



Human Rights  
Commission

*Te Kāhui Tika Tangata*

Why  
international  
human rights  
standards  
matter for  
Māori children

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# Accountability



# UN Convention of the Rights of the Child (UNCROC)

- 1<sup>st</sup> references to indigenous children
- **Article 30** – right to culture, religion and language
- Guidance in **General Comments** from the Committee on the Rights of the Child

# CROC's General Comment 11 (2009)

- **significant challenges** and serious discrimination breach Article 2 of UNCROC
- rights are both individual and **collective**
- **positive measures** are needed
- develop culturally appropriate solutions in **partnership** with indigenous peoples, including children
- **strength-based, child rights approach** rather than ones focused on welfare and deficits  
(*General Comment 13*)

# UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007

- declaration rather than a convention
- affirms fundamental human rights in ratified conventions
- explains how those obligations apply to indigenous peoples
- also includes “new and widely supported aspirations”
- NZ endorsed 20 April 2010

# United Nations Declaration on the Rights of Indigenous Peoples

Te Whakapuakitanga o te Runanga  
Whakakotahi i ngā Iwi o te  
Ao mo ngā Tika o ngā Iwi Taketake



# UNDRIP

- **Article 3:** affirms self determination
- **Article 14:** right to education including in your own language and culture
- **Article 19:** free, prior and informed consent
- **Article 24:** highest attainable health and right to traditional medicines and health practices
- **Article 37:** recognition, observance and enforcement of treaties



# **Te Tiriti o Waitangi and Article 14 of UNDRIP (the right to education)**

**VIDEO**



## Te Tiriti o Waitangi

## UNDRIP

**Article 1:** Crown's rights and responsibilities

**Article 46:** Crown's right to govern  
**Article 19:** consult and co-operate in good faith in order to obtain free, prior and informed consent

**Article 2:** rangatiratanga

**Article 3:** self determination  
Rights to live as Māori  
(Articles 9, 11-16, 18-20, 23-5)

**Article 3:** right to live as equal citizens

**Article 2:** equality and non-discrimination

# UN recommendations



# Committee on Economic, Social and Cultural Rights (CESCR)

**Recommended in June 2010 that NZ:**

- “strengthen its efforts aimed at eliminating the disadvantages faced by Māori and Pasifika . . . . by addressing structural factors and ensuring that relevant measures effectively benefit the most disadvantaged”
- “set specific equality targets by year and closely monitor their achievement”



# UN Special Rapporteur on Indigenous peoples 2010/11

## Visited July 2010 - reported in 2011:

- Continue to work with whānau, iwi and Māori leaders to assess the causes of discrepancies in health conditions and identify culturally appropriate solutions
- Continue support for Whānau Ora
- Overcome the shortage of teachers fluent in te reo Māori and continue to develop Māori language programmes

# Committee on the Rights of the Child (CROC) Feb 2011

- Take urgent measures to **address disparities** in access to services by Māori children and their families
- inequalities in **access to health** services be addressed through a coordinated approach across all government departments and greater coordination between health policies and those aimed at **reducing income inequality and poverty**

## CROC continued

- take into account the observations and recommendations made by the **Special Rapporteur** on the rights of indigenous peoples following his visit to NZ including with regard to the principles enshrined in the Treaty of Waitangi

## Committee on the Elimination of Discrimination Against Women (CEDAW) July 2012

- “The Committee is concerned that the new social security legislation will likely predominantly affect Māori women and reduce their social benefits.”

### **The Committee recommended:**

- “Ensure that the ongoing welfare reforms do not discriminate against disadvantaged groups of women and that an independent evaluation of their gendered impact is made”

## Inquiry into determinants of wellbeing for Māori children

- address unacceptable levels of **systemic inequality** that undermine the wellbeing of Māori children
- recognise the importance of Māori definitions and indicators of **wellbeing**
- engage in good faith with Māori to identify **culturally appropriate responses** for improving the wellbeing of Māori children incl. tamariki hauā
- develop a **Children's Act** that legislates for a Children's Action Plan with:
  - disaggregated targets including around **child poverty**

# Making it real

