

新西兰人权法案

Bill of Rights 1990

The **New Zealand Bill of Rights Act 1990** (sometimes known by its acronym, **NZBORA** or **BORA**) is a statute of the New Zealand Parliament setting out the rights and fundamental freedoms of the citizens of New Zealand as a Bill of rights. It is part of New Zealand's uncodified constitution.

In 1985 a White Paper entitled "A Bill of Rights for New Zealand", was tabled in Parliament by the then Minister of Justice, Hon Geoffrey Palmer. The paper proposed a number of controversial features, which sparked widespread debate:

- The Bill of Rights was to become entrenched law so that it could not be amended or repealed without a 75% majority vote in the House of Representatives or a simple majority in a public referendum;
- The Bill of Rights was to therefore have status as supreme law, thereby causing some erosion to the doctrine of Parliamentary sovereignty;
- The Treaty of Waitangi was to be wholly incorporated within the Bill of Rights thus elevating the Treaty's status to that of supreme law;
- The Judiciary would have the power to invalidate any Act of Parliament, common law rule or official action which was contrary to the Bill of Rights.

Application of the Bill of Rights

The Act applies only to acts done by the three branches of government (the legislature, executive and judiciary) of New Zealand, or any body in the "performance of any public function, power, or duty" created by the law (Section 3).

Bill of Rights 1990 NZ 新西兰 1990 年人权法案

Civil and Political Rights 公民权利和政治权利

Part II of the Act covers a broad range of Civil and Political Rights.

Life and the Security of the Person 个人的生命和安全

As part of the right to life and security of the person, the Act guarantees everyone:

个人的生命和安全的权利的一部分， 这个法案保证每个人：

* The right not to be deprived of life except in accordance with fundamental justice (Section 8)

除了符合最根本的公正 不被剥夺生命的权利。

* The right not to be subjected to torture or to cruel, degrading, or disproportionately severe treatment or punishment (Section 9)

有权不被别人丢脸，不被减低身份，不受不相称的严厉酷刑和惩罚。

* The right not to be subjected to medical or scientific experimentation without consent (Section 10)

如果没有本人的同意，有权不受医疗和科学实验。

* The right to refuse to undergo any medical treatment (Section 11)

有权拒绝任何医学实验

Democratic and Civil Rights 民主和公民权

Electoral Rights 选举权

The Act sets out the electoral rights of New Zealanders. The Act guarantees that every New Zealand citizen who is of or over the age of 18 years has.

- * The right to vote in elections of members of Parliament, which shall be held by equal suffrage and by secret ballot (Section 12(a))

- * Has the right to become a member of the House of Representatives (Section 12(b))

Furthermore, the Act guarantees everyone: Freedom of Thought, Conscience, and Religion

- * The right to freedom of thought, conscience, religion, and belief, including the right to adopt and hold opinions without interference (Section 13)

Freedom of expression 自由表达的权利

本文档由禁书网收集整理，禁书网，禁书禁片禁闻下载阅读基地。

- *The right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form (Section 14)

自由表达的权利，包括自由收集，接受，传播信息的权利， 表达任何种类观点的自由。

Religion and Belief 宗教和信仰

- * The right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private (Section 15)

Assembly

有以个体名义或某个社团名义在公共场合或私人场合下表达个人宗教或信仰，崇拜，遵守某种礼仪，练习和教授的权利。

- * The right of peaceful assembly (Section 16) 和平集会的权利

Association 社团

- * The right to freedom of association (Section 17) 结社的权利

Movement 运动

- * The right to freedom of movement and residence in New Zealand. (Section 18(1))

有权在新西兰自由迁移和居住的权利

The Act guarantees to every New Zealand citizen: 这个法律保证每个新西兰公民

The right to enter New Zealand (Section 18(2)) 有权进入新西兰

The Act guarantees everyone: 这条法律保证每个人

- * The right to leave New Zealand (Section 18(3)) 有权离开新西兰

The Act also (Section 18(4)) ensures that non-New Zealand citizens lawfully in New Zealand shall not be required to leave except under a decision taken on grounds prescribed by law.

这条法律保证 在法律上允许的非新西兰公民不被要求离开，除非一法律为准则做的决定。

Non-Discrimination and Minority Rights 不被区别对待和少数民族的权利

Section 19 of the Act guarantees freedom from discrimination, on the grounds of discrimination set out in the Human Rights Act 1993.

在 1993 人权法关于歧视的规定的的基础上这条法律保证不受歧视的自由

Search, Arrest, and Detention 搜捕，逮捕和拘留

The Act guarantees everyone: 这条法案保证每个人

- * The right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence, or otherwise (Section 21)

- * The right not to be arbitrarily arrested or detained (Section 22)

Everyone who is arrested or who is detained has the right to: 如果您被逮捕或拘留您有权:

- * Be informed at the time of the arrest or detention of the reason for it; and

有权在逮捕和拘留时被知会逮捕和拘留的原因

- * Consult and instruct a lawyer without delay and to be informed of that right; and

有权告知这个权利并咨询以为律师

- * Have the validity of the arrest or detention determined without delay by way of habeas corpus and to be released if the arrest or detention is not lawful.

Everyone who is arrested for an offence has the right to be charged promptly or to be released.

Everyone who is arrested or detained for any offence or suspected offence shall have the right to:

- * Refrain from making any statement and to be informed of that right.

有权知会您有这个权利和不做任何声明。

Everyone deprived of liberty has the right to be treated with humanity and with respect for the inherent dignity of the person (Section 23)被剥夺了自由的每一个人有权享受人道主义待遇，关于与生俱来的人的尊严

Criminal Justice 犯罪公正

The Act requires that everyone who is charged with an offence:

这个法律要求每个被指控的犯人

- * Shall be informed promptly and in detail of the nature and cause of the charge; and

被迅速告知指控的原因和具体的犯罪性质

- * Shall be released on reasonable terms and conditions unless there is just cause for continued detention; and 基于理由和条款将被释放，除非仍然有继续拘留的原因

- * Shall have the right to consult and instruct a lawyer; and 将有权利咨询一位律师

- * Shall have the right to adequate time and facilities to prepare a defence; and

将有权有足够的时间和设备去为自己辩护。

- * Shall have the right, except in the case of an offence under military law tried before a military tribunal, to the benefit of a trial by jury when the penalty for the offence is or includes imprisonment for more than 3 months; and

- * Shall have the right to receive legal assistance without cost if the interests of justice so require and the person does not have sufficient means to provide for that assistance; and

如果为了跟公正的判决，如果当事者没有足够的资金来帮助自己，有权获得一个免费的法律援助。

- * Shall have the right to have the free assistance of an interpreter if the person cannot understand or speak the language used in court. (Section 24)

如果当事人不能理解或说在法庭上使用的语言有权拥有一个免费的口译员。

Fair Trial 公平的审判

Everyone who is charged with an offence has the minimum right:

每个被指控的人的最低权利:

- * To a fair and public hearing by an independent and impartial court;

有权在一个独立和公正的法庭上经过一个公平的，公开的审判

- * To be tried without undue delay; 没有任何拖延的进行一个审判

- * To be presumed innocent until proved guilty according to law;

有权假设无辜，直到根据法律被证明有罪。

- * Not to be compelled to be a witness or to confess guilt;

有权不被强迫成为一个见证人或供认有罪

- * To be present at the trial and to present a defence;

有权经过一个审判和自我辩护的过程

- * To examine the witnesses for the prosecution and to obtain the attendance and examination of witnesses for the defence under the same conditions as the prosecution;

* If convicted of an offence in respect of which the penalty has been varied between the commission of the offence and sentencing, to the benefit of the lesser penalty;

* If convicted of the offence, to appeal according to the law to a higher court against the conviction or against the sentence or against both:

* In the case of a child, to be dealt with in a manner that takes account of the child's age
(Section 25)

Double Jeopardy Section 26 covers instances of double jeopardy. The Act holds that:

* No one shall be liable to conviction of any offence on account of any act or omission which did not constitute an offence by such person under the law of New Zealand at the time it occurred.

* No one who has been finally acquitted or convicted of, or pardoned for, an offence shall be tried or punished for it again.

Remedies

<http://www.justice.govt.nz/publications/global-publications/t/the-new-zealand-legal-system>

The New Zealand Bill of Rights Act 1990

The New Zealand Bill of Rights Act 1990 safeguards the civil and political rights of New Zealanders.

The Act protects the following categories of rights and freedoms: life and security of the person; democratic and civil rights; non-discrimination and minority rights; search, arrest and detention; criminal procedure; and right to justice.

The Act is not higher law and does not "override" other laws, but it does nevertheless provide protection for the rights in it. The Courts must interpret other laws consistently with the Bill of Rights Act if at all possible. Further, all bills are assessed for consistency with the Bill of Rights Act before they are introduced into Parliament. Where there is an inconsistency in a bill, the Attorney-General must inform Parliament. While this does not prevent Parliament passing inconsistent laws, it does ensure that any issues are fully debated.

The Human Rights Act 1993

The Human Rights Act 1993 is aimed at giving all people equal opportunities and preventing unfair treatment on the basis of irrelevant personal characteristics. The Human Rights Act covers discrimination on the grounds of sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, and sexual orientation. It is unlawful to discriminate on these grounds in the following areas of public life: employment, education, access to public places, provision of goods and services, and housing and accommodation. People who think they have been discriminated against may complain to the Human Rights Commission.

New Zealand Human Rights Act 1993

The **Human Rights Act 1993** is an Act of the Parliament of New Zealand which deals with discrimination. It was a consolidation and amendment of The Race Relations Act 1971 and the

Human Rights Commission Act 1977. It passed into law 1 February 1994. The Act governs the work of the New Zealand Human Rights Commission.

It also outlawed discrimination on a wide variety of grounds, including:^[1]

1. Sex (including pregnancy and childbirth)
2. Marital status
3. Religious belief
4. Ethical belief
5. Colour
6. Race
7. Ethnic or national origins
8. Disability
9. Age
10. Political opinion
11. Employment status
12. Family status
13. Sexual orientation

There are a significant number of caveats, including "genuine occupational qualification," "domestic employment in a private household," "to preserve reasonable standards of privacy," "national security" and "organised religion."

Other forms of discrimination

61 Racial disharmony 种族的不和谐对待

62 Sexual harassment 性别骚扰

63 Racial harassment 种族骚扰

64 Choice of procedures [Repealed]

65 Indirect discrimination 间接的歧视

66 Victimisation 受害

67 Advertisements 作广告

68 Liability of employer and principals

69 Further provision in relation to sexual or racial harassment in employment

