



Human Rights
Commission
Te Kāhui Tika Tangata

The human right to adequate housing in New Zealand

What is the human right to adequate housing in New Zealand?

The human right to adequate housing is recognised in the 1948 Universal Declaration of Human Rights and in multiple international human rights treaties that New Zealand has ratified including the 1965 Convention on the Elimination of All Forms of Racial Discrimination, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, the 1989 Convention on the Rights of the Child, and the 2006 Convention on the Rights of Persons with Disabilities. Many of these treaties incorporate the right to housing into the right to an adequate standard of living. Other treaties refer to specific aspects of the right to housing such as the right to privacy.

The human right to adequate housing is binding legal obligation of the State of New Zealand. This means the State of New Zealand has agreed to ensure that the right to adequate housing is progressively realised in New Zealand. It is an “international obligation” that must be performed in New Zealand.

The State has a duty to protect the right of people in New Zealand to enjoy adequate housing and a responsibility to provide remedies.

The human right to housing...applies to everyone [and]... is of central importance for the enjoyment of all economic, social and cultural rights

It has been described by the most authoritative UN Treaty Body on economic and social rights as the right to live somewhere in security, peace and dignity.¹

It must be provided in a non-discriminatory way. Everyone, regardless of income or economic resources, is entitled to the enjoyment of this right, without distinction, exclusion or restriction on the basis of any specific characteristic such as race, religion, age or sex.

As a State party to the international human rights treaties that protect the human right to adequate housing, the New Zealand Government (both local and central) has a duty to respect, protect and fulfil this right. The Government is not required under its human rights obligations to build housing for anyone or to own houses. Its duty is to ensure that all people in New Zealand enjoy their human right to adequate housing. It must do that or it will be in breach of its obligations.

Business – including individuals and organisations who are landlords - has a responsibility to respect the human right to adequate housing. If operations have a negative impact on the right to adequate housing business has a responsibility to remedy that negative impact.²

¹ United Nations Committee on Economic Social and Cultural Rights, *General comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions*
http://www.ohchr.org/Documents/Publications/FS21_re_v_1_Housing_en.pdf

² UN Guiding Principles on Business and Human Rights
http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

The human right to adequate housing does not simply mean a roof over people's heads. The United Nations has defined seven standards that must be met in order for housing to be adequate.³

Adequate Housing

Security of Tenure	Habitability	Accessibility	Affordability	Availability of services, materials, facilities and infrastructure	Location	Cultural Adequacy
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▶ **Security of tenure:** Residents should be protected against forced eviction, harassment and other threats including predatory redevelopment and displacement.

▶ **Habitability:**

Housing must provide residents with adequate space that protects them from cold, damp, heat, rain, wind, and other threats to health, structural hazards, and disease.

▶ **Accessibility:** Housing must be accessible to all, and disadvantaged and vulnerable groups – including the disabled – must be accorded full access to housing resources.

▶ **Affordability:** Housing costs should be at such a level so as not to compromise the attainment of other basic needs. For example, people should not have to choose between paying rent and buying food.

▶ **Availability of services, materials, facilities and infrastructure:** Housing must provide access to services essential for health, security, comfort and nutrition. This includes water and sanitation, power and other essential utilities.

▶ **Location:** Housing should not be built on polluted sites or in immediate proximity to pollution sources that threaten the right to health of residents. The physical safety of residents must likewise be guaranteed. Additionally housing must be in a location which allows access to employment, health-care services, schools, child care centres, and other social facilities.

▶ **Cultural Adequacy:** Housing and housing policies must guarantee the expression of cultural identity and diversity, including the preservation of cultural landmarks and institutions. Redevelopment or modernisation programs must ensure that the cultural significance of housing and communities is not sacrificed.

³ United Nations Committee on Economic Social and Cultural Rights, General comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf