**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 people with disabilities in Russia**

4. State/Province: **the NGO is based in Brussels, the answers are about people with disabilities 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):

* Persons with disabilities

One of the groups of persons with disabilities that face the most discrimination or barriers towards equal enjoyment of the right to adequate housing are graduates of children’s homes and special needs boarding schools who have disabilities. Unlike regular graduates, upon reaching the age of 18, persons with disabilities are only entitled to housing after they undergo a special sociomedical assessment. Based on the results of this assessment, a conclusion is reached about the person’s supposed potential for rehabilitation that would allow them to take care of themselves and lead an independent lifestyle. This assessment is referred to in Article 17 of Federal Law No. 181-FZ “On the Social Protection of Persons With Disabilities in the Russian Federation” of November 24, 1995. In the event of a negative conclusion, persons with disabilities are deprived of the right to housing and sent to live in a neuropsychiatric residential care home -- a sociomedical facility that is isolated from the outside world and is intended for the permanent residence and care of persons with disabilities over the age of 18. This problem is directly connected to the fact that Russia does not have special services to help people with psychiatric disabilities at home. The exception to this are persons with disabilities who have entered programs run by NGOs to provide social workers to help with daily activities. However, these NGOs do not have the level of support they need to provide daily assistance to all persons with psychiatric disabilities.

Wheelchair users have particular problems enjoying the right to housing that meets the needs of persons with disabilities. This category of people generally has trouble getting housing equipped with ramps, elevators, wide spaces allowing for wheelchair movement, and other required features of an accessible environment. According to Article 17 of Federal Law No. 181-FZ “On the Social Protection of Persons With Disabilities in the Russian Federation” of November 24, 1995, living spaces occupied by persons with disabilities must be outfitted with special equipment and accessories in accordance with the person’s individual rehabilitation or abilitation program. However, in practice, when a person is given housing that lacks the proper fittings and equipment, they are expected to secure the required infrastructure at their own expense. If they cannot do this, wheelchair users will have to wait in line for housing that is fully equipped for their needs. Under Russian law, however, this group is not prioritized in the line, so they may have to wait for housing for an indefinite period.

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.*** see response to Question 7. Persons with disabilities who have graduated from children’s homes or special needs boarding schools face an array of difficulties enjoying their right to housing. Unlike regular graduates, upon reaching the age of 18, persons with disabilities are only entitled to housing after they undergo a special sociomedical assessment. Based on the results of this assessment, a conclusion is reached about the person’s supposed potential for rehabilitation that would allow them to take care of themselves and lead an independent lifestyle. This assessment is referred to in Article 17 of Federal Law No. 181-FZ “On the Social Protection of Persons With Disabilities in the Russian Federation” of November 24, 1995. In the event of a negative conclusion, persons with disabilities are deprived of the right to housing and sent to live in a neuropsychiatric residential care home -- a sociomedical facility that is isolated from the outside world and is intended for the permanent residence and care of persons with psychiatric disorders over the age of 18.

***Habitability.*** see response to Question 7.Wheelchair users face problems with unsuitable housing. This category of people generally has trouble getting housing equipped with ramps, elevators, wide spaces that would allow for wheelchair movement, and other required features of an accessible environment. According to Article 17 of Federal Law No. 181-FZ “On the Social Protection of Persons With Disabilities in the Russian Federation” of November 24, 1995, living spaces occupied by persons with disabilities must be outfitted with special equipment and accessories in accordance with the person’s individual rehabilitation or abilitation program. However, in practice, wheelchair users are often given apartments in Soviet-era buildings, which lack the features of an accessible environment. When a wheelchair user is given improper housing, they are expected to secure the required infrastructure at their own expense. If they cannot do this, wheelchair users will have to wait in line for housing that is fully equipped for their needs. Under Russian law, however, this group is not prioritized in the line, so they may have to wait for housing for an indefinite period.

***Affordability.*** In Russia, there is a widespread practice of giving people with disabilities who have graduated from children’s homes and special needs boarding schools housing in areas far from the city center that do not offer a full range of social infrastructure projects: These areas often have no roads or roads that are in the process of being built (so there is no public transportation), no stores near places of residence, and few medical facilities, daycare centers, or schools. For people coming from children’s homes or special needs boarding schools, this is like ending up in a ghetto that lacks any socialization programs for them. Their lack of experience living independently outside of closed institutions means that cases of marginalization and involvement in criminal activities are common. The districts of Shushary, Kudrovo, and Murino on the outskirts of Saint Petersburg, where new residential complexes are currently being erected, are good examples of this. Workers at NGOs that help graduates of children’s homes and special needs boarding schools have told us that even though construction on the buildings in these areas have been completed, the areas themselves are basically located in wastelands that might not even have grocery stores.

***Security of tenure.*** Under Russian law, even legally incompetent citizens may act as testators or successors. However, according to Clause 4 of Article 35 of Russia’s Civil Code, guardians or trustees are not appointed for legally incompetent or not fully competent citizens under supervision in educational institutions, medical facilities, social services organizations, or other organizations, including ones for children who have been left without parents or parental care. Instead, the organizations themselves are charged with performing the duties of guardian or trustee. This situation, when a special institution acts as a guardian for a legally incompetent person, often has a negative effect on the rights of the people at these facilities, including their right to housing. There are many examples of misappropriation and fraud on the part of directors at these institutions. These involve machinations with the money and housing of residents, the illegal sale or appropriation of housing, the illegal assignment of an inheritance to third parties, and other illegal actions. In general, no one monitors what these institutions spend, and NGOs do not know of one neuropsychiatric care home that has undergone an independent financial audit.

***Availability of services, materials, facilities and infrastructure*** Residents of special needs boarding schools and neuropsychiatric care homes are the people who most often face discrimination in relation to access to work, education, medical care, or public benefits based on their address of residence. According to Clause 2 of Article 44 of Federal Law No. 3185-1 “On Psychiatric Care and Guarantees of the Rights of Citizens Receiving Such Care” of July 2, 1992, a person can only be discharged from a neuropsychiatric facility if they have an opinion from a doctors’ committee that their state of health allows them to live independently. This norm means that a person cannot be discharged without a positive opinion and forces them to live, study, work, and receive medical care only in that facility, which violates the right to freedom of movement, the right to choose an educational institution, the right to work, and so forth. This practice is at odds with the RF Constitutional Court’s ruling No. 612-O-P of July 3, 2008 regarding a complaint filed by Stepan Stepanovich Timchenko. In its ruling, the Constitutional Court indicated that the norm contained in Clause 2 of Article 44 of Federal Law No. 3185-1 “On Psychiatric Care and Guarantees of the Rights of Citizens Receiving Such Care” of July 2, 1992, cannot be viewed by closed institutions as a barrier to their wards’ enjoyment of the constitutional rights guaranteed to them, including the right to freedom of movement and the right to choose a place of stay or a place or residence. In spite of this instruction, nothing has changed in practice and residents in neuropsychiatric institutions are still living in conditions of restricted liberty and cannot move freely or study, work, or receive medical care outside of these institutions.

The few residents with disabilities in these institutions that receive a positive conclusion from the doctors’ committee and are able to leave the facility face discrimination when trying to exercise their right to work. These people are generally denied employment because of their diagnosis.

***Location*** Another problem that neuropsychiatric institution residents typically face is discrimination in relation to freedom of residence within the country or within a certain region or locality. This problem is driven by the norm contained in Clause 2 of Article 44 of Federal Law No. 3185-1 “On Psychiatric Care and Guarantees of the Rights of Citizens Receiving Such Care” of July 2, 1992, under which a person can only be discharged from a neuropsychiatric facility if they have an opinion from a doctors’ committee that their state of health allows them to live independently.

In addition to this, most neuropsychiatric institutions in Russia are located in small towns and villages far from cities. These institutions are located behind high walls and can only be entered with a pass. Their patients are kept on closed floors in men’s and women’s wards and generally do not have the right to leave the grounds. The conditions are isolating, and patients generally live a drab, monotonous existence void of interesting activities and healthy communication with other patients and are dependent on staff. Because of their remote locations, ambulances have a hard time reaching them.

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?

Article 17 of Federal Law No. 181-FZ “On the Social Protection of Persons With Disabilities in the Russian Federation” of November 24, 1995, prohibits discrimination on the basis of disability. However, as I already mentioned, Article 17 of this law restricts the right to housing of persons with disabilities who have been deemed unfit for independent living following a sociomedical examination and sent to live in a neuropsychiatric care home, which results in their virtual isolation.

According to Clause 4 of Article 35 of Russia’s Civil Code, though, guardians or trustees are not appointed for legally incompetent or partially competent citizens placed under supervision in educational institutions, medical facilities, social services organizations, or other organizations, including ones for children who have been left without parents or parental care. Instead, the organizations themselves are charged with performing the duties of guardian or trustee. This situation, when a special institution acts as a guardian for a legally incompetent person, often has a negative effect on the rights of the people at these facilities, including their right to housing, since there are many examples of misappropriation and fraud on the part of directors at these institutions involving machinations with the money and housing of residents, the illegal sale or appropriation of housing, the illegal assignment of an inheritance to third parties, and other illegal actions. In addition, this norm permitting a special institution to act as the guardian of a legally incompetent person actually deprives this person of the right to protect their rights and interests in court in the event that the institution commits a violation, since, under Russian law, the only way a legally incompetent person can apply to judicial bodies is with the assistance of a guardian.

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?

In accordance with the norms of Article 17 of Federal Law No. 181-FZ of November 24, 1995, persons with disabilities and families that have children with disabilities who are in need of improved living conditions are registered and provided with housing following the procedures set forth in laws of the Russian Federation. This law does not establish the criteria that need to be met for disabled persons in a certain group to receive housing ahead of others in line. The main criteria is the time these people were added to the list for improved housing: prior to January 1, 2005 or after January 1, 2005.

Citizens who registered prior to January 1, 2005 may receive funds to buy housing from subsidies allocated to the corresponding RF constituent entity. However, this procedure currently only applies to veterans and disabled persons who fought in WWII. Meanwhile, according to Article 31 of Federal Law No. 181-FZ and the provisions of Article 6 of Federal Law No. 189-FZ, disabled persons who registered prior to January 1, 2005 retain the right to subsidized housing.

Persons with disabilities who registered after January 1, 2005, are given housing in accordance with the norms of Article 57 of the Housing Code based on when they registered. However, Clause 2 of this law states that citizens suffering from serious forms of chronic illness can receive housing ahead of the line.

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?

Positive measures like additional social support and programs to socialize graduates of children’s homes and neuropsychiatric institutions, including daily assistance and care from social workers, are needed to overcome systemic discrimination and infringement of the constitutional rights and freedoms of persons with disabilities.

**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?

In most Russian cities, neuropsychiatric care homes are located far from the city center or in small towns and villages that do not have the infrastructure required for the normal daily lives and abilitation of persons with psychiatric disabilities. Life in these remote localities, which is basically equivalent to isolation, has an extremely negative impact on the minds of persons with disabilities.

The practice of giving graduates of children’s homes and neuropsychiatric institutions low-cost housing in remote areas still under construction is also a form of spatial segregation that prevents persons with disabilities from enjoying their constitutional rights and freedoms, including the right to an accessible environment, the right to education, the right to medical care, and so forth.

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).

These cases of residential segregation have an adverse impact on persons with disabilities who are orphans or graduates of children’s homes or neuropsychiatric institutions. In particular, for persons with disabilities, the sense of isolation caused by living in a neuropsychiatric institution far from or on the outskirts of cities in government-issued apartments after reaching the age of majority leads to marginalization, social isolation, and structural discrimination. Most of these people cannot enjoy their right to work because they lack the required life skills, education, and physical abilities. Because the areas where they live are so far away from infrastructure services and public benefits (transportation, grocery stores, medical facilities, schools and other educational institutions), it is difficult for them to access social guarantees and medical care. This is why it would be a good idea to combine projects to provide housing to orphans with the Comfortable Urban Environment program.

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

The appearance of the first neuropsychiatric care homes was connected with an order issued by Joseph Stalin in the late 1940s. Under this order, persons with physical and psychiatric illnesses were to be taken off city streets and isolated. Order of the Presidium of the USSR Supreme Soviet “On Measures to Combat Antisocial Elements and Parasites” of July 23, 1951, served these same purposes. In the 1950s and 1960s, many residential care facilities were built and homes for disabled persons and the elderly were converted into neuropsychiatric care homes. This was due to the growing number of people suffering from various psychiatric disorders, including as a result of WWII, and the lack of people willing to care for them. Placing people with different forms of disabilities in neuropsychiatric institutions was essentially a way to solve social problems through isolation and marginalization. Persons with disabilities were placed in old buildings that were usually not outfitted for people with special needs and were dozens of kilometers from cities or regional centers. These neuropsychiatric institutions continue to operate in most regions today.

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 principal factor driving widespread segregation is the lack of sufficient financing for social services programs and housing for persons with disabilities. For example, in 2019 Russia’s Accounts Chamber published data on the provision of apartments to orphaned children and children left without parental care. According to this data, in 2017 over 80 percent of orphaned children did not receive the housing they were due under the law, and in some regions the wait for housing was up to 10 years. In the poorest regions (Primorsky Krai, Zabaykalsky Krai, Tver Oblast), this problem was driven by several factors: These regions either do not have new housing because it is not being built, have not created funds to purchase housing, or do not have a register of persons with disabilities in need of housing, so these people are not even considered.

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?

We don’t have any examples of this, because graduates from children’s homes and neuropsychiatric institutions generally do not have a choice.

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.?

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).

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)?

Federal Law No. 3185-1 “On Psychiatric Care and Guarantees of the Rights of Citizens Receiving Such Care” of July 2, 1992, lists the grounds for placing people suffering from psychiatric disorders in an inpatient facility (including a neuropsychiatric institution). The requirements for living in a neuropsychiatric care home are described in each facility’s internal regulations. In particular, these rules contain a clause stating that residents of these facilities cannot leave the grounds without a staff escort and written permission from the administration.

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

The lack of economic support for programs that provide housing to graduates of children’s homes and special needs boarding schools. Spatial segregation also contributes to the perpetuation of biases, stereotypes, and phobias in relation to persons with disabilities, and in particular with psychiatric disabilities, in the minds of Russian citizens, so programs aimed at debunking myths that these people are a danger to society and cannot be socialized should be an important part of the government’s social policy.

**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?

All the laws relating to protection of the rights of persons with disabilities prohibit discrimination. In particular, Article 3.1 of Federal Law No. 181-FZ “On the Social Protection of Persons With Disabilities in the Russian Federation” of November 24, 1995, prohibits discrimination on the basis of disability. Federal Law No. 442-FZ “On the Foundation of Social Services for Citizens of the Russian Federation” of December 28, 2013 reads that social services are based on compliance with human rights and respect for human dignity, are humanitarian in nature, and do not allow a person’s honor and dignity to be degraded. Russia has also ratified the Convention on the Rights of Persons with Disabilities, which prohibits discrimination. However, all of these norms are merely declarative and are at odds with practice.

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?

In Russia, the program to provide orphans, including persons with disabilities, with housing has the status of a national project, but the government has not allocated sufficient funds to ensure suitable housing for everyone in need.

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?

There are no examples of such laws. Moreover, it is extremely difficult to prove discrimination, including discrimination against persons with disabilities, in Russian courts. Courts usually dismiss the claims filed by plaintiffs or grant them in part.

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?

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?

In cases of discrimination or segregation in relation to the right to adequate housing, persons with disabilities have the right to file complaints with the prosecutor’s office, the human rights ombudsperson, or a court.

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

The principle barrier to seeking justice for discrimination/segregation in relation to the right to adequate housing is the fact that Russian courts do not have a general practice of recognizing discrimination or segregation in various areas and do not widely apply norms concerning 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.

Persons with disabilities who are legally incompetent may only apply to non-judicial and judicial bodies through their guardians. This practice is discriminatory, because it limits their right to judicial protection. To solve this problem, in 2015 a group of specialists developed a draft law “on distributed custody,” which was intended to reduce the flow of people into care homes and place responsibility for guardianship on outside people. This draft law was developed by an expert group comprised of representatives of the federal government, the Federation Council, and NGOs, but the State Duma has failed to adopt it for six years now.

In our practice, there have not been any positive court decisions that would impact enforcement of the law. However, there have been times when courts partially granted complaints or indicated in their decisions that any interpretation of legal norms that infringe on the rights and freedoms of persons with disabilities is inadmissible. For example, in 2015 the Constitutional Court refused to review a complaint filed by citizen Stepan Stepanovich Timchenko, in which he disputed the constitutionality of Part 10 of Article 17 of Federal Law No. 181-FZ “On the Social Protection of Persons With Disabilities in the Russian Federation” of November 24, 1995, under which children with disabilities who live in social services organizations (inpatient facilities) who have been orphaned or left without parental care, have priority receiving housing upon reaching the age of 18 if the person’s individual rehabilitation program allows for the possibility of caring for themselves and leading an independent lifestyle. Even though it declined to review the complaint, in its ruling, the Constitutional Court still indicated that the norm contained in Clause 2 of Article 44 of Federal Law No. 3185-1 “On Psychiatric Care and Guarantees of the Rights of Citizens Receiving Such Care” of July 2, 1992, cannot be viewed by closed institutions as a barrier to their wards’ enjoyment of the constitutional rights guaranteed to them, including the right to freedom of movement and the right to choose a place of stay or a place or residence.

**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?

There is no official data on spatial segregation in Russia.

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).

There is no information on such studies.

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?

We do not have this information or any statistical data.