

CREATING BETTER ACCESS TO HOUSING FOR THE LGBT+ COMMUNITY IN SRI LANKA

Article 27(2)(c) of the Sri Lankan Constitution places an obligation on the state to provide an adequate standard of living to all citizens, including housing. Yet access to housing goes beyond shelter or having a roof over one's head. According to the Committee on Economic, Social and Cultural Rights, the right to adequate housing must also include aspects such as security, peace and dignity.

In Sri Lanka, economic status plays a significant part in a person's ability to access adequate housing.

Economic status, compounded by other factors such as discrimination, poor access to justice and arbitrary selection criteria can prevent LGBT+ people from having equal access to housing.

The following recommendations outline key reforms and systematic changes that are necessary to ensure that the LGBT+ community is able to enjoy the same level of access to affordable and quality housing afforded to all Sri Lankans by law.

LGBT+ COMMUNITY IS NOT RECOGNISED AS A GROUP REQUIRING TARGETED HOUSING INTERVENTIONS

The Constitution of Sri Lanka does not recognise the right to adequate housing as a fundamental right. Further, the National Housing Policy (2016 revision) does not identify the LGBT+ community as one of the groups requiring targeted housing interventions. Such structural issues can discriminate groups like LGBT+ Sri Lankans when it comes to their ability to access safe, comfortable and affordable housing.

Amend the Constitution to incorporate the right to adequate housing as recognised and developed in the International Covenant on Economic, Social and Cultural Rights, to which Sri Lanka is a State party.

RESPONSIBILITY:
PARLIAMENT

Ensure that targeted measures to support vulnerable groups consider all relevant communities (including LGBT+) and take measures to distribute benefits equally and proportionately to all.

RESPONSIBILITY:
GOVERNMENT OF SRI LANKA

MONITORING AND PLANNING OF HOUSING ISSUES FACED BY THE LGBT+ COMMUNITY IS WEAK

There is no monitoring mechanism to collect information on the issues faced by the LGBT+ community when it comes to accessing housing, including homelessness and evictions. The government's census data does not specifically identify these issues and there is no public platform to record the discrimination faced by LGBT+ people within the housing sector.

Implement proper data collection and management systems within the housing sector to capture socioeconomic and cultural factors that condition the housing market.

RESPONSIBILITY:
GOVERNMENT OF SRI LANKA

Ensure that all groups identified as "vulnerable" are taken into account in formulating the National Housing Policy.

RESPONSIBILITY:
GOVERNMENT OF SRI LANKA

Document issues related to homelessness encountered by the LGBT+ community, including in housing censuses.

RESPONSIBILITY:
DEPT. OF CENSUS AND STATISTICS

LGBT+ COMMUNITY HAS RESTRICTED ACCESS TO AFFORDABLE HOUSING

State-provided housing subsidies and financing are important for the LGBT+ community to access affordable housing. However, these schemes operate based on cabinet decisions rather than legislation, making them sensitive to changes in governments and the availability of funds. Arbitrary selection criteria can lead to service providers discriminating against LGBT+ applicants. LGBT+ people may also be left out of receiving land permits and mortgages and be forced to pay higher rent compared to other tenants.

Collate data and create guidelines relating to financing and subsidy schemes, including how they are allocated or refused.

Provide information to the public on the demographics of applicants who receive or are refused financing or subsidies, along with relevant reasons.

Ensure transparency and accountability in how land permits are issued or denied.

RESPONSIBILITY:
RELEVANT MINISTRY

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Reform relevant rent laws to regulate rent provisions and ensure that premises qualifying for minimum rates also satisfy minimum standards of adequacy.

Create systems to effectively utilise untenanted premises at affordable rates.

RESPONSIBILITY:
PARLIAMENT

RESPONSIBILITY:
GOVERNMENT OF SRI LANKA

LGBT+ COMMUNITY HAS RESTRICTED ACCESS GOOD QUALITY HOUSING

Poor enforcement of building standards allows poor-quality housing to flood the market, which in turn drives up the value of houses that offer even the most basic amenities. The poor quality and high cost of housing means that people from lower socio-economic backgrounds, including some members of the LGBT+ community, are systematically excluded from good, affordable housing or find it harder to afford them compared to others.

Review island-wide building standards for residential premises based on international standards and ensure deviations take place according to adequate community consultations and justifications.

Make necessary amendments to the Rent Act to make sure it's applicable to all rented residential premises and all premises qualifying for minimum rates also satisfy minimum standards of adequacy.

Adopt measures to prevent non-compliant constructions from entering the housing market and create systems to receive complaints of sub-standard housing.

RESPONSIBILITY:
GOVERNMENT OF SRI LANKA,
URBAN DEVELOPMENT AUTHORITY

RESPONSIBILITY:
PARLIAMENT

RESPONSIBILITY:
GOVERNMENT OF SRI LANKA,
URBAN DEVELOPMENT
AUTHORITY

LGBT+ TENANTS DO NOT ENJOY THE SECURITY OF TENURE

Many LGBT+ individuals are subjected to forced evictions and dispossessions. While legal recourse is available for tenants who are unduly evicted from their homes, this solution is conditioned by the quality of access to justice available for LGBT+ Sri Lankans. Law enforcement authorities also tend to trivialise the complaints made by LGBT+ tenants. Further, LGBT+ tenants can be subject to arbitrary evictions under the State Land (Recovery of Possession) Act.

Prohibit forcible evictions and arbitrary deprivation of property by state and non-state actors within the Constitution's recognition of the right to adequate housing.

RESPONSIBILITY:
PARLIAMENT

Conduct rights-based sensitivity training for police officers, highlighting the special nature of dispossession and evictions related to LGBT+ tenants.

RESPONSIBILITY:
GOVERNMENT OF SRI LANKA

Ensure the LGBT+ community's access to justice, including better availability of legal aid.

RESPONSIBILITY:
GOVERNMENT OF SRI LANKA

Make necessary reforms and amendments to existing rent and land laws to protect LGBT+ individuals from dispossessions and forcible evictions.

RESPONSIBILITY:
PARLIAMENT

LANDLORDS AND SELLERS ARBITRARILY DENY HOUSING TO LGBT+ APPLICANTS

Even though the Sri Lankan Constitution prohibits the denial of access to shops, hotels etc. based on grounds such as religion and sex, this does not include buildings available for rent or sale. As a result, landlords get to select their tenants based on their discretion, which allows them to have preferences based on cultural stereotypes (eg. preference of females or married couples as tenants).

Reform relevant rent laws to monitor and prohibit/regulate the ability of landlords to not select tenants on the basis of their identity.

RESPONSIBILITY:
PARLIAMENT

Create data collection systems to monitor preferences registered by landlords.

RESPONSIBILITY:
RELEVANT MINISTRY

Create systems to receive and review complaints by people who are being refused tenancy on discriminatory grounds.

RESPONSIBILITY:
RELEVANT MINISTRY