

19 November 2019

(by e-mail)

Dear Leilani

Many thanks for the opportunity to provide written comments on your draft *Guidelines for the implementation of the right to adequate housing*. Congratulations - they are really impressive and will be so useful to us and many others.

We have not prepared a formal submission as we have just two short points for your consideration.

**First**, we note the draft Guidelines recommend the development of national and regional rights-based housing strategies. This is a very welcome recommendation that we strongly support. In the case of Aotearoa New Zealand, a prior step is essential: the development, by way of a consultative process, of national, normative, non-binding guidelines on the right to adequate housing. A *consultative* process, in which civil society would have an essential role, is critical for numerous reasons, not least it would help to engender a sense of local and national ownership. Of course, the national guidelines would have to be consistent with international human rights norms, including your deeply instructive reports and (global) Guidelines. The national guidelines would 'domesticate' the international norms, including your work, taking into account the distinctive features of Aotearoa. As you know, these distinctive features include the [Treaty of Waitangi](#) i.e. the agreement between the Crown and Māori, which is widely accepted as NZ's founding document.

NZ's distinctive features also include the extraordinary housing crisis in Christchurch arising from the earthquakes in 2010-11 (the Commission has devoted a lot of time to housing-rights in Christchurch after the earthquakes). Of course, NZ has other distinctive features, too. So national guidelines, emerging from a consultative process, building on international norms, including your work, would be crafted for NZ's distinctive context. In NZ, a high-profile current challenge is accessible housing for disabled people and we anticipate national guidelines would give significant attention to this burning issue.

The NZ Human Rights Commission hopes and plans to lead a consultative process which develops national normative guidelines on the right to adequate housing, as signalled above. (The Commission has a statutory power to draft and adopt non-binding guidelines.) Thus, we would find it extremely helpful if your Guidelines simply and briefly acknowledged the value of national guidelines provided, of course, they do not lower existing international norms, including those found in your work and Guidelines.

Our **second** related point is a suggestion in relation to your draft Guidelines 4 (g) and 10 (f) - in addition to recommending States apply the principles of UNDRIP, to also include national treaties that protect the rights of Indigenous peoples (such as the Treaty of Waitangi), or something similar.

Many thanks once again for your really valuable work and the opportunity to comment. We remain very hopeful that we might see you here next year!

Warm regards,

Margaret



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