

*Expert Seminar in Support of the Work of the
UN Expert Mechanism on the Rights of Indigenous Peoples
Establishing effective monitoring mechanisms at the national and regional levels for the implementation of the
UN Declaration on the Rights of Indigenous Peoples*



THE UNIVERSITY OF BRITISH COLUMBIA



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Panelist	Ms. Jess Ngatai
Panel	Panel 6: The role of Human Rights Institutions
Time	13.30 – 14.45
Date	Friday 24 February 2023
Location	<i>(Remote via Zoom)</i> Robert H. Lee Alumni Centre University of British Columbia 6163 University Blvd Vancouver, BC

EMRIP Seminar: Establishing Effective Monitoring Mechanisms

23-24 February 2023



Role of National Human Rights Institutions

Jessica Ngatai

Senior Human Rights Specialist

Te Kāhui Tika Tangata | New Zealand Human Rights Commission

JessicaN@hrc.co.nz

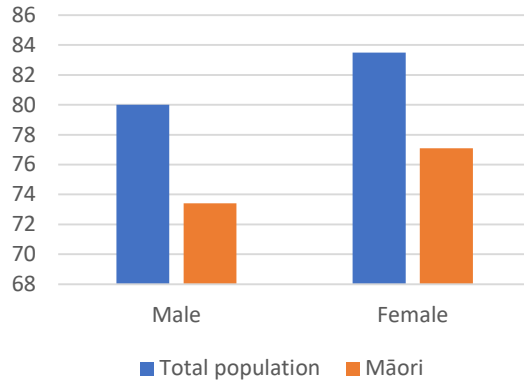
Te Kāhui Tika Tangata

New Zealand Human Rights Commission

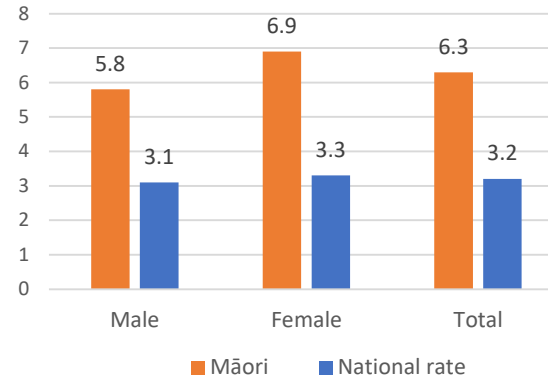
- **Aotearoa Independent Monitoring Mechanism**
 - NZHRC support as part of technical team
- **Human right survey**
 - Developing a national survey on awareness and enjoyment of human rights and Te Tiriti o Waitangi (1840 treaty)
- **Indigenous rights indicators**
 - Drawing on, eg: Indigenous Navigator, Māori frameworks
 - Government accountability
 - Community monitoring; achieving Indigenous aspirations and exercise of self-determination
- **International reporting** – UN treaty bodies, Universal Periodic Review
- **National action plan to implement the Declaration**
 - Partnership with government, National Iwi Chairs Forum
 - Education and awareness-raising
 - Facilitating ‘Peoples’ plans’ to support Indigenous groups/families to achieve their self-determination aspirations
- **Organisational transformation** → Te Tiriti based organisation

Current situation – Implementation Gap

Life expectancy



Unemployment rate (2022)



Children in State care custody



■ Māori ■ Other

Young people in youth justice custody



■ Māori ■ Other

Prison population



■ Māori ■ Other

1 in 5

Māori children live in poverty



30% of Māori children experience food insecurity

Māori make up **52%** of emergency housing applications

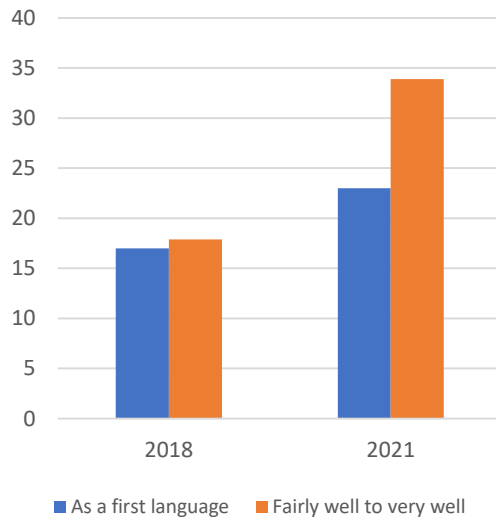


And **61%** of special needs grants

11% of Māori live in damp or mouldy homes

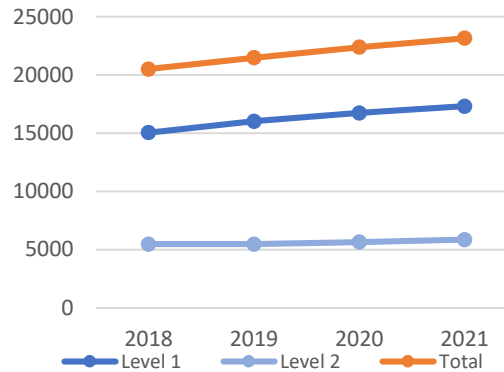
Achieving Indigenous-defined goals

Percentage of Māori who speak te reo



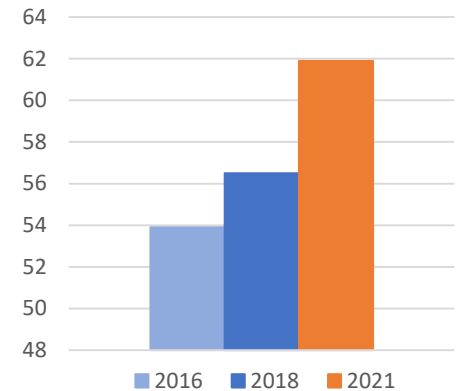
(Statistics NZ, General Social Survey 2021)

Number of students in Māori medium education



(Educationcounts.govt.nz)

Support for te reo Māori as a core subject in primary schools



(Statistics NZ, General Social Survey)

*“Ko te puawaitanga o
ngā moemoea, me
whakamahi.”*

*(Dreams become reality, when
we take action.)*

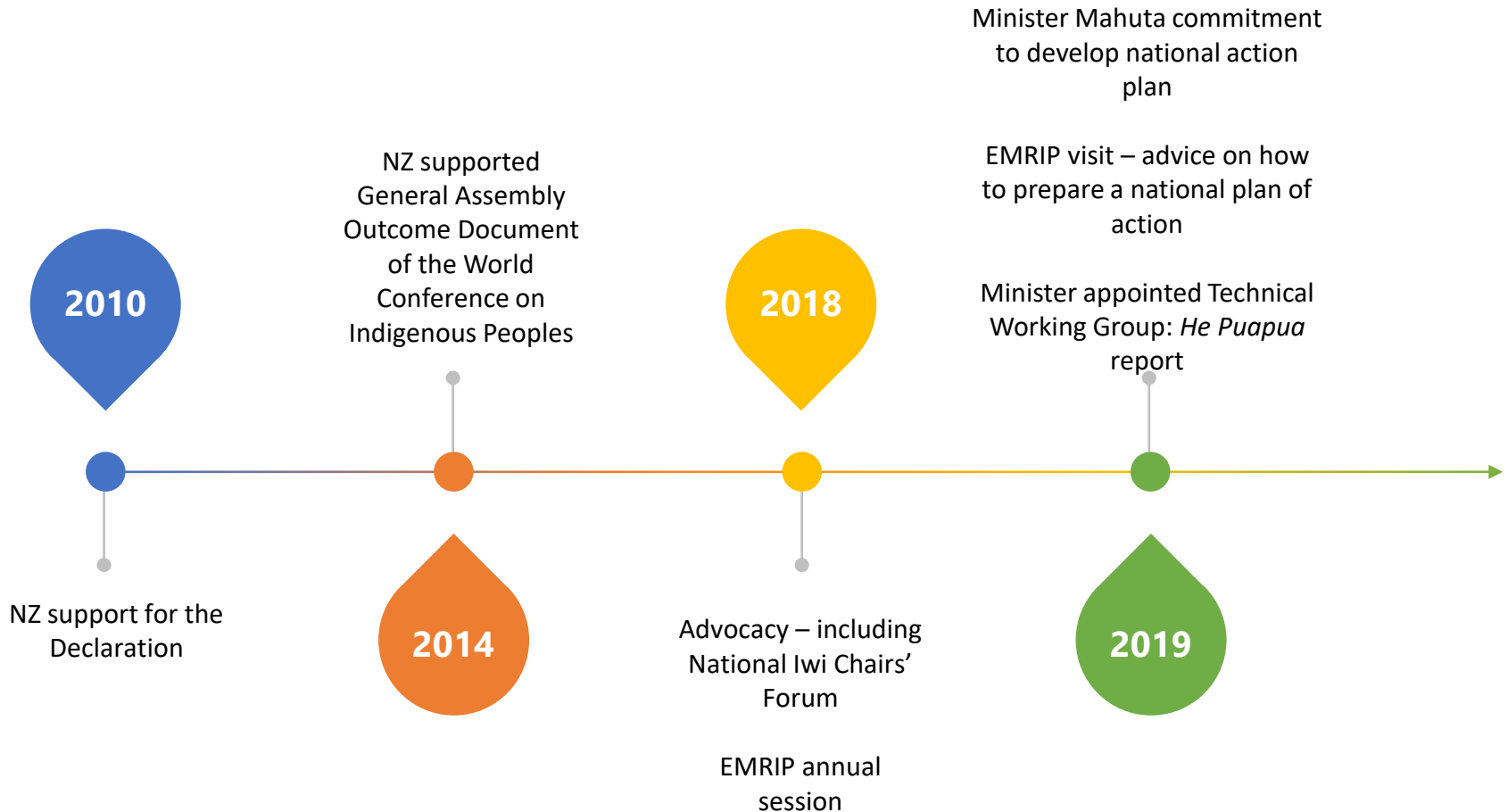
Te Puea Herangi

(1883-1952)

Image: 'Te Puea Hērangi', URL:
<https://nzhistory.govt.nz/media/photo/te-puea-h%C4%93rangi>,
(Ministry for Culture and Heritage)

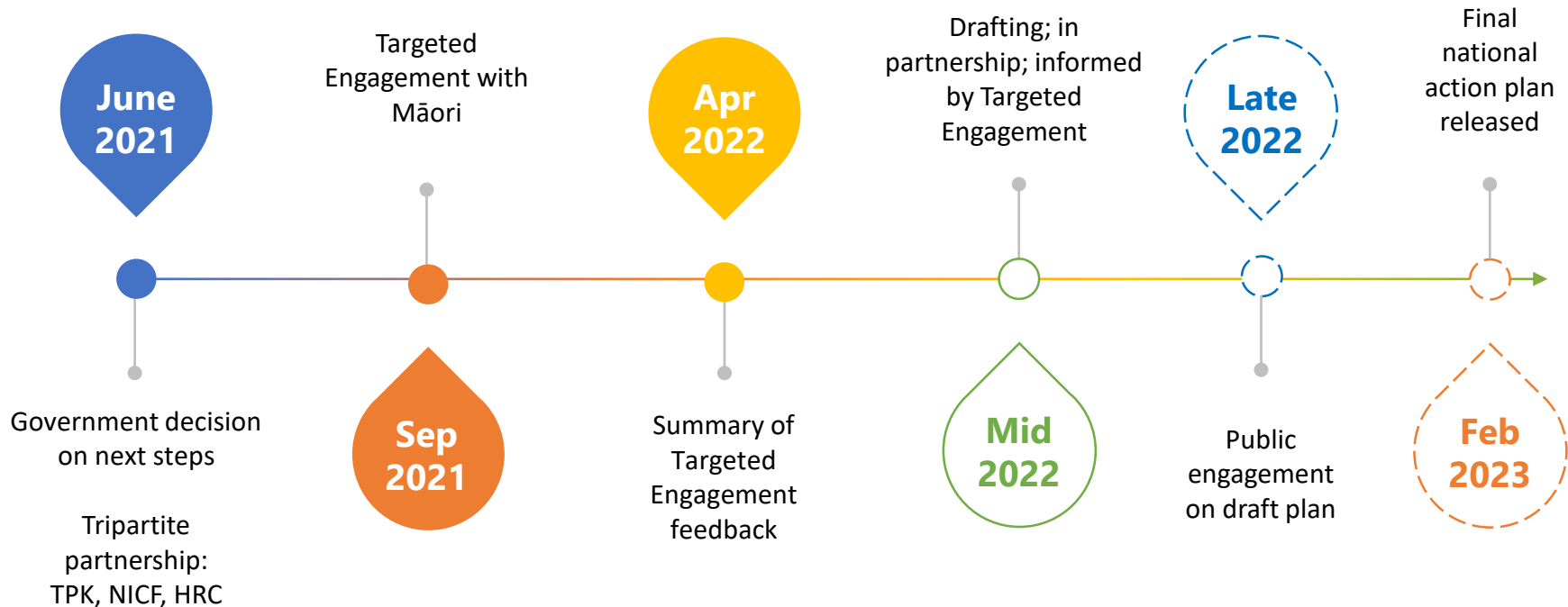


A national action plan to implement the UN Declaration on the Rights of Indigenous Peoples





A national action plan to implement the UN Declaration on the Rights of Indigenous Peoples





Targeted Engagement with Māori on Declaration Plan



Iwi Chairs Forum Secretariat



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT



NZ
Human
Rights.

Te Kāhui Tikā Tangata
Human Rights Commission

The National Iwi Chairs Forum Pou Tikanga, the Human Rights Commission and Te Puni Kōkiri led the **targeted engagement with Māori** on the development of a plan to implement the **United Nations Declaration on the Rights of Indigenous Peoples** between September 2021 and February 2022.



69
Workshops



370 approx.
Participants



32
Facilitators

Targeted rōpū representation

This is a high-level representation of the groups who participated in the workshops and it does not reflect the cross-section of perspectives within the participants. We are committed to paying particular attention to the views of wāhine Māori, tāngata takatāpui, tamariki and kaumātua in the remaining phases of this mahi.



Human Rights
Commission
Te Kāhui Tikā Tangata

Themes from Targeted Engagement

Tino rangatiratanga

Tino rangatiratanga must be recognised, resourced and implemented from a whānau and hapū level.

Strengthening the rangatiratanga of tāngata whenua was the most consistent matter raised during the workshops and it applies across all the themes below:

Participation in kāwanatanga

Consistent call for stronger and sustained participation in **kāwanatanga** processes and decision-making

Education

The system creates inadequate outcomes for tamariki, rangatahi, whānau, hapū and iwi. **Needs independent kaupapa Māori institutions and governance**

Health

Support for a separate **Māori health authority** and clear need to address negative health outcomes in a Māori way

Cultural expressions and identity

Absolute importance of te reo Māori as the thread that binds te ao Māori together

Economic development and business

Māori are entrepreneurs. We need to build an economic base that is fast growing, socially responsible and a way of achieving aspirations



Land, resources and the environment

Taiao and everything that encompasses is central to Māori identity and wellbeing



Provision of information about Indigenous / Māori rights

Lack of education and knowledge of Indigenous rights and Te Tiriti is a **barrier to their realisation**. Indigenous rights do not diminish other rights



Justice

Call for fundamental change to mitigate the impact of the current system on tāngata whenua



Housing

Homelessness for Māori is unacceptable. Housing issues are inextricably **connected to rights to whenua**



Equity and fairness

Inequities and inequalities experienced by Māori across a range of contexts exist despite the guarantees in **Te Tiriti and the Declaration**



Te oranga o te whānau

Healing past and current traumas must **start with whānau structures**



International reviews and recommendations

E.g.,

- Committee for the Elimination of Racial Discrimination (2017)
- Committee for Economic, Social and Cultural Rights (2018)
- Universal Periodic Review (2019)

- EMRIP – annual sessions, country visit 2019
- UNPFII – annual sessions

Self-determination

Treaty of Waitangi

Free, prior and informed consent

Rights to lands and resources

Participation and representation

National action plan for the Declaration

Implementation...?

Te Kāhui Tika Tangata

New Zealand Human Rights Commission

- **Aotearoa Independent Monitoring Mechanism**
 - NZHRC support as part of technical team
- **Human right survey**
 - Developing a national survey on awareness and enjoyment of human rights and Te Tiriti o Waitangi (1840 treaty)
- **Indigenous rights indicators**
 - Drawing on, eg: Indigenous Navigator, Māori frameworks
 - Government accountability
 - Community monitoring; achieving Indigenous aspirations and exercise of self-determination
- **International reporting** – UN treaty bodies, Universal Periodic Review
- **National action plan to implement the Declaration**
 - Partnership with government, National Iwi Chairs Forum
 - Education and awareness-raising
 - Facilitating ‘Peoples’ plans’ to support Indigenous groups/families to achieve their self-determination aspirations
- **Organisational transformation** → Te Tiriti based organisation



Panelist	Ms. Jess Ngatai
Panel	Panel 6: The role of Human Rights Institutions
Time	13.30 – 14.45
Date	Friday 24 February 2023
Location	<i>(Remote via Zoom)</i> Robert H. Lee Alumni Centre University of British Columbia 6163 University Blvd Vancouver, BC

Tēnā koutou katoa. Greetings to you all.

I acknowledge the Indigenous Peoples on who's land this workshop is taking place. My thanks to the EMRIP members, presenters and to everyone in the room and online – it's been an extremely interesting, helpful and inspiring seminar.

I am from Ngāti Wai, Ngāti Haua, Ngāti Maniapoto iwii (tribes). I'm joining you from Auckland, in Aotearoa New Zealand – where I work as part of the Indigenous rights team within the New Zealand Human Rights Commission, Te Kāhui Tika Tangata.

Today I'm going to outline some areas of our work that relate, and hopefully contribute, to the monitoring of the UN Declaration at the national level here in Aotearoa.

As Prof Margaret Mutu spoke about yesterday, we have an Indigenous Peoples' independent monitoring mechanism, that was established in 2015 by the National Iwi Chairs Forum – the collective of Māori leaders. The monitoring mechanism reports annually on developments and progress on implementation of the Declaration.

The Human Rights Commission supports that Indigenous-led monitoring, through the technical team – assisting with some of the data gathering and pulling the report together. According to the priorities and direction set by the Governance members of the Monitoring Mechanism.

There were some questions yesterday about the data sources we use – just to reiterate, as Margaret said, we scan public reports and data for those reports.



In New Zealand, the disaggregated data is relatively good. However, there are some major gaps – including in relation to Māori with disabilities, the regularity of data and surveys, and gaps in relation to certain rights in the Declaration (eg, self-determination).

A current piece of work being undertaken by the Commission, is developing a national human rights survey. We're trying to ensure that the process and the end products of this work are Te Tiriti based. That is, they reflect the rights and obligations set out in our 1840 treaty between Indigenous Peoples and the settler State.

The survey will look at awareness and understanding of human rights and Te Tiriti; as well as the level of enjoyment of those rights. It will explore awareness and enjoyment of tino rangatiratanga (including the right to self-determination) by Māori.

The methodology is being carefully designed to address things like: accessibility for Māori, and ensuring that sampling processes give Māori 'equal explanatory power'. So there is a specific focus on Māori through the survey.

At the moment, the survey questions and process are being designed. The aim is for the national survey to be carried out later this year, and ideally, every two years.

Another current project – which is at a very early stage at the moment – is we are trying to put together some Indigenous rights indicators that can be used in our work and in community monitoring.

We are looking very closely at the Indigenous Navigator – which is an excellent tool and resource – and also at the existing Māori frameworks that exist in relation to measuring wellbeing according to Māori values and concepts.

We are conscious that in international comparisons, New Zealand can often appear to be doing well on Indigenous rights. Whereas for families and communities on the ground, the reality is quite different. That our people experience the worst statistics, rampant racism and continual violations of their rights.

That being said, we are also conscious of the drawbacks of taking too much of a deficit approach. We need to hold government to account, but we also want to be able to measure the ways that Indigenous Peoples are exercising their rights, defining their own aspirations, and measure progress against those goals – not solely the disparity statistics.

The work we are starting now – on Indigenous Rights Indicators – we want this to balance both.

Prof Margaret Mutu spoke yesterday about what's been happening with the work on a national plan of action. And I'll talk a bit further about that.

Turning to some statistics now – these are largely taken from the latest monitoring report by the Independent Monitoring Mechanism.



The statistics show that there is a sizeable and persistent implementation gap in New Zealand.

We can look to the teachings of our own people – such as this quote from Te Puea Herangi – which highlight the need for action.

And that is the hope and the aim of a national action plan for the Declaration – that it would set down some clear government commitments to meaningful action.

The work has been a long process – leading up to the Government’s decision in 2019 to develop an action plan.

As Margaret stressed yesterday, the 2019 country visit by the EMRIP was invaluable – both for their advice, and the role of the visit in getting some traction.

After a few more delays, the work began in earnest in 2021. It’s been done in a partnership arrangement involving the lead government agency, the National Iwi Chairs Forum and the Human Rights Commission.

We began with engagement with Māori – hearing from Māori groups what they want to see in an action plan.

Then using that to inform the drafting of a plan.

The aim was to then take a draft out for public engagement – checking back with those we had engaged with previously – and finalising a national action plan by this time – February 2023.

As Margaret spoke about yesterday – these final stages haven’t happened and the work has stalled.

We did manage to carry out engagement with Māori. And we heard some clear messages and priorities. Many of these echo the messages that the EMRIP heard during their visit.

Unfortunately that work has now stalled.

And as we mentioned briefly yesterday, what we are now doing is shifting our attention to education activities.

Addressing that issue raised in this workshop – that many of our people don’t know what the Declaration is, or how it’s relevant to their lives and everyday struggles.

So there’s lots of further work to do there.

And we’re also shifting our attention – from Government action, now to how we can support Indigenous Peoples themselves to exercise their self-determination and achieve their aspirations.

Very briefly – on international level reporting. The Commission is regularly involved in this. We get some very good recommendations from treaty bodies – aligned with the Declaration and Te Tiriti. But the issue remains as to their implementation.