



Te Kāhui Tika Tangata
Human Rights Commission

The right to a decent home in Aotearoa – for individuals, communities, and advocates

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

Introduction

This resource summarises some of the key points from our [Aratohu Tika Tangata ki te Whai Whare Rawaka i Aotearoa: Framework Guidelines on the Right to a Decent Home in Aotearoa](#).

Everyone can use this resource to learn more about the right to a decent home here in Aotearoa.

We encourage advocates to use this information to strengthen their advocacy work –in your communications, submissions, kōrero with others about the housing issue you work on, or

kōrero with duty bearers on their human rights obligations.

We encourage everyone to draw on this work to strengthen or start your advocacy and join the call for the realisation of the human right to a decent home in Aotearoa.

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. We all have the right to a decent home. It is about more than a right to shelter, bricks and mortar, or a house in isolation. It is also about the broader housing system – our laws, strategies, policies, and all other housing-related initiatives.

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.

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 UN Guiding Principles on Business and Human Rights which outline the expectations for businesses to respect human rights and avoid any adverse impacts on individuals or communities. The New Zealand Government is also responsible for making sure others, including the private sector, respect and contribute to achieving the right to a decent home for everyone.



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.

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 or 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 policymaking 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 have highlighted seven principles that help determine whether housing is adequate and decent. These principles are closely connected and influence each other.

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 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% 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).



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 to achieve

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 which 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 from work like the Census and other kinds of data, and *benchmarks* set standards or targets to achieve.

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:

- Freedom from discrimination – for example, the government is required not to discriminate against disabled people in its housing policies and initiatives. It can't reduce existing discrimination over time; it must stop direct discrimination immediately.
- Providing temporary emergency housing for people who are experiencing homelessness. This emergency housing must be clean, dry, safe, secure, in good repair, and delivered in accordance with equity, equality, and non-discrimination.

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.

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.

Accountability and participation are both key features of the right to a decent home. You have the right to participate in housing decision making, and to call for people to be held responsible for progressing the right to a decent home. 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.

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 a te ao Māori perspective, you can read about our discussion paper [Understanding Accountability for Māori](#).



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 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.

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 our 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.

If housing matters to you, we encourage you to use human rights language. Call for your human right to a decent home to be made real by those in power, and demand accountability from your elected officials who have these key human rights obligations.

You have the right to get involved – share what you know, take opportunities to participate on housing issues that are important to you, and use your voice 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 also includes posters and other 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, 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.



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