



Human Rights
Commission

Te Kāhui Tika Tangata

Why
international
human rights
standards
matter for
Māori children

www.hrc.co.nz
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Accountability



UN Convention of the Rights of the Child (UNCROC)

- 1st 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

