



## **Joint input for the report of the Special Rapporteur on the right to adequate housing to inform his report to the 78th session of the General Assembly of the United Nations to be presented in October 2023.**

**"Sphere Foundation"** ([spherequeer.org](https://spherequeer.org)) was an NGO based in St. Petersburg, Russia since 2011, through the years having evolved into the biggest Russian LGBT+ foundation. From the onset, Charitable Foundation 'Sphere' acted as a fiscal sponsor and implementing body for key LGBT+ rights initiatives across Russia. In April of 2022, it was ruled to dissolve the Foundation following a court process brought on by the Russian Ministry of Justice where the organisation's activity 'mainly aimed at LGBT+ people' was found as allegedly 'undermining moral foundations of the Russian society'. Sphere's team has remained intact and maintains its work, preserving and developing programs and activities aimed at supporting the rights of the LGBT+ community throughout Russia.

**LGBTQ+ group "Coming Out"** ([comingoutspb.com](https://comingoutspb.com)) is a regional nonprofit initiative group founded in 2008 in St. Petersburg, Russia. Coming Out works for universal recognition of human dignity and equal rights of all regardless of sexual orientation or gender identity by lobbying and advocacy, educational and cultural events, and providing psychological and legal services to LGBT+ people.

### **1. Summary**

The right to adequate housing is guaranteed not only by the international law, but also by the national legislation of the Russian Federation. However, these guarantees do not apply to one of the most marginalised and vulnerable groups, namely LGBT+ people.

The Federal Programs launched regularly in order to provide the young people with housing are often designed specifically for the young families, which is not what the authorities see LGBT+ families as.

Whilst the heterosexual couples and parents have a right to receive support for buying a bigger apartment or building a bigger home for their children, existing and the future ones, the same-sex couples and LGBT+ individuals have to cautiously hide their relationships and SOGI (sexual orientation and gender identity) in order to gain or keep a tenancy agreement.

In cases when one's 'non-traditional' relationships become publicly known, LGBT+ people face the attacks both by the state authorities and by their fellow citizens, such as neighbours, landlords and in some cases even family members.

Human rights organisations are documenting [an increase](#) of homophobia in the country since 2012, when the first edition of the law ‘On the propaganda of non-traditional relationships to the minors’ was adopted in St.Petersburg and shortly after expanded to the entire country. In 2022, the definition of ‘LGBT-propaganda’ has become quite even to the openly existing in society as an LGBT+ person. This constitutes grounds for the institutional homophobia which spreads to any human right of an LGBT+ person, including the right to adequate housing. Therefore we consider LBGT+ people to be at particular risk of being exposed to housing affordability in Russian Federation.

## **2. Legislative guarantees of the right to adequate housing in Russian Federation**

The Constitution of the Russian Federation, in its Articles 25 and 40 reiterates the internationally recognised right to inviolability of the home as well as the right to housing and protection from arbitrary eviction. It also obliges the authorities to stimulate housing construction and guarantees that low-income citizens as well as other citizens mentioned in the law are to be provided with social housing free of charge or for an accessible charge according to the law.

It is noteworthy to mention some categories mentioned in the law as those to be provided with the social housing, other than [low-income citizens](#) and [children left without parental care](#). These are, as follows: [military servants](#), [judges](#), including [judges of the military courts](#), [pedagogical workers](#), [police officers](#), officers of [the Investigative Committee](#), [prosecutors](#), and the members of their families.

Those designated as low-income citizens by the municipal authorities may as well be provided with the social housing in order of a queue. The state employees receive their service housing on terms separate for every state body. Noteworthy, the right to social housing implies exclusively to the citizens of the Russian Federation and thus does not consider such marginalised group as stateless people.

The Housing Code of Russian Federation guarantees the right to inviolability of the home and imposes concrete legal grounds for entering one’s housing. It also guarantees prohibition of arbitrary eviction.

However, to properly analyse these legislative guarantees is not possible without considering the definition of family members that has been recently amended via the notorious Constitutional Amendments of 2020.

Family members, as it stays in the Art.2 of the Family Code of the Russian Federation include spouses, children and parents. And the corresponding definition of marriage has been notoriously added to the Constitution in 2020 to highlight: within the borders or the Russian Federation the marriage is considered to be ‘*a union between a man and a woman.*’

In addition, since the 2020 Constitutional Amendments have come into force, international agreements, including the ones considering the right to adequate housing, such as the International Covenant on Social and Economic rights and the Universal Declaration on Human Rights as well as the other international agreements are no longer considered to be prevalent to the national legislation.

### **3. Programmes adopted to ensure the housing affordability in Russian Federation**

There is a wide range of federal and regional programmes aimed to ensure housing affordability for Russian citizens. The most notorious programme of the kind is the National programme for support of ‘young families’. The series of programmes is aimed to subsidise for the families to better their housing situation. The main criteria for the programme participants are to either be a married couple or have one and more children whereof both spouses or a single parent may not be older than 35 years old. Further criteria are based on the level of family income and the registration in the authorities as the family in need to better their housing situation. Participants should be able to cover the main part of the new housing cost by themselves. The programme is mainly applicable to Russian citizens, though the families where one of the parents is a Russian citizen may qualify for participation.

Given the above mentioned definition of the family adopted in Russian legislation, the only category of LGBT+ people admissible to the programme is single parents. Given the fact that single parents constitute a vulnerable group, especially in the Russian regions and the systemic discrimination of LGBT+ people in the country, especially those with children, that further worsens the chances for LGBT+ single parents to receive the state of municipal support to buy new housing.

Another way to obtain new housing is multiple programmes of service housing run independently at the various workplaces. For these programmes the same limitations are valid in terms of accessibility for LGBT+ couples and families.

Extract from the Monitoring of Discrimination Database of Sphere Foundation:

*D. a non-binary trans woman, age 26, works at a scientific institution in one of the million-plus Russian cities. The institution has multiple programmes aimed to provide the employees with housing. One of the programmes is aimed for young scientists prioritising the ones with families. D. and her female partner registered their relationship abroad. However, it is impossible to mention this matrimonial status in the application form as for female applicants there is a closed question with options ‘married (to a man)’ and ‘single’. Therefore, D. has to check the box for a single person, which implies that she only has a right to a room for one with no accommodation for spouses. Living in such a room with neighbours or partners is not allowed. Thus D. can neither live together with her partner or enjoy the benefit she as a young scientist has a right to due to her sexual orientation and the fact that same-sex partnerships are not legally recognised in Russian Federation.*

Novosibirsk region, 2016.

#### **4. The institutional SOGI-based discrimination**

On November 24, 2022, the State Duma adopted the law on complete ban of the so-called 'LGBT+ propaganda' — not only among minors as it was since 2013, but among all age groups. The penalties in the new law show that the state equates the dissemination of information about LGBT+ people with the organised distribution of child pornography. The liability provided for under these articles has become identical from the end of 2022.

This law and the following smear campaign in state-related mass media nourishes and inspires homophobia in Russian society in general, but more importantly, it indulges discrimination of LGBT+ persons by the state and municipal employees.

Since the law was signed into force, an unprecedented court decision took place in Siberian Tyumen. On 16 March, a marriage was annulled by the court following the claim of the regional Prosecutor's Office after one of the spouses committed an MtF gender transition and change of her passport gender marker. This decision puts all the similar marriages under a threat of being annulled which in the context of the abovementioned legislative acts may lead to ex-spouses losing the right to housing obtained by them as married couples.

#### **5. The lack of effective remedies for LGBT+ people**

Over the years of monitoring of the LGBT+ rights violations both Sphere Foundation and LGBTQ+ group "Coming Out" have documented cases of violations of LGBT+ persons' right to housing and corresponding violations such as domestic violence, including against minor LGBT+ persons, verbal and physical attacks from neighbours, denial to sign a tenancy agreement, etc. based on the respondents' SOGI. We consider these corresponding violations as falling under the framework of the right to be free from arbitrary interference with one's home, privacy and family.

Since 2015, Sphere Foundation maintains the Monitoring of Discrimination Database based on multiple internal and external sources which currently includes more than thirteen hundreds of various cases of discrimination based on SOGI. According to the Database, there were 35 right to housing related cases in 17 regions of Russian Federation documented, starting from 2014. Of these, the most common issue documented is eviction from a family home by LGBT+ persons' own relatives.

Extracts from the Database:

*The victim, a trans gender MtF person, was put under an ultimatum by her father, either she becomes a 'normal guy' or she would get out of there (their shared home). The victim had to leave their family home.*

Tyumen region, 2016.

*After it was learned in his university dormitory that the victim was gay, he received threats. A security officer came and assaulted the victim. When the victim filed a police appeal about the incident he was tampered to withdraw the appeal. As a result, he was evicted from the dormitory. They say the university administration brought up the question of his exclusion from university.*

Sverdlovsk region, 2016.

*The victim is an adult bisexual woman. After her father learned about her relationship with another woman, the victim was thrown out of the house.*

Arkhangelsk region, 2020.

In 27 of the cases respondents did not report the issue to the authorities. This can be explained with a low level of trust to the state authorities after the law on ‘LGBT propaganda’ was adopted in 2013 and the lack of the law on domestic violence.

Moreover, LGBT+ people are often afraid to be subjected to further humiliation or even more blatant human rights violations by the authorities, e.g. by the police officers.

“Coming Out” group, in its work on legal support for LGBT+ people, has documented the following cases. From 2014 to 2022, Coming Out received four inquiries from LGBT+ people on violations of their housing rights. All of them are related to attempts by relatives to deprive LGBT+ people of their ability to manage their own housing. For example, in August 2022, a lesbian reported that her parents tried to deregister her from an apartment because of her sexual orientation. A gay man had the same situation in April 2014. In February 2019, a gay man asked for help because his homophobic relatives intended to sell an apartment a share of which he owned without his consent. In April 2017, a gay man reported that his parents threw him out of the apartment he had partial ownership of.

## **6. The research on the situation of LGBT+ people in Russia in 2022**

At the end of 2022 and beginning of 2023, “Coming Out” group and “Sphere” Foundation conducted a joint quantitative research on the situation of LGBT+ people in Russia which is to be published on 17 May 2023.

The research is based on **6439** surveys. The age of the participants varies between 13 and 70 years old. The mean age is 27.9 years old. 51% of the participants identify as men, 35% as women, 12% as non-binary, and 2% as other gender identities. Transgender participants account for 18% of all participants. Most participants identify as homosexual (61%). Bisexual and pansexual people account for about a third (32%). 3% of respondents identify as asexual, 1% as heterosexual, and another 3% choose a different way to identify their sexuality. Most participants currently live or have previously lived in Moscow (23%) and Saint Petersburg (19%), nonetheless, all Russian federal districts (except annexed territories) are presented in our research.

The extract from the research:

484 participants have reported having **conflicts with neighbors because of their sexuality and/or gender identity** (8%). This is the most common issue in housing among our participants. Transgender people encounter conflict with neighbors more frequently, the percentage of those who reported this issue amounts to 12%. In the Southern and North Caucasian districts, the percentage is higher than average: 11% and 10% respectively.

In 2022, 433 people have encountered issues with finding a living space due to their SOGI; a quarter of them are transgender (107 people or 25%). There were no significant variations across federal districts.

In 2022, 219 people lost their accommodation because of their SOGI. Once again, a third of them are transgender (69 people or 31.5%). There were no significant variations across federal districts.

163 people have encountered issues with their leaseholders due to their SOGI. This was the least common issue in housing (3%), perhaps because leaseholders are less likely to interfere with personal lives of LGBT+ renters, unless they were rejected at the letting stage. For transgender people this issue is more significant, over a third of the participants who have faced issues with their leaseholders are transgender (57 people or 35%). There were no significant variations across federal districts.

When describing their experiences with discrimination in housing, participants have mentioned day-to-day homophobia from their neighbors or leaseholders (insults, judgment, outing, conflict, violence, threats, eviction), as well as fear and inability to come out to them, being forced to lie about their identity and relationship status (pretending to be sisters or friends for women and brothers for men) in order to get a contract, being denied from renting for non ‘straight-passing’ queer couples or LGBT+ people.

*“The letting agency rejected a lesbian couple. There were a few times when a WLW couple was rejected from renting a one-bedroom apartment with a double bed because those apartments are better suited for heterosexual couples (they are more of a priority).”*

Cisgender homosexual woman, 24, Nizhny Novgorod region.

*“My male roommates refused to live in the same dorm room with me, so I was moved to a single. The option of evicting me was also considered.”*

Cisgender homosexual man, 18, Republic of Tatarstan.

*“I was rejected as a tenant because ‘you will turn this into a gay brothel with infections and drugs’.”*

Cisgender homosexual man, 25, Vologda region.

*“My landlord is pro-war and he tried to get me and my trans woman roommate to get drafted, he threatened to out her and guilt tripped her. We ended up moving out.”*

Transgender asexual man, 21, Saint Petersburg region.

*“I had a [rainbow] flag in front of my window, the neighbors threatened to call the cops on me (I also had a lot of tropical plants with heat lamps for them, so they hinted at me growing something illegal). The neighbors opposite my window never said hello and made a show of dragging their children away from me when they saw me.”*

Transgender non-binary demisexual bisexual person, 30, Saint Petersburg.

LGBT+ people encounter issues in housing due to their SOGI regularly. Often those include conflicts with neighbors, which makes living in that space uncomfortable or even impossible. Such conflicts most frequently occur in the North Caucasian and Southern federal districts.

Trans people are more likely to encounter discrimination in housing: conflict with neighbors, difficulty finding accommodation, as well as eviction.

## **7. Recommendations:**

In consideration of the aforementioned, we recommend to the State:

- To reverse the discriminatory legislation on ‘LGBT-propaganda’ gradually adopted since 2013
- To recognise same-sex couples as families for the purposes of programmes of housing guarantees and put an end to the discriminatory practise of annulling the marriage after one of the spouses changes their legal gender marker
- To ensure housing affordability for LGBT+ person as a vulnerable group.
- To adopt comprehensive anti-discrimination legislation including sexual orientation, gender identity and expression as protected characteristics.
- To adopt the law against domestic violence
- To ensure effective investigation of SOGIE-driven acts of violence and incitement of SOGIE-driven hatred including violations of the housing rights of LGBT+ persons.
- To consider hate and violence against LGBT+ people as a possible motive for investigations.
- To provide training to the police and law enforcement officials promoting respect for human rights and tolerance for diversity.