Disabled persons and their right to own a suitable house

INSTITUTE OF HUMAN RIGHTS

Sri Lanka being a signatory to many UN Conventions, Sri Lanka became a signatory to the United Nations Convention on the Rights of Persons with Disabilities on March 30, 2007 and ratified the same on February 8, 2016. Article 28 (6) of UNCRPD states "to ensure access by persons with disabilities to public housing programmes"

Sri Lanka has worked tremendously on the rights of persons with disabilities and formulated a National Policy on Disabilities, which was approved by the Cabinet in August 2003. The Protection of Rights of Persons with Disabilities Act defines disability as "a person with a disability means any person who, as a result of any deficiency in his physical or mental capabilities, whether congenital or not, is unable by himself to ensure for himself, wholly or partly, the necessities of life."

Adequate housing

UN Covenant on Economic, Social and Cultural Rights states "the right of everyone to an adequate standard of living for himself and his family, including adequate housing."

Income inequality exists in every society.Persons with disability (PwDs) are constantly marginalized from the society on the basis of their economic status, and crippled mentally, socially, and economically. Disability is a vast area which includes persons with physical and mental impairments that substantially limit their ability to carry out normal day-to-day activities.

"Disability" is a percentage of the population. It may be due to a variety of factors, including accidents, disease, age, or other factors. In Sri Lanka, 8.7% of the total population above the age of 5 live with some form of disability. It is estimated that there are approximately 30,000 people in the age group of 18-60 have some disability and (d) out of the disabled population 35% are male and 65% are female.

PwDs are at an increased risk of becoming homeless and socially excluded due to the discrimination in access to services. Inadequate housing and social support, lack of accessible and affordable housing.

If disabled people are to have control over their lives, their housing needs have to be met in accordance to their disability. Every person with a disability has some unique need to be considered when constructing houses. Right to public and private open spaces, right to interact with nature - right to natural light and fresh air are some of the common concerns.

Accessibility to schools, hospitals, transportation and other amenities are also to be considered, when crown lands are allocated to construct houses. Accessible housing for PwDs, will also need adaptations e.g. wheelchair ramps, grab bars at risky areas such as bathroom and stair, to make their homes user friendly.

Disabled people can experience serious deterioration in their mental well-being due to living in unsuitable accommodation.

In Sri Lanka, houses/housing units for PwDs, accommodating all their requirements and adaptations need to be considered. Also there should be a mechanism to monitor the post-occupancy of the houses/housing units constructed for PwDs. This could be achieved by involving a Housing Occupational Therapist, across the whole process of construction and thereafter.

Housing projects

Inaccessible housing and programs designed without consideration of the needs of persons with disabilities deprive the rights and benefits they should enjoy.

State with its limited resources has done much and the Ministry of Social Services provides Rs. 250,000 to construct houses, with the objective to construct 100,000 housing units per annum nationwide until 2026. Unfortunately, we do not see specific number of houses/housing units allocated for PwDs.

Construction on the Rights of Persons with Disabilities report submitted by state parties under Article 35 (1) of the Convention indicate that "The Ministry of Housing, Construction & Cultural Affairs ensures that PwDs are not discriminated against in any of the housing projects conducted under the Ministry. In the housing projects scheduled for 2020, special consideration will be given to PwDs."

Statistics indicate that only 14% of adults who have disabilities have ownership for houses. The pre-conditions for housing grant or loan, is that the individual should own a suitable block of land to build the house. Only 17% of individuals fulfill this requirement. The state policies and the lack of availability of affordable housing and support to construct houses are the main obstacles to housing for PwDs.

In the past many housing projects, such as model villages and scattered houses had been in progress. Under "Senata Sevana Vira Samithi" programme, work commenced to construct 3,650 housing units to meet the housing requirements of war heroes who relapsed on being disabled.

It was aimed for housing for all in 2025. This should include the PwDs with low income who cannot afford to own a house. Each person with an impairment has a varying degree of support needed from one to complex and multi-layered needs.

Sri Lanka's commitment, by end 2020, implement a mechanism for participation of persons with disabilities to determine housing allocations for 3,500 identified low income families. Strategy should be implemented at national and local level to identify the beneficiaries, when implementing this commitment.

The national budgeting process should give its utmost consideration for allocation of funds to construct houses for PwDs with adaptations, so that they are not socially isolated. State and every citizen have a duty towards Rights of Persons with Disability, to provide them with a suitable accommodation. There is a need by the private property developers also, to contribute towards this worthy cause, and join hands with the state to make the lives easy for them, by allocating a reasonable proportion to meet the needs of PwDs, under "Corporate Social Responsibility". This includes the individuals with disabilities.

Let us work together to promote and protect the rights of our fellow citizens - PwDs, security, by providing them with access to affordable and accessible housing.

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