

New Zealand Human Rights Commission – Parliament protest conciliation process

Note: This information is being released under the Official Information Act 1982

Overview of conciliation process

During the period of the protest outside Parliament from 6 February to 2 March 2022, representatives of the Human Rights Commission (“the Commission”) met with protest leaders. The Commission considered that it had a mandate to hear the claims of these protest leaders and offered to provide a conciliation process to try to de-escalate and potentially resolve the situation, in terms of its primary and general functions under the Human Rights Act 1993, as well as the UN Paris Principles relating to National Human Rights Institutions. The Commission strictly limited its engagement to those willing to protest peacefully and respectfully. It was agreed between all involved that this conciliation process would proceed on a confidential basis, and that no details would be made public without mutual consent.

(Note: The necessary consents have been obtained in order to release the details contained in this summary).

The conciliation meetings were held on the following dates, between the following participants:

- 22 February 2022 – meeting between protest leaders, Commission representatives, and other interested parties including the Police and mana whenua, and
- 2 March 2022 – meeting between protest leaders, Commission representatives, and other interested parties including mana whenua.

The Government declined an invitation to attend the meeting on 22 February.

Through the conciliation process, the Commission sought to achieve four objectives:

- Listen to the protest leaders, and allow them an opportunity to be heard
- Help to de-escalate the Parliament protest
- Outline the role of the Commission under the Human Rights Act 1993 and its mandate to try to contribute to a resolution of the situation, and
- Clarify in all engagements how human rights and responsibilities work together – specifically in relation to the ‘traffic light system’.

The Commission’s role

The Commission’s role in the process involved facilitating meetings between interested parties, and listening to the perspectives presented at the meetings. The Commission was guided throughout by experienced staff from its Dispute Resolution team.

Arising from the conciliation process, the Commission has undertaken the following workstreams:

- A social cohesion workshop was held on 21 March 2022 with community members and cross-government representatives.
- The Chief Commissioner and representatives of the Commission met with the Prime Minister on 22 March 2022, to discuss the issue of social cohesion.
- The Commission has also initiated research based on the concerns expressed during the conciliation process, including:
 - ACC support and recognition of vaccine-related injury
 - Job losses
 - Loss of houses, and
 - Impact on small businesses.

Correspondence and documentation relating to external parties

The Commission has identified a bundle of documents which will be provided to you shortly. These documents comprise correspondence between representatives from the Commission and external parties in relation to:

- the protest outside Parliament from 6 February 2022 to 2 March 2022;
- the Commission’s protest conciliation process; and/or
- the Police operation on 2 March 2022.

Some documents have been withheld in their entirety, as they are subject to an obligation of confidence in terms of s 9(2)(ba) of the Official Information Act 1982 (“OIA”). Some redactions have been applied to the documents that are included in the bundle. The relevant OIA withholding provisions relied upon are noted within the redacted portions, as set out in the table below:

Withholding provision	Reason
s 9(2)(a)	To protect the privacy of natural persons
s 9(2)(ba)	To protect information which is subject to an obligation of confidence
s 9(2)(g)(i)	To maintain the effective conduct of public affairs through the free and frank expression of opinions by or between members of an organisation, and employees of any public service agency or organisation, in the course of their duty
s 17(1)	Where the information requested is comprised in a document, and other information contained in that document is not relevant to the request

Given the circumstances of the protest and the nature of the conciliation process against that context, we consider it is in the best interests of the Commission’s staff to withhold their names and contact details. With the exception of the Chief Commissioner, we are therefore withholding the names and contact details of all other Commission staff. Some documents regard communications with government officials and non-government stakeholders, and redactions have also been made to their names and contact details.

As noted above, it was agreed by all parties to the conciliation process that while the fact of some meetings could be made public by mutual consent, the identity of the individual attendees and details of what was discussed in these meetings would remain confidential. Accordingly, we are withholding all documents that relate directly to attendees and all documents concerning details of what was discussed in the meetings, with regard to the Commission’s obligation of confidence, to protect privacy, and avoid prejudicing the future supply of similar information.

In reaching these decisions, the Commission considers that, in the circumstances, these reasons for withholding are not outweighed by other considerations which render it desirable, in the public interest, to make the information available.

We note that the Commission has received a range of further correspondence from external parties relating to the protests outside Parliament, the protest conciliation process and the police operation on 2 March 2022. This correspondence includes:

- a number of requests from the media, which the Commission’s Communications team have responded to, and

- over 70 contacts received by the Commission's Human Rights Information and Support Services Team. By way of context, the Commission has received over 5,000 total contacts related to Covid-19 since early 2020 and, over 2,000 of these contacts have been received since 1 December 2021, as the 'traffic light system' was introduced. These contacts include both enquiries and complaints. A relatively small proportion of these contacts constitute complaints alleging unlawful discrimination under the Human Rights Act 1993. For these complaints, the Commission can offer impartial dispute resolution to help parties resolve their complaints. Please note the Commission does not investigate complaints, give legal advice, make decisions, or impose penalties.

Internal correspondence and documentation

Following initial contact from protest leaders in February 2022, Commission staff were engaged in a significant volume of internal correspondence regarding the protest conciliation process. Within the Chief Commissioner's team, there was logistical correspondence to arrange the meetings with protest representatives and other interested parties on 22 February and 2 March 2022. This correspondence involved arranging hybrid in-person and online meetings, confirming internal and external attendees, and setting agendas for the meetings. Commission staff also passed on confidential information provided by protest participants to the Chief Commissioner in preparation for the conciliation meetings. Representatives of the Commission who attended the conciliation meetings also repeatedly sought advice from the Commission's Disputes Resolution team as to how the conciliation process should be run. A media release was drafted following the meeting on 22 February 2022 and was released later that night. The media release was updated on the morning of 23 February 2022. Internally, the Commission's wider staff were updated by the Chief Commissioner's team as to the approach being taken to the conciliation process.