Human Rights, Indigenous Rights And Maori Rights

Hauora: Health and Wellbeing Symposium
31st October 2005
Riripeti Haretuku
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 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


- 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

  - 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)

- 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