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Te Kāhui Tika Tangata
Human Rights Commission

Housing Inquiry

Implementing the right to a decent home in Aotearoa:
Fairness and dignity for all

July 2023

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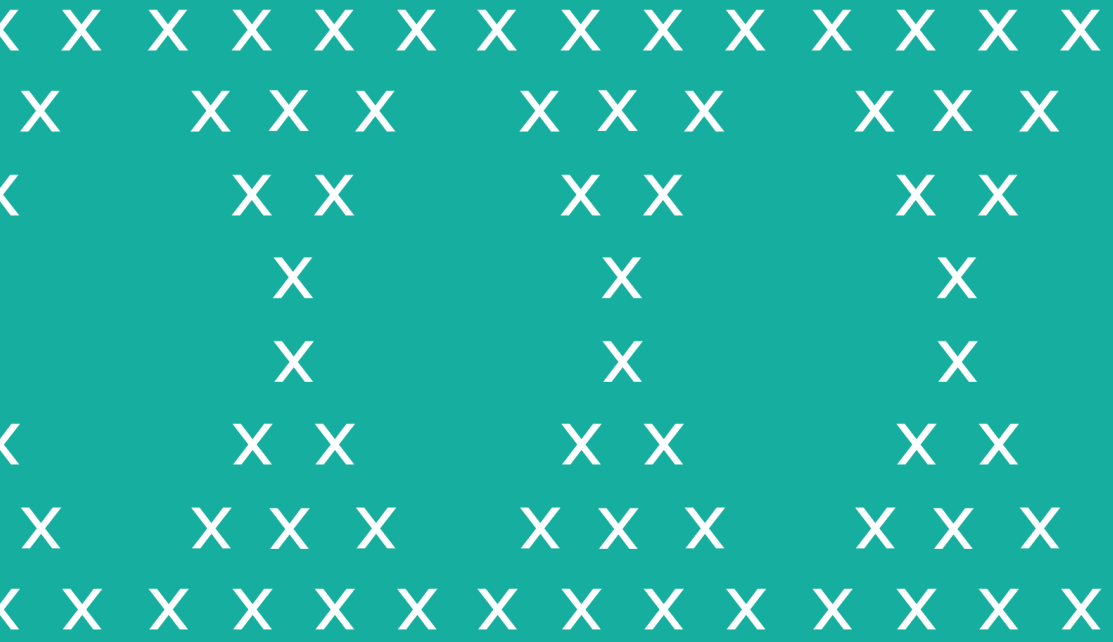
Te Kāhui Tika Tangata
Human Rights Commission

HE KĀINGA RAWAKA
HE TIKA TANGATA
A decent home is our human right



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Implementing the right to a decent home in Aotearoa:
Fairness and dignity for all

Te Kāhui Tika Tangata
Human Rights Commission

Inquiry into the right to a decent home in Aotearoa

The Human Rights Act 1993, which establishes the Human Rights Commission, is designed:

> "to provide better protection of human rights in New Zealand in general accordance with United Nations Covenants or Conventions on Human Rights".[i]

The Act sets out the Commission's primary functions, the first of which is:

> "to advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society".

Additionally, the Act gives the Commission numerous specific functions, including:

> "to inquire generally into any matter, including any enactment or law, or any practice, or any procedure, whether governmental or non-governmental, if it appears to the Commission that the matter involves, or may involve, the infringement of human rights".[ii]

In accordance with its statutory functions, the Commission has launched an Inquiry into the right to a decent home in Aotearoa. In a series of initiatives, the Housing Inquiry aims to provide constructive recommendations on ways that the right to a decent home, grounded on te Tiriti o Waitangi, can contribute to a fair and dynamic housing system.

The Inquiry applies *Aratohu Tika Tangata ki te Whai Whare Rawaka i Aotearoa: Framework Guidelines on the Right to a Decent Home in Aotearoa*, published by the Commission in August 2021, as a lens through which to consider the housing system.

The Housing Inquiry is designed to advance the Human Rights Commission guiding purpose, Te Whakamana Tāngata: A Life of Dignity for All.

(Strategic Direction, 2020-2024)

[i] Human Rights Act 1993, section 5(1)(a).

[ii] Section 5(2)(h).

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Preface – Chief Human Rights Commissioner Paul Hunt

Some years ago, I was invited to give a talk on human rights in Ireland. When I said that everyone in the room had a right to a decent home, a woman shouted from the back of the room, "That's the best kept secret in Ireland!"

I explained that both governments in Ireland – north and south – have agreed to be legally bound in international law by this human right and observed that some Irish and Scottish organisations were explicitly using human rights to improve housing conditions.

When I became Chief Human Rights Commissioner, I found that the right to a decent home was pretty much invisible in Aotearoa. As in Ireland, it was the best kept secret in the country.

Our two-year Housing Inquiry aimed to shift the dial. Today, the right to a decent home is more widely known in Aotearoa than ever before. It's understood that this human right requires governments to do all they reasonably can to create the conditions whereby everyone can enjoy access to a safe, warm, dry, affordable home. In other words, the right to a decent home isn't idealistic – just the reverse. It demands rational, evidence-based housing policies that deliver for everyone.

The right to a decent home is constructive and hopeful. It provides tools for public officials, individuals, and communities. This closing report devotes a chapter to how policy makers can integrate the right to a decent home and te Tiriti o Waitangi into their housing policies. This does not entail a major departure from what policy makers are already doing. Rather, the right to a decent home can help to improve and strengthen what policy makers have already embarked upon.

The report also provides tools for individuals, communities, hapū, and iwi to help them advance the right to a decent home and te Tiriti o Waitangi.

Crucially, the human right dignifies individuals and empowers communities.

I acknowledge the incredible people who are tackling the housing crisis in Aotearoa: dedicated officials, builders developing new homes, hapū and iwi establishing kāinga on their whenua, housing and social service providers, non-governmental organisations, advocates, community organisations and – most of all – the determination of everyone who has been let down, frustrated, and hurt by the country's deeply flawed housing system.

We designed our Housing Inquiry to provide a safe space for people who are most affected and seldom heard. We have tried to convey, honestly and accurately, their disappointment and pain, for example, in our report on the emergency housing system. We also heard their hopes for a system that dignifies people and shows manaakitanga, not indifference.

Our publications have identified and applied the key features of the right to a decent home and te Tiriti o Waitangi. When explaining that one of the features is independent review, I've been told not to worry about that because housing is reviewed all the time. But this misses the point. Independent review is required in relation to binding human rights commitments and I can assure you that very rarely happens in Aotearoa.

I've also been told that there's no need for independent review because dispassionate review will do the job. This, too, misses the point. It really

doesn't look good if government and officials 'mark their own homework', no matter how objective they strive to be.

The requirement of independent review in relation to binding human rights commitments is not about blame and punishment. It's about identifying what works so it can be repeated, and what doesn't work so it can be suitably revised. Known as constructive accountability, it's a mature way of learning from practice. This is most recently discussed in chapter 2 of this report.

Throughout our Inquiry, we have emphasised that the housing crisis is the responsibility of successive governments over many years. We have acknowledged the current Government has made very significant efforts to deliver a more equitable housing system in Aotearoa. Moreover, there are welcome signs of progress. Is the progress sufficiently rapid? Absolutely not, much more can and should be done.

Although we are closing our Housing Inquiry, the Commission will continue to do all it can to advance the right to a decent home and te Tiriti o Waitangi.

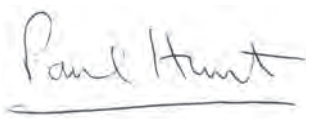
The next page of this report acknowledges the many people and organisations who have contributed to our Inquiry.

I also wish to acknowledge my Commission colleagues for the time and effort they have contributed, including the leadership team – our current and former Commissioners, Chief Executive, and Pou Ārahi. Additionally, I acknowledge and send my deep appreciation to the secondees and contractors who have contributed their expertise: researcher Dr Diane Menzies, technical advisor Jacqueline Paul, and StatsNZ secondees Rosemary Goodyear and Zara Darbyshire.

My profuse thanks go to members of the Commission's Inquiry project team for their wonderful mahi: Aaron Packard, Cecilia Peña, Delia Nolan, Esther Rootham, Hemi Pirihi, Jacqueline Paul, Moira Lawler, Paula Pirihi, Philippa Moran, Sophie Bradwell-Pollack, Tegan van der Peet, Tamzin Jordin, and everyone else who contributed. However, we are especially indebted to Vee Blackwood, the Inquiry Manager, who pulled together and drove the entire enterprise. I am extremely grateful to Vee who worked immensely hard and with great professionalism.

Finally, my warm thanks to the Inquiry's Expert Advisory Group: Suzanne Snively DNZM, Shamubeel Eaqub, Dr Huhana Hickey MNZM, Jacqueline Paul, Lorraine Toki (representing the Pou Tikanga of the National Iwi Chairs Forum), and Wayne Knox (General Manager of Te Matapihi Māori Housing Network).

Thank you very much indeed for patiently sharing your immense expertise and experience with us.



Paul Hunt

Chief Commissioner | Te Amokapua

New Zealand Human Rights Commission | Te Kāhui Tika Tangata

Acknowledgements

We deeply appreciate the time and effort of everyone who has contributed to and supported this Inquiry.

We were privileged to work in partnership with Pou Tangata and Pou Tikanga from the National Iwi Chairs Forum to lead the development and drafting of *Aratohu Tika Tangata ki te Whai Whare Rawaka i Aotearoa: Framework Guidelines on the Right to a Decent Home in Aotearoa*.

We sincerely thank the members of our Expert Advisory Group, as mentioned by the Chief Commissioner on the previous page. Their vital contributions have guided and improved the Inquiry throughout its work.

We appreciate our close working relationship with Community Housing Aotearoa, and the support offered by both their current Chief Executive Paul Gilberd and previous Chief Executives Chris Glaudel, Vic Crockford, and Scott Figenshow, as well as the invaluable contributions of their staff. Likewise, we deeply appreciate the contributions of Te Matapihi.

Throughout the course of the Inquiry, we have met with housing Ministers – Minister of Housing the Hon Dr Megan Woods and Associate Ministers including Hon Marama Davidson (Homelessness). We thank them, and government officials working across the housing system, for their engagement, insight, and advice. We appreciate the ongoing engagement with Kāinga Ora, Ministry of Housing and Urban Development, and the Ministry of Social Development. We also deeply appreciate the opportunities we have had throughout this Inquiry to meet with officials from across government, including senior officials who hold the task of guiding these housing agencies and directing their work. We commend their dedication and hard work in progressing a housing system that meets the needs of everyone in Aotearoa New Zealand.

We also commend the lifesaving work being done by housing and social service providers, community organisations, hapū and iwi, marae, and housing advocates. We particularly acknowledge the wide range of organisations we had the privilege to work with through this Inquiry: Age Concern, ActionStation, Aratohu Tenancy Advocacy, Auckland Action Against Poverty, Auckland City Mission, Barrier Free Trust, Beneficiary Advisory Services, CCS Disability Action, Changemakers Resettlement Forum, Child Poverty Action Group, Christchurch Methodist Mission, Citizens Advice Bureau, Community Law, CRESA, DCM Downtown Community Ministry, Deaf Aotearoa, De Paul House, Disabled Persons Assembly, Donald Beasley Institute, Emerge Aotearoa, Family Centre Social Policy Research Unit, He Kāinga Oranga – Housing and Health Research Programme, He Korowai Trust, Housing First, Island Child, IRRS 4 All, Lifewise, Manaaki Rangatahi, Manawatū Tenants Union, Monte Cecilia, New Zealand Union of Students' Association, Ngāti Kahu Trust, Renters United, Sustainability Trust, Tenants Protection Association, Wellington City Mission, Wellington Regional Healthy Housing Group, and many others both individual and collective. We are hugely grateful for their engagement, advice, and contributions to our work across the course of the Inquiry.

Finally, and most importantly, we thank everyone in Aotearoa who took the time to participate in our Inquiry – by sharing their stories and perspectives, providing thoughts and feedback on our Guidelines and reports, and raising the awareness of the right to a decent home. When together we deepen our understanding of this human right in Aotearoa, we develop our collective ability to advance the right to a decent home for everyone in our country.

Executive summary

Te Kāhui Tika Tangata Human Rights Commission is Aotearoa New Zealand's national human rights institution. Our purpose is he whakamana tāngata, a life of dignity for all. We work to make te Tiriti o Waitangi and human rights real and relevant in Aotearoa.

For many years, successive New Zealand governments have made international human rights commitments to recognise and progress a critically important human right: the right to a decent home.

This human right dignifies individuals and empowers communities. Crucially, it also helps policy makers achieve their policy objectives for everyone in Aotearoa.

Despite promises and binding responsibilities, our housing system is in crisis. For many people, the simple goal of an affordable, healthy, accessible home remains beyond reach.

Among the most affected by this housing and human rights crisis are Tangata Whenua, many of whom face disproportionate exclusion from secure housing. Our housing system needs to address the impacts of colonisation, the historical dispossession of Māori from their land and the destruction of traditional ways of living, including communal land ownership. However, as emphasised in the ongoing Wai 2750 Housing Kaupapa inquiry at the Waitangi Tribunal, successive governments have been failing to honour te Tiriti o Waitangi.

The human rights issues we are addressing are the responsibility of successive governments who have made a range of decisions that have contributed to our housing system's failures. We acknowledge that the current Government has made very significant efforts to deliver a more equitable housing system in Aotearoa. Moreover, there are welcome signs of progress. We must not cede any ground on the advances that have been made in recent years.

Brief overview of the Inquiry

In 2021, the Commission launched a national Inquiry into the right to a decent home in Aotearoa – the Housing Inquiry.[1] Throughout our work, we have highlighted that the right to a decent home must be shaped by and give effect to te Tiriti o Waitangi. Through partnership with the National Iwi Chairs Forum, Community Housing Aotearoa and Te Matapihi Māori Housing Network, we produced *Aratohu Tika Tangata ki te Whai Whare Rawaka i Aotearoa: Framework Guidelines on the Right to a Decent Home in Aotearoa*.[2] The *Guidelines* introduce the right to a decent home shaped by and giving effect to te Tiriti o Waitangi and signal the different ways this human right can contribute to a fair housing system in this country.

In addition to the *Guidelines*, the Housing Inquiry has released the following reports as stand-alone publications (see Appendix A for more information):

- *Strengthening Accountability and Participation in the Housing System*
- *Discussion Paper: Understanding Accountability for Māori*
- *Homelessness and Human Rights: A Review of the Emergency Housing System in Aotearoa New Zealand*

Our final recommendations

In this report, we provide constructive practical guidance for two different sets of stakeholders: policy makers (Chapter 2) and individuals, communities, and housing advocates (Chapter 3).

Based on what we have learned over the course of the Inquiry, we also highlight six recommendations. These recommendations are aimed at the system level to ensure we have the framework and structures in place to help realise the right to a decent home.

Recommendation 1: Commit to legislative recognition of the right to a decent home, shaped by and giving effect to te Tiriti o Waitangi

Recommendation 2: Integrate the right to a decent home into housing policy-making processes

Recommendation 3: Appoint one or more human rights, Tiriti and equity officers within our lead housing and housing policy agencies

Recommendation 4: Fulfil the obligations set out in te Tiriti o Waitangi, including the obligation to recognise, respect and support Māori tino rangatiratanga in respect of Māori housing

Recommendation 5: Strengthen accountability and participation across the housing system in a manner shaped by and giving effect to te Tiriti o Waitangi

Recommendation 6: Implement effective accountability measures that adequately protect and enforce the right to a decent home for everyone, including renters and residents in emergency and transitional housing

Applying human rights as a tool for change

Human rights are often perceived as abstract, yet when they are made operational they are a helpful tool for positive change. If we explicitly recognise the right to a decent home, it can strengthen and improve housing strategies, policies, and other initiatives. It can also empower individuals, hapū, iwi, marae, and other communities to use the human right as a tool for change in our housing system.

We hope our Inquiry, and this final report, will help central and local government, and every individual, whānau, organisation, community, and business realise the right to a decent home for everyone in Aotearoa.

1. Introduction

For many years, successive New Zealand governments have made international human rights commitments, including promises to recognise and progress a critically important human right: the right to a decent home.[3] Despite these promises and binding responsibilities, our housing system is in crisis. For many people, the simple goal of an affordable, healthy, accessible home is beyond reach.

In 2021, the Commission launched a national Inquiry into the right to a decent home in Aotearoa – the Housing Inquiry.[4] Our Inquiry engaged with communities and officials to identify breaches of the right to a decent home and provided constructive recommendations for change – pointing to concrete steps the government could take to strengthen its ability to realise the right to a decent home. We also sought to highlight the voices of those most affected by the housing human rights crisis.

There were inevitably critical issues that we did not have the capacity or time to address in our Inquiry. However, we aim to lay the foundation for everyone to address and find solutions to the housing crisis through the lens of human rights and te Tiriti o Waitangi.

Brief overview of the Housing Inquiry

At the beginning of our Inquiry, we worked in partnership with the National Iwi Chairs Forum, as well as Community Housing Aotearoa and Te Matapihi to produce *Aratohu Tika Tangata ki te Whai Whare Rawaka I Aotearoa: Framework Guidelines on the Right to a Decent Home in Aotearoa*.[5] The Guidelines introduce the right to a decent home shaped by and giving effect to te Tiriti o Waitangi and signal the different ways this human right can contribute to a fair housing system in this country. In the following two chapters of this final report, we take these *Guidelines* further by making them more user-friendly for two specific audiences: policy makers (in Chapter 2) and individuals, communities, and housing advocates (in Chapter 3).

In addition to the *Guidelines*, the Housing Inquiry has released the following reports as stand-alone publications (see Appendix A for a summary of the key findings and a full set of recommendations from these reports):

- *Strengthening Accountability and Participation in the Housing System*
- *Discussion Paper: Understanding Accountability for Māori*
- *Homelessness and Human Rights: A Review of the Emergency Housing System in Aotearoa New Zealand*

We have also introduced *Measuring Progress*, a tool that uses a range of data indicators to assess progress across seven key decency principles and help us identify how well we are achieving the right to a decent home over time (see Appendix B for the full set of indicators).

Among the most affected by this housing and human rights crisis are Tangata Whenua, many of whom face disproportionate exclusion from secure housing. The Inquiry placed a specific focus on Māori housing, and where possible, a partnership approach was taken such as in the development of our *Guidelines*. Additionally, the Inquiry encompassed a tino rangatiratanga workstream where we collaborated with Māori organisations and iwi on initiatives that promote the right to a decent home while addressing Māori housing priorities.

Te Tiriti o Waitangi: recognising its significance in the right to a decent home

The Commission is mandated by the Human Rights Act 1993 to promote a better understanding of the human rights dimensions of te Tiriti o Waitangi. Te Tiriti o Waitangi recognises the unique partnership between Māori and the Crown in Aotearoa. It establishes the framework for engagement, cooperation, and decision making between these parties. The right to a decent home must be shaped by and give effect to te Tiriti o Waitangi.

Recognising our colonial history and the enduring impacts of colonisation on the rights and wellbeing of Māori is essential to realising the human right to a decent home in Aotearoa. The systematic dispossession of Māori from their land, pervasive systemic racism, and culturally inadequate government housing policies continue to hinder Māori housing initiatives, both on ancestral Māori lands and general land titles. Specific instances of land loss, racist policies, and discriminatory practices have perpetuated inequity, and these detrimental effects on Māori housing persist to this day.

The Commission acknowledges the mana and authority of the Waitangi Tribunal in making findings regarding breaches of te Tiriti o Waitangi, including through the ongoing Waitangi Tribunal Kaupapa Inquiry into Housing Policy and Services (Wai 2750). The Tribunal has recently released *Kāinga Kore*,[6] its report on Māori homelessness, as the first stage of this important inquiry. The Tribunal's report and findings underscore the severity of this ongoing crisis:

> *[T]he Crown breached the treaty by its failure to adequately consult Māori over its definition of homelessness in 2009. Then, over the following seven years, the Crown did practically nothing to address Māori homelessness. It developed a Māori housing strategy that it did not implement, allowed the relative provision of social housing (on which Māori heavily rely) to decrease, and toughened access to the social housing register. All the while, problems of housing affordability were worsening. When a housing crisis became all too apparent in May 2016, the Government's initial instinct was to deny it.*[7]

As the Waitangi Tribunal continues its inquiry, its findings and recommendations will undoubtedly shape and reform our housing system structures.

We acknowledge that working out how to implement the right to a decent home in a manner that is shaped by and gives effect to te Tiriti o Waitangi is complex. It requires ongoing partnership and collaboration with Tangata Whenua to gain a deeper understanding of diverse perspectives and ensure collective decision making. This work is a journey that will evolve through time. The observations and suggestions the Inquiry has made, including the recommendations we make in this report, are intended as the starting point of a conversation rather than the final word on achieving a Tiriti-compliant, human rights-based housing system.

Recognising recent efforts made to address the housing crisis

Many of the human rights issues our Inquiry has identified are the responsibility of successive governments that have made a range of decisions that have contributed to or exacerbated our housing system's failures. The current Government inherited a crisis that has been decades in the making and is now exacerbated by complicating factors such as the COVID-19 pandemic and response, serious building industry supply issues, and a challenging global economic environment. Some of these factors have driven increased hardship and poverty here in Aotearoa.

We acknowledge that the current Government has made very significant efforts over the past five years to deliver a more equitable housing system in Aotearoa. These efforts include, for example, a $3.8 billion housing acceleration fund, legislative changes to improve conditions for renters including the introduction of *Healthy Homes Standards*, the MAIHI Ka Ora Māori housing strategy and implementation plan, and a major public housing building programme resulting in a net increase of over 12,000 public homes.[8]

Alongside dedicated, hardworking government officials, many other incredible people are working across Aotearoa to address our housing issues: builders developing new homes, iwi and hapū establishing kāinga on their whenua, housing and social service providers offering life-saving support services, and non-government organisations, advocates, and community organisations campaigning for change. All of this is difficult and important work. We must not cede any ground on the advances that have been made in recent years.

We need a human rights approach embedded explicitly into government housing policy and responses to our housing and human rights crisis. The first steps are already in place, with the Government's recent Policy Statement on Housing and Urban Development recognising the right to a decent home and the government's role in making it happen.[9] Alongside this work sits MAIHI Ka Ora – the National Māori Housing Strategy, which resets the Māori housing system with a new strategic direction, giving expression to the articles of te Tiriti o Waitangi and a "by Māori, for Māori" approach.[10] Together, these two vital documents offer a vision for our housing future.

We commend the Government's recent work to publish implementation plans for both the Government Policy Statement on Housing and Urban Development and MAIHI Ka Ora, to launch system-level indicators that track progress towards the long-term goals set out by these documents and implementation plans, and to put in place system-level, place-based, and bespoke governance.[11] These are all important and welcome additions to our housing system. Chapter 2 of this report suggests how policy makers can take the next steps.

Acknowledging the scale of the crisis

While advances have been made, we still face an urgent housing crisis that has been caused by decades of institutional neglect, including a failure to recognise or give effect to our human right to a decent home. The crisis was recognised at the international level in February 2020 when Leilani Farha, then the United Nations Special Rapporteur on adequate housing, visited Aotearoa. As she put it, "the housing crisis confronting New Zealand is a human rights crisis that must be addressed urgently".[12] In addition, the reports and findings of our Inquiry have highlighted issues that those in frontline services, and those with experience of homelessness and housing insecurity, have spent years calling out. In this report, we identify practical ways in which human rights can contribute to the work ahead.

Human rights as a tool for change

In the chapters that follow, we offer specific and practical guidance for two different sets of stakeholders: policy makers, and individuals, communities, and housing advocates. Each of the chapters can be read as stand-alone guidance, and each is acknowledged to be a work in progress – they will be revised and improved by policy makers and practitioners in light of experience.

Chapter 2 provides guidance for policy makers in embedding human rights throughout the policy development cycle. It is intended to help policy makers introduce a human rights lens early in the policy cycle and, in this way, reinforce their design and delivery of effective, evidence-informed, equitable policy objectives.

Chapter 3 is designed to be accessible and relevant to members of the public, community groups and organisations who seek to advocate for the right to a decent home. It provides a clear explanation on how international human rights tools, in combination with te Tiriti o Waitangi, can be used in advocacy in the housing context. It is directed at those who would like to explore how to use a human rights approach to challenge poor housing conditions. However, it is useful reading for anyone seeking a clear and accessible interpretation of our foundational report *Aratohu Tika Tangata ki te Whai Whare Rawaka I Aotearoa: Framework Guidelines on the Right to a Decent Home in Aotearoa*.

In Appendix C, we have included a toolkit with further resources to help people understand the right to a decent home, support and strengthen housing advocacy, and guide housing providers and developers on how the human right can be upheld in their work.

2. Integrating human rights and te Tiriti o Waitangi into housing policy making

Advancing human rights through the policy approach

It's well known that human rights are underpinned by binding national and international human rights law. This legal attribute elevates human rights above policies and other initiatives, but it also leads to the serious misconception that human rights are mainly about lawyers, courts, and tribunals.

Another way to advance human rights is the policy approach, which introduces human rights early in the policy-making process. It helps officials design and deliver effective, evidence-informed, equitable policy objectives. By reinforcing robust and fair policies, the policy approach helps to immunise the government from legal and other challenge.

The policy approach to human rights is already present to one degree or another in some policy making in Aotearoa but, regrettably, the introduction of human rights into policy processes is often a late tick-box legal compliance exercise. Also, some human rights are given attention, but others are not, even when they are highly relevant.

In short, the current consideration of human rights in policy processes is often late, patchy, and perfunctory. By way of illustration, in May 2023, the government released 20 Cabinet and other papers on emergency housing.[13] Two of the documents mention the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, one mentions the Human Rights Commission's human rights analysis of emergency housing, and 17 do not explicitly mention human rights at all. Except for the paper that refers to the Human Rights Commission's analysis, none mentions the right to a decent home or similar housing-rights formulation.[14]

Of course, the released papers bear upon important human rights issues such as affordability, homelessness, and transparency, but the absence of explicit human rights framing is very unfortunate because the human rights approach can help policy makers deliver their objectives.

Also, the absence of explicit human rights framing tends to mask human rights and drain power away from rights holders to those in authority. The absence of human rights language means only those in authority know whether and when human rights are being considered and, if they are, how they are being interpreted and applied. Obviously, this is very unsatisfactory.

A new inter-agency human rights National Mechanism

Cabinet recently approved a new initiative that will help to address these problems. It is establishing a new human rights National Mechanism within government to improve reporting and implementation of New Zealand's international human rights treaty obligations.[15]

As Cabinet put it:[16]

> *This proposal will support meaningful implementation of New Zealand's international human rights obligations. This includes the civil and political rights affirmed in the New Zealand Bill of Rights Act 1990 but also the economic, social and cultural rights that are fundamental to wellbeing (such as housing, health, education and employment rights).*

This promising initiative describes three components:

- A high-level inter-agency governance group to develop and maintain a culture of understanding and respect for New Zealand's international human rights obligations throughout the public service.
- A web-based monitoring tool to record the government's progress towards implementing these obligations.
- Guidelines to describe the basic steps government agencies should follow to meet their reporting and implementation obligations under the core international human rights treaties New Zealand has ratified.

We hope this chapter is received as a modest contribution towards the Cabinet's initiative, especially implementation guidelines for the international right to a decent home grounded on te Tiriti o Waitangi.

A five-step policy cycle

In this section, we provide support for policy makers who wish to integrate human rights and te Tiriti o Waitangi into their housing policies.

In 2021, the Commission published *Aratohu Tika Tangata ki te Whai Whare Rawaka i Aotearoa: Framework Guidelines on the Right to a Decent Home in Aotearoa*.[17] The Guidelines are designed for a wide range of different audiences. This chapter is designed for housing policy makers. We provide a five-step policy cycle, checklist of questions, and short commentaries in support.

The housing sector is exceedingly complex. It encompasses land use and planning, construction, monetary and fiscal policy, housing needs and support, Māori housing, Pacific housing, and much more. There is not one housing policy process but numerous multidisciplinary housing policy processes.

While human rights lawyers have a role to play in these processes, they rarely have the expertise to know what a good housing policy looks like and how to *operationalise* the right to a decent home grounded on te Tiriti o Waitangi. The effective introduction of human rights in the housing sector can only be achieved by collaboration across a range of professions, including housing experts and practitioners, and communities.

Nobody expects housing policy makers to become human rights experts, but policy makers in the housing sector may benefit from familiarity with the right to a decent home. They need to have a sense of *how* to introduce the right to a decent home into policy processes. This chapter is designed to support these housing policy makers.

While preparing this chapter, we have considered other policy guidance, for example, *Providing for the Treaty of Waitangi in Legislation and Supporting Policy Design: Questions for Policy Makers*.[18] We have benefited from these precedents, discussion with policy experts, and insights arising from our Housing Inquiry.

There are different ways of presenting the policy-making process. A well-established approach is to view it as a cyclical process with five stages of:

- agenda setting
- policy formulation
- decision making
- implementation
- monitoring and evaluation.

Policy makers then need to circle back and revisit the process in light of new data, evidence, and lessons learned. For present purposes, we adopt this five-step policy cycle and identify key human rights questions policy makers can ask at each step of the cycle.

A guide towards a housing policy cycle aligned with human rights and te Tiriti o Waitangi

This guide reflects the right to a decent home grounded on te Tiriti o Waitangi. Based on the five-step policy cycle, it provides a checklist of 20 questions. The checklist is neither comprehensive nor explicitly cloaked in human rights language. Nonetheless, the checklist of questions is informed by human rights and te Tiriti and underpinned by national and international human rights law. Additionally, the checklist is supported by short commentaries (see the next page). Together, the guide, checklist of questions, and commentaries are designed to help housing policy makers give effect to New Zealand's binding human rights commitments and te Tiriti o Waitangi. We encourage policy makers and practitioners to improve and elaborate on this resource in light of their invaluable expertise and experience. The resource is work in progress.

Step 1: Agenda

Identify the key problems and issues

1. What is the crucial context of the key problems we are addressing?
2. Which explicit values will shape our policy process and its policies?
3. How does te Tiriti o Waitangi bear upon the key problems we are addressing?
4. What evidence are we using to identify and understand the key problems, and is data disaggregated?
5. As we identify the key problems, how are we ensuring the meaningful participation of disadvantaged groups?

Step 2: Policy formulation

Define policy objectives and develop policy options

6. What policy objectives are we trying to achieve?
7. How will each policy option advance key features of the right to a decent home?
8. How will each policy option give effect to te Tiriti o Waitangi?
9. On what evidence is each policy option based?
10. As we define policy objectives and develop policy options, how are we ensuring the meaningful participation of disadvantaged groups?

Step 3: Decision making

Select the policy options for implementation

11. Who is selecting the policy options – who is the decision maker?
12. Are the selected policies evidence-based, rational and achievable? Is the reasoning transparent and publicly available?
13. How are priorities being set and trade-offs being made?
14. How does the decision-making process support inclusivity and participation?

Step 4: Implementation

Put the selected policies into action

15. Who has responsibility for implementing the selected policies?
16. How are resources being allocated to ensure that the most disadvantaged groups benefit from the selected policies?
17. How are Māori and other disadvantaged groups being included in the implementation process?
18. How are we measuring progress?

Step 5: Monitoring and evaluation

Monitor effectiveness of the selected policies and identify how we can make improvements

19. Are the selected policies subject to periodic independent review against key checkpoints?
20. How will progress, periodic reviews and lessons learned loop back into the policy cycle?

Short commentaries on the five-step policy cycle and checklist of questions

Step 1: Agenda

Identify the key problems and issues

1. **What is the crucial context of the key problems we are addressing?**

   This includes but is not limited to the historical context (for example, the impact of colonisation) and the environmental context (for example, the impact of climate change).

2. **Which explicit values will shape our policy process and its policies?**

   We all bring values to our work. All processes and institutions are driven by one set of values or another. Sometimes, values are explicit. Sometimes, they are implicit. Aotearoa has agreed a code of fundamental human rights. These human rights and te Tiriti o Waitangi embody a set of values that are recognised as very important in this country. Policy makers must do their best to place these agreed values at the centre of all policy processes and policies. These values include:

   - fairness, dignity, and manaakitanga
   - equity, equality, and non-discrimination
   - participation and partnership
   - wellbeing and community
   - whanaungatanga and tino rangatiratanga.

   For more information on values see the MAIHI principles and framework set out in *MAIHI Ka Ora*[18] and the Human Rights Commission's *Guidelines*.[20]

3. **How does te Tiriti o Waitangi bear upon the key problems we are addressing?**

   As we have outlined in the *Guidelines*, the right to a decent home must be grounded on – shaped by and give effect to – te Tiriti o Waitangi. Te Tiriti recognises the unique partnership between Māori and the Crown in Aotearoa. It establishes the framework for engagement, cooperation, and decision making between these parties.

   We need to assess how the problems relate to the articles of te Tiriti o Waitangi. For example, does the problem relate to a lack of tino rangatiratanga and the protection of Māori rights? Have the rights and interests of Māori as Tiriti partners been affected? Is the problem related to historical disparities and inequities as a result of te Tiriti o Waitangi not being upheld?

   A range of guidance already exists for policy makers in respect of the crucial Tiriti considerations – for example, Te Arawhiti Office for Māori Crown Relations *Providing for the Treaty of Waitangi in Legislation and Supporting Policy Design: Questions for Policy Makers*.[21] Our guidance does not seek to reinvent the wheel. Instead, we highlight that incorporating human rights into the policy cycle requires te Tiriti analysis, and we refer you to Te Arawhiti's helpful resource.

4. **What evidence are we using to identify and understand the key problems, and is data disaggregated?**

   Whenever feasible, it is important to disaggregate data based on factors such as ethnicity, disability, gender, age, poverty, and other disadvantaged groups. Unless data is disaggregated, it fails to reflect the experiences of disadvantaged groups. Quantitative evidence plays a crucial role, especially when data is disaggregated. However, it is unable to capture all aspects that hold significance such as dignity and manaakitanga. Therefore, research and evidence should encompass a range of methods, including quantitative, qualitative, and ethnographic approaches. Additionally, it is essential to incorporate other forms of knowing such as lived experience and mātauranga Māori.

5. **As we identify the key problems, how are we ensuring the meaningful participation of disadvantaged groups?**

   National and international human rights commitments affirm the democratic principle of 'nothing about us, without us'. All individuals and communities are entitled to participation on issues relating to their housing, including policy making and implementation. Te Tiriti requires government to work in partnership and share decision making with its Tiriti partners. There is a lot of evidence that the active and informed participation of individuals and communities enhances outcomes.

   For more information on participation and community engagement see the Department of the Prime Minister and Cabinet's Policy Project on community engagement,[22] Te Arawhiti's guidelines for engagement with Māori,[23] International Association for Public Participation in Australasia (2015)[24] and the Human Rights Commission's *Guidelines*.[25]

Step 2: Policy formulation

Define policy objectives and develop policy options

6. **What policy objectives are we trying to achieve?**

   In a complex, contested political landscape, policy objectives run the risk of becoming blurred and unrealistic. Policy makers are entitled to insist on clear, realistic policy objectives – otherwise, they are set up to fail.

7. **How will each policy option advance key features of the right to a decent home?**

   Among the important features of the right to a decent home are the seven United Nations decency housing principles:

   - More *habitable* homes – for example, dry, warm, and not overcrowded.
   - More *affordable* homes – for example, financially accessible.
   - More *accessible* homes – for example, without discrimination.
   - More homes with *necessary services and facilities* – for example, safe drinking water.
   - More *well-located* homes – for example, accessible to healthcare and schools.
   - More homes *respectful of cultural diversity* – for example, intergenerational living.
   - More homes with *security of tenure*.

Not all policies will advance all seven decency housing principles. If any of the principles are not advanced by the policy, what other steps are being taken to advance any absent principles?

For more information on the United Nations decency housing principles, see the Human Rights Commission's *Guidelines*.[26]

8. **How will each policy option give effect to te Tiriti o Waitangi?**

   Assess how each policy option aligns with the articles of te Tiriti o Waitangi. Consider whether the policy option acknowledges and respects the rights and interests of Māori as Tiriti partners. Evaluate whether the policies incorporate meaningful consultation and collaboration with Māori individuals, communities, and organisations, actively involving them in decision-making processes to ensure their voices are heard and their perspectives are considered. Analyse how each policy option addresses historical disparities and inequities faced by Māori, promoting fairness, addressing systemic biases, and reducing inequalities. If possible, explore policies that support tino rangatiratanga, cultural revitalisation, and the protection of Māori rights, enabling Māori to exercise authority and control over their own affairs.

   Additionally, assess whether each policy option provides adequate resources, support, and opportunities for Māori to fully participate in the policy's implementation and outcomes. Consider targeted funding, capacity-building initiatives, and cultural responsiveness to ensure Māori have the necessary means to engage effectively. Recommend mechanisms for monitoring and evaluating the policy's impact on Māori outcomes, emphasising the importance of ongoing accountability and engagement with Māori to ensure the policy's effectiveness and address any unintended consequences.

   By considering these aspects, you provide guidance on how each policy option can effectively uphold te Tiriti o Waitangi, respecting and promoting the rights, interests, and aspirations of Māori.

9. **On what evidence is each policy option based?**

   See 4 above.

10. **As we define policy objectives and develop policy options, how are we ensuring the meaningful participation of disadvantaged groups?**

    See 5 above.

Step 3: Decision making

Select the policy options for implementation

11. **Who is selecting the policy options – who is the decision maker?**

    From the human rights perspective, this question is critically important because human rights require constructive accountability and constructive accountability depends upon clarity about who is responsible for ensuring policies remain dynamic living documents.

    See 19 and 20 below.

12. Are the selected policies evidence-based, rational, and achievable? Is the reasoning transparent and publicly available?

Human rights are often characterised as idealistic and impractical, but this is a serious misrepresentation. Human rights depend upon a blend of values (see 1 above) *and evidence of what works* (see 4 above). In line with democratic values, they also require as much transparency as possible.

13. How are priorities being set and trade-offs being made?

Prioritisation and trade-offs are common features of every approach to policy making, including the human rights approach. The human rights approach, grounded on te Tiriti, places conditions on the policy-making process, for example:

- priority should be given to the poorest and most disadvantaged individuals and communities
- equity, equality, and non-discrimination rule out any trade-offs that would result in or deepen unequal and discriminatory outcomes.

For more information on prioritisation and trade-offs, see the Human Rights Commission's *Guidelines*.[27]

14. How does the decision-making process support inclusivity and participation?

The critical importance of enhancing inclusivity and diversity is widely accepted in Aotearoa. Inclusivity and diversity are buttressed by the human rights of equity, equality, and non-discrimination. For more information on equity, equality and non-discrimination, see the Human Rights Commission's *Guidelines*.[28] Regarding participation, see 5 above.

Step 4: Implementation

Put the selected policies into action

15. Who has responsibility for implementing the selected policies?

See 11 above and 19 and 20 below.

16. How are resources being allocated to ensure that the most disadvantaged groups benefit from the selected policies?

As emphasised, human rights have a particular preoccupation with equity, equality, non-discrimination, diversity, and inclusivity – in other words, disadvantaged groups. This preoccupation inevitably leads to questions about whether the allocation of resources benefits disadvantaged groups. See 2, 13 and 14 above.

17. How are Māori and other disadvantaged groups being included in the implementation process?

See 5 above.

18. How are we measuring progress?

See 4 above. Additionally, full implementation of the right to a decent home may be progressively realised over time. The United Nations confirms that progressive realisation, or the lack of it, can and should be tracked by using suitable indicators and benchmarks. In line with 4 above, the indicators require disaggregation by ethnicity, disability, gender, and other grounds.

For more information on progressive realisation, indicators, and benchmarks, see the Human Rights Commission's *Guidelines*[29] and our *Measuring Progress* work (as outlined in Appendix B).

MAIHI Ka Ora, Ka Mārama, the Māori Housing Dashboard, provides access to consistent, reliable data to support whānau, hapū, iwi and Māori organisations and shows the progress that's being made across the Māori housing continuum.[30] The new *He Oranga Kāinga, He Oranga Hapori – Housing and Urban Development Indicators* just launched by the Ministry of Housing and Urban Development are also designed to measure progress towards the long-term goals in the Government Policy Statement on Housing and Urban Development and MAIHI Ka Ora.[31]

Step 5: Monitoring and evaluation

Monitor effectiveness of the selected policies and identify how we can make improvements

19. Are the selected policies subject to periodic independent review against key checkpoints?

First, sometimes it's argued that a robust, dispassionate review is sufficient, and the review need not be independent, but there are some advantages in having an independent review. It's a matter of optics: it doesn't look good if officials are 'marking their own homework'. Neither does it inspire confidence if officials are reviewing the work of other officials. An independent review carries more authority. Also, with the best will in the world, it is difficult to be entirely self-critical if, for example, career progression or other benefits may be affected. Further, fresh eyes sometimes bring fresh insights from which all parties can benefit. A totally independent perspective, submitted to a wider review, is much preferred.

Second, independent reviews should not be about blame and punishment. They should be about identifying what works so policies can be continued and extended and what is not working (not reaching the key checkpoints) so rational policy adjustments can be made.

For more information on monitoring, review, and remedial action – constructive accountability – see the Human Rights Commission's *Guidelines*.[32]

20. How will progress, periodic reviews, and lessons learned loop back into the policy cycle?

This is critically important. Contexts change. New research emerges. Lessons are learned. Good policy making is dynamic. Policies should be living documents. The five-step policy process is cyclical, not linear, so a simple arrangement is needed whereby progress, periodic reviews (including an independent perspective) and lessons learned are fed back into a refreshed policy cycle.

Responsibility to provide advice on binding international human rights law

To their credit, New Zealand governments have ratified all the major international human rights treaties. Additionally, they have often played an active role in drafting these treaties within the United Nations.

Shortly after New Zealand has ratified an international human rights treaty, the treaty enters into force in relation to New Zealand – it is binding on the government of New Zealand in *international* law.

A ratified treaty is not binding in New Zealand's *national law* unless it is enshrined in an Act of Parliament, such as the New Zealand Bill of Rights Act 1990 (NZBORA). For the most part, the human rights within NZBORA are also part of an international human rights treaty that New Zealand has ratified, so the human rights within NZBORA are binding on New Zealand in relation to both international *and* national law.

In summary:

- As Cabinet recently put it, "New Zealand has assumed responsibility under international law to immediately implement or progressively realise the human rights obligations set out" in international human rights treaties it has ratified.[33]
- If New Zealand has ratified an international human rights treaty, it is binding on the Government of New Zealand in international law even if the treaty has not been enshrined in an Act of Parliament.
- Cabinet emphasises, "In New Zealand, domestic agencies are responsible for implementing international human rights obligations".[34]
- According to the Public Service Act 2020,[35] "The public service … acts in accordance with the law." The public service principles designed to achieve this purpose include that, "when giving advice to Ministers, to do so in a free and frank manner".
- When tendering advice to Ministers, public officials have a responsibility to provide free and frank advice on relevant national and international law, including binding international human rights law. A Minister may disregard officials' advice – officials advise, Ministers decide – but nonetheless, officials have a responsibility to provide free and frank advice on relevant law, including binding international human rights law.
- If Ministers require officials to design policies, the officials are providing the Ministers with advice. Unless told by Ministers to disregard New Zealand's binding international human rights law (which would be subject to officials' "free and frank" advice), the public service has a responsibility to integrate these binding international obligations into housing and other policies.
- New Zealand is mainly held to account for its international human rights treaty obligations through United Nations mechanisms; the New Zealand Human Rights Commission; New Zealand's independent monitoring mechanisms for children's rights, the rights of disabled people, and the rights of indigenous peoples; civil society organisations; and the media.[36]

A modest step forward

We strongly recommend that one or more human rights, Tiriti, and equity officers are appointed within the Ministry of Housing and Urban Development and Kāinga Ora.[37] It's important the appointees have housing expertise and experience and are respected members of their organisations.

The officers would be a resource for policy makers who are responsible for the integration of human rights and te Tiriti into the agencies' policies. The officers would not be responsible for the integration of these considerations into housing policy – they would be responsible to *support* colleagues seeking to integrate human rights and te Tiriti into policy.

The officers should receive strong political support from the agencies' senior leadership. The Human Rights Commission will do all it can to actively support the officers – for example, by providing training for them and their colleagues.

We hope this chapter will encourage and help officials discharge their responsibility to integrate human rights and te Tiriti o Waitangi into their housing policies.

3. Understanding and asserting your right to a decent home

Everyone has a role to play in the realisation of the right to a decent home

This chapter is for individuals, communities and housing advocates who would like to use a human rights approach to challenge poor housing conditions. It is useful reading for anyone seeking a clear and accessible interpretation of our foundational report *Aratohu Tika Tangata ki te Whai Whare Rawaka i Aotearoa: Framework Guidelines on the Right to a Decent Home in Aotearoa*.[38]

We encourage everyone across Aotearoa to get involved – to learn about their rights and share what they know, take opportunities to participate on housing issues that are important to them, and use their voices individually and collectively to ensure government delivers on its human rights promises.

Some possible actions for individuals, communities and advocacy organisations:

- **Learn about your rights**, including the right to a decent home, and share what you know with your whānau, flatmates, workmates, and communities. Our resource kit (in Appendix C and online) includes posters and straightforward guidance to help support your learning.
- **Engage with your elected representatives** to highlight how the right to a decent home matters to you and ask them to show what they are doing to meet their human rights obligations. Our tools and resources include templates for emails you can send to MPs to highlight the importance of the right to a decent home.
- **Take opportunities to participate on housing issues** that are important to you. If you aren't sure what you want to say, think about the key features of the right to a decent home and how they show up in this issue. You can also reach out to your local housing campaigners or advocacy groups to see if they are organising community engagement.
- **Consider getting involved in housing advocacy** – joining a housing advocacy group or network, or signing on to campaigns for law change.
- **Call for and support law changes** that recognise the right to a decent home and the obligation to progressively realise it.
- **Think about how you can incorporate human rights**, including the right to a decent home, into your housing advocacy work. For example, you could use the key features of the right to a decent home to frame the issues you are campaigning on. Our tools and resources include an advocacy guide, accessible guidance on the right to a decent home, posters, and other options to promote this human right.
- **Take opportunities to participate on housing issues** (such as Select Committee submissions on new housing legislation, city councils developing their District Plans, and government departments' public consultation processes) and use the right to a decent home in your advocacy.

Together, we can actively contribute to the transformative journey of the housing system.

What is the right to a decent home in Aotearoa?

The right to a decent home, also referred to as the right to adequate housing in international law, is a fundamental human right. It establishes that everyone has the right to safe, secure, habitable, and affordable housing.[39] It extends beyond mere shelter and acknowledges housing as a crucial component of a dignified life.

A human rights-based approach empowers individuals, whānau, and communities to understand and assert their rights while fostering accountability among responsible individuals and institutions. To fully exercise this right, it is important to understand its meaning and scope.

The right to a decent home encompasses more than just a physical dwelling – it encompasses the broader housing system, including laws, strategies, policies, and all other housing-related initiatives.

Where does the right to a decent home come from?

The right to a decent home is recognised in various international human rights declarations and treaties. These agreements, which countries can sign to demonstrate their commitment, include:

- the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights – these documents, along with the International Covenant on Civil and Political Rights, are together known as the International Bill of Human Rights
- the Convention on the Rights of the Child
- the Convention on the Rights of Persons with Disabilities
- the United Nations Declaration on the Rights of Indigenous Peoples.

Over the past 50 years, successive governments in New Zealand have actively participated in shaping these human rights agreements and have made commitments to implement the rights they enshrine. As a result, they have a legal obligation to ensure that the right to a decent home is realised here in Aotearoa.

The private sector also has a responsibility in respecting and contributing to the achievement of the right to a decent home for everyone. This responsibility is guided by the United Nations Guiding Principles on Business and Human Rights,[40] which outline the expectations for businesses to respect human rights and avoid any adverse impacts on individuals or communities. It is crucial for the New Zealand Government to ensure that the private sector upholds these principles and actively supports the realisation of the right to a decent home.

The right to a decent home in Aotearoa is shaped by our unique history, context, and values

When considering and applying the right to a decent home within our national context, it is crucial to take into account our history, demography, economy, society, culture, environment, and laws.

In Aotearoa, this context includes our history of colonisation and the foundational status of te Tiriti o Waitangi. That means the right to a decent home in Aotearoa sits alongside and is informed by te Tiriti o Waitangi. Achieving the right to a decent home means we need to honour te Tiriti o Waitangi and the promises it made. We must acknowledge and address the systematic dispossession of Māori from their land and the ongoing impacts of colonisation. We must also recognise the ways in which the right to a decent home is reflected within the context of te Tiriti o Waitangi, both for Tangata Whenua and Tangata Tiriti (non-Māori Treaty partners).

The right to a decent home is also shaped by our values. In Aotearoa, our values encompass te ao Māori (the Māori worldview) and the worldviews of other communities. They include whanaungatanga (kinship), kaitiakitanga (stewardship), manaakitanga (respect), dignity, decency, fairness, equality, freedom, wellbeing, safety, autonomy, participation, partnership, community, and responsibility. All these values are embodied in the human right to a decent home alongside and informed by te Tiriti o Waitangi.

The right to a decent home includes both freedoms and entitlements

Some human rights can be framed as 'freedoms from' – things that we can demand protection from. Other rights are 'entitlements to' – things that we can demand access to. The right to a decent home includes both freedoms and entitlements.

It includes *freedom from* these things:

- **Discrimination** – the right to a decent home requires that access to suitable housing is available to everyone without any form of discrimination based on prohibited grounds such as disability, ethnicity, religion, age, gender, or sexual orientation. Discrimination must not hinder people from securing a decent home that meets their needs and aspirations.
- **Unlawful eviction** – people should be protected from arbitrary or unjust eviction practices that disrupt their housing stability and result in homelessness. The right to a decent home ensures that people can enjoy secure and stable housing without the fear of being forcibly removed from their homes without due process.

It includes *entitlement* to these things:

- **Effective measures that address discrimination and unfair disadvantage**, including the continuing impacts of colonisation on Tangata Whenua. Housing is not currently equally accessible for everyone. Some individuals and communities are more vulnerable, marginalised, or otherwise affected by discrimination and inequality, and that means the government must take special steps to reduce and eliminate the gaps.
- **Active and informed participation** on issues relating to housing, including policy making and accountability. Te Tiriti o Waitangi additionally requires government to work in partnership and share decision making with its Tiriti partners.
- **Temporary emergency housing** for people experiencing homelessness.

A decent home has key features that can be measured

A decent home has certain important qualities that can be evaluated and measured. The United Nations has highlighted seven principles that help determine whether housing is adequate and decent.[41] These principles are closely connected and influence each other.

A decent home is habitable
Our homes should be warm, dry and healthy and protect us from cold, damp, heat, rain, wind, structural hazards, disease, and other threats to our health. Our homes should protect us from and mitigate the effects of climate change.

A decent home is affordable
Our housing costs should not compromise our ability to afford other basic and reasonable needs such as doctor's visits and groceries. Housing is usually understood as unaffordable when housing costs are more than 30 percent of a household's take-home income. In particular, tenants should be protected appropriately against unreasonable rent levels and increases.

A decent home is accessible
We should all be able to access a home that meets our needs, whether through home ownership, private rental, social housing, or other forms of housing. Accessibility has multiple different levels – systemic (homes that we can access without discrimination), physical (homes that meet everyone's access needs and support disabled people to live fully in our communities) and financial (being able to afford access to a home).

If our homes and housing initiatives do not reflect these principles, it means they are not achieving the right to a decent home unless it can be shown that all reasonable steps have been made to meet these standards.

A decent home provides security of tenure
Security of tenure means we have the right to feel secure and stable in our homes and not worry that we might suddenly be evicted for no good reason. There should be protections for residents in relation to eviction, discrimination, harassment and other unfair treatment. No evictions should result in homelessness.

Tenure, which has a cultural dimension, takes a variety of forms, including Māori systems of land tenure, owner-occupation, rental (public and private), individual and collective, cooperative housing, social housing and emergency housing

A decent home is located so we can participate fully in society
Decent housing needs to be in places that allow access to education and childcare, employment opportunities, and healthcare services as well as supermarkets, accessible transport routes, marae, and other social facilities. Houses that are too far away from these opportunities and services make it hard for people to live and participate in society.

Our homes should also be protected from environmental and climate change impacts. Location can make a huge difference, especially as Aotearoa begins to experience sea-level rise, worse and more frequent flooding, and other climate change-related weather events.

A decent home has access to core services and infrastructure

Our homes must have essential facilities such as clean running water, power, sanitation, internet access, access to emergency services, and other core services and facilities. These services are essential for our health, security, and dignity.

A decent home reflects respect for cultural diversity

Our homes should enable and support people to live in accordance with their cultural ways of being such as intergenerational living or papakāinga on whenua Māori. This is particularly important for a country aspiring to inclusive multiculturalism grounded on te Tiriti o Waitangi. Many of our communities, including Māori and Pacific peoples, have models of living that include whānau or 'aiga (extended family). Our homes and housing system need to reflect our cultural diversity and different ways of living.

Our housing system also needs to respect cultural diversity in other ways such as ensuring that regeneration or new housing projects do not sacrifice places of special cultural significance.

The full right to a decent home will take time and cannot be achieved overnight

Many of the features of the right to a decent home will take time to fully achieve across our housing system. It would be difficult and unreasonable to expect it to be fully implemented overnight. Ensuring everyone has a decent home takes time, but the government has a responsibility to take intentional actions towards achieving this goal. This is called progressive realisation. It doesn't mean the government can avoid or delay its responsibilities. It must work as quickly and effectively as it can and take steps that are **deliberate, concrete, and targeted as clearly as possible** to reach a place where the right to a decent home is a reality for everyone.

So that we can measure how well we are making progress, it's important to use indicators and benchmarks that help track improvements. Indicators include data and statistics like the Census, and benchmarks set standards or targets to achieve. As part of the Housing Inquiry, we introduced *Measuring Progress*, a tool that uses data indicators to assess progress across the seven decency principles. You can see the results in Appendix B and online.

The Government has also launched *He Oranga Kāinga, He Oranga Hapori – Housing and Urban Development Indicators and MAIHI Ka Ora, Ka Mārama – Māori Housing Dashboard*. While Measuring Progress tracks progress against key features of the right to a decent home, the Government's indicator dashboards track progress towards the long-term goals in the Government Policy Statement on Housing and Urban Development and MAIHI Ka Ora.[42]

There are also some features of the right to a decent home that are so important they can't be achieved by gradual improvement over time – they must be delivered immediately.

These include providing temporary emergency housing for people who are experiencing homelessness, and freedom from discrimination. For example, the government is required not to discriminate against disabled people in its housing policies and initiatives. Attempting to reduce existing discrimination over time is not enough. It must stop direct discrimination immediately.

A human rights-based housing strategy that honours te Tiriti o Waitangi

The right to a decent home is also about our housing system. Making the right to a decent home a reality while also honouring te Tiriti o Waitangi, doesn't happen by chance. It requires a housing system that is fundamentally based on human rights and an overarching housing strategy.

A housing strategy operates at a higher level than a housing policy or programme. It envisions change over time. It also engages numerous bodies, including central and local government, laws, policies, programmes, and initiatives.

Many human rights contribute constructively to a housing strategy, including the rights to water and sanitation, cultural life, and participation. A human rights-based housing strategy shaped by and giving effect to te Tiriti o Waitangi, must have the right to a decent home at its centre.

There are some key features of a human rights-based housing strategy that are necessary for Aotearoa. For example, a human rights-based housing strategy:

- adopts a whole-of-government approach
- responds to the effects of colonisation
- prioritises those who are most in need and ensures equity, equality, and non-discrimination
- includes short-term and long-term commitments for adequate resourcing
- includes reasonable human rights-based goals and timelines
- ensures meaningful rights-based participation
- includes effective monitoring and accountability of the strategy's implementation
- clarifies and upholds the responsibilities of the private sector.

The United Nations has recommended that New Zealand adopts a human rights-based national housing strategy.[43] Canada has already gone down this track. Its National Housing Strategy Act 2019 explicitly recognises housing as a human right and requires the development of a National Housing Strategy that supports the progressive realisation of that right.

In Aotearoa, the Government Policy Statement on Housing and Urban Development recognises the right to a decent home and acknowledges the government's role in making it happen,[44] but it does not yet reflect the essential key features of a human rights-based housing strategy.

In the previous chapter, we signalled how policy makers can integrate the right to a decent home and te Tiriti into housing policy-making processes. This would be a welcome step towards a human rights-based housing strategy.

How can we make sure our rights are protected?

The right to a decent home is a binding obligation in international law. However, in Aotearoa, it has not been explicitly incorporated into domestic human rights law, specifically the New Zealand Bill of Rights Act 1990. As a result, individuals cannot directly seek enforcement of this right through the court system in Aotearoa.

There are some aspects of the right to a decent home that are reflected in our laws. For example, regulations like the *Healthy Homes Standards* help to protect habitability of our rental housing, and it is unlawful to discriminate against someone when you are providing housing or accommodation. Tenancy Services and the Tenancy Tribunal can handle complaints about *Healthy Homes* compliance and other aspects of the right to a decent home that are covered by our Residential Tenancies Act. The Human Rights Commission provides free mediation and dispute resolution for complaints of discrimination, including in housing. Some cases may be referred to the Office of Human Rights Proceedings, which is an independent part of the Commission that can take cases to the Human Rights Review Tribunal.

These free mediation and legal services uphold the right to not be discriminated against in housing (one element of the right to a decent home), but the Commission is not legally able to provide the same services for other elements such as affordability or substandard housing conditions.

While the direct enforceability of the right to a decent home may be limited within the current legal framework, it is important for individuals to be aware of their rights and the available channels to address housing-related issues. Engaging with organisations like the Commission can give you access to guidance and support in navigating instances of discrimination and seeking resolution through mediation or legal processes.

Efforts are under way to further advance the recognition and enforceability of the right to a decent home within domestic legislation. Ongoing advocacy for its explicit inclusion in laws and policies is crucial. (See our concluding recommendations for an overview of how this should be implemented at a system level.)

The right to a decent home includes a right to meaningful participation

Inclusive participation is an essential feature of the right to a decent home. Everyone has the right to participate in decisions that affect their right to adequate housing, and participating in housing decision making – for example, in a policy development process – helps to ensure that the process is inclusive and accessible.

The point of human rights-based participation is to empower individuals and communities to actively influence the decisions, policies, rules, and conditions that directly affect their lives. When we don't include everyone, we miss opportunities to improve our housing system. By centring human rights and embracing a comprehensive approach to participation, we seize opportunities to enhance our housing system and uphold the fundamental right to a decent home for all.[45]

Achieving the right to a decent home requires accountability

Effective and accessible accountability is a crucial feature of human rights, including the right to a decent home. Without accountability, the right to a decent home can become an empty promise.

Accountability is about ensuring our laws, policies, strategies, plans, and promises are respected. It does not need to be about blame and punishment. But it's not enough for government just to monitor and keep an eye on what's happening. It's about identifying what works so it can be repeated and what doesn't work so it can be adjusted and fixed for the future.

Accountability can hold different cultural meanings and can be designed in different ways to reflect cultural understandings, needs, and customs. Here, we talk about a particular framework of accountability that is used in the human rights field (called constructive accountability). If you are interested in exploring the topic of accountability from an ao Māori perspective, you can read our *Discussion Paper: Understanding Accountability for Māori* (see Appendix A for more information).

Constructive accountability has three stages:

- **Monitoring** – collecting information and data on progress – is the first step.
- **Independent review** of whether New Zealand's housing system measures up to minimum human rights standards and whether we are delivering on the promises that have been made.
- **Remedial action** – if the system falls short, local and central government must take action to put things right and make changes for the future.

One of our Inquiry's key recommendations is creating effective accountability structures that will keep our housing system on track and hold government to account on delivering the right to a decent home as they have promised.

One of the main ways to ensure that duty bearers act is to hold them accountable. We need better accountability mechanisms – independent bodies with the authority to monitor, review, and evaluate the performance of duty bearers in our housing system. For example, this could look like a Housing Ombudsman or Commissioner alongside an independent Māori Housing Authority.

A toolkit to support housing advocacy

We encourage you to use human rights language and to call for your human right to a decent home to be made real. In Appendix C, we have included a toolkit with further resources to help people understand the right to a decent home, support and strengthen housing advocacy, and guide housing providers and developers on how the human right can be upheld in their mahi.

4. Our recommendations as foundations for change in our housing system

Getting the housing system right is more than just building our way out of it. We need human rights and the provisions of te Tiriti o Waitangi at the centre of our housing laws, strategy, policy, and implementation.

If we explicitly recognise the right to a decent home as a fundamental and binding human right, it will strengthen and improve housing strategies, policies and other initiatives and it can empower individuals, hapū, iwi and other communities to use the human right to a decent home as a tool for change in our housing system.

What follows are our recommendations to Government on how to advance the right to a decent home:

Recommendation 1: Commit to legislative recognition of the right to a decent home, shaped by and giving effect to te Tiriti o Waitangi

We need legislation that explicitly recognises the human right to a decent home, shaped by and giving effect to te Tiriti o Waitangi, and commits to progress this human right in all housing strategy, policy, plans, and initiatives.

Recommendation 2: Integrate the right to a decent home into housing policy-making processes

This is such an important part of the solution that Chapter 2 of this report offers detailed guidance for policy makers.

Recommendation 3: Appoint one or more human rights, Tiriti, and equity officers within our lead housing and housing policy agencies

These people will champion the integration of human rights and te Tiriti o Waitangi considerations and support their colleagues in this endeavour.

Recommendation 4: Fulfil the obligations set out in te Tiriti o Waitangi, including the obligation to recognise, respect, and support Māori tino rangatiratanga in respect of Māori housing

We recognise the ongoing work of the Waitangi Tribunal's Wai 2750 Housing Policy and Services Kaupapa Inquiry and acknowledge that the findings and recommendations arising from that inquiry will offer guidance for Government on how to meet its Tiriti obligations.

Recommendation 5: Strengthen accountability and participation across the housing system in a manner shaped by and giving effect to te Tiriti o Waitangi

We call on government to establish effective constructive accountability mechanisms that have the authority to address systemic housing issues. These mechanisms must complement rather than overlap the work of Tenancy Services, the Tenancy Tribunal, the Waitangi Tribunal, and other forms of oversight in the housing system. They must be independent, impartial, and free from political influence.

We commend the Government's recent work to publish implementation plans for both the Government Policy Statement on Housing and Urban Development and MAIHI Ka Ora, to launch system-level indicators that track progress towards the long-term goals set out by these documents and implementation plans, and to put in place system-level, place-based, and bespoke governance. These are all important additions to our housing system, and the MAIHI Ka Ora Whare Wānanga is particularly crucial in giving effect to Tiriti partnership. However, constructive accountability requires *independent* review and remedial action alongside monitoring progress.

Since giving effect to te Tiriti o Waitangi requires recognising, supporting, and respecting tino rangatiratanga, this has implications for how to apply constructive accountability and ensure participation in our housing system. We need to consider accountability both in the kāwanatanga sphere (where the Crown makes decisions) and in the tino rangatiratanga sphere (where Māori make decisions for Māori). We will also need to explore the idea of mutual responsibility and accountability between these two spheres. The Inquiry's discussion paper has sought to initiate this exploration.

Design options could include a Housing Ombudsman or Commissioner with oversight of the kāwanatanga sphere and a Māori Housing Authority or independent kāhui for Māori housing. These issues, including the option for a Māori Housing Authority, may be considered by the Waitangi Tribunal in Stage Two of the Wai 2750 hearings. Achieving the right approach for our unique context in Aotearoa will require open discussion, research, and design in partnership with Tangata Whenua and the housing sector.

Alongside these accountability improvements, we highlight the necessity of supporting inclusive public and community participation on housing. We recommend that the Government establish independent advisory and advocacy mechanisms that have the responsibility for providing expert advice, commissioning research, and supporting public and community participation on housing issues, including policy and accountability processes.

Recommendation 6: Implement effective accountability measures that adequately protect and enforce the right to a decent home for everyone, including renters and residents in emergency and transitional housing

We reiterate our call for Government to commit to reversing the exclusion of emergency accommodation and transitional housing from the Residential Tenancies Act 1986. Government must also do more to ensure landlords comply with their responsibilities under the Residential Tenancies Act, including the *Healthy Homes Standards* and related regulations. This could include, for example, the establishment of a compulsory rental housing warrant of fitness, which would require landlords to meet specific health and safety standards for their rental properties.

These recommendations are complementary and mutually reinforcing. Together, they will contribute to a human rights-based approach to our housing system.

The right to a decent home does not offer a magic solution to the housing crisis. There is no magic solution, but human rights can help. They serve as tools — so let us utilise them to benefit everyone in Aotearoa.

Appendices

Appendix A: Summary of the Inquiry's findings and recommendations

Strengthening Accountability and Participation in the Housing System[46]

Report findings

The Government Policy Statement on Housing and Urban Development and MAIHI Ka Ora: The National Māori Housing Strategy 2021–2051 provide a welcome shift towards the type of housing strategy required by human rights, and both will benefit from being reinforced and supported by:

- effective and accessible forms of constructive accountability
- informed, inclusive, meaningful, public participation and engagement.

Effective and accessible accountability arrangements in relation to the right to a decent home grounded on te Tiriti o Waitangi do not yet exist in the kāwanatanga sphere. This accountability deficit places Aotearoa in breach of its legally binding international human rights obligations.

Although public participation and democratic engagement already have a place in the housing system, they need strengthening.

Report recommendations

1. An Act of Parliament that sets out key principles and Tiriti obligations to guide all housing initiatives.
2. An independent constructive accountability mechanism for the housing system.
3. An independent advisory and advocacy group grounded on te Tiriti o Waitangi.

Discussion Paper: Understanding Accountability for Māori[47]

This report explores the crucial role of te ao Māori accountability, grounded in tikanga Māori (Māori customary practices) and aligned with Māori values and principles, in decision making regarding Māori housing. This paper aims to lay the groundwork for a collaborative approach with Māori partners, particularly within the housing sector. It examines various models and examples to explore accountability relationships, including Māori accountability to Māori, Crown accountability to Māori, Crown accountability to Tangata Tiriti and Māori accountability to the Crown. It identifies options aligned with te Tiriti o Waitangi, such as the model developed for the independent Māori Health Authority, along with suggestions for mutual accountability and self-determination.

Report findings

Te Ao Māori accountability is based on tikanga Māori in conjunction with kaupapa, kawa, kaitiakitanga, whakapapa, wairuatanga and mātauranga Māori.

Tikanga Māori is intertwined in values and principles and is context related.

Further work is needed on the mechanism that may best operate in the relational sphere between te kāwanatanga and rangatiratanga, including mutual accountability and its benefits to parties.

Effective mechanisms for ensuring accountability in the kāwana sphere are needed.

The more autonomy, the higher and more stringent the accountability expectations likely in the public sector. Performance may increase with autonomy.

The rights to a decent home may best be advanced for Māori through an independent Māori housing kāhui.

The barriers to addressing changes are:

- kāwana reluctance to share power as indicated by the extended opposition to the United Nations Declaration of the Rights of Indigenous Peoples
- contested histories and lack of a wide public understanding of our colonial history
- lack of trust of Māori capabilities and accountabilities.

Report recommendations

1. Advice is needed from Māori housing leaders, partners, and communities.
2. The relationship between the Crown and Tangata Whenua, which is based on mutual responsibility and accountability, should be a priority to achieve the right to a decent home for Māori.
3. A new independent structure for housing for Māori that would respond to te Tiriti.

Homelessness and Human Rights: A Review of the Emergency Housing System in Aotearoa New Zealand[48]

Report findings

The emergency housing system is failing to deliver government's immediate human rights obligations to provide emergency housing that meets minimum decency standards and other key features of the right to a decent home, and not to evict anyone into homelessness. This failure results in a breach of the right to a decent home grounded on te Tiriti o Waitangi.

The Government's decision in 2020 to exclude emergency housing and transitional housing from the Residential Tenancies Act is a serious and ongoing breach of its human rights obligation to provide accountability for the right to a decent home.

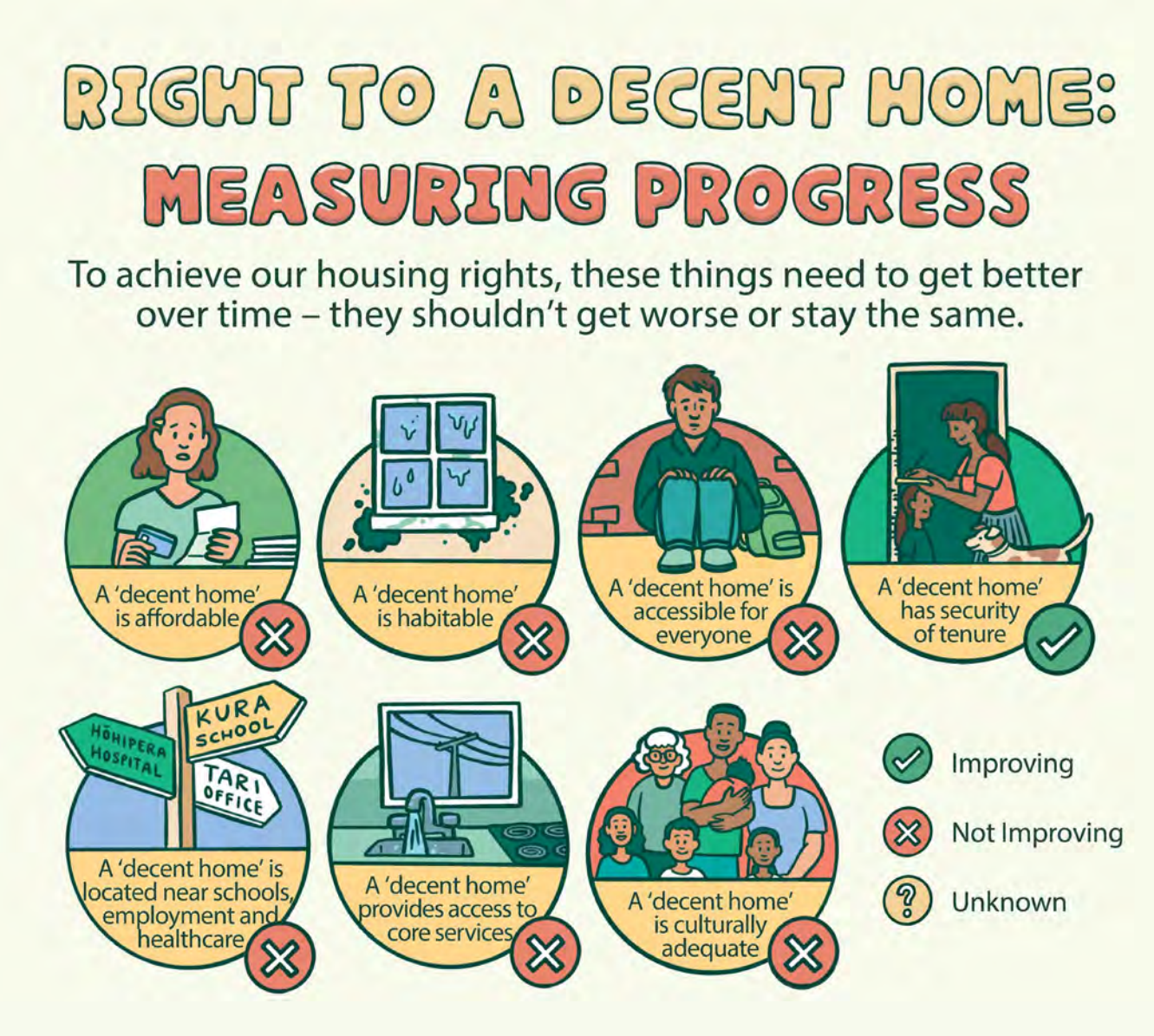
Government has failed to put in place accountability arrangements for the right to a decent home, grounded on te Tiriti o Waitangi, in relation to the emergency housing system. The lack of accountability over the emergency housing system, in particular the emergency housing grant initiative, is a serious breach of government's obligation in relation to the right to a decent home.

Report recommendations

1. Address the inconsistencies between the two different initiatives (emergency housing and transitional housing) and create a single, holistic system of emergency housing. This system must:
    - meet urgent housing need at a range of levels and support requirements without stigmatisation and with a focus on relational rather than transactional services
    - be designed, developed, and delivered in full partnership with Tangata Whenua and respond to Māori needs and ao Māori responses to homelessness
    - actively support and build on community, hapū and iwi initiatives as much as possible
    - be developed in active participation with those who have lived experience of homelessness and the emergency housing system.
2. Phase out the use of uncontracted commercial accommodation suppliers receiving the Emergency Housing Special Needs Grant to deliver emergency accommodation as soon as possible.
3. Commit to adequately protecting the rights of those in the emergency housing system either by amending the Residential Tenancies Act or by creating an alternative mechanism that is significantly stronger than the current draft Code of Practice for Transitional Housing.

Appendix B: Complete collection of Measuring Progress indicators

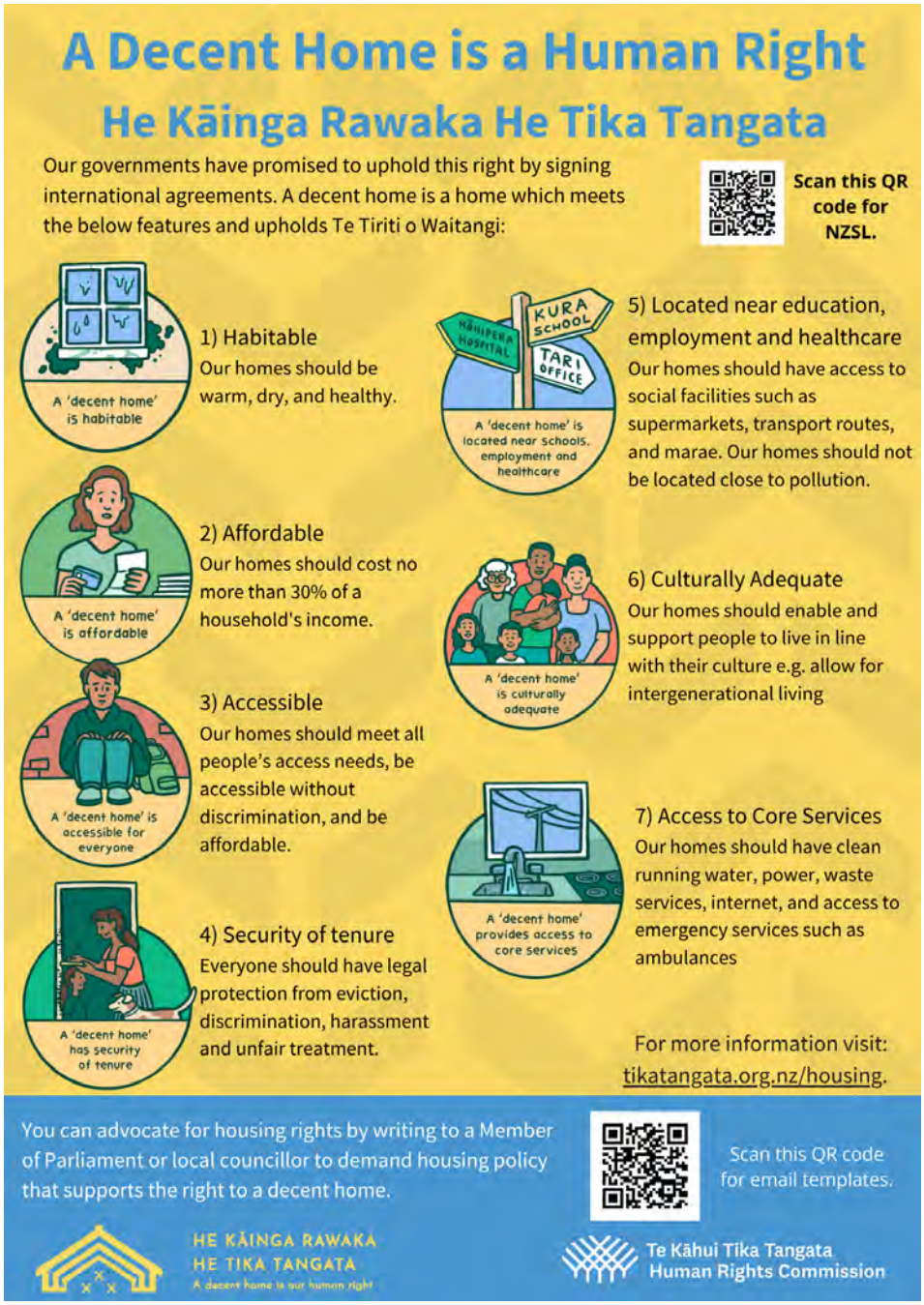
We launched the Measuring Progress tool in December 2021, including the data indicators on affordability. Throughout 2022 and 2023, we continued to release the range of data indicators on our Housing Inquiry website. We have now collated them into one report for ease of reference. You can find this report online at https://housing.hrc.co.nz/measuring-progress, or click the image below.



Appendix C: Toolkit and resources

Our tools and resources are available on our website: https://tikatangata.org.nz/housing

You can find the Decent Home Poster online at https://tikatangata.org.nz/decent-home-poster, or click the image below.



Endnotes

1 This Inquiry was initiated in accordance with our general inquiry function as established in the Human Rights Act 1993, section 5(2)(h).

2 Te Kāhui Tika Tangata Human Rights Commission. *Aratohu Tika Tangata ki te Whai Whare Rawaka i Aotearoa: Framework Guidelines on the Right to a Decent Home in Aotearoa*. Wellington: Human Rights Commission, 2021. https://www.hrc.co.nz/files/7416/2784/4778/Framework_Guidelines_on_the_Right_to_a_Decent_Home_in_Aotearoa_FINAL.pdf

3 New Zealand governments over the last 50 years have affirmed international human rights declarations and signed up to a range of internationally binding human rights agreements. These include the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples – all of which contain recognition of the right to a decent home or some elements of it. For example, Article 11 of ICESCR requires State Parties to "recognize the right of everyone to an adequate standard of living … including adequate housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right." These international human rights commitments are ethically compelling, and many of them are binding in international law. See https://www.ohchr.org/en/special-procedures/sr-housing/human-right-adequate-housing for more information.

4 See note 1.

5 *Framework Guidelines on the Right to a Decent Home in Aotearoa*.

6 Te Rōpū Whakamana i te Tiriti o Waitangi Waitangi Tribunal. *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness*. Wai 2750. Wellington: Waitangi Tribunal, 2023. https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_197630281/Kainga%20Kore%20W.pdf

7 *Kainga Kore*, page xiii.

8 Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development. "Change in public homes." April 2023. https://www.hud.govt.nz/stats-and-insights/the-government-housing-dashboard/change-in-public-homes/#tabset

9 Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development. *Te Tauākī Kaupapa Here a te Kāwanatanga mō te Whakawhanake Whare, Tāone anō hoki: Government Policy Statement on Housing and Urban Development*. Wellington: Ministry of Housing and Urban Development, 2021.

https://www.hud.govt.nz/assets/Uploads/Documents/HUD-GPS_Cabinet-Paper-CMYK-5_3b2-web-3.pdf

10 Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development. *MAIHI Ka Ora: The National Māori Housing Strategy 2021–2051*. Wellington: Ministry of Housing and Urban Development, 2021. https://www.hud.govt.nz/assets/Uploads/Documents/MAIHI-Ka-Ora-Strategy-Document.pdf

11 Just prior to this report going to print, the Ministry of Housing and Urban Development released *He Oranga Kāinga, He Oranga Hapori – Housing and Urban Development Indicators* to track progress towards the long-term goals in the Government Policy Statement and MAIHI Ka Ora over the next five to ten years. The intention of these indicators is to measure change in the whole system, at the national level, rather than specific policies and programmes. These new data indicators now sit alongside *MAIHI Ka Ora, Ka Mārama – Māori Housing Dashboard*, which is intended to show the progress that's being made across the Māori housing continuum. These system-level measures of progress are important and welcome.

Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development. *MAIHI Ka Ora, Ka Mārama – Māori Housing Dashboard*. Wellington: Ministry of Housing and Urban Development, 2023. https://www.hud.govt.nz/stats-and-insights/maihi-ka-ora-ka-marama/about/ and He Oranga Kāinga, He Oranga Hapori – Housing and Urban Development Indicators. Wellington: Ministry of Housing and Urban Development, 2023. https://www.hud.govt.nz/stats-and-insights/system-indicators/

12 Farha, Leilani. *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living and on the Right to Non-discrimination in this Context*. New York: United Nations General Assembly, 2021. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/096/81/PDF/G2109681.pdf?OpenElement

13 *Framework Guidelines on the Right to a Decent Home in Aotearoa*.

14 The papers include briefings, reviews and an aide-memoire. The full release can be found at https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/information-releases/cabinet-papers/2023/emergency-housing-system-review-release.pdf.

15 The aide-memoire *Cabinet Social Wellbeing Committee – Implementing the Reset and Redesign of the Emergency Housing System*, dated 5 December 2022, refers at paragraphs 18 to 21 to the Human Rights Commission's review of emergency and transitional housing, including our draft report's findings and recommendations.

16 Cabinet External Relations and Security Committee. *Establishment of a Human Rights 'National Mechanism'*. ERS-21-Min-0047, 14 December 2021. https://www.mfat.govt.nz/assets/OIA/OIA-2021-22/ERS-21-MIN-0047-Establishment-of-a-Human-Rights-National-Mechanism.pdf

17 *Establishment of a Human Rights 'National Mechanism'*, paragraph 43.

[18] Te Arawhiti Office for Māori Crown Relations. *Providing for the Treaty of Waitangi in Legislation and Supporting Policy Design: Questions for Policy Makers*. Wellington: Te Arawhiti, 2022. https://www.tearawhiti.govt.nz/assets/Tools-and-Resources/Providing-for-the-Treaty-of-Waitangi-in-legislation.pdf

[19] *MAIHI Ka Ora*, page 6.

[20] *Framework Guidelines on the Right to a Decent Home in Aotearoa*, paragraphs 48–53, including Guideline 10.

[21] *Providing for the Treaty of Waitangi in Legislation and Supporting Policy Design*.

[22] Department of the Prime Minister and Cabinet. "Community Engagement." January 26, 2023. https://www.dpmc.govt.nz/our-programmes/policy-project/policy-methods-toolbox/community-engagement.

[23] Te Arawhiti Office for Māori Crown Relations. *Guidelines for engagement with Māori*. Wellington: Te Arawhiti, 2018. https://tearawhiti.govt.nz/assets/Maori-Crown-Relations-Roopu/6b46d994f8/Engagement-Guidelines-1-Oct-18.pdf.

[24] This work is referenced by the Report of the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019 at pages 656–659. https://christchurchattack.royalcommission.nz/assets/Report-Volumes-and-Parts/Ko-to-tatou-kainga-tenei-Volume-4.pdf

[25] *Framework Guidelines* on the Right to a Decent Home in Aotearoa, paragraph 66, including Guideline 14.

[26] *Framework Guidelines*, paragraphs 54–62, including guideline 11.

[27] *Framework Guidelines*, paragraphs 91–92.

[28] *Framework Guidelines*, paragraphs 64–65, including guideline 13.

[29] *Framework Guidelines*, paragraphs 81–90.

[30] *MAIHI Ka Ora, Ka Mārama – Māori Housing Dashboard*.

[31] *He Oranga Kāinga, He Oranga Hapori – Housing and Urban Development Indicators*.

[32] *Framework Guidelines on the Right to a Decent Home in Aotearoa*, paragraphs 71–77.

[33] *Establishment of a Human Rights 'National Mechanism'*, paragraph 10.

[34] *Establishment of a Human Rights 'National Mechanism'*, paragraph 16.

[35] Public Service Act 2020, sections 11–12.

[36] The three independent monitoring mechanisms are the Children's Convention Monitoring Group, the Independent Monitoring Mechanism under the UN Convention on the Rights of Persons with Disabilities and the Aotearoa Independent Monitoring Mechanism for the UN Declaration on the Rights of Indigenous Peoples. We include the UN Declaration on the Rights of Indigenous Peoples while recognising it is not a binding treaty but a declaration affirmed by New Zealand governments. We leave aside the Central and four National Preventive Mechanisms established under the Crimes of Torture Act 1989 because the relevant obligations form part of New Zealand's national law.

[37] The right to privacy is a human right, and the Privacy Act 2020 requires each agency to appoint one or more individuals to be a privacy officer. We suggest the Ministry of Housing and Urban Development and Kāinga Ora as two lead housing/housing policy agencies.

[38] *Framework Guidelines on the Right to a Decent Home in Aotearoa.*

[39] In international law, the right to a 'decent home' is often referred to as the 'right to adequate housing'. These terms are used interchangeably and have a similar meaning. It is important to understand that, when discussing the right to a decent home, it aligns with the concept of adequate housing as recognised in international legal frameworks.

[40] United Nations. *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*. Geneva: Office of the United Nations High Commissioner for Human Rights, 2011. https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

[41] These key elements were clarified by the United Nations Committee on Economic, Social and Cultural Rights, including in its general comments No. 4 (1991) on the right to adequate housing. See https://www.ohchr.org/en/special-procedures/sr-housing/human-right-adequate-housing for more details.

[42] *He Oranga Kāinga, He Oranga Hapori – Housing and Urban Development Indicators*.

[43] Farha, Leilani. *End of Mission Statement, Visit of the Special Rapporteur on the Right to Adequate Housing to New Zealand*. Geneva: Office of the United Nations High Commissioner for Human Rights,

2020, paragraphs 62–64. https://www.ohchr.org/en/statements/2020/02/end-mission-statement-visit-special-rapporteur-right-adequate-housing-new; UN Committee on Economic, Social and Cultural Rights. *Concluding Observations on the Fourth Periodic Report of New Zealand*. Geneva: CESCR, 2018, paragraph 40. https://digitallibrary.un.org/record/1485440/files/E_C-12_NZL_CO_4-EN.pdf?ln=en

[44] *Government Policy Statement on Housing and Urban Development*, page 9.

[45] We acknowledge the resources developed by the Canadian Centre for Housing Rights, including *A Human Rights-Based Approach to Housing: A Resource for Tenant Leaders*, which can be found at https://housingrightscanada.com/resources/a-human-rights-based-approach-to-housing-a-resource-for-tenant-leaders/. These were immensely helpful in framing our own resources.

[46] Te Kāhui Tika Tangata Human Rights Commission. *Strengthening Accountability and Participation in the Housing System*. Wellington: Human Rights Commission, 2021. https://tikatangata.org.nz/cms/assets/Documents/Housing-Inquiry-Strengthening-Accountability-and-Participation.pdf

[47] Te Kāhui Tika Tangata Human Rights Commission. *Discussion Paper: Understanding Accountability for Māori*. Wellington: Human Rights Commission, 2023. https://tikatangata.org.nz/cms/assets/Documents/Housing_Inquiry_-_Accountability_for_housing_in_te_ao_Maori.pdf

[48] Te Kāhui Tika Tangata Human Rights Commission. *Homelessness and Human Rights: A Review of the Emergency Housing System in Aotearoa New Zealand*. Wellington: Human Rights Commission, 2021. https://tikatangata.org.nz/cms/assets/Documents/Homelessness-and-human-rights-A-review-of-the-emergency-housing-system-in-Aotearoa-New-Zealand.pdf

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