

Ref: 211723

Tuesday, 9 November 2021

John Luke  
By email to John Luke

Tēnā koe John Luke

## Response to your request for Official Information

On 22 October 2021, you requested from the Human Rights Commission (“the Commission”) the following information:

1. Has HRC participate in the new system’s consultation? What’s HRC’s advice to the government. Please provide full copy of your advice to the government regards to exemption certificate for vaccination,
2. I saw your website mentioned about exemption under the religious grounds, how can people apply such exemptions? Are there any other grounds allows under the human right act to apply exemptions, so the new traffic light system not going to discriminate people’s freedom?

In response to your questions:

1. The Commission has not given advice to the government on the issue of exemptions from mandatory vaccinations.
2. In general, this request falls outside the Official Information Act in that the information is not specific with due particularity. The Act does not require the Commission to create an opinion, or to provide information which either does not exist or is publicly available.

The Commission’s website refers to religious grounds in relation to (1) issue of face coverings and (2) being refused access or services because of being unvaccinated:

***Do I have to wear a face covering if I object for other reasons, for example my personal beliefs?***

*People who object to face coverings due to their personal beliefs cannot get face covering exemptions. Exemptions are only provided to people who cannot wear face coverings for health reasons.*

*The Human Rights Act makes it unlawful to discriminate against people because of their political opinion or religious belief (or any other protected ground in the Act).*

The Human Rights Act does not define 'political opinion'. However, New Zealand courts have interpreted it to primarily apply to party political matters. As such the definition is unlikely to extend to someone's personal preferences or views on face coverings.

Someone who holds a **religious belief that prevents them from wearing a face covering may be able to object on religious grounds**. Generally, someone making a claim on religious grounds would need to show their belief is sincere and connected to an established religion, rather than a personally held belief.

If you think you have faced unlawful discrimination, you can make a complaint to the Human Rights Commission. The Commission can check whether the specific circumstances of a complaint fall under the Human Rights Act, and in some cases, offer a dispute resolution process for complaints.

### **Can I be refused access or services because I am unvaccinated due to my personal beliefs?**

The Human Rights Act makes it unlawful to discriminate against someone because of their political opinion or religious belief (or any other protected ground in the Act).

The Human Rights Act does not define 'political opinion'. However, New Zealand courts have interpreted it to primarily apply to party political matters. As such the definition is unlikely to extend to someone's personal preferences or views on vaccinations.

Someone who holds a **religious belief that prevents them from being vaccinated may be able to object on religious grounds**. Generally, someone making a claim on religious grounds would need to show their belief is sincere and connected to an established religion, rather than a personally held belief.

If you think you have faced unlawful discrimination, you can make a complaint to the Human Rights Commission. The Commission can check whether the specific circumstances of a complaint fall under the Human Rights Act, and in some cases, offer a dispute resolution process for complaints.

The Ministry of Health website contains information about how to request an exemption card for people who are unable to wear a face covering: <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-health-advice-public/covid-19-use-masks-and-face-coverings-community/covid-19-advice-people-who-are-unable-wear-face-covering>

The Ministry's website also has information about exemptions from mandatory vaccination: <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-mandatory-vaccinations/covid-19-exemptions-and-exceptions-mandatory-vaccination#exemptions>

If you have faced discrimination, you can send an enquiry or complaint through our online complaint form: <https://www.hrc.co.nz/complaint-form/>

Alternatively, you may contact our Infoline team:

Freephone: 0800 496 877

Email: [infoline@hrc.co.nz](mailto:infoline@hrc.co.nz)

Text: 021 0236 4253

Postal address: PO Box 6751, Victoria Street West Auckland 1142

As the information requested is either publicly available and providing it further would require substantial collation or does not exist, we are declining to provide further information under ss 18(e) and 18(f) of the Act.

The Commission has collection of resources which are publicly available on our website. In particular, you may be interested in information about human rights in relation to Covid-19, which can be found here:

<https://www.hrc.co.nz/resources/human-rights-relation-covid-19/>

### **Alternative avenues**

If you are unhappy with this response, under the Official Information Act you are entitled to complain to the Ombudsman's Office. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or on freephone 0800 802 602.

If you have any further queries about this response, please feel free to contact me directly.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Nicky Wynne', written in a cursive style.

**Nicky Wynne**  
Senior Legal Adviser