

**Statement by Mrs. Raquel Rolnik, Special Rapporteur of the United Nations
Human Rights Council on adequate housing**

Astana, 13 September 2010

Mrs. Raquel Rolnik, Special Rapporteur of the United Nations Human Rights Council on adequate housing as a component of the right to adequate standard of living, issued this statement today:

Ladies and Gentlemen,

I would like to begin by thanking the Government of Kazakhstan for extending an invitation to me to visit the country between the 6th and the 13th of September 2010. The aim of my visit here was to gather first-hand information on the status of the realisation of the right to adequate housing and other related human rights in Kazakhstan.

I would like to extend my appreciation to the Ministry of Foreign Affairs, who played a major part in the preparation and organisation of this mission. My warm appreciation also goes to the Regional Office of the High Commissioner for Human Rights in Bishkek.

Throughout the mission, I was able to meet with a number of Government officials, including senior representatives of various Ministries and State agencies, the mayors of Astana and Almaty and their teams, members of the Supreme Court, the Ombudsman and chairperson of the Human Rights Commission under the President of Kazakhstan. They identified the main challenges faced by the country in its efforts to realise the right to adequate housing candidly. Indeed, the openness shown by the Government before and during the mission demonstrates its commitment and willingness to co-operate with the international human rights mechanisms in strengthening the promotion and protection of the right to adequate housing.

During my visit, I also met with housing rights campaigners and representatives of several civil society organisations, and visited a number of communities in and around the cities of Astana and Almaty. I wish to thank all the people who welcomed me into their homes and shared their stories, hopes and concerns with me.

Following the collapse of the Soviet Union, Kazakhstan has been making enormous efforts to address the challenges posed by the transition to a market economy and to promote economic and social development. An important component of this strategy has been the promotion of urban renewal and city beautification programmes, which have included the construction of a modern, world-class capital city – Astana. I was impressed by the scale and magnitude of these new developments and infrastructure projects.

In accordance with the new free market philosophy, the main role of the State has become one of creating an enabling environment to attract foreign investment and support financial activities. This new role is far from being a passive one. Kazakhstan has made significant planning efforts to provide urban land to private investors and to create a favourable banking system to attract commercial banks and financial

institutions. The State has also promoted access to mortgage-based credit with the double aim of improving security of tenure and living conditions for many households while at the same time reducing their reliance on the State aid. This strategy was aimed at allowing low-income households to purchase property in the new housing complexes that were being built. However, the granting of credit to low-income households made them vulnerable to economic and financial downturns.

The implementation of urban renewal and beautification programmes has resulted in a number of people being deprived of their homes and lands in the name of public interest. At times, the concept of public needs has been interpreted in a very extensive way by the public authorities to make urban land available to private investors. Individuals and families who have been living on a plot of land for decades have been expropriated in order to give way to the construction of luxurious apartment buildings, commercial centres and other development projects. In some cases, compensation provided to individual owners did not correspond to the actual value of the land after re-zoning, and was therefore not sufficient to allow the affected individuals and families to buy alternative accommodation in the area where they had been living.

The realisation of large-scale development projects attracted a large number of individuals and families, who came to the main cities from the poorest areas of Kazakhstan as well as from neighbouring countries in search of employment opportunities and a better standard of living. This mass migration led to the construction of a number of informal settlements, sometimes built in environmentally protected areas or in areas prone to floods or earthquakes. People living in these settlements often lack the registration, which constitutes a pre-condition for having access to social assistance and State-funded housing. I am pleased to note that as a result of the land legalisation programmes promoted by the cities of Astana and Almaty, a number of these households have managed to obtain security of tenure, which constitutes an essential pre-requisite for the effective enjoyment of the right to adequate housing. However, I am concerned that on some occasions, people have not managed to obtain legalisation and remain therefore vulnerable to forced eviction. On other occasions, individuals whose houses have been demolished for public security reasons have seen newcomers building houses on the same land on the basis of titles allegedly provided by State authorities. While I am not in a position to assess the accuracy of the information provided to me, I believe that the main problem here is the lack of transparency, which leads to a lack of trust in the work of the public authorities.

I am also extremely concerned about the high rate of demolition of houses and forced evictions that are carried out in the country without prior notification, any form of judicial control or review, or the provision of adequate compensation or alternative accommodation. I have heard reports, and seen documentary evidence of violence, of demolitions conducted by public officials using force, which occurred during winter, when the temperature was several degrees below freezing. In particular, I was struck to hear that a great number of vulnerable individuals, including pregnant women, children and persons with disabilities, have been made homeless as a result of the demolition of their dwellings. In this regard, I wish to reaffirm strongly that forced evictions can only be justified in the most exceptional of circumstances, and in

accordance with the relevant principles and procedures established under international human rights law.

The financial crisis of 2007 had an adverse impact on the right to adequate housing of the most vulnerable households – including large families, single mothers with young children and older people living on a State pension, to name but a few. I met several persons who had been evicted as a result of their inability to pay their mortgages, and others who had been deceived by private construction companies who fled with their lifetime savings without completing the construction of the buildings the shareholders had already paid for.

I cannot but note the willingness demonstrated by the Government and the efforts it has made to mitigate the negative repercussions of the financial crisis on the effective enjoyment of the right to adequate housing. Such efforts include the creation of a national fund to facilitate the completion of constructions which had been slowed down or halted as a result of the financial crisis. As of today, several households have managed to receive their apartments as a result of Government intervention. However, many families are still waiting for their apartments to be completed. Therefore, I encourage the Government to strengthen its efforts to find a long-term solution for affected households.

As part of the urban renewal programmes, the Government has adopted a number of legal and policy measures to implement the right to adequate housing for disadvantaged or vulnerable households, such as large families or families raising disabled children, retired persons and other vulnerable categories who do not have a home or else live in dilapidated dwellings. Such measures include the construction of new housing units for civil servants and socially-protected individuals and households. Nevertheless, I cannot but note that the funds allocated by the State for the construction of social housing complexes are not sufficient to meet the increasing demand, and that beneficiaries of State-funded housing programmes continue to wait for long periods of time before receiving a dwelling at an affordable price. In this regard, I wish to stress that the provision of housing units from the State Housing Fund is not the only means of fulfilling the right to adequate housing for vulnerable individuals and groups, and that other measures could be developed and applied simultaneously to reduce these long waiting lists, including the upgrading of informal settlements.

Finally, let me say a few words on the issue of access to information held by public authorities and public participation in decision-making processes. Access to information represents a formidable instrument to curb corruption, enhance transparency and build trust in the Government and its actions. I truly hope that the openness shown by the various Ministries and State agencies during my visit will enable a constructive and open dialogue with civil society organisations and affected citizens with regard to access to adequate housing. The most tangible positive effect of my visit would indeed be represented by the establishment of such dialogue among social actors. This would in turn ensure the design and implementation of housing policies and strategies that respond to the real needs and expectations of the affected individuals and households.

Thank you.