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## Совет по правам человека

### Сороковая сессия

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**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

## Посещение Египета

**Доклад Специального докладчика по вопросу о достаточном  
жилище как компоненте права на достаточный жизненный  
уровень, а также о праве на недискриминацию  
в этом контексте\* \*\***

### *Резюме*

Специальный докладчик по вопросу о достаточном жилище как компоненте права на достаточный жизненный уровень, а также о праве на недискриминацию в этом контексте, Лейлани Фарха, посетила Египет с 24 сентября по 3 октября 2018 года в соответствии с резолюцией 34/9 Совета по правам человека.

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## Annex

### **Report 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, on her visit to Egypt**

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## I. Introduction

1. 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, Leilani Farha, visited Egypt from 24 September to 3 October 2018 at the invitation of the Government. The purpose of her visit was to examine the realization of the right to adequate housing through legislation, policies and programmes, and to identify positive outcomes and existing challenges for the realization of the right to adequate housing in the country.
2. The Special Rapporteur had the opportunity to visit the governorates of Cairo, Al-Qalyubiyah, Sharqiyah, Al-Minya and Giza. She conducted interviews with residents from various parts of Egypt and visited informal settlements, unplanned areas, demolition and relocation sites, and middle-income and social housing estates erected in new urban communities on desert land.
3. The country's recent turbulent history has aggravated the level of social inequality. Although the country is in a state of emergency, the Government is working to address the socioeconomic challenges, including in the area of housing. The current state of emergency grants the President a number of exceptional powers, including powers to expropriate and to designate areas for evacuation.
4. Egypt has a fast-growing population, which, according to the census of 2017, has reached 94.8 million residents. Since 2006, the population, of which nearly 95 per cent is concentrated along the Nile River, has grown by 22.2 million people. This situation, which is unlikely to change in the near future, has put extreme pressure on the Government to provide adequate housing to its population. If the Government is to satisfy current and future housing demands, it must build an estimated 480,000 to 528,000 housing units every year until 2030.<sup>1</sup>
5. In addition, Egypt is facing rapid urbanization, underestimated in official statistics, as many new urban areas that have sprung up on the fringe of existing cities are officially counted as "rural".<sup>2</sup> Greater Cairo (the governorates of Cairo, Giza and Al-Qalyubiyah) has reached 22 million residents, which is nearly one quarter of the total population of Egypt. Approximately 40 per cent of all buildings in Egypt are located in unplanned or informal areas.
6. The Household Income, Expenditure and Consumption Survey of 2015 of the Central Agency for Public Mobilization and Statistics indicated that 27.8 per cent of the population lived below the official poverty line of LE 5,787 (per adult person annually). In rural areas of Upper Egypt, 56.7 per cent lives below the poverty line, while in Cairo poverty reached 18 per cent in 2015.<sup>3</sup>

## II. Cooperation with the Government

7. The Special Rapporteur commends the Government for inviting her to Egypt as the first special procedure mandate holder to have visited since 2010. She enjoyed many constructive meetings with a wide array of government officials and representatives of public institutions working in areas relevant to the right to housing. She is grateful for the significant efforts made by the Ministry for Foreign Affairs to secure a comprehensive programme for her visit.<sup>4</sup> She also wishes to thank the Government for the additional information sent to her

<sup>1</sup> United Nations Human Settlements Programme, *Egypt Housing Profile* (2016), p. 60.

<sup>2</sup> *Ibid.*, p. 4.

<sup>3</sup> Egypt Independent, "27.8 per cent of Egyptian population lives below poverty line: CAPMAS", 27 July 2016. Available at [www.egyptindependent.com/278-percent-egyptian-population-lives-below-poverty-line-capmas/](http://www.egyptindependent.com/278-percent-egyptian-population-lives-below-poverty-line-capmas/).

<sup>4</sup> The Special Rapporteur met with representatives of the Ministry of Housing, Utilities and Urban Communities and representatives of government entities relating to the Ministry, including representatives of the Informal Settlement Development Fund, the Minister for Foreign Affairs, the Minister for Justice, the Minister for Parliamentary Affairs, the President of the Supreme Constitutional Court, representatives of the National Council for Human Rights, the Minister of

after the visit regarding the Government's housing policies, social housing programme and Informal Settlement Development Fund.

8. The Special Rapporteur wishes to draw attention to some difficulties that arose in the course of the visit and thereafter:

(a) The Special Rapporteur regrets that her request to meet representatives of the Ministry of the Interior and the Ministry of Defence to discuss issues around security-related evictions and the role of the police in the execution of eviction orders could not be accommodated. On 1 October 2018, the Special Rapporteur sent questions for the Ministry of the Interior, but no response was received.

(b) In accordance with the terms of reference for country visits and established working methods of special procedures, all country visits entail confidential and unsupervised contact with witnesses and other private persons, including persons deprived of their liberty, considered necessary to fulfil the mandate of the mandate holder (see A/HRC/34/34/Add.1, sect. XIV). On the first day of the visit it was therefore disconcerting that the Government asked the Special Rapporteur to provide detailed information on all of the locations she intended to visit so that officers of the Ministry of the Interior could accompany her throughout her visit in order to ensure her security. The Special Rapporteur insisted that her visits to various neighbourhoods in greater Cairo should take place without the presence of security officers so that she could conduct unsupervised and confidential interviews with residents and other stakeholders and ensure the anonymity of such meetings in compliance with the terms of reference.

(c) When visiting a community threatened by development-based home demolitions, the delegation of the Special Rapporteur, accompanied by an Egyptian lawyer working with the residents, was stopped by local police and prevented from walking or taking pictures in the area. She and her delegation were subsequently permitted to meet with a small number of residents, but interviews were interrupted by the police. The delegation and the residents were required to have their identification photographed, and the residents were ordered to remain in the area.

(d) The Special Rapporteur also regrets that she could not visit Warraq Island, where conflicts between residents and authorities had previously arisen over development-based evictions. Despite having provided ample notice, the Special Rapporteur was offered only one time slot to visit the island, which conflicted with previously arranged meetings with the Ministry for Foreign Affairs.

(e) The Special Rapporteur also wished to meet a group of 22 people who had reportedly been arrested after protesting housing demolitions and were facing trial before a State security court. The Government informed her that it would be able to locate the persons only if a case number was provided. Those numbers were not available to the Special Rapporteur.

9. In meetings with government officials at the beginning and at the end of her visit, the Special Rapporteur emphasized that she would need every assurance that no person who cooperates, seeks to cooperate or has cooperated with her would for that reason suffer intimidation, threats, harassment or punishment, as set out in the terms of reference for country visits by special procedure mandate holders. She was pleased that the Government had provided her with such assurances.

10. During the Special Rapporteur's visit, however, a number of individuals alleged that, after having met with her, they experienced various forms of intimidation, received anonymous threats and in one case suffered a physical attack. Additionally, a number of residents refused to speak to the Special Rapporteur once they were informed that the Government had assigned National Security officers to her. It should be noted that victims

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Finance, the Deputy Minister for Planning, Follow-Up and Administrative Reform, the Deputy Minister of Social Solidarity and Members of Parliament. She also had meetings with representatives of the National Council for Women and of the Social Housing Fund. She regrets that she was not able to meet with representatives of the National Council for Persons with Disabilities, owing to scheduling problems on both sides.

or potential victims of reprisal did not provide their consent to have their identities disclosed in official communications with the Government.

11. After the visit, information was received about alleged forced evictions, short-term detention, harassment, intimidation and reprisals against persons she had met. She raised such concerns with the Government in various instances, including in a communication of 2 November 2018.<sup>5</sup> Together with the Special Rapporteur on the situation of human rights defenders, she issued a public statement on 4 December 2018, after further forced evictions in an area she had visited had been reported to her.<sup>6</sup> She thanks the Government of Egypt for its response setting out its views on the allegations and she intends to continue her dialogue with the Government.<sup>7</sup>

12. The Special Rapporteur remains deeply concerned that individuals threatened with and affected by forced evictions, as well as lawyers and other human rights defenders of the right to housing, are afraid of reprisals if they provide information to special procedures to seek redress through international human rights mechanisms. In her view, for the right to adequate housing to be fully implemented, residents must be able to express freely their housing concerns.

13. The Special Rapporteur wishes to thank the civil society organizations, lawyers, academics and individuals in Egypt who courageously and generously shared their expertise, experiences, testimonies and human rights concerns during her visit.

### III. Legal framework

14. Egypt has ratified many international and regional human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, which is the chief articulation of the right to housing.

15. A number of provisions in the Constitution of Egypt of 2014 are relevant to and consistent with the right to adequate housing as enshrined in article 11 of the Covenant. Article 78 enunciates the right of citizens to adequate, safe and healthy housing in a manner that preserves human dignity and achieves social justice.<sup>8</sup> The article also obliges the Government to devise a strategic housing plan, to regulate State lands and to provide them with basic utilities, and to devise a comprehensive national plan to address the problem of unplanned slums. In addition, article 80 of the Constitution provides every child with the right to safe shelter, and article 58 protects the privacy of homes.

16. Article 35 of the Constitution protects private properties, allows expropriation only when it is in the public interest and requires that fair compensation be paid in advance. Article 63 prohibits all forms and types of arbitrary forced displacement of citizens and makes such displacement a crime that is not subject to the statute of limitations. Article 236 specifies that the State should develop and implement within 10 years a plan for the comprehensive economic and urban development of border and underprivileged areas, including Upper Egypt, Sinai, Matrouh and Nubia. The article also addresses the past resettlement of Nubians caused by the Aswan dam.

17. Egypt has a large number of laws and regulations on housing. Several of them cover important aspects of the right to adequate housing, such as Law 206/1951 on public housing and Presidential Decree Law 33/2014 on social housing. However, most laws and regulations

<sup>5</sup> Communication with the Special Rapporteur on the situation of human rights defenders; see UA EGY 16/2018. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24164>.

<sup>6</sup> See Office of the High Commissioner for Human Rights, "Egypt: UN experts alarmed by treatment of human rights defenders after visit", 4 December 2018. Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23971&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23971&LangID=E).

<sup>7</sup> The Government's response is found in its reply to communication UA EGY 16/2018, dated 1 January 2019. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34459>.

<sup>8</sup> An unofficial translation of the Constitution of 2014 is available at [www.sis.gov.eg/newvr/dustor-en001.pdf](http://www.sis.gov.eg/newvr/dustor-en001.pdf).

on housing predate the adoption of the Constitution of 2014. They have not been reviewed and amended, if required, in a systematic manner to ensure that they are in full conformity with the Constitution and with international law on the right to adequate housing as specified in article 11 of the International Covenant on Economic, Social and Cultural Rights and outlined in the Committee on Economic, Social and Cultural Rights general comment No. 4 (1991) on the right to adequate housing and general comment No. 7 (1997) on forced evictions. However, according to article 93 of the Constitution of 2014, international human rights treaties ratified by Egypt enjoy the same status as national laws and can thus be relied on by national courts in legal disputes.

18. The Special Rapporteur welcomes the strong commitment of Egypt to the implementation of the 2030 Agenda for Sustainable Development and appreciates the fact that the Government is also currently devising a roadmap for implementing the New Urban Agenda.

## **IV. Right to adequate housing**

19. In accordance with the International Covenant on Economic, Social and Cultural Rights, States have an obligation to progressively realize the right to housing, using the maximum resources available. The right to adequate housing includes various components, including security of tenure, availability of services, affordability, habitability, accessibility, location and cultural adequacy.

20. The Constitution of Egypt is consistent with international human rights law, as well as with target 11.1 of the Sustainable Development Goals in requiring the adoption of a housing strategy to realize progressively the right to adequate housing.<sup>9</sup> The Special Rapporteur is cognisant that a national housing strategy has been drafted in collaboration with the United Nations Human Settlements Programme (UN-Habitat), but the final text has not yet been approved.

### **A. Overview of housing conditions**

21. Government-produced housing in Egypt has been significant. During the past three decades, the Government has built as much as 35 per cent of all formal housing units. At the same time, with its growing population and rapid rates of urbanization, Egypt has many housing challenges.

#### **Location**

22. In 2005, the Government launched the National Housing Programme, through which 500,000 subsidized housing units were constructed. In 2014, a new, even more ambitious, social housing programme was announced, which includes a plan to construct 1 million new units with a larger floor size of 90 m<sup>2</sup>. At the time of her visit, over 600,000 units had already been built and 128,113 units in informal settlement areas had been upgraded. From this, it is evident that the Government of Egypt is taking seriously its obligation to realize progressively the right to housing. The question remains as to whether the bricks and mortar approach is sufficient to satisfy the Government's obligations, in particular for the most disadvantaged groups. Almost without exception, the new houses erected by the Government were built on State land in remote locations. As a result, newly built housing stock does not match demand for those who live on the most modest incomes.

23. The disconnect between housing supply and housing demand has helped to create a paradoxical situation. Although Egypt is struggling with housing overcrowding in popular urban and rural areas and an estimated 500,000 additional housing units are needed every year to house its growing population, there are 8.5 million vacant or closed housing units,

<sup>9</sup> Article 78 of the Constitution of 2014 is consistent with general comment No. 4 (para. 12) and target 11.1 of the Sustainable Development Goals.

according to the census of 2017.<sup>10</sup> The Government is taking steps to curb vacancy rates through the imposition of a new property tax and financial incentives.

24. Informal housing production on the fringes of existing cities has offered shelter solutions that neither the Government nor the formal private sector could provide. This form of housing represents over 60 per cent of all housing produced in urban areas in Egypt today. It is more affordable, caters to both middle- and low-income households, is usually relatively well located, and generates considerable informal employment and small business opportunities.

### **Habitability and accessibility to services and infrastructure**

25. According to the census of 2017, 135,899 persons are living in housing that is unsuitable for long-term residency, such as shops, kiosks, tents or huts, or on cemetery yards, representing less than 0.14 per cent of the entire population.<sup>11</sup> However, as in many countries, the undersampling of persons living in informal structures or on the street is probable.

26. Access to safe drinking water and sanitation services is a necessary element of adequate housing under international human rights law. According to the census of 2017, 93.7 per cent of all households, formal and informal, have a water tap in their home, 2.6 per cent in their building and 0.7 per cent outside their building. However, about 3 per cent of all households are still not connected to the drinking water network and about 1.6 million people rely on bottled water.

27. Overcrowding – which is inconsistent with the right to adequate housing – is still widespread and most prominent in rural communities in the governorates of Suhag, Asyut and Qena. According to the census of 2017, there are 270,677 one-room households, in which 815,590 residents live, meaning that one can expect on average three persons in a one-room home. A joint report by the United Nations Children’s Fund and the Ministry of Social Solidarity found that 5 million children, or 15.4 per cent of all children, live in households where on average there are four or more members per bedroom.<sup>12</sup> The study also revealed that housing deprivation was contributing to other dimensions of child poverty, including deprivations of their physical protection, nutrition, health, access to water and sanitation, education and information.

28. The Special Rapporteur learned that the collapse of houses is relatively common. In a study conducted by the Egyptian Initiative for Personal Rights, it was found that, between July 2012 and June 2013, 393 residential buildings had collapsed, resulting in 192 deaths and rendering 824 families homeless.<sup>13</sup>

### **Affordability**

29. Housing affordability in both the informal and formal markets also presents a barrier to the full enjoyment of the right to housing. Median housing prices increased by 31 per cent in a single year (2017), whereas incomes increased between only 6.3 and 11.7 per cent.<sup>14</sup> In 2016, 49 per cent of Egyptian households could not afford a median priced home.<sup>15</sup> Research by UN-Habitat found that a low-income household would have to spend their entire income

<sup>10</sup> Egyptian Streets, “Egyptian’s vacant housing units 12.8 million: CAMPAS”, 3 October 2017. Available at <https://egyptianstreets.com/2017/10/03/egypts-vacant-housing-units-12-8-million-capmas/>.

<sup>11</sup> If not stated otherwise, all data are taken from the 2017 Census of the Central Agency for Public Mobilization and Statistics of Egypt. Available at [www.capmas.gov.eg/HomePage.aspx](http://www.capmas.gov.eg/HomePage.aspx).

<sup>12</sup> United Nations Children’s Fund (UNICEF) and Ministry of Social Solidarity of Egypt, *Understanding Child Multidimensional Poverty in Egypt* (UNICEF, 2017), p. 21.

<sup>13</sup> Egyptian Initiative for Personal Rights, “Why do buildings collapse in Egypt?”, 7 June 2014. Available at <https://eipr.org/en/press/2014/06/why-do-buildings-collapse-egypt>.

<sup>14</sup> Salma Shukrallah and Yahia Shawkat, “Analysis: government policy commodifies housing”, Built Environment Observatory, 17 November 2017. Available at [http://marsadomran.info/en/policy\\_analysis/2017/11/1218/](http://marsadomran.info/en/policy_analysis/2017/11/1218/).

<sup>15</sup> 10 Tooba, “Affordability”, Built Environment Deprivation Indicator, September 2016. Available at <http://10tooba.org/bedi/en/affordability/>.

for 3.8 years to acquire a simple 40m<sup>2</sup> informally constructed apartment in an unplanned area, and 9.4 years to buy a 75 m<sup>2</sup> social housing unit in a new town.<sup>16</sup>

30. The rental market decreasingly provides an affordable alternative for low-income families. Since a new rental law was introduced in 1996, there has been a dual system of rental contracts. Today, approximately half of all tenants are still under the old regime.<sup>17</sup>

31. Old rental contracts offer a high degree of security of tenure, as they include terms for life for the tenants and can be inherited by first degree family members also for their lifetime. They have low, fixed levels of rent that have become out of step with current market prices and benefit tenants with higher incomes, who least need such low rents. These low rents have meant that landlords cannot afford to maintain the buildings, and many apartments have deteriorated. In contrast, contracts under the new rental regime are usually for the short-to-medium term, and much more expensive, as their median rent is estimated to be roughly six times higher than that of contracts under the old rental regime. While rent-to-income ratios for new rental agreements were still at affordable levels in 2008 (14 per cent), they have soared significantly, to 39 per cent in 2017, meaning that many of the 1.5 million households with old rental contracts could not afford new rental contracts.<sup>18</sup>

## B. Issues in focus

### Informal settlements

32. In Egypt, there are approximately 38 million people living in informal settlements, where residents live on land without holding formal legal title or where homes do not necessarily conform with urban planning and building standards, such as Unified Building Law 119/2008.

33. Housing quality in most informal areas is not necessarily worse than in older formal residential districts, so living in an informally erected building does not necessarily mean living in “slum-like” conditions.<sup>19</sup> The majority of unplanned areas are high density but with reasonably well-built, four- to nine-storey buildings, most of which have access to water supply and sanitation facilities.

34. One of the central concerns is that those living in informal areas lack security of tenure, a cornerstone of the right to housing. This means that, if negotiations with authorities reach an impasse, residents can be removed from their homes and lands and legal recourse is unlikely to prevent this. Many also lack access to public health services, educational institutions, parks, and cultural and recreational amenities within their neighbourhood. In many units there is also a lack of ventilation owing to narrow, often badly paved alleys and roads, causing accessibility problems for emergency services and persons with disabilities.

35. The Government has indicated concern for residents living in informal settlements. According to the Informal Settlements Development Fund, about 1 million people live in “slums” or “unsafe areas”, covering 1 per cent of all urban areas, while 95 per cent of villages and 37.5 per cent of cities consist of “unplanned areas”. The “unsafe areas” have been further categorized as follows: category 1 – residences deemed life-threatening, such as those in flash flood or landslide prone areas; category 2 – unsuitable shelters; category 3 – housing that poses health concerns owing to, for example, sanitation issues or industrial pollution; and category 4 – those living on land that is not regularized.

<sup>16</sup> United Nations Human Settlements Programme, *Egypt Housing Profile*, p. 67.

<sup>17</sup> See Built Environment Observatory, “Egypt state of rent 2017”, February 2018. Available at <http://marsadomran.info/wp-content/uploads/2018/02/BEO-2018-02-Egypt-State-of-Rent-2017-En.pdf>.

<sup>18</sup> Ibid.

<sup>19</sup> David Sims, *Understanding Cairo: The Logic of a City out of Control* (Cairo, American University in Cairo Press, 2012), p. 91.



36. The Sustainable Development Strategy: Egypt Vision 2030 aims to reduce the number of people living in unsafe areas by 30 per cent by 2020 and by 100 per cent by 2030.<sup>20</sup> The Strategy also stipulates that the overall percentage of space comprised of unplanned urban areas be reduced to less than 5 per cent by 2030 (indicator 11).<sup>21</sup>

37. The Special Rapporteur commends Egypt for having set ambitious goals to improve the housing situation of people living in informal settlements and for having recognized the relationship between housing and life itself. She has, however, concerns about certain policies that have been implemented to reach these goals.

38. According to international human rights law, priority should be given to risk mitigation and in situ rehabilitation. If relocation is unavoidable, residents should be provided with safe housing close to their existing neighbourhood. Furthermore, projects aimed at informal settlements should be carried out in a rights-based manner, as recommended in the Special Rapporteur's recent report on this subject (A/73/310/Rev.1).

39. For those settlements classified as "life-threatening", for example Doweiga, the Government's approach thus far has been to demolish the homes and relocate the entire population at some distance from their neighbourhood (applied in 25 areas) or to offer compensation so that residents could pursue alternative housing options. Relocation to new homes in adjacent areas or financial compensation has so far been rarely implemented.<sup>22</sup> Nine areas have benefited from mitigation measures to reduce the risks of flooding or landslides, which suggests this approach is possible. The Special Rapporteur had the opportunity to visit the Tal Elakarb Project, an in situ upgrading programme that is aimed at providing 4,000 people with new, culturally appropriate homes within their community. This approach holds much promise.

40. The Special Rapporteur also met community members and former residents of the informal settlement "Maspero Triangle", an area in downtown Cairo whose residents were subject to eviction. In 2008, after the Governorate of Cairo announced that it would evacuate residents to remote housing projects, an extensive participatory process was initiated by the Maspero Youth Organization with the support of government officials and investors. This process resulted in a human rights-compliant comprehensive proposal for the future development of the Maspero Triangle.<sup>23</sup> In 2016, the process collapsed when the Government reintegrated the ministry responsible into the Ministry of Housing, Utilities and Urban Communities. The Government's offer for residents to remain in situ was unaffordable for most. As a result, while most of the 4,500 households had wanted to remain in the area, 3,500 of them decided to accept compensation or to obtain a newly built apartment in Asmarat, a resettlement housing complex outside the city centre.<sup>24</sup> Several who decided to return to the area after the construction of the units told the Special Rapporteur that they had not been adequately consulted regarding the design or location of their new units. The Special Rapporteur visited 26th July Street bordering the Maspero Triangle district, where the residents of nine buildings were under the threat of eviction. Since her visit, some of these households have reported that they had been told to leave their homes without an offer of alternative accommodation. They also informed the Special Rapporteur that the demolition of some buildings had commenced even though people were still living in them.

41. The Special Rapporteur was briefed about several projects being implemented by the Government in cooperation with international development agencies to upgrade informal

<sup>20</sup> See Egypt, Ministry for Planning, Follow-Up and Administrative Reform, "Tenth pillar: urban development", in *Sustainable Development Strategy: Egypt Vision 2030* (Cairo, 2016), p. 260. Available at <http://sdsegypt2030.com/wp-content/uploads/2016/10/11.-Urban-Development-Pillar.pdf>.

<sup>21</sup> Ibid., indicator 11.

<sup>22</sup> Statistics provided by the Informal Settlements Development Fund to the Special Rapporteur.

<sup>23</sup> Madd Platform, "Maspero Parallel Participatory Project", December 2015. Available at [https://issuu.com/maddplatform/docs/maspero\\_parallel\\_participatory\\_proj](https://issuu.com/maddplatform/docs/maspero_parallel_participatory_proj).

<sup>24</sup> Mostafa Mohie, "On developing the Maspero Triangle and the future of the Asmarat housing project", Mada, 4 August 2018. Available at <https://madamasr.com/en/2018/08/04/feature/politics/interview-on-justice-in-the-development-of-the-maspero-triangle-and-the-future-of-the-asmarat-housing-project/>.

housing in unplanned areas, including to improve the supply of electricity, water and sanitation, and street paving. While of significance towards the realization of the right to housing, these projects do not enhance the security of the tenure of residents as they do not ensure the legal recognition of informal tenure. A draft regularization law is close to enactment; however, there are fears that it may result in steep fees that could be prohibitive for the poor.<sup>25</sup>

42. On average, public investment in formal residential areas has been far greater than in disadvantaged unplanned areas. As a result of these discriminatory allocations, disadvantaged areas have far fewer schools, health clinics, libraries, green spaces, paved roads and other public amenities.<sup>26</sup> In order to harmonize living conditions within urban areas and between urban and rural areas, public investment should be concentrated on the most disadvantaged areas until an equal standard of living has been achieved.

### Forced evictions

43. Under international human rights law, evictions should be carried out only as a last resort, once all feasible alternatives have been explored, and those affected must be genuinely and meaningfully consulted at all stages. Legal remedies and legal aid should be provided where necessary to affected people who are seeking redress in court.<sup>27</sup> Where eviction is unavoidable, persons evicted should be given adequate notice and receive adequate compensation or adequate alternative housing. Evictions are contrary to human rights law where they render individuals homeless.<sup>28</sup>

44. In the view of the Special Rapporteur, there are a number of laws providing the Government with considerable power to execute forced evictions, undermining constitutional protections and contrary to international human rights law. For example, some laws allow the Government to seize or expropriate land and evict residents by executive or administrative order, with no or limited judicial oversight, contrary to the right to adequate housing. These include article 3 of Emergency Law 162/1958, Law on Desert Land 143/1981, Law 147/1957 and Law on Local Government 43/1979.

45. Under Unified Building Law 119/2008 – which bans construction, extension, repair or demolitions without authorization – article 135 of the Executive Regulations states that the administration should issue written orders before evicting tenants and demolishing buildings erected in violation of the law, and notify the violators.<sup>29</sup> However, based on information received by the Special Rapporteur, it appears that in many instances eviction orders are often kept secret, communicated only orally or on short notice, thereby undermining the ability of the people affected to appeal an eviction order before it is carried out.

46. Law 10/1990 on expropriation for public interest authorizes the Government to seize properties to construct buildings or roads, or for infrastructure projects or other works deemed of public interest. This law has been used to expropriate properties in the context of development projects, such as on Warraq Island. It requires written eviction notices, an appeals mechanism and a compensation procedure.

47. It should be noted that Egypt has not had a policy of mass demolition of informal quarters or evictions without relocation measures. In 2017, however, the Government launched a campaign to clear State-owned land of “squatters” and “land grabbers” and

<sup>25</sup> Tadamon, “Izbit Khayrallah and the struggle for land: security of land tenure”, 25 December 2013. Available at [www.tadamon.co/?post\\_type=initiative&p=811&lang=en&lang=en#XWz1YC0ZOCc](http://www.tadamon.co/?post_type=initiative&p=811&lang=en&lang=en#XWz1YC0ZOCc).

<sup>26</sup> Per capita spending for local development in the greater Cairo area is not necessarily always linked to poverty levels in districts. See Tadamon, *Planning [in] Justice: Spatial Analysis for Urban Cairo* (2018), p. 30 and passim.

<sup>27</sup> See Committee on Economic, Social and Cultural Rights general comment No. 7 (1997) on forced evictions.

<sup>28</sup> Basic principles and guidelines on development-based evictions and displacement.

<sup>29</sup> In addition, article 7 of Law 10/1990 on expropriation for public interest stipulates that an order to expropriate land or real estate should be published in the *Official Gazette* and two widely read newspapers for the purposes of notification. It gives the owners 30 days to object to the order.

demolished many residences, many of which, according to the Government, were unfinished or unoccupied. This is hopefully not the direction the Government intends to take going forward, as it is contrary to international human rights law and target 11.1 of the Sustainable Development Goals.

48. The Special Rapporteur notes that meaningful consultation and engagement between the Government and the populations they wish to relocate have been lacking. Where forced evictions have occurred, the Special Rapporteur has heard that compensation has not been adequate, and relocation is rarely proximate. Instead, households are invariably being relocated to communities such as Asmarat outside the city centre of Cairo, regardless of its distance from their original homes.

49. The Special Rapporteur would like to draw attention to several particular cases of forced eviction and relocation.

50. The events that took place in Doweika, an informal settlement located in the Manshiyet Nasser district of Cairo, are an example of the dangers and complications faced by residents living in areas deemed to be unsafe. On 6 September 2008 a series of rockslides destroyed 166 homes, killing 119 people and injuring others. In the immediate aftermath of the disaster, the Governor of Cairo announced the rehousing of 289 families into new apartments in the Suzanne Mubarak housing estate nearby. In order to prevent further disasters, a survey of all unsafe areas was carried out and additional areas were declared unsafe.

51. It is the Special Rapporteur's understanding that alternatives to the relocation were not explored, that residents were not consulted prior to being relocated or thereafter, and that sufficient notice was not provided prior to the eviction and relocation. Many families were relocated to 6th of October City, a newly created town roughly 30 km away. As a result, several of the families have returned to their informal settlements. Some residents reported that they had been required to go to police stations to sign agreements to vacate their homes. The Special Rapporteur was also informed about a case in which one resident had been detained by the police for two days and was released only after having signed a document indicating his agreement to evacuate his home.

52. The Special Rapporteur also visited El-Hataba, a centuries-old neighbourhood that is home to significant archaeological monuments in the heart of the neighbourhood of the Citadel and in need of rehabilitation. Community members expressed their desire to work collaboratively with the Government, not only to improve the housing conditions, but also to act as protectors of the archaeological monuments to which they feel bound. This is preferable to the trauma of relocating a well-established community from its habitual place of residence. The Special Rapporteur was pleased to learn that the Ministry of Housing, Utilities and Urban Communities, in collaboration with the Ministry of Antiquities, is developing a plan to engage community members in a discussion regarding the future of El-Hataba with a view to ensuring they remain on site.

53. The Special Rapporteur also met with residents and members of the Family Council of Warraq Island. According to information received, the island consists mainly of privately owned residential and agricultural land. The villages on the island have developed into urban settlements, housing an estimated 90,000 people.

54. According to residents, on 16 July 2017, security forces descended on the island without advance notice to oversee the execution of 700 demolition orders for houses allegedly built irregularly. Thirty houses had been demolished when the actions were halted due to public protest, during which a young resident was killed and 59 individuals were injured, including 31 members of the police force. Several people involved in the protests were still facing trial at the time of the visit of the Special Rapporteur.

55. In June 2018, without consultation with the residents, the Prime Minister issued Decree 20/2018, authorizing the establishment of a new town on Warraq Island. In November 2018, after the visit of the Special Rapporteur, the State Council Administrative Court adjourned a lawsuit filed by residents against Decree 20/2018 (June) to allocate parts of the island for the establishment of a new urban community. On 28 November 2018, Cabinet Decree 49/2018 was published, expropriating a strip of 100 metres of land on both sides of

the Rod al Farag bridge crossing Warraq Island and all areas located within 30 metres of the island's shores. According to the Family Council, the expropriation could affect up to 20,000 residents.

56. The Government has offered to compensate owners with LE 1,400 per square metre, which residents consider to be far too low for land that is close to the Nile River and that could be used for tourism or upper-market real estate construction. Alternatively, the Government has offered relocation to Asmarat or to other housing projects located more than 10 km away.

57. The Special Rapporteur regrets that she was not able to meet with the Ministry of Defence during her visit to receive additional information from the Government on alleged security-related forced evictions in North Sinai.<sup>30</sup> The forced evictions and housing demolitions have been justified by the State by the need to cut off insurgents from supplies moving through illegally erected tunnels for smuggling below the border of the Gaza Strip.

58. Over the course of several years, the Minister of Defence has issued decrees banning private property ownership on land within 5 km of the Gaza Strip, creating a buffer zone delineating an eviction area that includes large parts of Rafah, and which was home to about 70,000 residents.

59. As a result of these decrees and the Government's ongoing antiterrorism efforts, close to 22,000 people have been displaced in North Sinai, and several thousand houses have been demolished.<sup>31</sup> The livelihoods of people living in Rafah and other northern Sinai towns have been systematically destroyed, with the destruction of olive harvests and the razing of farmlands.

60. While the Government maintains that it compensated residents with a sum that corresponded to local market prices, several residents considered it to be insufficient to buy a property of similar size and standard in another location outside the buffer zone. Furthermore, the Government refused to compensate any owner for property where a tunnel or tunnel entrance was found,<sup>32</sup> without establishing whether the owner was actually responsible for digging the tunnel.

61. The Special Rapporteur wishes to emphasize that measures implemented to suppress terrorism must be in full compliance with international human rights norms, including the right to adequate housing. The destruction of homes in retaliation for suspected terrorist activities is a *prima facie* violation of the right to housing.

### **Social housing programme**

62. In 2014, the Government created under Presidential Decree Law 33/2014 the new Social Housing Fund with the assistance of loans from the World Bank. The Fund was established to facilitate the building of housing units that could be purchased across income levels with the assistance of subsidies. It operates on a not-for-profit basis. The Special Rapporteur was pleased to hear that the Government considers it a priority that this programme maintains its not-for-profit character despite significant pressure from the World Bank to privatize housing production and introduce public-private partnerships.

63. According to information from the Social Housing Fund, between 75 and 80 per cent of Egyptians require some form of subsidy in order to purchase a home. Currently, individuals who earn less than LE 3,500 and couples who earn less than LE 4,750 may apply for a subsidized unit. Applicants receive a subsidized mortgage for a term of between 10 and

<sup>30</sup> See communication EGY 3/2015 of 12 February 2015 by the Special Rapporteur and the response by the Government of Egypt dated 30 March 2015. Available at <https://spcommreports.ohchr.org/TmSearch/Results>. See also Human Rights Watch, "Look for another homeland: forced evictions in Egypt's Rafah", 22 September 2015. Available at [www.hrw.org/report/2015/09/22/look-another-homeland/forced-evictions-egypt-rafah](http://www.hrw.org/report/2015/09/22/look-another-homeland/forced-evictions-egypt-rafah); and "Egypt: army intensifies Sinai home demolitions – destroys homes, farmland around 'buffer zones'", 22 May 2018. Available at [www.hrw.org/news/2018/05/22/egypt-army-intensifies-sinai-home-demolitions](http://www.hrw.org/news/2018/05/22/egypt-army-intensifies-sinai-home-demolitions).

<sup>31</sup> As reported by Human Rights Watch in "Egypt: army intensifies Sinai home demolitions".

<sup>32</sup> Response of the Government of Egypt to communication EGY 3/2015 of 12 February 2015 sent by the Special Rapporteur.

20 years, in addition to a non-refundable cash subsidy ranging from LE 5,000 to LE 40,000. To purchase a unit, beneficiaries must make a deposit of 15 to 50 per cent of the unit price.<sup>33</sup>

64. The social housing programme is based on the availability of mortgage lending and thus primarily reaches people living in the second- and third-income quintile, as lenders are reluctant to extend loans to those in the lowest income brackets. As a result, 86.9 per cent of the social housing programme is targeted at beneficiaries with monthly income levels of between LE 1,001 and LE 2,500. Only 2.2 per cent of all beneficiaries of the Social Housing Fund are in the lowest income bracket of below LE 1,000. In this regard, the programme more accurately resembles a homeownership programme rather than a publicly funded social housing scheme for the most economically vulnerable.

65. Households working in the informal sector, estimated to represent more than 50 per cent of the workforce, have difficulties accessing housing provided through the Social Housing Fund, as an employment contract is generally required to access subsidized mortgage financing, which is necessary for most who wish to join the programme. Though there has been a significant improvement since 2014, only 12.5 per cent of the beneficiaries are self-employed.<sup>34</sup>

66. Increased efforts have been made to make the programme more accessible to women and to non-insured self-employed people. As of 30 June 2018, female beneficiaries represented 22.1 per cent of all units allocated.<sup>35</sup> The Special Rapporteur also welcomes the fact that, since 2018, 5 per cent of all social housing has been reserved for persons with disabilities.

67. As participation in the social housing programme requires a significant down payment, the Special Rapporteur was pleased to learn that a module for renting social housing units has been introduced. However, this subsidized rental programme remains limited in scope, covering only about 2 per cent of the total social housing stock built so far.

### **New urban communities**

68. The Special Rapporteur visited several new cities, including 6th of October City, New Minya and Al-Ubour. The Government has spent considerable resources to plan and construct these cities in an effort to redirect the population away from informal settlements in existing urban centres. Initially 23 new cities that would eventually become home to about 20 million people were planned. Since then more cities have been planned or are under development, increasing the number to 42 throughout the country, among them a new administrative capital, which may eventually accommodate up to 6.5 million people in 21 residential districts.<sup>36</sup> According to the Government, the new cities will incorporate new technologies, be environmentally sustainable, and housing will be made available across income levels.

69. The Special Rapporteur notes that the emphasis on building new, large cities on desert land may still require reflection. In particular she is concerned that a significant part of the Government's budget is being allocated to these new developments for housing, electricity supply, water and sanitation without certainty that sufficient populations will reside there. In the meantime, there is no commensurate per capita expenditure for the improvement of living conditions for people living in existing formal or informal urban settlements.<sup>37</sup> For example, the total gross investment of the New Urban Communities Authority in new cities for the

<sup>33</sup> Document issued on the achievements of the Mortgage Finance Fund and Social Housing Fund, available in the files of the secretariat.

<sup>34</sup> Ibid., p. 61.

<sup>35</sup> Ibid., p. 16.

<sup>36</sup> David Sims, *Egypt's Desert Dreams: Development or Disaster?* (Cairo, American University in Cairo Press, 2018), p. 143 and pp. xxv–xxxviii.

<sup>37</sup> See, for example, Yahia Shawkat and Mennatu Allah Hendawy, "The built environment budget 16/17: part I – an overview of spatial justice", 15 May 2017. Available at [http://marsadomran.info/en/policy\\_analysis/2017/05/800/](http://marsadomran.info/en/policy_analysis/2017/05/800/).

fiscal year 2015/16 was LE 33.2 billion. By contrast, the funds allocated for upgrading informal settlements during the same year amounted to LE 0.6 billion.<sup>38</sup>

70. Many new towns struggle with low occupancy. According to government information, one of the most well-established new cities, 6th of October City, has still only reached an occupancy rate of 75 per cent. The first phase of New Cairo has an occupancy rate of 65 per cent, with Sheikh Zayed City at just 50 per cent and Shorouk City at 55 per cent.

71. Critics of the new cities programme have drawn attention to the high cost of housing in the new towns, making them too expensive for average households.<sup>39</sup> The housing design and regulations make it difficult for residents to open small-scale businesses, which provide most work in urban Egypt.<sup>40</sup> For many low-income households, moving out of the local community to a new town would also risk cutting the social networks that are essential for surviving on a very limited income. Additionally, housing designated for low-income households is segregated from middle- and upper-income communities.

72. Because of the distance to existing urban centres and somewhat limited public transportation, living in these new towns often requires access to a car, which only a small proportion of all Egyptian households possess. First generation new towns in the greater Cairo region – in existence for more than three decades – have not yet been connected to the public metropolitan transportation network or to a commuter train network that would allow for quick access from and within these new towns and to various parts of Cairo and Giza. Several of these challenges facing urban development have been acknowledged by the Government in its Sustainable Development Strategy, and several rail projects are currently under construction to improve the situation.<sup>41</sup>

### Financialization

73. The country's housing system is already financialized in the simple sense that, in both formal and informal sectors, including through the social housing programme, housing is largely based on a mortgage system. Egyptians are culturally predisposed to acquiring real estate as a form of investment. One expert commented that the banking system in Egypt was real estate. According to the Central Agency for Public Mobilization and Statistics, there are at least 3.8 million secondary investment properties in the country, many of which stand vacant. Many homes are acquired by families as a form of investment, some of which are not even fully built, and many of which are neither inhabited by the purchasers or their families nor rented out. The purchases are made in the belief that they are a safe place to invest savings and that ultimately selling these units in the future will result in good returns, once new towns have been fully developed and become more viable.

74. The financialization of housing in Egypt may be intensified with the Government's ongoing deregulation of the market and its recent announcement that it would market the country's real estate as an export product by luring foreign investors into the country, including through the "golden visa" programme. The massive development of luxury estates advertised across the country – housing that can be afforded by only 5 to 10 per cent of the population at the most – may have the effect of artificially increasing the market value of existing affordable housing in central urban locations and result in the displacement of low-income population groups, who can no longer afford to live in their own quarters. The New Urban Communities Authority itself has invested in three large-scale for-profit housing schemes. Critics allege that the prices of the units have been fixed at high rates, which are driving up market prices.

<sup>38</sup> Tadamun, *Planning [in] Justice*, p. 49.

<sup>39</sup> Sims, *Egypt's Desert Dreams*, p. 153.

<sup>40</sup> Ibrahim Rizk Hegazy and Wael Seddik Moustafa, "Toward revitalization of new towns in Egypt case study: Sixth of October", *International Journal of Sustainable Built Environment*, vol. 2, No. 1 (June 2013), pp. 10–18.

<sup>41</sup> See Egypt, Ministry for Planning, Follow-Up and Administrative Reform, "Tenth pillar: urban development".

## V. Discrimination and social exclusion

### A. Women

75. Of the 23.5 million households in Egypt, 3.3 million are headed by women. Women's access to affordable housing is constrained owing to their lack of economic autonomy, which is in part a result of their low labour-force participation rate; for example, women represented just 22.2 per cent of the labour force in 2017. Though women have an equal opportunity to apply for the Social Housing Fund, women's poverty makes it difficult for them to access credit for mortgages or to save for the down payment required to access rental accommodation. Women therefore disproportionately rely on the informal housing market or on family homes.

76. Town planning, engineering and local governments are dominated by male decision makers. Issues that are important for women, such as the proximity of child-care, education and health-care services, food markets, playgrounds for children and work opportunities, safe neighbourhoods and accessibility to safe public transport, are therefore at risk of not being adequately reflected in the design and development of urban settlements. Municipal councils were dissolved in 2011, but it is expected that, after local elections are held, female representation in local government will increase, as article 180 of the Constitution stipulates that one quarter of all seats at municipal councils are for women.

77. With respect to inheritance, though Muslim women can own, inherit and independently use land and property, cultural practices are such that they receive only a share of their brothers' in certain instances.

### B. Homelessness and children in a street situation

78. There are no official data on the number of homeless persons in Egypt. People living in homelessness are not recognized as a distinct group by the Government and they have difficulty obtaining identification papers, which can inhibit access to social and health services.

79. Most research and data on homelessness are confined to children in a street situation. According to the Ministry of Social Solidarity, in 2014 there were 16,019 street children.<sup>42</sup> United Nations agencies have estimated that there may be between 93,000 and 1 million children in a street situation.<sup>43</sup>

80. The causes of children in a street situation include extreme poverty, family disintegration and abuse, and the high dropout rate from schools. Children in a street situation also experience difficulties in obtaining birth registration or identification documents.

81. The Special Rapporteur was pleased to learn of intensified outreach services to homeless persons in a street situation for the year 2019 and encourages the Government to ensure that long-term housing options are made available to this population.

### C. Christian minority

82. Egypt is home to the largest Christian community in the Arab world. The Special Rapporteur interviewed Coptic Egyptians forced to leave their homes and villages in Upper Egypt after community conflicts with Muslim neighbours. Forced evictions of Coptic families were also reported in Basra village in Ameriya, Alexandria; in Nag Al-Taweel in

<sup>42</sup> Mada, "Official number of street children called into question", 13 January 2015. Available at <https://madamasr.com/en/2015/01/13/news/u/official-number-of-street-children-called-into-question/>.

<sup>43</sup> Office for Drug Control and Crime Prevention, United Nations Children's Fund and World Food Programme, *Rapid Situation Assessment Report on the Situation of Street Children in Cairo and Alexandria, Including the Children's Drug Abuse and Health/Nutritional Status*, para. 31. Available at [www.unodc.org/newsletter/en/perspectives/0601/page006.html](http://www.unodc.org/newsletter/en/perspectives/0601/page006.html) and [http://www.unicef.org/infobycountry/egypt\\_30616.html](http://www.unicef.org/infobycountry/egypt_30616.html).

Tud, Luxor; in Shebin Al-Qanatir in Al-Qalyubiyah; and in Maiana Bahnasia in Kafr Darwish, Beni Suef.

83. The Special Rapporteur learned that in some instances forced evictions were ordered by community reconciliation mechanisms that serve as dispute resolution tools. However, these reconciliation mechanisms do not necessarily ensure a fair hearing for members of minorities, nor are their rulings always in conformity with national or international human rights law. State officials have been present at some community reconciliation sessions but have reportedly failed to intervene when rulings legitimized the arbitrary expulsion of Coptic families from their homes, and they have sometimes expressed public support for such decisions. Official judicial bodies have also failed to provide legal protection against community reconciliation decisions, and law enforcement authorities have in several instances refused to provide security to those who wished to return to their homes.

## **D. Nubians**

84. Since the construction of the first Aswan dam by the British in 1902, approximately 50,000 Nubians, living along the Nile River in Upper Egypt, have been displaced in several waves, with their land being submerged. This has resulted in their socioeconomic and political marginalization.

85. While the forced displacements took place several decades ago, the situation of the resettled Nubian communities has acquired new salience. The adoption of the Constitution of 2014 includes in article 236 the obligation that the State should develop and implement projects within 10 years to allow the Nubian people to return to their ancestral lands. Subsequently, the Ministry for Transitional Justice and National Reconciliation established a committee tasked with drafting a specific law on return, which has submitted a proposal to the Council of Ministers. In addition, a national committee was formed to review the situation of persons who had not received compensation after the construction of the Aswan dam in order to identify and compensate those persons.

86. In 2014, Presidential Decree Law 444 designated many of the villages to which Nubians wished to return as “closed military areas”. This was perceived by some Nubians as a departure from the promise to be able to return to their ancestral land. More recently, several persons who protested for their return to their lands in a symbolic march were arrested in Aswan, charged and subsequently tried before a State security emergency court. One of the detainees died in the Shalal Central Security Camp on 4 November 2017.<sup>44</sup> On 15 November 2017, the remaining detainees were released by the court on bail awaiting trial. On 24 April 2018, the Working Group on Arbitrary Detention adopted an opinion concluding that the detention of 14 participants in the march was arbitrary and in contravention of the International Covenant on Civil and Political Rights (A/HRC/WGAD/2018/28, para. 99).

## **E. Lesbian, gay, bisexual and transgender persons**

87. The Special Rapporteur heard harrowing stories from members of the lesbian, gay, bisexual and transgender community in Cairo regarding their experiences of extreme discrimination with respect to housing. The overall cultural climate in Egypt reported by many lesbian, gay, bisexual and transgender persons, and those with HIV/AIDS, is one of harassment, intimidation and discrimination, and it pervades and manifests acutely in the housing sector. Many landlords are unwilling to rent accommodation to lesbian, gay, bisexual and transgender persons or those perceived to be a lesbian, gay, bisexual or transgender person. If they manage to secure accommodation, they live in constant fear that their sexual or gender identity will be discovered, that they will be charged with debauchery, that their rental agreement will be cancelled and that they will become homeless.

88. The Special Rapporteur learned that even home ownership does not provide adequate protections against discrimination in housing for lesbian, gay, bisexual and transgender

<sup>44</sup> See communication EGY 19/2017 of 11 December 2017 and replies by the Government of Egypt dated 14 and 20 February and 8 March 2018.



persons. In some instances, community members have collectively targeted particular homeowners who are suspected of being a lesbian, gay, bisexual or transgender person, physically attacking them, reporting suspected debauchery to the police, and provoking criminal investigations and charges.

## VI. Access to justice

89. Central to the realization of the right to housing is the ability of rights holders to claim the right to housing, as the Special Rapporteur argues in her most recent report (A/HRC/40/61).

90. Despite strong constitutional provisions regarding the right to housing, there are few avenues where the right to housing can be or is being claimed in Egypt. While the Supreme Constitutional Court has decided on a number of matters relating to rental and tenant law, it has yet to hear a right to housing claim under article 78. The National Council for Human Rights does not have the capacity to hear and resolve all complaints relating to housing issues, though it can undertake investigations of human rights matters, including on the right to housing.

91. Development-based evictions can be ordered by the Administration; a court order is not necessarily required. While it is possible to file an appeal against such decisions before an administrative court, there are many barriers for individuals living in informal settlements to do so. As the national law does not always require due notice in writing, residents often lack time to challenge eviction decisions before their implementation; claimants often lack sufficient proof of residence to challenge eviction orders or to ensure their inclusion in relocation or compensation schemes, and residents frequently lack the financial resources to engage a lawyer to represent them.

92. During her visit, the Special Rapporteur learned that persons living in unplanned areas or informal settlements feared being prosecuted for illegal occupation of land under article 372 bis of the Penal Code or fined for infractions of building regulations. She also learned that persons resisting enforcement measures by government authorities in the context of evictions are often charged under articles 133, 136 and 137 of the Penal Code, which provides penalties for verbal and physical assaults on government officials. The Special Rapporteur welcomes the Supreme Constitutional Court's decision of 13 October 2018, which determined that article 372 bis of the Penal Code was unconstitutional and thus that all penalties imposed under this article for the construction of houses on State-owned land would be remitted.

93. It is also possible to make right to housing-related claims at the Supreme Administrative Court, and several cases of relevance have been heard. For example, the Court has ruled that residents who have unknowingly built on State-owned land that has been sold, rented or passed on for inheritance should be entitled to compensation when the State reclaims its land.<sup>45</sup>

94. Lawyers and human rights defenders play a central role in ensuring that residents living in disadvantaged and informal quarters have access to justice for the right to adequate housing. The Special Rapporteur spoke with human rights lawyers who have found it difficult to fulfil this role when they are subject to travel bans and the freezing of their assets, when their homes and offices are raided, and when charges are laid against them for their work in the area of economic, social and cultural rights claims.

95. The Special Rapporteur learned of an interesting accountability mechanism in Al-Minya whereby the Governor holds weekly town hall meetings where residents can raise issues of concern relating to housing. The Governorate is encouraged to enhance this mechanism to ensure it offers an opportunity for residents to receive a remedy for possible human rights violations. Other governorates and cities are encouraged to adopt similar mechanisms.

<sup>45</sup> See Tadamun, "Izbit Khayrallah and the struggle for land: security of land tenure".

## VII. Conclusions and recommendations

96. The right to housing is enshrined in the Constitution of Egypt of 2014, which obliges the Government to develop a strategic housing plan. In keeping with its human rights obligations, the Government should undertake a multi-stakeholder consultative process to ensure that its national housing strategy meets its commitments under Sustainable Development Goal 11 and its international human rights obligations, as specified in the Special Rapporteur's report to the Human Rights Council on rights-based housing strategies (A/HRC/37/53).

97. In light of the constitutional recognition of the right to housing, all national laws and regulations pertaining to housing should be reviewed to ensure that they are fully compliant with the Constitution, as well as with the right to adequate housing and the prohibition of forced evictions under international human rights law.

98. The Government of Egypt has made significant efforts to provide housing to its fast-growing population and in a short period of time it has built an impressive number of units. It has also initiated steps to modernize the rental contract regime. However, much of the new housing supply does not match current housing demand, being both unaffordable for many households and poorly located, and there are insufficient economic opportunities and transportation services to make it viable. Conditions of much of the existing housing stock, both formal and informal, are inadequate, with overcrowding and unstable structures commonplace. The Special Rapporteur recommends that:

(a) The Government should focus its resource expenditure on upgrading existing housing where the bulk of the population lives;

(b) The Government should improve living conditions in all informal areas by scaling up participatory development projects aimed at improving housing conditions, access to water and sanitation, street paving, green and recreational areas, and skill development;

(c) The Government should harmonize the dual rental law, while taking measures to ensure the security of tenure and the affordability of housing for all tenants, whether they are under the old or the new rental regime;

(d) The Government should consider the introduction of rental subsidies for low-income households and rent control measures in urban areas in which housing has become unaffordable.

99. There are approximately 38 million people living in informal settlements on land without legal title, lacking security of tenure and often living in poor conditions. Of these, 1 million are living in what are deemed unsafe and life-threatening conditions. The Special Rapporteur recommends that Egypt should abide by the recommendations laid out in her report on upgrading informal settlements (A/73/310/Rev.1) and regularizing the housing built informally, including by ensuring the following:

(a) Community engagement and genuine consultations must take place at all stages of the upgrading process;

(b) In situ upgrading must be provided whenever possible;

(c) Where relocation is the only viable alternative, it must be adequate and proximate to the residents' existing housing and to employment opportunities, schools, health-care facilities and transportation services, as defined under international human rights law;

(d) Security of tenure for residents of informal settlements must be provided by regularizing the large amount of housing built informally.

100. With respect to areas designated unsafe due to natural disasters, Egypt should designate these areas for immediate and effective disaster risk management measures, tailoring approaches to suit the specific needs of the community. Risk management should not, however, be used as an excuse for unnecessary displacement. Where

relocation and resettlement is necessary for the protection and safety of residents, it should be accomplished through collaboration and agreement with residents and in strict compliance with international human rights standards.

101. The Government must amend or repeal any laws that allow for residents to be evicted from their homes, where those laws do not conform with international human rights standards. As forced evictions are a gross violation of human rights, the Government must ensure that any plans to forcibly evict residents are reviewed in light of the State's obligations under Committee on Economic, Social and Cultural Rights general comment No. 7 (1997) on forced evictions and the basic principles and guidelines on development-based evictions and displacement.

102. The Government's social housing programme is innovative and provides an accessible path for homeownership for households with revenues below the median income, but inadequately addresses the housing needs of the most vulnerable population living in poverty. The Government should take steps to ensure that this programme is affordable and available to those in the lowest income bracket, including by scaling up its rental programme, and ensuring that those in rental accommodations enjoy the security of tenure commensurate with homeownership. While it is commendable that efforts are being made to ensure that the social housing programme better targets women and persons with disabilities, a national housing needs assessment should be conducted to ensure that the programme is responsive to the actual housing needs of these groups and to determine whether other disadvantaged groups should be targeted, such as those working in the informal sector.

103. The Government has directed considerable resources to plan and construct new urban communities in an effort to redirect its population away from informal settlements and cities. Unfortunately, many of these cities suffer low vacancy rates. The Government should undertake a formal review of the causes of underoccupancy in new cities and develop strategic plans to ensure the ongoing viability of new cities in consultation with their residents, implement specific measures to improve transportation and ensure economic opportunities, particularly for those residents who work in the informal economic sector.

104. The Government has supported the development of luxury housing intended for foreign buyers and upper-income residents. This use of public funds should be discontinued in favour of investing in projects aimed at ensuring the realization of the right to adequate housing for the lowest income brackets.

105. A number of groups in Egypt experience discrimination with respect to housing, including women, lesbian, gay, bisexual and transgender persons, persons living in homelessness, children in a street situation, Coptic minorities and Nubians. To address the discrimination suffered by these groups, the Special Rapporteur recommends that:

(a) The Government should enact a comprehensive anti-discrimination law that includes protections in the area of housing;

(b) The Government should undertake further analysis on the housing needs of women and promote legal education and training regarding women's right to challenge inheritance with respect to their rights to land and property. The Government should consider reforming the personal status law to ensure the same rights for women and men with respect to inheritance unless there is an explicit objection in the will of the deceased (see also CEDAW/C/EGY/CO/7, para. 48);

(c) The National Council for Human Rights should develop educational, awareness-building programmes to combat the discrimination that lesbian, gay, bisexual and transgender persons face with respect to the right to housing;

(d) The Government should protect all citizens from arbitrary displacement, including members of the Coptic minority, and ensure that decisions made by community reconciliation mechanisms are in line with the country's national laws and international human rights standards, and subject to legal review.

106. Homelessness is not widely recognized as a social problem in Egypt. The Special Rapporteur recommends that, as a starting point, the Government should develop a definition of homelessness and collect data on the number of people falling into this category and the systemic causes. The Government must also ensure that its national housing strategy includes provisions to eliminate homelessness by 2030, and provide this population with long-term housing options in keeping with its commitments under target 11.1 of the Sustainable Development Goals, and as required under international human rights law.

107. The Government must proceed cautiously with respect to foreign investment in residential real estate, ensuring that it actually benefits the country's economy and does not contribute to the unaffordability of housing.

108. To address the lack of access to justice for right to housing claims, the Special Rapporteur recommends that:

(a) The Government should encourage rights holders to settle disputes relating to the right to housing through legal means, ensure adequate access to legal aid and assistance, and encourage people to bring such claims forward to judicial and non-judicial complaints mechanisms;

(b) Courts of first instance, the Supreme Administrative Court and the Supreme Constitutional Court should enhance their efforts to rely on international human rights standards when interpreting national and constitutional law in matters relating to the right to adequate housing or the prohibition of forced evictions;

(c) Egypt should ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(d) The Government should propose to Parliament to expand the mandate and capacity of the National Council for Human Rights so as to consider economic, social and cultural rights complaints;

(e) The National Council for Human Rights should consider undertaking investigations into alleged violations of the right to housing.

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