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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

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**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.**

REFERENCE: AL Housing (2000-9)  
RUS 6/2012

23 November 2012

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context pursuant to Human Rights Council resolution 15/8.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received regarding **the imminent eviction of 62 families (160 persons) living in house 15, building 2, Ilyushina street, Saint Petersburg.**

According to information received:

The tenants of house 15, building 2, Ilyushina street, Saint Petersburg were employees of the State owned Lenstroykorporazia construction company. According to information received, the above building (constructed in 1989) was publicly owned and the tenants were accommodated in the building as State employees in 1991. The tenancy rights of the tenants were defined by Order No. 43-p, dated 9.7.1991, issued by the Mayor of Leningrad.

Reportedly, the building was privatized in 1995 and registered as the property of the Chetverty Trest company. According to information received, the existing tenants were not accorded any tenure rights during the privatization process, and are currently under threat of eviction by the registered private owner.

I have also been informed that the Saint Petersburg local authorities have offered the tenants alternative rental housing in the private market. However the costs of the utilities are allegedly 15 times higher than the costs of public housing, which is unaffordable for the tenants. I am also informed that the tenants have been offered temporary relocation options which provide no tenure security or long term housing solution.

I am now informed that 62 families (160 persons) in house 15, building 2, Ilyushina street, Saint Petersburg are under imminent threat of eviction by current private owner of the building.

While I do not wish to prejudge the accuracy of these allegations, I would like to remind your Excellency's Government of article 11.1 of the International Covenant on Economic, Social and Cultural Rights, to which Russia is a party, which states that "the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions".

The Committee on Economic, Social and Cultural Rights commented on the right to adequate housing in its General Comment No. 4, stressing that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With "due priority to those social groups living in unfavorable conditions," the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. The Committee also added that "the right to housing should be ensured to all persons irrespective of income or access to economic resources" (para. 7-8). The Committee also stressed (para. 6), that the enjoyment of the right to adequate housing must not be "subject to any form of discrimination", in accordance with article 2(2) of the Covenant.

As repeatedly stated, including in resolutions 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute gross violations of a wide range of internationally recognized human rights and large-scale evictions may only be carried out under exceptional circumstances and in full accordance with international human rights law. According to the Committee, as stated in its General Comment No. 7:

"15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

"16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to

provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

It is my responsibility, according to the mandates entrusted to me by the Human Rights Council, to clarify all allegations brought to my attention. I would therefore greatly appreciate detailed information from your Excellency’s Government concerning the above situations and about the measures taken by the competent authorities. I would in particular appreciate to receive information on the following points:

1. Are the facts alleged in the above summary of the case accurate?
2. Please indicate the legal basis of the planned evictions.
3. What were the legal recourses available to the affected tenants to contest the privatization process of the building on Ilyushina street, house 15, building 2?
4. Did appropriate consultations take place with the affected tenants prior to the privatization process? If yes, please give the details, date and outcome of these consultations.
5. Was a complaint been lodged by or on behalf of the affected tenants?
6. What are the legal recourses available to the affected tenants to contest the imminent eviction by the current private owner of the building?
7. What measures have been foreseen to ensure that the evicted persons will not become homeless?
8. Please provide more information on the options foreseen in terms of relocation? Did appropriate consultations take place with the affected tenants in order to identify adequate relocation options?
9. Please provide details on the exact location of relocation offered, including details on the area, form of tenure (public/private rental or ownership), price of housing utilities, access to public services and livelihood sources.

I would appreciate a response within sixty days. I undertake to ensure that your Excellency’s Government’s response to each of these questions is accurately reflected in the reports I will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Raquel Rolnik

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context