

# Human Rights, Indigenous Rights And Maori Rights

Hauora: Health and Wellbeing  
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# Presentation Outline

1. Rights & Responsibilities
2. International Declarations
3. Human Rights
4. National Acts
5. Indigenous Rights
6. Te Tiriti O Waitangi
7. Maori Rights
8. Current Reality
9. Effectiveness
10. Discussion
11. Conclusion



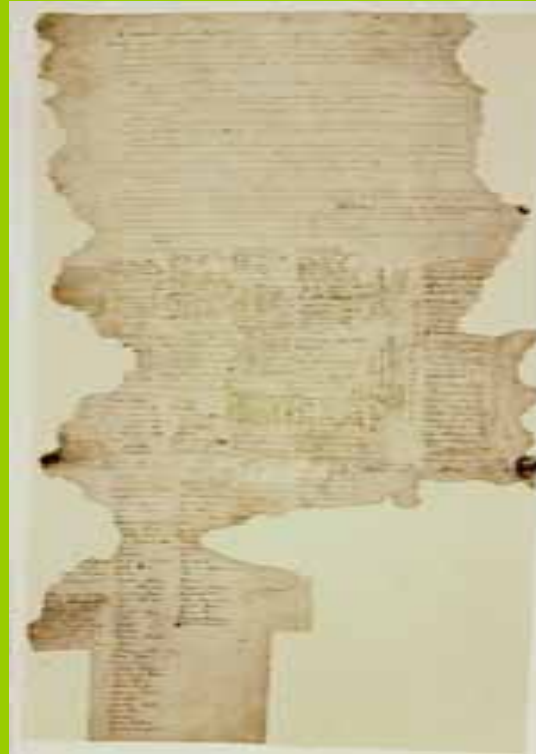
# Rights & Responsibilities



# Te Tiriti o Waitangi Maori Rights

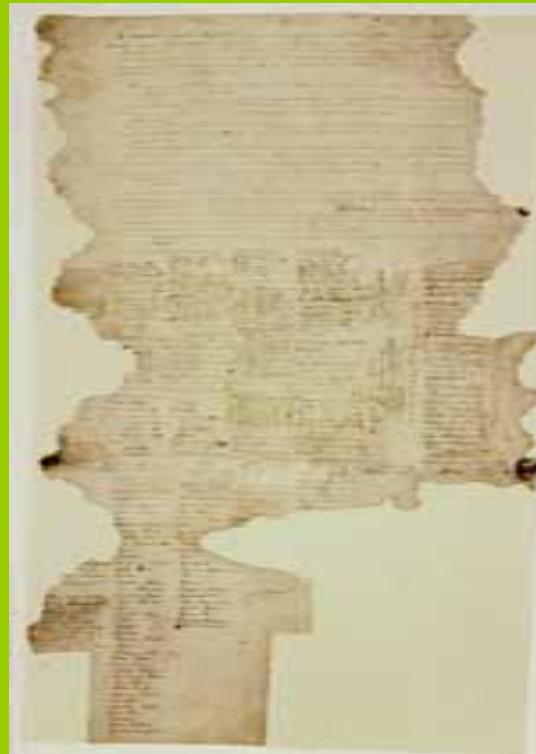
Te Tiriti o Waitangi consists of three articles:

- ❖ Protection
- ❖ Tino Rangatiratanga
- ❖ Partnership
- ❖ Preservation
- ❖ Participation
- ❖ Decision making
- ❖ Preservation
- ❖ Practice our Beliefs and Customs
- ❖ Proper place
- ❖ Fit in socially, belong



# Te Tiriti o Waitangi

- ❖ Respect/ honour
- ❖ Rhetoric
- ❖ Rich and poor
- ❖ Recompense
- ❖ Reconstruction
- ❖ Reclamation
- ❖ Racial Discrimination
- ❖ Restoration
- ❖ Retrenchment



# Current Reality

- ❖ Increased child abuse
- ❖ Poor health
- ❖ Increased poverty
- ❖ Poor education
- ❖ Fragmentation of indigenous knowledge
- ❖ Increased suicide
- ❖ More broken families
- ❖ Increased violence in homes
- ❖ Increased single parent whanau

(UNICEF, 2004) (Statistics New Zealand, 2005)



# Draft United Nations Declaration on the Rights of Indigenous Peoples (1993)

- ❖ The draft declaration consists of 45 articles; related to:
  - Rights to self-determination, participation in the life of the State, nationality and freedom from discrimination
  - Threats to the survival of indigenous peoples as distinct peoples
  - The spiritual, linguistic and cultural identity of indigenous peoples
  - Education, information and labour rights
  - Participatory rights, development and other economic and social rights
  - Right to land and resources
  - Autonomy and indigenous institutions, and
  - The effective implementation of the Declaration and general concluding provisions  
(UNICEF, 2004)



# Indigenous Rights

- ❖ Collective
- ❖ Colonisation
- ❖ Confiscation
- ❖ Critical Mass
- ❖ Collaboration
- ❖ Current realities
- ❖ Crown & Government
  - Responsibilities
- ❖ Children and their futures

***“indigenous children .. Are the custodians of a multitude of cultures, languages, beliefs and knowledge systems, each of which is a precious element of our collective heritage”***

**(UNICEF, 2004)**





# The Universal Declaration of Human Rights (1948)

The Universal Declaration consists of thirty articles:

All Humans are:

- ❖ Born free, equal and without discrimination
- ❖ Entitled to life, liberty & security
- ❖ Not to be subjected to cruelty, inhuman or degrading treatment or punishment
- ❖ Free to seek asylum from persecution
- ❖ Worship however they choose
- ❖ Able to freely take part in public services & in government
- ❖ Able to access health, education and services that provide adequate standards of living
- ❖ Entitled to be protected from harm of any kind
- ❖ Entitled to choose their culture
- ❖ Entitled to social and international order
- ❖ Entitled to exercise rights and freedoms which allow them develop to their full capacity



# NZ Legislation

## ❖ Human Rights Act (1993)

- Established by Human Rights commission
- All people are entitled to have their voices heard should they have experienced discrimination
- Discrimination is unlawful by all, esp. Government, its agencies and public services
- Human Rights Tribunal; A step above the HRC.
- Right to knowledge, understanding how HRC operate and what powers they can exercise legally

## ❖ International Instruments (Seven Conventions)

- United Nations Convention on the Rights of the Child 1990

## ❖ NZ Bill of Rights Act (1990)

- Dictates laws of the land and human rights
- All courts having power to enforce the Act
- The Rights:
  - Life & Security, Democratic & Civil rights, Non-discrimination & minority rights, Search Arrest & Detention, Right to justice



# Human Rights

- ❖ Individual and Inherent rights  
(free and equal in dignity and rights)
- ❖ International advocacy
- ❖ Integrity
- ❖ Inherent Racism

*"All members of the human family are  
the foundation of freedom, justice  
and peace in the world"*  
(Universal Declaration Rights Act, 1948)



# Context of Application

- ❖ Reconcile
- ❖ Sustain
- ❖ Contradict
- ❖ Conflict
- ❖ Negotiate

*"That abstract talk of Human Rights  
is meaningless if the humanity  
of people is not recognised"  
(Jackson, 2004)*



# Discussion

- ❖ Do Human, Indigenous and Maori rights protect our Maori children?
- ❖ How do we measure the effectiveness of these rights for Maori children?
- ❖ Can we realize the potential strength of these collective rights?

*Where to from here?*



# Conclusion

1. Learn about your rights
2. Teach others
3. Respect others
4. By example teach the children



# Reference List

- ❖ Universal Declaration of Human Rights 1948 (1948). United Nations, 2005.
- ❖ Human Rights Act 1993 (1993) . The *amended* statutes of New Zealand, 2005.
- ❖ Bill of Rights Act 1990 (1990). The statutes of New Zealand, 2005.
- ❖ Human Rights Commission. (2004). Moana Jackson speech to Human Rights Commission. Electronic references. Retrieved October 29, 2005, from <http://www.hrc.co.nz/hrc/worddocs/HRSPKRS>
- ❖ UNICEF. (2004). Ensuring the rights of indigenous children. Electronic References. Retrieved October 29, 2005, from <http://www.unicef.icdc.org>
- ❖ Statistics New Zealand. (2005). New Zealand Population Health. Electronic References. Retrieved October 29, 2005, from <http://www.stats.govt.nz>

