

**Expert Mechanism on the  
Rights of Indigenous Peoples  
TWELFTH SESSION, 15-19 JULY 201  
Agenda item 8, Wednesday 17 July 2019:  
Study on recognition, reparation and reconciliation**



Kua mōhio whānui ā Matariki hei tohua ki te Ao. E rau rangatira mā, huri noa i te whare, tēnā tātou katoa.

*(The Pleiades are known widely to mark the passage of time and forecast coming seasons. Greetings to the many leaders and all who are present.)*

My name is Hēmi Pirihi from the New Zealand Human Rights Commission

**Recognition - Onamata**

Māori have their own systems to deal with reparation and reconciliation based on tikanga; values and principles. Our own ways of maintaining and restoring social order through whanaungatanga (*kin relationships*), rangatiratanga (*leadership*) and processes that recognised and emphasised individual responsibility to the collective. Recent developments in the work on the rights of indigenous peoples, have continued to build a greater understanding of the interrelationship between individual and collective rights, and the importance of recognition, reparation and reconciliation in realising the rights in the Declaration.

In New Zealand, recognition of te ao Māori (*a Māori worldview*) is increasingly being seen in a range of reports and reviews. The final report of the Independent Panel examining the 2014 family justice reforms, for example, recommends recognition of te ao Māori and Māori led solutions as a model across the justice system. Engagement with other indigenous people at EMRIP is a practical way to recognise various value systems and note similarities in experiences and cultural practises. The experiences shared in the EMRIP's Advisory Note following the Country engagement, is another.

**Reparation – Inamata**

Te Tiriti o Waitangi, the founding constitutional document of New Zealand, provides a framework for the State to promote, protect and respect indigenous rights. An important source of indigenous rights protections is the Waitangi Tribunal, a permanent commission of inquiry, established to make recommendations on claims brought by Māori relating to State actions which breach the promises made in Te Tiriti o Waitangi. At the same time though, the lack of constitutional and legal protections means that parliament can pass laws that breach important human rights that

impact directly on Māori. Prisoner disenfranchisement, raised by my brother Jacob in his excellent intervention yesterday, is one example.

### **Reconciliation - Anamata**

The advisory note prepared by the Expert Mechanism following the country visit, provides valuable guidance on the role of NHRI's in the development, monitoring, evaluation and tracking of a national action plan to implement the Declaration. The Commission welcomes the opportunity to collaborate with other NHRI's and the EMRIP, to share experiences, good practise and challenges.

The Declaration acknowledges that indigenous peoples have suffered from historic injustices as a result of their colonisation. Social disparity prevalent in health, education, over-incarceration, housing, employment and income are persistent issues that plague Māori. Homelessness, child poverty and the current crisis of 3 Māori babies each week being uplifted by the State is intolerable. Numerous articles of the Declaration prescribe substantive and procedural aspects for remedying such injustices to ensure that they will not be repeated in the future.

The New Zealand Human Rights Commission welcomes the study, and will use and promote it in our work.

Mauri ki te Rangi. Ora ki te Whenua. Mauriora kia tātou katoa.  
*(Life essence from our Sky Father. Vitality from Mother Earth. Wellbeing for all.)*