

Aratohu tika tangata ki te whai whare rawaka i Aotearoa

Framework Guidelines on the right to a decent home in Aotearoa

Rā: August 2021



Aratohu tika tangata ki te whai whare rawaka i Aotearoa

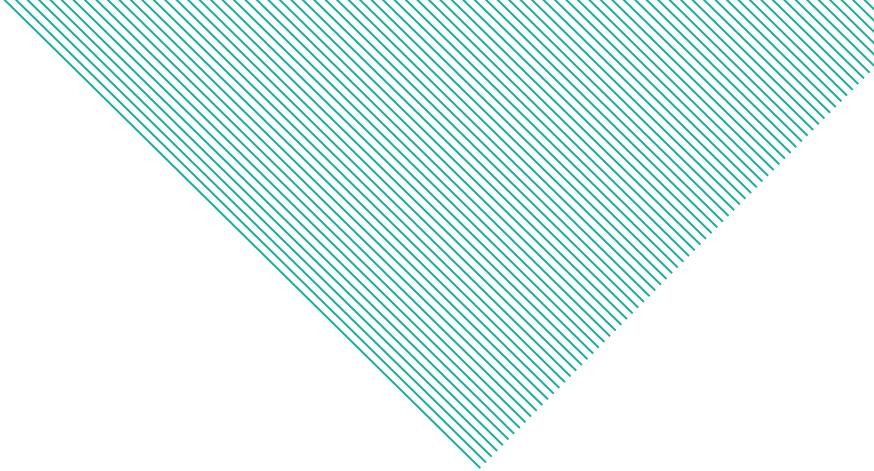
Framework Guidelines on the right to a decent home in Aotearoa

Kua whakatūria Te Kāhui Tika Tangata o Aotearoa (Te Kāhui), ā, kei te kawea āna mahi ki raro i te Crown Entities Act 2004 me te Human Rights Act 1993. Kua whakamanatia Te Kāhui hei rōpū whakahaere tika tangata ā-motu 'whaimana A' ki raro i ngā Paris Principles. Ka kitea he mōhiohio e pā ana ki ngā mahi a Te Kāhui ki tā mātou pae tukutuku: www.hrc.co.nz



**NZ
Human
Rights.**

Te Kāhui Tika Tangata
Human Rights Commission



Te Tūnga o te Aratohu

Kua hoahoatia te Human Rights Act (1993), e whakatūria ana i Te Kāhui Tika Tangata o Aotearoa: "kia tukuna te whakahauamarutanga pai ake o ngā tika tangata ki Aotearoa e ai whānui ana ki ngā Kawenata, ngā Kawenati rānei a te Kotahitanga o Ngā Iwi o te Ao mō ngā Tika Tangata".¹

Kei te whakatakoto te Ture i ngā mahi matua a Te Kāhui, ā, ko te tuatahi o ēnei ko:

"ki te taunaki me te whakatairanga i te whakautetanga, te māramatanga me te maiohatanga o ngā tika tangata ki te pāpori o Aotearoa". (wāhanga 5(1)(a))

Kei tua atu i tērā, kei te tuku te Ture i ngā tini mahi tohitū, tae atu ki te:

"ki te whakarite me te whakaputa, i runga i te whakaaro tika a Te Kāhui, ngā Aratohu, me ngā tikanga mahi kōwhiringa mō te kauparetanga o ngā mahi me ngā ritenga kāore i taurite, e whakahē ana rānei ki tēnei Ture". (wāhanga 5(2)(e))

E ai ki āna mahi ā-ture, i whakaaetia e te Poari o Te Kāhui Tika tangata ēnei *Aratohu Tika Tangata ki te Whai Whare Rawaka i Aotearoa* i te Āperira 2021.

Mā te whakahaerenga a Te Kāhui ngā Aratohu e arotake ia 12 marama, ā, mēnā e hiahiatia ana, ka taunaki i ētahi whakahounga ki te Poari. Mā te Poari e arotake, ā, ina hiahiatia, e whakahou, i ngā Aratohu ia toru tau.

Kua hoahoatia ēnei Aratohu hei kōkiri i te take arataki a Te Kāhui Tika Tangata, Te Whakamana Tāngata: A Life of Dignity for All.

(Aronga Rautaki, 2020-2024)

Ngā Tukanga

I tata te mahi ngātahi a Te Kāhui ki a Pou Tangata rāua ko Pou Tikanga mai i te National Iwi Chairs Forum (NICF), Ngā Wharerau o Aotearoa, ko te tokomaha atu anō hei whakarite i ngā *Aratohu*. I mua i te tuhi hukihuki i ngā *Aratohu*, i whakatūria he akoako wawe ki te whānuitanga o te hunga whai pānga atu i Hune i te 2020, ki te mutunga o Ākuhata i te 2020. I taua wā, i whakahaeeria e Te Kāhui rātou ko Ngā Wharerau o Aotearoa ētahi hui hei rapu whakahoki kōrero e pā ana ki tētahi puka kōrerorero. I whakahaeeria nuitia ngā hui mā Zoom hei putanga o te mate urutā KOWHEORI-19 me te whai wāhitanga mai o ngā tāngata nō ngā tōpito katoa o Aotearoa.

I tukuna ngā *Aratohu* hei puka akoako hukihuki i te 12 o Noema 2020, ā, ka tū tētahi wā akoako tae atu ki te 21 Tihema 2020. I rāhiri Te Kāhui i ngā tāpaetanga mā te īmēra, ā-kanohi hoki. I whiwhi Te Kāhui i ngā whakahoki e 32 me ngā whakahoki kōrero, tae atu ki te kāwanatanga ā-rohe, ā-motu hoki, ngā rōpū kōkiri, me ngā tāngata takitahi. I te Hānuere 2021, i tūtaki Te Kāhui i ētahi hunga whaipānga i hiahia ki te āta kōrerorero anō i ngā *Aratohu* me ā rātou whakahoki kōrero.

He kāmehameha ngā whakahoki kōrero i riro i Te Kāhui nō roto i tēnei hātepe hei tuhi anō me te whakapakari i ngā *Aratohu*. Whai muri i te wā akoako, nā Te Kāhui i whakaputa i tētahi tuhinga hukihuki tuarua o ngā *Aratohu*, ā, ka tukuna anō ēnei ki NICF hei arotake, hei kōrero.

Mō ētahi atu mōhiohio e pā ana ki te huarahi, tirohia te Āpitihanga 1.



Ngā kaupapa

Whakarāpopotanga Matua	4
Wāhanga 1: Whakamāramatanga	10
Ehara i te whare noa iho: he kāinga rawaka	13
Te ture tika tangata ā-ao	13
Te horopaki ahurei o Aotearoa	14
Ngā tika me ngā haepapatanga	15
Te kāwanatanga ā-motu, ā-rohe hoki: he haepapatanga ngātahitanga	16
Ka pēhea ngā <i>Aratohu</i> e āwhina?	16
Ngā here me ngā arotake ā-tau	17
Wāhanga 2: Te tāmitanga me Te Tiriti o Waitangi	18
Te Tiriti o Waitangi	20
United Nations Declaration on the Rights of Indigenous Peoples	21
Whakakapi	21
Wāhanga 3: Ngā āhuatanga matua o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti o Waitangi	22
A. Ngā Uara	23
B. Ngā mātāpono whai whare 'tau' a te Kotahitanga o Ngā Iwi o te Ao	24
C. Ngā herekorenga me ngā āheinga	26
D. Te mana taurite, te ūritetanga me te kore-toihara	26
E. Te whai wāhitanga	27
F. He rautaki pūtake-tika tangata e noho taketake ana ki Te Tiriti	27
G. Te haepapatanga whakatū	28
H. Te tautoko me te mahi tahi ā-ao	29
Wāhanga 4: Ngā Kawenga me ngā Takahitanga	30
Te whakatinanatanga haere ā roto i te wā	31
Ngā tohu me ngā pae	32
Ngā kawenga pū ka tū ināia tonu nei	32
Ngā rauemi, ngā whakaarotau me ngā tauhokotanga	33
Ngā kawenga ki te whakaute, te tiaki, te whakatutuki hoki i ngā tika tangata	34
Wāhanga 5: Te rāngai tūmataiti	36
Wāhanga 6: Whakakapi	38
Āpitihanga 1: Ngā akoako me ngā tukanga	40
Āpitihanga 2: Ngā paerewa ā-ao matua mō te tika ki te whare rawaka	42
Āpitihanga 3: Ngā rauemi e pā ana ki te whai whare ki Aotearoa me te tika ki te whare rawaka	43
Āpitihanga 4: Ngā rauemi e pā ana ki te tāmitanga, Te Tiriti o Waitangi me te UN Declaration on the Rights of Indigenous Peoples	46
Kupu āpiti	47

Whakarāpopototanga Matua

E whai ana ngā Aratohu *Tika Tangata ki te Whai Whare Rawaka i Aotearoa* (ngā Aratohu):

- whakauru i te tika ā-ao ki te whare rawaka
- tohu i ngā ara rerekē ka āwhina tēnei tika tangata i te pūnaha whare tika, hihiri hoki ki Aotearoa.

Kua hoahoatia hei whakatairanga i te kitenga o te tika ki te whare rawaka.

E hāngai ana ngā Aratohu ki te kāwanatanga ā-motu, ā-rohe hoki rātou ko ngā hapori, ko ngā iwi, ko ngā hapū, ko te rāngai tūmataitī, ko ngā whakahaere pāpori tūmatanui, ko ngā tāngata takitahi anō hoki. Kei te whakatakotoria he Aratohu whakataki, ā, ka marohitia ka pēhea e whakawhanake, e whakahāngai hoki.

Kei te whakaputa ngā Aratohu i ētahi take hangarau, engari e whāia ana kia māmā te āheinga ina ka taea. Ehara i te mea kua tuhia tuatahitia mā ngā rōia, ngā mātanga hoki.

He whare rawaka

I te nuinga o te wā ka kōrero te ture ā-ao mō te tika ki te ‘whare rawaka kau’. E mārama ana ngā rangahau e pā ana ki tēnei tika tangata: e hāngai ana te tika ki te whare rawaka kau ki ngā āhuatanga nui ake i te hanganga kikokiko, e hāngai ana ki te whai whare rawaka.

E mārama ana hoki Te Ao Māori, ā, ka pērā anō hoki te tirohanga ā-ao o ngā tini hapori Moana-nui-a-Kiwa, Āhia, ētahi atu anō ki Aotearoa, he nui atu anō te whai whare i te hanganga kikokiko.

I runga i ēnei take, kāore ngā Aratohu i te whakamahi i te tika ki te ‘whare rawaka kau’ hei kupu whakarāpopoto. Mahue kē, ka kōrerotia te tika ki te ‘whare rawaka’, kua tautuhia hei te tika ki tētahi whare rawaka he mahana, he maroke, he

haumaru, he whita, ka taea te āheinga, he utu ka taea, he hauora hoki.

Te ture tika tangata ā-ao

Arā noa atu ngā tau, kua whakaū ngā raupapatanga kāwanatanga ki te whakatinana i te tika ki te whare rawaka, pērā i te whakatakotoranga o te International Bill of Rights, te Convention on the Rights of the Child, te Convention on the Rights of Persons with Disabilities, me te United Nations Declaration on the Rights of Indigenous Peoples.

He mea here te nuinga o ēnei whakaaetanga ki te kāwanatanga ā-motu, ā-rohe hoki ki te ture ā-ao, heoi anō e tata ana kia tē mōhiotia, tē kitea te tika ki te whare rawaka ki Aotearoa.

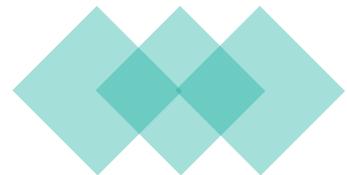
E ngū ana te ture ā-ao e pā ana ki te pūnaha pāpori-ohaoha (hei tauira, tūmataitī, tūmatanui, hanumi rānei) e hiahiatia ana hei whakatinana i te tika ki te whare rawaka, atu i ngā here e toru. Te pūnaha pāpori-ohaoha – te huarahi rānei – kua kōwhiritia:

- me hāngai ki ngā tika tangata me ngā mātāpono manapori
- me tae atu ki te otinga, arā, me mātua whakapiki i te whai wāhitanga ki te tika ki tētahi whare rawaka, tae atu mō rātou e tino taumahatia ana
- ki Aotearoa, ko te huarahi ka kōwhiritia – me te otinga – me hāngai ki Te Tiriti o Waitangi.

Te horopaki ahurei o Aotearoa

Mehemea ka ‘whakatūturutia’ ngā tika tangata ki Aotearoa, me whai whakaaro, me whakatinana ki roto tonu i te horopaki ahurei ā-hītori, ā-noa nei hoki, ā, kei roto i tēnei ko:

- te pananga ā-pūnaha i te Māori i ō rātou whenua me te pānga haere tonu o te tāmitanga



- Te Tiriti o Waitangi (Te Tiriti) me te hira waiwai o te tiaki ka taurikura te ahurea o ngā tāngata whenua
- te toihara ū tonu i runga i te mātāwaka, te hāhi, te hauā, te ira, i ētahi atu āhuatanga kua aukatingia hoki
- te hiahia ki te tini ahureatanga whakauruuru hihiri hoki e noho taketake ana i Te Tiriti, ā, ko te tūāpapa ko te whakaute (manaakitanga) me ngā tika tangata mō te katoa.

Ngā tika me ngā kawenga

Ehara i te mea kei te tuku kawenga anake ngā tika tangata me Te Tiriti ki te kāwanatanga ā-motu, ā-rohe hoki, engari kei te tuku haepapatanga hoki ki ētahi atu, tae atu ki ngā tāngata takitahi. Ki te horopaki o te tika ki te whare rawaka, kei te whakatakoto ngā *Aratohu* i ngā tika o ngā tāngata takitahi, ngā hapori, ngā hapū me ngā iwi (te hunga whai tika) me ngā haepapatanga o te kāwanatanga, te rāngai tūmataiti, ngā kaituku rīhi, ngā kaiwhakahaaere whare, ngā kaituku-ratonga, me ngā kairīhi (hunga kawe haepapa).

Te kāwanatanga ā-motu, ā-rohe hoki: he haepapatanga ngātahitanga

E pā ana ki te whai whare, he tino whakahāngai ngā mahi a te kāwanatanga ā-motu, ā-rohe hoki. He uara ōrite kei a rātou, pērā i te oranga, ā, me tautoko, me whakaahēi tētahi i tētahi. He haepapatanga ngātahitanga tō te kāwanatanga ā-motu, ā-rohe hoki ki te mahi i ngā mahi katoa ka taea e rātou ki te tuku i te tika ki te whare rawaka mō te katoa ki Aotearoa.

Ka pēhea ngā Aratohu e āwhina?

Kei te tika ki te whare rawaka e noho taketake ana ki ngā tika tangata me Te Tiriti ētahi mahi whakatū tae atu ki:

- te whakamana i ngā tāngata takitahi rātou ko ngā hapū, ko ngā iwi, ko ngā hapori
- te āwhina ki te whakapai me te whakakaha i ngā kaupapa here me ngā kaupapa whai whare
- te tiaki ka noho haepapa te hunga whai haepapatanga.

Mā konei, ka āwhina ngā *Aratohu* i te hunga whai tika me te hunga kawe haepapa ki te mārama ki ō rātou tika, haepapatanga hoki.

Te tāmitanga me Te Tiriti o Waitangi

E whakamōhiotia ana ngā *Aratohu* e te pananga ā-pūnaha o ngāi Māori i ō rātou whenua, te pānga tonutanga o te tāmitanga, Te Tiriti, te United Nations Declaration on the Rights of Indigenous Peoples, me ngā uara he pūtaketake ki Te Ao Māori hei tauira te whanaungatanga, te kaitiakitanga me te manaakitanga.

E kore e taea te whakatinana i te tika ki te whare rawaka ki Aotearoa ina kore mōhio ki tōna hītori koroniara, me te pānga tonutanga o te tāmitanga ki ngā tika me te oranga Māori. I hoahoatia ngā kaupapa here koroniara, toihara kia kaua e ōrite, ā, kei te ū tonu ō rātou pānga ki te whai whare a ngāi Māori tae noa mai ki tēnei wā.

Kei te whakatūria e Te Tiriti, te puka tūāpapa o te whenua, i te hononga i waenganui i ngāi Māori me te Karauna. E whakaū ana i te tūranga o ngā whānau, ngā hapū, ngā iwi hei tāngata whenua, ā, kei te whakaūngia tō rātou rangatiratanga o mua. E wawatatia ana te ngātahitanga o te aweawe me te mana, me te ngātahitanga o te hunga ōrite. E here ana Te Tiriti i te kāwanatanga ki te mahi ki te ngātahitanga, ā, kia ngātahi ngā whakatau, ki ōna hoa Tiriti, ki te whakaute me te tautoko i te mana rangatiratanga o ngā tāngata whenua. Kei te iho o te whakaaetanga Tiriti ko te tika ki tētahi kāinga whita, rangimārie, rawaka hoki – mō ngā tāngata whenua rātou ko ngā tāngata Tiriti hoki.

E whakatakotoria ana ēnei take ki te Wāhanga 2: Te tāmitanga me Te Tiriti o Waitangi.

Ngā āhuatanga matua o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti

Kei te whakatakotoria e ngā *Aratohu* ngā āhuatanga matua e waru o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. He mea hira kia pānuitia tahitia ēnei āhuatanga pāhekoheko, ā, ki Te Tiriti me te United Nations Declaration on the Rights of Indigenous Peoples:

1. Ngā Uara

Ko ngā uara, pērā i te whanaungatanga, te kaitiakitanga, te manaakitanga, te whakarangatira, te tau, te matatika, te ōritenga, te herekorenga, te oranga, te haumaru, te whai wāhitanga, te mana motuhake, te ngātahitanga, te hapori, me te haepapatanga, e whakatinanatia ana ki te tika ki te whare rawaka.

2. Ngā mātāpono whai whare ‘tau’ a te

Kotahitanga o Ngā Iwi o te Ao

Me whai whakaaro ngā mātāpono inaki a te Kotahitanga o Ngā Iwi o te Ao ina whakatau ana mēnā rānei he ‘rawaka kau’ te whai whare, hei whakamahi rānei i te reo o ngā *Aratohu*, he ‘rawaka’:

- ka taea te noho
- ka taea te utu
- e āhei ana ki te katoa, tae atu ki ngā rōpū e whakataumahatia ana, pērā i a rātou e noho ana ki te pōhara, tae atu ki ngā tāngata kore kāinga; ngā tāngata whenua; ngā tāngata Moana-nui-a-Kiwa me ērā atu mātāwaka tokoiti; ngā hapori pūtake-whakapono; ngā tāngata hauā; ngā tamariki me ngā rangatahi; ngā wāhine; ngā hapori āniwaniwa; ngā kaumātua; te hunga whai penihana me ngā manene
- ngā ratonga, ngā rawa, me ngā hanganga
- te wāhi
- te whakaute i te rerenga ā-ahurea
- te whita o te noho.

3. Ngā herekorenga me ngā āheinga

Kei roto tahi i te tika ki te whare rawaka ko ngā herekorenga (hei tauira, te herekorenga i te toihara) me ngā whai tika (hei tauira, te whakaratonga o te whare ohotata taupua ina hiahiatia).

4. Te mana taurite, te ōritetanga me te kore-toihara

Me ōrite te wāteatanga o te whai whare ki te katoa.

5. Te whai wāhitanga

E whai tika ana ngā tāngata takitahi, ngā hapori katoa ki te whai wāhitanga hohe me te mōhio ki ngā take e pā ana ki tō rātou whai whare, tae atu ki te hanga kaupapa here me te haepapatanga.

6. He rautaki pūtake-tika tangata e noho taketake ana ki Te Tiriti

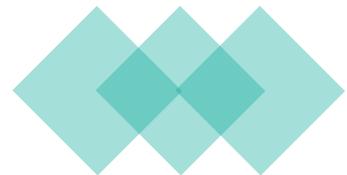
Kāore e puta noa mai te whakatinanatanga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ka hiahiatia tētahi rautaki whai whare ā-whakatuanui.

7. Te haepapatanga whakatū

He āhuatanga waiwai o te tika tangata, tae atu ki te tika ki te whare rawaka, te haepapatanga pai, ka taea te āhei. Ki te kore te haepapatanga, ka noho ngutu kau pea te tika ki te whare rawaka. Ehara i te mea me whirinaki te haepapatanga ki te heitara, te whakawhiu, engari kē ia he tautuhi pea i ngā mahi whai hua, kia taea te tārua anō, ā, i ngā mahi kāore i te whai hua, kia taea te panoni. I ētahi wā e kīa ana tēnei ko te ‘haepapatanga whakatū’. Me mātua hāngai ngā kaupapa whai whare katoa ki te haepapatanga pai, e āhei ana, whakatū hoki e pā ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.

8. Te tautoko me te pahekotanga ā-ao

Me hāngai tā te kāwanatanga hōtaka āwhina me te whakawanaketanga, me tōna tukunga, ki ngā kawenga tika tangata o Aotearoa. Mehemea he kaupapa whai whare ki roto i te hōtaka, he kawenga tō te kāwanatanga hei tiaki e hāngai ana ngā kaupapa ki ngā mātāpono me ngā paerewa mata tangata, kei roto nei ko te tika ā-ao ki te whare rawaka.



Ngā kawenga me ngā takahitanga

Ka whakatinanatia haere ā roto i te wā
E tukua ana e te ture tika tangata ā-ao
kia whakatinanatia ā roto i te wā te
whakatinanatanga katoa o te tika ki te whare
rawaka. Heoi anō, ehara te whakatinanatanga
haere ā roto i te wā i tētahi takunga kia
ārai, kia whakatāroa te kāwanatanga i te
whakatinanatanga o ngā kawenga ture ā-ao here.
Kua whakaūngia e te Kotahitanga o Ngā Iwi o
te Ao e herea ana te kāwanatanga ki te "mahī i
ngā mahī he hakune, he totoka, he aronga tino
mārama ka taea ki" te whakatinanatanga o te tika
ki te whare rawaka.

Me pēnei te ine i te whakatinanatanga haere: ngā tohu me ngā pae

Kua whakaūngia hoki e te Kotahitanga o Ngā Iwi o
te Ao ko te whakatinanatanga haere o te tika ki
te whare rawaka me haurapa mā te whakamahi
i ngā tohu me ngā pae. Kua wāwāhitia ngā tohu
ki ngā wāhi o te whakatoihara aukati, pērā i te
mātāwaka, te hauātanga, te ira, te pakeke hoki.

Mā te ngātahitanga Tiriti, mā tētahi hātepe
akoako hoki, me tuku he aronga ki te tautuhi i ngā
tohu ā-motu tika mō te tika ki te whare rawaka ki
Aotearoa. Me mātua whakaatu ngā tohu i Te Ao
Māori, i ngā tikanga, i Te Tiriti.

Ngā kawenga pū ka tū ināia tonu nei

Kei te whakaūngia e te Kotahitanga o Ngā Iwi o
te Ao e pērā ana te hira o ētahi o ngā āhuatanga
o te tika ki te whare rawaka kia tohua ēnei hei
kawenga pū ka tū ināia tonu nei, arā, kāore ēnei
āhuatanga i te hāngai ki te whakatinanatanga
haere ā roto i te wā. Mā te ngātahitanga Tiriti, mā
tētahi hātepe akoako hoki, me tuku he aronga ki
te whakangako i ēnei kawenga pū mō te tika ki te
whare rawaka ki Aotearoa.

He aronga tika tangata ki te hanga kaupapa here

E hāngai ana te tika tangata ki te whare rawaka
ki te wāteatanga o ngā rawa. Ahakoa tonu he
whenua nui te moni whiwhi, pēnei i Aotearoa,
e kore e taea te ārai i ngā whakatau uua
mō te tohatoha rawa. He āhuatanga noa te
whakaarotau me ngā tauhokotanga o ia aronga
ki te hanga kaupapa here. He ahurei te aronga
tika tangata e noho taketake ana ki Te Tiriti nā
ōna here e uruhi ana ki te hātepe hanga kaupapa
here. Kei te whakatakotoria e ngā *Aratohu* ngā
āhuatanga e hāngai ana ki te hanga kaupapa
here e pā ana ki te tika ki te whare rawaka e noho
taketake ana ki Te Tiriti.

Ngā kawenga ki te whakaute, te tiaki, te whakatutuki hoki i ngā tika tangata

Ka ahu mai i ngā tika tangata ngā tini momo
kawenga, e mōhiotia whānuitia ana hei kawenga
ki te *whakaute*, te *tiaki* me te *whakatutuki*. Mā
te mārama ka ahu mai ēnei kawenga i ngā tika
tangata e māmā ake te tiaki ka noho haepapa
te kāwanatanga ā-motu, ā-rohe hoki (me ērā
atu hunga kawe haepapa), me te tautuhi i ngā
takahitanga tika tangata. Kei te whakatakotoria
e ngā *Aratohu* ētahi kawenga me ū rātou
takahitanga hāngai e pā ana ki te tika ki te whare
rawaka e noho taketake ana ki Te Tiriti.

Te wāhi ki te rāngai tūmataiti

He wāhi nui tō te rāngai tūmataiti ki te pūnaha whai whare o Aotearoa. Ka whakawhanake, ka hanga, ka hoko, ka rīhi hoki ngā kaituku moni, ngā pakihī, ngā tāngata takitahi hoki i ngā whare. Ka tuku āheinga ki te moni taurewa ngā whakahaere ahumoni. Ka hoko, ka hanga, ka whakapai rānei ngā whāmere tūmataiti i ō rātou ake whare, ā, ka rīhi atu pea ki ētahi atu. Kei te rāngai tūmataiti te aweawe ki te pā atu, i runga i te pai, i runga i te kino, ki te whakamahinga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.

He kawenga tō te kāwanatanga hei ārai i te raweke a te rāngai tūmataiti ki te whakamahinga o te tika ki te whare rawaka. Heoi, waihoki, he tika tangata, he haepapatanga o Te Tiriti hoki tō te rāngai tūmataiti ake. Kei te whakatakotoria e ngā *Aratohu* ēnei haepapatanga o te rāngai tūmataiti, hei tauira, hei tuku i te wāteatanga tika o (i) ngā whare ka taea te utu (kaua ko te hāneanea), ā, (ii) ngā kāinga e āhei ana mō te hunga hauā.

Whakakapi

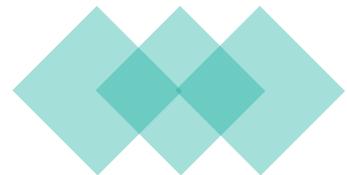
E noho ana ki roto i te horopaki ahurei o Aotearoa, ko ngā *Aratohu* ko tētahi nekehanga whakamua ki tētahi māramatanga pai ake o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ka tukuna he poutarāwaho hei pūtake hanga mā tātou katoa ina whai whakaaro ana ki ngā taunakitanga o ngā mahi ka whai hua. Ka hiahiatia ētahi atu mahi anō, mā tēnā, mā tērā whakahaere rānei, pērā i:

- te whakamāori he aha te tikanga o te whare rawaka mō ngā tāngata whenua
- te whakamāori i te haepapatanga ngātahitanga o te kāwanatanga ā-motu,

ā-rohe hoki ki te tuku i te tika ki te whare rawaka e noho taketake ana ki Te Tiriti

- te whakawhanake me te whakahāngai i ngā āhuatanga matua e waru o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti
- te whakarite i te ārahitanga taipitopito e pā ana ki te hauātanga me te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.

Ka arotakengia ngā *Aratohu*, ā, ka whakahoungia ina hiahiatia, ia 12 marama.



Ngā Aratohu

1. *Ki Aotearoa, me ariari te hanga i te pūnaha whare i runga i ngā uara (i whakatakotoria ki Aratohu 10), te tika ā-ao ki te whare rawaka, Te Tiriti o Waitangi, me ngā taunakitanga o ngā āhuatanga ka whai hua.*
2. *E noho taketake ana ki Te Tiriti, te tika ā-ao ki te whare rawaka, ā, he nui ake tēnei i te tika ki te whakaruruuhau, ngā perekī, te raima, te whare rānei. Koia te tika tangata ki te whare rawaka he mahana, he maroke, he haumaru, he whita, he utu ka taea, he hauora hoki, e ai ki te māramatanga a Te Ao Māori. Hei kōrero whakarāpopoto, ka kōrero ēnei Aratohu mō te ‘tika ki te whare rawaka’.*
3. *Kua whakaaetia e ngā raupapatanga kāwanatanga, ko te tika ki te whare rawaka he mea uruhi ā-matatika, he mea here i Aotearoa ki te ture ā-ao. Kāore tēnei tika tangata i te mariu i tētahi ake pūnaha pāpori-ohaoha, engari kē ia e hiahia ana kia hāngai te pūnaha kua kōwhiritia ki ngā tika tangata, ki ngā mātāpono manapori hoki, kia whakapiki i te whakamahinga o te tika ki te whare rawaka, ā, kia whakamana hoki i Te Tiriti.*
4. *Me noho, me whakahāngai hoki te tika ā-ao ki te whare rawaka ki roto tonu i te horopaki ahurei ā-hītori, ā-hangapori, ā-ohaoha, ā-pāpori, ā-ahurea, ā-taiao, ā-ture o Aotearoa.*
5. *Ehara i te mea kei te tukuna e Te Tiriti me te tika ki te whare rawaka i ngā kawenga ki te kāwanatanga ā-motu, ā-rohe anake, engari tonu ka tukuna he kawenga ki ētahi atu anō hoki, pērā i te rāngai tūmataiti, ngā kaituku rīhi, ngā kaiwhakahaaere whare, ngā kaituku-ratonga, ngā kairīhi hoki.*
6. *He haepapatanga ngātahitanga tō te kāwanatanga ā-motu, ā-rohe hoki ki te mahi i ngā mahi katoa ka taea e rātou ki te tuku i te tika ki te whare rawaka, e noho taketake ana ki Te Tiriti, mō te katoa ki Aotearoa.*
7. *Ko te tika ki te whare rawaka e noho taketake ana ki Te Tiriti he mea whakamana i ngā tāngata takitahi rātou ko ngā hapū, ko ngā iwi, ko ngā hapori hoki ki tō rātou tūhononga ki te kāwanatanga ā-motu, ā-rohe hoki; he mea āwhina i ngā kaihangā kaupapa here hei whakapakari i ā rātou kaupapa whai whare; ā, he mea āwhina i te whakaritenga o te whakahōnore i ngā takohanga whare.*
8. *He poutarāwaho te tika ki te whare rawaka e noho taketake ana ki Te Tiriti hei pūtake mō te katoa e ū ana ki te urupare i te aituā whai whare hei hanga hononga whakaute, tini ngātahitanga, mahi ngātahitanga pai hoki.*
9. *Kei te hiahiatia e te tika ki te whare rawaka e noho taketake ana ki Te Tiriti te whakaee me te aro atu ki ngā pānga o te tāmitanga, te pananga ā-pūnaha i te Māori i ō rātou whenua, me te whakakorenga o ō rātou āhua tuku iho o te ora, tae atu ki te pupuri ā-hapori i te whenua. He mahi waiwai tā Te Tiriti o Waitangi me te United Nations Declaration on the Rights of Indigenous Peoples ki te kōkiri whakamua i te tika ki te whare rawaka ki Aotearoa.*
10. *Ko ngā uara, pērā i te whanaungatanga, te kaitiakitanga, te manaakitanga, te whakarangatira, te tau, te matatika, te ūritenga, te herekorenga, te oranga, te haumaru, te mana motuhake, te whai wāhitanga, te ngātahitanga, te hapori, me te haepapatanga, e whakatinanatia ana ki te tika ki te whare rawaka. Me noho ēnei uara, me te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, ki te pokapū o ngā kaupapa katoa ki Aotearoa e hāngai ana ki te whai whare.*
11. *Me hāngai ngā kaupapa whai whare katoa ki ngā mātāpono whai whare ‘tau’ e whitu o te Kotahitanga o Ngā Iwi o te Ao e pānuitia tahitia ana ki Te Tiriti o Waitangi: ka taea te noho; he utu ka taea; e āhei ana ki te katoa; he ratonga, he rawa, he hanganga; te wāhi; he whakaute ki te kanorau ahurea; te whita o te noho. Ki te kore ngā kaupapa kāinga, whai whare hoki e hāngai ki tētahi mātāpono ‘tau’ kāore i te hāngai ki te tika ki te whare rawaka, hāunga ia ka taea te whakaatu kua whakamahia ngā mahi katoa e tika ana ki te hāngai ki te mātāpono (tirohia te wāhanga 4).*

12. *Nā te mea kei roto i te tika ki te whare rawaka ko ngā herekorenga, ko ngā ture, ngā waiture, ngā tikanga, ngā ritenga herehere katoa me matatika, me tika, me rite, me tika ā-ahurea hoki.*
13. *Me noho āhei te kāinga rawaka ki te katoa kāore he toihara i runga i ngā āhuatanga e aukatingia ana, pērā i te hauātanga, te mātāwaka, te hāhi, te pakeke, te ira, te aronga hōkaka rānei. Kei te hiahariatia he mahi pai, kua hoahoatia hei aronui ki te taumahatanga aukati e kitea wheakotia ana e ētahi tāngata takitahi, hapori hoki.*
14. *E ai ki ngā tiriti me ngā whakapuakitanga tika tangata ā-ao, me whakarite kei ngā tāngata takitahi, ngā hapori hoki te āheinga mō te whai wāhitanga hohe, i runga i te mōhio hoki e pā ana ki ngā take whai whare e pā ana ki a rātou. Waihoki, e here ana Te Tiriti i te kāwanatanga ki te mahi ki te ngātahitanga, ā, kia ngātahi ngā whakatau, ki ūna hoa Tiriti.*
15. *Me whai te kāwanatanga ā-motu, ā-rohe hoki i tētahi rautaki whai whare ā-whakatuanui. Me āta hanga te rautaki whai whare i runga i ngā tika tangata me Te Tiriti. Me mātua whai te rautaki whai whare e taketake ana ki Te Tiriti me ngā tika tangata i te tika ki te whare rawaka ki te iho.*
16. *Me mātua hāngai ngā kaupapa whai whare katoa ki te haepapatanga whakatū, arā me arotake ngā kaupapa katoa ki te tika tangata ki te whare rawaka e noho taketake ana ki Te Tiriti. Me pai, me āhei ana ki te hunga e taumahatia ana hoki te haepapatanga whakatū.*
17. *Mehemea kei roto i tā te kāwanatanga hōtaka whakawhanaketanga me te āwhina he kaupapa whai whare, he haepapatanga tōna hei whakarite kia hāngai ngā kaupapa ki te tika ki te whare rawaka, ā, ina he iwi taketake kei te whenua whiwhi, ki te United Nations Declaration on the Rights of Indigenous Peoples hoki.*
18. *Kei te tukuna he kawenga ka taea te ine ki te kāwanatanga ā-motu, ā-rohe hoki e te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ka taea te whakatinana haere ā roto i te wā te whakatinanatanga katoa o te tika ki te whare rawaka. Engari me mahi te kāwanatanga ā-motu, ā-rohe hoki i ngā mahi hakune, totoka, aronga*
- tino mārama ki te whakatinanatanga o te tika ki te whare rawaka. He kawenga tohitū, haere ake nei tō te kāwanatanga kia tino kakama, kia tino pai te kokiri atu ki te whakatinanatanga katoatanga o te tika tangata. Me haurapa mā ngā tohu me ngā pae tika te kokenga whakamua (aha atu rānei). Ina whakaarotau ana e hāngai ana ki te tika ki te whare rawaka, e hāngai ana ētahi here, pērā i te whai whakaarotanga ki te tāmitanga me ūna pānga haere tonu nei, i Te Tiriti, i ngā tāngata takitahi, hapori e tino taumahatia ana hoki, tae atu ki a rātou e noho pōhara ana.*
19. *He kawenga nō te kāwanatanga ā-motu, ā-rohe hoki e ahu mai ana i te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ka tukuna e te kawenga ki te whakaute tētahi haepapatanga i runga i te kāwanatanga hei ārai i te raweke tōtika, tītaha rānei i te whakamahinga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ko te tikanga o te kawenga ki te tiaki me aukati te kāwanatanga i rōpū kē atu, pērā i ngā kaituku rīhi tūmataitī, i te raweke i te whakamahinga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ko te kawenga ki te whakatutuki e here ana i te kāwanatanga ki te whakamahi i ngā mahi katoa e tika ana, tae atu ki ngā mahi ā-ture, ā-whakahaere, ā-tahua pūtea, hei whakarite i te whakatinanatanga katoatanga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ka ahu pea mai i ngā wāwāhinga o ēnei kawenga tētahi takahitanga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.*
20. *He kawenga nō te rāngai tūmataitī e ahu mai ana i te tika ki te whare rawaka. Me aro atu anō ki (a) te whakamāori i ngā haepapatanga o te rāngai tūmataitī e hāngai ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, ā, (b) te tautuhī i ngā whakaritenga haepapatanga whakatū tika e hāngai ana ki ēnei haepapatanga rāngai tūmataitī.*
21. *Ka noho hei poutarāwaho ēnei Aratohu hei pūtake hanganga mā tātou katoa. E ākina ana ngā hunga whai pānga katoa ki te whakawhanake i te poutarāwaho me te tirohangā ki te whakapakari i te tika ki te whare rawaka, e noho taketake ana ki Te Tiriti, mō te katoa ki Aotearoa.*



Wāhanga 1: Whakamāramatanga

Wāhanga 1: Whakamāramatanga

1. Ka whakapakaritia e te tika ā-ao ki te whare rawaka, he mahi nui tā te pūnaha whai whare matatika, pai ki te pāpori. Ki Aotearoa, e noho taketake ana ki Te Tiriti tēnei tika tangata pūtake. E whai ana ēnei *Aratohu* ki te kōkiri i tētahi pūnaha whai whare kua hangaia i runga i tētahi huinga uara ariari, te tika tangata ki te whare rawaka, me ngā taunakitanga o ngā mahi ka whai hua.²
2. E ono ngā wāhanga o ngā *Aratohu*:
Ka tukuna e tēnei **Whakamāramatanga** he kōrero whakamuri, ka whakamāramatia ngā kupu, ā, ka whakatakotoria ka pēhea ngā *Aratohu* e āwhina i a tātou katoa ki te whakapai ake i te whai whare ki Aotearoa.

Ka miramira te **Wāhanga 2** i te horopaki ahurei e noho ana ngā *Aratohu*, me te aronui ki te tāmitanga me Te Tiriti o Waitangi.

Ko te **Wāhanga 3** te iho o ngā *Aratohu*: ka whakatakotoria e ia ngā āhuatanga matua e waru o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti o Waitangi.

Ka whakamāramatia e te **Wāhanga 4** ngā kawenga, ngā haepapatanga rānei e ahu mai ana i ngā āhuatanga matua e whakatakotoria ana i te wāhanga 3, hei tauira, ka

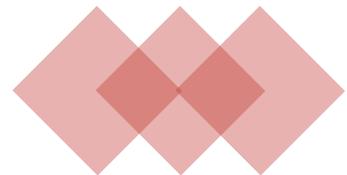
whakatakotoria whakapotohia he aronga tika tangata ki te hanga kaupapa here e hāngai ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.

Ka whakatakotoria e te **Wāhanga 5** te wāhi kei te rāngai tūmataiti e hāngai ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.

Ka tuku ngā *Aratohu* i tētahi poutarāwaho, ā, e tohua ana e te **Whakakapinga** ētahi o ngā mahi e hiahiatia ana hei whakawhanake, hei whakahāngai i tēnei poutarāwaho hei ngā marama, hei ngā tau kei mua i te aroaro.

3. E whā ngā Āpitihanga e tuku ana i ngā mōhiohio me ngā rauemi tāpiri.
4. Kei roto i ia wāhanga tētahi *Aratohu*, nui ake rānei. Hui katoa, e rua tekau mā tahi ngā *Aratohu*. Ka āta miramiratia tēnā me tēnā *Aratohu* kia māmā te tohutoro.

Aratohu 1: Ki Aotearoa, me ariari te hanga i te pūnaha whare i runga i ngā uara (i whakatakotoria ki te Aratohu 10), te tika ā-ao ki te whare rawaka, Te Tiriti o Waitangi, me ngā taunakitanga o ngā āhuatanga ka whai hua.



Ehara i te whare noa iho: he kāinga rawaka

5. I te nuinga o te wā ka kōrero te ture ā-ao mō te ‘tika ki te whare rawaka kau’. I ētahi wā ka whakamahia te kupu te ‘tika ki te whakaruruhau’. Heoi anō, e mārama ana te rangahau tika tangata: he nui ake te tika ki te whare rawaka kau i te whakaruru, ngā perekī, te raima, te whare rānei. E hāngai ana ki te whai *kāinga rawaka*.³
6. E tukutahi kaha ana te māramatanga he nui ake te kāinga i te whare ki Te Ao Māori. Ki roto i tēnei tirohanga ā-ao, kei roto i te ariā o te kāinga ko ngā hononga me ngā kawenga tauutuutu, tae atu hoki ki te aroha pūmau ki a Papatūānuku nōna ngā tāngata whenua. Kei tua atu te kāinga i te whare hei nōhangā, ko tōna tikanga hoki ko te papa kāinga, ko ngā hononga, ko ngā kawenga ki te wāhi, ki te tangata, ki te ao tūroa anō hoki.⁴
7. E tukutahi ana hoki ki te tirohanga ā-ao o ngā tini hapori Moana-nui-a-Kiwa, Āhia, ētahi atu anō ki Aotearoa te māramatanga he nui atu anō te whai whare i te hanganga kikokiko (arā, he nui atu i ngā perekī me te raima). He kaupapa auau tēnei māramatanga i ngā akoakoranga i mua i te tuhi hukihuki i ēnei *Aratohu*. Ko tētahi atu kaupapa auau ko te hira o te whai whare ki te whakamahi i ērā atu tika tangata, tae atu ki te haumaru hauora, te mahi, te uru hohe atu ki te hapori hoki.
8. Nō nākuanei i whakaputaina e te World Health Organisation, ka pēnei hoki te tirohanga o ngā *Housing and Health Guidelines*: “Nā te whai whare hauora te wairua o te *kāinga*, kei roto nei ko te wairua o te whai wāhitanga”.⁵
9. I ēnei āhuatanga, kāore ngā *Aratohu* i te whakamahi i te kupu te ‘tika ki te whare rawaka kau’, te ‘tika ki te whakaruruhau’ rānei. Ka pai ake rātou ki te ‘tika ki te whare rawaka he mahana, he maroke, he haumaru, he whita, he utu ka taea, he hauora hoki’ - hei whakarāpopoto, ko te ‘tika ki te whare rawaka’.
10. Ka whakatakotoria e ngā *Aratohu* te tikanga ki te horopaki ahurei o Aotearoa o te tika ki te whare rawaka, e noho taketake ana ki Te Tiriti.

Aratohu 2: E noho taketake ana ki Te Tiriti te tika ā-ao ki te whare rawaka, ā, he nui ake tēnei i te tika ki te whakaruruhau, ngā perekī, te raima, te whare rānei. Koia te tika tangata ki te whare rawaka he mahana, he maroke, he haumaru, he whita, he utu ka taea, he hauora hoki, e ai ki te māramatanga a Te Ao Māori. Hei kōrero whakarāpopoto, ka kōrero ēnei Aratohu ki te ‘tika ki te whare rawaka’.

Te ture tika tangata ā-ao

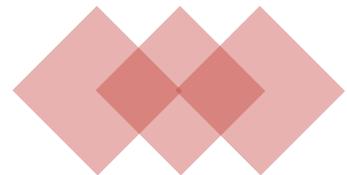
11. Kei te tuku te International Bill of Rights, i āwhina a Aotearoa ki te tuhi i tēnei, te tūāpapa mō ngā tika tangata ā-ao katoa. Nā ngā raupapatanga kāwanatanga ki Aotearoa i ū ki te whakatinana i te International Bill of Rights, kei roto ko te tika ki te whare rawaka.⁶
12. Kua hangaia i runga i te International Bill of Rights, kua whakaaetia ētahi anō whakaaetanga tika tangata, ā, ko ētahi o ērā, pērā i te Convention on the Rights of the Child

me te Convention on the Rights of Persons with Disabilities, kei te whai i te tika ki te whare rawaka (tirohia te Āpitihanga 2). Kei roto i te United Nations Declaration on the Rights of Indigenous Peoples ngā tini whakaritenga e miramira ana i te hiranga waiwai o te kāinga, o te whenua hoki ki ngā tāngata whenua. Nā ngā raupapatanga kāwanatanga o Aotearoa i āwhina ki te tuhi i ēnei whakaaetanga tika tangata tāpiri, ā, nā rātou hoki te kī taurangi kia whakatinanatia.

13. He maha ngā kī taurangi tika tangata ā-ao i tukuna e ngā kāwanatanga o Aotearoa he mea uruhi ā-matatika, he mea here hoki ki te ture ā-ao. Ko te tika ki te whare rawaka tētahi o ngā tika tangata kua whakaaetia e Aotearoa kia whakatinanatia ki raro i te ture ā-ao here. Kua tino whakapūmautia tēnei tika tangata ki te ture ā-ao. Ehara i te mea whakatara – ehara i te mea piri noa ki te waka – he kiko tōna. Ahakoa he mea here ii Aotearoa ki raro i te ture ā-ao, tē mōhiotia, tē kitea whānuitia hoki te tika ki te whare rawaka ki Aotearoa.
14. E ngū ana te ture ā-ao e pā ana ki te pūnaha pāpori-ohaoha (hei tauira, tūmataiti, tūmatanui, hanumi rānei) e hiahiatia ana mō te whakatinanatanga o te tika ki te whare rawaka.⁷ E hāngai ana tēnei aronga āta ngū ki ngā here hira e toru. Te pūnaha pāpori-ohaoha - te huarahi rānei - kua kōwhiritia:
- me hāngai ki ngā tika tangata me ngā mātāpono manapori
 - me tae atu ki te otinga, arā, me mātua whakapiki i te whakamahinga i te tika ki tētahi whare rawaka, tae atu mō rātou e tino taumahatia ana, pērā i te hunga e noho pōhara ana
- c) ki Aotearoa, ko te huarahi ka kōwhiritia - me te otinga - me hāngai ki Te Tiriti o Waitangi.
15. Kei tua atu i ōna kawenga here ture ā-ao e pā ana ki te tika ki te whare rawaka, kua ū a Aotearoa kia tae atu ki ngā Sustainable Development Goals, kei roto nei ko tēnei: "Hei te tau 2020, whakaritea he āheinga mō te katoa ki te whai whare rawaka kau, haumaru, ka taea te utu, me ngā ratonga pūtaketake".⁸
-
- Aratohu 3: Kua whakaaetia e ngā raupapatanga kāwanatanga, ko te tika ki te whare rawaka he mea uruhi ā-matatika, he mea here i Aotearoa ki te ture ā-ao. Kāore tēnei tika tangata i te mariu i tētahi ake pūnaha pāpori-ohaoha, engari kē ia e hiahia ana kia hāngai te pūnaha kua kōwhiritia ki ngā tika tangata, ki ngā mātāpono manapori hoki, kia whakapiki i te whakamahinga o te tika ki te whare rawaka, ā, kia whakamana hoki i Te Tiriti.**
-

Te horopaki ahurei o Aotearoa

16. Huri noa i te ao he tini, he mano ngā pukapuka, ngā tuhinga, ngā pūrongo, ngā ārahitanga mō te tikanga o te tika ki te whare rawaka, ā, me pēhea e whakahāngai ā-tinana.⁹ Engari he tino whāiti te rangahau ki te tika ki te whare rawaka ki te horopaki ahurei o Aotearoa.
17. He maha ngā whenua kua whakauru i te tika ki te whare rawaka ki ā rātou ture ā-whenua, ā, nā korā ngā kēhi ā-ture e whakamārama ana he aha te tikanga o tēnei tika tangata.¹⁰ Engari kāore a Aotearoa i whakauru i te tika ki te whare rawaka ki āna ture ā-whenua nō reira karekau ngā kēhi ā-ture ki Aotearoa hei tūrama i te tikanga o tēnei tika tangata.¹¹
18. Ahakoa ngā rangahau ā-ao o nāianei, tae atu hoki ki ngā kēhi ā-ture i whakatauria ki ētahi atu whenua, e tuku ana i ngā ārahitanga whaitake mō te tikanga o te tika ki te whare rawaka, me whai whakaaro, me whakahāngai tēnei tika tangata e tātou ki roto tonu i te horopaki ahurei ā-hītori, ā-hangapori, ā-ohaoha, ā-pāpori, ā-ahurea, ā-taiao, ā-ture o Aotearoa.
19. Ka whakatakotoria e ēnei *Aratohu* te tikanga ki te horopaki ahurei o Aotearoa o te tika ki te whare rawaka. Kei roto i tēnei horopaki ko: te pananga ā-pūnaha i te Māori i ō rātou whenua me te pānga haere tonu o te tāmitanga; Te Tiriti o Waitangi (Te Tiriti) me te hira waiwai



o te tiaki ka whakaūngia, ka taurikura te ahurea o ngā tāngata whenua, ngā iwi taketake ahurei o Aotearoa; te toihara ū tonu i runga i te mātāwaka, te hāhi, te hauā, te ira, i ētahi atu āhuatanga kua aukatingia hoki; te hiahia ki te tini ahureatanga whakauruuru hihiri hoki e noho taketake ana i Te Tiriti, ā, ko te tūāpapa ko te whakaute (manaakitanga) me ngā tika tangata mō te katoa. E whakatakotoria ana tēnei horopaki ahurei ki ngā kōwae e whai ake nei.

Aratohu 4: Me noho, me whakahāngai hoki te tika ā-ao ki te whare rawaka ki roto tonu i te horopaki ahurei ā-hītori, ā-hangapori, ā-ohaoha, ā-pāpori, ā-ahurea, ā-taiao, ā-ture o Aotearoa.

Ngā tika me ngā haepapatanga

20. Ina kōreroreroa ana ngā tika tangata, i te nuinga o te wā ko te aronga ko ngā tika (ngā whai tika) o ngā tāngata takitahi, me ngā kawenga (ngā ‘haepapatanga’, ngā ‘here’ rānei) o te kāwanatanga. Ahakoa he mea nui tēnei māramatanga ki ngā tika tangata, ehara i te otinga katoa.
21. Ehara i te mea kei te tuku kawenga ngā tika tangata me Te Tiriti ki te kāwanatanga ā-motu, ā-rohe anake, kei te tukuna hoki he haepapatanga, he here rānei ki ētahi atu. Hei tauira, e whakatakotoria ana e te Universal Declaration of Human Rights tētahi rārangi o ngā tika, ā, ka tāpiritia “he haepapatanga tō te katoa ki te hapori ki roto rā ka taea anake te whanaketanga wātea, pū o tōna whairotanga” (atikara 29(1)). Mō te wāhanga Te Tiriti, ka whakawhiwhia “ngā tika me ngā haepapatanga o te kirirarautanga” (atikara 3). Nō reira, nā te Universal Declaration of Human Rights, nā Te Tiriti anō hoki ngā haepapatanga i whakawhiwhi ki ngā tāngata takitahi.¹²
22. He pānga hira tō tēnei māramatanga mō te tika ki te whare rawaka. Ko te tikanga o tēnei ka tuku tēnei tika tangata, e noho taketake ana ki Te Tiriti, i ngā haepapatanga ki te kāwanatanga, te rāngai tūmataiti, ngā tāngata takitahi anō hoki. Hei tauira, he haepapatanga tō te rāngai tūmataiti hei tautoko i ngā wawata me ngā hiahia whai whare a te Māori, pērā i te noho tahi a ngā tini reanga, me te tiaki i a Papatūānuku. Waihoki, he haepapatanga tō ngā kaituku rīhi tūmatanui me ngā kairīhi kia kaua e toihara i runga i ngā āhuatanga e aukatingia ana, pērā i te hauātanga, te mātāwaka, te hāhi, te pakeke, te ira, te aronga hōkaka rānei.
23. Kei te whakatakotoria e ngā wāhanga e whai ake nei o ngā Aratohu (a) ngā tika o ngā tāngata takitahi, ngā hapori, ngā hapū me ngā iwi (te hunga whai tika) me (b) ngā haepapatanga o te kāwanatanga, te rāngai tūmataiti, ngā kaituku rīhi, ngā kaiwhakahaere whare, ngā kaituku-ratonga, me ngā kairīhi (hunga kawe haepapa).

Aratohu 5: Ehara i te mea kei te tukuna e Te Tiriti me te tika ki te whare rawaka ngā kawenga ki te kāwanatanga ā-motu, ā-rohe anake, engari tonu ka tukuna he kawenga ki ētahi atu anō hoki, pērā i te rāngai tūmataiti, ngā kaituku rīhi, ngā kaiwhakahaere whare, ngā kaituku-ratonga, ngā kairīhi hoki.

Te kāwanatanga ā-motu, ā-rohe hoki: he haepapatanga ngātahitanga

24. Pērā i te miramira ki ngā kōwae o mua, kei te tukuna e ngā tika tangata, kei roto nei ko te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, he kawenga ki te kāwanatanga ā-motu, ā-rohe hoki. E pā ana ki te whai whare, he tino whakahāngai ngā mahi a te kāwanatanga ā-motu, ā-rohe hoki. He uara ōrite kei a rātou, pērā i te oranga, e whakatokangia ana ki te Local Government Act 2002 me te Living Standards Framework a Te Tai Ōhanga.

Me tautoko, whakahei tētahi i tētahi. He haepapatanga ngātahitanga tō te kāwanatanga ā-motu, ā-rohe hoki ki te mahi i ngā mahi katoa ka taea e rātou ki te tuku i te tika ki te whare rawaka mō te katoa ki Aotearoa.

Aratohu 6: He haepapatanga ngātahitanga tō te kāwanatanga ā-motu, ā-rohe hoki ki te mahi i ngā mahi katoa ka taea e rātou ki te tuku i te tika ki te whare rawaka, e noho taketake ana ki Te Tiriti, mō te katoa ki Aotearoa.

Ka pēhea ngā Aratohu e āwhina?

25. E noho taketake ana ki Te Tiriti, kei te tika ki te whare rawaka ētahi mahi whakatū. Hei tauira, ka taea:

- te whakamana i ngā tāngata takitahi rātou ko ngā hapū, ko ngā iwi, ko ngā hapori
- te āwhina ki te whakapai, te whakahōhonu me te whakakaha i ngā kaupapa here me ngā kaupapa whai whare
- te tiaki kia noho haepapa rātou whai haepapatanga e ahu mai ana i te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.

26. Engari e whirinaki ana ēnei mahi ki te āhua māramatanga o te tikanga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti:

- e kore e taea e ngā tāngata takitahi, ngā hapū, ngā iwi, ngā hapori hoki te tū hei hunga whai tika whaitake (he rerekē i ngā 'kaiwhakamahi-ratonga'), ki te kore e mārama ana te tika ki te whare rawaka
- e kore e taea e te kāwanatanga ā-motu, ā-rohe hoki, te rāngai tūmataiti, ētahi atu hoki te tū hei hunga kawe haepapa, ki te kore e mārama ana te tika ki te whare rawaka
- e kore e taea e ngā kaihangā kaupapa here te whakamahi i te tika ki te whare rawaka

hei whakapai ake i ā rātou kaupapa ki te kore rātou e mōhio ki tōna tikanga

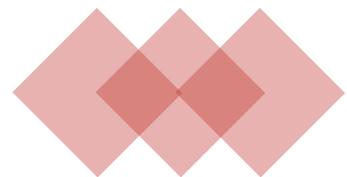
- d) e kore rawa e taea te tiaki ka noho haepapa ētahi mō te tika ki te whare rawaka ki te kore tētahi e mōhio ana ko wai e noho haepapa ana mō te aha.

27. Koinei ngā take, e whakamārama ana ngā Aratohu i te tikanga o te tika ki te whare rawaka, e noho taketake ana ki Te Tiriti. Ka mārama ake te tikanga, ka taea e te tika tangata:

- te whakamana i ngā tāngata takitahi rātou ko ngā hapū, ko ngā iwi, ko ngā hapori ki tō rātou tūhononga ki te kāwanatanga ā-motu, ā-rohe hoki, me ētahi atu
- te āwhina i ngā kaihangā kaupapa here ki te whakapakari i ā rātou kaupapa whai whare
- te āwhina ki te tiaki ka whakamanatia te tika ki te whare rawaka me Te Tiriti.

28. Inarā ake, ka taea e ngā Aratohu te āwhina ki:

- te kōkiri i te ngātahitanga i waenganui i te kāwanatanga (te Karauna) me te rangatiratanga (ngā hapū rātou ko ngā iwi) ki te horopaki o te whai whare
- te tiaki kei te pokapū o ngā kaupapa whai whare katoa ngā uara e tino waiwai



- ana te hiranga, pērā i te kaitiakitanga, te manaakitanga, te matatika, te tau, te ūritenga, te oranga, te hapori anō hoki
- c) te kōkiri i ngā tūmanako me ngā hiahia whai whare o te Māori
 - d) te whakapai ake i te Government Policy Statement on Housing and Urban Development, te Housing Acceleration Fund, te New Zealand Building Code, te Residential Tenancies Act, me ngā poutarāwaho waeture ā-kāwanatanga
 - e) te tiaki kia arohia hūrokurokutia, pūnahatia hoki ngā āhuatanga matua o te whai whare (hei tauira, te āheinga o te noho, te āheinga o te utu, te āheinga, te whita o te noho)
 - f) te whakatere i te hoahoa puta whānui (universal design) kia nui ake te wāteatanga o ngā whare e pai ana mō ngā tāngata o ngā āheinga katoa, ngā wāhanga katoa o te tauoranga hoi, kei roto nei ko te hunga hauā

- g) te whakarite i te pikina o ngā whare he pai te āheinga
- h) te whakapai ake i te āheinga ki te pupuri whare, ā, ki ētahi atu momo whai whare whita, mō te katoa
- i) te whakakore i te kāinga-koretanga¹⁴
- j) te tiaki kia noho haepapa te kāwanatanga ā-motu, ā-rohe hoki, rātou ko ērā atu hunga kawe haepapa ki ō rātou haepapatanga e ahu mai ana i te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.

Aratohu 7: Ko te tika ki te whare rawaka e noho taketake ana ki Te Tiriti he mea whakamana i ngā tāngata takitahi rātou ko ngā hapū, ko ngā iwi, ko ngā hapori hoki ki tō rātou tūhononga ki te kāwanatanga ā-motu, ā-rohe hoki; he mea āwhina i ngā kaihanga kaupapa here hei whakapakari i ā rātou kaupapa whai whare; ā, he mea āwhina hei tiaki ka whakamahia ngā takohanga ā-whare.

Ngā here me ngā arotake ā-tau

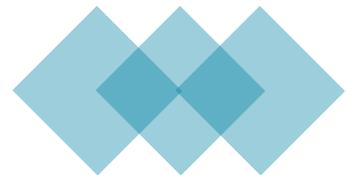
29. Mā te whakatakoto he aha te tikanga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti ki te horopaki ahurei o Aotearoa, kei te tuku ngā Aratohui tētahi poutarāwaho mō ngā hononga whakaute, mō ngā tini ngātahitanga, mō te mahi tahi puta noa i te motu.
30. Kāore ngā Aratohu i te whai ki te tuku i tētahi aromataawai o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, arā, kāore i te whakaemi taunakitanga, hanga arotakenga rānei. Engari mā ngā Aratohu e āwhina te hunga whaipainga ki te hanga aromataawai pērā ā muri ake. Ehara hoki i te tōmene, i te kete paraha rānei mō te whakatinana i te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. He poutarāwaho ngā Aratohu mō tēnei, mō ngā mahi atu anō ā te wā e heke mai ana.

31. Kāore ngā Aratohu i tīmata ki te whārangī wātea, ka noho kē ki roto tonu i ngā hanganga i tukuna e ngā whakaaetanga tika tangata ā-ao a Aotearoa, e Te Tiriti o Waitangi hoki. Ina e tika ana ka kōrero rātou mō ngā tikanga whai whare o nāianei ki Aotearoa, pērā i ngā *Healthy Homes Standards*. Ka whakawhirinaki ki te whānuitanga o ngā wheako me ngā rangahau ā-motu, ā-ao hoki. Ka arotakengia ngā Aratohu, ā, ka whakahoungia ina hiahiatia, ia 12 marama.

Aratohu 8: He poutarāwaho te tika ki te whare rawaka e noho taketake ana ki Te Tiriti hei pūtake mō te katoa e ū ana ki te urupare i te aituā whai whare hei hanga hononga whakaute, tini ngātahitanga, mahi ngātahitanga pai hoki.



Wāhanga 2: Te tāmitanga me Te Tiriti o Waitangi

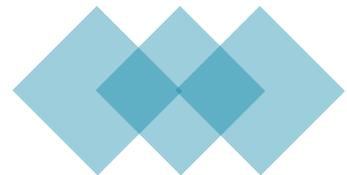


Wāhanga 2: Te tāmitanga me Te Tiriti o Waitangi

32. Ka whakatakotoria e ngā *Aratohu* te tikanga ki te horopaki ahurei o Aotearoa o te tika ki te whare rawaka. Kei tēnei horopaki ko te tāmitanga, te pananga ā-pūnaha i te Māori i ūrātou whenua, ngā pānga haere tonu o te tāmitanga, me Te Tiriti o Waitangi. Ka miramira whakapoto tēnei wāhanga i tēnei horopaki, tae atu hoki ki te United Nations Declaration on the Rights of Indigenous Peoples. Ka tukuna ngā rauemi āpiti matua mō ēnei take ki te Āpitihanga 4.
33. E kore e taea te whakatinana i te tika tangata ki te whare rawaka ki Aotearoa i tēnei wā ki te kore e mōhio ki tōna hītori koroniara, me ngā pānga tonutanga o te tāmitanga ki ngā tika me te oranga Māori. Nō te taenga mai o ngā tangata whai Pākehā i puta te tāmitanga me te pānga ā-pūnaha i te Māori i ūrātou whenua. Nā ngā tini reanga kaupapa here i whakangoikore i ngā tāngata whenua, i whakakore i ūrātou āhua tuku iho o te noho, tae atu ki te pupuri ā-haporī i te whenua.
34. Nā te taikaha, te raupatu, te hoko i ngaro te mana whakahaere i ngā tāngata whenua o te 95% o ūrātou whenua. He auau te wāwāhi a ngā hokonga i Te Tiriti o Waitangi. I whakahuri te Kōti Whenua Māori i te pupuritanga ngātahitanga tuku iho ki te taitara takitahi, he ariā tērā kāore i mōhiotia e te tāngata whenua, ā, i tuki ki ngā tikanga Māori. Nā tēnei hātepe i whakatere i te pananga atu o te Māori i ūna whenua. I tēnei wā, he iti iho i te 5% o te horahanga whenua katoa o Aotearoa e pupuritia ngātahitia ana e te Māori.
35. Nō muri i te rironga atu o te nuinga o te whenua i ngā tāngata whenua, nā ngā kaupapa here whai whare koroniara i uaua, i kore rānei i taea e te Māori te āhei atu ki te pupuritanga whare. I whakaepaepahia ūrātou i tā ūrātou whai ki te whakāū, te hanga rānei i ngā momo whare tuku iho ki ngā whenua e pupuritia ngātahitia ana (arā, he papakāinga). Hei tāngata takitahi, i uaua te āhei atu ki ngā whare tāone rawaka kau. I tūtaki ūrātou i te kaikiri i te āheinga ki te pupuritanga whare mōkete, i te mākete rīhi tūmataitī anō hoki.
36. I tēnei wā, kei te whakararu tonu ētahi ture, ritenga hoki a te kāwanatanga ā-rohe, ā-motu hoki, me ētahi whakapono ā-ture Pākehā mō te pupuritanga takitahitanga me te whakakorekore i te rangatiratanga, i ngā kaupapa whai whare ngātahitanga Māori, kaupapa whai whare atu anō hoki. He iti iho tā te Māori pāpātanga pupuri whare (28%) ina whakatairitea ki tā te Pākehā (57%). I hoahoatia ngā kaupapa here koroniara, toihara kia kaua e ūrite, ā, kei te ū tonu ūrātou pānga ki te whai whare a ngāi Māori tae noa mai ki tēnei wā. I te mutunga o tōna toronga mai ki Aotearoa i te tau 2020, i whakatauritea tēnei e te Special Rapporteur o te Kotahitanga o Ngā Iwi o te Ao mō te tika ki te whare rawaka ki “tētahi kapua pōuri e tāiri ana i te whenua”.¹⁵

Te Tiriti o Waitangi

37. He reretahi hōhonu i waenganui i Te Ao Māori, Te Tiriti o Waitangi me te United Nations Declaration on the Rights of Indigenous Peoples ('Declaration'). He pānga tō tēnā, tō tēnā ki te tika ki te whare rawaka ki Aotearoa. Ka whakamāramatia Te Tiriti i runga i te māramatanga o te Declaration. Ka whakatakotoria whakapotohia ēnei taputapu e rua ki ēnei kōwae.
38. Ka whakatūria e Te Tiriti o Waitangi, te puka tūāpapa o te whenua, i te hononga i waenganui i ngāi Māori me te Karauna. E whakaū ana i te tūranga o ngā whānau, ngā hapū, ngā iwi hei tangata whenua, ā, kei te whakaūngia tō rātou rangatiratanga o mua. E wawatatia ana te ngātahitanga o te aweawe me te mana, me te ngātahitanga o te hunga ōrite. E here ana Te Tiriti i te kāwanatanga ki te mahi ki te ngātahitanga, ā, kia ngātahi ngā whakatau, ki ūna hoa Tiriti, ki te whakaute me te tautoko i te mana rangatiratanga o ngā tāngata whenua.
39. E whakaūria ana e ngā Atikara 1 me te 2 o Te Tiriti ngā pūnaha noho-ngātahi o te mana whakahaere: te rangatiratanga o ngā iwi rātou ko ngā hapū me te mana kāwanatanga o te Karauna. E kī taurangi ana e Atikara 3 i te whakamahinga ōrite o ngā tika kirirarautanga ki te Māori, me te tuku i ngā kawenga ki te Karauna ki te whakarite i te mana taurite mō te Māori ki te taha o ērā atu tāngata nō Aotearoa. Engari ka whānui ake te ūnga o te Karauna ki a ngāi Māori i raro i Te Tiriti i te kī taurangi mō te aronga taurite. Ko te hiahia kia whakatikaina ngā hara i mahia, me te kino i pā mai, te whakarangatira i ngā tika o ngā tāngata whenua nō mua atu i Te Tiriti, i ngā tika tangata taketake, me te noho tahi.
40. I te horopaki o te tika ki te whare rawaka, ko te hiahia o te atikara 2 he āta whai whakaarotanga ake. Ka whakaūngia ngā tika tāngata whenua ki "te tino rangatiratanga o o ratou wenua, o ratou kāinga me o ratou taonga katoa". Ko te rangatiratanga ko te mana ki te whakahaere i ngā rohe tūturu, te manaaki, te tiaki i ngā tāngata, ngā whenua, ngā rawa ki roto hoki. I te putanga reo Pākehā o te atikara 2, e kōrerotia ana tēnei hei "full, exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess".
41. Hei whakarāpopoto, kei te iho o te whakaaetanga Tiriti ko te tika ki te kāinga whita, rangimārie, rawaka hoki – mō ngā tāngata whenua rātou ko ngā tāngata Tiriti hoki.¹⁶ Kei te mātaihia i tēnei wā ngā kerēme o ngā takahitanga o ēnei tika e te Rōpū Whakamana i te Tiriti o Waitangi ki tāna Housing Policy and Services Kaupapa Inquiry (Wai 2750).



United Nations Declaration on the Rights of Indigenous Peoples

42. I whakaaetia e Aotearoa i te tau 2010, ā, ka reretau te Declaration i ngā kawenga ture kāwanatanga o Aotearoa ki raro i Te Tiriti. Ka whakaūngia ngā kawenga o te Karauna ki te mahi ki te ngātahitanga, te tiaki hohe i te rangatiratanga, me te kōkiri i te mana taurite o te Māori.
43. Ka whakaaturia e te Declaration ngā paerewa tika tangata ā-ao o nāianei, tae atu ki te tika ki te whare rawaka, ā, kei te whakatakotoria te āhua o te pā atu ki ngā āhuatanga tohitū o ngā iwi taketake. Ka whakaaetia anō ngā tika o ngā iwi taketake ki ūrātou whenua, rohe, rawa hoki, ā, ki tō ūrātou ahurea, tuakiri, āhua noho anō hoki.
44. Kei te iho o te Declaration ko ngā tika o ngā iwi taketake ki te mana motuhake, ki te hanga i ūrātou ake whakatau me te whakahere i tō ūrātou ake ara tātai, tae atu hoki ki te uru atu ki ngā hanga whakatau a te kāwanatanga e pā ana ki ūrātou. Ka kitea hoki te tika ki te mana motuhake ki ngā tiriti tika tangata ā-ao kua whakaaetia e Aotearoa, pērā i te International Covenant on Civil and Political Rights (atikara 1(1)).
45. Ka tukuna e te Āpitihanga 4 ētahi hononga ki ētahi o ngā whakaritenga o te Declaration e tino hira ana ki te horopaki o te tika tangata ki te whare rawaka.

Whakakapi

46. Ka whakamōhiotia ēnei *Aratohu* e te pananga ā-pūnaha i te whenua Māori, ngā pānga haere tonu o te tāmitanga, Te Tiriti, me te Declaration. Ka whakamōhiotia hoki ngā *Aratohu* e ngā uara e pūtaketake ana ki Te Ao Māori. Koinei tētahi o ngā āhuatanga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, ā, ka whakatakotoria ēnei uara hei te tīmatanga o te wāhanga e whai ake nei.

Aratohu 9: Ka hiahiatia e te tika ki te whare rawaka e noho taketake ana ki Te Tiriti te whakaae me te aro atu ki ngā pānga o te tāmitanga, te pananga ā-pūnaha i te Māori i ūrātou whenua, me te whakakorenga o ūrātou āhua tuku iho o te ora, tae atu ki te pupuri ā-hapori i te whenua. He mahi waiwai tā Te Tiriti o Waitangi me te United Nations Declaration on the Rights of Indigenous Peoples ki te kōkiri whakamua i te tika ki te whare rawaka ki Aotearoa.



Wāhanga 3: Ngā āhuatanga matua o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti o Waitangi



Wāhanga 3: Ngā āhuatanga matua o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti o Waitangi

47. Ka whakatakotoria e tēnei wāhanga ngā āhuatanga matua e waru o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti o Waitangi. He pāhekoheko te nuinga o ngā āhuatanga matua. Hei tauira, e kore e taea te whakawhāiti i te mana taurite, te ōritetanga

me te kore-toihara; te whai wāhitanga; me te haepapatanga whakatū kei roto ko te puretumu. Nā, he mea hira kia pānuitia tahitia ngā āhuatanga matua pāhekoheko, ā, ki Te Tiriti me te United Nations Declaration on the Rights of Indigenous Peoples hoki.

A. Ngā Uara

48. E kōkiritia ana ngā pāpori, ngā whakahaere, ngā hātepe katoa e tētahi huinga uara, e tētahi atu rānei. Ahakoa he mea whakapuaki, he ngū rānei, he mea nui whakaharahara ngā uara. Ka auaha rātou i ngā tauoranga, ngā hapori, te wā e heke mai ana hoki. Ka auaha hoki rātou i ngā tika tangata. Me whiri ngā uara e whai ake nei ki ngā āhuatanga katoa o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.

49. E noho pūtaketake ana ki Te Ao Māori te whakapapa me te whanaungatanga. I tēnei tirohanga ā-ao, he pokapū te hiranga o ngā hononga i waenganui i ngā tāngata - o mua, o nāianei, o muri hoki. Waihoki, he mea waiwai te hononga i waenganui i ngā tāngata me te ao tūroa.

50. Ka ahu mai te kaitiakitanga, arā ko tētahi pūnaha o ngā tika me ngā haepapatanga utuutu, i ēnei hononga. Kei roto i te kaitiakitanga ko ngā haepapatanga whakawhiti reanga, ā, he taha wairua hoki ūna. Ko te hiahia o te mana he whakaū i ēnei hononga, haepapatanga hoki.

51. Ka whakaaturia e Te Ao Māori te hononga e kore e taea te wehe i waenganui i te Māori me te whenua e whakaūngia ana e Te Tiriti me te United Nations Declaration on the Rights of Indigenous Peoples. Pērā i te kōrerorero ki te Whakamāramatanga, kei roto i te ariā o te kāinga ko te tukutuku o ngā hononga me ngā haepapatanga, tae atu hoki ki te aroha pūmau ki a Papatūānuku nōna ngā tāngata whenua.

52. I Aotearoa, kei roto i ūtātou uara ko Te Ao Māori, ko ngā tirohanga ā-ao o ētahi atu hapori hoki. Ehara i te mea ko ēnei uara anake ko te whakapapa, te whanaungatanga, te kaitiakitanga, te mana (i whakatakotoria ki runga ake), engari kei roto hoki ko te manaakitanga, te whakarangatira, te tau, te matatika, te ōritenga, te herekorenga, te oranga, te haumaru, te mana motuhake, te whai wāhitanga, te ngātahitanga, te hapori, me te haepapatanga.

53. Ka whakatinanatia ēnei uara ki te tika tangata ki te whare rawaka me Te Tiriti. He mea waiwai, ka kōkiritia ngā *Aratohu* e ēnei uara me te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Me takoto hoki tēnei whakatōpū uara, te tika ki te whare rawaka me Te Tiriti, ki te pokapū o te ture, ngā rautaki, ngā kaupapa here, ngā hōtaka, me ērā atu kaupapa e hāngai ana ki te whai whare ki Aotearoa.

Aratohu 10: Ko ngā uara, pērā i te whanaungatanga, te kaitiakitanga, te manaakitanga, te whakarangatira, te tau, te matatika, te ōritenga, te herekorenga, te oranga, te haumaru, te mana motuhake, te whai wāhitanga, te ngātahitanga, te hapori, me te haepapatanga, e whakatinanatia ana ki te tika ki te whare rawaka. Me takoto ēnei uara, me te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, ki te pokapū o ngā kaupapa katoa e hāngai ana ki te whai whare ki Aotearoa.

B. Ngā mātāpono whai whare ‘tau’ a te Kotahitanga o Ngā Iwi o te Ao

54. Mai i te tau 1991, kua miramira auautia e te Kotahitanga o Ngā Iwi o te Ao i ngā mātāpono e whitu me mātua whai whakaaro ina whakatau ana mēnā rānei he ‘rawaka kau’ te whai whare, hei whakamahi rānei i te reo o ēnei *Aratohu*, he ‘rawaka’.¹⁷ E inaki ana ngā mātāpono whai whare ‘tau’ a te Kotahitanga o Ngā Iwi o te Ao. Kei te whakamārama whakapoto ngā kōwae e whai ake nei i tēnā, i tēnā o ngā mātāpono ‘tau’ e whitu, me mātua pānui tahi ki Te Tiriti me te United Nations Declaration on the Rights of Indigenous Peoples.

55. Ka taea te noho

Me tuku e te whare te wāhi pai, me te haumarutanga i te makariri, te mākū, te wera, te ua, te hau, ngā mōrea hanganga, te mate, ngā mōrea anō ki te hauora hoki. Me tuku he haumarutanga i te panoni āhuarangi, me te whakamauru i tērā.

Ka whakamāramatia atu anō te tikanga o te mātāpono ka taea te noho ‘tau’, e ai ki ngā here e rua a te *Healthy Homes Standards*, i whakatūria ki te Residential Tenancies Act, me *HomeFit* me *Homestar*, i whakawhanaketia e te New Zealand Green Building Council. Tuatahi, me aro anō ngā hoa o Te Tiriti ki ēnei tikanga hei whakapūmau kei te hāngai ēnei ki Te Tiriti. Tuarua, he whakamāramatanga anō ehara i te

otinga ngā tikanga nei mō te tika ki te whare rawaka ki Aotearoa.¹⁸

56. Ka taea te utu

Me kaua ngā utu whai whare, kei roto nei ko te utu pūngao, e whakamōrea i te āheinga o ngā tāngata ki te utu i ērā atu hiahia tika. Me whakahaumaru ngā whakaritenga tika i ngā kairīhi ki ngā taumata me ngā pikinga rīhi makihuhunu.

57. Ka taea te āhei

He tini āhuatanga tō te āheitanga, hei tauira, ā-kiko, ā-pūnaha (arā, kāore he toihara), ā-pūtea (arā, ka taea te utu, tirohia te kōwae i mua).

Me āhei te *katoa* ki te whare rawaka. Kāore i te pēnei ki Aotearoa i tēnei wā. Ehara i te mea kei te noho whāiti te aituā whai whare ki ngā rōpū e whakataumahatia ana. Tokomaha rawa ngā tāngata kāore i whakataumahatia i mua kāore i te whai āheinga ki tētahi kāinga rawaka. Heoi anō, ka pāngia pāhikahikatia ngā rōpū e whakataumahatia ana e te aituā o tēnei rā. Hei tauira, ko ngā pāpātanga o te pupuritanga whare e pā ana ki ngā tāngata nō Te Moana-nui-a-Kiwa, ngāi Māori, ngāi Pākehā hoki ko te 19%, 28% me te 57%.¹⁹ He 2% noa iho o te huina whare he mea whakahei ā-tinana, engari 1



mai i te 6 tāngata kei te hiahia ki tētahi momo whakaurutau.

Ko ētahi o ngā rōpū e whakataumahatia ana he tino uua te whai āheinga ki te whare rawaka ko:

- a) rātou e noho pōhara ana, tae atu ki ngā tāngata kāinga-kore, hei tauira, ngā tāngata e noho ana ki ngā whārau waka, ngā kārati, ngā kāuta, ngā whare tāpiri, ngā whare pūrokuroku, te 'eke hōpa', ki te tiriti anō hoki;²⁰
- b) ngā tāngata whenua;
- c) ngā tāngata nō Te Moana-nui-a-Kiwa²¹ me ērā atu mātāwaka tokoitī;
- d) ngā hapori pūtake-whakapono;
- e) ngā tāngata hauā;
- f) ngā tamariki me ngā rangatahi;
- g) ngā wāhine;
- h) ngā hapori āniwaniwa;²²
- i) ngā kaumātua;
- j) te hunga whai penihana;
- k) ngā manene.

Kei te raru ētahi o ēnei rōpū i ngā momo inaki o te taumahatanga, hei tauira, ngā wāhine Māori, Moana-nui-a-Kiwa hoki e hauā ana.

Me āta aro ngā mahi pai hei whakarite ka whai āheinga te katoa ki te whare rawaka ki ngā tāngata takitahi, ngā hapori, ngā taupori hoki e whakataumahatia ana.

58. Ngā ratonga, ngā rawa, me ngā hanganga
Me whakarite te whai whare i ngā rawa e waiwai ana mō te hauora, te whita, te āhuru hoki, mō ngā hapori taiwhenua, mohao rānei o Aotearoa. Hei tauira, me whai āheitanga ngā kainoho ki, ngā rawa akuaku, horoi hoki, te porowhiu hawa, ngā ratonga ohotata hoki, me te ngoi mō te whakamahana, te rama, te tunu kai hoki.

59. Tauwāhi

Me tuku āheinga te whai whare ki ngā kōwhiringa whiwhi mahi, ngā ratonga hauora,

ngā ara ikiiki e āhei ana, ngā kura tae atu hoki ki te whakaakoranga reo, te tiaki tamariki me ērā atu rawa pāpori, tae atu hoki ki ngā hapori taiwhenua, mohao hoki. Me kaua e pērā rawa te tata o ngā whare ki ngā puna parahanga kei mōreareatia te hauora o ngā kainoho.

60. Te whakaute i te rerenga ā-ahurea

He āhuatanga ahurea tino whakahirahira tō te whai whare. I Aotearoa, e whai ana i te tini ahureatanga whakauruuru hihiri hoki e noho taketake ana ki Te Tiriti o Waitangi, he waiwai tēnei āhuatanga. Hei tauira, kei a ngāi Māori, kei ngā tāngata nō Te Moana-nui-a-Kiwa, kei ngā tini hapori kanorau ā-ahurea ngā tauira o te noho kei roto ko te whānau whānui (te aiga rānei). Kei te hiahiatia kia whakaatu te pūnaha whai whare ā-motu i tō tātou kanorau ahurea, tūāpapa o Te Tiriti hoki: kāore tētahi tauira kotahi e hāngai ana ki te katoa. Waihoki, me kaua te whakawhairawa wāhi, ētahi kaupapa kē atu hoki e whakahere i ngā wāhi whai hiranga ahurea motuhake.²³

61. Te whita o te noho

Me whai te katoa i te whita o te noho e taurangi ana i te whakahaumarutanga ā-ture, tae atu ki te hātepe tika e pā ana ki te pananga, te toihara, te whakatīwheta, te aronga aukati anō hoki. He nui ngā āhuatanga o te noho, he ahunga ahurea tōna, kei roto nei ko ngā pūnaha Māori o te noho whenua, te noho-kaipupuri, te rīhi (tūmatanui, tūmataiti hoki), te whare ngātahi ā-takitahi, ā-tikitini hoki, te whare pāpori, te whare ohotata hoki. Me aro ki ngā aronga o ngā tamariki rātou ko ngā tāngata hauā, ngā pakeke e whakaraerae ana, ngā momo whānau katoa me ngā tāngata kei ngā taumata rerekē o te oranga, nō ngā ahurea rerekē hoki. Ka tukuna e te tika noho he kawenga ki ngā rōpū katoa, kei roto hoki ko ngā kairīhi otirā he haepapatanga tō rātou ki te whakaute i te aronga atu ki ērā atu kainoho, ngā kaituku rīhi, ngā kiritata, tō rātou hapori anō hoki.

62. Whakakapinga mō ngā mātāpono ‘tau’.
- Ko tētahi ara mā ngā tāngata takitahi, ngā hapori, te kāwanatanga, te rāngai tūmataiti hoki ki te whakatinana i ētahi o ngā mātāpono ‘tau’ a te Kotahitanga o Ngā Iwi o te Ao ko te whakatairanga i te hoahoahoa puta whānui. Ka kōkiritia e te hoahoahoa puta whānui ngā whare me ngā taiao he whakuruuru, ka taea te āhei, he hauora hoki, ā, me te whakaute i te rerenga ā-ahurea.²⁴ Ka whai whakaarotia ngā tāngata nō ngā hurihangā katoa mai i te tamarikitanga ki te koroheketanga, ā, e mataara ana ki ngā āhuatanga rerekē, tae atu ki te hauātanga. Me kaua e mahue te hiranga o te whita o te tika noho. Ko te kore whita o te tika noho e whaipānga nui ana ki tētahi raruraru whai whare nui i Aotearoa: te tino rangitahi o ngā kairīhi.

Aratohu 11: Me hāngai ngā kaupapa whai whare katoa ki ngā mātāpono whai whare ‘tau’ e whitu o te Kotahitanga o Ngā Iwi o te Ao e pānuitia tahitia ana ki Te Tiriti o Waitangi: ka taea te noho; he utu ka taea; e āhei ana ki te katoa; he ratonga, he rawa, he hanganga; te wāhi; he whakaute ki te kanorau ahurea; te whita o te tika noho. Ki te kore ngā kaupapa kāinga, whai whare hoki e hāngai ki tētahi mātāpono ‘tau’ kāore i te hāngai ki te tika ki te whare rawaka, hāunga ia ka taea te whakaatu kua whakamahia ngā mahi katoa e tika ana ki te hāngai ki te mātāpono (tirohia te wāhanga 4).

C. Ngā herekorenga me ngā āheinga

63. Kei roto tahi i te tika ki te whare rawaka ko ngā herekorenga (hei tauira, te herekorenga i te toihara me te pananga taihara) me ngā whai tika (hei tauira, te whakaratonga o te whare ohotata taupua ina hiahariatia). He iti iho peā te utu o ngā herekorenga i ngā whai tika.

Aratohu 12: Nā te mea kei roto i te tika ki te whare rawaka ko ngā herekorenga, ko ngā ture, ngā waecture, ngā tikanga, ngā ritenga herehere katoa me matatika, me tika, me rite, me tika ā-ahurea hoki.

D. Te mana taurite, te ōritetanga me te kore-toihara

64. Me ōrite te wāteatanga o te whai whare ki te katoa, tae atu ki a rātou e noho pōhara ana, ngāi Māori, ngā tāngata nō Te Moana-nui-a-Kiwa, ngā mātāwaka tokoiti, ngā tāngata hauā, ngā wāhine, ngā tamariki, ngā tāngata e noho ana ki ngā wāhi taiwhenua, mohoo hoki, ngā hapori āniwaniwa, te hunga whai penihana, me ērā atu tāngata takitahi, hapori e whakataumahatia ana. Ka hiahariatia e Te Tiriti me te tika ki te whare rawaka ngā mahi pai, kua āta hoahoatia hei aro ki te whakataumahatanga aukati, tae atu ki ngā

pānga haere tonu o te tāmitanga ki ngā tāngata whenua (tirohia te wāhanga 2).

65. I Aotearoa, he rite tonu te karanga a ngā kaihanga kaupapa here ki ngā mahi ‘taurite’. E āhua ōrite ana ngā mātāpono tika tangata o te ōritenga me te kore toihara ki te taurite. He mea nui ngā ariā e toru, ā, he wāhanga manatika pāpori tō te katoa. Ki ētahi āhuatanga, he kaha ake te whakakaha a te ture i te ōritenga me te kore toiharatanga, i te taurite. Hei tauira, ki te kore te kāwanatanga e whai i ngā mahi



tika hei whakatutuki i te toihara me te kore ūritenga ki te whai whare, ka taea te tiaki ka noho haepapa rātou, ā, ka mate pea ki te whai i ngā mahi rongoā. Manohi anō, ko te taurite, i te nuinga o te wā kāore i te whakakahangia e te ture.

Aratohu 13: Me noho āhei te whare rawaka ki te katoa me te kore toihara i runga i ngā āhuatanga e aukatingia ana, pērā i te hauātanga, te mātāwaka, te hāhi, te pakeke, te ira, te aronga hōkaka rānei. Kei te hiahiatia ētahi mahi pai, kua hoahoatia hei aronui ki te taumahatanga aukati e kitea wheakotia ana e ētahi tāngata takitahi, hapori hoki.

E. Te whai wāhitanga

66. E whai tika ana ngā tāngata takitahi, ngā hapori katoa ki te whai wāhitanga hohe me te mōhio ki ngā take e pā ana ki tō rātou whai whare, tae atu ki te hanga kaupapa here me te haepapatanga. E here ana Te Tiriti i te kāwanatanga ki te mahi ki te ngātahitanga, ā, kia ngātahi ngā whakatau, ki ūna hoa Tiriti. Ka miramiratia e te United Nations Declaration on the Rights of Indigenous Peoples te tika ki te whakaaetanga wātea, i mua, whai mōhio hoki e pā ana ki ngā kaupapa, kei roto nei ko ngā kaupapa hāngai-whai whare, e pā ana ki ngā iwi taketake. Kei roto i te Convention on the Rights of Persons with Disabilities tētahi kawenga ki te whakauru hohe i ngā tāngata hauā ki ngā take katoa, tae atu ki te whai whare, e pā ana ki a rātou. I raro i te Convention on the Rights of the Child, e

āhei ana ngā tamariki katoa ki te uru atu ki ngā whakatau e pā ana ki a rātou, e ai ki te pakeke, te pakari hoki. Ka whakaū ēnei, me ētahi atu ūnga tika tangata ā-motu, ā-ao hoki i te mātāpono manapori e kī ana ‘kāore he whakataunga mō mātou, ki te kore mātou i roto’.

Aratohu 14: E ai ki ngā tiriti me ngā whakapuakitanga tika tangata ā-ao, me whakarite kia āhei ngā tāngata takitahi, ngā hapori hoki ki te whai wāhitanga hohe, i runga i te mōhio hoki e pā ana ki ngā take whai whare e pā ana ki a rātou. Waihoki, e here ana Te Tiriti i te kāwanatanga ki te mahi ki te ngātahitanga, ā, kia ngātahi ngā whakatau, ki ūna hoa Tiriti.

F. He rautaki pūtake-tika tangata e noho taketake ana ki Te Tiriti

67. Kāore e puta noa mai te whakatinanatanga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, engari ka hiahiatia tētahi rautaki whai whare ā-whakatuanui.

68. Ka mahi tētahi rautaki whai whare ki te taumata teitei ake i tētahi kaupapa here whai whare, hōtaka rānei. He wawata tōna mō te panoni ā roto i te wā, ā, ka tūhonohonotia ngā tini rōpū, tae atu ki te kāwanatanga ā-motu,

ā-rohe hoki. Māna e ruruku i te whānuitanga o ngā tari kāwanatanga, ngā ture, ngā kaupapa here, ngā hōtaka, ngā kaupapa anō hoki, ā, ina tirohia tahitia, koinei te hanganga o tētahi pūnaha whai whare.

69. He maha ngā tika tangata he pai te āwhina i tētahi rautaki whai whare, tae atu ki ngā tika ki te matatapu, te tiaki hauora, te wai me te akuaku, te whai wāhitanga, ngā mahi ā-ahurea

hoki. Heoi anō, me mātua whai te rautaki whai whare pūtake-tika tangata e noho taketake ana ki Te Tiriti i te tika ki te whare rawaka ki te iho.

70. I te mutunga o tōna toronga mai ki Aotearoa i te tau 2019, nā te Special Rapporteur mō te tika ki te whare rawaka o te Kotahitanga o Ngā Iwi o te Ao i whakaū i te taunakitanga e whai ake nei i tukuna e tētahi komiti o te Kotahitanga o Ngā Iwi o te Ao o ngā mātanga tika tangata motuhake i te tau 2018: "Kei te taunaki te Komiti kia whakamahi [a Aotearoa] i tētahi rautaki whai whare ā-motu pūtake-

tika tangata".²⁵ I te tau 2018, i whakaputaina e te Special Rapporteur tētahi pūrongo e whakatakoto ana i Ngā Mātāpono Matua o tētahi Rautaki Whai Whare Pūtake-tika (tirohia te Āpitihanga 3).

Aratohu 15: Me whai te kāwanatanga ā-motu, ā-rohe hoki i tētahi rautaki whai whare ā-whakatuanui. Me āta hanga te rautaki whai whare i runga i ngā tika tangata me Te Tiriti. Me mātua whai te rautaki whai whare e taketake ana ki Te Tiriti me ngā tika tangata i te tika ki te whare rawaka ki te iho.

G. Te haepapatanga whakatū

71. He āhuatanga waiwai o te tika tangata, tae atu ki te tika ki te whare rawaka, te haepapatanga pai, ka taea te āhei. Ki te kore te haepapatanga, ka noho ngutu kau pea te tika ki te whare rawaka. Ehara i te mea me whirinaki te haepapatanga ki te heitara, te whakawhiu, engari kē ia he tautuhi pea i ngā mahi whai hua, kia taea te tārua anō, ā, i ngā mahi kāore i te whai hua, kia taea te panoni. I ētahi wā e kīia ana tēnei ko te 'haepapatanga whakatū'.

72. He auau te kōmitimiti i te haepapatanga ki te aroturuki, engari kē ko te aroturuki (hei tauira, te kohinga o ngā mōhiohio, ngā raraunga hoki) ko te mahi kotahi noa iho o te haepapatanga. Ka taea te whai mārama ki te haepapatanga hei ngā āhuatanga e toru: te aroturuki, te arotake (tae atu ki te arotake motuhake) e pā ana ki ngā tika tangata, ētahi atu paerewa hoki, ā, me te puretumu (ngā 'mahi rongoā' rānei).

73. Ka taea e tētahi rōpū tōrangapū te kawe i te āhuatanga arotake, pērā i te paremata, tētahi kaunihera ā-rohe rānei, ā, e tētahi rōpū motuhake, nui ake rānei, pērā i tētahi pokapū ngākau pono rānei (tirohia te kōwae e whai ake nei). Ka whakakahangia te arotake a tētahi rōpū tōrangapū e te arotake a tētahi rōpū motuhake.

74. He nui ngā hanganga o te haepapatanga, hei tauira, ngā pōtitanga ā-motu, ā-rohe hoki, te paremata me ngā kaunihera ā-rohe, ngā kōti me ngā taraiipiunara, ngā rōpū whakahaere ā-pāpori, te pāpāho anō hoki. Atu i ngā kōti me ngā taraiipiunara, ka tukuna e ngā rōpū e whai ake nei ngā momo haepapatanga *motuhake*: Te Rōpū Whakamana i te Tiriti o Waitangi, Te Kāhui Tika Tangata, te Tari o te Kaitiaki Mana Tangata, Manaakitia ā Tātou Tamariki, Te Mana Mātāpono Matatapu, Tumuaki o te Mana Arotake, Te Toihau Hauora, Hauātanga, te Mana Whanonga Pirihimana Motuhake, me ngā rōpū motuhake ūrite i whakatūria e ngā Ture o te Paremata. I ētahi wā e mōhiotia ana ēnei rōpū hei 'pokapū ngākau pono'.

75. Me mātua hāngai ngā kaupapa whai whare katoa ki te haepapatanga pai, e āhei ana, whakatū hoki e pā ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Kāore tēnei i te hiahia i tētahi panonitanga ki te New Zealand Bill of Rights Act. Ka taea te whakauru i te tika ki te whare rawaka ki ngā ture whai whare o nāianei, pērā i te Kāinga Ora—Homes and Communities Act 2019.²⁶ Ka taea te tuku ki ngā rōpū o nāianei te āheinga



me te raukaha kia tiaki ka noho haepapa rātou e whai haepapatanga ana e ahu mai ana i te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. He kaupapa kia uiuitia mēnā rānei ka taea e te Tenancy Tribunal te tū hei taputapu haepapatanga pai e pā ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.

76. Ki te hiahia rātou, ka taea e ngā pokapū ngākau pono e hāngai ana te aro anō, te whakahou hoki i tā rātou mahi e pā ana ki Te Tiriti, i tētahi, neke atu rānei o ngā āhuatanga o te tika ki te whare rawaka hoki, hei tauira, te kore toihara, ngā tamariki, te matatapu, te matatika rānei.

77. Nā te mea me āhei te haepapatanga whakatū ki ngā rōpū katoa e pā ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, me wātea te tohutohu, te tautoko hoki e pā ana ki te haepapatanga ki te hunga whai tika e matea ana. He take tēnei mō te āheinga ki te manatika.

Aratohu 16: Me mātua hāngai ngā kaupapa whai whare katoa ki te haepapatanga whakatū, arā me arotake ngā kaupapa katoa ki te tika tangata ki te whare rawaka e noho taketake ana ki Te Tiriti. Me pai, me āhei hoki ki te hunga e taumahatia ana te haepapatanga whakatū.

H. Te tautoko me te mahi tahi ā-ao

78. E ai ki ngā Sustainable Development Goals me ngā tiriti tika tangata, he kawenga nō ngā whenua he nui te moni whiwhi, pēnei i Aotearoa, ki te tuku i te tautoko, te mahi tahi ā-ao ki ngā whenua iti te moni whiwhi, ki ērā atu whenua e whakataumahatia ana hoki.²⁷ E kore e taea te whakaheke i te kore ūritenga ā-ao ki te kore te tautoko pēnei, kei roto nei ko te whakawhanaketanga, te āwhina me te tautoko tuku aroha, te maurutanga aituā, te tohutohu hangarau, te whakawhitinga pūkenga hoki (hei whakarāpopoto, ko te 'whakawhanaketanga me te āwhina').

79. Me hāngai tā te kāwanatanga hōtaka whakawhanaketanga me te āwhina, me tōna tukunga, ki ngā kawenga tika tangata o Aotearoa, pērā i te Convention on the Rights of Persons with Disabilities. Mehemea he kaupapa whai whare ki roto i te whakawhanaketanga me te āwhina, he kawenga tō te kāwanatanga i te hāngaitanga o ngā kaupapa ki ngā mātāpono me ngā paerewa tika tangata, kei roto nei ko

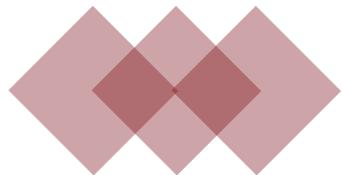
te tika ā-ao ki te whare rawaka. Ahakoa kua hoahoatia ēnei *Aratohu* hei whakaatu i te horopaki ahurei o Aotearoa, he nui ō rātou kiko e hāngai tata ana ki tā te kāwanatanga tuku i te āwhina, te mahi tahi ā-ao e pā ana ki te whai whare.

80. Mēnā he iwi taketake kei te whenua whiwhi, e herea ana tā te kāwanatanga hōtaka whakawhanaketanga me te āwhina kia ū ki te United Nations Declaration on the Rights of Indigenous Peoples.

Aratohu 17: Mehemea kei roto i te hōtaka whakawhanaketanga me te āwhina a te kāwanatanga he kaupapa whai whare, he haepapatanga tōna hei whakarite kia hāngai ngā kaupapa ki te tika ki te whare rawaka, ā, ina he iwi taketake kei te whenua whiwhi, ki te United Nations Declaration on the Rights of Indigenous Peoples hoki.



Wāhanga 4: Ngā Kawenga me ngā Takahitanga



Wāhanga 4: Ngā Kawenga me ngā Takahitanga

81. I whakatakotoria e te wāhanga o mua ngā āhuatanga matua e waru o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, ā, ka tirohia e te wāhanga nei ētahi o ngā kawenga e puta mai ana e pā ana ki ēnei āhuatanga matua. Ā muri i te tautuhi i ngā āhuatanga matua, me ētahi o ngā kawenga e ahu mai ana i a rātou, ka taea te tautuhi i ngā takahitanga pea. Ka tohu tēnei wāhanga i ētahi o ngā kawenga, ngā takahitanga pea hoki e ahu mai ana i te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.

82. E hāngai ana te tika ā-ao ki te whare rawaka ki te whakatinanatanga haere ā roto i te wā, me te wāteatanga o ngā rawa, e pā ana ēnei mea e rua ki ngā kawenga me ngā takahitanga.²⁸ Nā, ka hiahiatia ētahi kōrero e pā ana ki te whakatinanatanga haere ā roto i te wā me te wāteatanga o ngā rawa i mua i te tahuri ki ngā kawenga me ngā takahitanga.

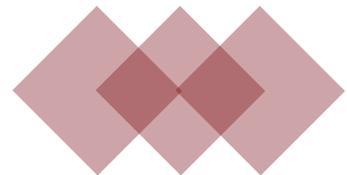
Te whakatinanatanga haere ā roto i te wā

83. Ka ahu mai i te tika ki te whare rawaka ngā whai tika me ngā kawenga tika. He makihuhunu te tūmanako kia whakatinanatia te tika ki te whare rawaka i te pō kotahi. E ai ki te ture tika tangata ā-ao ka taea te whakatinana haere ā roto i te wā te whakatinanatanga katoa o te tika ki te whare rawaka. Heoi anō, me kaua te whakatinanatanga haere ā roto i te wā e whakamahi e te kāwanatanga hei putanga mōna kia ārai, kia whakatāroa rānei i te whakatinanatanga o ōna kawenga ture ā-ao here.

84. Koinei te take, kua whakaūngia e te Kotahitanga o Ngā Iwi o te Ao e herea ana te kāwanatanga ki te "mahī i ngā mahī hakune, totoka, aronga tino mārama ka taea ki" te whakatinanatanga o te tika ki te whare rawaka. Waihoki, he kawenga tohitū, haere ake nei tō te kāwanatanga "kia tino kakama, kia tino pai te kōkiritanga atu ki" te whakatinanatanga katoatanga o te tika ki te whare rawaka.²⁹

Ngā tohu me ngā pae

85. Kua whakaūngia hoki e te Kotahitanga o Ngā Iwi o te Ao ko te whakatinanatanga haere ā roto i te wā te tika ki te whare rawaka, te korenga rānei o tērā, ka taea te haurapa, ā, me haurapa mā te whakamahi i ngā tohu me ngā pae tika.³⁰ Me wāwāhi ngā tohu i runga i ngā āhuatanga o te toihara kua aukatingia, pērā i te mātāwaka, te hauātanga, te ira, te pakeke hoki.
86. Mā te ngātahitanga Tiriti, mā tētahi hātepe akoako hoki, me tuku he aronga ki te tautuhi
-
80. Ka whakaūngia e te Kotahitanga o Ngā Iwi o te Ao e pērā ana te hira o ētahi o ngā āhuatanga o te tika ki te whare rawaka kia ahu mai i ēnei ngā kawenga pū ka tū ināia tonu nei, arā, kāore ēnei āhuatanga i te hāngai ki te whakatinanatanga haere ā roto i te wā. Hei tauira, kāore tō te kāwanatanga kawenga ki te ērai i te toihara tōtika ki te hunga hauā i e hāngai ki te whakatinanatanga haere ā roto i te wā, he kawenga pū ka tū ināia tonu nei. Ko tētahi atu kawenga pū ka tū ināia tonu nei ko te kawenga ki te whakarato whare ohotata taupua mō ngā tāngata e kāinga-kore ana i a rātou e whakawhiti haere ana ki tētahi whare rawaka kei reira ngā āhuatanga matua e miramiratia ana ki ēnei *Aratohu* (wāhanga 3).³¹
81. Ka whakamāramatia e te wāhanga āpitī e whai ake nei 'Ngā kawenga ki te whakaute, te tiaki, te whakatutuki hoki i ngā tika tangata' he nui ake te utu o ētahi momo kawenga tika tangata i ētahi atu. Hei tauira, he iti iho te utu o ngā kawenga ki te whakaute (ko te nuinga o ēnei he kawenga kia mahue), i ngā kawenga ki te whakatinana (he kawenga whakamahi e hāngai ana ki te whakatinanatanga haere ā roto i te wā). E hira ana tēnei rerekētanga ki te horopaki o ngā kawenga pū. I te nuinga o te wā kei roto i ngā kawenga pū ko ngā kawenga whakaute (hei tauira, te kawenga ki te ērai i te toihara tōtika ki te hunga hauā), ā, he iti iho te kitenga o ngā kawenga whakatinana (hei tauira, ngā kawenga whai pānga ā-tahua nui). Heoi anō, i ētahi wārua ka tae atu ngā kawenga pū ki ngā kawenga whakamahi whai pānga ā-pūtea, pērā i te whakaratonga o te whare ohotata taupua (arā, whakawhiti) mō ngā tāngata e kāinga-kore ana. Pērā i tā te Kotahitanga o Ngā Iwi o te Ao, ki te kore ngā kawenga pū pēnei ko te ture tika tangata "ka whakakorea nuitia tōna raison d'être."³²
82. Mā te ngātahitanga Tiriti, mā tētahi hātepe akoako hoki, me tuku he aronga ki te whakangako i ngā kawenga pū ka tū ināia tonu nei mō te tika ki te whare rawaka ki Aotearoa.



Ngā rauemi, ngā whakaarotau me ngā tauhokotanga

83. E hāngai ana te tika tangata ki te whare rawaka ki te wāteatanga o ngā rawa. Ahakoa tonu he whenua nui te moni whiwhi, pēnei i Aotearoa, e kore e taea te ārai i ngā whakatau uua mō te tohatoha rawa. Me whakarite he whakaarotau, ā, me whakamahi he tauhokotanga.
84. He āhuatanga noa te whakaarotau me ngā tauhokotanga o ia aronga ki te hanga kaupapa here. He ahurei te *aronga tika tangata*, e noho taketake ana ki Te Tiriti, nā ōna here e uruhitia ana ki te hātepe hanga kaupapa here, pērā i:³³
- a) te āta tūtohu i te tāmitanga me te aro mārie ki ōna pānga haere tonu;
 - b) te whakamana i Te Tiriti me te ngātahitanga i waenganui i te kāwanatanga (te Karauna) me te rangatiratanga (ngā hapū rātou ko ngā iwi), hei tauira, me mahi te kāwanatanga ki te ngātahitanga ki ōna hoa Tiriti me te whakatau ngātahi, ā, me kōkiri hoki i ngā putanga taurite mō te Māori;
 - c) engia anō he whakawātanga uara tō te whakarite-whakaarotau, nō reira he mea waiwai kia āta whakahuatia, kia mārama hoki ngā uara e whirinakitia ana;
 - d) me whai rautaki, mahere mahi rānei e herea ā-wā ana, ā, ehara te whai whare i te rerekē;
 - e) ka whakakorea e te ture mana taurite, ūritetanga me te kore-toihara ngā tauhokotanga ka hua ngā putanga kore ūrite, toihara rānei, ka whakahōhonu rānei i ērā;
 - f) me tuku te whakaarotau ki ngā tāngata takitahi, ngā hapori pōhara rawa, whakaraerae rawa, nui rawa te whakataumahatanga hoki;
 - g) me whai wāhi ki te whakarite whakaarotau te urunga hohe, whai mōhio hoki o rātou e pāngia ana (e hāngai ana ki ngā tāngata whenua, tirohia (b) ki runga);
 - h) kāore e whakaaetia ngā tauhokotanga e hāngai ana ki ngā kawenga pū ka tū ināia tonu nei;
 - i) ka hiahiatia he taputapu haepapatanga whakatū hei whakarite i ngā tauhokotanga matatika, taurite hoki.
- E hāngai ana ēnei here ki te hanga kaupapa here e pā ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.
-
- Aratohu 18: Ka tukuna he kawenga ka taea te ine ki te kāwanatanga ā-motu, ā-rohe hoki e te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ka taea te whakatinana haere ā roto i te wā te whakatinanatanga katoa o te tika ki te whare rawaka. Engari me mahi te kāwanatanga ā-motu, ā-rohe hoki i ngā mahi hakune, totoka, aronga tino mārama ki te whakatinanatanga o te tika ki te whare rawaka. He kawenga tohitū, haere ake nei tō te kāwanatanga kia tino kakama, kia tino pai te kōkiri atu ki te whakatinanatanga katoatanga o te tika tangata. Me haurapa mā ngā tohu me ngā pae tika te kokenga whakamua (aha atu rānei). Ina whakaarotau ana e hāngai ana ki te tika ki te whare rawaka, e hāngai ana ētahi here, pērā i te whai whakaarotanga ki te tāmitanga me ōna pānga haere tonu nei, i Te Tiriti, i ngā tāngata takitahi, hapori e tino taumahatia ana hoki, tae atu ki a rātou e noho pōhara ana.**
-

Ngā kawenga ki te whakaute, te tiaki, te whakatutuki hoki i ngā tika tangata

88. Kua noho mārama mai i te tekau tau 1980 ka ahu mai i ngā tika tangata ngā tini momo kawenga, e mōhiotia whānuitia ana hei kawenga ki te *whakaute, te tiaki* me te *whakatutuki* tika tangata. Mā te mārama ka ahu mai ēnei kawenga i ngā tika tangata e māmā ake te tiaki kia noho haepapa te kāwanatanga ā-motu, ā-rohe hoki, me te tautuhi i ngā takahitanga tika tangata. He nui ngā wā he iti iho te utu o ngā kawenga ki te *whakaute* me te *tiaki* i te kawenga ki te *whakatinana*.³⁵

89. Ka hāngai ngā kawenga tika tangata ki te *whakaute, te tiaki* me te *whakatutuki* ki te tika ki te whare rawaka. He mārire te tūhono tahitia o ēnei kawenga ki ngā kawenga o te Karauna e ahu mai ana i Te Tiriti, hei tauira, hei tiaki hohe i te rangatiratanga Māori ki ngā taonga, tae atu ki te whenua. Hei mea whakaatu, ka whakatakotoria ētahi o ēnei kawenga, me ngā takahitanga hāngai, ki ngā kōwae e whai ake nei.

90. Ka tukuna e *te kawenga ki te whakaute* tētahi haepapatanga ki te kāwanatanga hei ārai i te raweke tōtika, tītaha rānei i te whakamahinga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Hei tauira, me kaua te kāwanatanga e toihara i te whakaratonga o ngā whare kāwanatanga, me kaua hoki e whakarite i ngā waeture whai whare makihuhunu, kāore i te tika ā-ahurea, kāore rānei i whai māramatanga.

91. Kei roto i ngā takahitanga o te kawenga ki te *whakaute* ko:

- a) te pananga kāwhaki mai i ngā whare kāwanatanga me te kore matatika ā-hātepe;
- b) te toihara tōtika e pā ana ki ngā whare kāwanatanga;
- c) ngā ārai ki te whai whare makihuhunu, kāore i te tika ā-ahurea, kāore i te hāngai ki Te Tiriti, ki ngā hiahia hapori hoki, e kāore

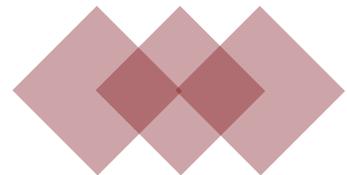
rānei i whai māramatanga, hei tauira, ngā waeture whai whare whakawhāiti kāore he take tika rānei;

- d) tētahi kaupapa whai whare kāore e whakaute ana i Te Tiriti;
- e) te toihara tītaha e pā ana ki ngā whare kāwanatanga, hei tauira, te kore rawaka o te wāteatanga o ngā whare kāwanatanga ka taea te āhei mō ngā tāngata hauā;
- f) ngā whare kāwanatanga mākū nā konei e māuiui ana ngā kairīhi;
- g) ngā whare kāwanatanga he makihuhunu ngā taumata utu mō te rīhi, ngā pikinga hoki;
- h) ngā hinonga nō te kāwanatanga ka whakapoke, ka whakaputa i te hanga mate o ngā kainoho (ahakoa kei ngā whare kāwanatanga, tūmataiti rānei).

92. Ko te tikanga o *te kawenga ki te tiaki* me aukati te kāwanatanga i te ārai a rōpū kē atu, pērā i ngā kaituku rīhi tūmataiti, e raweke ana i te whakamahinga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Hei tauira, me whakamahi te kāwanatanga i ngā mahi katoa e tika ana hei whakarite kia whai ngā kaituku rīhi tūmataiti rātou ko ā rātou kaiwhakahaere (a) kia kaua e toihara i te whakaratonga o ngā whare, ā, (b) ka whakarato i ngā whare rawaka e hāngai ana ki ngā āhuatanga matua e whakatakotoria ana ki ēnei *Aratohu* hei tauira, he mahana, he maroke, he haumaru, he hauora, ka taea te āhei, he utu ka taea hoki. He haepapatanga tō te kāwanatanga ki te whakatū i tētahi poutarāwaho ā-ture e tuku ana ki ngā kairīhi te whita o te noho ki te rāngai tūmataiti.

93. Kei roto i ngā takahitanga o te kawenga ki te *tiaki* ko te waeture ngoikore ki te aukati i:

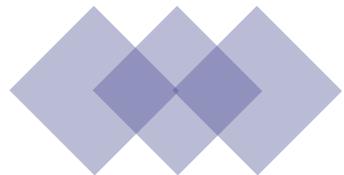
- a) ngā hinonga tūmataiti e whakawhanake ana i te whenua Māori me te kore whakaaetanga wātea, i mua, whai mōhio hoki o ngā mana whenua;



- b) ngā kaituku rīhi rātou ko ngā kaiwhakahaere whare e whakatoihara ana i ngā tāngata takitahi e tono ana ki tētahi rīhi, hei tauira, i runga i te hauātanga, te mātāwaka, te hāhi, te pakeke, te aronga hōkaka rānei;
- c) ngā kaituku rīhi tūmataiti e whakatīwheta ana i ā rātou kairīhi;
- d) ngā kaituku rīhi tūmataiti e rīhi ana i te nōhangā ka whakaputa pea i te hanga mate o ngā kairīhi, hei tauira, he whare hekaheka, e muia ana e te kiore;
- e) ngā hinonga tūmataiti e whakapoke ana me te whakaputa i te hanga mate o ngā kainoho (ahakoa kei ngā whare kāwanatanga, tūmataiti rānei ngā kainoho);
- f) ngā kaituku rīhi āroharoha pūtake-whakapono e tuku ana i ngā rīhi i runga i te here ka whai ngā kairīhi i te whakaakoranga hāhi.
94. Ko *te kawenga ki te whakatutuki* e here ana i te kāwanatanga ki te whakamahi i ngā mahi katoa e tika ana, tae atu ki ngā mahi ā-ture, ā-whakahaere, ā-tahua pūtea, hei whakarite i te whakatinanatanga katoatanga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Hei tauira, me whakarato te kāwanatanga i ngā whare ohotata taupua mō ngā tāngata e kāinga-kore ana, ā, me whakatū hoki tētahi rautaki whai whare pūtake-tika tangata, Te Tiriti hoki mō te katoa.
95. Kei roto i ngā takahitanga o te kawenga ki te *whakatutuki* ko:
- te korenga o te whakatinana i ngā whakaritenga o Te Tiriti e hāngai ana ki ngā kāinga;
 - te korenga o te whakarite i tētahi rautaki whai whare pūtake-tika tangata, Tiriti hoki;
 - te kāinga-koretanga;
 - te korenga o te whakarato i ngā whare ohotata taupua mō ngā tāngata e kāinga-kore ana;
96. *Whakakapi..* E miramira ana ngā kawenga me ngā takahitanga i te mahi waiwai o te haepapatanga whakatū e pā ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Te haepapatanga whakatū - te aroturuki, te arotake (tae atu ki te arotake motuhake), me te puretumu - ka aromatawaihia mēnā rānei e whakaūngia ana ngā kawenga, e puta ana he takahitanga, ā, mēnā e tika ana, ka whakamahia he mahi rongoā (tirohia te wāhanga 3 me te 'Haepapatanga whakatū').
-
- Aratohu 19: He kawenga nō te kāwanatanga ā-motu, ā-rohe hoki e ahu mai ana i te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ka tukuna e te kawenga ki te whakaute tētahi haepapatanga i runga i te kāwanatanga hei ārai i te raweke tōtika, tītaha rānei i te whakamahinga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ko te tikanga o te kawenga ki te tiaki me aukati te kāwanatanga i rōpū kē atu, pērā i ngā kaituku rīhi tūmataiti, i te raweke i te whakamahinga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ko te kawenga ki te whakatutuki e here ana i te kāwanatanga ki te whakamahi i ngā mahi katoa e tika ana, tae atu ki ngā mahi ā-ture, ā-whakahaere, ā-tahua pūtea, hei whakarite i te whakatinanatanga katoatanga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ka ahu pea mai i ngā wāwāhinga o ēnei kawenga tētahi takahitanga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.**
-



Wāhanga 5: Te rāngai tūmataiti

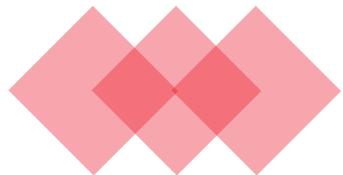


Wāhanga 5: Te rāngai tūmataiti

97. Ka whakatakotoria tino whakapotohia e tēnei wāhanga te wāhi kei te rāngai tūmataiti e hāngai ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.
98. He wāhi tino nui tō te rāngai tūmataiti ki te pūnaha whai whare o Aotearoa. Ka whakawhanake, ka hanga, ka hoko, ka rīhi hoki ngā kaituku moni, ngā pakihī, ngā tāngata takitahi hoki i ngā whare. Ka tuku āheinga ki te moni taurewa ngā whakahaere ahumoni. Mā ngā whāmere tūmataiti - he nui te wā e tautokona ana e ngā kaiwhakahaere whare - ka hoko, ka hanga, ka whakapai rānei i ūrātou ake whare, ā, ka rīhi atu pea ki ētahi atu. Kei te rāngai tūmataiti te aweawe ki te pā atu, i runga i te pai, i runga i te kino, ki te whakamahinga o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.
99. He haepapatanga matua tō te kāwanatanga ki te whakatinana i te tika ki te whare rawaka. He haepapatanga hoki tō te kāwanatanga hei ārai i te raweke a te rāngai tūmataiti i te whakamahinga o te tika ki te whare rawaka (tirohia te wāhanga 4). Heoi, waihoki, he kawenga tika tangata, he kawenga Te Tiriti hoki tō te rāngai tūmataiti ake.
100. E ai ki ngā *United Nations Guiding Principles on Business and Human Rights*, nā te kāwanatanga i whakaae:
- Me whakaute ngā hinonga pakihī i ngā tika tangata. Ko te tikanga o tēnei me ārai rātou i te takahitanga o ngā tika tangata o ētahi atu, ā, me aro rātou ki ngā pānga tika tangata kino e whai wāhi ana rātou ... E kōrero ana te haepapatanga o ngā hinonga pakihī ki te whakaute i ngā tika tangata ki ngā tika tangata e mōhiotia ana ki te ao – e māramatia ana ēnei, i te itinga iho, ko ērā e whakapuakina ana ki te International Bill of Human Rights.³⁶
101. Nā, ka hiahia e tētahi rautaki whai whare pūtake-tika tangata, Tiriti hoki kia pēnei te rāngai tūmataiti:
- a) me whakarite e tautoko ana i ngā tūmanako me ngā hiahia whai whare a te Māori, hei tauira, te noho tahi a ngā tini reanga, me te tiaki i a Papatūānuku;
- b) me whakarato i te wāteatanga tika o ngā whare ka taea te utu (kaua ko te hāneanea);
- c) me whai i te wāteatanga tika o ngā whare e āhei ana mō te hunga hauā;
- d) me whakarite, i ngā kēhi e tika ana, i te whakahoutanga o ngā whare (kaua e turakina) e ai ki ngā kōwhiringa a ngā kainoho;
- e) me whakarato i ngā whare mahana, maroke, hauora, whita, rawaka, e ai ki ngā mātāpono whai whare 'tau' a te Kotahitanga o Ngā Iwi o te Ao, kei roto nei ko ngā *Healthy Homes Standards, HomeFit me Homestar* (tirohia te wāhanga 3 me 'Ka taea te noho').
102. Ka here hoki ngā *United Nations Guiding Principles* i te kāwanatanga ki te whakarite, mehemea e haepapa ana te rāngai tūmataiti mō tētahi takahitanga o te tika ki te whare rawaka, ka whai āheinga rātou e pāngia ana ki te noho haepapatanga, tae atu ki te arotake motuhake me te puretumu (tirohia te wāhanga 3 me 'Haepapatanga whakatū').
103. Mā te ngātahitanga Tiriti, me tētahi hātepe akoako hoki, me aro atu anō ki (a) te whakamāori i te haepapatanga o te rāngai tūmataiti e hāngai ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, ā, (b) te tautuhi i ngā whakaritenga haepapatanga whakatū mō ngā haepapatanga o te rāngai tūmataiti e hāngai ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti.
- Aratohu 20: He kawenga nō te rāngai tūmataiti e ahu mai ana i te tika ki te whare rawaka. Me aro atu anō ki (a) te whakamāori i te haepapatanga o te rāngai tūmataiti e hāngai ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti, ā, (b) te tautuhi i ngā whakaritenga haepapatanga whakatū tika e hāngai ana ki ēnei haepapatanga rāngai tūmataiti.**



Wāhanga 6: Whakakapi



Wāhanga 6: Whakakapi

104. Ko ēnei *Aratohu* ko tētahi nekehanga whakamua ki tētahi māramatanga pai ake o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. Ka tukuna he poutarāwaho torowhānui hei pūtake hanganga mā tātou katoa ina whai whakaaro ana ki ngā taunakitanga o ngā mahi ka whai hua. Nā Te Kāhui Tika Tangata i whakawhanake i ngā *Aratohu* hei poutarāwaho, ā, ka hiahia pea ētahi atu whakahaere ki te mahi i ētahi atu mahi hei whakamārama ake i ngā take pērā i:
- a) te whakamāori he aha te tikanga o te whare rawaka mō ngā tāngata whenua;
 - b) te whakamāori i te haepapatanga ngātahitanga o te kāwanatanga ā-motu, ā-rohe hoki ki te tuku i te tika ki te whare rawaka e noho taketake ana ki Te Tiriti;
 - c) te whakawhanake me te whakahāngai i ngā āhuatanga matua e waru o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti (wāhanga 3);
 - d) te hoahoa i te rautaki whai whare pūtake-tika tangata, e noho taketake ana ki Te Tiriti, me te tika ki te whare rawaka ki te iho;
 - e) te whakarite i te ārahitanga taipitopito e pā ana ki te hauātanga me te tika ki te whare rawaka e noho taketake ana ki Te Tiriti;
 - f) te whakarite i te ārahitanga taipitopito e pā ana ki ngā tika me ngā haepapatanga o ngā kairīhi;
 - g) te uiui me pēhea e whakapakari i te haepapatanga whakatū o te kāwanatanga ā-motu, ā-rohe hoki ki te tuku i te tika ki te whare rawaka e noho taketake ana ki Te Tiriti;

- h) te whakamārama ake i ngā kawenga pū ka tū ināia tonu nei e hāngai ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti (wāhanga 4);
- i) te whakamāori i ngā haepapatanga o te rāngai tūmataiti e hāngai ana ki te tika ki te whare rawaka e noho taketake ana ki Te Tiriti (wāhanga 5);
- j) te kōkiri i te whakatinanatanga ā-kiko o te tika ki te whare rawaka e noho taketake ana ki Te Tiriti. I te tau 2019, i whakaputaina e te Special Rapporteur tētahi pūrongo e whakatakoto ana i ngā *Aratohu* mō te whakatinanatanga o te *Tika ki te Whare Rawaka Kau* (Āpitihanga 3).

105. E ākina ana ngā hunga whai pānga katoa ki te whakawhanake, ki te whakahāngai hoki i te poutarāwaho e tukuna ana e ēnei *Aratohu*, me te whai ki te whakapakari i te tika ki te whare rawaka, e noho taketake ana ki Te Tiriti, mō te katoa ki Aotearoa.

Aratohu 21: Ka tukuna he poutarāwaho e ēnei *Aratohu* hei pūtake hei pūtake hanganga mā tātou katoa. E ākina ana ngā hunga whai pānga katoa ki te whakawhanake, ki te whakahāngai i te poutarāwaho me te whai ki te whakapakari i te tika ki te whare rawaka, e noho taketake ana ki Te Tiriti, mō te katoa ki Aotearoa.

Āpitihanga 1: Ngā akoako me ngā tukanga

Ngā akoako me ngā tukanga

Te aronga ngātahitanga ki ngā Aratohu Tika Tangata

I mahi ki te ngātahitanga Te Kāhui ki te Pou Tangata rāua ko te Pou Tikanga mai i te National Iwi Chairs Forum (NICF) hei ārahi i te whakawhanaketanga, te tuhinga hoki o ēnei *Aratohu*. I roto i te ngātahitanga whakawhanake/tuhi i tū Te Kāhui hei hoa ārahi, e hanga ana i ngā whakatau, e kawe ana i te nuinga o te mahi tuhi, akoako hoki, ā, nā te Pou Tangata i tuku ngā āwhina tino whaipainga ki te āhuatanga o te tohutohu, te aroturuki, ngā whakahoki kōrero mō ngā *Aratohu* i te wā e tuhia ana.

Kua ngana Te Kāhui ki te mahi e ai ki te Kāwanatanga whakahōnore ki te whakarite i te noho areare ki te Tino Rangatiratanga. Kei te tīmatanga tonu Te Kāhui o te ngātahitanga ki te NICF, me te ako me pēhea e mahi ngātahi, e tuari aweawe me te whakatau ngātahi. Kei te tūtohu hoki mātou ahakoa he hinonga Karauna motuhake paku mātou he tauritenga-kore o ngā rauemi, arā he nui ake ngā rauemi e wātea ana ki te Karauna i ērā e wātea ana ki te National Iwi Chairs Forum hei whakakotahitanga e whakakanohi ana i te hoa Tino Rangatiratanga ki te taumata ā-motu.

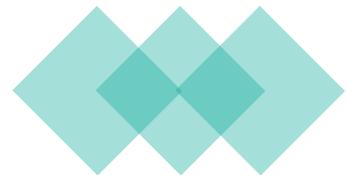
I whirinaki hoki Te Kāhui ki tōna hononga ā-mahi tata ki Ngā Wharererau o Aotearoa (CHA), ki te tokomaha atu anō i te whakaritenga o ngā *Aratohu* hukihuki. I kawe a CHA i te tūranga hoa matua, ā, i mahi tata ki Te Matapihi hei rōpū whakakanohi tāngata whenua ki ōna ake hanganga ngātahitanga, ā, i kawe rātou i te haepapatanga matua mō te tūhononga ki ōna ake hunga whai pānga.

Te akoako i mua i te tuhi hukihuki

I mua i te tuhi hukihuki i ngā *Aratohu*, i whakatūria he akoako wawe ki te whānuitanga o te hunga whai pānga atu i Hune i te 2020, ki te mutunga o Ākuhata i te 2020. I taua wā, i whakahaeretia e Te Kāhui rātou ko CHA ētahi hui hei rapu whakahoki kōrero e pā ana ki tētahi puka kōrerorero.

I ārahina e CHA tētahi raupapa o ngā hui tūhono 19 i waenganui i Hūrae me Ākuhata hei whakaemī whakahoki kōrero e pā ana ki te whakawhanaketanga o ngā *Aratohu*. I whakamahi ēnei hui i te Zoom i runga i te haurokuroku mō te KOWHEORI-19. Ko ētahi o aua hui i whakaaturia hei wāhangā whakamārama. Ko ētahi atu i aro ki ngā kiko ā-kaupapa tae atu ki te 'Financialisation, capitalism, and the right to a decent home', 'The link between the right to a decent home and community', me 'Moving toward the right to a decent home'.

I ēnei hui i kitea te tūhononga ū ki te rāngai whai whare ā-haporī tae atu ki ngā kaiwhakawhanake, me te whakakanohitanga anō mai i te rāngai whai whare Māori, te rāngai tautoko hauātanga, ngā kaitaunaki rīhi, ngā mātanga tika tangata, ngā kaiārahi pāpori tūmatanui anō hoki. I tūhonotia ngā kōtuitui whai whare hapori matua, ā, ka whānui ake te whakamōhio auau i te rāngai ki te pānui a CHA. I tukuna auautia hoki ngā mōhiohio me ngā tono nā Twitter [@shiftaotearoa], nā LinkedIn hoki nā tētahi kōtuitui hāngai-whare te aronga matua.



I riro i ngā kaiwhakauru hui ngā pūrongo-whakahoki mō ngā hui i tūhono ai rātou. I whakaputaina he pūrongo ā-kaupapa e mau ana ngā whakahoki kōrero me ngā kōrerorero. I arotakengia ēnei i mua i te tuku ki Te Kāhui, ā, i whakaputaina ki <https://theshiftaotearoa.wordpress.com/>. Nā ēnei whakahoki kōrero i whakamōhio te tuhituhi i ngā *Aratohu*.

I whakahaere hoki Te Kāhui i ētahi hui, ko te hiahia i te tuatahi kia whakahaeretia hei tūhononga kanohi ki te kanohi. Heoi anō, i panonitia tēnei tūhononga nā te urutā KOWHEORI-19. I whakahaeretia kētia ngā hui mā Zoom hei ara matua me te whai wāhitanga mai o ngā tāngata nō ngā tōpito o Aotearoa tae atu ki te hapori hauā.

Te akoako mō ngā Aratohu hukihuki

I tukuna ngā *Aratohu* hei puka akoako hukihuki i te 12 o Noema 2020, ā, ka tū tētahi wā akoako tae atu ki te Mane te 21 Tihema 2020. I rāhiri Te Kāhui i ngā tāpaetanga mā te īmēra, ā-kanohi hoki. I whiwhi Te Kāhui i ngā whakahoki e 32 me ngā whakahoki kōrero, tae atu ki te kāwanatanga ā-rohe, ā-motu hoki, ngā whakahaere kaitaunaki,

me ngā tāngata takitahi. I whiwhi whakahoki kōrero mātou ki te āhua o ngā kōrero me ngā panoni haurapa ki te puka *Aratohu*, ā, hei kōrero ā-kaupapa, tāpaetanga whānui ake hoki.

I tuku hoki Te Kāhui i te āheinga ki te hui mā te Zoom/Skype hei kōrerorero i ngā whakahoki kōrero a ngā kaiwhakautu me te whakahoki pātai kei a rātou pea, ā, i whakaaetia tēnei āheinga e ētahi rōpū whakahaere tae atu ki te kāwanatanga ā-motu, ā-rohe hoki, rātou ko ngā rōpū kaitaunaki. He kāmehameha ngā whakahoki kōrero i riro i Te Kāhui nō roto i tēnei hātepe hei tuhi anō me te whakapakari i ngā *Aratohu*.

Whai muri i te wā akoako, nā Te Kāhui i whakaputa tētahi tuhinga hukihuki tuarua o ngā *Aratohu*, ā, ka tukuna anō ēnei ki a Pou Tangata hei arotake, hei kōrero.

Whai muri i te whakaaetanga e te Poari o Te Kāhui, ka arotakengia auautia ngā *Aratohu* (ia 12 marama) hei tiaki e pai tonu ana te tau ki tōna take.

Āpitihanga 2: Ngā paerewa ā-ao matua mō te tika ki te whare rawaka

Universal Declaration of Human Rights (1948)

- Atikara 25.1

International Covenant on Economic, Social and Cultural Rights (1966)

- Atikara 11.1

Convention on the Elimination of All Forms of Racial Discrimination (1965)

- Atikara 5 (e) (iii)

Convention on the Elimination of All Forms of Discrimination Against Women (1979)

- Atikara 14.2 (h)

Convention on the Rights of the Child (1989)

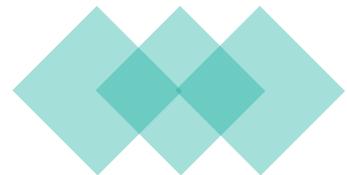
- Atikara 16.1
- Atikara 27.3

Convention on the Rights of Persons with Disabilities (2008)

- Atikara 2
- Atikara 5.3
- Atikara 9.1 (a)
- Atikara 19 (a)
- Atikara 22.1
- Atikara 28.1, 28.2 (d)

UN Declaration on the Rights of Indigenous Peoples (2007)

- Atikara 10
- Atikara 21.1
- Atikara 23
- Atikara 26
- Atikara 27
- Atikara 28
- Atikara 32



Āpitihanga 3: Ngā rauemi e pā ana ki te whai whare ki Aotearoa me te tika ki te whare rawaka

He huhua ngā rauemi e pā ana ki te tika ki te whare rawaka. Anei tētahi kōwhiringa paku o ētahi rauemi.

Ngā pūrongo a te Special Rapporteur o te Kotahitanga o Ngā Iwi o te Ao e pā ana ki te tika ki te whare rawaka kau

Mai i te tau 2000, kua whakatūria e te Commission on Human Rights o te Kotahitanga o Ngā Iwi o te Ao (ināianei ko te Human Rights Council o te Kotahitanga o Ngā Iwi o te Ao) tētahi Special Rapporteur kua whakamanatia ki te aro ki te whare rawaka kau hei wāhangā o te tika ki te paerewa noho rawaka kau. Ināianei kua whā ngā Special Rapporteur kua whakatūria ki tēnei mahi. I toro mai ā-whenua a Ms Farha, te Special Rapporteur i waenganui i ngā tau 2014-2020, ki Aotearoa i te Maehe i te 2020. Ka kitea tāna End of Mission Statement on the state of housing in New Zealand ki konei. (I te wā e tuhia ana, e tāria ana te roanga o te pūrongo). Ka kōrero ngā Aratohu ki ngā pūrongo a Ms Farha e whai ake nei:

- [Key principles of a human rights-based housing strategy](#) (2018 UN General Assembly 37th session)
- [Guidelines for the Implementation of the Right to Adequate Housing](#) (2020 UN Human Rights Council 43rd session)

Ka kitea te rārangī katoa o ngā pūrongo o ngā Special Rapporteur a te Kotahitanga o Ngā Iwi o te Ao [ki konei](#), kei roto nei ko tētahi [pūrongo e pā ana ki te tika ki te whai whare o ngā iwi taketake](#) me tētahi [pūrongo e pā ana ki te tika ki te whai whare o ngā tāngata whai hauātanga](#).

UN Committee on Economic, Social and Cultural Rights

Kua whakapuakina e te Committee on Economic, Social and Cultural Rights o te Kotahitanga o Ngā Iwi o te Ao tāna whakamāoritanga o te tika ki te whare rawaka kau:

- [General Comment 4](#): The right to adequate housing (art.11 (1)), UN Committee on Economic, Social and Cultural Rights
- [General Comment 7](#): The right to adequate housing: forced evictions (art.11 (1)), UN Committee on Economic, Social and Cultural Rights.

Office of the United Nations High Commissioner for Human Rights

Kua whakaputaina e te Office of the United Nations High Commissioner for Human Rights me UN-Habitat tētahi whakaputanga ngātahitanga e pā ana ki te tika ki te whai whare rawaka kau:

[The Right to Adequate Housing](#) (Fact Sheet No. 21 (Rev. 1)).

Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights

I te tau 2011, i whakaaetia e tētahi rōpū mātanga ki te ture ā-ao me te ture tika tangata ngā [Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights](#). Kāore ngā Mātāpono (Principles) i te whakatū i ngā āhuatanga hou o te ture tika tangata, engari kē ia ka whakamārama i ngā kawenga kei waho i te whenua o ngā Whenua i runga i te ture ā-ao o nāianei.

Mō ētahi atu mōhioho tirohia te [Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights](#) (Olivier De Schutter, Asbjørn Eide, Ashfaq Khalfan, Marcos Orellana, Margot Salomon, & Ian Seiderman, Human Rights Quarterly 34 (2012)).

Literature and Research

[The Right to Housing: Law, Concepts, Possibilities](#) (Jessie Hohmann: Hart, 2013)

[Disability and housing conditions: 2013](#) (StatsNZ New Zealand Disability Survey, 2017)

[Effective Human Rights-Based Housing Strategies: Submission to the UN Special Rapporteur on Adequate Housing](#) (Amnesty International, 2017)

[Housing Rights in Practice: Lessons learned from Leith](#) (Scottish Human Rights Commission, May 2020)

[The Right to Adequate Housing](#) (Office of the United Nations High Commissioner for Human Rights, Fact Sheet No. 21)

[Severe housing deprivation in Aotearoa/New Zealand: 2001-2013](#) (Kate Amore: He Kainga Oranga/Housing & Health Research Programme, University of Otago, Wellington)

[Generation Rent: Rethinking New Zealand's Priorities](#) (Shamubeel Eaqub and Selena Eaqub; BWB Texts, Bridget Williams Books, 2015)

[Home Truths: Confronting New Zealand's Housing Crisis](#) (Philippa Howden-Chapman; BWB Texts, Bridget Williams Books, 2015)

[Our Place – Setting a direction for improving housing affordability in Aotearoa/New Zealand](#) (Ngā Wharerau o Aotearoa, October 2016)

[Progressive thinking: Ten Perspectives on housing](#) (Public Service Association, 2017)

[A Stocktake of New Zealand's Housing](#) (Alan Johnson, Philippa Howden-Chapman, Shamubeel Eaqub; February 2018) The People's Review of Renting (Renters United & ActionStation, 2018)

[Disability Action Plan 2019-2023](#) (Office for Disability Issues)

[Rebuilding the Kāinga: Lessons from Te Ao Hurihuri](#) (Jade Kake; BWB Texts, Bridget Williams Books, 2019)

A principles framework for taking action on Māori/Indigenous Homelessness in Aotearoa/New Zealand (Keri Lawson-Te Aho, Paikea Fariu-Ariki, Jenny Omble, Clare Aspinall, Philippa Howden-Chapman, Nevil Pierse; SSM – Population Health 8, 2019)

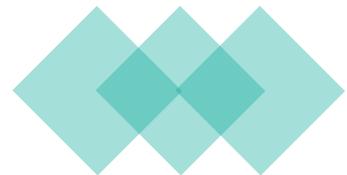
[He Mana Kāinga, He Kāinga Ora – Thriving Māori whānau](#) (Wayne Knox, Te Matapihi, in Housing Works Magazine, 2019)

[Measuring inequality for disabled New Zealanders: 2018](#) (Tatauranga Aotearoa, 2020)

[Special issue on the question of housing in Aotearoa New Zealand](#) (Counterfutures Putanga 9; 2020)

New Zealand's Transformation from Housing Finance to Housing Financialization (Kay Saville-Smith, 2020)

[Transformative Housing Policy for Aotearoa New Zealand: A Briefing Note on Addressing the Housing Crisis](#) (Jacqueline Paul, Jenny McArthur, Jordan King, Max Harris, and Scott Figenshaw; Oketopa 2020)



Te whakauru i te tika ki te whare rawaka kau ki te ture ā-motu, hei tauira, Kānata me Awherika ki te Tonga

I te tau 2019, i whakaaetia e te Paremata o Kānata te [National Housing Strategy Act](#) e whakaae ana, e whakahāngai ana i te aronga pūtake-tika tangata ki roto i te kaupapa here whai whare ā-motu a te Kāwanatanga. Ka whakaūngia e wāhanga 4 o te National Housing Strategy Act te tika ki te whare rawaka kau hei tika tangata pūtake kei te iho o te whakarangatira tangata, te oranga, te hapori hoki. Kei te ū te Kāwanatanga ki te whakaarotau i te hunga tino whakaraerae e hiahiatia ana ki te whare.

South African Constitutional Court: *Government of the Republic of South Africa v Grootboom*

I rangona [tēnei kēhi](#) ki te South African Constitutional Court i te 2000. I pēnei te kite a te Constitutional Court:

- 1) He mea whakauruhi ngā tika pāpori (ngā tika ki te whai whare, te paerewa rawaka kau o te noho, te hauora, aha atu) ki Awherika ki te Tonga
- 2) Me whakamāori te tika ki te whare rawaka kau i runga i tōna hononga tata ki ērā atu tika tangata
- 3) E herea ana te Kāwanatanga ki te mahi i ngā mahi hohe ki te whakatutuki i ngā hiahiā o rātou e noho ana ki ngā āhuatanga taumaha hārukiruki o te pōharatanga, te kāinga-koretanga, te whare e kore e taea te noho rānei
- 4) Ka rerekē ngā mahi e hiahiatia ana hei whakatutuki i tēnei kawenga itinga iho ki tēnā, ki tēnā kēhi, engari ko te pātai ia mēnā rānei e tika ana ngā mahi kua oti i te Kāwanatanga
- 5) Mō te whare rawaka kau, me whakarato te whenua, ngā ratonga (te wai, te parakaingaki, aha atu), me tētahi whare. Me hanga e te kāwanatanga ngā āhuatanga mō te āheinga ki te whare rawaka kau mō ngā tāngata ki ngā taumata ohaoha katoa o te pāpori.

Ngā kaupapa whai whare a te kāwanatanga ā-motu, ā-rohe hoki ki Aotearoa

[Te Maihi o te Whare Māori – the Māori and Iwi Housing Innovation Framework for Action \(MAIHI\)](#)
(Te Tūāpapa Kura Kāinga)

[Tāmaki Regeneration](#) (Tāmaki Regeneration Company, ki te ngātahitanga ki Kāinga Ora, Te Kaunihera o Tāmaki Makaurau me Auckland Transport)

The need for a universal design approach and accessible housing regulation in New Zealand (Te Kaunihera o Tāmaki Makaurau, tuhinga hukihuki, Tihema 2020)

[Te Awakairangi Homelessness Strategy](#)

[He Papakāinga, He Hāpori Taurikura – Rotorua's Homes and Thriving Communities Strategic Framework](#) (Te Kaunihera o ngā roto o Rotorua)

[Universal Design He Tauira ā-Whānui](#) (Auckland Design Manual, Te Kaunihera o Tāmaki Makaurau)

[Universal design: resource collection](#) ((ACC, MBIE, Kāinga Ora Homes and Communities, Te Manatū Hauora, Te Tari mō ngā Take Hauātanga, me BRANZ)

Āpitihanga 4: Ngā rauemi e pā ana ki te tāmitanga, Te Tiriti o Waitangi me te UN Declaration on the Rights of Indigenous Peoples

[The Treaty of Waitangi | Te Tiriti o Waitangi: An Illustrated History](#) (Claudia Orange, Bridget Williams Books 2020)

[Report of the UN Special Rapporteur on adequate housing: the issue of the right to housing of indigenous peoples](#) (UN General Assembly 74th Session, 2019)

[Indigenous peoples' right to adequate housing: A global overview](#) ((United Nations Housing Rights Programme, Pūrongo No. 7, 2005)

[International human rights perspectives on Ihumātao: A New Zealand Human Rights Commission Report](#) (2019)

[Imagining Decolonisation](#) (Bianca Elkington, Moana Jackson, Rebecca Kiddie, Ocean Ripeka Mercier, Mike Ross, Jennie Smeaton, Amanda Thomas; BWB Texts, Bridget Williams Books 2020)

['Where to next? Decolonisation and the stories in the land'](#) (he tīpakonga mai i te tuhinga a Tākuta Moana Jackson's ki Imagining Decolonisation)

['To honour the treaty, we must first settle colonisation'](#) (Moana Jackson 2015): the long road from colonial devastation to balance, peace and harmony (Margaret Mutu [ngā iwi o Ngāti Kahu, Te Rarawa me Ngāti Whātua] Journal of the Royal Society of New Zealand Pukapuka, 2019 – HE ĀPITI:

Ngā Ahua o Te Ao Hurihuri – Rethinking our shared futures)

[Housing Policy and Services Inquiry](#) (Wai 2750, Te Rōpū Whakamana i te Tiriti o Waitangi Kaupapa Inquiries, e haere tonu ana – ka rangona e ngā Mema Pae a Judge Craig Coxhead rātou ko Prue Kapua ko Basil Morrison)

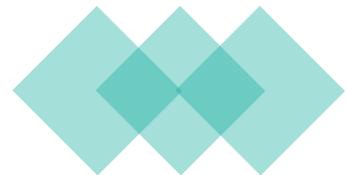
[Rebuilding the Kāinga: Lessons from Te Ao Hurihuri](#) (Jade Kake, BWB Texts, Bridget Williams Books, 2019)

[KĀINGA Strategic Action Plan: A Plan to Improve Housing Outcomes for Māori in Tāmaki Makaurau](#) (Independent Māori Statutory Board 2019) me Āpitihanga A: Housing – a rights and obligations approach)

[Kāinga Tahi, Kāinga Rua: Homeless and landless in two generations – Averting the Māori housing disaster](#) (Matthew Rout, John Reid, Di Menzies, Angus MacFarlane; The Building Better Homes, Towns & Cities National Science Challenge 2019) and [Māori and Indigenous Housing Annotated Bibliography: Kāinga Tahi Rua Strategic Research Direction](#) (Tākuta Diane Menzies, 2018)

[Te Tiriti Futures Conference](#)

[Network Waitangi Otautahi](#)



Kupu āpiti

- ¹ Taitara roa, Human Rights Act, 1993.
- ² Ka whakatakotoria e te Wāhanga 3 o ngā Aratohu ngā uara matua.
- ³ Tirohia te Āpitihanga 2 me 3.
- ⁴ Tirohia te wāhanga 2; te wāhanga āpiti 'Ngā Uara' ki te wāhanga 3; me te Āpitihanga 4.
- ⁵ E noho tītaha ana ki te mea tūturu. *WHO Housing and Health Guidelines*, World Health Organization, Geneva, 2018, whārangī 2.
- ⁶ Ko te 'International Bill of Rights' ko te ringapoto kua whakapūmautia mō ngā puka e toru hui tahi e tukuna ana e ēnei te tūāpapa mō te pūnaha ā-ao katoa o ngā tika tangata i āta tuhia, whakaetia hoki mai i te tau 1945: te Universal Declaration of Human Rights, te International Covenant on Economic, Social and Cultural Rights, me te International Covenant on Civil and Political Rights.
- ⁷ [General Comment 3](#), UN Committee on Economic, Social and Cultural Rights, ki E/1991/23.
- ⁸ Sustainable Development Goal 17, Target 1.
- ⁹ Tirohia te Āpitihanga 3.
- ¹⁰ Tirohia te Āpitihanga 3.
- ¹¹ Ahakoa kāore anō te tika ki te whare rawaka kia whakaurua ki te ture ā-whenua, i whakamanea ia i te kōrerorero ki *Lawson v Housing New Zealand* [1997] 2 NZLR 474, engari kāore i tino tūramatia he aha te whakamāoritanga a te kōti i te tikanga o te tika tangata nei.
- ¹² Kua hanga anga Te Kāhui Tika Tangata i ngā tika tangata me Te Tiriti o Waitangi hei "ngā R e 3": arā, ko ngā hononga (relationships), ngā kawenga (responsibilities) me ngā tika (rights), tirohia te tuhinga whakapae nā Paul Hunt [How to resist those who roll their eyes at mention of human rights](#), 16 Oketopa 2020.
- ¹³ He kupu whānui te hauātanga, kei roto ko ngā tāngata whai waimaero ā-tinana, ā-hinengaro-pāpori hoki. Kei roto i te hunga whai hauātanga ko te hunga whai waimaero wā-roa ā-tinana, ā-hinengaro, ā-whakaaro, ā-rongo rānei, mā reira i te pāhekoheko ki ētahi aukati, ka whakatautō i tā rātou urunga katoa, pai hoki ki te pāpori i runga i te tū ōrite ki ētahi atu (tirohia te United Nations Convention on the Rights of Persons with Disabilities, atikara 1).
- ¹⁴ Ka tautuhi a Tatauranga Aotearoa i te kāinga-koretanga ki Aotearoa hei "tētahi āhuatanga noho ko te hunga kāore he kōwhiringa anō ki te whai whare haumaru, whita hoki e pēnei: he kore whakaruruahu, kei te nōhangā taupua, e tuari ana i te nōhangā ki tētahi whāmere, e noho ana ki te whare kāore i te pai hei nōhangā." *Tā Aotearoa tautuhinga o te kāinga-koretanga: whakahounga* 2015. I tīkina i [www.stats.govt.nz](#).
- ¹⁵ [End of Mission Statement](#), Visit of the Special Rapporteur on the right to adequate housing to New Zealand Leilani Farha, Te Whanganui-a-Tara, 19 Pepuere 2020, kōwae 4.
- ¹⁶ Tangata Tiriti: ngā tāngata o te tiriti; te katoa o ngā tāngata ki Aotearoa ehara i te Tangata Whenua, ā, nō tēnei whenua rātou nā Te Tiriti o Waitangi. Ko ngā tāngata katoa ka noho mai ki Aotearoa i raro i te mana o te Tiriti o Waitangi.
- ¹⁷ UN Committee on Economic, Social and Cultural Rights, [General Comment No. 4](#), kōwae 8.
- ¹⁸ Pērā i te katoa o ngā Aratohu, ka arotakengia auautia te tau o ngā tikanga (wāhanga 1).
- ¹⁹ Ehara tēnei i te kī ko te pupuritanga whare te āhuatanga kotahi, pai ake rānei o te pupuritanga, tirohia te wāhanga 2 me 'Te Whita o te noho' i te wāhanga 3.
- ²⁰ Mō te pōharatanga e kite wheako ana ngā tini whāmere e mahi ana ki Aotearoa, tirohia *In-Work Poverty in New Zealand* (Plum, A., Pacheco, G., & Hick, R., 2019, New Zealand Work Research Institute AUT, i utua e Te Kāhui Tika Tangata).
- ²¹ I te tau 2021 i whakaputaina e Te Kāhui Tika Tangata [Talanoa: Human rights issues for Pacific People in Aotearoa New Zealand](#). Ka wānanga tēnei pūrongo i ngā take whai whare e arohia ana e ngā tini tāngata nō Te Moana-nui-a-Kiwa, tae atu ki te āheinga o te utu, te noho kōpā, ngā rīhitanga pānekeneke, me ngā āhuatanga whare paeraro hei tauira, te haukū me te puruheka.

- ²² Kei roto i te hapori āniwaniwa ko ngā tāngata whai aronga hōkaka, tuakiri, whakapuakitanga ira, āhuatanga taihemahema kanorau hoki. I te tau 2020 i whakaputaina e Te Kāhui Tika Tangata [PRISM: Human Rights issues relating to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics \(SOGIESC\) in Aotearoa New Zealand](#). I kōrero tēnei pūrongo mō te taumahatanga kei ngā hapori āniwaniwa, tae atu ki te kāinga-koretanga.
- ²³ Tirohia te [International human rights perspectives on Ihumātao](#), he pūrongo i whakaputaina e Te Kāhui Tika Tangata, 2019
- ²⁴ [pae tukutuku](#)Lifemark.
- ²⁵ [End of Mission Statement](#), Visit of the Special Rapporteur on the right to adequate housing to New Zealand Leilani Farha, Te Whanganui-a-Tara, 19 Pepuere 2020, kōwae 62-64, me te UN Committee on Economic, Social and Cultural Rights [Concluding observations on the fourth periodic report of New Zealand](#), 1 Mei 2018, E/C.12/NZL/CO/4 kōwae 40.
- ²⁶ E kōrero kē ana te ture mō Te Tiriti o Waitangi ki te wāhanga 11(1)(b).
- ²⁷ [Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights](#).
- ²⁸ Hei tauira, atikara 2(1), [International Covenant on Economic, Social and Cultural Rights](#). United Nations Declaration on the Rights of Indigenous Peoples
- ²⁹ Hei tauira, [General Comment 3](#), UN Committee on Economic, Social and Cultural Rights, ki E/1991/23.
- ³⁰ Human rights indicators: A guide to measurement and implementation, OHCHR, UN, 2012.
- ³¹ Ahakoa kei te whakaae te Kotahitanga o Ngā Iwi o te Ao ki te hiranga o ēnei kawenga pū, kāore ia i te āta whakatakoto i ēnei kawenga, nō reira e wātea ana ki Aotearoa ki te whakamārama ake he aha te tikanga o ngā kawenga pū ki tōna horopaki ā-motu.
- ³² "Nō reira, hei tauira, ko tētahi rōpū Kāwanatanga kāore e riro i te tau hira o ngā tāngata takitahi ... te whakaruruau me te whare pūtaketake, ... ko te āhua nei e hinga ana tāna whakamahi i ūna kawenga ki raro i [te ture tika tangata ā-ao]. Mēnā ka pērā te pānui i [te ture tika tangata ā-ao] ... kia kaua e whakatūria tētahi kawenga pū iti pērā, ka whakakorea nuitia tōna raison d'être." [General Comment 3](#), UN Committee on Economic, Social and Cultural Rights, ki E/1991/23.
- ³³ [Principles and guidelines for a human rights approach to poverty reduction strategies](#), OHCHR, HR/PUB/06/12.
- ³⁴ Hei tauira, e pā ana ki te aukati i te whakamamae, te maukino, whakahāwea hoki, ko te tikanga o te kawenga ki te *whakaute* me kaua ngā kaitiaki e whakamamae i ngā mauhere ki ngā whare herehere kāwanatanga; ko te tikanga o te kawenga ki te *tiaki* me whakariterite te kāwanatanga i ngā kaitiaki whakahauamaru tūmataitī kia kaua rātou e takahi i ūrātou mana; ko te tikanga o te kawenga ki te *whakatinana* me whakamahi te kāwanatanga i ngā mahi (hei tauira, te hanga whare herehere) kia noho ngā mauhere ki ngā āhuatanga rawaka, āroharoha hoki o te mauheretanga. Kei te hāngai ngā kawenga whakaute, tiaki, whakatutuki hoki ki te nuinga o ngā tika tangata, tae atu ki te tika ki te whare rawaka.
- ³⁵ Ka haere ngātahi ngā kawenga tika tangata ki te whakaute, tiaki, whakatutuki hoki, kāore i te whai tētahi i tētahi.
- ³⁶ Kōwae 11-12, *Guiding principles on business and human rights: Implementing the United Nations 'Protect, Respect and Remedy' framework*, Kōwae 11-12 (Ruggie Principles), A/HRC/17/31.



facebook.com/NZHumanRightsCommission



@NZHumanRights



New Zealand Human Rights Commission