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New Zealand

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

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The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

There were few reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country is an island nation with an area of 103,000 square miles and a population of 4.3 million. According to 2006 census data, percentages of religious affiliation are: Anglican, 14.8 percent; Roman Catholic, 13.6 percent; Presbyterian, 10.7 percent; Methodist, 3.3 percent; other Protestant denominations, 8.2 percent; Christian (no affiliation specified), 5 percent; Buddhist, 1.7 percent; Hindu, 1.7 percent; and Muslim, 1 percent. More than 90 additional religious groups together constituted less than 1 percent of the population. In addition 34.7 percent stated they had no religious affiliation.

The indigenous Maori (estimated at 15 percent of the population) tend to be followers of Presbyterianism, The Church of Jesus Christ of Latter-day Saints (Mormons), or syncretistic Maori Christian groups such as Ratana and Ringatu.

The Auckland area, which accounts for approximately 33 percent of the country's population, is home to the greatest religious diversity.

While the country is predominantly Christian, recent trends indicated that it is becoming more religiously diverse. According to the 2006 census, approximately 56 percent of citizens identified themselves as Christian, a 5 percent decrease from the 2001 census. Within the Christian community, Anglicans and Presbyterians declined between 2001 and

2006, while the number of self-identified Pentecostals and "Evangelical, Born Again, and Fundamentalist Christians" increased by 17.8 percent and 25.6 percent, respectively. Syncretistic Maori Christian churches, such as Ratana and Ringatu, also experienced significant growth, and the proportion of Roman Catholics and Methodists grew slightly. During the same period, non-Christian religious groups continued to show steady growth rates, driven primarily by immigration.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The law provides for freedom of religion and contributed to the generally free practice of religion. Providing that religious practices do not breach the peace, religious expression is unrestricted.

The government does not specifically promote any religion; however, it does recite a Christian prayer at the opening of every parliament session, a long-standing tradition. On November 5, 2009, parliament considered whether this practice should continue, and 84 percent of the members present voted in favor of the practice.

During the reporting period, the government-funded Human Rights Commission (HRC) continued implementation of its 2007 Statement on Religious Diversity, which aims to guarantee equal treatment of all religious groups under the law, the right to safety for religious individuals and communities, freedom of religious expression, the right to recognition and reasonable accommodation for religious groups, and the promotion of understanding in education. To this end the commission facilitated a national interfaith network with a monthly electronic newsletter.

The 1964 Education Act specifies in its "secular clause" that teaching within public primary schools "shall be entirely of a secular character;" however, it also permits religious instruction and observances in state primary schools within certain parameters. If the school committee in consultation with the principal or head teacher so determines, any class may be closed at any time of the school day for the purposes of religious instruction given by voluntary instructors; however, attendance at religious instruction or observances is not compulsory. According to the Ministry of Education, public secondary schools also may permit religious instruction at the discretion of individual school boards. The ministry does not keep data on how many schools permit religious instruction or observances; however, the curriculum division stated that religious instruction, if provided at a school, usually was scheduled after normal school hours.

The HRC mediated a case in which an atheist student was given the opportunity to opt out of religious education (RE) in his local primary school. The student's parents discovered that the boy was left in his classroom alone while the rest of the students attended the RE course and filed a complaint. The HRC mediation resulted in a change in school policy whereby parents would now be given the opportunity to "opt in" rather than "opt out" of this RE program, a fundamental change to the default position. Students who do not opt in will remain together in a classroom with a teacher. The complainant's parents preferred to have RE eliminated completely as an elective course; however, a survey of the other parents found the majority wished to continue RE at the school.

In 2009 an applicant was led to believe, during the interview process, that she would be hired for a position, only to have the offer revoked when her future supervisor learned she was an atheist. The supervisor stated that the applicant's beliefs were incompatible with the position; therefore, the company would not be able to employ her. HRC mediation resulted in an apology from the company for the fact that the supervisor did not follow proper policy or process and an acknowledgement that it was inappropriate for him to pursue his own religious interests during the interview. The company also agreed to pay \$2,100 (NZD 3,000) to the applicant.

During the reporting period, the HRC received 1,202 complaints of unlawful discrimination under the Human Rights Act. Of these complaints 69 (5.7 percent) were classified as unlawful discrimination on grounds of religious belief or lack of religious belief. This percentage was generally consistent with the proportion of complaints relating to religion since 2005.

In the event that a complaint to the HRC is not resolved satisfactorily with the assistance of HRC mediation, the complainant may proceed to the Human Rights Review Tribunal. The tribunal has the authority to issue restraining orders, award monetary damages, or declare a breach of the Human Rights Act (which is reported to parliament). During the reporting period, the tribunal did not issue any decisions relating to religious discrimination, nor were any such cases pending.

Conduct that is prohibited by the Human Rights Act may also be prosecuted under other laws. Therefore, in addition to the dispute resolution mechanism offered by the HRC, a complainant may initiate proceedings in the court system. According to the Department of Justice, there were no such proceedings considered by the courts during the reporting period.

The government does not require the licensing or registration of religious groups; however, if a religious group desires to collect money for any charitable purpose, including the advancement of its religion, and wishes to obtain tax benefits, then it must register with the Inland Revenue Department as a charitable trust. There is no fee for this registration.

In May 2010 the Agriculture Minister announced a requirement for pre-slaughter stunning for commercial killing of livestock in the country, a regulation that violates some interpretations of Jewish and Muslim dietary laws. The Jewish community reportedly planned to file an appeal for an exemption.

The country has two registered Christian-associated political parties. There are no other religiously affiliated parties, although the law does not prevent the registration of parties based on other religions.

The government observes the following religious holidays as national holidays: Good Friday, Easter Sunday, and Christmas.

Restrictions on Religious Freedom

The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period. Some businesses were fined up to \$700 (NZD 1,000) if they attempted to operate on the official holidays of Good Friday, Easter Sunday, or Christmas Day. The government prosecuted 37 businesses for violations of this law during the reporting period. The government exempts businesses providing essential supplies, convenience items, and food and drink.

There were no reports of religious prisoner or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion.

Section III. Status of Societal Respect for Religious Freedom

There were few reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom.

In 2009 an exchange student, celebrating university graduation with her host family, was turned away from a club where the group had planned to dine because the student would not remove her head scarf, a violation of the club's "no headgear policy." HRC mediation led to an apology from the club and a promise to review its policies. The complainants were satisfied with this result.

The police have introduced Police Community Liaison Officers for the Jewish community and have published "A Practical Reference to Religious Diversity" for all staff. Collaborators on this publication included the Office of Ethnic Affairs, the Human Rights Commission, and several community-based organizations.

Incidents of religiously motivated violence are extremely rare, and none were reported to the HRC or in the news media during the reporting period.

The HRC actively promoted religious tolerance. In addition to its efforts to implement its Statement on Religious Diversity, the HRC maintains an ongoing Diversity Action Program, of which respect for religious diversity is a pillar.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The U.S. ambassador has made it a priority to meet with representatives of all major religious communities throughout the country in an effort to understand religion's role in New Zealand society. The embassy's public diplomacy efforts regularly include faith-based communities in order to seek their views, share American perspectives, and identify common ground.

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