

EMRIP Intervention 2019

Agenda Item 6. Country engagement

Tena koutou,

My name is Jacob Ashdown and I am Maori from Aotearoa / New Zealand. I work in an addiction treatment programme that works mainly with Maori from prisons. I am an ex-fellow of the UN Indigenous Fellowship Programme 2018 and a beneficiary of the UN Voluntary Fund for Indigenous Peoples.

The government of Aotearoa / New Zealand has committed to developing an action plan for implementing the Declaration on the Rights of Indigenous Peoples. I would like to acknowledge the Expert Mechanism for visiting Aotearoa / New Zealand to support the implementation of the declaration and suggest that the Expert Mechanism continue to collaborate with Maori and the state to ensure that the recommendations are implemented, with an emphasis on progressing Maori political participation and self-determination.

Maori are 15% of the general population but make up more than half of people in prisons. We are discriminated against at all levels of the justice system and this contributes to the disproportionate incarceration of Maori. Furthermore, while in prison, Maori are denied the right to vote. The Declaration on the Rights of Indigenous Peoples, Article 3 States "Indigenous Peoples have the right to self-determination. By virtue of that right, they freely determine their political status...". In 2010, the New Zealand government passed legislation that revoked the right of people in prison to vote in general elections. However, the New Zealand Supreme Court later found that denying people in prison the right to vote is inconsistent with the Bill of Rights Act. Nevertheless, people in prison remain unable to vote.

This not only constitutes structural racism, but contradicts the democratic process and undermines the principals of partnership and participation which are guaranteed in *Te Tiriti o Waitangi*.

Denying the right to vote does nothing to deter crime nor advance New Zealand society. Therefore, I recommend that the Expert Mechanism in their country engagement specifically advise the state to reconsider restoring voting rights within prisons. This will ensure the integrity of the democratic process in Aotearoa / New Zealand and confirm the right of all Maori to participate in the political process. This is key to the realization of the Declaration and *Te Tiriti o Waitangi*.