



Australian Government
Refugee Review Tribunal

Country Advice

Uzbekistan

Uzbekistan – UZB37514 – Propiska –
Property ownership – Police – Entry
procedures – Exit procedures

18 October 2010

1. Does holding a propiska at an address entitle the person to a share of the property? For example, is it common for people to not let their daughters-in-law be registered at a property they own, so as to deny them future property rights in the event of divorce?

No information was located which supports the notion that holding a propiska at an address entitles the person to a share of a property. Sources indicate that it is the civil registration of a marriage (as opposed to propiska) that influences whether a wife has rights over property owned by her husband or his family in the event of a divorce.

Relatively few women in Uzbekistan have access to land ownership, so it is unlikely that simply being registered at an address would grant a woman any ownership rights over that property. The Social Institutions and Gender Index website (SIGI, part of the Organisation for Economic Co-operation and Development [OECD]) notes that although women have the same land ownership rights as men under Uzbekistani law, in practice “divorce courts sometimes disregard” pre-arranged marriage contracts that should guarantee fair division of joint property. The SIGI report also states that relatively few Uzbekistani women have access to land ownership, but that more equitable inheritance laws may improve this situation.¹

Married women in Uzbekistan generally live in their husband’s family home, and “until they get a divorce they are not entitled to anything from their estranged husband”, according to a 2006 report from the Institute for Women’s Policy Research (a U.S.-based academic research group).² A 2009 report from the same source notes the increasing number of Uzbeks marrying according to Islamic law but not registering the marriage with the civil authorities. The report quotes local media reporting of official statements “about the growing number of divorces involving partners with no marriage certificate, after which the wife is liable to lose all her property”. If the marriage is registered with civic officials, a divorced wife has the ostensible protection of the law under the *Family Code of the Republic of Uzbekistan*.³ That a woman who is legally unmarried but cohabiting

¹ ‘Gender Equality and Social Institutions in Uzbekistan’ (undated), Social Institutions & Gender Index website <http://genderindex.org/country/uzbekistan> – Accessed 15 October 2010 – Attachment 1.

² ‘Uzbekistan: Divorce system works against Uzbek women’ 2006, Women Living Under Muslim Laws website, (source: Institute for Women’s Policy Research), 27 October <http://www.wluml.org/node/3286> – Accessed 15 October 2010 – Attachment 2.

³ For the relevant sections of the *Family Code*, see: ‘Section I: General Provisions’ 1998, in *Family Code of the Republic of Uzbekistan*, Google translation, Finman Consult website

with a husband and his family under Islamic marriage laws would have no right to a claim of the property may indicate that holding a propiska for that address is not sufficient to claim property rights.⁴

Further supporting the notion that propiska alone is insufficient to grant property rights, a 2008 Asian Development Bank report on gender and the Family Code in Uzbekistan states that Article 29 of the Family Code grants the right for married couples to enter into a “marriage agreement” which defines the future division of property if the marriage ends in divorce. Nonetheless, the report also claims that, despite the legal protections in the Family Code providing divorced women with access to property and alimony, and despite the existence of marriage contracts, women’s property rights can in practice be ignored by the civil authorities.⁵ In 2001, Human Rights Watch (HRW) reported that the chances of an Uzbekistani court granting marital property to a woman in divorce proceedings “are not good, particularly for those women who live together with their husbands in multi-generational households”. Further, the HRW report notes that although “it is customary for women rejected by their husbands to be able to take away the possessions they brought with them as dowry, there are few potential sanctions against the husband’s family if they refuse to allow her to do so”.⁶

In Uzbekistan, “[c]ultural norms still recognise the family’s residence as the property of men”, according to the Gender & Land Rights Database, hosted on the website of the Food & Agriculture Organisation of the United Nations (FAO). Further, “[d]ivorced women and young widows are expected to return to their parental home. Only widows with young children may become heads of their own households.” This report also states that a conflict between Family Law, which provides for women’s right to a share of assets in case of divorce, and the Law on household units, which precludes land plots allocated to the head of a household being divided, “hinders the possibility of [women] claiming land ownership on dissolution of a marriage”. Finally, the report notes the low rate of pre-marriage contracts which might provide divorced women with some access to marital property, “due to the high cost of official registration” of such contracts.⁷

http://translate.googleusercontent.com/translate_c?hl=en&u=http://fmc.uz/legisl.php%3Fid%3Dk_sem_1&rurl=translate.google.com&usg=ALkJrhgf6HJWRtlgAdBzmdJlQZxEfVkJKg – Accessed 15 October 2010 –

Attachment 3; ‘Section V: Maintenance obligations of family members and others’ 1998, in *Family Code of the Republic of Uzbekistan*, Google translation, Finman Consult website

http://translate.googleusercontent.com/translate_c?hl=en&u=http://fmc.uz/legisl.php%3Fid%3Dk_sem_5&rurl=translate.google.com&usg=ALkJrh7n4bp0fGUyKsKMYe75NVw_TeVDw – Accessed 15 October 2010 –

Attachment 4; and: ‘Section II: Marriage’ 1998, in *Family Code of the Republic of Uzbekistan*, Google translation, Finman Consult website

http://translate.googleusercontent.com/translate_c?hl=en&u=http://fmc.uz/legisl.php%3Fid%3Dk_sem_2&rurl=translate.google.com&usg=ALkJrhjSiPudaHUGNqVLVo_N8u_8JmOYFQ – Accessed 15 October 2010 – Attachment 5.

⁴ ‘Uzbekistan: Concern at Spread of Unofficial Marriages’ 2009, Women Living Under Muslim Laws website <http://www.wluml.org/node/4983> – Accessed 15 October 2010 – Attachment 6.

⁵ Asian Development Bank 2008, *Gender Expertise of Family and Labour Codes of The Republic of Uzbekistan*, Asian Development Bank website <http://www.adb.org/Documents/Books/Gender-Expertise-Family/gender-en.pdf> – Accessed 15 October 2010 – Attachment 7.

⁶ Human Rights Watch 2001, *Uzbekistan: Sacrificing Women To Save The Family?: Domestic Violence In Uzbekistan*, Vol. 13, No. 4 (D), June – <http://www.hrw.org/reports/2001/uzbekistan/uzbek0701.pdf> – Accessed 18 October 2010 – Attachment 8.

⁷ ‘Uzbekistan’ 2010, Gender and Land Rights Database, Food and Agriculture Organisation of the United Nations <http://www.fao.org/gender/landrights/report/?country=UZ> – Accessed 15 October 2010 – Attachment 9.

2. If a person moves to a residence that is in the same police district as the residence at which they are registered, is the person required to update/change their propiska or do people have to update their propiska for any change of residence?

The available information does not provide a clear answer as to whether an updated propiska is required if an individual moves residences within the same police district. Nonetheless, several sources refer to the propiska containing the place of permanent residence of the passport holder, and that this must be updated if there is any change of permanent residence. For example, in a 2010 report on propiska and exit visas in Uzbekistan, the Uzbek-German Forum for Human Rights states that according to “Uzbekistan’s regulations, the passport of each citizen should contain a record of the place of residence and permanent residence of the passport holder and, if needed, temporary residence permits”.⁸

Other sources also suggest that a propiska must be updated if there is a change in the place of permanent residence of the holder. The Bureau of Human Rights and Rule of Law Uzbekistan reported in 2009 that propiska “is notionally registration of the person according to the place of individual’s birth [*sic*] and location of immediate family”, and that “technically propiska is the seal in the passport of a citizen identifying his/her permanent place of residence.” This report states that problems only arise with propiska when “the person decides to move to another part of the country”; it does not state that moving within a police district will cause a propiska to become invalid.⁹ Similarly, in 2006 the International League for Human Rights stated that “the institution of propiska in Uzbekistan operates on the principle of state administrative discretion, and obliges citizens to apply for permission to leave their current place of residence and move to another one”.¹⁰

A 2003 Human Rights Watch report noted that one of the responsibilities of the mahalla, the local neighbourhood administrative committees in Uzbekistan, is to “conduct passport checks to ascertain compliance with residence permit requirements”. The posbon, employees of the mahalla committees tasked with maintaining the “social and moral environment”, are required to report to the police about people living in a neighbourhood without the correct residence permit.¹¹

⁸ Uzbek-German Forum 2010, “*Your travel abroad is not appropriate*”: Propiska, ‘exit visas’ and other relics of the Soviet era in Uzbekistan today. Executive Summary <http://www.uzbekgermanforum.org/content/freedom-movement-migration> – Accessed 10 July 2010 – Attachment 10.

⁹ Bureau of Human Rights and Rule of Law Uzbekistan 2009, *UZBEKISTAN – NGO Report on the implementation of the ICCPR (prior to the adoption of the List of issues)*, April http://www2.ohchr.org/english/bodies/hrc/docs/ngos/BHRRL_Uzbekistan96.pdf – Accessed 15 October 2010 – Attachment 11.

¹⁰ International League for Human Rights, 2006, *Alternative report on the compliance of the republic of Uzbekistan with the United Nations Convention on Elimination of All Forms of Racial Discrimination*, March <http://www.ilhr.org/ilhr/regional/centasia/reports/On%20the%20Compliance%20of%20the%20Republic%20of%20Uzbekistan%20with%20UN%20Convention%20on%20Elimination%20of%20All%20Forms%20or%20Racial%20Discrimination.pdf> – Accessed 21 July 2010 – Attachment 12.

¹¹ Human Rights Watch 2003, *From House to House*, September <http://www.hrw.org/sites/default/files/reports/uzbekistan0903full.pdf> – Accessed 23 July 2010 – Attachment 13.

3. Is there such thing as a temporary registration when someone goes to visit or stay somewhere temporarily?

Yes, temporary registration exists in Uzbekistan and Uzbek citizens staying somewhere temporarily must obtain a temporary propiska. As noted in Question 2 above, the Uzbek-German Forum for Human Rights reported in 2010 that, according to the “Statutes on the passport system in the Republic of Uzbekistan (26 February 1999)” a propiska must contain “a record of the place of residence and permanent residence of the passport holder, temporary residence permits, as well as information on permits for travel abroad”. The report goes to state that “if a person arrives at a location to study or take up temporary employment, that person must obtain a temporary residence permit and must do so within three days of arriving on location”. Further, “[m]onitoring of compliance with the system rests with the Internal Affairs authorities, along with the responsibility for temporary residence permits, which must follow the timely departure of citizens upon the expiration of their permits”.¹² A 2006 report from the United Nations Committee on the Elimination of Racial Discrimination (CERD) concurs, stating that the “temporary propiska applied to Uzbek citizens who were staying temporarily in a different part of the country”.¹³

4. Is there a difference between residency registration and property ownership registration? Can a person own several properties but only be registered at one?

No information was located on the difference between residency registration and property ownership. Nonetheless, the available information suggests that property ownership and residency registration are different, and that Uzbeks can own a property in one district and be a registered resident of another.

The abovementioned Uzbek-German Forum on Human Rights report indicates that it is possible to be registered as a resident of one district and own property in another, but not to reside legally in that residence. The report quotes a resident of Tashkent who bought a home and lived there for 12 years illegally, because although he owned the Tashkent property, his residence was registered elsewhere (in “the provinces”). He claimed that he was required to pay bribes in order to obtain a propiska for Tashkent.¹⁴

5. Is there any additional recent information to indicate whether a person who has a high profile with the police would be able to leave Uzbekistan easily, return for a period of time (for example, one month) and then leave Uzbekistan again?

A small amount of additional information was located, which suggests that Uzbek citizens may not have to obtain an exit visa for travel to certain neighbouring countries which are members of the Commonwealth of Independent States (CIS), and with which Uzbekistan

¹² Uzbek–German Forum 2010, “*Your travel abroad is not appropriate*”: *Propiska, ‘exit visas’ and other relics of the Soviet era in Uzbekistan today. Executive Summary* <http://www.uzbekgermanforum.org/content/freedom-movement-migration> – Accessed 10 July 2010 – Attachment 10.

¹³ United Nations Committee on the Elimination of Racial Discrimination (CERD) 2006, ‘Committee on elimination of racial discrimination considers report of Uzbekistan’, Reliefweb, 1 March <http://www.reliefweb.int/rw/rwb.nsf/db900sid/YAOI-6MJ4Z4?OpenDocument> – Accessed 14 October 2010 – Attachment 14.

¹⁴ Uzbek–German Forum 2010, “*Your travel abroad is not appropriate*”: *Propiska, ‘exit visas’ and other relics of the Soviet era in Uzbekistan today. Executive Summary* <http://www.uzbekgermanforum.org/content/freedom-movement-migration> – Accessed 10 July 2010 – Attachment 10.

operates a visa regime.¹⁵ Nonetheless, the Uzbek authorities are reported to maintain firm control over travel to and from territories outside of these countries, and regularly deny exit visas to those deemed to be disloyal to the government.

As noted in *Country Advice UZB37066*, an exit visa is required to travel to so-called “far abroad” states (countries outside the CIS), and this visa is valid for two years.¹⁶ A visa to visit CIS countries with which Uzbekistan operates a visa regime (such as Kyrgyzstan, Tajikistan or Turkmenistan) is different, and is valid for five years.¹⁷ The US Department of State 2009 human rights report for Uzbekistan claims that while exit visas are required for foreign travel, the exit visa stamp requirement for travel to neighbouring states “was not uniformly enforced”.¹⁸ Similarly, the above-mentioned 2010 report from the Uzbek-German Forum claims that “authorisation is not required” for Uzbek citizens to travel to CIS countries.¹⁹ A 2006 report from the International League for Human Rights concurs, stating that “exit visas are not required for travel to most member-states of the Commonwealth of Independent States”.²⁰

The 2006 UNHCR *International Protection Considerations Regarding Asylum-Seekers and Refugees From the Republic of Uzbekistan* takes note of “the absolute control exercised by the Uzbek authorities over the whole of their territory through a centralized authority with highly effective monitoring and control structures down to the local level in all parts of the country”.²¹ In addition to the reasons for possible denial of an exit visa set out in *UZB37066*, the Uzbek-German Forum report claims that “individuals who, from the point of view of the authorities, are considered to be ‘disloyal,’ often human rights and civil society activists” are “targets for discrimination in terms of their right to travel abroad.” The report notes that “such denials have become the norm in Uzbekistan’s internal policies and routine practices among agencies of Internal Affairs”.²²

¹⁵ The CIS countries are Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan and Moldova, with Turkmenistan and Ukraine as associated members.

¹⁶ RRT Country Advice 2010, *Country Advice UZB37066*, 3 August – Attachment 15.

¹⁷ UN High Commissioner for Refugees 2006, *International Protection Considerations Regarding Asylum-Seekers and Refugees From the Republic of Uzbekistan*, March,

http://www.unhcr.no/Pdf/Position_countryinfo_2007/uzbeks.pdf – Accessed 22 July 2010 – Attachment 16.

¹⁸ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm> – Accessed 7 July 2010 – Attachment 17.

¹⁹ Uzbek-German Forum 2010, *On the laws and practices of the Republic of Uzbekistan regarding the rights of citizens to free movement and choice of residence* <http://www.uzbekgermanforum.org/content/freedom-movement-migration> – Accessed 10 July 2010 – Attachment 10.

²⁰ International League for Human Rights 2006, *ALTERNATIVE REPORT On the Compliance of the Republic of Uzbekistan with The United Nations Convention on Elimination of All Forms Of Racial Discrimination*, March <http://www.ilhr.org/ilhr/regional/centasia/reports/On%20the%20Compliance%20of%20the%20Republic%20of%20Uzbekistan%20with%20UN%20Convention%20on%20Elimination%20of%20All%20Forms%20or%20Racial%20Discrimination.pdf> – Accessed 14 October 2010 – Attachment 12.

²¹ UN High Commissioner for Refugees 2006, *International Protection Considerations Regarding Asylum-Seekers and Refugees From the Republic of Uzbekistan*, March, http://www.unhcr.no/Pdf/Position_countryinfo_2007/uzbeks.pdf – Accessed 22 July 2010 – Attachment 16.

²² Uzbek-German Forum 2010, *On the laws and practices of the Republic of Uzbekistan regarding the rights of citizens to free movement and choice of residence* <http://www.uzbekgermanforum.org/content/freedom-movement-migration> – Accessed 10 July 2010 – Attachment 10.

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