



4 April 2022



Ref: OIA-2021/22-1060

Dear 

Official Information Act request relating to the meeting between the Department of the Prime Minister and Cabinet and the Human Rights Commission

Thank you for your Official Information Act 1982 (the Act) request received on 4 March 2022. You requested:

"Under the OIA I seek a copy of all briefings prepared by DPMC for the meeting mentioned below between DPMC and the HRC, any meeting agendas, and any minutes taken for the meeting"

During the preparation of a response to this request, the Department of the Prime Minister and Cabinet (DPMC) consulted with the Human Rights Commission (HRC) to propose a partial transfer of this request for information that was more closely connected with the functions of the HRC. However, as you had also sent a copy of this request to the HRC, a transfer was not necessary. This response is only for information generated by DPMC.

I have decided to release the following document to you in full:

Date	Document Description/Subject
04/02/2022	Briefing – COVID-19 Group Meeting with Paul Hunt, Human Rights Commissioner

There are three appendices mentioned in the briefing that are not being released as part of this response. DPMC consulted with the Prime Minister's office (PMO) and the HRC regarding the release of these appendices. Upon consulting with PMO, DPMC were informed that appendices one and two had been released to you as part of a recent response to a request you made to that office (Ref: PMO 2022-032). I therefore refer you to the response from PMO, sent to you on 25 March 2022 for this information.

Appendix three, the General Conditions Briefing, is publicly available on the HRC website:

https://www.hrc.co.nz/files/7916/3771/7870/General_Conditions_Briefing_-_upholding_human_rights_protections_under_Aotearoas_proposed_Covid-19_Protection_Framework.pdf

Accordingly, I am refusing your request for this information under section 18(d) of the Act, as the information requested is publicly available.

Administrative emails that relate to identifying an appropriate date to hold the meeting between HRC and DPMC have not been considered for this request.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Cheryl Barnes
Deputy Chief Executive
COVID-19 Response



Meeting Briefing

BRIEFING – COVID-19 GROUP MEETING WITH PAUL HUNT, HUMAN RIGHTS COMMISSIONER

Time: Tuesday 8 February 2022, 1:00-2:00pm

Location: via Zoom

Other DPMC attendees: Ruth Fairhall, Rae Nathan, Megan Stratford; Richard Schmidt and Tana Warburton from the Policy Advisory Group.

To	Cheryl Barnes	Prepared by	Office of the DCE
From	Rae Nathan	Date	4/02/2022

Purpose

This note is to support you in Tuesday's meeting between yourself and Paul Hunt, the Human Rights Commissioner.

Paul Hunt requested to meet with the Prime Minister on the Government's response to COVID-19, particularly the use of COVID-19 Vaccination Certificates. The Prime Minister's Office has requested that the COVID-19 Group meet with Paul Hunt prior to their meeting – which is due to be scheduled for March 2022.

The Prime Ministers' Office has requested that we provide a summary of this meeting and any further action that is required, and a view if a meeting with the Prime Minister is necessary.

Appended are:

- The letter to the Prime Minister dated 2 December 2021.
- The follow-up email (10 December 2021) and article (10 August 2021) written by Paul Hunt
- Human Rights Commission general conditions briefing on the COVID-19 Protection Framework

Background

Context

- Paul Hunt's letter to the Prime Minister states and outlines his concerns around divisiveness and 'othering' that he believes is a result of the COVID-19 Protection Framework.

- He is “seeing an increasing intolerance on both sides – that is, from those who favour vaccinations and those who don’t. This may be aggravating other tensions. My sense is that ‘othering’ is accelerating.”
- And that there are both short and long-term unintended consequences of the COVID-19 Protection Framework.
- He also expressed in his follow-up letter to the Prime Minister that he wants to discuss with her issues like social cohesion, human rights, and democracy.
- Paul Hunt has reached out to the System Assurance and Continuous Improvement team, particularly Amber Bill and Rachel Sutherland, as he is interested in meeting to discuss the ‘othering’ type of rhetoric and the low level of discourse in the dis/misinformation space. This meeting is yet to be scheduled.

Social cohesion work programme

- The social cohesion work programme started before the March 15 terror attacks but was prioritised through the RCOI into the attacks. The main lead for this work is the Ministry of Social Development and the Human Rights Commission typically engage through MSD. Minister Sepuloni is the lead Minister on the social cohesion work programme.
- At this stage in the work programme, a few rounds of consultation with communities has occurred and this was mainly focused on hearing what their needs are and understanding their experiences facing discrimination.

Human Rights Commission checklists and advice for policy makers

- In November 2021 the Human Rights Commission released new human rights and Te Tiriti guidance for COVID-19 policymakers or analysts.
- The suite is on a human rights and Te Tiriti o Waitangi approach to Aotearoa New Zealand’s proposed COVID-19 Protection Framework, and includes a background briefing, a specific conditions briefing (on CVCs) and a general conditions briefing (on human rights and the CPF).
- It is possible Paul Hunt will ask if we use their checklists and advice for policymaking and at this stage we do not.
- The briefings outline topics in a human rights analysis context such as limiting and balancing competing rights, social cohesion, human rights in a public health emergency, and proportionality.

Points for discussion

- Paul Hunt may query the longevity of the CPF and the use of CVCs as it relates to his concerns of ‘othering’.
- Officials regularly consider the effectiveness and proportionality of COVID-19 Vaccine Certificates as a public health measure in response to any changes in the nature and scale of the outbreak. And officials regularly consider if the COVID-19 Protection Framework settings remain fit for purpose as our response evolves.

- Detail below on when these reviews might occur and what they will consider.
- You could consider inviting Paul Hunt, or the Human Rights Commission, to be more involved in the reviews of the CPF and use of CVCs.

On the COVID-19 Protection Framework review:

- This work will be a wider review of the CPF as a whole and will assess some of the bigger picture questions about the Framework.
- The proposed scope of this review includes (but won't be limited to):
 - Future use of vaccine certificates (including any follow ups from the February My Vaccine Pass check-in report back) – as part of the CPF.
 - Review of the efficacy of the Framework against the overarching goals agreed to by Cabinet on 4 October 2021.
 - How the Framework accommodates different cultural practices, particularly tikanga Māori.
 - Substantive settings changes (if any).
- The CPF review is on a slightly slower track than the COVID-19 Vaccine Certificates review (aiming to land this work in March), so that it can be informed by any outcomes and/or recommendations of the COVID-19 Vaccine Certificates review, as well as any further learnings from the current response to Omicron.

On the review of COVID-19 Vaccine Certifications

- Officials are continuing to progress the planned review of domestic COVID-19 Vaccine Certificates/My Vaccine Pass policy, which was intended to pick up any significant issues with the operation of the policy as well as any simple improvements that could be made.
- DPMC has requested input and information from a range of agencies, including:
 - Key metrics like consumer spending, reports of data leaks or misuse by businesses, vaccination and exception rates, evidence of impact on vulnerable populations, including Māori and children, and non-compliance reports received by New Zealand Police/WorkSafe.
- The nature of the feedback we've received from agencies so far has been fairly operational (e.g. compliance and enforcement, ease of use for businesses etc.). As a result, this review will likely focus on these matters and whether there are changes we can make, either to the passes themselves or the policy surrounding them, to address these concerns.
- The final product will be a DPMC briefing to Minister Hipkins on key themes and issues arising from the information received, plus any recommendations (where appropriate).
- The timing of this review was originally planned for Mid-February, but is now tracking for late-February/early-March due to agencies diverting resource to plan for the Omicron outbreak in recent weeks.