

*(Translated from Russian)*

**Reply of Uzbekistan to the joint communication 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, and the Special Rapporteur on the rights of persons with disabilities**

**Introduction**

1. On 20 November 2020, 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, and the Special Rapporteur on the rights of persons with disabilities sent a joint communication to the Government of Uzbekistan regarding allegations of ongoing house demolitions and forced evictions, including of persons with disabilities, in Surxondaryo and Tashkent Provinces.
2. The Government of Uzbekistan appreciates the opportunity to reply to this communication. This reply was prepared by the National Human Rights Centre of Uzbekistan pursuant to the compilation of information provided by the Supreme Court, the Procurator General's Office, the Enforcement Bureau of the Procurator General's Office, the Ministry of Justice and the regional administrations of Tashkent, Tashkent Province and Surxondaryo Province.
3. Uzbekistan attaches great importance to the mandate and role of the United Nations Human Rights Council and its special procedures as the principal international body for protecting and promoting human rights and fundamental freedoms.
4. Uzbekistan fulfils its international human rights obligations in good faith and is committed to maintaining a constructive dialogue with the United Nations mechanisms, including the special procedures, which are a vital aspect of a strong and effective international human rights protection system. Therefore, Uzbekistan scrupulously participates in the work of the special procedures and wishes to provide the following information in response to the joint communication.

**Legal and institutional human rights framework in Uzbekistan**

5. Uzbekistan has a solid legal and policy framework on human rights. In accordance with the Vienna Declaration and Programme of Action, in June 2020, Uzbekistan adopted the National Human Rights Strategy and a road map for its implementation. The National Strategy was the first strategic document in the history of Uzbekistan that defined a set of long-term targeted measures to ensure personal, political, economic, social and cultural human rights, in keeping with the Sustainable Development Goals and the principle of "leaving no one behind".
6. The protection of human rights and the implementation of the international human rights obligations undertaken by Uzbekistan rest with the legislature, the executive and the judiciary. Institutional and legal measures are being implemented to strengthen the role of the parliament, civil society institutions and the media, as are the principle that the people are the sole source and author of laws and that all important decisions are taken pursuant to direct dialogue with the people, taking into account public opinion.
7. A set of measures has been taken to further democratize the judicial and legal sphere, ensure the supremacy of the Constitution, equality before the law, humanism, justice and the independence of the judiciary, introduce the adversarial principle into the judicial process and increase public confidence in the justice system. Measures have been taken to expand the system of free legal aid to the public, the capacity of the Advice.uz legal information system and support for Madad, a non-governmental non-profit organization that provides free legal advice to citizens.
8. Systematic measures are being taken in Uzbekistan to further strengthen and develop national mechanisms for the observance and protection of human rights. A radical improvement has been made in the activities of the National Human Rights Centre and the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis, the legislature of



Uzbekistan. The posts of Children's Ombudsman and Business Ombudsman have been introduced.

### **Safeguards to protect the rights and legitimate interests of property owners**

9. The Constitution of Uzbekistan guarantees the right to property (art. 36) and also declares that private property, along with other forms of property, is inviolable and protected by the State. Owners may be deprived of their property only in the cases and the manner prescribed by law (art. 53., second para.).

10. In recent years, more than 60 laws and other regulatory and legal acts have been adopted to protect private property and guarantee the rights of owners, prevent unlawful infringements on property rights, qualitatively improve the business and investment climate and prevent interference in the activities of business entities.

11. The Government of Uzbekistan is effectively implementing the State programmes and investment projects aimed at the implementation of urban planning activities, the creation of conditions for the population to lead a prosperous life and the integrated development of territories. In particular, the adoption of the State programmes "Obod Qishloq" ("Well-appointed villages") and "Obod mahalla" ("Well-appointed mahallas") are aimed at the gradually improving living conditions, achieving positive changes in lifestyles and living standards to give villages and the local communities known as mahallas a modern look and creating new jobs.

12. The Land Code of Uzbekistan regulates the issues involving the seizure and allocation of land plots for non-agricultural needs and defines the ownership and rights to land. The Code defines: the responsibilities of various State bodies of Uzbekistan related to land resources management; the rights and duties of landowners, tenants, lessees and property owners; and types of land categories, land acquisition and compensation for land, land dispute resolution and land conservation. The Land Code also specifies the conditions for the termination of rights to land plots, the seizure and acquisition of land plots for State and public needs and the seizure of land plots in violation of land legislation.

13. Under the Land Code, all land in Uzbekistan is State property and permits for the use of land are issued and controlled by the State.

14. National legislation provides for the following types of land transfers:

(a) For use, lease or ownership by legal entities (only with trade and service infrastructure); and

(b) For hereditary tenancy throughout a lifetime (with respect to dwellings), use or leaseholds by individuals.

15. Although all transactions involving land rights are subject to State regulation, some transactions are carried out with special permission from the State. Procedures for expropriation of agricultural and urban lands are regulated in accordance with national law. In particular, issues related to agricultural land are dealt with under the Land Code, and issues related to urban land are dealt with under the Civil Code, the Housing Code and the Town Planning Code.

16. The Land Code defines several categories of land users who are entitled to compensation for losses and damages in connection with land acquisitions:

(a) Tenants: citizens who have been allocated land plots for individual housing construction and/or dehqan (family) farming on a life tenure basis;

(b) Tenants (landowners): farmers who have been allocated land plots for agricultural production purposes pursuant to a long-term lease;

(c) Landowners: users of land plots occupied by trade and services infrastructure, which are used as private property.

17. The Civil Code of Uzbekistan lays down the right of ownership, the general definitions for items of property, the basis for the termination of property rights, the right to compensation for loss of property and intellectual property rights. The Code also regulates contractual and other obligations as well as other property relations and related personal non-

property relations. The Code establishes general rules for the acquisition of property, the calculation of the value of property and rights to compensation and the conditions for the termination of rights.

18. The Civil Code provides that a person whose rights have been violated may claim full compensation for losses, unless the law or contract in question provides for lesser compensation (art. 14 (1)).

19. The Civil Code specifies that rights to property subject to State registration arise from the moment the corresponding rights to it are registered, unless otherwise established by law. The right of ownership and other proprietary rights to real estate and the creation, transfer, restriction and termination of these rights are subject to State registration. This means that without registration the right to immovable property does not come into effect.

20. Presidential Decree of 1 August 2018 on measures for the further fundamental improvement of the business environment in the Republic of Uzbekistan established procedures on 1 September 2018 under which:

(a) Decisions on the seizure of land plots for State and public needs are to be allowed only after an open discussion with interested parties whose land plots are subject to seizure has been held and an assessment of the costs and benefits has been made;

(b) Demolition of dwellings, industrial facilities and other buildings and structures owned by citizens and business entities in the course of land seizures is permitted after full compensation of the market value of the real estate and losses caused to owners in connection with such seizures;

(c) Losses caused to citizens and business entities as a result of an unlawful administrative act of a State body or official are compensated by the State, primarily drawing from extrabudgetary funds of the relevant bodies with subsequent recovery from the person responsible under the recourse procedure.

21. In order to further strengthen the guarantees of the rights and legitimate interests of property owners in connection with the seizure of land plots on which buildings and structures belonging to citizens and business entities are located, as part of the effective implementation of State programmes and investment projects aimed at carrying out urban planning activities, setting in place the necessary conditions for the population to live well and ensuring integrated development, as well as overcoming shortcomings arising from the compensation of losses caused, pursuant to Presidential Decree of 3 August 2019 on additional measures for absolute guarantees of the property rights of citizens and business entities, as of 5 August 2019, a new procedure has been in place for the seizure of land and the demolition of real estate owned by citizens and business entities for State and public needs, and for other purposes as well. This procedure was made up of three stages and was valid until 1 January 2020.

22. A road map was approved under this decree to take stock of the losses caused to citizens and business entities in connection with the seizure of land plots in areas of the country and to remedy shortcomings in compensating for them, including the restoration of the rights of owners that were violated during the seizure of land plots and the adoption of measures to hold officials responsible for violations to account.

23. Cabinet of Ministers Decision No. 911 of 16 November 2019 on additional measures to improve the procedure for providing compensation for the seizure and granting of land plots and guaranteeing the property rights of natural and legal persons replaced Cabinet of Ministers Decision No. 97 of 29 May 2006 and entered into force on 1 January 2020. This decision regulates issues related to the allocation of land for residential development, residential houses, buildings and structures for individuals and legal entities. The decision does not apply to privatized land plots.

24. The decision establishes the procedure for compensating individuals and legal entities in the event that residential land plots are acquired for residential development for State needs and investment projects. The decision sets out the general principles and procedures for the alienation of land plots for State and public needs and compensation to individuals and legal entities in cases of residential land acquisitions.

25. Cabinet of Ministers Decision No. 146 of 25 May 2011 on measures to improve the procedure for granting land plots for urban planning and other non-agricultural needs is aimed at improving the procedure for granting land plots, protecting the rights of legal entities and individuals in the event of alienation of property, improving the architecture of settlements and using their land for construction in an effective way in accordance with the Land Code and the Civil Code of Uzbekistan.

26. This decision regulates the following:

(a) Procedure for granting plots of land for town planning and other non-agricultural purposes;

(b) Procedure for compensating losses incurred by owners, users, lessees and landowners and losses in agricultural and forestry production.

27. The Act on the privatization of non-agricultural land plots of 13 August 2019 regulates relations in the area of privatization of non-agricultural land plots. The Act also provides a list of lands that may be privatized and those not subject to privatization, specifies the actors involved in the privatization of land and regulates the procedures for acquiring privatized land.

28. The Act provides that the seizure of a privatized land plot from the owner is allowed only when the property on the land is subject to foreclosure in the cases and the manner prescribed by law and according to the procedures for nationalization, requisition and confiscation and the recovery of debts of the landowner.

29. The law also specifies the uses for which privatized land may be nationalized, except for commercial purposes. However, nationalized land can only be acquired after full compensation has been paid.

30. A privatized land plot may be nationalized for the following purposes:

(a) Provision of lands for the needs of defence and State security and protected natural areas and the creation and running of free economic zones;

(b) Fulfilment of obligations arising from international treaties;

(c) Discovery and exploitation of mineral resources;

(d) Construction or reconstruction of roads and railways, airports, airfields, air navigation facilities and air service centres, railway transport facilities, bridges, underground trains, tunnels, power systems and power lines, communication lines, space facilities, main pipelines and mechanical, electrical and plumbing systems;

(e) Implementation of general plans for settlements involving the construction of facilities funded from the State budget of Uzbekistan and other cases directly provided for by national laws and the decisions of the President.

31. The requisition of a privatized land plot may be carried out in cases of natural disasters, accidents, epidemics and outbreaks of epizootic disease and in other circumstances only by a decision of the Cabinet of Ministers on such requisition, with compensation for the damage caused. At the same time, requisition of a privatized land plot is to be carried out solely for the purpose of protecting the rights and legitimate interests of citizens, society and the State from threats arising in connection with emergencies. After the emergency is dealt with, the seized land plot is returned to the landowner. If the requisitioned plot of land cannot be returned to the owner, the owner is compensated for the market value of the land.

32. In cases provided for in criminal procedure, the privatized land plot may be confiscated from the owner by court decision.

33. Presidential Decree No. 3857 of 16 July 2018 on measures to improve the efficiency of the preparation and implementation of projects involving international financial institutions and foreign governmental financial organizations provides that compensation is to be made for the alienation of land, the demolition of houses, other facilities and structures or damage to trees and plants resulting from the projects funded by an international investor, carried out in accordance with the rules of the international investor, if these rules have been negotiated in a project agreement.

34. The Act of 22 September 2012 on the Protection of Private Ownership and Guarantees of the Rights of Property Owners regulates the right of property owners to receive full market value compensation in the event of the acquisition of or damage to property and land for State needs. In accordance with the Act, the seizure of property, including privately owned land in cases of nationalization and requisition, is to be carried out only after payment of full compensation to the owner at market value as well as the losses incurred by the owner in connection with such seizure, unless otherwise provided for by law. The owner has the right to appeal to a court against the decision to expropriate, confiscate or requisition privately owned property. The demolition of houses, buildings and other structures on the seized land plot may not be carried out until full compensation for losses is paid.

35. Presidential Decree No. UP-5495 of 1 August 2018 on measures to radically improve the investment climate in Uzbekistan provides that the land plots of individuals and legal entities may be seized for State and public needs. The Decree requires consultations with those affected before their land is acquired. According to the Decree, the losses of those affected as a result of land acquisition must be fully compensated before the land is acquired. State bodies must provide compensation to the persons affected in the event of unlawful orders from the State bodies on the alienation of land.

36. A national centralized fund under the Cabinet of Ministers of Uzbekistan has been set up to calculate and pay compensation to affected households and organizations as a result of forcible seizure of land, in accordance with Cabinet of Ministers Decision No. 1047 of 26 December 2018 on the approval of the provisions on the procedures for establishing and using centralized funds for compensation of loss caused to individuals and legal entities in connection with the seizure of land plots for the needs of the State and society. The national centralized fund covers projects financed by the Government at the central and local levels. The Cabinet of Ministers decision lays down the procedures for paying compensation to affected individuals and legal entities from the national centralized fund.

37. Act No. 811-1 of 19 August 1999 on valuation activity regulates relationships involving the conduct of valuations, in particular the licensing of evaluation activities, the definition of a valuation organization and valuers, facilities subject to valuation, types of project costs, valuation standards, cases in which valuation is mandatory, the requirements for valuation agreements, the rights and obligations of valuation organizations, valuation reporting requirements, liability for breaches of the law on valuation and dispute resolution.

38. In addition to the Act on Valuation Activity, there are several laws, regulations and standards involving such activity. These regulations detail the requirements for licensing, quality control, reporting, valuation methods, etc. The list of key regulations and valuation standards is as follows:

(a) Regulations on the procedure for issuance of valuer qualification certificates, No. 3153 of 15 April 2019;

(b) Cabinet of Ministers decision on the licensing of valuation activities, No. 210 of 8 May 2003;

(c) Presidential order on the further improvement of the activities of valuation organizations and increase in their responsibility for the quality of services rendered, No. PP-843 of 24 April 2008;

(d) Cabinet of Ministers decision on the approval of a mechanism for expert quality control of valuation reports, No. 161 of 28 July 2008;

(e) National standard of property valuation of the Republic of Uzbekistan, No. 1, entitled "General concepts and principles of valuation";

(f) National standard of property valuation of the Republic of Uzbekistan, No. 2, entitled "Market value as a basis for valuation";

(g) National standard of property valuation of the Republic of Uzbekistan, No. 3, entitled "Bases of valuation other than market value";

(h) National standard of property valuation of the Republic of Uzbekistan, No. 7, entitled "General requirements for internal rules of quality control of valuers' work";

(i) National standard of property valuation of the Republic of Uzbekistan, No. 9, entitled “Business valuation”;

(j) National standard of property valuation of the Republic of Uzbekistan, No. 10, entitled “Property valuation”.

**Procedure for the seizure of land plots for State and public needs and implementation of investment projects**

39. In order to guarantee the property rights of individuals and legal entities and to improve the procedure for the seizure of land plots and payment of compensation, the following procedure for the seizure of land plots has been established by Cabinet of Ministers Decree No. 911 of 16 November 2019, which took effect on 1 January 2020:

(a) The seizure of a land plot or a part thereof for State or public needs and the integrated development of the country’s territories, including within the framework of State programmes and investment projects and significant social and economic projects aimed at changing and improving the architectural features of certain territories, is to be carried out with the consent of the landowner or in coordination with the land user or lessee by a decision of Jokargy Kenes (parliament) of the Republic of Qoraqalpog’iston or the councils of people’s deputies (*kengash*) as well as pursuant to decisions of the President or Cabinet of Ministers of the Republic of Uzbekistan;

(b) The decision of the Council of Ministers of the Republic of Qoraqalpog’iston or regional administrations (*hokimiyats*) of the provinces, Tashkent, districts or cities to demolish immovable property located on a seized plot of land is taken only pursuant to positive findings of the judicial authorities;

(c) An agreement on granting compensation in connection with seizure of a land plot concluded between the requesting party of land plot seizure and the owner of the real estate located on the land plot to be seized must without fail be notarized;

(d) A decision to demolish a building located on the land subject to seizure may be taken after the compensation negotiated in the agreement is paid in full or, if there is a dispute, by a court judgment;

(e) It is prohibited to seize land plots by overturning earlier decisions of the Cabinet of Ministers of the Republic of Qoraqalpog’iston and the regional administrations on the allocation of land plots or introduce amendments to such decisions, including cancellations or amendments on the grounds of non-compliance with administrative procedures of the Cabinet of Ministers of the Republic of Qoraqalpog’iston, the regional administrations or other State bodies.

40. The Jokargy Kenes and councils of people’s deputies are required to consider all the costs and benefits of seizure. Furthermore, the decision to seize a land plot is made only if the investor’s resources are sufficient to compensate the owners and the benefits are deemed positive.

41. Land plots may be seized only for the following purposes:

(a) To fulfil State and public needs, such as:

(i) The needs of defence and State security and protected natural areas and the creation and functioning of free economic zones;

(ii) Fulfilment of obligations arising from international treaties;

(iii) Discovery and exploitation of mineral resources;

(iv) Construction or reconstruction of roads and railways, airports, airfields, air navigation facilities and air service centres, railway transport facilities, bridges, underground trains, tunnels, power systems and power lines, communication lines, space facilities, main pipelines and mechanical, electrical and plumbing systems;

(v) Implementation of general plans for settlements involving the construction of facilities funded from the State budget of Uzbekistan and other cases directly provided for by national laws and the decisions of the President.

(b) To implement investment projects provided for in the State programmes to improve the housing and living conditions of citizens, develop and improve the architectural features of a given area, develop infrastructure and build facilities that are of social and economic importance. Moreover, the local administrations have the right to make decisions on the seizure of land for these purposes only pursuant to the acts of the President or the Government.

42. The demolition of facilities in the course of land acquisition is allowed after full compensation of the market value of real estate and losses incurred by the owners in connection with such acquisition is made. The demolition of properties, both with and without formal title, in connection with the alienation of land is allowed only after full compensation of the real property and losses at market value is awarded.

43. In the event that the local administration acquires land for State needs, compensation is paid from the National Land Allocation and Resettlement Fund.

44. In the event that plots of land are acquired under investment projects, the investor organization bears responsibility for paying compensation, providing a house or apartment and temporary accommodation and reimbursement for all relocation costs.

45. Local administrations post decisions on land acquisition and resettlement, the dates and location of consultations with owners, records of consultation meetings and other relevant information on their websites and in the media or both.

46. The decision of the local administration of the relevant district or city on the demolition and approval of the value of residential, industrial and other buildings, structures and trees and plants subject to demolition or removal may be appealed against in the regional administrations as well as in courts by land users.

47. In cases in which demolition is intended for the construction of commercial real estate, a compensation agreement must be notarized. Such agreements specify the amount and type of compensation, terms of payment and other conditions. Demolition is permitted only after the owner has been provided with the full amount of compensation specified in the agreement.

48. If the owner chooses to receive a new home to be built on the same site, a tripartite agreement is signed. In this case, the local administration acts as a guarantor of both the payment of rent for temporary housing and the receipt of new housing. The owner must be provided with a new building to replace the demolished one within two years from the date of receiving the other property for temporary use.

#### **Public participation in decision-making**

49. A procedure has been established to provide for public monitoring of the adoption of general plans for new settlements, which are approved once the outcome of public discussions is taken into account, as follows:

Stage I – informing citizens about the dates, place and procedure for the holding of the public discussion;

Stage II – holding public discussions (discussions, social surveys, opinion polls of residents, land users and property owners and other ways) on the draft general plan for the settlement;

Stage III – analysing public opinion pursuant to the results of the public discussion;

Stage IV – informing the population about the results of public discussion in the mass media, including the Internet.

50. The organization of public discussion of draft general plans for settlements is entrusted to local government authorities.

51. There are opportunities for carrying out public impact assessments of the plans to ensure that they are in keeping with the rights and legitimate interests of individuals and legal entities and the interests of society and the State.

52. A mechanism for developing an alternative general plan for settlements or amendments to the general plan by those involved in public monitoring who disagree with the proposed general plan.

#### **Guarantees of reparation and compensation**

53. Cabinet of Ministers of the Republic Decision No. 911 of 16 November 2019 established the procedure for granting compensation to owners of real estate located on seized land plots, under which the owner is compensated for the following:

- (a) Market value of the property to be demolished;
- (b) Market value of the title the land to be seized;
- (c) Relocation expenses and temporary acquisition of other real estate;
- (d) Lost profits of legal entities and individuals;
- (e) Other costs and losses as provided for by law or agreement;
- (f) Value of unauthorized constructions: housing, industrial and other buildings and structures.

54. If the parties disagree on the amount of compensation, disputes are to be resolved in court.

55. Compensation for demolitions takes the following forms:

- (a) Cash;
- (b) Provision of other equivalent properties;
- (c) Provision of land plots;
- (d) Other types of compensation provided for in the agreement. By agreement of the parties, taking into account the appraised value of the property, the owner may receive several types of compensation.

56. Recyclable material from demolished properties may be removed by the owner if the properties are demolished, at the owner's expense. This issue should be agreed upon between the owner of the facility and the requesting party of the land plot acquisition.

57. The owner must be provided with a new building to replace the demolished one within two years from the date of receiving the other property for temporary use. If these deadlines are delayed, the requesting party must pay a fine to the owner amounting to 0.01 per cent of the value of the demolished property for each day of delay, but not more than 50 per cent.

58. If 75 per cent of the owners of real estate located on the land have given their consent to the land acquisition, the requesting party may apply to court to resolve the issue of compulsory acquisition of the remaining owners' properties. In this case, the amount and types of compensation and the settlement terms are to be determined by the court.

59. In the event of seizure of land plots for State and public needs, compensation is to be provided by the Council of Ministers of the Republic of Qoraqalpog'iston and the regional administrations of Tashkent, provinces, districts or cities at the expense of the relevant centralized fund and other sources not prohibited by law.

60. When land plots are seized for investment projects, compensation is provided at the expense of the investor and other sources not prohibited by law.

#### **Liability for unlawful seizure of land**

61. The liability of government bodies and local authorities for strict compliance with the requirements of the Constitution and national legislation on the protection of private property and guarantees of the rights of property owners has been considerably increased.

62. Under the Code of Administrative Offences, officials now face heavier penalties for illegal seizure of land, demolition of buildings, other constructions and structures and the removal of trees and plants on the land plot being seized without prior and full compensation for losses at market value of the property in question – from 50 to 100 times the basic notional



unit. The penalty for the same offence committed repeatedly within one year after the imposition of an administrative fine is from 100 to 200 units.

63. The Criminal Code has been amended to include provisions under which the infringement of the right to private property causing loss to private owners by violating their rights, and also the seizure of property or the forcing of owners to relinquish the title to their own property in the absence of evidence of misappropriation, committed after an administrative penalty has been imposed for the same acts, is punished by a fine of 200 to 300 basic notional units, or loss of a specified right for up to 3 years, or 300 to 360 hours of community service, or correctional labour for up to 3 years, or deprivation of liberty for up to 3 years. The same acts committed causing severe damage by prior conspiracy of a group of persons is punished by a fine from 300 to 500 basic notional units, or restriction of liberty from 3 to 5 years, or deprivation of liberty from 3 to 5 years with forfeiture of a specified right. The same acts committed causing extremely severe damage for the benefit of an organized group are punishable by a fine of 500 to 600 basic nominal units or deprivation of liberty of 5 to 7 years with forfeiture of a specified right.

### **Replies to the questions raised by the Special Rapporteurs**

#### **1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.**

64. Plots of land on which buildings and structures belonging to citizens and business entities have been seized in Uzbekistan as part of effective State programmes and investment projects aimed at implementing urban planning activities, creating the right framework for the population to live well and developing areas of the country in an integrated manner.

65. In order to provide guarantees for the protection of rights and legitimate interests of property owners, including in connection with the seizure of land plots on which buildings and structures owned by citizens and business entities are located, the following measures have been taken:

(a) The law provides that the right to privatize land plots on which legal entities and individuals have immovable property is exclusively reserved for the owners of the given property.

(b) Land may be seized only with the consent of the owner or by agreement with the user and lessee pursuant to decisions of the President, the Cabinet of Ministers, the Jokargy Kenes of the Republic of Qoraqalpog'iston and the councils of people's deputies. The Jokargy Kenes and councils of people's deputies are required to consider all the costs and benefits of seizure. Furthermore, only when resources are sufficient to compensate the owners and the benefits are positively assessed is the decision made to seize the property.

(c) The Council of Ministers of the Republic of Qoraqalpog'iston and the regional administrations of provinces, Tashkent, districts or cities issue decisions to demolish immovable property located on a seized plot of land only pursuant to positive findings of the judicial authorities.

(d) The requesting party of the seizure of land and the owner of the property are to enter into a compensation agreement, which must be duly notarized. Such agreements specify the amount and type of compensation, terms of payment and other conditions. An owner who has signed such an agreement is deemed to have consented to the seizure of land and the demolition of the property.

(e) Demolition is permitted only after the owner has been provided with the full amount of compensation specified in an agreement or court decision if there is a dispute.

(f) Prior to the planned seizure, an open discussion of the issue is to be held with the participation of the requesting parties, owners and the media. An announcement of the forthcoming discussions is to be placed on the official websites of the local administrations and in the media.

(g) The valuation of the property to be demolished is to be performed by valuation organizations at the expense of the requesting party.

66. When land plots are seized for State and public needs or for investment projects, the Council of Ministers of the Republic of Qoraqalpog'iston or the administrations of Tashkent, the provinces, districts or cities select first and foremost plots of land with dilapidated or dangerous housing facilities, including unused facilities (except for those that fall into the category of cultural heritage) as well as areas in need of construction of social and economic facilities.

67. In most cases, payments of compensation agreed in advance with citizens in the territory of the house demolition area are stopped afterwards for unknown reasons along with demands for other types or amounts of compensation. In that connection, the regional administrations appeal to the law enforcement authorities and the courts and, pursuant to the relevant decisions, continue efforts to evict the citizens.

**2. Please provide detailed information on the number of persons affected by forced evictions in the context of urban regeneration projects in the country, disaggregated by sex, age, disability, socioeconomic status and other indicators.**

68. In 2018, under the Obod Qishloq programme aimed at radically improving the architectural look of 417 villages (*qishloq*) in 159 districts and ensuring integrated development of the country's regions, construction and development works were carried out on their road transport infrastructure, mechanical, electrical and plumbing systems and facilities in the social sector.

69. In 2019, in order to radically improve the living standards of the population, construction and development works were carried out in 478 villages in 159 districts with a population of over 1.6 million people under the Obod Qishloq programme.

**Main indicators of construction and development works carried out in rural areas within the framework of Obod Qishloq programme by region in 2019**

No.	Name of region	Number of districts	Number of villages (qishloq)	Population size	Number of houses
	<b>Total</b>	<b>159</b>	<b>478</b>	<b>1 682 624</b>	<b>312 549</b>
1.	Republic of Qoraqalpog'iston	15	45	179 017	31 621
2.	Andijon Province	14	42	140 963	33 613
3.	Buxoro Province	11	33	96 821	18 522
4.	Jizzax Province	12	36	169 780	28 495
5.	Qashqadaryo Province	13	39	165 540	30 165
6.	Navoiy Province	8	24	51 551	10 821
7.	Namangan Province	11	33	105 231	19 923
8.	Samarqand Province	14	42	118 835	20 687
9.	Surxondaryo Province	13	40	140 209	24 695
10.	Sirdaryo Province	8	24	84 699	14 895
11.	Tashkent Province	15	45	159 903	29 234
12.	Farg'ona Province	15	45	144 785	28 368
13.	Xorazm Province	10	30	125 290	21 510

70. Furthermore, the complaints and appeals that have been brought by residents indicate that there are problems as regards creating and improving living conditions for the population. Thus, as a consequence of irresponsibility on the part of the local administrations, the housing stock has not been repaired for years, which has led to the deterioration of the roofs of houses, and their external appearance has ceased to meet the established requirements. Furthermore, frequent breakdowns in power grids and transformer stations in settlements have led to numerous power outages. There have also been shortages of liquefied gas cylinders. One of the most pressing problems is also the poor quality of repair and maintenance of local roads,

water supply networks and facilities in a state of disrepair and non-compliance with sewage system health safety requirements.

71. During the period of large-scale construction and reconstruction of the housing stock, the owners of houses, apartments and other real estate rightly criticize the actions of local authorities and developers concerning breaches of the law when houses are demolished without notification and open discussion.

72. In connection with the reconstruction, future town planning and improvement and development of road transport infrastructure of Tashkent, in the period 2016–2019, the administration of the capital and investors carried out demolitions of individual low-rise residential buildings and non-residential properties in various districts of Tashkent.

73. A total of some 2,000 residential buildings were demolished in accordance with the decisions of the Government of Uzbekistan and the Tashkent regional administration, in which more than 4,700 families (not counting families actually registered but not living at their registered address, which sometimes amounted to 40–50 per cent of the number of families with permanent residence there).

74. In order to ensure repayment of debts in 2021, the Government will allocate 150 billion sum for compensation for demolition and land acquisition.

75. Over the past year and a half, the courts have overturned more than 1,730 decisions of the regional administrations for land allocation, demolition and privatization of buildings and structures. In a thousand cases, the rights of citizens and entrepreneurs related to land relations, demolition and privatization have been restored through the courts. In particular, in 2019, the courts considered almost 3,000 cases involving decisions by the local administrations, 1,255 (or 42 per cent) of which were found to be illegal.

76. As a result of field investigations, a number of regional chief administrators were dismissed from their posts and punished by administrative and other penalties, in particular those of Tashkent Province and Qibray district were reprimanded for violating the law with respect to the allocation of land.

77. As a result of supervisory checks of procuratorial authorities carried out during the first 11 months of 2020, 49 unlawful and unjustified decisions were overturned or brought into conformity with the law, pursuant to protests lodged by procurators; violations of the law and the causes and factors leading to them were dealt with through 10 applications; 30 representations to the courts were made for a total of 1.3 billion sum; 6 persons were subject to disciplinary and administrative penalties; and 7 criminal cases were instituted for serious violations of the law.

78. In monitoring compliance with the law in question, there is a particular focus on providing the applicant with equivalent decent housing with an area no smaller than the social norm or the market value of the property to be demolished.

79. Thus, as a result of the measures taken, compensation in the amount of 202 billion sum was paid. To date, 1,615 property owners have received compensation totalling 372.2 billion sum.

80. As a result of supervisory checks carried out during the first 11 months of 2020, 49 unlawful and unjustified decisions were overturned or brought into conformity with the law, pursuant to protests lodged by procurators; violations of the law and the causes and factors leading to them were dealt with through 10 applications; 30 representations to the courts were made for a total of 1.3 billion sum; 6 persons were subject to disciplinary and administrative penalties; and 7 criminal cases were instituted for serious violations.

81. For example, officials at the special commission attached to the Ahangaran regional administration were prosecuted for forging a document stating that the homes of ██████████ were allegedly located on the building limit line, unlawfully paying them compensation amounting to 494.4 million sum and allocating land plots measuring 0.16 ha.

**3. Please provide information on the participation of the affected residents in the design and implementation of urban regeneration projects and related human rights**

**impact assessments. Please also indicate whether consultations were held with the affected persons prior to their relocation and provide information on the results of these consultations. Please also indicate what special measures, if any, have been adopted to ensure the meaningful participation of women, persons with disabilities and other groups who may be experiencing discrimination and marginalization.**

82. The Government of Uzbekistan wishes to emphasize that, to date, citizens living in the areas to be demolished have not been forcibly or unjustifiably evicted.

83. Opinion polls of the community and the population at large on the integrated online service are considered in the development of town planning projects. In particular, the reasoned opinions and comments expressed are taken into account.

84. Open discussions are held within 20 days from the date that the Jokargy Kenes of the Republic of Qoraqalpog'iston or the relevant council of people's deputies takes a decision to enter into such discussions.

85. Presentation materials are reviewed by the Jokargy Kenes of the Republic of Qoraqalpog'iston or the relevant council of people's deputies according to the standard procedure if the deadline for holding such discussions expires.

86. The requesting party, within two days of the decision of the Jokargy Kenes of the Republic of Qoraqalpog'iston or the relevant council of people's deputies to hold open discussions, but not later than seven days before the date set for such discussions, must send a written notice to owners of immovable property located on the land plot planned for demolition indicating the date and place for the discussions.

87. Property owners may be notified of the date and place for holding the open discussions by means of a daily announcement on the official websites of the Council of Ministers of the Republic of Qoraqalpog'iston and the regional administrations of Tashkent, provinces, districts or cities, in the media and on the Internet.

88. In the course of open discussion, the requesting party must inform property owners of the terms, objectives and prospects of the project on the given land plot and listen to their opinions.

89. If necessary, investment projects may be modified pursuant to the owners' proposals.

90. Pursuant to the results of the open discussion, a record of the discussions is drawn up and signed by the requesting party and all owners. In the event of a refusal to sign, a statement giving the reasons is drawn up.

91. The record must be published on the official websites of the Council of Ministers of the Republic of Qoraqalpog'iston, the regional administrations of Tashkent or provinces, districts or cities on the next working day after drawing up the record.

92. Under Cabinet of Ministers Decision No. 1017-F of 29 November 2018, the country embarked on a massive stocktaking campaign to identify signs of dilapidation in all multistorey buildings. A visual study identified 455 apartment buildings with signs of disrepair. During a technical inspection of these houses by the relevant project organizations, using special equipment, it was found that 263 houses needed repairs and 192 houses needed to be demolished. On 13 September 2020, the Government published its draft decision on the renovation programme (<https://regulation.gov.uz/uz/document/21364>), which provides for the renovation of obsolete apartment buildings (260 in total) in 2021–2022, as well as a programme for the gradual construction of new housing to replace older buildings in a state of disrepair (193 houses) in 2021–2023. The draft decision calls for the demolition of 192 homes, 80 per cent of which are homes in outlying areas far from the city centre. Demolition of apartment buildings under this programme will be carried out not for the purpose of seizure for State or public needs but rather, as mentioned above, in order to ensure the safety of citizens living in apartment buildings in a state of disrepair and to improve their living conditions.

**4. Please indicate if and how all feasible alternatives to the home demolitions and evictions have been explored. If alternatives have been considered, please provide details as to why proposed alternatives to the eviction have been deemed unsuitable. If**

**no alternatives were considered, please explain why feasible alternatives were not explored.**

93. In accordance with the current legislation, by agreement of the parties, the owner, taking into account the appraised value of the real estate, may be granted several types of compensation: cash; transfer of ownership of other real estate; land plots; and other types of compensation provided for in the agreement.

94. Furthermore, the period for the provision of a newly constructed immovable property in place of the demolished immovable property is not to exceed 24 months from the date of provision of the other immovable property for temporary use. In the event that the new immovable property is not provided within the prescribed time frame, the requesting party is to pay the owner a fine amounting to 0.01 per cent of the value of the demolished property for each day of the delay. The amount of the fine may not exceed 50 percent of the value of the demolished immovable property.

95. Compensation is to be provided in the following manner:

- (a) By transferring money to the respective bank (deposit) account of the owner;
- (b) In cases of seizure of a land plot with apartment buildings or terraced houses;
- (c) By agreement of the parties, the owner is provided with an apartment in the same or another district or city, with an area not less than the area of the previous apartment.

96. The apartment, at the request of the owner, may be provided in an apartment building or a terraced house being built on the seized land plot. In this case, the owner and his or her family members are provided with temporary rented accommodation at the expense of the requesting party until the apartment is handed over.

97. In the event of seizure of a land plot with a non-residential facility, by agreement of the parties, the owner is to be provided with a non-residential facility located in the same or another district or city with a total area not less than the area of the former non-residential facility.

98. In the event that the non-residential facility is provided to the owner in a seized plot of land under construction, before the non-residential facility is handed over, a temporary non-residential facility is to be leased to the owner at the requesting party's expense.

99. In the event of seizure of the land plot with an individual dwelling (including buildings that are still under construction but registered in accordance with the established procedure), by agreement of the parties, the owner is to be provided with an individual dwelling located in the same or another district or city with a total area not less than the area of the former dwelling and land, on no less than equal terms.

100. In the event of seizure of a land plot held by right of tenure, permanent use or temporary use, the holder of that right is to be provided with another land plot with the same area as the previous one.

101. If the market value of the title to land plot to be seized is higher than the market value of the title to land plot to be provided as compensation, this difference must be paid as compensation to the holder of the title to land plot.

102. If the market value of the title to a land plot to be seized is lower than the market value of the title to the land plot to be provided as compensation, the holder of the title to land plot is not required to make up for the difference.

103. By agreement of the parties, the amount and extent of other types of compensation may be reduced and compensation in the form of an appropriate additional land plot may be provided instead.

104. When a land plot is provided for the construction of individual housing until such construction is completed and put into operation, the owner and his or her family members are to be provided with temporary rented housing at the requesting party's expense. Furthermore, the construction period is not to exceed two years from the date of the conclusion of the agreement.

105. At the owner's request, he or she is to be allocated a land plot identical to the land plot on which there is construction on residential and non-residential structures, industrial and other buildings and facilities that are the same, in terms of layout, form, area, capacity and other specifications, as the demolished residential and non-residential structures, industrial and other buildings and structures.

106. Furthermore, the requesting party is to draw up design specifications and estimates for the given property and the amount specified in it pursuant to the agreement concluded between the requesting party, the owner and building contractor, in accordance with the established procedure, is to be transferred to the contractor for the construction of the property. The owner must be compensated for expenses related to relocation, including the temporary receipt of another property, loss of profit, as well as other expenses and losses provided for in the agreement.

107. The procuratorial authorities, in monitoring compliance with the law on demolitions, focus particular attention on providing equivalent decent housing with an area no smaller than the social norm or the market value of the property to be demolished. Thus, as a result of the measures taken, compensation in the amount of 202 billion sum was paid. To date, 1,615 property owners have received compensation totalling 372.2 billion sum.

**5. Please indicate the legal basis for such evictions and provide information on the outcome of the cases filed before the national courts and other bodies, including information on any action taken as a follow-up to the declaration of the Deputy Ombudsman of 11 August 2020.**

**Demolition of the homes of residents of Tashkent, Mirabad district, [REDACTED] Street**

[REDACTED] case

108. Based on the minutes of the Cabinet of Ministers commission on the allocation of land in Tashkent (No. 01-05/121-1) on 26 January 2018 and the Construction Plan approved by the Department of Architecture and Urban Planning of Tashkent, by Decision No. [REDACTED] of the Tashkent regional administration of 27 March 2018, a 2.1 ha. land plot was allocated to [REDACTED] limited liability company in tracts on [REDACTED] Street, Yashnobod district, Tashkent, for construction of housing and office buildings on condition of payment of compensation in the prescribed manner for the demolition of residential and non-residential buildings.

109. A prefabricated house construction at [REDACTED] Street, third lane, Yashnobod district, Tashkent, belonging to [REDACTED] according to a certificate of inheritance under the law of 15 October 2014 ended up in the demolition area. The house was located on a plot of land with an area of 341.70 m<sup>2</sup> and consists of 4 rooms, a glass veranda, kitchen, bathroom, hallway, toilet, gate and basement, with a living space of 62.33 m<sup>2</sup> and a total area of 100.87 m<sup>2</sup>. There are also unauthorized structures consisting of three sheds and a storage room.

110. On 11 February 2019, [REDACTED] received permission from the local construction control inspectorate in Tashkent under the Ministry of Construction to carry out construction and installation work on a 13-storey building.

111. The points (borders) of the land plot allocated to [REDACTED] were approved by the Yashnobod branch of the Land Management and Real Estate Cadastre, a State-owned enterprise, for construction to begin. The building at [REDACTED] Street, third lane, is located between points [REDACTED] of the construction project.

112. The legality of the decision of the Tashkent regional administration was challenged by [REDACTED] in court. By a decision of Chilonzor District Administrative Court of 23 August 2019, the application of [REDACTED] and others to invalidate decision No. [REDACTED] of 27 March 2018 of the Tashkent regional administration was denied. The appellate division of the Tashkent Administrative Court upheld the decision of the court of first instance in its ruling on 25 November 2019.

113. As [REDACTED] was thus unable to reach an agreement with [REDACTED] the company appealed in court to have her evicted, with the provision of other accommodation.

114. In accordance with the regulations on compensation for losses incurred by citizens and legal entities in connection with the seizure of land for State or public needs, approved by Cabinet of Ministers Decision No. 97 of 29 May 2006, a court-ordered expert building appraisal was ordered to determine the value of the home of [REDACTED] subject to demolition.

115. However, [REDACTED], who had been warned in advance about the inspection of the house by specialists from the K. Suleymanov National Centre of Forensic Science several times refused to let them into the house. Therefore, to determine the value of the house, the court based its valuation on the house located at [REDACTED] Street, fifth lane, Yashnobod district, Tashkent, which amounted to 365,357,066 sum, and the value of the right to use the land plot, established by using a comparative method, 704,262,231 sum. The total value proposed for the property to be demolished amounted to 1,069,619,297 sum.

116. On 11 December 2019, the Mirobod Inter-District Civil Court of Tashkent ruled in favour of the action brought by [REDACTED] against [REDACTED] to have her evicted along with the payment of compensation in the form of other accommodation.

117. It decided to evict [REDACTED] and three members of her family from the house at [REDACTED] Street, third lane, Yashnobod district, Tashkent (with a land area of 341.70 m<sup>2</sup>, to a house located at [REDACTED], Yunusobod district, Tashkent (with a land area of 390 m<sup>2</sup>), with recognition of [REDACTED]'s title to the house.

118. Title to house construction No. [REDACTED], Yunusobod district, Tashkent, is held by [REDACTED] under a contract of sale dated 21 September 2019. The house consists of five rooms with an area of 53.81 m<sup>2</sup>, with a usable floor area of 94.43 m<sup>2</sup> located on a land plot of 390 m<sup>2</sup>. According to valuation of the [REDACTED] limited liability company, the market value of this house is 840,866,840 sum. The house is well appointed, has been renovated and meets housing health and safety standards.

119. On 26 November 2019, the court of appeal ordered an expert building appraisal to be carried out to determine the value of the house demolished, including the unauthorized structures, and the alternative accommodation provided, along with the value of the right to use the land plots of the house that was demolished and the one provided in its place.

120. According to the findings of the court-ordered expert building appraisal of 29 January 2020 ([REDACTED]), it was not possible to determine the value of the demolished house, as [REDACTED] refused to let the expert into her home. The value of the proprietary right to use the land plot of 484.30 m<sup>2</sup> (the land area provided in the inventory file according to the legal documents) of the demolished house was 1,001,630,336 sum. The estimated market value of the house to be provided, as determined by the cost method, was 201,186,592 sum. The value of the proprietary right to use the land plot of 390 m<sup>2</sup> (the land area provided in the inventory file according to the legal documents) of the demolished house was 597,036,067 sum.

121. According to a letter (No. [REDACTED] of 2 March 2020) of the Land Management and Real Estate Cadastre State enterprise, the value of all the buildings, including the unauthorized structures, of the house construction at [REDACTED] Street, third lane, Yashnobod district, Tashkent, amounts to 65,323,234 sum.

122. Thus, the value of all structures and the right to use the land plot of the house to be demolished was 1,066,953,570 sum (1,001,630,336 sum plus 65,323,234 sum). The value of all the buildings and the right to use the plot of land of the house to be granted was 798,222,659 sum (201,186,592 sum plus 597,036,067 sum).

123. In this connection, the court of appeal amended the judgment of the court of first instance, ordering [REDACTED] to pay [REDACTED] the difference in the value of the house to be demolished and the house to be provided in the amount of 268,730,911 sum.

124. [REDACTED] lodged a complaint under the supervisory procedure with the Supreme Court of Uzbekistan. On 29 December 2020, the Civil Division of the Supreme Court partially upheld [REDACTED] appeal for a supervisory review; the ruling of the appellate division of the Tashkent City Civil Court of 13 March 2020 and the ruling of the Mirobod Inter-District Civil Court of 11 October 2019 on the claim by the [REDACTED]

limited liability company against the defendant, [REDACTED], for eviction with compensation provided in the form of other accommodation, termination of ownership rights and recognition of the loss of the right to use the accommodation were set aside; and the civil case was referred back to the court of first instance for a new hearing.

125. Upon receipt of [REDACTED] communication, the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis and his Office immediately took charge of her appeal against the decision of the Mirobod Inter-District Civil Court (No. [REDACTED] of 11 October 2019), the ruling of the appellate body of the Tashkent City Civil Court (No. [REDACTED] of 13 March 2020 (at first instance)) and the ruling of the Supreme Court (No. [REDACTED] of 15 October 2020 (on appeal)) on the action brought by the [REDACTED] limited liability company (developer) for the eviction of [REDACTED] and members of her family, including two dependent children, and the termination of proprietary rights to property belonging to her at [REDACTED] Street, third lane, Yashnobod district, Tashkent.

126. [REDACTED] first application, received on 27 June 2020, was considered, and the Deputy Ombudsman and member of the Ombudsman's Office also made an on-site visit. Upon consideration of the communication, the Ombudsman for Children's Rights prepared a letter (No. [REDACTED] of 5 August 2020) addressed to the Procurator General requesting his assistance in remedying the unlawful actions of the developer, conducting a valuation and undertaking a further review of the above-mentioned decisions at first instance and on appeal. However, in a letter from the Tashkent procurator's office (No. [REDACTED] of 21 August 2020), it was stated that there were no grounds for lodging protests against the decisions of the civil court of first instance or appeal.

127. The Supreme Court of Uzbekistan, having considered [REDACTED] complaint, issued a ruling (No. [REDACTED] of 15 October 2020) in which it threw out the appeal against the decisions of the lower civil courts for consideration under the supervisory procedure. After receiving this refusal, [REDACTED] applied to the Ombudsman again. In her application, [REDACTED] noted that officials at the Enforcement Bureau of the Procurator General's Office, in order to enforce the above-mentioned court decisions, had for a long time called for the premises at [REDACTED] Street, third lane, Yashnobod district, Tashkent, to be vacated and for her to relocate to the dwelling at [REDACTED], Yunusobod district, Tashkent.

128. Pursuant to [REDACTED] appeals to the Ombudsman on 30 October and 6 November 2020, the Deputy Ombudsman requested the President of the Supreme Court to suspend the execution of the court decisions pending consideration of [REDACTED] appeals before the Civil Division of the Supreme Court of Uzbekistan. On 16 November 2020, the Ombudsman's findings were sent to the Supreme Court with a request to examine [REDACTED] appeal under the supervisory procedure and to quash the decisions of the lower courts in the case. The Deputy Ombudsman sent the findings (No. [REDACTED] of 19 November 2020) to the Procurator General regarding the protest against the decisions of the courts of first instance and appeal and the ruling of the Supreme Court.

129. On 11 November 2020, [REDACTED] applied to the National Human Rights Centre for assistance in quashing and suspending the enforcement of the judicial decisions of the civil courts on her eviction. Pursuant to [REDACTED] communication, the National Human Rights Centre prepared findings on the prospects for reviewing the judicial decisions by the civil courts on [REDACTED] eviction according to the supervisory procedure, which were sent to the Supreme Court and the Office of the Procurator General of Uzbekistan (Ref. No. [REDACTED] of 18 November 2020).

130. On 29 December 2020, the Civil Division of the Supreme Court held a hearing, presided over by Judge [REDACTED] to consider the findings of the Ombudsman (No. [REDACTED] of 16 November 2020) and the Deputy Ombudsman (No. [REDACTED] of 19 November 2020). At the request of [REDACTED], a staff member of the Office of the Ombudsman also took part in the hearing as an observer. Following the hearing, on 29 December 2020, the Supreme Court issued a ruling (No. [REDACTED]) to approve the request of [REDACTED] and overturned the decision of the appellate body of the Tashkent City Civil Court (No. [REDACTED] of 13 March 2020) and that of the Mirobod Inter-District Civil Court (No. [REDACTED] of 11 October 2019) and referred the case to the court of first



instance for a new hearing. In its judgment No. [REDACTED], the Supreme Court held that the courts of first instance and appeal failed to fully clarify the circumstances of relevance to the proper resolution of the dispute and that these circumstances required additional verification, investigation and assessment.

**[REDACTED] case**

131. By decision of the Tashkent regional administration of 11 September 2017, [REDACTED], a private company, was allocated a land plot of 6.0 ha on [REDACTED] Street, Yakkasarai district, and at [REDACTED] in the Yakkasarai district for the construction of apartment buildings. In connection with this, demolition work was carried out on houses at [REDACTED] Street belonging to [REDACTED].

132. On 7 December 2020, the Yakkasarai Inter-District Civil Court of Tashkent decided in favour of the action brought by [REDACTED], a private enterprise, against [REDACTED] to have him evicted and provided with other accommodation of equal value.

133. The court decided to evict [REDACTED], along with his belongings, from the housing at [REDACTED] Street, Yakkasarai district, Tashkent and provide him with accommodation at building [REDACTED], apartment [REDACTED] residential quarter No. [REDACTED] Yunusobod district, and building No. [REDACTED] apartment [REDACTED] residential quarter No. [REDACTED] Yunusobod district, with mandatory State registration of [REDACTED] title to these apartments.

134. It also ordered [REDACTED] to pay [REDACTED] monetary compensation amounting to 248,938,000 sum.

135. According to the [REDACTED] limited liability company, building No. [REDACTED] situated on a land plot with the area of 673 m<sup>2</sup>, is valued at 1,864,630,000 sum, and No. [REDACTED] situated on a land plot with the area of 694 m<sup>2</sup>, is valued at 2,011,250,000 sum.

136. However, the court did not order an expert building appraisal to determine the market value of the houses, and the case was heard in the absence of the defendant, since summons were sent to him at the above-mentioned addresses rather than his place of residence at [REDACTED].

137. The Yakkasarai district prosecutor brought a protest against this decision, and the case is now being considered by the appellate body of the Tashkent City Civil Court.

**[REDACTED] case**

138. By decision of the Tashkent regional administration of 11 September 2017, [REDACTED] was allocated a land plot of 6.0 ha on [REDACTED] Street, Yakkasarai district, and [REDACTED] in the Yakkasarai district for the construction of apartment buildings. In connection with this, demolition work was carried out on houses at [REDACTED] Street belonging to [REDACTED].

139. [REDACTED] brought an action before the Yakkasarai Inter-District Civil Court of Tashkent against [REDACTED] and others to have them evicted, with the provision of other equivalent accommodation.

140. The plaintiff proposed to the defendant apartments Nos. [REDACTED] and [REDACTED] at building No. [REDACTED] Street, [REDACTED] lane, Yakkasarai district in place of the building subject to demolition with a cadastral value of 427,827,356 sum.

141. The court has ordered a building appraisal to be carried out to determine the monetary compensation to be made for the housing demolition in the civil case against [REDACTED] and others and suspended the proceedings until the appraisal is completed.

**[REDACTED] case**

142. By decision of the Tashkent regional administration of 11 September 2017, [REDACTED] was allocated a land plot of 6.0 ha on [REDACTED] Street, Yakkasarai district, and at [REDACTED] in the Yakkasarai district for the construction of apartment buildings. In connection with this, demolition work was carried out on houses at [REDACTED] Street belonging to [REDACTED].

143. [REDACTED] brought an action before the Yakkasarai Inter-District Civil Court of Tashkent against [REDACTED] and others to have them evicted, with the provision of other equivalent accommodation.

144. The plaintiff proposed to the defendant apartments No. [REDACTED] at building No. [REDACTED] Street, [REDACTED] lane, Yakkasarai district in place of the building subject to demolition.

145. On 26 October 2020, the court ordered a building appraisal to be carried out in the civil case and suspended the proceedings until the appraisal is completed.

[REDACTED] case

146. On 29 July 2019, the Yakkasarai Inter-District Civil Court of Tashkent decided in favour of the action brought by [REDACTED] against [REDACTED] to have him evicted and provided with other accommodation of equal value.

147. The court decided to evict [REDACTED] and others from [REDACTED] Street, Yakkasarai district, Tashkent and provide him with an apartment as compensation at [REDACTED] Street, apt. [REDACTED] Mirobod district, Tashkent. It required the cadastre and land resources service of Mirabad district to register this apartment in [REDACTED] name. It also ordered [REDACTED] to pay [REDACTED] monetary compensation amounting to 20,000,000 sum.

148. On 14 February 2020, the appellate body of the Tashkent City Court amended the decision regarding compensation and ordered [REDACTED] to pay [REDACTED] compensation amounting to 86,999,946 sum.

149. Following a review of the civil case, the Procurator General's Office filed a protest under the supervisory procedure on behalf of [REDACTED].

150. On 7 December 2020, upon consideration of the protest, the Civil Division of the Supreme Court of Uzbekistan approved an amicable settlement between [REDACTED] and [REDACTED].

#### **Demolitions of housing of citizens living in Tashkent Province**

**Cases of [REDACTED], [REDACTED] and [REDACTED]**

151. In accordance with Presidential Decision No. PP-62 of 26 April 2005 on additional measures to improve the organization of road construction in cities, Cabinet of Ministers Decision No. 342 of 26 December 2011 on measures to organize and ensure road safety on motorways in the territory of the Republic of Uzbekistan and the regulations approved by this decision for the [REDACTED] thoroughfare, a distance of 57.5 m has been defined from the boundaries of the facilities under construction to the centre of the road reserved for category 1 vehicles. The demolition of houses belonging to the public is planned pursuant to the above-mentioned legal acts and orders from the Prime Minister's field visit to the protected zone along the 4R12 motorway.

152. However, given that the boundaries of the homes owned by [REDACTED] and [REDACTED], located on [REDACTED] Street, [REDACTED] mahalla, Yukori Chirchiq district, are 32.5 m from the centre of the road, with a view to implementing the above-mentioned decisions, the regional administration of Yukori Chirchiq district, by decision No. [REDACTED] of 10 July 2020, laid claim to the land plots on which the houses of these citizens are located for State needs, with compensation for the damage caused and the allocation of appropriate land plots.

153. The citizens rejected the regional administration's proposals as its decision was being carried out, which prompted the administration to bring proceedings before the Yukori Chirchiq Inter-District Civil Court.

154. On 16 March 2020, the Court partially ruled in favour of the action brought by the Yukori Chirchiq district administration against the defendant [REDACTED] for the valuation and demolition of the house construction; his house at [REDACTED] Yukori Chirchiq district, was subject to demolition and the regional administration of Yukori Chirchiq district was ordered to pay [REDACTED] 496,376,654 sum in compensation.

155. On appeal, Tashkent Provincial Court upheld this decision on 8 July 2020.

156. In addition, on 9 July 2020, the Yukori Chirchiq Inter-District Civil Court partially ruled in favour of the action brought by the regional administration against [REDACTED] on the obligation to assess and demolish the house; [REDACTED] house at [REDACTED] Street, [REDACTED] Yukori Chirchiq district, was subject to demolition and the regional administration of Yukori Chirchiq district was ordered to pay 415,886,241 sum by way of compensation.

157. Furthermore, on 9 July 2020, the Yukori Chirchiq Inter-District Civil Court partially ruled in favour of the action brought by the regional administration against [REDACTED] for the valuation and demolition of the house construction; [REDACTED] house at [REDACTED] Street, [REDACTED], Yukori Chirchiq district, was subject to demolition and the regional administration of Yukori Chirchiq district was ordered to pay her 515,976,000 sum by way of compensation.

158. As of 8 October 2020, [REDACTED] and [REDACTED] have received monetary compensation paid by the regional administration of Yukori Chirchiq district, and they have submitted a statement that they have no claims against either the administration officials or the court decisions.

#### **Demolitions of housing of citizens living in Samarqand**

159. It has been established that by decision of the Samarqand city administration of 15 August 2017 (No. [REDACTED]), the [REDACTED] limited liability company was authorized to demolish dwellings and build a new apartment building at [REDACTED], Nos. [REDACTED] and [REDACTED] Samarqand, pursuant to Act No. [REDACTED] of the Land Commission of the Samarqand city administration of 24 June 2017.

160. The administration's decision states that, in addition to coordination with all the government agencies of the city on the issue of demolition and construction of a new residential building, [REDACTED] should have negotiated the matter of demolition and compensation with all the tenants of the houses subject to demolition.

161. However, consent to the demolition of apartments in buildings [REDACTED] and [REDACTED] on [REDACTED] Street in Samarqand was not obtained and meetings with residents revealed that several tenants disagreed with the administration's decision.

162. The Samarqand provincial prosecutor's office lodged a complaint with the Samarqand regional administration, which noted that there was a failure to ascertain all the facts when the decision on demolition was taken and that there were no discussions with the tenants of the houses to be demolished concerning their consent to or disagreement with the demolitions. During the court proceedings, it was established that, out of the 27 apartment owners opposed to demolition, 18 were prepared to receive monetary compensation, with whom agreements had been drawn up to pay them such compensation.

163. On the basis of a protest lodged by the procurator on 14 October 2017, the city's regional administration adopted decision No. [REDACTED] to repeal decision [REDACTED] of 15 August 2017.

164. [REDACTED] disagreed with the administration's decision, No. [REDACTED] of 14 October 2017, and brought proceedings before the court to declare it null and void.

165. The plaintiff had negotiated the matter of demolition and construction with the mahalla residents and held a meeting before receiving the administration's decision. After receiving the administration's decision, the plaintiff complied with the requirements laid down by the Town Planning Code before starting the construction of the residential building. In particular, it coordinated the housing construction project with all the competent services.

166. Whereas by virtue of the administration's decision, No. [REDACTED] of 15 August 2017, [REDACTED] was given permission for demolition and the construction of residential houses at [REDACTED], Nos. [REDACTED] and [REDACTED] on condition that the tenants of the those houses gave their consent to the demolition, and the defendants [REDACTED] and [REDACTED], residents of buildings Nos. [REDACTED] and [REDACTED] did not give their consent, while residents of houses [REDACTED] and [REDACTED] consented to the demolition, entered into agreements on compensation and were allocated apartments for temporary

residence, and taking into account that their rights, as well, could not be violated, the court declared the administration's decision partially null and void.

167. In accordance with the regulations on the procedure for compensation to citizens and legal persons in connection with land seizures for State and public needs, approved by Cabinet of Ministers decision No. 97 of 29 May 2006, which was in force at the time of the dispute, documents were drawn up, in particular agreements on compensation for the homeowners.

168. On 21 December 2017, the Samarqand City Civil Court partially ruled in favour of the action brought by [REDACTED] against the defendants [REDACTED] to have decision No. [REDACTED] of 14 October 2017 of the Samarqand regional administration declared null and void.

169. The court decided to declare decision No. [REDACTED] of 14 October 2017 of the Samarqand regional administration regarding residential buildings Nos. [REDACTED] and [REDACTED] on [REDACTED] Street in Samarqand null and void.

170. On 7 June 2018, the appellate division of the Samarqand Provincial Civil Court upheld the above-mentioned decision.

171. On 4 June 2019, the Samarqand City Civil Court ruled in favour of the action brought by the Samarqand regional administration and the [REDACTED] limited liability company against defendants [REDACTED] and [REDACTED] for eviction and demolition.

172. Apartment [REDACTED] consisting of 2 rooms with a total area of 41.82 m<sup>2</sup> and a usable floor space of 28.42 m<sup>2</sup>, located at [REDACTED] Street, Samarqand, according to the contract of sale dated 19 April 2015, belongs to [REDACTED].

173. Apartment 18 consisting of three rooms with a total area of 57.43 m<sup>2</sup> and a usable floor space of 45 m<sup>2</sup>, located at [REDACTED] Street, Samarqand, according to the contract of sale dated 29 August 2008, belongs to [REDACTED].

174. According to the regional administration's decision, No. 1217-K of 6 July 2018, [REDACTED] was offered an apartment with a total area of 90 m<sup>2</sup>, located at [REDACTED] and Ms. Rozikova was offered an apartment at [REDACTED] with a total area of 51.88 m<sup>2</sup> as compensation.

175. Pursuant to article 27 of the Housing Code and taking into account that the apartment building was demolished for State and public needs and that [REDACTED] offered the apartment owners other well-appointed accommodation of equal value, the court ruled in favour of evicting the defendants and providing them with apartments with title to the property and proceeding with the demolition.

176. According to the findings of a court-ordered expert assessment dated 29 August 2019, the apartments at the following addresses were valued as follows: [REDACTED] Street, Samarqand, belonging to [REDACTED], at 230,178,207 sum; [REDACTED] Street, Samarqand, belonging to [REDACTED], at 268,480,590 sum; [REDACTED] Street, Samarqand, belonging to [REDACTED] at 296,931,355 sum; and [REDACTED] Street, Samarqand, belonging to [REDACTED] at 294,939,529 sum.

177. The court ordered the forcible eviction of [REDACTED] from [REDACTED] Street, apartment [REDACTED] Samarqand, and relocation to [REDACTED] Samarqand, with State registration of the apartment provided by [REDACTED] in [REDACTED] name, and also the seizure of [REDACTED] Street, apartment [REDACTED] Samarqand by [REDACTED] after the transfer of ownership of apartment [REDACTED] in Samarqand to [REDACTED], as follows:

- Eviction of the defendant [REDACTED] from [REDACTED] Street, apartment [REDACTED] Samarqand, and relocation to [REDACTED], Samarqand, with State registration of the apartment belonging to [REDACTED] in her name, and the demolition of the building at [REDACTED] Street, apartment [REDACTED] at the expense of [REDACTED] after transfer of ownership of apartment [REDACTED] of building No. [REDACTED] on [REDACTED] Street in Samarqand to [REDACTED]

- Eviction of the defendant [REDACTED] and her family members from apartment [REDACTED] at [REDACTED] Street, Samarqand.

178. On 12 September 2019, the appellate division of the Samarqand Provincial Civil Court upheld the lower court decision and the amended compensation to be paid by [REDACTED] to [REDACTED] to account for the difference in the value of the apartment provided to her in the amount of 1,991,862 sum.

179. The Civil Division of the Supreme Court partially amended in its decision of 14 November 2019 the judgments of the Samarqand City Civil Court of 4 June 2019 and the appellate division of the Samarqand Provincial Civil Court of 12 September 2019, namely by excluding the words “the additional plaintiff [REDACTED] LLC” from the court ruling. No further amendments were made to the judgments.

180. According to the report of the meeting of the Cabinet of Ministers of Uzbekistan (No. 123 of 15 September 2012) on additional measures to improve the housing stock of Tashkent and Samarqand, and pursuant to Decision No. 207-f of 27 October 2014 of the regional administration of Samarqand, the department of architecture and construction of the city proposed the demolition of buildings that do not comply with town planning requirements and health and fire safety standards located on the central streets of Samarqand in the manner prescribed by law and the construction of multistorey buildings in their place according to modern architectural designs; given that the apartment offered by [REDACTED] to [REDACTED] was assessed at a lower value, the court of appeal concluded that Silk Voyage should pay the difference in the value of the apartments.

#### **Demolition of housing of citizens living in Surxondaryo Province and Jarqo'rg'on district**

181. The houses of the citizens referred to in the communication of the Special Rapporteurs (at the intersection of [REDACTED] and [REDACTED] Streets) in the [REDACTED] mahalla, Surxondaryo Province, were built between 1930 and 1935 out of clay bricks and are now in a dangerous condition and do not comply with architectural and town planning standards. On 22 June 2019, the district council of people's deputies passed decision No. [REDACTED] on the demolition of individual dwellings, retail and service outlets in Jarqo'rg'on district that have fallen into disrepair and their reconstruction in accordance with architectural and town planning standards with a view to improving the Jarqo'rg'on district centre.

182. By decision No. [REDACTED] of 1 May 2019, the regional administration of Jarqo'rg'on district allocated a 1 ha land plot in the area of the [REDACTED] mahalla and transferred full ownership of the property to the [REDACTED] limited liability company.

183. In accordance with this decision, meetings were organized with each homeowner individually and they were paid compensation based on an assessment conducted by an independent valuation organization and agreement with the homeowners.

184. A survey found that 15 citizens living in the [REDACTED] mahalla had received compensation and were given land plots on [REDACTED] Street in the [REDACTED] mahalla and [REDACTED] Street in the [REDACTED] mahalla in accordance with Decision No. [REDACTED] of the regional administration of the Jarqo'rg'on district of 14 January 2019 on the allocation of land to owners for housing construction.

185. However, the houses have still not been demolished because of a dispute with seven citizens living in this district over amount of compensation and failure to reach an agreement in accordance with Cabinet of Ministers Decision No. 911 of 16 November 2019.

186. In addition, the Jarqo'rg'on district administration brought action against the defendants [REDACTED] and [REDACTED] that sought to impose the obligation to reach a friendly settlement.

187. On 23 July 2020, pursuant to article 194 (1) (1) of the Code of Civil Procedure, the Kumkurghon Inter-District Civil Court rejected the action brought against the residents of the [REDACTED] settlement, [REDACTED] by the Zharkurghon district administration seeking to require them to enter into an agreement on monetary compensation in exchange for the seizure of the land plot for State purposes.

188. On 15 July 2020, pursuant to article 195 of the Code of Civil Procedure, the court also rejected the action brought against the residents of the [REDACTED] settlement, [REDACTED] and [REDACTED], by the Zharkurghon district administration seeking to require them to enter into an agreement on monetary compensation in exchange for the seizure of the land plot for State purposes. On 23 July 2020, pursuant to article 194 (1) (1) of the Code of Civil Procedure, the court rejected the action brought against the defendants [REDACTED] by the Zharkurghon district administration seeking to require her to enter into an agreement on monetary compensation in exchange for the seizure of the land plot for State purposes. No appeals were brought against these court decisions.

**6. Please indicate whether all affected residents and tenants will be able to return to their neighbourhoods after the implementation of the regeneration programmes. If a return is not possible, explain the reasons why it is so.**

189. Paragraph 41 of Cabinet of Ministers Regulations No. 911 of 16 November 2019 provides that, by agreement of the parties, the owner may be provided with new (scheduled) facilities at the demolition site in exchange for the demolished property.

190. The period for the transfer of the newly built property to replace the demolished real estate must not exceed 24 months from the date that the other property is surrendered for temporary use. If the new property is not provided within the time limit, the requesting party is to pay the owner a fine of 0.01 per cent of the value of the property for each day of delay. The amount of the fine may not exceed 50 percent of the value of the demolished immovable property.

191. A contract providing for the granting of property as compensation is subject to State registration in the cases specified by law.

192. If the owner so wishes, an apartment may be provided in an apartment building or terraced house under construction on the seized plot. In this case, a temporary lease to the apartment will be granted to the owner and members of the family by the requesting party.

**7. Please provide information on specific measures taken by the Government to prevent the negative impact on human rights of the evictions and home demolitions, including the rights of residents to adequate housing (both emergency shelter and long-term accommodation solutions), health, water and sanitation, food and education.**

**8. Please describe what concrete housing alternatives are available to the families evicted so that no one is left homeless or lives in substandard conditions as a result of the eviction.**

193. Appropriate amendments were introduced to the Land Code under the Act of 24 December 2020 amending certain legislative acts of the Republic of Uzbekistan in connection with the further strengthening of guarantees of the rights and legitimate interests of property owners.

194. The seizure or partial seizure of land plots for State and public needs with the consent of the landowner, land user or tenant is now made by decision of the councils of people's deputies of the provinces or Tashkent or by decision of the Cabinet of Ministers.

195. There are legal guarantees against the unlawful seizure of land plots; seizures may take place only for State and public needs and for the following purposes:

- (a) Provision of lands for the needs of defence and State security and protected natural areas and the creation and running of free economic zones;
- (b) Fulfilment of obligations arising from international treaties to which Uzbekistan is a party;
- (c) Discovery and exploitation of mineral resources;
- (d) Construction or reconstruction of roads and railways, airports, airfields, air navigation facilities and air service centres, railway transport facilities, bridges, underground trains, tunnels, power systems and power lines, communication lines, space facilities, main pipelines and mechanical, electrical and plumbing systems;

(e) Implementation of general plans for settlements involving the construction of facilities funded from the State budget and other cases directly provided for by national laws and the decisions of the President.

196. It should be pointed out that decisions to seize land plots for State and public needs are allowed only after an open discussion with owners of immovable property located on land plots to be seized is held and an assessment of costs and benefits carried out along with mandatory coordination with the relevant centralized fund for compensation to individuals and legal entities in connection with the seizure of land plots for State and public needs.

197. Furthermore, there are legal guarantees which provide that demolition of immovable property owned by individuals and legal entities is allowed when land plots are seized, as follows:

(a) After residential, non-residential, industrial and other buildings and structures have been completely vacated;

(b) Full compensation for the market value of the immovable property located on the land plot to be seized has been paid;

(c) Full compensation has been made for the costs associated with the relocation of legal or natural persons to a new place of residence or accommodation, including property temporarily provided to them;

(d) Compensation for losses has been paid, including lost profits and other expenses incurred by individuals and legal entities, as provided for by law.

198. Losses incurred by individuals and legal entities as a result of an unlawful administrative act of a State body or official related to the seizure of a land plot is to be compensated by the State in the manner established by law.

199. In the event that the landowner, land user or lessee disagrees with the decision of the regional or Tashkent councils of people's deputies or the decision of the Cabinet of Ministers on the seizure of a land plot, the decision may be appealed against in accordance with the established procedure.

200. Enterprises, institutions and organizations interested in seizing land plots for the construction of enterprises, buildings and structures must agree in advance with the landowners, land users or tenants in question before they begin planning for the project, as well as with the district, city or regional administrations or Cabinet of Ministers, on the location of the facility, the approximate size of the plot and the conditions for allocation of the land with due consideration for the comprehensive development of the area. The funding of project design work prior to obtaining such prior agreement is prohibited.

201. Seizures of land plots for State and public needs and the prior agreement for the location of the facility in question as well as the registration of the land to be allocated are carried out in the manner prescribed by law.

202. The purchase of land owned by legal entities and individuals, including foreign nationals, together with commercial and services sector facilities or living quarters and other buildings or parts of buildings for State and public needs is carried out by decision of the regional and Tashkent councils of people's deputies or by decision of the Cabinet of Ministers, with the provision of guarantees.

**9. Please elaborate on whether any specific action was taken to protect the residents in relation to their health risks in the context of the COVID-19 pandemic and whether consideration was given to suspending or halting evictions during the COVID-19 pandemic.**

203. During the period in which quarantine measures were taken to prevent the spread of the coronavirus disease pandemic, citizens' communications, including applications and complaints brought before the courts, were handled through the website of the Procurator General of Ukraine and also by calling the short telephone number 1007. Every effort has been made to address the issues raised in the applications from citizens received electronically and over the department's call centre.

204. Compulsory enforcement procedures have been temporarily postponed in accordance with Cabinet of Ministers Decision No. 176 of 23 March 2020 in view of the need to ensure strict compliance with established quarantine rules.

**10. Please provide information on the status of ratification of the Convention on the Rights of Persons with Disabilities, and on the efforts being taken by the Government to ensure that the draft bill on the rights of persons with disabilities is fully aligned with international human rights standards and is developed in consultation with, and with the participation of, persons with disabilities.**

205. Uzbekistan reaffirms its undertaking to ratify the Convention on the Rights of Persons with Disabilities. On 19 June 2018, the Government approved a wide range of measures to prepare for ratification of the Convention. It has drawn up a non-exhaustive list of quantitative and qualitative indicators of compliance with the Convention in Uzbekistan. It has also defined the main objectives and areas of activity for public authorities and non-governmental organizations for the implementation of specific articles of the Convention. A plan has been worked out for the incorporation of the provisions of the Convention into national legislation. On 5 January 2019, a bill on the ratification of the Convention on the Rights of Persons with Disabilities was introduced to the Cabinet of Ministers of Uzbekistan. On 15 October 2020, the Rights of Persons with Disabilities Act was adopted as part of the process of preparing for accession to the Convention and bringing national legislation into line with international standards.

**11. Please provide information on the status of the case of eviction order of the Zhilkina family, including with regard to measures put in place to ensure their right to a fair trial and to access to justice, as well as the considerations with regard to the right to non-discrimination and the best interests of the child.**

206. In accordance with State Order No. 016-01/2063 of 21 June 1993, pursuant to the decision of the regional administration of Zangiata district on the privatization of housing stock of enterprises and organizations located in the area of Zangiata district, cadastral documents were drawn up for the houses of T. Zhilkina and other citizens on the 0.323 ha land plot belonging to the private enterprise Agrofirma Kuilik and the titles to the properties of T. Zhilkina and others were entered in the State register.

207. However, by decision of the regional administration of Zangiata district, No. [REDACTED] of 24 July 2008, the 0.323 ha land plot was recognized as property belonging to Agrofirma Kuilyuk and State registration was carried out on 14 August 2008.

208. Decision No. 4133 of 18 June 2019 of the regional administration of Zangiata recognized T. Zhilkina's title to the house building No. 2 (the [REDACTED] house) with a land plot of 0.14 ha located on [REDACTED] Street, [REDACTED] blind alley, in the village of [REDACTED] in Zangiata district.

209. Given that this house was [REDACTED] by T. Zhilkina and that the regional administration's decision was taken in violation of the requirements of the Cabinet of Ministers Decision No. 461 of 21 June 2018 on measures to implement Presidential Decree No. UP-5421 on additional measures for the provision of social support to citizens and holding of a one-off nationwide campaign to recognize ownership of unauthorized housing, on 11 September 2019, the Zangiata district procurator lodged a protest against Decision No. 4133 of 18 June 2019 of the regional administration on recognition of T. Zhilkina's title to the [REDACTED] house. On 20 November 2019, the regional administration of the district quashed Decision No. 4133.

210. On 13 December 2019, the Zangiata Inter-District Civil Court upheld the action brought by Agrofirma Kuilyuk against T. Zhilkina and others for the seizure of the [REDACTED] land plot and their eviction.

211. It decided to evict T. Zhilkina and others from the house located at [REDACTED] in Zangiata district and to transfer title to the 0.323 ha land plot to Agrofirma Kuilyuk.

212. However, bearing in mind that State Order No. 016-01/2063 of 21 June 1993 states that [REDACTED] bought the house at [REDACTED] Street from [REDACTED]



██████████ for 5,300 sum and given that, according to T. Zhilkina, she has lived in the ██████████ house since 1974, the Zangiata district procurator submitted an application to review Decision No. ██████████ of 2 April 1998 and No. ██████████ of 24 July 2008 of the regional administrator of Zangiata district and assess the land plots and make appropriate changes.

213. As a result of the consideration of the application, changes were introduced to Decision No. ██████████ of 24 July 2008 of the regional administrator.

214. Furthermore, on 13 December 2019, the procurator of Zangiata district filed an appeal against the court decision, which is currently being considered by the appellate division of the Tashkent Provincial Civil Court, with the next court hearing scheduled for 16 December 2020.

**12. Please elaborate on the measures being undertaken to ensure that all persons, including persons with disabilities and persons belonging to ethnic and linguistic minorities, can fully enjoy and exercise their rights to access to justice on the same basis as the others and without discrimination.**

215. In accordance with the Constitution, everyone without distinction as to sex, race, nationality, language, religion, social origin, beliefs or individual or social status has the right to appeal to a court against unlawful acts of State bodies, officials and voluntary associations. Under the Courts Act, justice in Uzbekistan is administered solely by the courts, with the main objective of the courts being the judicial protection of the rights and freedoms of citizens and the rights and legally protected interests of enterprises, institutions and organizations.

216. In accordance with the Procurator's Office Act, the procurator has the right, within the scope of his or her authority, to bring any case before the courts in which a sentence, decision, ruling or order has entered into force. In the event of disagreement with a court ruling, the procurator lodges a protest to have it quashed and the decision as to whether to uphold or overturn the ruling lies solely with the court. Furthermore, it should be borne in mind that, in accordance with Presidential Decree No. UP-6034 of 24 July 2020, the procurator has the right to bring cases before the courts in which a sentence, decision, ruling or order has entered into force only if the parties to the case have requested him or her to do so. It is also worth noting that the participation of procurators in court cases involving the seizure of land and demolition of property is not mandatory.

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