



Kāpuia Pānui 2022/05

5 May 2022

Tēnā koutou and welcome to the fifth edition of Kāpuia Pānui for 2022. Eid Mubarak to our members celebrating Eid al-Fitr.

Agency updates on the RCOI Response Work Programme

1. DIA releases 2021 Digital Violent Extremism Transparency Report (associated with Recommendation 41)

On 28 April, Te Tari Taiwhenua Department of Internal Affairs (DIA) released its first annual Digital Violent Extremism Transparency Report to help the New Zealand public to better understand how DIA works to identify and address online violent extremism. The report provides an overview of the terrorist and violent extremist content that was reviewed and investigated by the DIA throughout 2021 and shows that white supremacy motivated extremism continues to be the leading driver of online content investigated and shut down by DIA. Meanwhile Twitter was the platform where most content was investigated, though most content was removed swiftly or not considered objectionable. The Report also provides the public with more information about the Online Crisis Response Process which DIA leads. During 2021 the response was activated to increased monitoring four times including following the attack at Lynn Mall on 3 September 2021.

The Report is in part a result of the Christchurch Call led by the New Zealand and French governments after the March 15 attack to eliminate terrorist and violent extremism content online. The Report was created in consultation with a range of domestic partners including NZ Police, Netsafe, Security Agencies and the Classification Office. Key international partners including Five Eyes Partners and Europol were also involved. The Report is available by clicking [this link](#).

2. Further consultation on United Nations Cybercrime Treaty (associated with Recommendation 18)

DPMC and the Ministry of Foreign Affairs and Trade have published a summary of feedback on New Zealand's draft principles and objectives for negotiating a new UN convention on cybercrime

[here](#). Acceding to and implementing the Budapest Convention comes under RCOI recommendation 18 and this work is designed to complement, not compete with this process.

The United Nations is holding its second session of its Ad Hoc Committee process to negotiate a new cybercrime convention from 30 May-10 June in Vienna. The second session will cover the first reading of the general provisions, criminalisation provisions and provisions of procedural measures and law enforcement. In preparation, DPMC is seeking feedback on New Zealand's written statement on criminalisation provisions, its approach and any other matters you think should be front of mind for the NZ negotiating team as they prepare for the upcoming session. If you or people you know are interested in making a submission, please visit the DPMC website by clicking this [link](#), read through the NZ statement, and let them know what you think by emailing your feedback to UNcybercrimeconvention@dpmc.govt.nz. Public consultation closes at 5pm on 20 May.

3. Review of the Search and Surveillance Act underway (Recommendation 18)

On 4 April, the Ministry of Justice initiated its review of all counter-terrorism-related legislation under the Search and Surveillance Act 2012. The Act controls how Police and other law enforcement agencies can search people or property and carry out surveillance. The review relates to recommendation 18 of the RCOI to review all legislation related to the counter-terrorism effort to ensure it is current and enables public sector agencies to operate effectively. Additionally, the Law Commission and the Ministry of Justice reviewed the Act in 2016/17 and made 67 recommendations, which have yet to be considered by Government. There are more than 80 pieces of legislation that rely on powers under the Act for enforcement. The Act does not apply to the activities of the Government Communications Security Bureau or the New Zealand Security Intelligence Service which operate under the Intelligence and Security Act 2017 which is [also being reviewed](#). Justice officials briefed Kāpuia at its September 2021 hui on the review and plan to come back to Kāpuia in August 2022.

The first phase of review, taking place between April and June 2022, focuses on targeted engagement with Māori Treaty partners and with ethnic, faith-based, youth, rainbow, and other interested communities before conducting wider public engagement later this year. Engagement will consider points such as:

- How to ensure search and surveillance law enforcement activities are consistent with human rights and Te Tiriti o Waitangi?
- What safeguards are appropriate for search and surveillance activities?
- What principles, if any, should guide search and surveillance powers?
- How to ensure the powers in the Act aren't used disproportionately against different groups of people?
- How to best make rules about surveillance considering ever-changing technology?
- What safeguards (if any) are appropriate for covert operations?
- How to support communities to engage meaningfully with future engagement on the review, including what topics are of most interest, and how to keep in touch with communities about search and surveillance issues after the review is complete.

The next phase of the review will involve wider public engagement on any proposed reforms and is likely to commence in late 2022. You can find out more about the review by clicking this [link](#).

Other information

4. Coroner releases decision on scope of Inquiry

This morning Coroner Windley issued her decision on the scope of the coronial inquiry into the Christchurch masjidain attack.

Issues in scope of her inquiry include:

- The cause(s) of death for each of the 51 people who died as a result of the attack.
- The events of 15 March 2019 starting from the commencement of the attack through to the completion of the emergency response and Mr Tarrant's formal interview by Police. Issues for investigation within this timeframe will include whether Mr Tarrant had any direct assistance from other people that day, the emergency response efforts, and whether any aspect of that response may have affected the ability of any of the deceased to survive their injuries.
- The process by which Mr Tarrant acquired a firearms licence, whether the licence can be linked to the attack, and whether any identified deficiencies in that process have now been addressed by way of legislative amendments or process changes.

- Whether Mr Tarrant’s online activity can be shown to have played a material role in his radicalisation with a particular focus on the period between 2014 and 2017. If so, consideration will be given to examining the extent of monitoring of users for extremist content by the relevant platform(s), then and now.
- The community’s ability to detect and respond to the risk of violent extremism in others.

The Inquiry will now move into the substantive inquiry phase. No date has been set for the inquest hearing. More information about the Inquiry is available on the Coronial webpage by clicking this [link](#).

5. International report shows social media platforms are failing to act when anti-Muslim hate speech is posted online

Research from the American non-profit organisation, the Center for Countering Digital Hate, has found that social media platforms, including Facebook, Instagram, TikTok, Twitter and YouTube collectively failed to act on 89 percent of posts containing anti-Muslim hatred and Islamophobia, even after they were reported to moderators. The Report can be read by clicking this [link](#).

6. Government launches Employment Action Plan for ethnic communities

On 25 March, the Government launched the Former Refugees, Recent Migrants and Ethnic Communities Employment Action Plan. The Plan is designed to help remove barriers to succeed in the labour market and boost employment outcomes. It brings together current and planned programmes of work across Government to provide better support for these groups to develop their skills, gain work experience and move into more sustainable and rewarding work, while reducing their chances of experiencing negative employment outcomes. In launching the plan, the Government noted some of the challenges raised by people from these communities including struggling to find work they are well qualified for; being paid significantly less than counterparts from other ethnicities; cultural and language barriers and the discrimination that impacts initial recruitment and career progression. The Plan also includes actions to promote the value of diversity to the private sector, and tailor government support so that it better suits the needs of these groups. You can read the Plan by clicking this [link](#).

In the community

7. Dates of significance

There are a number of dates of significance to New Zealand's diverse communities in May including Eid al-Fitr on 2-3 May which marks the end of Ramadhan, Wesak on 6 May which commemorates the birth, enlightenment and death of the Buddha, 17 May marking the International Day Against Homophobia and Transphobia, and 22 May is the United Nations World Day for Cultural Diversity.

Noho ora mai

The Kāpuia Secretariat