

Forced eviction & Unsustainable Urbanism



Tashkent – SNOS group on Facebook, Uzbekistan , www.housing-uz.info

Against forced eviction, unfair trial, violation of the right to adequate housing


Forced eviction is absolutely new issue , it wasn't considered during 3rd Cycle of UPR

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

Violation of the interne legislation during land assignation and its consequences


No due diligence check:

land for the commercial construction is distributed for absolutely unknown companies :

no Law managing 
relationship between private developers, clients and the State

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

Violation of the interne legislation during land assignation and its consequences

- No publication of the decisions of the local administrations about demolition areas and new constructions:

- Residents can't participate in discussions on urbanism process in their areas, though the Uzbek Urban Code prescribes this rights for people and this obligation for authorities
- Residents cannot challenge the authorities' decisions in court, because they miss the appeal deadline (three months after residents knew)

Violation of the interne legislation during land assignation and its consequences

Huge benefits for developers:

- land tax exoneration,
- Permission to hire workers without contracts:
- no control of the construction quality :
- no respect of the ecological nor urbanistic norms



- Most of developers legally are small enterprises with staff of 1 (one) to 12 (twelve) personnes: this is tax evasion and no social protection for the workers
- A lot incidents , including deatnes, 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, water issues
- Huge infrastructural issues: frequent power and gas cuts due to overloading of outdated networks with new constructions

New Law on housing: new Uzbek Constitution (April, 2023), Article 47.

Text

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.

Residents don't have real protection because of very high cost of the lawyer's services. Judges don't authorize the residents to invite the benevolent representatives

New Law on housing: new edition of the Constitution of Uzbekistan, Article 47.

Text:

The state **encourages housing construction** and creates conditions for the realization of the right to housing.



The state continues to provide incredible conditions for developers that allow them to generate income:

- exemption from land taxes,
- permission to hire workers without formalizing labor contracts and paying in cash (*avoiding mandatory social contributions to the budget*);
- cancellation or reduction of customs duties on the import of construction equipment or building materials
- Weakening, practically absence, of technical supervision over construction, which leads to accidents in new buildings and casualties

Recommendations

- 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."
- Ensure the availability of low-cost or free legal assistance for residents affected by the demolition, as well as the participation of their voluntary representatives
- Do not charge homeowners a court fee for a property claim filed by an evictor;
- Recognize forced eviction as torture and include in the legislation administrative and criminal penalties for forced evictions;
- Request monitoring of enforced eviction decisions, where the claim is filed by the developers, in order to analyze the situation
- Prohibit forced evictions, in principle, especially for families with minor children.