

Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence

Minister for Child Poverty Reduction

Minister Responsible for Ministerial Services

Associate Minister for Arts, Culture and Heritage



Peter Mark van Wyk
fyi-request-17428-8941c958@requests.fyi.org.nz

15 DEC 2021

Ref: PMO 2021-300

Dear Peter Mark van Wyk

Official Information Act request relating to International Covenant on Civil and Political Rights

Thank you for your Official Information Act 1982 (the Act) request, received on 2 November 2021.

You requested:

"The International Covenant of Civil and Political Rights requires that New Zealand as a state party derogating from its obligations due to the state of emergency, under the Covenant notify the other states parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and the reasons by which it was actuated.

As per requirement of the covenant...

45. The notification shall contain sufficient information to permit the states parties to exercise their rights and discharge their obligations under the Covenant.

In particular it shall contain:

- (a) the provisions of the Covenant from which it has derogated;*
- (b) a copy of the proclamation of emergency, together with the constitutional provisions, legislation, or decrees governing the state of emergency in order to assist the states parties to appreciate the scope of the derogation;*
- (c) the effective date of the imposition of the state of emergency and the period for which it has been proclaimed;*
- (d) an explanation of the reasons which actuated the government's decision to derogate, including a brief description of the factual circumstances leading up to the proclamation of the state of emergency; and*
- (e) a brief description of the anticipated effect of the derogation measures on the rights recognized by the Covenant, including copies of decrees derogating from these rights issued prior to the notification.*

Can your please provide me with a copy of the notification that was sent to the Secretary-General of the United Nations that contains all information required above?"

The information you have requested does not exist as New Zealand has not derogated from its obligations under the International Covenant on Civil and Political Rights. According, your request is refused under section 18(e) of the Act as the document alleged to contain the information requested does not exist.

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

Yours sincerely

A handwritten signature in blue ink, consisting of stylized letters that appear to read 'Raj Nahna'. The signature is written in a cursive, flowing style.

Raj Nahna
Chief of Staff