

December 16, 2020

Response to the Guidelines on the Right to a Decent Home in Aotearoa

Thank you for the opportunity to comment on the Guidelines on the Right to A Decent Home in Aotearoa. IHC understands that this document was drafted to ensure that the human right to housing was formalised in guidelines that situate this right in the unique cultural context of Aotearoa. This is a wonderful step, but we feel it would be a missed opportunity if the guidelines did not take into the account Aotearoa's eugenics history and the continuing effect this has had on intellectually disabled people.

We also wish to note that people with intellectual disabilities are often left out of consultations on important government documents, and we feel this has continued with these Guidelines. This consultation document was not distributed to us in Easy Read format or via video. This makes it much more difficult for intellectually disabled people to comment on or contribute their perspectives on the right to a decent home in Aotearoa.

As disabled people are highlighted as a group that find it hard to access a decent home in the Guidelines, we think it is important to note that a decent home for an intellectually disabled person may have different characteristics than what is elucidated in the Guidelines. I wish to draw your attention to a few specific areas of the Guidelines below.

Guideline 4 notes that the international right to a decent home must be located and applied within the unique historical, demographic, economic, social, cultural and legal context of Aotearoa. This is very important, and it could be timely for the document to acknowledge not just the colonisation that has occurred, but also the eugenics movement in Aotearoa. This movement led to the institutionalisation of intellectually disabled people and others, and the last institution was not shut down until 2006. Intellectually disabled people are still feeling the effects of this, as many intellectually disabled people live in group homes that they did not choose to live in with people they did not choose to live with.

Article 19 of the United Nations Convention on the Rights of Persons with Disabilities asks the States Parties to the Convention to ensure that persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others, and are not obliged to live in a particular living arrangement.

Housing for intellectually disabled people needs to be more than just accessible. Intellectually disabled people first and foremost need to be able to choose where and with whom they live. Very few intellectually disabled people are supported to live the type of independent life they want. Many intellectually disabled people may not even know that they are "allowed to" choose where they want to live, and that they may live alone with the right supports.

IHC Advocacy have seen countless examples of decisions about where an intellectually disabled person will live being made **for** the person based on vacancies that are available. This process is facilitated through Ministry of Health Needs Assessment agencies and providers of disability support. This is a violation of Article 19 and little is done to address this. It would be appropriate for this to be included in Guideline 4.

Guideline 5 includes some of the people involved in the provision of housing in the private sector – landlords and tenants – but this does not include service providers. For many intellectually disabled people, the service provider is the key to ensuring that the house is a home.

Guideline 10 states that all housing initiatives must comply with the seven UN ‘decency’ principles read with Te Tiriti o Waitangi. We think it would be useful to include in the ‘Respect for cultural diversity’ part of the guideline that everyone has the right to choose where they live and with who, and people have the right to live alone in non-institutional settings if that is what they wish.

Guideline 10 also includes a reference to habitability but this definition does not include any reference to special housing needs of disabled people i.e. that a decent house is one that the person is actually physically able to move in and around, that the house is safe for them, that the house has appliances that they are able to use. A habitable house for an intellectually disabled person could be a different kind of house to one that is habitable for a ‘couch surfer’.