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## الجمعية العامة



### مجلس حقوق الإنسان

#### الدورة الثامنة والخمسون

24 شباط/فبراير - 4 نيسان/أبريل 2025

البند 3 من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

### زيارة أوزبكستان

تقرير المقرر الخاص المعني بالسكن اللائق كعنصر من عناصر الحق في مستوى معيشي مناسب وبالحق في عدم التمييز في هذا السياق، بالاكريشنان راجاغوبال \* \*

#### موجز

وفقاً لقرار مجلس حقوق الإنسان 10/52، يقدم المقرر الخاص المعني بالحق في السكن اللائق كعنصر من عناصر الحق في مستوى معيشي مناسب وبالحق في عدم التمييز في هذا السياق، بالاكريشنان راجاغوبال، تقريره عن زيارته لأوزبكستان، في الفترة من 19 إلى 30 آب/أغسطس 2024. ويحلل في هذا التقرير حماية الحق في السكن اللائق والتمتع به في البلاد في القانون وفي الممارسة العملية، ولا سيما حماية المستأجرين وملاك البيوت من الإخلاء القسري في سياق سياسات التجديد الحضري، والمشاركة في التنمية الحضرية، وإعادة التوطين، والوصول إلى سبل الانتصاف والعدالة في سياق انتهاكات الحق في السكن اللائق. كما يسلط التقرير الضوء على التحديات الخاصة التي تواجهها بعض الفئات الاجتماعية، ومنها النساء، والشباب، وكبار السن، والطلاب، والمثليات والمثليون ومزدوجو الميل الجنسي ومغايرو الهوية الجنسانية، وأفراد مجتمع الروما، والأشخاص ذوو الإعاقة. ويختتم التقرير بتوصيات تهدف إلى زيادة تعزيز وحماية الحق في السكن اللائق.

\* قُدم هذا التقرير إلى خدمات المؤتمرات لتجهيزه بعد الموعد النهائي، لتضمينه أحدث المعلومات.

\*\* يعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيُعمَّم باللغة التي قُدم بها وبالروسية فقط.



الرجاء إعادة الاستعمال

## المرفق

تقرير المقرر الخاص المعني بالسكن اللائق كعنصر من عناصر الحق في مستوى معيشي مناسب وبالحق في عدم التمييز في هذا السياق، بالاكريشنان راجاغوبال، عن زيارته لأوزبكستان

## I. Introduction

1. 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, Balakrishnan Rajagopal, visited Uzbekistan from 19 to 30 August 2024 at the invitation of the Government. The Special Rapporteur thanks Uzbekistan for the invitation, the cooperation and the warm welcome he received at the central, regional and local levels. The Special Rapporteur visited Tashkent, Jizzakh, Zaamin, Sirdarya, Samarkand and Bukhara, and met with the Secretary of the National Security Council under the President of Uzbekistan, senior government officials at the local and regional levels, members of the Senate and the Legislative Chamber of the parliament (Oliy Majlis), ombudspersons, judges and representatives of other non-judicial complaints procedures and of civil society.

2. The Special Rapporteur is grateful for the dialogue with civil society representatives, lawyers and victims of forced evictions, natural disasters and domestic violence. He observed the housing construction, physical transformations and housing demolitions taking place across the country. He looks forward to continuing his dialogue with the Government of Uzbekistan, United Nations entities and civil society with a view to enhancing the protection and realization of the right to adequate housing in Uzbekistan in law and in practice.

## II. Legal framework

### A. International human rights law

3. Uzbekistan has ratified most international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, which sets out the right to adequate housing in article 11. In recent years, the country has undertaken enhanced efforts to cooperate with international human rights mechanisms, including with the special procedures of the Human Rights Council, with the aim of improving the protection of human rights in the country.

4. As a State party to the International Covenant on Economic, Social and Cultural Rights, Uzbekistan has undertaken to protect, respect and fulfil the right to adequate housing and ensure its progressive realization. The right to adequate housing entails more than four walls and a roof over one's head. It entails eight core dimensions: legal security of tenure, availability of services, affordability, habitability, accessibility, location, cultural adequacy<sup>1</sup> and sustainability.<sup>2</sup>

### B. Legal protection of the right to adequate housing

5. Uzbekistan has made significant efforts to enshrine the right to adequate housing in constitutional and national law. The new Constitution, adopted in 2023, specifies in article 47 that: "Everyone shall have the right to housing. No one may be deprived of his or her 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 or her home, shall be provided with

<sup>1</sup> See Committee on Economic, Social and Cultural Rights, general comment No.4.

<sup>2</sup> See [A/HRC/52/28](#).

preliminary and equivalent compensation for the cost of housing and the losses incurred by him or her. The State shall encourage the construction of housing and create conditions for the exercise of the right to housing. The procedure for providing housing to socially vulnerable categories of the population shall be determined by law.”

6. Article 49 of the Constitution also specifies that “draft urban planning documents shall be subject to public discussion in a manner described by law” and that urban planning activities should ensure the environmental rights of citizens and the prevention of harmful environmental impacts.

7. Article 55 states that everyone is entitled to defend his or her rights and freedoms and has the right to appeal any unlawful decisions, acts and omissions of State bodies and other organizations, including the right to have his or her case examined by a competent, independent and impartial court. It further gives everyone the right to apply to international bodies for the protection of human rights and freedoms if all available domestic remedies have been exhausted. As Uzbekistan has not yet ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, individuals cannot yet submit complaints to the Committee on Economic, Social and Cultural Rights for violations of the right to adequate housing.

8. The main challenge in Uzbekistan is not the formal protection of the right to adequate housing in the text of its Constitution or its legislation, but in practice. There are different views as to why that is the case. One is that many constitutional and legal reforms were only very recently adopted and thus there is obviously a challenge to modify the implementing regulations and ensure that the new rules and regulations are also followed in policy and practice. Another more pessimistic view is that in reality many legal protections related to the right to adequate housing have already been enshrined in national law for many years, but the record has shown that they cannot necessarily be relied upon, since in practice State policies and practices at national, regional or local level often ignore the law, as in the case of forced evictions and expropriations, for example, which are given a false sense of legality.<sup>3</sup> Others argue that the judiciary and various national human rights bodies either lack the independence or the power to ensure that the constitutional human rights protections are upheld and enforced when such rights clash with the vested interests of the State or the business community.

9. Irrespective of those divergent views, the role of the Special Rapporteur is to support all stakeholders in government, parliament, the judiciary and civil society who share the vision that it is possible to enhance the realization and protection of the right to adequate housing, and improve its protection and enforcement through fair and impartial policies and independent, effective and accessible judicial and non-judicial institutions. The window of opportunity for making great progress towards real improvement for rights holders in Uzbekistan should not be missed.

### III. Housing policies

10. Privatization: after declaring independence from the Soviet Union in 1991, the vast majority of the public housing stock in Uzbekistan was privatized in accordance with the Law on Privatization of Public Housing (1993). By 2015, 98 per cent of the public housing stock had been privatized.<sup>4</sup> Since 1993, the proportion of privately owned housing has increased from 41 per cent to 99.5 percent.<sup>5</sup> Only a very small proportion of Uzbek citizens rent housing, but the rental market is expanding, in particular, in cities.

<sup>3</sup> For such a perspective see University of Ulster, Land Home Justice Network and Uzbek Forum on Human Rights, *A False Sense of Legality: Compulsory Property Seizure, Land Grabbing and Forced Evictions in Uzbekistan* (2024).

<sup>4</sup> Economic Commission for Europe, *Country Profiles on Housing and Land Management: Uzbekistan*, (2015), p. 15.

<sup>5</sup> Information provided by the Statistics Agency to the Special Rapporteur. Data as of 1 January 2024.

11. In 2024, only approximately 0.5 per cent of the entire housing stock was managed as public housing by local governments, which left the State with a very marginal stock it could offer directly to disadvantaged population groups.

12. Irregularly built housing: after independence, population growth outstripped official housing construction, contributing to irregular construction of housing and irregular land seizures.<sup>6</sup> To deal with irregular housing, a law entitled “On the recognition of rights to unauthorized land plots and buildings and structures constructed on them” came into force, which was a second amnesty law. While such laws may give legal security to homeowners who have irregularly built housing, they may also result in legalizing problematic commercially driven housing construction and arbitrary expropriations. Repeated amnesties may also have the effect of eroding compliance with housing regulations.

13. Construction rush: the current Government significantly ramped up the construction of housing in order to respond to the needs of the growing population, which require it to house around 700,000 additional people every year. Investments in construction went up 5.3 times during the period from 2017 to 2023, compared to the seven previous.<sup>7</sup> Between 2017 and 2023, a total of 8,405 new houses and 351,786 new apartments were built.<sup>8</sup> The construction effort has to some extent addressed the lack of housing, but was also accompanied by several problems, such as insufficient regulation of the construction sector and quality control; forced evictions and widespread expropriation without adequate compensation; and increased risks that buyers of new apartments were left with incomplete housing in cases of insolvency of construction companies or construction delays.

14. Town planning: Uzbekistan is still largely characterized by a top-down approach to town planning, where urban planners, local government officials and construction companies implement well-meaning projects, developed behind closed doors, but with very little input from the population affected on the design and implementation of urban renewal projects. The lack of master plans has contributed to haphazard urban development in a number of cities. However, the authorities are planning to develop 68 master plans for most urban settlements, which would offer an opportunity for a more participatory approach to town planning. After the Special Rapporteur’s visit, in December 2024 a masterplan for Tashkent was published.

15. The Special Rapporteur urges the authorities in Uzbekistan to follow a more cautious and inclusive approach to urban renewal that seeks to minimize expropriation, forced evictions, the demolition of its historic housing stock and displacement. Urban renewal policies should seek to keep the historic layout and socioeconomic fabrics intact and provide additional income opportunities to local residents. Measures may include expanding existing buildings, including by adding more floors, and involving the local community in renovation efforts. The Special Rapporteur personally witnessed such an approach in the Gulbazaar *mahalla* (neighbourhood) in Tashkent.

## A. Housing quality

16. On average, housing overcrowding has been reduced and utility service provision improved. According to the Statistics Agency under the President of the Republic of Uzbekistan, the average floor space per inhabitant increased from 16 m<sup>2</sup> to 19 m<sup>2</sup> per person between 2020 and 2024, while drinking water supply to homes increased from 67 to 75 per cent during the same period. Advances have also been made in connecting housing to sewerage, which increased from 36.3 per cent to 49.2 per cent and remains inadequate.

17. Housing quality remains, however, an issue for disadvantaged households. For example, in 2024 the United Nations Children’s Fund (UNICEF) estimated that 54 per cent of all children facing multidimensional poverty relied on unclean energy sources for heating

<sup>6</sup> See <https://uza.uz/ru/posts/nezakonnye-postroyki-prichiny-analiz-i-posledstviya-26-02-2020>.

<sup>7</sup> Information provided to the Special Rapporteur by the Ministry of Construction and Housing and Communal Services.

<sup>8</sup> Ibid.

and 32 per cent lived in households with inadequate housing materials for the floors and walls, affecting their living conditions and health.<sup>9</sup>

18. Maintenance of multi-unit buildings is usually undertaken by housing management companies to which all owners pay fees. Ensuring maintenance of the largely privatized housing stock is a challenge. In June 2024, the Ministry of Construction and Housing and Communal Services assessed a total of 42,072 buildings and estimated that 18 per cent were of good quality, 69 per cent of average quality, while 13 per cent required renovation. There are as well some quality issues in newly built housing, as the Special Rapporteur noted when he visited new housing estates.

19. The Special Rapporteur welcomes the fact that the Ministry of Construction and Housing and Communal Services has made an effort to address such issues, among others, by establishing a rating of all construction companies. Of much concern is that of the 36,198 companies rated, none received an A rating, only 0.06 per cent received a B rating, 36.2 per cent received a C rating (fair), while 63.4 per cent were rated as D (poor).

## **B. Housing affordability**

20. In the immediate aftermath of independence, housing affordability was not a major concern for most households, as privatization increased the value of their homes. The situation has, however, changed as the number of households with mortgages has increased significantly. For example, in September 2023, 72 per cent of all new real estate was either financed by a commercial or State-subsidized mortgage, thus gradually financializing the housing sector.

21. Housing affordability has become an obvious issue in economically prospering cities and their surrounding regions. Students, young people who want to establish a new household, older persons with low incomes, households headed by women, with or without children, persons with disabilities and persons renting housing are particularly affected.

22. Despite the significant increase in the housing supply, prices grew by between 70 per cent and 80 per cent over the period 2020–2023, significantly outpacing the growth in average incomes and consumer prices. Prices for newly built housing increased in the regions of Samarkand by 94.8 per cent and Andijan by 77.5 per cent and in Tashkent city by 71.5 per cent. In Samarkand, 18 years of average annual household income is currently needed to buy a three-room apartment, while in Tashkent city, 14 years of income would be required.

23. Prices for housing on the rental market are even higher. For example, if a 60m<sup>2</sup> two-room apartment is purchased and rented out in Samarkand, the rental income received would cover the cost of the apartment in just 11.2 years (not in 18 years), making buy-to-rent housing in lucrative locations a profitable investment for those who have the means to do so.

24. Regrettably there is no data available on housing affordability that would indicate what proportion of their income different households spend on housing and how much is left for food, clothing, education, transport and healthcare.

25. Subsidized housing loans: the main policy aimed at providing access to affordable housing is subsidizing mortgage loans for the purchase of housing. Such loans require a 30 per cent down payment, which can also be subsidized, and offer preferential rates at 17 to 18 per cent for a 20-year loan (compared to 21 to 28 per cent for commercial loans). However, interest rates are not fixed and may thus expose mortgage holders to risks in adverse market conditions.

26. Since 2020, of 753,000 applications lodged for subsidized loans, 113,000 have been granted, mainly to young people (38 per cent), women (38 per cent) and persons with disabilities or suffering from chronic diseases (9 per cent). Regulations for allocating subsidized loans for migrant workers were also issued.<sup>10</sup>

<sup>9</sup> UNICEF, *Situation Analysis of Children and Adolescents in Uzbekistan* (2024), p. 100.

<sup>10</sup> See <https://lex.uz/ru/docs/4717180>.

27. The subsidized loans facilitate access to housing for lower- and middle-income households, but households with unstable or very little income, such as self-employed persons working in the informal sector, face difficulties in accessing them. The most disadvantaged households are thus at risk of not being covered by the scheme and alternatives, such as public housing, are extremely limited. There is, for example, no legal framework for housing cooperatives or non-commercial housing providers to offer housing to disadvantaged or vulnerable population groups at non-market rates, either for rent or on a rent-to-own basis.

## IV. Forced evictions and expropriation of housing

28. Evictions are only human rights-compliant when they respect several clear principles, set out by the Committee on Economic, Social and Cultural Rights in its general comment No.7 (1997). They include, among other things, the obligation to prove that there is no reasonable alternative to eviction, advance information of an eviction and genuine consultation, adequate prior notice, an impact assessment and access to justice. Those affected need to receive fair and just compensation for their loss and/or be provided with alternative adequate housing and land, as appropriate. Mass evictions of an entire community, or evictions that cause individuals to become homeless, are violations of the right to adequate housing.

29. The main victims of forced evictions have been homeowners and tenants with official title or tenancy rights who have been expropriated or evicted for the purpose of public or private development projects, including ambitious urban renewal projects.

30. Past practice has been to designate large-scale areas for urban renewal, involving the expropriation and demolition of the entire housing stock of the area and displacing its entire population. For example, the urban development project of Tashkent City resulted in the rapid demolition of the O'qui and Olmazor neighbourhoods of the old town. Over 2,000 households with multiple residents were evicted to make room for upscale commercial developments, including a business centre, shopping malls, high-rise hotels, restaurants, upmarket residential apartments and a park.

### A. Legal protection against evictions in law and in practice

31. Even before the law regulating the seizure of land and housing for public needs came into force in 2023, privately owned housing was protected by constitutional law, the Civil Code, the Law of Private Property and the Housing Code of Uzbekistan.<sup>11</sup> For example, article 34 of the Law on Private Property stipulates that the termination of ownership rights to land on which housing, buildings or plantations are located shall only be permitted based on legislative acts and with full compensation to the owner for his or her losses. If the owner disagrees, the decision that entails the termination of ownership cannot be implemented until the dispute is resolved by a court, which should rule on the compensation to be provided.<sup>12</sup>

32. This legal protection on paper, however, offered limited protection in reality. Local government officials (*khokims*) often allocated lands to private developers without having the legally required master plans in place. Private developers often demolished the homes of individuals without their consent, frequently without, or with inadequate, compensation.

33. Although article 38 of the law on normative legal acts requires that the decisions of *khokims* to allocate land plots to private developers be published, often they were not, making it difficult for residents to raise their concerns with the authorities or developers, or to challenge such decisions in court.

<sup>11</sup> Article 53 of the Constitution in force until 2022, articles 164 and 166 of the Civil Code, article 11 of the Housing Code and article 32 of the Law on Property.

<sup>12</sup> Available from <https://lex.uz/docs/111455>.

34. Regulations governing the withdrawal of land plots for public needs<sup>13</sup> allow for the seizure of land for defence and State security needs; for the creation of economic zones; for exploitation of mineral deposits; for the construction of public infrastructure, such as roads and railways; for the execution of master plans; or for the construction of facilities financed by the State. The legal framework does not, however, justify expropriations for commercially motivated housing development. Civil society representatives and lawyers have therefore questioned the legality of the dispossession of many homeowners.

35. In the view of the Special Rapporteur, replacing substandard housing with improved housing may under certain circumstances be considered a legitimate public need. However, any such policies must be regulated by law, ensure that the residents affected agree with the proposed plans, receive adequate compensation and benefit from the improvements made. The residents should also have a right to return to where they lived before. When entire neighbourhoods are demolished and replaced by commercial infrastructure or housing is sold at a large profit with no regard for the rights of the residents affected, such housing demolitions cannot be considered justifiable under human rights law.

36. During his visit, the Special Rapporteur heard testimony indicating that commercial housing developers frequently forced homeowners into signing unfavourable compensation agreements, threatening them with eviction and housing demolition on less favourable terms, knowing that courts would be very unlikely to block eviction orders. “Uncooperative” homeowners who refused to relinquish their property rights against compensation were subjected to various illegal actions to make them leave their homes, including harassment and intimidation, electricity or gas being cut off, fences or stone walls around properties smashed and anxiety and fear spread to residents to force them out of their homes.<sup>14</sup> Housing demolitions often started without any legal review or court decisions. When the courts were approached, they overwhelmingly ruled in favour of local governments or commercial developers.

37. As arbitrary housing demolitions became of widespread public concern, some legal improvements were made in Law No. 781 on procedures for the seizure of land plots for public needs, which came into force in June 2022.<sup>15</sup> The law lays out a structured procedure for the seizure of private property and provides for owners to be fully compensated at market value through a centralized fund. The authorities are now required to identify alternative land plots not used for habitation for the implementation of any projects. The law requires open public discussion of projects with at least two thirds of the rights holders affected and for an account (protocol) of those discussions to be published online.<sup>16</sup> However, since such public discussions will be held after the initial approval of the project, it remains questionable as to whether they will result in any meaningful consideration of alternatives to the seizure of land and home demolitions.

## B. Compensation

38. Many persons expropriated in the past continue to struggle to assert their right to compensation. While in most instances residents were offered new homes in apartment blocks, these were often located far from their places of work, from schools and from the small vegetable plots that they had previously relied on.

39. According to Law No. 781, compensation may be financial or by granting ownership rights for another home. A compensation agreement with the rights holder must be concluded before housing can be demolished. Evictions are prohibited before the rights holder has received full financial compensation. The law prohibits actions against homeowners who refuse to conclude compensation agreements, such as disconnecting them from communication networks, water supply, sanitation, electricity, heat or gas. Homeowners

<sup>13</sup> See para. 3 of the regulations, annexed to resolution No. 97 of the Cabinet of Ministers of 29 May 2006.

<sup>14</sup> See also UZB 3/2019, UZB 2/2020 from 20 November 2020, AL UZB 3/2020 from 15 December 2020 and AL UZB 1/2024 from 7 February 2024 and respective replies received.

<sup>15</sup> <https://lex.uz/en/docs/6355530>.

<sup>16</sup> Ibid, article 20.

must vacate their land and homes at the latest six months after they have received compensation.<sup>17</sup>

40. The Special Rapporteur is concerned that Law No. 781 permits the eviction of residents and the demolition of their homes before alternative housing has been completed and provided. The individuals affected may therefore often have to move into temporary accommodation before moving into their new home, resulting in additional disruption to their lives, which is particularly harmful to families with children or older persons. Resorting to temporary accommodation should be an exception rather than the rule. It is also concerning that the financial penalty for delays in housing provision will not cover the cost for residents of renting a home of equal size near where they live.

41. Persons who are unable to prove their title rights but have been living continuously for at least 15 years on the land affected and have paid their taxes may also be compensated for their loss of housing but not for their loss of land rights.<sup>18</sup> The Special Rapporteur is concerned that persons who are unable to present the required proofs or who have lived for less than 15 years continuously on land without title will be completely excluded from compensation.

42. Law No. 781 specifies that tenants shall only be compensated at market value and for moving costs. The regulation largely ignores any non-material losses that are accompanied by the loss of a home. Rights holders will only be compensated in the form of a 5 per cent surplus payment to the market value of their property for the inconvenience caused by a move. However, such non-material losses are usually much higher, as persons develop strong emotional and affective relationships with their homes, gardens or land and with the community in which they live.

43. While the public authorities should, on request, provide homeowners living together in a *mahalla* or street with alternative housing in apartments in the same building or street, there is no legal requirement that such housing be located in proximity to their previous homes, as required by human rights law. The urban renewal policies in Uzbekistan that displace residents to the periphery of urban settlements are at risk of continuing and must change.

### C. Displacement in cultural heritage sites

44. Many cities in Uzbekistan, such as Samarkand and Bukhara, are home to a vast treasure of mankind's cultural heritage. There is a worrying trend of the homes of local residents in city centres being turned into tourist accommodation, or demolished for the construction of new museums. Economic and development-induced displacement of the local population, including the destruction of retail shops or small-scale industry producing traditional heritage products, is a concern undermining the livelihood opportunities of local communities that directly affects the right to adequate housing.

45. The Special Rapporteur is of the view, based on his field observations in Samarkand, that the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the local authorities have paid insufficient attention to the right to adequate housing of the people living close to or within heritage sites, have failed to prevent the demolition of housing stock and have allowed forced evictions and irregular construction to take place within protected areas. That is of deep concern, as it appears that UNESCO and its World Heritage Committee have failed to ensure that international human rights law is respected in protected areas in Uzbekistan, while they have decided that the next UNESCO General Conference will take place in Samarkand in 2025.

46. Short-term rental platforms, such as Air BnB or Booking.com, can have an adverse impact on the availability of affordable housing in attractive city locations by turning residential housing into tourist accommodation and thereby displacing the local population. As Bukhara and Samarkand plan to rapidly increase the number of tourists they host, it is

<sup>17</sup> Ibid., article 22.

<sup>18</sup> Ibid., article 23.



important that they take urgent steps to mitigate such consequences through appropriate regulation and enforcement.

## **D. Displacement after disasters**

47. The Special Rapporteur visited Sirdarya province, where the Sardoba dam collapsed in May 2000, resulting in massive flooding and the evacuation of 111,000 people in Uzbekistan and neighbouring Kazakhstan. The flooding destroyed and damaged many individual homes, a number of them beyond repair. In the aftermath of the disaster, the Government made significant efforts to construct multistorey apartment buildings to house those who had been left homeless in the rural areas affected by the flood and undertook various measures to compensate the victims of the disaster. While many of those victims could be housed in newly built units close to educational and healthcare facilities, some were unable to live on the land they had previously occupied and close to their vegetable gardens. The Special Rapporteur met some victims of the disaster who continued to live in housing damaged by the floods and were left without sufficient compensation to repair their homes.

## **V. Homelessness**

48. Uzbekistan has so far not collected any official data on various forms of homelessness, including the number of persons in street situations or experiencing hidden forms of homelessness, such as persons relying on the goodwill of family or friends to host them. Homelessness is reportedly not very widespread, but it exists. During the winter, the police in Tashkent have asked citizens to report persons in street situations to them in order to provide assistance and prevent hypothermia.

49. At particular risk of homelessness are persons who have been evicted from their homes, persons unable to pay mortgages or rents, persons released from prisons or who have left childcare institutions, women and their children fleeing gender-based violence, lesbian, gay, bisexual, transgender, queer and intersex persons and persons with psychosocial disabilities or addictions. The groups of persons at high risk of homelessness are thus very diverse; many of them would only need access to an affordable, safe home, while others might need additional legal, social, psychological or healthcare support. The Special Rapporteur welcomes efforts to prevent the homelessness of children leaving institutional care. In 2021, a new decree was adopted to allow young persons without parental care after they turn 18 years of age to have access to one-bedroom apartments in multistorey buildings.<sup>19</sup>

50. The Special Rapporteur saw that forced evictions related to urban development projects had also resulted in homelessness. In Samarkand, for example, he visited an elderly couple whose house had been expropriated and partly demolished by a construction company, while the new building being constructed on the site had not been completed and was without utility services. In that particular case, the construction had been stopped, as the new building did not conform to official building regulations and the elderly couple had never received the alternative housing promised. As they could not afford another option, they were forced to return to their partly demolished home and were now living on the abandoned construction site, using an unfinished room in an uncompleted building to survive in substandard conditions.

## **A. Criminalization**

51. While there is no legal prohibition against staying or sleeping in public spaces, persons in street situations may be fined for failure to comply with the rules of cleanliness and sanitary

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<sup>19</sup> Decree of the President No. 5216, “On measures for implementing a new system of State support for orphans and children without parental care”.

order.<sup>20</sup> Persons who beg in public places can also be subject to prosecution. Amendments to the Code of Administrative Responsibility state that actively asking for money, food and other material assets in public places is an offence and a fine of equivalent to between \$25 and \$75 can be imposed. Article 188 of the Code specifies that the begging ban applies to all public places, including streets, public transport, airports, train stations, parks, markets and shopping centres, stadiums and cultural heritage sites.<sup>21</sup> Those who cannot pay the fine face up to 15 days of detention. Repeat offenders may face punishments of up to 240 hours of community service, up to two years of corrective labour or up to one year in prison.<sup>22</sup> In 2018, over 5,000 persons identified as beggars were sent to rehabilitation centres in Tashkent, among them 4,000 women, of whom 3,000 were women with children.<sup>23</sup> Heavy sanctions are imposed on parents who involve children in begging. While it is important to take measures against exploiting and employing children in begging, such sanctions do not solve the problem and often make the situation of the children affected worse, adding pressure on families in financial difficulties to raise additional money to pay the fine or, when parents are detained, leaving children without parental care.<sup>24</sup>

## B. Detention in rehabilitation centres

52. Persons experiencing homelessness can also be detained in rehabilitation centres run by the Ministry of the Interior. On 26 April 2018, the Cabinet of Ministers approved new regulations for rehabilitation centres for persons without a fixed abode, which allow administrative courts to detain persons experiencing homelessness for a period of up to 30 days.<sup>25</sup> The regulations apply to persons over the age of 18 who are not registered at a place of permanent or temporary residence and show “antisocial behaviour” or are “prone to committing an offence”.<sup>26</sup>

53. According to the regulations, the main purpose of the rehabilitation centres is to ensure the safety of the individuals concerned, to convince them to follow the norms and rules of behaviour accepted in society, provide a set of rehabilitative measures, including legal, social, psychological, medical and other assistance and direct them to their former place of residency after their identity has been established. The rehabilitation centres may arrange the transfer of persons with health issues to hospitals and persons with disabilities or older persons to residential facilities.

54. The rehabilitation centres cannot be compared to shelters or similar institutions in other countries that provide emergency accommodation to persons experiencing homelessness, where they are free to enter and leave; rather they are closed institutions run by the Ministry of the Interior. The regulations specify that “homeless persons must be kept in safe conditions that exclude the possibility of their unauthorized departure ... and be under round the clock supervision by rehabilitation staff”.<sup>27</sup> Persons detained in such centres are

<sup>20</sup> Code of Administrative Responsibility, article 161, available from <https://lex.uz/acts/97661> (in Russian).

<sup>21</sup> Radio Free Europe, Radio Liberty, “Uzbek lawmakers criminalize begging, with fines or jail time”, 14 December 2018, available from <https://www.rferl.org/a/uzbek-lawmakers-criminalize-begging-with-fines-or-jail-time/29656585.html>.

<sup>22</sup> Article 127 of the Criminal Code, available from <https://lex.uz/acts/111457> (in Russian).

<sup>23</sup> Submission to the Special Rapporteur by the Eurasian Coalition on Health, Rights, Gender, and Sexual Diversity, p. 4, available from <https://www.ohchr.org/sites/default/files/documents/issues/joint-activity/decriminalization-homelessness/subm-decriminalization-homelessness-extreme-cso-ecom.docx>.

<sup>24</sup> See Dinara Babajanova, “Family-legal methods of protecting the rights of children when their parents involve them in begging in the Republic of Uzbekistan”, *American Journal of Political Science Law and Criminology*, vol. 3, No. 7 (2021).

<sup>25</sup> Available from <https://lex.uz/docs/3711915>.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid., para. 29.

subjected to fingerprinting, photography, medical examination, disinfection and a bodily search.<sup>28</sup> Personal items are confiscated for the duration of their detention.<sup>29</sup>

55. The Special Rapporteur was able to visit a former detention facility in Tashkent that was being renovated to serve in future as a rehabilitation centre for persons experiencing homelessness. As the renovation work was still under way, persons to be placed in the centre were temporarily housed in four-bedroom cells on the ground floor of a recently built remand detention centre next door. They live in open cells but are under centralized video supervision and are offered regular meals, healthcare and legal support. The fact that persons experiencing homelessness are placed in a former prison or prison-like institution is regrettable, reinforcing the public stigmatization of them as outcasts from society and is not an appropriate solution for their social reintegration.

56. The Special Rapporteur would like to draw attention to Human Rights Council resolutions 43/14 and 55/11, the guiding principles on extreme poverty and human rights and his joint study with the Special Rapporteur on extreme poverty and human rights, in which they call on all States to decriminalize homelessness and related life-sustaining conduct, such as sleeping or begging in public places.<sup>30</sup> In the view of the Special Rapporteur there are more sustainable and human rights-compliant approaches to homelessness or begging than imposing sanctions on persons who cannot pay them or detaining them.

## VI. Specific groups

### A. Women

57. Women face more pronounced challenges in acquiring housing in Uzbekistan, as most have lower incomes than men and fewer opportunities for saving.<sup>31</sup> Although legislation guarantees equal rights to property ownership for both women and men, there are still significant gender disparities. In 2022, the Committee on the Elimination of Discrimination against Women noted with concern the low percentage of women's ownership of land (23 per cent) and real estate (36.6 per cent).<sup>32</sup> Most people acquire land and residential houses through inheritance, which traditionally favours men.

58. Gender stereotypes in lending and house ownership are significant, as men are traditionally considered as heads of households and homes are often registered only in their name. Other barriers to women's home ownership include fear of non-performing credit related to the prospect of maternity leave; unemployment or employment on low salaries insufficient for creditworthiness; and a lack of knowledge of banking systems.<sup>33</sup>

59. According to Cabinet of Ministers resolution No. 182, adopted in April 2018, women in difficult social situations, women with disabilities, women with low incomes and single mothers may submit an application for a subsidized mortgage loan of a 2–3 room home that may be fully covered by public institutions they are not creditworthy or do not have a regular income. Since 2017, more than 30,000 women have secured a home under this scheme. In the same period, nearly 29,000 women received subsidies for rental payments and over 19,000 women received grants to undertake repairs to their housing.

60. The Special Rapporteur is concerned that women and children exposed to domestic violence are often forced to flee their homes, instead of the courts restricting the access of perpetrators to the homes where the victims live.

61. In 2023, the law on the protection of women from oppression and violence strengthened the protection of women and children through criminalization of domestic violence and made it easier to issue longer and more comprehensive protection orders. During

<sup>28</sup> Ibid., paras. 18 and 19.

<sup>29</sup> Ibid., paras. 21, 23 and 34.

<sup>30</sup> See [A/HRC/56/61/Add.3](#).

<sup>31</sup> See World Bank, *Country Gender Assessment for Uzbekistan*, 2024.

<sup>32</sup> CEDAW/C/UZB/CO/6, para. 35.

<sup>33</sup> Asian Development Bank, *Uzbekistan: Country Gender Assessment Update* (December 2018), p. xiv.

the first seven months of 2024 alone, the courts issued protection orders for over 25,600 women. Around 85 per cent of perpetrators were family members.

62. There is also significant social and institutional pressure, starting at the local community/*mahalla* level and going all the way to public institutions and the judiciary to prevent divorce and keep families together. Of 74,192 family problems reported to women's officers at the *mahalla* level, 45,402 families were reconciled during the first seven months of 2024.<sup>34</sup> In 2024, 51.8 per cent of cases heard by the criminal courts were terminated due to the offender's confession of guilt and reconciliation with the victim.

63. For many women the only effective protection from domestic violence is to find alternative accommodation on a temporary or long-time basis. Shelters for women play a critical function in providing legal, social, psychological and other assistance and a safe place to stay. Until recently only very few shelters existed, including a shelter run by a civil society organization for the last 25 years in Bukhara, which the Special Rapporteur visited. The Special Rapporteur welcomes the fact that Uzbekistan has now established 14 regional centres for the "rehabilitation and adaptation" of women and a so-called Republican Centre in Tashkent that he also visited. Regrettably, however, the naming of these centres suggests that their purpose is still to "adapt" women rather than protect them.

64. The Special Rapporteur is concerned that there are insufficient, affordable, long-term housing options available to women and children fleeing domestic violence who cannot return to their homes. As a result, they may either face long stays in shelters or are often forced to return to abusive family settings for economic reasons.

## B. Students

65. In Jizzak, the Special Rapporteur visited a newly built student residence, equipped with bunk beds and communal facilities. The number of students enrolled in tertiary institutions rose significantly in Uzbekistan between 2017 and 2023. The rapidly expanding numbers in higher education have resulted in serious challenges to providing them with affordable housing, in particular in Tashkent, where many public and private tertiary education institutions are located.<sup>35</sup> Currently there are around 1.5 million students in higher education institutions. Of them, 47.6 per cent live in their family homes or those of close relatives, while 247,000 need a place in a dormitory, of whom only 54 per cent can currently be accommodated in student residences.<sup>36</sup> The remaining students live in rented homes and, since May 2021, can receive a subsidy covering 50 per cent of their rental costs. In addition, with a view encouraging property owners to rent out their properties to students, the income thus earned is exempt from tax. In 2023, the State significantly increased the allocation of funds for rental subsidies from 4.8 billion sum in 2021 to 132 billion sum.<sup>37</sup> In addition, efforts are under way to build 241 additional student residences by 2025, with the aim of offering more students places in dormitories. The Special Rapporteur welcomes the efforts to improve the housing situation of students. He calls upon the authorities to monitor the situation closely and expand housing inspections to ensure that students are protected from rent usury and that the housing offered to them is adequate.

## C. Persons with disabilities

66. The Special Rapporteur welcomes the ratification by Uzbekistan on 7 June 2021 of the Convention on the Rights of Persons with Disabilities. As of 1 January 2025, 2.7 per cent of the population were registered as persons with disabilities, however this number is widely considered an underestimation. Persons with disabilities face significant challenges in

<sup>34</sup> See Utkirbek Kholmiraev and Zayniddin Shamsidinov, "Semiotics of legal transplants: Exploring domestic violence justice in Uzbekistan", *International Journal for the Semiotics of Law*, vol. 37, No. 6 (October 2024).

<sup>35</sup> See, for example, "Students – the real homeless of the capital" Kun.Uz News, 16 November 2020, available from <https://kun.uz/news/2020/11/16/talabalar-poytaxtning-asl-uysizlari>.

<sup>36</sup> Data provided by the Government to the Special Rapporteur.

<sup>37</sup> Ibid.

purchasing or renting housing, as disability benefits are generally not sufficient to cover the additional costs that disability entails and as households including persons with disabilities are significantly poorer than those without,<sup>38</sup> owing to their greater exclusion from the labour market.

67. In 2019, only 64.9 per cent of persons with disabilities rated their home and neighbourhood as reasonably accessible.<sup>39</sup> Living independently within the community is challenging for many persons with disabilities, due to the limited personal assistance available when family members are unable to provide such assistance. In 2019, only 1.2 per cent of all persons with disabilities received personal assistance from the State in their own homes.

68. Uzbekistan has a high rate of institutionalization of children with disabilities, who are subsequently deprived of the right to grow up in a safe and nurturing family environment. Of all the children in institutional care, 79 per cent have a disability<sup>40</sup> and most of them attend specialized schools. Consequently, there is disproportionate housing segregation of persons with disabilities.

69. The Special Rapporteur welcomes the fact that the Law on the Rights of Persons with Disabilities obliges the State to take measures to protect the right of children with disabilities to a family environment and reduce the number of children with disabilities placed in specialized institutions,<sup>41</sup> thus anticipating a reduction in the segregation of children with disabilities in relation to housing.

70. The Law on the Rights of Persons with Disabilities prohibits discrimination on the grounds of disability and specifies that living quarters provided to persons with disabilities, or to families with a disabled member, must comply with the principle of accessibility of facilities and services.<sup>42</sup> According to the law, the homes of persons with disabilities should be adapted by local authorities with special aids and appliances for free movement and use by persons with disabilities. The State authorities are furthermore obliged to take measures to provide persons with disabilities with unhindered access to their homes and social infrastructure and accessibility of private living quarters and unhindered access to facilities and services should be guaranteed.<sup>43</sup>

71. A recent World Bank study found that construction projects of residential buildings managed by private real estate developers often violated the Law on the Rights of Persons with Disabilities.<sup>44</sup> The Special Rapporteur visited several newly built housing estates that were equipped with elevators that could only be reached after climbing several stairs, although the law requires that when elevators are installed in residential buildings their accessibility should be guaranteed. In public spaces, the Special Rapporteur observed efforts to enhance accessibility, but ramps were often too steep to be safely used by persons with disabilities without additional personal assistance.

72. Article 51 (1) of the Code of Administrative Liability allows for the imposition of a fine on officials who fail to create the conditions for persons with disabilities to have unhindered access to buildings, transport and means of communication.<sup>45</sup> Such fines amount to the equivalent of between \$280 and \$450 and may be increased one year later if compliance has not been achieved. Between January and June 2012, 8,828 public and private entities were fined for failing to comply with accessibility rules, but from January to June 2018, reportedly only 7 entities were fined and none of those fines have been collected.<sup>46</sup> Even

<sup>38</sup> United Nations Uzbekistan, *Situation Analysis on Children and Adults with Disabilities in Uzbekistan* (2019), p. 40.

<sup>39</sup> *Ibid.*, p. 29.

<sup>40</sup> UNICEF, *Situation Analysis of Children and Adolescents in Uzbekistan* (2024), p. 62.

<sup>41</sup> Art. 20, available from <https://lex.uz/en/docs/5694817>.

<sup>42</sup> *Ibid.*, arts. 18 and 22.

<sup>43</sup> *Ibid.*, art. 23.

<sup>44</sup> World Bank, *Technical Note on the Implementation of the Convention on the Rights of Persons with Disabilities in Uzbekistan* (January 2023), p. 25.

<sup>45</sup> Available from [lex.uz/acts/97661](https://lex.uz/acts/97661).

<sup>46</sup> World Bank, *Technical Note on the Implementation of the Convention on the Rights of Persons with Disabilities in Uzbekistan*, pp. 25 and 26.

when fines are imposed and collected, they appear not to be large enough to encourage compliance.

73. Persons with disabilities face particular difficulties in challenging violations of their rights before the courts and therefore only a few have resorted to the justice system. Additional barriers to accessing justice include unaffordable court fees, lack of funds for hiring a lawyer, inaccessible court buildings, a lack of accommodation in judicial procedures, the limited awareness and representation of persons with disabilities within the judicial system and the limited knowledge of persons with disabilities of their own rights.<sup>47</sup>

#### **D. Lesbian, gay, bisexual, transgender, queer and intersex persons**

74. Lesbian, gay, bisexual, transgender, queer and intersex persons face particular challenges in Uzbekistan, as voluntary same-sex contact between adult males is criminalized under article 120 of the Criminal Code.<sup>48</sup> As a consequence, most such persons hide their sexual orientation or gender identity.

75. Lesbian, gay bisexual, transgender, queer and intersex persons face an increased risk of homelessness, as they may often be expelled by their families or be at risk of harassment and violence, should their sexual orientation or gender identity become publicly known. Landlords who know or suspect the sexual orientation or gender identity of potential tenants may refuse to conclude a rental contract citing moral, religious or personal beliefs, as homosexuality is widely perceived in as unacceptable and immoral.

76. Lesbian, gay bisexual, transgender, queer and intersex persons living in rented or self-owned homes are at risk of harassment or violence from their neighbours. In an informal self-survey, most such persons reported being subjected to psychological abuse, physical violence or expulsion from their homes. Respondents highlighted an urgent need for psychological support (100 per cent), legal assistance (75 per cent), medical support (40 per cent) and help in finding safe places to stay (60 per cent).

77. To date, there is no law that protects against discrimination based on sexual orientation or gender identity. Lesbian, gay bisexual, transgender, queer and intersex persons have no possibility of defending their rights in court in the event of discriminatory refusal to rent property to them or if they are threatened with eviction. The fear of possible criminal prosecution under article 120 of the Criminal Code further exacerbates the situation, as people are afraid to turn to law enforcement agencies for protection. Institutions that offer shelter for female victims of gender-based violence are not equipped to take on the support that lesbian, gay bisexual, transgender, queer and intersex persons would require to protect them.

#### **E. Roma minority (Lyuli/Mughat)**

78. The Roma community in Uzbekistan has the lowest rate of integration into the public education system and formal labour market, faces social stigmatization and is more likely to be displaced than other communities. Roma communities live overwhelmingly in segregated communities, perpetuating their social exclusion. Often their land or homes are not registered in cadastral registries, exposing them to the increased risk of housing demolition without compensation. The Special Rapporteur was able to visit the Chashma *mahalla* located in the Bektemir district of Tashkent, that was offered as one possibility to 250 Roma families for resettlement when they were forced to leave their homes in an area of the old city that was subject to urban redevelopment. Similarly, in the Vodnik district of Tashkent an entire Roma village was forced to move away from their neighbourhood to allow for the construction of a children's education centre.<sup>49</sup> Most Roma are self-employed or undertake informal jobs,

<sup>47</sup> Ibid., pp. 45–49.

<sup>48</sup> Available from <https://lex.uz/docs/111457#158188>.

<sup>49</sup> Kamila Zakirova, "How integrating minorities and vulnerable groups will improve human capital in Uzbekistan. The case of the Central Asian gypsy community" in *New Voices from Uzbekistan*, Marlene Laruelle, ed. (Washington, D.C., George Washington University, 2019), p. 99.

including waste collection and waste management, excluding them from regular incomes. While most have their own houses or apartments, their socioeconomic situation and unstable incomes mean that many of them are not eligible for subsidized mortgages.

## VII. Access to justice

### A. Housing rights defenders

79. Civil society organizations defending housing rights continue to face obstacles in registering as non-governmental organizations (NGOs), which is required under national law.<sup>50</sup> A government resolution adopted in June 2022 further increased State interference in NGO activities by introducing a new requirement of State approval of foreign grants received by NGOs and compulsory partnership with State agencies on the implementation of foreign-funded projects.

80. There are no nationwide tenant unions, homeowner associations or organizations working with persons at risk of homelessness that are specialized in defending housing rights or engaging regularly in a dialogue with the relevant government departments on housing policies. Some human rights organizations, citizen groups and lawyers try to fill this gap.

81. Only one general legal advice organization, Madad, receives public support. Madad maintains 137 advice offices and comprehensive online legal advice pages, including on housing rights.<sup>51</sup> Madad is formally an NGO but was established by presidential decree in 2019.

82. The public media traditionally reports on the achievements and positive developments in relation to housing, so more independent commentary on housing policies is confined to some independent online news portals, bloggers, social media channels or documentary film makers. In that context, the Special Rapporteur is gravely concerned that victims of forced evictions, housing rights defenders, lawyers, bloggers and journalists reporting on arbitrary housing demolitions are subject to intimidation and are prosecuted or detained on dubious grounds, including in closed mental health institutions.<sup>52</sup> During the visit, he was able to observe instances of surveillance and interference with housing rights defenders. Those practices must stop as they do not comport with the vision of the new Uzbekistan.

### B. Legal aid

83. Until very recently, public legal aid was restricted to criminal law cases, leaving homeowners or renters with limited financial means without any professional legal support to defend their interests in civil law cases or in administrative law matters. The Law on the Provision of Legal Aid at the Expense of the State, which came into force in September 2023, now provides low-income persons with access to State-funded legal aid, including in matters related to the “loss of the right to use residential premises and eviction”. However, low-income persons are defined in the law only as those that are registered in the database on social protection, confining such support to a narrow group.<sup>53</sup> An additional challenge is to find a lawyer as there is a shortage of lawyers in Uzbekistan.<sup>54</sup> It therefore remains largely to be seen to what extent the new law will result in sufficient improvements to the provision of legal aid in housing rights.

<sup>50</sup> See for example [CCPR/C/UZB/CO/5](#), para. 48, and submission by Human Rights Watch to the universal periodic review of Uzbekistan (April 2023), paras. 21–23.

<sup>51</sup> See <https://advice.uz/ru>.

<sup>52</sup> See for example, Uzbek Forum for Human Rights, “Punitive psychiatric detention in Uzbekistan: Silencing human rights activists” (2021), pp. 9–15;; Land Home Justice Network, “Development-based forced evictions in Uzbekistan” (2024), p. 17.

<sup>53</sup> Article 3.

<sup>54</sup> In total there were only slightly over 6,000 attorneys in Uzbekistan in 2024; see, for example, <https://uzbekistanlawblog.com/attorney-boom-how-the-lifting-of-the-ban-on-part-time-work-will-change-the-legal-landscape-in-uzbekistan/>.



## C. Non-judicial complaints mechanisms

84. Uzbekistan has established various non-judicial procedures for submitting complaints to the authorities. They include the so-called Peoples' Reception of the President, with offices in regions and cities, and an electronic platform to submit complaints,<sup>55</sup> the Ombudsperson Institution,<sup>56</sup> the Child Rights Commissioner and the General Prosecutor's Office. The latter can receive individual complaints, issue warnings, file protests against decisions to public and private bodies and petitions to the courts and, if required, initiate prosecutions before the courts in relation to administrative, criminal or disciplinary offences.<sup>57</sup>

85. Between 2017 and 2023, the Ombudsperson received more than 7,000 complaints relating to housing rights, mostly related to the provision of public housing (2,230 cases), but also many complaints related to the encroachment on property by local governments, legal entities and individuals (1,924 cases), expropriation without provision of alternative housing (237 cases) or without equivalent housing (300 cases), incomplete compensation (245 cases) or housing demolitions (36 cases). Since 2020, the Ombudsperson has also submitted 21 conclusion and submissions to State authorities relating to those issues and was able to assist the persons affected in two lawsuits. The Ombudsperson successfully appealed to the Constitutional Court to review two provisions regulating the withdrawal of land plots.

86. During his visit, the Special Rapporteur met the Commissioner for Children's Rights, who received 35 complaints related to housing issues in 2023 and during the first six months of 2024, including forced evictions and the housing rights of children in institutions. The Commissioner intervened in cases to secure the housing and property rights of children without parental care and ensure access to housing for young adults leaving childcare institutions.<sup>58</sup>

87. The Special Rapporteur learned from lawyers, housing rights defenders and residents that occasionally complaints filed with the non-judicial bodies resulted in some gradual improvements, for example assisting persons affected to receive better compensation for expropriation or demolition of housing. In a number of instances, they also facilitated access to public housing, to subsidies or loans for housing repairs or to subsidized mortgages.

88. Overall, there was however, the perception that complaints filed with the non-judicial mechanisms could not provide adequate relief as they were ill-equipped to challenge expropriations and housing demolitions. It was also noted that when they provided legal views supporting the complainants, their views were often overruled in court proceedings. While there are many non-judicial complaints mechanisms available to residents, the Special Rapporteur met too many persons who submitted multiple complaints to these bodies and received acknowledgements but without having their disputes over housing rights resolved in a satisfactory way.

89. The Special Rapporteur is also concerned that individuals often appear powerless in the face of rights violations committed by private housing developers and construction companies. Those violations include arbitrary cuts to utility services to force tenants out, unlawful housing demolitions, non-payment of or inadequate compensation for expropriations, or failure of housing developers to provide agreed alternative housing in a timely manner without major defaults. While the laws establishing the Ombudsperson and the Public Prosecutor do not rule those institutions out of engaging on the human rights abuses of business actors, it appears that so far they have not considered such complaints, thus contributing to a general lack of adequate oversight of the private construction sector. The Business Ombudsperson is only tasked to handle complaints of business actors against State institutions. In essence, there is as yet no well-functioning, accessible grievance

<sup>55</sup> [Murojaat.gov.uz](https://murojaat.gov.uz).

<sup>56</sup> See articles 10, 13 and 20 of the law establishing the ombudspersons office, available from <https://lex.uz/docs/276159>.

<sup>57</sup> Articles 1, 7 and 38 of the law on the Prosecutor's Office, available from <https://lex.uz/docs/106197#106232>.

<sup>58</sup> Information provided by the Commissioner for Children's Rights to the Special Rapporteur.



mechanism dealing with human rights abuses by business entities in line with the Guiding Principles on Business and Human Rights.

## D. Judiciary

90. The courts in Uzbekistan do not have a strong record of enforcing the new Constitution, international human rights treaties or national laws aimed at protecting the right to adequate housing. The culture of seeking remedies through the courts is itself very slowly developing, while access to justice is also limited by the small size of the legal profession, limited legal aid and the fact that many court cases are decided without legal representation.

91. While the Constitution gives priority to international law over domestic law in case of conflict, in reality the courts have hardly ever referred to international human rights treaties when interpreting national law and its application.<sup>59</sup>

92. An overwhelming majority of cases involving developers and residents seem to be decided in favour of developers, especially by appellate courts. The perception among many in the public is that the judiciary is not independent. Despite the recent reforms to improve the independence of the judiciary, including the shifting of appointments to the Supreme Judicial Council, there is a culture of compliance with perceived State interests in the judiciary.<sup>60</sup>

93. The Special Rapporteur is also concerned about certain legal provisions, such as article 231(1) of the Criminal Code, which permit the imprisonment of judges for rendering “unjust decisions”. For example, one judge, who appears to have ruled several times against the State authorities, has been sentenced to four years’ imprisonment. Those legal provisions are contrary to the independent functioning of courts; if judges make mistakes, whether their rulings are seen as fair or not, appellate courts are supposed to correct them instead of imprisoning them for rendering their decisions.

## VIII. Recommendations

94. **The Special Rapporteur applauds Uzbekistan for the enormous progress it has made in transforming the country to a more open, rule of law-based society that is willing to take measures to improve its protection of the right to adequate housing. The vision of a new Uzbekistan should lead to greater compliance with the realization of all human rights based on the rule of law, as it rapidly urbanizes.**

95. **With regard to the protection of the right to adequate housing the Special Rapporteur recommends that Uzbekistan establish a road map for the full implementation of the recommendations contained in the present report employing the National Center for Human Rights as the coordinating body.**

96. **With regard to the implementation of the right to adequate housing in its legal order, Uzbekistan should:**

(a) **Ensure constitutional and legal protection of the right to adequate housing for all by strengthening the implementation of legal protections and the ability of judicial and non-judicial bodies to provide effective remedies, including through administrative law remedies, such as injunctions against orders and rules, that individuals can easily access;**

(b) **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights allowing the submission of individual complaints for violations of the right to adequate housing after domestic remedies have been exhausted.**

<sup>59</sup> For more detail, International Commission of Jurists, *Assessing Economic and Social Rights in Uzbekistan: An Analysis of Selected Laws and Practices* (2021), pp. 10–16.

<sup>60</sup> *Ibid.*, p. 17, CCPR/C/UZB/CO/5, para. 39, and A/HRC/44/47/Add.1.

97. With regard to housing policies and urban planning, Uzbekistan should:

(a) Systematically collect data on housing conditions, including quality and affordability (including data on the percentage of disposable income used to cover housing costs), as well as on homelessness. Such data should be disaggregated by income group, gender, age, location, tenure type, disability, household composition, ethnicity and nationality;

(b) Continue monitoring and improving housing quality, safety and access to essential services, such as safe drinking water and sanitation, by all housing providers, public or private, including through surveys and company ratings;

(c) Ensure the comprehensive and meaningful participation of residents in urban planning, including in master planning, for the social production of housing, including at *mahalla* level;

(d) Elaborate and strengthen further existing measures to ensure housing affordability, including by:

(i) Expanding the public housing stock and adopting regulations for the establishment of community housing providers, housing cooperatives, community land trusts and land banks;

(ii) Improving the availability of fixed-rate mortgages and the protection of mortgage holders against possible interest increases in economic downturns, and eliminating barriers to obtaining subsidized mortgages for recently divorced women and self-employed persons with irregular incomes;

(e) Strengthen security of tenure, including with regard to arbitrary evictions without cause, and introduce rent ceilings for tenants renting housing.

98. With regard to institutional changes, Uzbekistan should:

(a) Designate an additional member of the *mahallas* with legal or paralegal training, to be responsible for ensuring the protection of the right to adequate housing;

(b) Enable non-judicial remedial mechanisms, such as the Peoples Reception of the President, to extend formal negotiation and conciliation services to all cases involving land acquisition and evictions.

99. With regard to forced evictions and expropriations, Uzbekistan should:

(a) Limit expropriations, displacement and forced evictions. In urban renewal projects, ensure that affected persons have a right to return to their neighbourhood or are provided with affordable housing and land of equal value and size in close proximity to where they habitually reside. Limit the ability to expropriate homeowners when alternative housing has not yet been completed;

(b) Ensure that actions to promote urban renewal, tourism and the protection of cultural heritage do not result in the arbitrary displacement of the residents affected and adopt adequate regulations for short-term rentals;

(c) For any project requiring expropriation, relocation or resettlement, provide residents with an effective right to access information concerning all town planning and project documents, including by elaborating and approving masterplans for urban centres;

(d) Provide retroactive reparation and compensation to homeowners who have been arbitrarily expropriated in the past and amend the legislation regulating expropriation to include compensation for intangible and non-material losses. Regulate the compensation and assistance provided to tenants with rental contracts who have to relocate due to urban renewal projects;

(e) Address shortcomings in the response to the Sardoba dam disaster by reopening the possibility for those affected to submit claims for compensation, or by providing improved access to grants or subsidized mortgages for housing repairs for all persons who continue living in substandard or damaged housing in that region.

100. With regard to the prevention of, protection against and decriminalization of homelessness, Uzbekistan should:

(a) Transfer the responsibility for emergency housing for persons experiencing homelessness to the National Agency for Social Protection. Ensure that shelters can be freely accessed and exited by persons experiencing homelessness. Invest in the establishment of housing-led approaches to combat homelessness to ensure that persons without housing can access long-term private housing as quickly as possible;

(b) Abolish legal provisions criminalizing begging and other life-sustaining activities of persons experiencing homelessness and abolish regulations that allow for the arbitrary detention of persons experiencing homelessness in rehabilitation centres or for alleged “unsocial behaviour” or persons suspected to be “prone to commit offences”.

101. With regard to specific groups at risk of marginalization, Uzbekistan should:

(a) Ensure that women and children fleeing domestic violence have access to shelters in all regions and increase support to shelters managed by independent civil society organizations. Ensure safe long-term housing options for persons who cannot return to their homes and that protection orders require the perpetrator, instead of the victim, to leave the home. Require public institutions, the police and the judiciary to formally assess safety risks for women or children before electing to promote reconciliation or reunification in domestic violence cases;

(b) Recognize the right of persons with disabilities to live independently within the community and enhance the provision of personal assistance financed by the State to facilitate deinstitutionalization. Provide support to parents to ensure that children with disabilities remain with their families, instead of being institutionalized;

(c) Ensure the participation of persons with disabilities and organizations representing them in urban planning and housing policies. Issue regulations so that new housing is built on the principle of universal design and fully accessible to persons with disabilities. Provide sufficiently dissuasive penalties when regulations aimed at ensuring the accessibility of persons with disabilities are not respected and ensure that penalties are systematically enforced;

(d) Continue to address the shortage of student housing through construction of student residences, rent subsidies and tax incentives for homeowners renting out their properties to students;

(e) Abolish article 120 of the Criminal Code and end the stigmatization of lesbian, gay, bisexual, transgender, queer and intersex persons as immoral or insane. Prohibit housing discrimination based on sexual orientation or gender identity and establish in collaboration with lesbian, gay, bisexual, transgender, queer and intersex persons safe emergency and long-term housing options for persons who have been forced to leave their families or communities;

(f) Adopt measures to reduce the spatial segregation of Roma/Lyuli communities, improve their security of tenure through registration of the land and housing used by them and improve their access to subsidized mortgages.

102. With regard to civil society and access to justice, Uzbekistan should:

(a) Remove barriers to the registration of civil society organizations and establish an ongoing formal dialogue with civil society and human rights organizations on housing policies, urban renewal and forced evictions;

(b) End intimidation and reprisals against persons seeking justice in housing matters and against housing rights defenders, media representatives and bloggers reporting on housing matters. Immediately halt any punitive psychiatric detention of persons defending housing rights;

(c) Enable effective grievance and complaints mechanisms in relation to housing rights abuses by non-State actors, such as commercial housing developers and

**business enterprises, in conformity with the Guiding Principles on Business and Human Rights;**

**(d) Further strengthen the independence of the judiciary to adjudicate cases regarding the right to housing, including by abolishing article 231 (1) of the Criminal Code that allows for the imprisonment of judges who render so-called unjust decisions and by training judges in the international legal dimensions of the right to adequate housing.**

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