



# A Discussion on Housing Rights

# MEETING ON HOUSING RIGHTS WITH TRANSGENDER AND SEX WORKER COMMUNITY, KARIMNAGAR, TELANGANA

20.06.2019

## AGENDA

Time	Session	Speaker
10:00 - 10:15	Introduction to HRLN and Bread for the World Project	Rachana Mudraboyina, HRLN resource person
10:15 - 10:45	Housing rights	Rachana Mudraboyina, HRLN resource person
10:45 - 11:30	Sharing the Experience of Sex worker community on housing rights	Mrs.Easwaramma founding member, Vanitha Maithri Public Welfare Society(VMPWS), sex worker CBO, Karimnagar, Telangana
11:30 - 12:00	Tea Break	
12:00- 12:30	Sharing the Experience of Transgender community on housing rights	Mr.Shiva Kumar founding member, Chetana, LGBT CBO, Karimnagar, Telangana
12:30 - 01:30	Discussion and Recommendations	Facilitation by Rachana Mudraboyina, HRLN & Neethu Nampally, Advocacy Officer, SAATHI
01:30 onwards	Lunch follows	

## SESSION 3: SHARING THE EXPERIENCE OF WORKING WITH TRIBAL WOMEN

- Session 1: Introduction to HRLN and Bread for the World Project –
- Human Rights law Network: Rachana explained about HRLN that is a collective of Indian lawyers and social activists who provide legal support to the vulnerable and disadvantaged sections of society. It works on child rights, disabilities rights, rights of people living with HIV/AIDS, prisoners' rights, refugee rights, rights of indigenous people, worker rights and rights of the minorities and people who have faced or subject to sexual violence among others.
- HRLN is a project of the Socio-Legal Information Centre (SLIC). SLIC is a non – profit legal aid and education organization, which provides free legal assistance to people who lack the capacity to approach courts for redress. SLIC files more than 100 petitions each year to protect the health, dignity, and rights of India's citizens. SLIC is one of the country's largest, most active legal human rights programs and reproductive rights unit. SLIC is also an implementing partner of the United Nations High Commissioner for Refugees. As a non-profit non-governmental organization, HRLN started in 1989 as a small group of concerned lawyers and social activists from Bombay. The team was led by Colin Gonsalves,, a public interest lawyer. Today, HRLN is considered the country's leading public interest law group and has a nationwide network of more than 200 lawyers, paralegals, and social activists spread across 26 states/Union Territories.
- HRLN is also the parent body of the Indian People's Tribunal (IPT), also called the Indian People's Tribunal on Environmental and Human Rights or Independent People's Tribunal. Set up in June 1993, IPT is an unofficial panel led by retired judges who conduct public inquiries into human rights and environmental abuses. It provides an alternate outlet for the victims faced with official obstruction and delays in the delivery of justice. IPT conducts investigations into cases of relocation of rural people to make way for dams or parks, eviction of slum dwellers, industrial pollution and communal or state-sponsored violence.

## SESSION 1: INTRODUCTION TO HRLN AND BREAD FOR THE WORLD PROJECT

- In 2003, HRLN was awarded the Mac Arthur Award for Creative and Effective Institutions for its contributions to reproductive rights advocacy in India.
- Activities of HRLN
  - 1. Legal aid and public interest litigation
  - 2. HRLN offers pro-bono legal services to those with little or no access to the justice system, and runs a helpline for people seeking such help. It also conducts litigation in the public interest. Lawyers of HRLN take up cases in the lower courts as well as the Supreme Court and various state High Courts
  - 3. Legal education
  - HRLN provides training through several avenues and also trains young lawyers. HRLN also periodically publishes 'know your rights' material. The group also provides opportunities for internships and scholarships and organizes country-wide seminars, workshops, and training courses, such as paralegal certificate courses.
  - 4. Advocacy
  - HRLN works to increase public awareness through research and dissemination of information on violations and anti-poor policies. HRLN has formulated laws and policies against child sexual abuse, against communal crimes, and for the right to food and work.
  - 5. Investigations, monitoring, and crisis response
  - 6. HRLN conducts fact-finding missions to monitor and document cases of violations. It also deploys crisis-intervention teams and makes sure that these cases take the form of petitions in court.
  - 7. Publications

## SESSION 1: INTRODUCTION TO HRLN AND BREAD FOR THE WORLD PROJECT

- The Bread for the World Project :
- The main objective of the project is to bring about changes in the law, public policy and implementation of the law for social and economic rights and entitlements in the 11 States of India, in favour of the poor and marginalised communities in India. The project will indirectly benefit the following groups of people as both direct and indirect beneficiaries:
- 1. Dalits and other marginalised communities systematically denied access to justice to enforce their socio-economic rights especially their right to education, health, welfare and employment. Additionally who have been subjected to atrocities and extreme forms of exploitation and excluded from welfare and economic schemes.
- 2. Tribal and nomadic communities who are vulnerable to the violation of their forest rights, depletion of natural resources affecting livelihoods and exclusion from welfare and economic schemes.
- 3. Religious minorities who are vulnerable to social exclusion and communal violence, lynching, exclusion from welfare and economic schemes.
- 4. Human Rights Defenders, journalists and activists and community leaders who have worked on defending the rights of marginalised persons and access to justice and have been subject to a concerted effort by the state to silence voices of dissent through their illegal arrests, detention, terminations and in some cases violence.
- 5. Women, men and children vulnerable to trafficking, distress migration, violence and discrimination.
- 6. Children who are in the Juvenile Justice System, both children in need of care and protection and children in conflict with the law.
- 7. Workers and unions who are kept away from accessing their right to reservations, safety standards, adequate working conditions and benefits.
- 8. Persons with disability who are vulnerable to social exclusion and denial of rights to education, livelihoods, care and shelter in addition to exploitation, abandonment, discrimination and violence.
- The second objective of the project involves State Level Consultations, Collaborative meetings with local communities and skill-based training for young lawyers and activists on working with communities that will benefit lawyers, activists, community-based organisations, community leaders, unions, judges, collectives, students and other rights based groups in a three-fold structure.

## SESSION 2: HOUSING RIGHTS

- Rachana has explained that The right to adequate housing has been widely recognized and accepted as a part of the right to life by the international community as well as in India. Despite having ensconced the right to housing as a part of the larger right to human dignity, right to equality, social and economic rights, the basic provisions, which form the spirit of right to housing are blatantly violated all across the country. The objective of the initiative is to monitor and stop illegal or forced evictions, and network with other organizations to evolve a joint action campaign ensuring the right to Housing.
- Right to adequate housing is recognized as basic human rights at the international level in various instruments like UDHR, ICESCR, CEDAW, CRC, CERD etc. which are very crucial for India. Indian Constitution also guaranteed number of rights but nowhere right to adequate housing is mentioned specifically, though India has signed and ratified many international instruments which talk about this right. In the landmark case of *Olga Tellis v. Bombay Municipal Corporation* , the Supreme Court elaborated on the right to adequate housing, shelter and livelihood being part of the all-encompassing Right to Life under Article 21 of the Indian Constitution.
- The Universal Declaration of Human Rights (UDHR) of 1948, clearly states under Article 25 (1) that, “Everyone has the right to a standard of living adequate for the health and well being of himself and his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” The International Covenant on Economic, Social and Cultural Rights of 1966, clearly states under Article 11, para. 1 that “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.” According to General Comment No. 4 on the right to adequate housing adopted in 1991 by the United Nations Committee on Economic, Social and Cultural Rights, in order for housing to be adequate it must provide more than just four walls and a roof over one’s head; it must, at a minimum, include the following elements: legal security of tenure, availability of services, affordability, accessibility, habitability, location and cultural adequacy.

## SESSION 3: SHARING THE EXPERIENCE OF SEX WORKER COMMUNITY REGARDING HOUSING FACILITIES

- Easwamma is one of the founding members of Vanitha Maithri Public Welfare Society(VMPWS) , sex workers community based organisation registered under societies registration Act. The sex worker community of Karimnagar, Telangana State are home based and secret sex workers mostly. The VMPWS has been implementing its HIV prevention projects with sex worker community almost 19 years. During the implementation of the project the board members have got chance to various advocacy efforts carried down by Bill and Milenda Gates Foundation for the empowerment of the community. Their board members have attended many National and International conferences across the nation. They have registered nearly 3000 sex workers in their project to deliver the HIV prevention services like condom distribution, HIV testing, counseling , ART and other services from the day they got to start their intervention. Eeswamma explained that as a part of their social inclusion programme one of their area's MLA have helped 7 of the sex workers to get government provided houses under the housing scheme. They got their houses and after that no other government , government servant or politician has taken interest in providing housing schemes for sex workers in the Karimnagar city. Eeswamma explained because she has got her own house under the government scheme her life has been settled with lot of issues like the education of her children has been easy, the employment of her husband though has not been stable the income has been saved who ever worked in the house as there is no burden of housing rent etc., and she also told that though she was a sex workers she use to go far places for the sake of sex work and at any point of time use to return to her own house which has safety and satisfaction to her to laid down peacefully. The VMPWS has also taken lot of steps by listing the sex workers who does not have housing facilities and who faced problem being sex worker and tried to sort out with government officials but did not proved successful. Many sex workers expressed their helplessness for not having their own houses and the evictions done to them repeatedly due to stigma prevailed in the society for being sex worker. The landlords either charge more rents if once they know that particular woman is a sex worker or they will restrict the entry of relatives, friends though they are women. They also pass comments that what work all the women who are friends come to the home. There are instances where the sex workers are made to vacate houses without prior intimation and given proper time for shifting. So the sex worker community in the Karimnagar district really needed the housing on urgent basis. They are willing to intervene legally if possible to get their rights.

## SESSION 4: SHARING THE EXPERIENCE OF TRANSGENDER COMMUNITY REGARDING HOUSING RIGHTS

- Shiva Kumar shared the experience of LGBTQI community mostly with the reference of Transgender community in the Karimnagar district, Telangana. She said if any of the Queer person if he/she is a Dalit then they will not get any house for rent in the Karimnagar city. First if you approach the landlord they will ask your caste and if you are dalit then they will not give house for rent. If you are Dalit and you are a Queer person the stigma will be double. So because of this fear they Dalit and Queer community searches and settle in the outskirts of the city where there is no transport, proper water facility and other emergency services like hospital , police station. Due to such scattered over nature many of the Queer community are prone to the violence and crime in the hands of non community. Shiva also explained that the Transgender women who have done surgery and in living relationship with a man will also discriminated in many times saying that if they rent a house to such people they will be blamed by the neighbors that they have rented their house to sex workers. Many of the trans or gay community have privacy issues like if any relatives or friends come to home the landlord all of sudden enters into the home and ask about the people who they are , what they do and why they are in the home at that time. Such stigma and discrimination often leads for the migration of the local Trans community from Karimnagar to Mumbai like cities where there is no that much stigma. The Chetana society has been working for the health rights mostly with the Queer community who are infected with HIV and very recently they got the HIV prevention projects. Chetana society also has in its objectives working for the safety and security of the people living with HIV/AIDS and also for the social well being of Queer community. So Shiva told that in future any such litigation regarding the housing rights can be and will be dealt by Chetana CBO.



## SESSION 4: SHARING THE EXPERIENCE OF TRANSGENDER COMMUNITY REGARDING HOUSING RIGHTS

- Discussion and Recommendations: There was a discussion on the housing rights of both sex worker community and the Queer community of the Karimnagar, Telangana. Neethu coordinated the session. Many of the participants expressed that they are very much ignorant of their housing rights have the constitutional validity till today. So many of them told that they are now ready to question the government that being below the poverty line why they have been till now entitled to such rights. Neethu facilitated that how they will come to know that the Government has given few houses and are obliged to give few more for the fulfillment of not only as part of their election campaign promises but also as per the allocated budget by the concerned state government. Few of the transgender community people said that they will take help of RTI and get such information and then submit a petition to the Mandal Revenue Officer regarding their requirement. They also said that they are ready to be part of any such legal intervention with the help of HRLN to obtain such housing rights. They requested to establish a network statewise regarding such need of housing facilities with the sex workers and Queer community and recommend State government for an inclusive policy. They also said that they will come for the state level consultation if anything planned such sort to show their solidarity to the other communities like Dalits, Minorities along with their own sex worker and LGBTQI communities who are below poverty line and cannot afford rents and has not claimed their housing rights till now. After the meeting went to the Civil supplies office to follow up the Aishwaya's the hijra guru's ration card and she has been said allotted the same.

# PHOTO GALLERY

