

Statement of Farida Sharifullina, Tashkent – SNOS group on Facebook, Uzbekistan , www.housing-uz.info

The issues of unregulated urbanization processes that have led to violations of the human right to adequate housing were relatively and not addressed in the UPR 3rd cycle.

For the 4th cycle of the UPR Uzbekistan, our group with other Uzbek and German Human Rights activists prepared two alternative reports on issues of forced eviction, unsustainable Urbanism, unfair trial, violation of the right to adequate housing:

1. **“Analysis of forced eviction process in Uzbekistan during the period 2018-2023”** (by the Coalition of Civic Activists of Uzbekistan)
2. **UZBEK FORUM FOR HUMAN RIGHTS AND TASHKENT-SNOS JOINT SUBMISSION TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS UNIVERSAL PERIODIC REVIEW: UZBEKISTAN 44th SESSION**

Since 2017, we have very hard and voluntarist Urbanistic processes, managed by the local authorities with violations of domestic Uzbek Law. They resulted in violation of the social, Economic, Cultural and ecologic rights of the Uzbek citizens

Local authorities gave away plots of land in densely populated areas of cities to private companies. At the same time, the authorities were not guided by the general plans of the cities (for example, the last general plan of Tashkent dates back to 1989), and no calculations of needs were made.

At the same time, the local authorities did not check the financial condition of private firms, which were allocated huge plots of land for intensive development of multi-storey residential buildings. Land for the commercial construction is distributed for absolutely unknown companies which haven't any experience in construction.

There is no Law_managing relationship between private developers, clients and the State.

All these negligence practices produced the bad results

- Now, thousands of people, who trusted the developers and locals administrations, loss their money that they paid to developers for future apartments;

The State delivers huge benefits for developers:

- land tax exoneration,
- permission to hire workers without contracts:

Taking into account that most of developers legally are small enterprises with staff of 1 (one) to 12 (twelve) persons, there is this a huge possibilities for tax evasion.

During decisions making and construction works, the authorities don't respect of the ecological nor urbanistic norms. It should be added that civil engineering is not a licensed activity in Uzbekistan. Consequently, construction firms are not screened for relevant qualifications. So, there is no control of the construction quality

A lot incidents, including deaths, are produced these years on the construction sites and in the new built houses...

- Huge ecologic issues: dust pollution of the air, reducing of the parks and green spaces,
- Huge infrastructural issues: frequent power and gas cuts due to overloading of outdated networks

Through the referendum of April, 2023, Uzbekistan adopted a new Uzbek Constitution. Its new Article 47 states “ Everyone has the right to housing. No one may be deprived of his home except by a court decision and in accordance with the law. In the cases and in the manner prescribed by law, the owner, deprived of his home, is provided with preliminary and **equivalent compensation for the cost of** housing and the losses incurred by him.

The experience of these years shows that people were deprived of their ownership of their private homes precisely through court decisions.

The current Uzbek legislation provides for the withdrawal of housing in cases of construction for state needs and only from the municipal fund. The withdrawal of a private dwelling at the request of private developers in their commercial interests is not provided.

In these cases, at the request of private developers, judges under the slogan "an analogy of law" consider private housing as municipal, and the commercial interests of private developers as state interests.

During hearings, the cost of the house to be demolished is defined by a state institution and the residents are forced to accept it.

The experience of these years shows that people were deprived of their ownership of their private homes precisely through court decisions.

The current Uzbek legislation provides for the withdrawal of housing ONLY in cases of construction for state needs and ONLY from the municipal fund. The withdrawal of a private dwelling at the request of private developers in favor of their commercial interests is not provided.

In these cases, at the request of private developers, judges under the slogan "an analogy of law" consider private housing as municipal, and the commercial interests of private developers as state interests.

During hearings, the cost of the house to be demolished is defined by a state institution and the residents are forced to accept it.

The very procedure of forced eviction is not described in any way in the legislation of Uzbekistan and takes place in an extremely harsh form.

We recommend :

- Eliminate all inconsistencies and ambiguities in the legislation regarding the allocation and withdrawal of land plots; and do not resort to "an analogy of law."
- Establish an independent commission to investigate claims of illegal land confiscations and provide remedy for farmers whose land leases were illegally terminated.

- Request monitoring of enforced eviction decisions, where the claim is filed by the developers, in order to analyze the situation
- Prohibit forced evictions.