ACCESS TO HOUSING: A RIGHT NOT AN INVESTMENT
INTRODUCTION

Access to safe and affordable housing is a basic human right that is essential for a person’s mental and physical well-being and is recognized in international human rights law as part of the right to an adequate standard of living\(^1\).

In the past two years, the housing situation in Lebanon has deteriorated so drastically that it has become nearly impossible for many population groups to secure adequate and sustainable housing options. The compounding impact of the economic crisis, freefall of the Lebanese pound, soaring inflation, and the Beirut blast have had a collective detrimental impact on the housing security of many who struggled to afford rent or were arbitrarily evicted, permanently displaced, or rendered homeless\(^2\).

To date, the Government of Lebanon has made very minimal attempts to address the housing crisis in the country beyond the ‘Protection of the Damaged Areas and Support of Reconstruction’ law which was not properly enforced and did not take an equitable approach to the understanding of housing as a right and was not responsive to the people whose housing needs are not being met\(^3\). According to Public Works Studio, a research organization that engages with urban and public issues in Lebanon, the law was based on an approach that ‘is devoid of the necessary and economic social components, reducing urban planning to buildings and real estate, which always serves the investors’ interests. This approach also stresses the sanctity of individual property rights and the freedom of contract within the framework of free market economies, while ignoring the right to housing as a basic right.’

The LGBTQIA+ community, a historically disenfranchized population group in Lebanon, is at a significantly higher risk of being impacted by this crisis. Experiencing more systemic barriers to accessing equitable services, less social support, and being subjected to high levels of discrimination and stigma, many LGBTQIA+ individuals, especially those living in the affected areas by the blast, face daily violations of their housing rights, while having no alternative shelter or affordable housing options in place\(^4,5\).

This policy brief highlights the housing situation in Lebanon and its impact on members of the LGBTQIA+ community. The findings and recommendations are based on a mix of primary and secondary data collected over the period of the past year as part of activities implemented under the EU-funded project entitled ‘Challenging Stereotypes, Providing Services, Convening and Advocating: A Multi-layer Approach to Promote LGBTQIA+ Rights in Lebanon.’ These included progress meetings and reports, key informant interviews with partner organizations, and a research paper conducted by Oxfam in the aftermath of the Beirut blast titled ‘Queer Community in Crisis: Trauma, Inequality, and Vulnerability\(^6\),’ all of which have led to a deeper understanding of the issues and challenges faced by members of the LGBTQIA+ community in achieving their right to housing.
A LAISSEZ-FAIRE APPROACH TO EQUITABLE HOUSING PROVISION PUTS THE UNPROTECTED LGBTQIA+ COMMUNITY AT RISK

The right to safe shelter and housing is a basic and fundamental right enshrined in the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, and International Covenant on Civil and Political Rights - all signed and ratified by Lebanon. The right to housing, especially for the most vulnerable, is also guaranteed by the Lebanese constitution. However, the Government of Lebanon (GoL) has no general policy regarding housing nor procedures in place to secure adequate housing for low-income dwellers. In fact, the role of the public sector in the provision of housing over the past three decades has been characterized by withdrawal from social responsibility, through the relegation of most housing provisions to deregulated private housing markets.

The impact of these inequalities weighs unevenly on different population groups, with the LGBTQIA+ community being among the most severely affected due to its historic exclusion by the Lebanese government, especially in the aftermath of the economic crisis, pandemic, and the Beirut blast. In parallel, the new rental law, which governs contracts signed after 1992, leaves the rental market completely unregulated, allowing landlords and tenants to establish their own accords. Given the total absence of any protections or mechanisms that protect the rights of marginalized groups, members of the LGBTQIA+ community among others are left at the mercy of landlords in terms of hiking prices, poor maintenance, arbitrary evictions threats, forced expulsions, discrimination on the basis of physical appearance, and in some cases, physical and emotional violence.

The Lebanese housing landscape is characterized by skyrocketing prices; mismatch between supply and demand, displacement due to urban renewal projects, socio-economic inequalities, segregation, spatial fragmentation, and increasingly weak tenure rights.
LACK OF PROTECTIONS FOR LGBTQIA+ PEOPLE IMPEDES ACCESS TO JUSTICE AND RIGHTS

The Lebanese administrative, legal and judicial systems have consistently and intentionally marginalized the LGBTQIA+ community, thereby adding more layers to their vulnerability and more obstacles in their access to formal conflict resolution mechanisms.

LGBTQIA+ individuals often have no recourse to justice in cases of violations due to dehumanization and state-sponsored violence over queer bodies. In fact, there is an extremely high level of hesitation among non-normative queer individuals to resort to or engage with police stations or judiciary institutions, due to lack of trust, fear of arbitrary arrest, detainment, and harassment, and the rightful conviction that the existing legal system is already biased against them and lacks the inclusion of any identity-based protections (such as SOGIESC) within non-discrimination policies.

As such, vulnerable members of the LGBTQIA+ community are consistently at an imminent risk of eviction and struggle to secure and maintain affordable housing in proximity to their social and economic networks.

THE DISPROPORTIONATE IMPACT OF THE HOUSING CRISIS ON LGBTQIA+ PEOPLE

Recent Oxfam research on the impacts of the economic crisis, COVID-19 and the Beirut Blast on the LGBTQIA+ community found that the housing crisis is so pronounced that all sources surveyed - LGBTQIA+ individuals, LGBTQIA+ CSOs, informal aid groups and service providers, and LGBTQIA+-friendly businesses - cited housing among the three top challenges faced by the LGBTQIA+ community today. When asked to rank challenges they face, the 101 surveyed LGBTQIA+ individuals reported housing-related issues among the most challenging, with accessing community spaces and support systems ranking second (48%), paying rent third (41%), and having a safe living space fourth (39%). While enhancing access to mental health services was cited by surveyed LGBTQIA+ individuals as the most urgent intervention to be prioritized by CSOs, providing housing subsidies (37%) and safe shelters (35%) were second and third most urgent.
Helem’s LGBTQIA+ violations documentation corroborates this, with approximately 70% of their caseload in 2021 (2350 cases) concerning homelessness or relating to seeking space or shelter. In addition, 2020 saw around 15% of Helem’s homelessness cases involve LGBTQIA+ youth (<25) escaping family homes after being outed or after a confrontation with their parents that led to their eviction or escape.
While most cases since up to May 2021 have been linked to the economic crisis, applicants periodically include people escaping forced marriage, domestic abuse, home imprisonment, ‘conversion therapy’, and psychological torture.

Oxfam research [2021] on the impact of the economic crisis, COVID-19 pandemic, and the Beirut Blast on the queer community in Lebanon points to an exponentially growing housing crisis among LGBTQIA+ people, especially in Beirut and Mount Lebanon - the governorates considered the safest for gay, lesbian and bisexual, and gender non-conforming people and the ones with the highest density of recorded LGBTQIA+ residents. The Beirut Blast was a major compounding factor, as it affected the areas of Gemmeyzeh and Mar Mikhael, arguably Beirut’s most LGBTQIA+-friendly areas, and devastated the Karantina and Burj Hammoud areas, hosting the majority of Beirut’s LGBTQIA+ working class and those with lower-income, including refugees, trans* people, and sex workers.

“Oxfam’s research found that 39% of respondents’ living situations were negatively impacted by the blast, 11% reported moving back with their families and 10% as not having a permanent living space. As a result, 62% reported increased exposure to violence in their current living spaces. Moreover, 58% reported that their residence suffered damages and 35% had to relocate or change their living arrangements.

Impact of the Beirut Blast on the Respondents’ Living Situations

RECOMMENDATIONS

Lack of or inadequacy of safe and sustainable shelter is often a root cause of experiencing human rights violations including violence, abuse, discrimination, and exploitation - all especially relevant to and disproportionately impacting the LGBTQIA+ community. Throughout this policy brief, we have discussed the policy and regulatory frameworks in Lebanon that affect housing rights, how these frameworks alienate LGBTQIA+ individuals and disregard their needs, and the main housing-related trends and challenges faced by LGBTQIA+ people when accessing their rights.
These recommendations aim to address the main challenges faced by LGBTQIA+ people, but potentially other vulnerable groups within the Lebanese population when accessing their housing rights. It is important to note here that the experiences of different members of the LGBTQIA+ community are not homogeneous and are affected by many other layers including but not limited to nationality, class, education level, age, ability, familial situation, and employment. Therefore, an intersectional approach is essential to better understand the context and experiences of different members of the community and tailor any potential support or advocacy accordingly.

**For the Government of Lebanon:**

- Adopt and enforce legal protections and monitoring mechanisms against discrimination in access to housing (ownership and rental), lending, and other government-funded activities and programmes in order to decrease housing vulnerabilities for LGBTQIA+ people and communities, and prevent future rights violations from occurring.
- Address the rising rates of homelessness by establishing a controlled rental market through setting fair rates exclusively in the local currency based on socio-economic metrics and protecting tenants from arbitrary evictions, reducing the vacancy rate of residential and non-residential buildings through imposing progressive taxes primarily on real estate investors, and launching housing programs which increase the availability of affordable stock and secure suitable residences for low-income citizens.
- Enforce measures preventing arbitrary evictions, forced relocations, and unjust displacement, and supporting the development of housing cooperatives, emphasizing the sanctity of housing rights over private profits.
- Repeal anti-LGBTQIA+ articles in the Lebanese penal code that are used to criminalize queer individuals including Articles 534, 531, 532, 533, and 521, and adopt legislations that protect LGBTQIA+ individuals from discrimination and uphold their fundamental rights. This should also include mandating security agencies in Lebanon, notably the General Security and Internal Security Forces, to adopt and implement anti-discriminatory policies that prevent its members from harassing members of the LGBTQIA+ community.

**For donors and the international community:**

- Allocate funding that supports participatory, inclusive, and durable advocacy solutions focusing on housing becoming a policy priority and dismantling the system that prioritizes profit over adequate access to housing.
- Program design must include short- and medium-term solutions to address housing challenges, particularly homelessness, amongst those who experience high levels of discrimination, including but not limited to protection-based shelters and temporary housing, and cash-for-rent programs that prevent immediate evictions.

- Provide long-term flexible financial support to inclusive, queer-led spaces, community centers, cultural and artistic institutions, and organizations that offer safe spaces for LGBTQIA+ individuals, particularly trans* people, to gather, mobilize, build formal and informal support systems, exchange knowledge and skills, and build the visibility of the LGBTQIA+ community.

- Allocate funding to develop evidence-based programs aimed at challenging stereotypes and reducing stigma and discrimination faced by LGBTQIA+ individuals, particularly when navigating public spaces and accessing housing rights. This also includes financially supporting family support programs, given the positive correlation between family rejection and homelessness, and therefore housing instabilities faced by LGBTQIA+ individuals.

- Ensure that the protection of LGBTQIA+ individuals is at the center of the reforms undertaken by the Government of Lebanon by adopting human rights-based and inclusive policies that allow LGBTQIA+ individuals to access services free of stigma, violence, and discrimination.

For Civil Society Organizations:

- Adopt a community-organizing and mobilization model to rally community experts, leaders, and residents representing different groups based on their identities, professions, class background, geographies, and demographics to draw a strategic roadmap towards an improved housing situation, which includes but is not limited to; mapping resources, opportunities, and priorities, lobbying for a modern, fair, and inclusive housing law, and establishing housing alternatives such as protection-based shelters and housing cooperatives.

- Generate data and evidence through practice-based research, led by trans* and non-binary people, to document and analyze the stories, experiences, and barriers faced by non-normative individuals when accessing their housing rights and interacting with service providers, institutions, and other stakeholders that influence their ability to fulfill these rights. This should be part of a coordinated effort to close existing knowledge gaps and enhance the quality of qualitative and quantitative data on housing issues affecting LGBTQIA+ people in order to inform future programming.

- Mandate the implementation of capacity-building programmes for staff working with organizations that provide shelter and other housing-related services to ensure inclusivity of their services and guarantee the safety of people participating in the programme from minority groups including LGBTQIA+ individuals, refugees, migrant
workers, people with disability, stateless individuals, and People of Color. These programmes should be part of these organizations’ strategic vision and reflected in their internal policies rather than an ad-hoc approach, which should also include supporting and empowering queer and trans* leadership in positions that have influential management and financial decision-making power.

- Adopt an integrated approach to improve access to safe and affordable housing for the most vulnerable including not only lobbying for a fair regulatory framework, but also direct livelihood support, investing in building the capacities and skills of low-income stakeholders, empowering local communities and community-based groups, supporting the establishment and maintenance of safe and inclusive civic spaces, and improving access to finance.

- Improve access to justice of LGBTQIA+ individuals through building the capacities of lawyers, paralegals, and law students to better advocate for and represent queer people in courts. This should also include building relationships with key governmental and judicial officials who have influence on access to justice mechanisms.
REFERENCES

1 Article 25(1) of the Universal Declaration of Human Rights.
5 YallaCare Coalition (2021), A Descriptive Report, Study on the needs of the LGBTQIA+ community in Beirut, https://havenforartists.org/reports/
7 The Lebanese constitution was promogulated in 1926.
8 These contracts are governed in the chapter on rental contracts in the Code of Obligations and Contracts, which is based in essence on contractual freedom.