**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: **Anti-Discrimination Centre Memorial Brussels**

Type of Entity\*

National Government or federal governmental ministry/agency

Inter-governmental organization or UN agency

Local or regional government, agency, representative or mayor

Association, tenant union or housing cooperative

NGO network, umbrella organization

Community-based NGO

Academia

Foundation

National human rights organization, ombudsperson

Real estate, urban planning or construction

Real estate investor or investment fund

Trade Union

Other: NGO

2. Categorization of your Work

Please select one or more responses, as appropriate.

Public administration

Advocacy

Funding

Legal Assistance

Networking

Policy

Research

Technical Assistance

Training

N/A

Other:

3. City/Town: **the NGO is based in Brussels, the answers are about Roma in Russia**

4. State/Province: **the NGO is based in Brussels, the answers are about Roma in Russia**

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); region of Eastern Europe and Central Asia)

**HOUSING DISCRIMINATION**

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

* Roma

The Roma, who live in densely-populated settlements, suffer from racial discrimination at every turn. One of its manifestations is the forced eviction of Roma and the demolition of their homes. In most cases, their property has not been properly registered because they have no education and, as a result, no ability to make sense of complicated land laws. Taking advantage of their lack of documents concerning land tenure and their extreme poverty and vulnerability before the law, city and regional administrations in Russia refuse to legalize land owned by Roma people and either sell it at auction to the highest bidder or limit themselves to demolishing illegal structures without providing other housing. Unlike the Roma, other citizens who are forced to leave their homes because of demolition can depend on receiving compensation, since their property was registered correctly.

Roma homes are being torn down on a massive scale; these operations are sometimes accompanied by unjustified violence on the part of law enforcement officers and anti-Roma publications in the media.

Examples: In 2016, 121 homes deemed illegal structures in accordance with a legal action filed by the administrations of Lenin District and Tula Oblast were demolished in the dense Roma settlement of Plekhanov. Five to eight people, including children, lived in each of these houses; this was their only housing. The gas supply to the settlement had been cut off before the demolition. Residents held protests, which were suppressed by special police units.

In July and August of 2017, five houses in the Roma settlement of Aisha (Zelenograd District, Tatarstan) were razed, also under the supervision of special police forces. Before this, residents of Aisha and the neighboring Roma settlement of Nizhniye were harassed by the local administration, which filed a suit with the city court concerning 17 of the 20 homes in Aisha. One of the reasons for the administration’s decision to tear down the homes was “outrage on the part of Aisha residents unhappy with the Roma’s violation not just of the law but of good-neighborliness.”

In the late summer of 2016, representatives of the local and district administrations arrived at the Roma settlement of Nizhniye Vyazovyye in Tatarstan and informed the local population that they would file a suit regarding four homes if their residents did not agree to dismantle the homes themselves. The Roma complied. However, in the fall the settlement’s leader, Foat Nazmiyevich Shamsiyev, issued an ultimatum to the tabor residents: Either they register all the unregistered homes before August 2017, or the administration would file suit to tear down the homes and evict the tabor.

The risk of demolition and eviction is all too real for thousands of Roma throughout the country because the problem of legalizing existing houses has not been resolved systemwide.

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

***Accessibility***

The lack of housing registration deprives Roma of access to a number of social and economic rights. Permanent registration is mandatory for all citizens of the Russian Federation, but Russian law does not allow people to register at unregistered structures, which describes the majority of homes in dense Roma settlements. Without a residence registration, it is hard for Roma children to access education, and adults have trouble with employment and access to other social rights. This is why Roma settlements sometimes have no water, electricity, or gas.

When Roma people do not have a registration or property deed, their homes are often razed in accordance with a court ruling, and the victims of the demolition are not provided with temporary housing.

***Habitability***

Because of their poverty, most Roma live in rundown housing that does not meet fire safety or sanitary standards or correspond to other rules. Utility companies often cut settlements off from gas, water, and electricity, in many cases during the winter, which results in fires because residents have to start heating their homes with fire-prone stoves. For example, in November 2016 residents of the dense settlement of Maxim Gorky (Volgograd Oblast) were cut off from utilities -- 60 homes lost water and over 30 lost electricity. This problem is very real for the settlement of Zarechye (Liptesk), where conflicts between the Roma and utility companies have been raging for years and Roma homes are disconnected from the gas supply.

***Affordability***

Discrimination of Roma people in terms of access to public benefits related to housing are regularly documented in Russia. Because their houses are not legally registered, Roma people cannot lay water, gas, or electric lines; register at their place of residence or apply for other personal documents; receive mail; or access social payments and medical care. They also have trouble enrolling their children in school, which leads to a low level of education. The lack of education contributes to unemployment, which compounds employment discrimination and leads to extreme poverty.

**Security of tenure**

When houses are raised in Roma settlements, the newly-homeless residents have no ability to protect their rights or receive different housing or compensation because they do not have registrations or documents confirming their ownership of a house or land. Here it should be recalled that in 2017, presidential decrees granted the Federal Protective Service and the FSB the right to seize land and the property on it for state needs. At the order of these agencies, even fully legalized housing is often demolished under the pretext of “state needs” or for the construction of sports facilities or roads. In these cases, violations by construction companies are investigated, criminal cases are opened, and the victims have a chance of receiving compensation. But this does not apply to the Roma -- when a Roma house is scheduled for demolition for state needs, it is impossible for the Roma family living there to get compensation because it does not have any documents providing evidence of the family’s ownership. Even if a razed house is legally registered, the owner will have an extremely hard time asserting their rights in court because of illiteracy and vulnerability before the law.

***Availability of services, materials, facilities and infrastructure***

The questions in this section repeat the questions in the Affordability section. The inability to legally register houses entails an entire range of problems that form snarls of structural discrimination against the Roma. Because their houses are not legally registered, Roma people cannot lay water, gas, or electric lines; register at their place of residence or apply for other personal documents; receive mail; or access social payments and medical care. They also have trouble enrolling their children in school, which leads to a low level of education.

***Location***

***Cultural adequacy***

Discrimination in terms of access to public space is a typical problem for all Roma people living in dense settlements. ADC Memorial has documented numerous cases of this. The most recent case occurred in a dense Roma settlement in Zelenodolsk District, Tatarstan, where the local government provoked an anti-Roma campaign during an epidemic of hepatitis and tuberculous in 2016. No outbreaks of the illnesses were recorded in the Roma settlement, but local hairdressers, stores, and other places of public use, including schools, started prohibiting access to Roma. Because of the sanitary and epidemiological service’s scrutiny of the tabor, in the new academic year many Roma children were not allowed to attend classes because they did not have the required inoculations.

9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

One of the norms of contemporary Russian law that exacerbates discrimination against Roma people in relation to the right to adequate housing is Article 222 of Russia’s Civil Code, which defines and provides guidelines on structures built without any permits. The law calls these houses “unauthorized structures.” Clause 1 of Article 222 reads that an unauthorized structure is a residential home or other building, structure, or other immovable property erected on a land plot that has not been allotted for this purpose following the procedure established by law and other legal acts, or erected without the required permits or with substantial violation of city-planning and construction rules and standards. The article goes on to say that a person who erects an unauthorized structure does not acquire the right to own it and may not dispose of the structure by selling it, giving it away, renting it, or performing other transactions. An unauthorized structure is subject to demolition by the person who erected it or at that person’s expense.

It’s also worth noting that Russia has separate norms establishing a special, streamlined procedure for seizing land for large-scale projects (the Sochi Olympics, the so-called New Moscow development, and others). These norms are currently included in the Land Code, so they apply to all participants in land relationships, but Roma settlements and their residents are the most vulnerable to demolition rulings -- they are not given any guarantee of alternate housing or compensation because they do not have deeds to their houses and because of discrimination. To implement large-scale projects, on April 1, 2015 an addition was made to the Land Code under which federal, regional, and local government bodies may decide to seize land not just at their own initiative, but also at the petition of agents of natural monopolies, subsoil users, and other organizations. Thus, instead of seeking a systemwide solution to the problem of razing unauthorized houses and legally registering these houses, the Russian government is taking measures that only exacerbate the already difficult situation of poor and illiterate people who are not able to legalize the structures they once erected. This affects Russia’s Roma population to a greater extent than it does other groups.

The authorities and the people who perform the demolitions and forced evictions believe that their actions have been legitimized by the relevant court orders. What usually happens is that a court or tribunal declares a Roma house illegal, thus giving the state the right to tear it down. These court rulings generally appear after the authorities express their intention to drive residents off their desired land by means of various threat campaigns.

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

Peoples with disabilities (see the separate Questionnaire answered)

11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

The federal government must develop a comprehensive plan to improve the situation of Roma communities, explain their unique cultural identity and characteristics, promote respect for them, and eliminate discrimination and the social and economic marginalization of Roma caused to a great extent by poor housing conditions. The Russian authorities must meet Roma communities halfway and take positive measures to resolve the matter of legalizing Roma homes and land plots that take account of the level of education and the social position of Roma people. In addition, the federal plan must consider and describe paths for solving the problem with lack of documents and discrimination at school and at the workplace This plan should acquaint Russian citizens with the history and traditions of the Roma to eliminate the anti-Roma biases circulating in Russian society. These separate measures are required specifically in relation to the Roma minority, since this minority cannot solve the problem of structural discrimination without individual measures of state support.

**SPATIAL AND RESIDENTIAL SEGREGATION**

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

The problem of housing segregation and discrimination is a consequence of the USSR’s nationality policy and the absence of any integration programs in today’s Russia. A significant portion of Russia’s Roma population lives in dense settlements that arose across the country after 1956, when the Supreme Council issued a special order banning “nomadism” and the Roma were forced to settle in places allotted to them, generally in rural areas. However, the land and homes occupied by the Roma were often not legally registered. After the dissolution of the Soviet Union, the Russian government privatized land, but the Roma had never properly registered their land, so, de jure, they ceased to have the right to the land they occupied. Taking advantage of this, the Russian authorities in most regions continue to refuse to legalize land owned by the Roma and may initiate the demolition of Roma settlements and seize their land at any time.

At present, this problem is being exacerbated by amendments to land laws that establish a special, streamlined procedure for seizing land for state needs. On April 1, 2015 an addition was made to the Land Code under which federal, regional, and local government bodies may decide to seize land not just at their own initiative, but also at the petition of agents of natural monopolies, subsoil users, and other organizations. These amendments only exacerbate the already difficult situation of poor and illiterate people who are not able to legalize the land they were once given by the USSR government or the structures they erected on this land.

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

The widespread segregation of Roma is primarily driven by Romaphobia and the large number of biases that are deeply rooted in the consciousness of Russian citizens. These phobias and biases are reinforced by numerous statements made by politicians and the media, which relays baldly racist statements in its reporting on the Roma. The absence of any effective government measures to integrate Russia’s Roma population is another important factor. For many years, the Russian government has been unable to develop a sensible nationality policy that considers the needs of the most vulnerable and needy national minorities, including the Roma. Existing so-called “integration programs” are limited to inviting members of Roma communities to participate in various state holidays. This does nothing to help integrate the Roma or improve their situation.

16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

Roma settlements are still to this day generally located in the places allotted by the Soviet government. There have been times when a part of a community or an entire community moves, but the selection of a place to build a new settlement depends on the consent of residents in neighboring localities and of the administration of the district the community wants to move to. An important factor when selecting a new place is security: Roma generally select areas far from major cities, where the risk of conflicts with other people is minimal.

17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

Because they are closed off from the outside world and want to retain their cultural identity, groups of Roma like the Kotlyars traditionally live in close-knit communities and separately from the non-Roma population insofar as this is possible. At the same time, the population of a tabor is not allowed to settle outside of the land plot allotted to it. As a result, the communities become more and more overpopulated and houses are built closer and closer together without the required permits and documents. Because the houses are not properly registered, it is impossible to bring in electricity, water, and other utilities. Structures like this also often violate fire-safety and sanitary norms. This, in turn, is often the reason why Roma houses are torn down.

18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

They are compatible, because the right to adequate housing presupposes the existence of the right to choose one’s place of residence, to decide on a place to live and to move freely.

19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

There are no laws like this that relate to Roma people.

20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

In Russia, the main barrier to diminishing the spatial segregation of the Roma people, including residential segregation, is the extremely negative treatment of these people not just by the majority of Russian citizens, but also by the state. Romaphobia is very high in Russia and is the root cause of structural discrimination against the Roma population. One of its aspects is limitations in the right to adequate housing conditions. This is often the result of not having access to land and resources in the public domain. The unjust nature of land ownership and landlessness give rise to many interconnected problems, beginning with inadequate housing conditions and the inability to earn a livelihood and ending with illness, hunger, the lack of food security, and extreme poverty.

**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

Russian law only has general norms that enshrine the right of each person to housing and prohibit the arbitrary deprivation of housing. For example, Article 40 of the Constitution reads:

1. Everyone shall have the right to a home. No one may be arbitrarily deprived of their home.

2. The bodies of state authority and local self-government shall encourage housing construction and create conditions for exercising the right to a home.

3. Low-income people and other persons mentioned in law and in need of a home shall receive it at little or no cost from the state, municipal and other housing stocks according to the norms fixed by law.

Apart from this, most housing norms stress that protection of the rights and legal interests of citizens to housing is only guaranteed to people who comply with the norms of housing law. This effectively means that Roma people living in unregistered houses, which are illegal structures under Russian law, are not guaranteed protection of housing rights.

22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

No.

23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

No.

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

In the majority of cases, the role of the state media only exacerbates discrimination and biased treatment towards Roma people on the part of other Russian citizens. Reports, articles, and other materials about Roma people usually contain highly aggressive and baldly racist statements and conclusions about Roma people. This is particularly true for reports about the demolition of Roma homes and evictions from Roma settlements, which usually refer to all Roma as criminals involved in the drug trade and other illegal activities.

On the other hand, independent progressive media outlets have started to pay more attention to the problem of discrimination and are creating materials that help diminish biases and society’s negative attitude towards Roma.

State services generally have no interest in improving the situation of Roma communities and therefore have not taken any noticeable measures to combat discrimination and segregation in relation to the Roma.

But non-governmental human rights organizations are working to combat discrimination against the Roma. For example, thanks to ADC Memorial’s work, the European Court of Human Rights ruled that the practice of razing Roma settlements was a violation of human rights (judgment of October 11, 2016 in the case of Bagdonavicius and Others v. Russia (Application No.19841/06) in favor of 33 Roma residents of the village of Dorozhnoye, Gourievsk District, Kaliningrad Oblast who were the victims of forced evictions and demolition in 2006).

25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

As a general rule, in cases of discrimination or segregation in relation to the right to adequate housing Roma people have the right to file complaints with the prosecutor’s office, the human rights ombudsperson, and other state agencies, and also with a court, but these complaints are generally not effective. State agencies generally limit themselves to checking the information indicated in the complaints and do not take any steps to restore the complainant’s rights. Most of their responses to these complaints direct the complainant to apply to a court for protection of their rights. Russian courts, however, do not have a widespread practice of recognizing discrimination, so it is virtually impossible to prove discrimination and have one’s rights restored.

26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

Russian courts do not have a widespread practice of applying norms and recognizing discrimination, so it is virtually impossible to prove discrimination and have one’s rights restored. When positive decisions have been adopted in cases on discrimination, courts have only partly recognized violation of the claimant’s rights, but they have not recognized the fact of discrimination.

27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

Roma people can submit complaints to administrative, non-judicial, or judicial bodies on a non-preferential basis. But their complaints are often hampered by their illiteracy, lack of knowledge about Russian laws, and fear that applying to a court might exacerbate their situation. In most cases, complaints to state bodies are only possible if the case of discrimination or segregation becomes known to human rights defenders or if lawyers and attorneys help file the complaint with state bodies on behalf of the Roma person.

**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

ADC Memorial’s report on structural discrimination against the Roma in Russia and former Soviet countries: <https://adcmemorial.org/wp-content/uploads/romacompilationENG.pdf>

ADC Memorial’s older, but still relevant, report on the right to housing of Roma and forced evictions in Russia: <https://adcmemorial.org/en/publications/forced-evictions-and-the-right-to-housing-of-roma-in-russia-2011/>

30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

A developer in Tyumen (western Siberia) erected several dozen homes for residents of a Roma settlement after buying the land plot on which the settlement was located. Cases like this are extremely rare.