

UN Recommends Better Protection of the Human Rights of Maori

For immediate release

Aotearoa Indigenous Rights Trust and Peace Movement Aotearoa

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The UN Human Rights Council last night issued its report on New Zealand's compliance with human rights. Members recommended that New Zealand consider the possibility of constitutional entrenchment of international human rights instruments and the Treaty of Waitangi to better protect human rights says Claire Charters, of Aotearoa Indigenous Rights Trust, who has been in Geneva monitoring the review of New Zealand.

"There was a very high level of interest in Maori human rights by the Human Rights Council, as well as concern about how New Zealand is meeting its international human rights obligations in relation to Maori", says Ms Charters.

"We are pleased that this report came out so strongly in favour of Maori human rights. It is consistent with previous findings of UN human rights bodies, such as the Committee on the Convention on the Elimination of all forms of Racial Discrimination and the UN Special Rapporteur on indigenous peoples' human rights."

The Human Rights Council is made up of 47 states and was established in 2006 to reflect the increased importance of human rights within the UN system. One of its principal functions is to undertake a universal periodic review of states' conformity with international human rights standards, after reviewing states' reports, considering the views of non governmental organisations, and undertaking an interactive dialogue with the state concerned. Written submissions to the Human Rights Council included joint NGO submissions coordinated by Aotearoa Indigenous Rights Trust and Peace Movement Aotearoa (supported by the Treaty Tribes Coalition, Maori Party and fifteen other organisations), and the Human Rights Foundation, as well as submissions by individual NGOs such as Amnesty International and Caritas Aotearoa New Zealand.

New Zealand, represented by Hon Simon Power, presented its report to the Human Rights Council during the interactive debate on Thursday, 7 May. He took a constructive approach to explaining New Zealand's compliance with human rights, accepting that in some areas, such as socio-economic disparities between Maori and non-Maori, more work needed to be done. A number of states, such as the Netherlands, expressed concern with such disparities, and the UK recommended that New Zealand take more action to understand discrimination against indigenous peoples.

Many of the UN member states who spoke during the interactive dialogue raised issues around New Zealand's compliance with its international legal obligations to protect and promote the human rights of Maori. Among other things, states recommended that New Zealand:

- support the UN Declaration on the Rights of Indigenous Peoples (2007) and ratify the ILO Convention No 169 Concerning Indigenous and Tribal Peoples in Independent Countries (1989), which recognise indigenous peoples' rights to lands, territories and resources;
- progress dialogue with Maori on the Foreshore and Seabed Act (2004) to find a way forward with the free, prior and informed consent of those affected, as required by international law;

- find appropriate ways to adequately compensate Maori for the loss of their land;
- continue to address all forms of political, economic and social discrimination against Maori by meeting their various demands for constitutional and legal reforms and recognition; and
- ensure that the NZ Bill of Rights Act appropriately reflects all of New Zealand's international human rights obligations, and that all laws are in accordance with it and cannot limit its scope.

"We are heartened by Mr Power's statement after the interactive dialogue that New Zealand will seriously consider the recommendations put to it as a result of the review", says Ms Charters.

More information: about the Human Rights Council's review of New Zealand can be found at <http://www.converge.org.nz/pma/nzupr09r.htm>

See in particular the Joint NGO submission on indigenous peoples' rights and the Treaty, Aotearoa Indigenous Rights Trust and Peace Movement Aotearoa et al, at <http://www.converge.org.nz/pma/towupr09.pdf> and Annex A at <http://www.converge.org.nz/pma/towupr09a.pdf> as well as the Combined NGO feedback on the government's draft report at <http://www.converge.org.nz/pma/fbtow09.pdf>.

The UN Human Rights Council's Report can be found at http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/NZ/A_HRC_WG6_5_L7_NZ_E.pdf