sexuality**
- age
- disability.





Gender is if you are:

- a man
- a woman
- another gender like nonbinary.

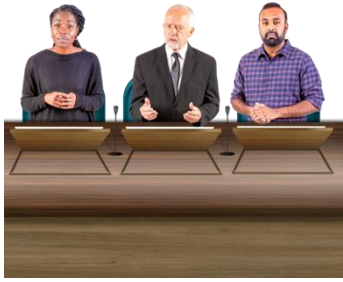


Your **sexuality** is things like:

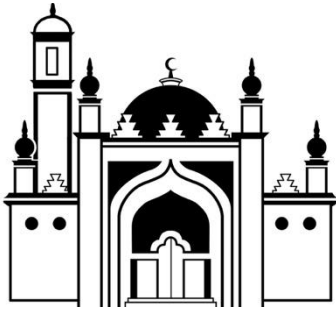
- who you are attracted to
- who you want to be in a relationship with
- if you want to be in a relationship or not.



The **Royal Commission of Inquiry** looked into the shooting of a lot of people in 2 mosques in Christchurch in 2019.



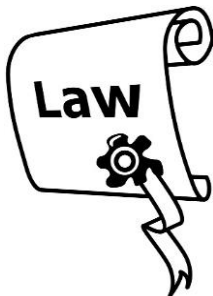
A **Royal Commission of Inquiry** is a way for the Government to look into important issues.



The shooting at the mosques was a very serious hate crime.

The Royal Commission of Inquiry said that the hate crime laws need to be:

- changed
- and
- treated more seriously.



This is the reason why the Law Commission is looking into hate crime laws in Aotearoa New Zealand.



Read more about the reasons for the review in the Easy Read document called Part 1:

<https://bit.ly/3CAGyGm>



The sentencing act law says hate is an **aggravating factor** in a crime.



Here an **aggravating factor** means:

- it is included when a judge is making a decision about a crime

and

- can make the sentence longer.





Other things that can be seen as aggravating factors include when someone:

- says they are going to hurt a person / group of people
- hurts a person / group of people
- uses a weapon like a knife to hurt a person / group of people.
- is very cruel when they hurt a person / group of people
- has hurt someone like a:
 - child
 - older person.

Are there problems with the current laws?



Some people think that hate crime laws should send a message to say hate crime is a very serious wrong.

This can happen with the current law if:



- the judge says that the crime is a hate crime in the:



- **court hearing**
- in a **written sentencing decision**



- the media report the crime as a hate crime
- the offender gets a harder / longer sentence.



A **court hearing** is where a judge is given a lot of information about a **case**.

The judge:

- reads at all the information
- and
- makes a decision about what to do.



Here a **case** is about:

- getting all the information together about a crime
- deciding if the offender did the crime or not
- deciding what sentences they should get if they did it.





A **written sentencing decision** is when the judge writes down:

- what the sentence is they have decided on

and

- the reasons why they made the decision.



Some people still think that the current law does not do enough to let people know about:

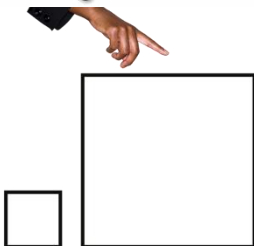
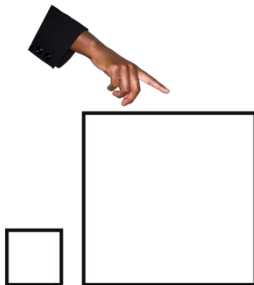
- hate crimes

and

- how serious hate crimes are.



They think this because:



- **hate motivation** is not part of the crime the person is charged with
- sentencing decisions do not have to say if hate motivation was the reason for a crime
- courts do not have to make sentences harder / longer for hate crimes
- the **maximum** sentence for a crime is the same even if the crime is a hate crime.

Here **hate motivation** means the reason for the crime is hate.

Maximum means the most / biggest that something could be.

Supporting people to report hate crimes



The Royal Commission of Inquiry found that hate crime is often not reported to the Police.



There are many reasons a person may not want to report hate crime.

These reasons can include because they:

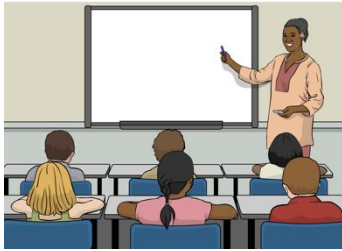


- do not think the hate crime is serious enough to report to the Police
- do not know the offender
- have had bad experiences with the Police.





We would like to find out why people do not report hate crimes to the Police



The Police have started training police officers to treat reports of hate crime more seriously.

We would also like to find out if:



- things have improved since this training has started
- people feel like they can now report hate crimes to the Police.

Making sure hate motivation is included in a crime



The Law Commission wants to find out if:



- Police treat all hate crimes seriously
- Police look into hate crimes in the right way
- the court is told about the hate crime when an offender is being sentenced
- hate motivation should be included in other decisions made by the court.



Getting information about hate crimes



It is hard to get information about hate crimes.



This is because a hate motivation is not included as part of an offence.



This makes it hard to get information about hate crime that has been reported to Police.

Police have made changes to improve how they **record** information about hate crimes.



Here **records** means keeping all the information the Police are given / have about hate crimes.



More hate crimes are now being reported each year.

More information is needed about:



- if an offender gets **convicted** of doing a hate crime
- what sentences offenders get when they do a hate crime
- if the court thinks about hate crime when deciding the sentence for an offender.



Here **convicted** means a judge says an offender has done a crime / offence.

Aggravating factors used in the law



The Law Commission is thinking about how the aggravating factor is used in court decisions.

There are 3 main things we would like to know about.



1. Including an aggravating factor if hate / hostility is not the main reason for the crime.



Here **hostility** means treating somebody in a:

- very unfriendly way
- very bad way.



An aggravating factor can be included in a decision even if hate / hostility is not the main reason for the crime.



We did not find any information to tell us if this has happened.

2. It may not be clear what things are common characteristics



The aggravating factor can only be included if the offending is against a group of people who share a common characteristic.



It may not always be clear what things are common characteristics.



For example:

- sex is a common characteristic for women

but

- the aggravating factor is not used very much when there is a hate crime against a woman.



3. Aggravating factor is only used if the offender thinks the victim is from a group of people with a protected characteristic



A **protected characteristic** is when a characteristic is already included in a law.



This means that the aggravating factor is only used if the offender:

- does a hate crime

and



- thinks the **victim** is part of a group of people who share a common characteristic that is included in law.



Here **victim** means the person / people who was / were hurt by the hate motivated crime.

For example the aggravating factor is not used:



- if an offender writes hateful **graffiti** / words on a public property

and

- does not know who the owner of the building is.



Graffiti is when somebody:

- writes / draws on a something like a wall including by:

- spray painting / painting
- scratching

and

- they know that they are not allowed to do this.

Rehabilitation



Here **rehabilitation** happens when an offender has been sentenced for a hate crime.

It can happen:

- in prison
- in the community.



If hate motivation is not included in the offence:



- Corrections may not know that hate was part of the reason for the offending
- Corrections may not be able to work with the offender to stop them doing hate crimes.





Ara Poutama Aotearoa /

Department of Corrections looks after offenders who are sent to prison.

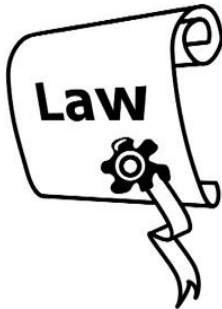
Ara Poutama Aotearoa / Department of Corrections is called **Corrections** for short.

Questions



Write your answers to the questions in the boxes.

You do not have to answer all the questions.



Do you think there are problems with how current hate crime law is working in Aotearoa New Zealand?



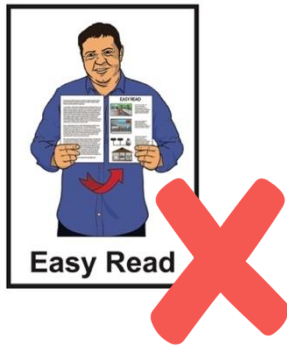
What do you think the problems are?

More information



You can find out more information on the Law Commission **website** at:

www.lawcom.govt.nz



The website is **not** in Easy Read.



This information has been written by Te Aka Matua o te Ture Law Commission.



It has been translated into Easy Read by the Make it Easy Kia Māmā Mai service of People First New Zealand Ngā Tāngata Tuatahi.



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