**A place to live in dignity for all: Making housing affordable**

**Report of the Special Rapporteur on the right to adequate housing to the
78th session of the UN General Assembly**

**Questionnaire**

For States: please share this questionnaire as well with your National Statistical Office and relevant Ministries to assist completing statistical sections relating to housing affordability.

Name of submitting entity, organization or individual: Osh branch of the public association "International Center Interbilim", Kyrgyzstan

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**National law, policies and jurisprudence relating to affordable housing**

1. Does your country’s national law, including constitutional, housing or social protection law, refer to affordability of housing or provide any other guarantees to ensure a minimum standard of living? Or in its absence, are there national policies that refer to affordable housing or minimum standard of living? Please provide references and links to the respective key laws or constitutional provisions as well as policies.

The basic principles, forms and procedure for realization of the rights of citizens to housing are defined in the Constitution of the Kyrgyz Republic, the Land Code of the Kyrgyz Republic (<http://cbd.minjust.gov.kg/act/view/ru-ru/8>) and the Housing Code of the Kyrgyz Republic (<http://cbd.minjust.gov.kg/act/view/ru-ru/203926>). Article 45 of the Constitution of the KR contains a norm that everyone has the right to housing and that housing will be provided to those in need. (<http://cbd.minjust.gov.kg/act/view/ru-ru/112213?cl=ru-ru>). Affordability of housing is provided in the Housing Program of the Kyrgyz Republic "My House" for 2021-2026 (<http://cbd.minjust.gov.kg/act/view/ru-ru/158357>) This program is aimed at improving the affordability of housing for the population through the development of basic project areas of state support through mortgages.

There is no Housing Strategy in the Kyrgyz Republic, which would provide organizational support for market participants through the development and adoption of legislation that provides for the implementation of such housing policy mechanisms that would optimize state measures to stimulate supply and demand for housing.

 There is no law "On social housing" which would regulate the attraction of special funds for construction of only public housing to provide them to the most vulnerable groups, namely homeless people and other vulnerable groups who do not own housing and land for construction of an individual housing house.

There is no law that would regulate evictions and evictions, as the KR does not hold public hearings on decisions regarding land seizures and housing demolitions, no deadlines for notification of owners and no assessment of the consequences of such evictions is associated with negative trends, such as impoverishment and homelessness.

1. Please explain if there is any official definition or criteria to assess whether a household faces housing costs above the level of affordability in your country.

In Kyrgyzstan there is no official definition or criteria for assessing that household expenditure on housing exceeds affordability. However, there are statistics for determining the consumer price index (<http://www.stat.kg/ru/statistics/ceny-i-tarify/>), which can be used to determine the increase in the price of housing services.

1. Please share any important court decisions in your country that relate to the issue of affordable housing or enjoyment of a minimum standard of living, including important judgements on State policies or measures aimed at ensuring housing affordability. Please provide if possible a short summary of the decision and a link to its text.

(e.g. judgements by international, constitutional, supreme or high courts, to rent control measures or rent freezes, to access to housing subsidies, public or social housing, non-discrimination and equal access to affordable housing etc.)

**Data and trends on housing affordability**

1. Is housing affordability regularly measured in your country, region or city, by the national statistical office or other entities? Please explain how housing affordability is measured and tracked. Where is the data published?

Housing affordability is measured by NGOs

Housing affordability is measured as the ratio of the average cost of a two-bedroom flat (total area of 54 square metres) to the average annual income of an average family of three. The affordability ratio shows how many years it will take for such a family to purchase a home. That is, the lower the ratio, the higher the affordability of housing.

Affordable housing is housing that you can save for in less than 3 years.

Note: Under this method, all of the annual income received by one family is used entirely for saving (should not be used for other purposes: food, buying clothes, etc.)

Housing affordability is measured by the Land Service under the Ministry of Agriculture of the Kyrgyz Republic (http://gosreg.kg/en/news/552-2021-03-03-04-10-56). Housing affordability is also monitored and measured by civil society organisations who publish them on their websites (https://www.interbilimosh.kg/all/publikaczii/analitika/).

1. Has housing affordability increased or decreased in your country over the past 10 years? In which regions or cities has housing affordability changed and for whom?

Kyrgyzstan, with a score of 15.5, was ranked 82nd out of 109 possible on the World Housing Affordability Index. <https://www.akchabar.kg/ru/news/kyrgyzstan-na-82-meste-v-mire-po-dostupnosti-zhilya/>

In 2012. The average Kyrgyz family of three needs 20 years to save up for a two-bedroom flat (<https://knews.kg/2012/05/23/v-kyirgyizstane-neobhodimo-bolee-20-let-chtobyi-nakopit-na-dvuhkomnatnuyu-kvartiru/>), while today it takes 12 years to buy a flat.

1. Please describe which households, persons or groups are at particular risk of being exposed to housing affordability in your country, region or city.

(Please provide data on housing affordability disaggregated on the basis of household size, form of tenure (living in self-owned housing, rental, other), type and quality of housing (e.g. living in formal or informal housing); location (region, urban, rural), type of household (with or without children, single parent households), income, employment status, gender, disability, age, nationality, ethnicity, religious affiliation or immigration status.)

1. May certain specific groups or persons, such as persons experiencing homelessness, living in informal settlements, students, asylum seekers or refugees, potentially be left out in data collection in relation to housing affordability?

Yes, they can, as persons experiencing homelessness, those living in informal settlements, asylum seekers and refugees may not have a defined legal status, they are subject to social stigma and negative stereotypes and this population is so marginalised or disadvantaged that it lacks access, capacity or resources to include them in data collection.

**Causes and Consequences of housing unaffordability**

1. What are main reasons why housing is unaffordable to certain persons or groups in your country? Please provide if possible as well links to (scientific) studies that have analysed such reasons.

The main reason why housing is unaffordable to certain individuals

Constant price increases <https://kaktus.media/doc/478033_kvartiry_snova_podorojaut_razbiraemsia_chto_jdet_rynok_jilia_v_kyrgyzstane_v_2023_gody.html>

Government programmes are only aimed at people with a stable and high income

Corruption in bodies responsible for providing preferential housing and land

Low income or unemployment in the country

Results of a study on primary and secondary homelessness during the pandemic

<https://www.interbilimosh.kg/rezultaty-issledovanya-pervichnoj-i-vtorichnoj-bezdomnosti-v-period-pandemii/>

<https://www.youtube.com/watch?v=aLVME9lp20M>

<https://righttohousing.net/%D0%B4%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4%D1%8B/>

1. What percentage of land is owned or otherwise controlled by the State or other public entities, as contrasted with private entities (both for profit and not for profit)? Please explain if there are any policies or laws which seeks to control the price of land, prevent land speculation including its supply and finance?

The Land Code of the Kyrgyz Republic regulates land relations <http://cbd.minjust.gov.kg/act/view/ru-ru/8>

There is no policy or law aimed at controlling land prices, preventing land speculation, including land supply and financing in the KR.

1. How many households have, during the last ten years been evicted because of their non-payment of housing costs? Please provide, if possible, more information on the socio-economic profile of the concerned households.

There are 80 families - about 500 people - living in the Ak-Moor dormitory. Their flats, which were allocated in the hostel back in Soviet times, have been sealed up and they have been left on the street. The dormitory was sold to a private entity because of electricity debts, and the legality of this decision has been confirmed, but residents claim that the auction was conducted with irregularities.

1. How many individuals, households or groups have, during the last ten years, been rendered homeless because of inability to afford housing? Please provide a breakdown of the socio-economic characteristics of such individuals.

🔹 Due to the pandemic, a vulnerable section of citizens has been left homeless. Income has dropped and people are unable to pay their rent. They move in with relatives or to shelters.

🔹82% of those surveyed lost income during the pandemic and as of June 2021 had failed to regain their previous income levels!

🔹 Since independence, only 8 people have been offered housing by the state to graduates of orphanages!

<https://soros.kg/wp-content/uploads/2021/07/%D0%9F%D1%80%D0%B5%D0%B7%D0%B5%D0%BD%D1%82%D0%B0%D1%86%D0%B8%D1%8F-%D1%80%D0%B5%D0%B7%D1%83%D0%BB%D1%8C%D1%82%D0%B0%D1%82%D0%BE%D0%B2-%D0%B8%D1%81%D1%81%D0%BB%D0%B5%D0%B4%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D1%8F-%D0%BF%D0%BE-%D0%B2%D0%BE%D0%BF%D1%80%D0%BE%D1%81%D0%B0%D0%BC-%D0%B1%D0%B5%D0%B7%D0%B4%D0%BE%D0%BC%D0%BD%D0%BE%D1%81%D1%82%D0%B8_%D0%B8%D0%BD%D1%82%D0%B5%D1%80%D0%B1%D0%B8%D0%BB%D0%B8%D0%BC%D0%9E%D1%88.pdf>

<https://m.facebook.com/interbilim.osh/videos/560624831639582/>

1. Please describe how housing unaffordability impacts the capacity of individuals and families to enjoy their other human rights including rights to work, health, education, and access to personal security in all its dimensions.

According to Article 15 of the Constitution of the Kyrgyz Republic "Property is inviolable. No one shall be arbitrarily deprived of his property. The seizure of property for public and state needs, as defined by law, shall be carried out by court decision by providing fair and prior security for the compensation of the value of this property and the losses incurred as a result of the alienation of the property".

Chapter 11 of the Land Code of the Kyrgyz Republic does not fully enforce human rights, so the rules do not work for voluntary seizures, but for forced ones. In the period from 2010 to the present, there have been numerous seizures of housing by local authorities for public needs in the regions of the Kyrgyz Republic. As a result of the seizure practices in Kyrgyzstan, the rights and/or interests of over five hundred citizens, the majority of whom are ethnic minorities, have been violated. And in all cases, the monetary compensation in exchange for the housing seized has been half the market value, so residents have fallen below the poverty line following the seizures. After eviction, people are forced to work twice as hard to pay rent or build new housing. Often the replacement land is located outside the city or far from the original place of residence, and therefore far from work, school and hospitals, making it difficult to access, resulting in having to change jobs and schools.

**Laws, policies, programmes and practices aiming to ensure that housing is affordable to all without discrimination**

1. Please share an overview of the laws, policies, programmes and practices adopted in your country/region/city to ensure that housing is affordable for all without any discrimination, Please, provide links to relevant official texts.

(e.g. affordable housing, social and energy cost subsidies, preferential mortgage, building support schemes, provision of social and public housing, of serviced land for self-construction, rent containment and rent control measures, taxation, measures to reduce housing vacancy, multi-stakeholder initiatives by State, local Governments, construction industry, housing providers, tenant unions etc).

Analysis of the housing situation for the UN Special Rapporteur Mr. O. De Schutter

<https://docs.google.com/document/d/177ep57BH-oXbFADcQxfz-Lt0gDMJKnpxbndjt75LqZ8/edit?usp=sharing>

Analysis of housing programs in the Kyrgyz Republic <https://www.interbilimosh.kg/wp-content/uploads/2022/04/analiz-zhilishhnyh-programm.docx>

1. Please share an assessment of the success, limitations or potential failures of the above mentioned laws and policies in your country/region/city, including any studies or independent evaluation reports related to them. Who has benefited from them, who has not? What has worked well, what - less? What lessons can be learned? What could potentially be replicable in other countries/regions/cities?

A number of recommendations were made to the Kyrgyz government by various UN Committees in 2015, 2018, 2022, which remain unimplemented: "Ensure that all evictions or relocations are properly justified and that these actions are carried out in strict compliance with the provisions of international human rights law".

Statement by Professor Olivier De Schutter, United Nations Special Rapporteur on

extreme poverty and human rights, on his visit to Kyrgyzstan, 23 May-3 June 2022

<https://www.srpoverty.org/wp-content/uploads/2022/06/EOMS-Kyrgyzstan-FINAL.pdf>

The Cabinet of Ministers of the Kyrgyz Republic by its Resolution No. 291 of 31 May 2022 approved the Regulations on the Procedure of Land Amnesty <http://cbd.minjust.gov.kg/act/preview/ru-ru/159222/10?mode=tekst#:~:text=%D0%97%D0%B5%D0%BC%D0%B5%D0%BB%D1%8C%D0%BD%D0%B0%D1%8F%20%D0%B0%D0%BC%D0%BD%D0%B8%D1%81%D1%82%D0%B8%D1%8F%20%2D%20%D1%80%D0%B0%D0%B7%D0%BE%D0%B2%D0%B0%D1%8F%20%D0%B0%D0%BA%D1%86%D0%B8%D1%8F%20%D0%BF%D0%BE,%D0%BE%D0%B1%D1%8A%D0%B5%D0%BA%D1%82%D1%8B%2C%20%D0%BF%D0%BE%D0%B4%D0%BF%D0%B0%D0%B4%D0%B0%D1%8E%D1%89%D0%B8%D0%B5%20%D0%BF%D0%BE%D0%B4%20%D0%B7%D0%B5%D0%BC%D0%B5%D0%BB%D1%8C%D0%BD%D1%83%D1%8E%20%D0%B0%D0%BC%D0%BD%D0%B8%D1%81%D1%82%D0%B8%D1%8E>

The document defines the basic rules and procedures for organizing the work of state bodies and local authorities on the transfer (transformation) into the category of "populated areas" land, the procedure for securing ownership rights to objects of land amnesty of previously unlawfully seized land. Thanks to this Act, 444 State certificates of private ownership of land plots have been issued, enabling people to resolve social problems such as registering at their place of residence, participating in elections, sending their children to educational institutions, visiting hospitals and so forth.