



# CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN PRE-SESSIONAL WORKING GROUP SUBMISSION: NEW ZEALAND

20 NOVEMBER 2017- 24 NOVEMBER 2017

The Global Human Rights Clinic<sup>1</sup> submits this information to the UN Committee on the Elimination of Discrimination Against Women Pre-Sessional Working Group review of New Zealand at its 70<sup>th</sup> session in November 2017. The Global Human Rights Clinic wishes to highlight issues faced by women in relation to the right to housing in New Zealand (NZ). This submission highlights direct violations of the Convention on the Elimination of all forms of Discrimination Against Women and other laws ratified by NZ.

The Global Human Rights Clinic has carried out preliminary research to gather evidence, including testimonials, expert reports, media coverage and analytical data from which we have formulated the concerns and suggested lines of enquiry below. Further information about any of the subject matter within this submission can be obtained from the Global Human Rights Clinic. A more detailed submission with supporting information will be provided to the Committee Members in the lead-up to the review of NZ in 2018.

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<sup>1</sup> The Global Human Rights Clinic is an international not-for-profit NGO (an Association under Swiss law). It is in the process of applying for ECOSOC Consultative Status.

*The Global Human Rights Clinic is proudly part of the Global Human Rights Group.  
The Global Human Rights Group is a social enterprise based in Geneva,  
comprising of the not-for-profit NGO, the Global Human Rights Clinic (an Association under Swiss law),  
and the not-just-for-profit company, the Global Human Rights Consultants LLC.*

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## BACKGROUND

The right to adequate housing is widely recognised in international, regional and national human rights laws. One of the first international references to this right is in the 1948 Universal Declaration of Human Rights (art. 25.1). The Convention on the Elimination of All forms of Discrimination Against Women Article 1, Article 2 (d)(e)(f) and Article 3 prohibits the discrimination of women on the basis of gender in any form and requires governments to pursue by all appropriate means and without delay a policy of eliminating discrimination, including in relation to the right to adequate living (including housing). We are calling upon the Committee to address the violations made by NZ in relation to women's right to housing.

The implementation of the right to housing in NZ has been of concern for quite some time. NZ has the second worst level of child poverty amongst the OECD countries. In particular, the inequalities between those on low incomes dependent and reliant on welfare, and those who are not, lead to significant differences in the quality and acceptability of housing for many New Zealanders.

Over the last few years there have been numerous media reports of children dying due to the poor quality of their housing and related medical conditions. Overcrowding of properties is attributable to the spread of infectious diseases, and asthma and other respiratory illnesses are being caused and worsened by houses that are insufficiently insulated and heated. The NZ Human Rights Commission receives hundreds of complaints every year based on discriminatory practices around housing in NZ. In particular, marginalized communities such as indigenous peoples, elderly and disabled people, and especially women, are facing barriers in accessing a suitable standard of housing.

In 2005 the NZ Government set out a 10 -year programme of action<sup>2</sup> detailing a housing strategy, however this failed in delivering all of its 7 desired outcomes. New Zealanders justifiably feel that the programme was not adequate in ensuring the basic human right to housing, particularly for women and children. There is a shortage of good quality homes, rental prices are becoming more and more unaffordable, and levels of home ownership have fallen faster in the last 30 years in NZ than in any other OECD country.<sup>3</sup> Homelessness is rising, as are the number of New Zealanders on the waiting list for state-subsidised rental accommodation.

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<sup>2</sup> NZ Government, *The New Zealand Housing Strategy 2005*, 28 October 2005

(<http://nzccss.org.nz/news/library/the-new-zealand-housing-strategy-2005-housing-nz-doc/>)

<sup>3</sup> TAO LIN, 'NZ home ownership at lowest level in more than 60 years', Stuff News, 15 July 2015

(<http://www.stuff.co.nz/business/money/70240843/nz-home-ownership-at-lowest-level-in-more-than-60-years>)

## OVERVIEW:

This submission addresses how violations of the right to adequate housing are directly and indirectly affecting women in NZ:

1. Poor conditions of housing
2. Links between poor quality housing and its impact upon the enjoyment of the right to health
3. Unaffordable house prices, exorbitant rents, and a lack of affordable housing including social housing shortages
4. Security of tenure
5. Domestic violence and housing
6. Homelessness
7. The movement of women out of metropolitan areas
8. Older women and their housing needs

## POOR CONDITIONS OF HOUSING IN GENERAL

Housing is defined as inadequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.

Research published in 2010 by the Building Research Association (Branz)<sup>4</sup> found that the average evening temperature of living rooms in NZ during the winter was 17.8°C, which is below the World Health Organisation's recommended minimum temperature of 18°C-21°C<sup>5</sup>. A quarter of homes surveyed came in at below 16°C and some homes had reported temperatures of just 10°C. In 2016, Branz found that almost a third of rental houses feel damp, compared with just 11% of owner-occupied houses.

Nearly 9000 New Zealanders were asked questions on their perceived quality of housing in *The 2014 New Zealand General Social Survey* (NZGSS)<sup>6</sup>. This survey showed that significantly higher percentages of women reported a major problem with dampness and mould and that their home is often colder than they deem to be suitable. Asbestos and lead paint is another problem that is known to affect the quality of rental housing in NZ; an estimated 16,000 Housing NZ properties are thought to contain asbestos.<sup>7</sup>

## LINKS BETWEEN POOR QUALITY HOUSING AND ITS IMPACT UPON THE ENJOYMENT OF THE RIGHT TO HEALTH

Perhaps the most alarming aspect of the NZ housing crisis are the health implications of living in homes that are not fit for purpose. Studies show that there are on average an additional 1600 deaths per winter that are directly attributed to 'cold houses'.<sup>8</sup> This effects 9% more women than men.<sup>9</sup> People living in houses with temperatures below 18°C were more likely to suffer from high blood pressure,<sup>10</sup> which affects significantly more women than men.

<sup>4</sup> Branz, 'Clawback of energy efficacy upgrades in New Zealand houses', 2010

([http://www.branz.co.nz/cms\\_show\\_download.php?id=49b7b2bfd88baf8f7098ad1dfd8d0b6cf207fb1b](http://www.branz.co.nz/cms_show_download.php?id=49b7b2bfd88baf8f7098ad1dfd8d0b6cf207fb1b))

<sup>5</sup> World Health Organization, *Health Impact Assessment*, 2010 (<http://www.who.int/hia/housing/en/>)

<sup>6</sup> Stats NZ, *New Zealand General Social Survey: 2014*

([http://www.stats.govt.nz/browse\\_for\\_stats/people\\_and\\_communities/Households/nzgss\\_HOTP2014.aspx](http://www.stats.govt.nz/browse_for_stats/people_and_communities/Households/nzgss_HOTP2014.aspx))

<sup>7</sup> Lauren Priestley, 'Asbestos Worries', Stuff NZ News, 18 December 2013

(<http://www.stuff.co.nz/auckland/9526971/Asbestos-worries>)

<sup>8</sup> Ruth Nichol, '1600 deaths attributed to cold houses each winter in New Zealand', *NZ Listener*,

9 June 2017 (<http://www.noted.co.nz/currently/social-issues/1600-deaths-attributed-to-cold-houses-each-winter-in-new-zealand/>)

<sup>9</sup> Philippa Howden-Chapman, *Home Truths: Confronting New Zealand's Housing Crisis*, Wellington: Bridget Williams Books, 2015.

<sup>10</sup> Friends of the Earth & the Marmot Review Team, *Report: The Health Impact of Cold Homes and Fuel Poverty*, 2011.

The NZ Medical Journal<sup>11</sup> reports that Parrs Park, a low-income suburb with a diverse ethnic population, has some of the worst rates of preventable, poverty-related child diseases in Auckland. The area counted more than 140 potentially avoidable hospitalizations among its 2000 children during 2016 alone. With women in NZ taking the majority of the burden of childcare and 1 in 10 women being a sole parent, this has huge implications for women.

One in six New Zealanders<sup>12</sup> suffer from respiratory problems, and poor ventilation is known to be the biggest cause of respiratory problems. Further statistics show that significantly larger percentages of women suffer from asthma, bronchiectasis, COPD and pneumonia than men in NZ, and again poor ventilation, damp and mould are all known causes and aggravators of these conditions.<sup>24</sup>

Overcrowding is a huge contributor in the increase and spread of infectious diseases. Women and children are disproportionately affected by these diseases: infants, Māori and Pacific children, and children living in the most socioeconomically deprived areas.<sup>13</sup>

## UNAFFORDABLE HOUSE PRICES, EXORBITANT RENTS, AND A LACK OF AFFORDABLE HOUSING, INCLUDING SOCIAL HOUSING SHORTAGES

In March 2017, *The Economist* published an article citing 'New Zealand housing most unaffordable in the world'<sup>14</sup>. Across five different measures, NZ had the highest rise in house prices, the largest difference between rental and purchase costs, and housing required the highest percentage of the average person's disposable income. These claims are further substantiated by the *Demographia International Housing Affordability Survey*<sup>15</sup> which discovered that Auckland is ranked the fourth least-affordable housing market in the world.

In the last four years, house prices in Auckland have risen on average by 75%, with the average cost of a home now exceeding NZ \$1 million, shutting the majority of local women out of the property market. With the average mortgage deposit in NZ now between 20-40% of purchase price and tighter lending conditions being applied, property sales are down 30% in Auckland from 2015-16, making housing inaccessible for many women. Home ownership rates are 63%, this is lowest this figure has been in NZ since 1951. We believe that this issue disproportionately affects women, particularly women who have sole parental responsibilities.

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<sup>11</sup> New Zealand Medical Journal, 2012 (<https://www.nzma.org.nz/journal/read-the-journal/all-issues/2010-2019/2012/vol-125-no-1366/article-anderson>)

<sup>12</sup> Asthma and Respiratory Foundation of New Zealand, *The impact of respiratory disease in New Zealand: 2016 Update* (<https://s3-ap-southeast-2.amazonaws.com/assets.asthmafoundation.org.nz/documents/REPORT-The-impact-on-respiratory-disease-in-New-Zealand-2016-update.pdf>)

<sup>13</sup> Health and household crowding study undertaken by Massey University New Zealand, 2017 (<http://www.ehinz.ac.nz/indicators/indoor-environment/health-conditions-related-to-household-crowding/>)

<sup>14</sup> 'Global House Prices', *The Economist*, 9 March 2017 (<https://www.economist.com/blogs/graphicdetail/2017/03/daily-chart-6?fsrc=scn/tw/te/bl/ed/>)

<sup>15</sup> *13<sup>th</sup> Annual Demographia International Housing Affordability Survey: 2017* (<http://www.demographia.com/dhi.pdf>)

Not only are rental prices increasing, but there is also a shortage of available properties. This is seen more so in larger cities: Between 2015 – 2016 rental prices in Auckland were up 3.3% while income had only risen 0.5% and in Wellington rents were up 8.3% compared with incomes up just over 1 percent. The number of potential tenants are rising with some properties in Auckland attracting 100+ applications. Property managers are frank in their bias towards white NZ males, higher earners and ‘traditional’ family units as preferred tenants with discrimination openly shown towards Māori and Pacific Island women, and migrant women, who are at the bottom of the list in terms of ‘attractive’ tenants. There is also a great deal of discrimination against migrant populations such as Indian/Pakistani women and their children.

Social housing waiting lists are at an all-time high across NZ,<sup>16</sup> currently 5,353 households are waiting for social housing, with an additional 1,420 waiting for a transfer to a more suitable home. Statistics on social housing from 2014 show a 9% rise<sup>17</sup> from the first to second quarter of 2017. According to figures from *The NZ Herald*,<sup>18</sup> 43% of the waiting list is made up of ‘sole parents with dependent children’, the high majority of which are women.

One in three low income households spend more than 40% of their income on housing costs, thus can be categorised as living in ‘housing stress’. Households that receive the Government Accommodation Supplement are the most affected group, with 50% spending over half of their income on housing.<sup>19</sup> This disproportionately affects women, particularly those already disadvantaged, such as women of Pacific Island / Māori heritage.

## SECURITY OF TENURE

For tenants, rent can be increased every 180 days provided the tenant has been given a 60-day notice period of increase.<sup>20</sup> There is no cap or limit to the amount of times a landlord can increase rent. When rent is increased, the security deposit can be increased also.

Landlords are required to give tenants 90 days’ written notice if they decide to end a tenancy before the expiry date. This is reduced to 42 days’ notice if the landlord is ending the tenancy if the landlord or a member of their family is going move into the property themselves, the property has been sold or it is being used for employee accommodation.

<sup>16</sup> Ministry of Social Development, *Social Housing Quarterly Report*, June 2017

(<http://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/social-housing/social-housing-quarterly-report-june-2017.pdf>)

<sup>17</sup> Alex Tarrant, ‘Social Housing Register waiting list hits new record high in June; Amy Adams says rising rents partly to blame but AS boost could help; Labour’s Twyford highlights NZ homelessness as worst in OECD’, *Interest.co.nz*, 21 July 2017 (<http://www.interest.co.nz/property/88905/social-housing-register-waiting-list-hits-new-record-high-june-amy-adams-says-rising>)

<sup>18</sup> Simon Collins, ‘Social housing waiting list rising again’, *The New Zealand Herald*, 22 July 2016 ([http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11679418](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11679418))

<sup>19</sup> NZ Government, Ministry of Social Development, *2015-16 Household Economic Survey* (<https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/monitoring/household-income-report/2017/2017-incomes-report-wed-19-july-2017.pdf>)

<sup>20</sup> Ministry of Business, Innovation and Employment, 2017 (<https://www.tenancy.govt.nz/rent-bond-and-bills/rent/increasing-rent/>)

These provisions, which are generously skewed in favour of landlords, jeopardise security of tenure and make rental housing difficult to hold onto over the long-term. Rapid increases in rent, end up pricing many women, particularly Māori and Pacific Islander women, out of the market, leading to overcrowding and housing insecurity.

## DOMESTIC VIOLENCE AND HOUSING

In 2016 there were a total of 118,910<sup>21</sup> family violence investigations; male suspects made up over 89% of this figure. In 2016, only 15,994 Police Safety Orders were issued. A PSO is granted for up to five days and means that the person bound by it must leave the address whilst it is in force.<sup>22</sup> A PSO is typically granted for just one to two days which doesn't allow victims of domestic violence adequate time to make alternative living arrangements: This often results in homelessness. Currently there is no criminal conviction resulting from the breach of a Police Safety Order. In 2015/16 women's refugees received around 73,000 crisis calls yet only 2,446 women and children stayed in safe houses. When women do choose to leave an abusive relationship and the 'family' home, if they're in a Housing NZ property, they're taken off the lease, and have to re-enter the waiting list from the bottom – even women who are considered top priority.

Māori women are disproportionately affected by domestic violence in NZ. Māori comprise only 15% of the population in NZ, yet the last major crime and safety survey<sup>23</sup> in NZ demonstrated that Māori women experienced more than 50% higher than the average victimization risk for intimate partner violence. 2014 police data shows that one in five victims of assault were Māori women despite making up just 7% of total population<sup>24</sup>. In addition to this, 37% of 2016 Women's Refuge referrals were for Māori women and children and 60% of children in care in NZ are Māori.<sup>25</sup>

## HOMELESSNESS

It is claimed NZ has 'the worst homeless rate in the developed world'<sup>26</sup>. Yale University<sup>27</sup> research shows that a staggering 1% of the NZ population are homeless; this is higher than any other OCED country where the average homelessness rate stands at just 0.17%<sup>28</sup>. Currently there are thought to be over 41,000 homeless people in NZ. Single parents with dependent children make up 43% of those without homes – the majority of which are women. Overall, 49% of NZ's homeless population are women.

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<sup>21</sup> NZ Family Violence Clearinghouse, Data summary 2, June 2017

<sup>22</sup> NZ Police Department (<http://www.police.govt.nz/advice/family-violence/police-safety-orders>)

<sup>23</sup> P. Mayhew and J. Reilly, *The 2006 New Zealand Crime and Safety Survey 2006: Key Findings*, (2007) Wellington: Ministry of Justice.

<sup>24</sup> Charlie Mitchell, 'Maori women most likely to be assault victims: stats', Stuff News, 10 December 2014 (<http://www.stuff.co.nz/national/crime/63995633/maori-women-most-likely-to-be-assault-victims-stats>)

<sup>25</sup> Te Puni Kokiri; Realising Māori potential – Māori Family Violence Infographic (<http://tpk.govt.nz/en/a-matou-mohiotanga/health/maori-family-violence-infographic>)

<sup>26</sup> Labour Party Website, 2017 ([http://www.labour.org.nz/national\\_s\\_shame\\_worst\\_homelessness\\_in\\_the\\_oecd](http://www.labour.org.nz/national_s_shame_worst_homelessness_in_the_oecd))

<sup>27</sup> Yale University, 2017 (<http://yaleglobal.yale.edu/content/cities-grow-worldwide-so-do-numbers-homeless>)

<sup>28</sup> OECD, Social Policy Division, Directorate of Employment, Labour and Social Affairs, OECD Affordable Housing Database (<http://oe.cd/ahd> OECD), Social Policy Division, Directorate of Employment, Labour and Social Affairs.

Women face a greater set of issues than men when homeless. Gender specific health issues related to homelessness, such as menstruation, maternity care and high undiagnosed mental health illnesses such as postnatal depression affect women on a large scale. The risk of sexual assault and rape is high, with most crimes going unreported. Childcare and a need to keep routine for dependents adds an extra layer of pressure onto women who are homeless, often leading them to enter into other dangerous relationships in order to secure housing.

Furthermore, we are concerned about the ‘invisible women’,<sup>29</sup> who do not have access to basic provisions afforded to street sleepers as it is more commonplace that refuge is taken in abandoned cars, vans, buildings, etc, making these women ‘out of sight and out of mind’.<sup>30</sup>

## THE MOVEMENT OF WOMEN OUT OF METROPOLITAN AREAS

Gentrification is an important aspect of the NZ housing crisis. The state has sold large portions of its housing stock off over the last 30 years leaving room for private developments and foreign investors. Foreign investors buying properties that then remain uninhabited is also depleting the overall housing stock. A BNZ report last year found that only 4 out of 10 Chinese buyers of NZ real estate planned to spend any time inhabiting their new acquisitions.<sup>31</sup> With rents rising in larger cities such as Auckland, lower income families are having to move further away from areas of socio-economic promise. This is an issue that disproportionately affects women, particularly single parents.

With movement away from hometowns comes the feeling of isolation and the loss of crucial support networks. Employment rates are down and the number of women claiming state support is higher than ever before. The 2014 NZ General Social Survey shows that only 44.1% women feel safe ‘walking alone in the neighbourhood after dark’ compared to 77.8% of men surveyed. 80.9% of women feel safe at home at night in comparison to 92.2% of men. Overall women felt 8% lonelier than men surveyed.<sup>32</sup> This loss of social support networks and safety is attributed to the change in social composition of households.

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<sup>29</sup> Tess McClure, ‘Mana Wāhine: The Invisible Homeless Mothers of New Zealand’, *Vice Magazine*, September 2017 ([https://www.vice.com/en\\_nz/article/3ka5kj/mana-wahine-single-mums-are-the-largest-homeless-group-in-nz](https://www.vice.com/en_nz/article/3ka5kj/mana-wahine-single-mums-are-the-largest-homeless-group-in-nz))

<sup>30</sup> Simon Collins, ‘Families in cars new reality’, *The New Zealand Herald*, 18 November 2015 ([http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11546865](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11546865))

<sup>31</sup> Liz Macdonald, ‘Wealthy Chinese buyers snap up property’, *Stuff News*, 7 February 2015 (<http://www.stuff.co.nz/the-press/business/65894003/Wealthy-Chinese-buyers-snap-up-property>)

<sup>32</sup> Stats NZ, *New Zealand General Social Survey: 2014* ([http://www.stats.govt.nz/browse\\_for\\_stats/people\\_and\\_communities/Households/nzgs\\_HOTP2014.aspx](http://www.stats.govt.nz/browse_for_stats/people_and_communities/Households/nzgs_HOTP2014.aspx))



## OLDER WOMEN AND THEIR HOUSING NEEDS

The number of people aged 65 and over has doubled since 1980, and is likely to double again by 2036.<sup>33</sup> Within the older demographic, more women than men live alone. In NZ, 43% of women aged 65+ live alone, this is partly due to life expectancy of women in NZ being on average four years longer than that of men.<sup>34</sup>

We are particularly concerned about the way in which current social housing rules affect surviving spouses, and the disproportionate and unnecessary way in which this impacts upon the housing needs of older women. Often, just one person's name is on the lease for a social housing property, and for elderly couples this is often the man's name. If the tenancy is in the name of the deceased spouse, the surviving spouse will be served with a 21-day notice period and asked to vacate the property regardless of how long the surviving spouse has lived in the property.<sup>35</sup> The surviving spouse is eligible to join the waiting list for state subsidized property but there is no priority given to them, no cap on waiting time, and it is unlikely that they will be given the same property. Furthermore, even if the surviving spouse's name is on the tenancy agreement and they are legally registered as a tenant of the property, a change in circumstances caused by the death of a spouse can affect eligibility to stay in a government subsidized home. Changes need to be made to this policy to better protect the rights of older women to security of tenure and continued habitation of their (sometimes life-long) homes.

One-person households are projected to grow particularly fast, not just in NZ. It is calculated that one-person households will account for 29 percent of all households in NZ by 2031.<sup>36</sup> This is a problem for NZ as there is a huge deficit in one person living units, particularly those built with accessibility suited to an older person.

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<sup>33</sup> J. Stephenson, 'Implications of population ageing for different markets' in J Boston & J Davey (eds) *Implications of Population Ageing: Opportunities and Risks*, Wellington: Institute of Policy Studies, 2006.

<sup>34</sup> Newshub, 'How long do New Zealanders live for?', January 2017 (<http://www.newshub.co.nz/home/new-zealand/2017/01/how-long-do-new-zealanders-live-for.html>)

<sup>35</sup> Citizens Advice Bureau of New Zealand, 2017 (<http://www.cab.org.nz/vat/hle/sh/Pages/Livingin-statehouse.aspx>)

<sup>36</sup> Stats NZ, *Factsheet: How will New Zealand's ageing population affect the property market?* (<http://m.stats.govt.nz/~media/Statistics/browse-categories/population/estimates-projections/ageing-population-property-market/new-zealands-ageing-population-affect-property-market.pdf>)

## SUGGESTIONS FOR LIST OF ISSUES

We respectfully ask the Committee on the Elimination of Discrimination Against Women to prioritize the following questions in their List of Issues given to the government of NZ:

- How does the newly elected government of NZ plan to implement a human rights based approach in their new Housing Strategy?
- How will the failures of the 2005 Housing Strategy be addressed and ameliorated in a new Housing Strategy?
- How does the Government intend to address the issue of poor quality housing in NZ and the associated rates of deaths and illnesses?
- What does the Government plan to do to address rising housing unaffordability throughout NZ, particularly in the major cities?
- Does the Government intend to introduce legislation regarding caps on rental prices?
- How does the Government plan to ensure that those living in social housing are not living in 'housing stress', i.e. to reduce the proportion of their income spent on housing costs?
- Does the Government plan to increase the housing stock of social housing, in particular social housing for women at risk, including women fleeing domestic violence, disabled women, and older women?
- Could the government provide more specific data on homelessness and overcrowding issues disaggregated on the following grounds: women, Māori women, elderly women, widows, disabled women, and single woman headed households
- What does the Government plan to do in order to address the root causes of homelessness in NZ, and overcrowding in NZ homes?
- What better protection is the government planning to offer women who flee their home as a result of family violence?
- What provisions are to be put into place to address the growing housing needs of older single women?