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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Visit to Egypt

**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\*,\*\***

### *Summary*

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the right to 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, on her mission to Egypt from 24 September to 3 October 2018 pursuant to Human Rights Council resolution 34/9.

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\* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and Arabic only.

\*\* The report is submitted after the deadline to reflect the most recent information.

**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 mission to Egypt**

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## I. Introduction

1. The Special Rapporteur on the right to housing, 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 realisation of the right to adequate housing in the country.
2. The Special Rapporteur had the opportunity to visit the Governorates of Cairo, Kalyubia, Sharqiyah, Minya and Giza. She conducted interviews with residents from various parts of Egypt and visited informal settlements, unplanned areas, demolition and relocation sites, as well as middle income and social housing estates erected in new urban communities on desert land.
3. Egypt'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 these socio-economic 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 has reached 94.8 million residents according to the 2017 census. Since 2006 Egypt's population has grown by 22.2 million people of which nearly 95 per cent are concentrated along the Nile. 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 demand, it must build an estimated 480.000 to 528.000 units every year until 2030.<sup>1</sup>
5. In addition, Egypt is facing rapid urbanisation, underestimated by 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 Qalyubiqa) has reached 22 million residents, nearly one quarter of Egypt's total population. Approximately 40 per cent of all buildings in Egypt are located in unplanned or informal areas.
6. The 2015 Household Income and Expenditure and Consumption Survey (HIECS) of CAPMAS indicated that 27.8 per cent of the population live below the official poverty line of 5,787 Egyptian Pounds (per adult person annually). In rural areas of Upper Egypt 56.7 per cent live 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 procedures mandate holder to have visited since 2010. She enjoyed many constructive meetings with a wide array of government officials and public institutions working in areas relevant to the right to housing. She is grateful for the significant efforts made by the Ministry of Foreign Affairs to secure a comprehensive programme for her visit.<sup>4</sup> She also wishes to thank the Government for the additional

<sup>1</sup> UN-HABITAT, Egypt, Housing Profile, 2016, p.60.

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

<sup>3</sup> <https://ww.egyptindependent.com/278-percent-egyptian-population-lives-below-poverty-line-capmas/>.

<sup>4</sup> She met with the Ministry of Housing, Utilities and Urban Development, and government entities related to them, including the Informal Settlement Development Fund, the Minister of Foreign Affairs, the Minister for Justice, the Minister for Parliamentary Affairs, the President of the High Constitutional Court, the National Commission for Human Rights, the Minister of Finance, the Deputy Minister for Planning, Follow Up and Administrative Reform, the Deputy Ministry of Social Solidarity and Members of Parliament. She also had

information sent to her after the visit regarding Egypt's housing policies, social housing programme and its 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 Interior and the Ministry of Defence to discuss issues around security related evictions and the role of police in the execution of eviction orders could not be accommodated. On 1 October 2018, the Special Rapporteur sent questions for the Ministry of Interior, but no response was received.

(b) In accordance with 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".<sup>5</sup> On the first day of the visit it was disconcerting, therefore, that the Government asked the Special Rapporteur to provide detailed information regarding all locations she intended to visit so that officers of the Ministry of Interior could accompany her throughout her visit 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 was 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 providing ample notice, the Rapporteur was offered only one time slot to visit the island which conflicted with previously arranged meetings with the Ministry of Foreign Affairs.

(e) The Special Rapporteur also wished to meet a group of 22 people who were reportedly arrested after protesting against house demolitions and facing trial before a State Security Court. The Government informed her that it would only be able to locate the persons if a case number was provided, which were not available to the Special Rapporteur.

9. The Special Rapporteur underscored at the beginning and at the end of her visit in meetings with Government officials that in order to conduct the visit she would need every assurance that no person who cooperates, seeks to cooperate or has cooperated with her would for this 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 such assurances were provided to her by the Government.

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 Rapporteur once they were informed

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meetings with the National Council for Women and the Social Housing Fund. She regrets that she has not been able to meet with the National Council for Persons with Disabilities due to scheduling problems on both sides.

<sup>5</sup> See <https://www.ohchr.org/Documents/HRBodies/SP/ToRs2016.pdf>.

that National Security officers were assigned to her by the Government. It should be noted, that victims 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 on 2 November 2018.<sup>6</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 were reported to her.<sup>7</sup> She thanks the Government of Egypt for their response setting out its views on the allegations and intends to continue her dialogue with the Government.<sup>8</sup>

12. The Rapporteur remains deeply concerned that individuals threatened with and affected by forced evictions, 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 freely express their housing concerns.

13. The Special Rapporteur wishes to thank the civil society organizations, lawyers, academics, and individuals of 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 (the Covenant) which represents the chief articulation of the right to housing.

15. A number of provisions in the Constitution of Egypt (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 which preserves human dignity and achieves social justice.<sup>9</sup> The article also obliges the Government to devise a strategic housing plan, to regulate state lands, and 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 to every child the right to a safe shelter, and Article 58 protects the privacy of homes.

16. Article 35 of the Constitution protects private properties, only allows expropriation when it is in the public interest, and requires 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 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 the Law 206/1951 on Public Housing and the Presidential Decree Law 33/2014 on Social Housing. However, most laws and regulations on housing predate the adoption of the 2014 Constitution. They have not been reviewed and amended if required in a systematic

<sup>6</sup> Communication with the Special Rapporteur on human rights defenders from 2 November 2018, EGY 16/2018, available at: <https://spcommreports.ohchr.org>

<sup>7</sup> [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>8</sup> Reply to EGY 16/2018 dated 1 January 2019, available at: <https://spcommreports.ohchr.org>

<sup>9</sup> An unofficial translation is available at: <http://www.sis.gov.eg/newvr/dustor-en001.pdf>

manner to ensure that they are in full conformity with the Constitution and the right to adequate housing under international law as specified in Article 11 ICESCR and outlined in the General Comments No. 4 (1991) and No. 7 (1994) of the Committee on Economic, Social and Cultural Rights. However, according to article 93 of the 2014 Constitution, 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 that the Government is also currently devising a roadmap for implementing the New Urban Agenda.

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

19. According to the right to adequate housing States have an obligation to progressively realize the right to housing, using maximum available resources. 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 the Sustainable Development Goals (Goal 11, Target 11.1) in requiring the adoption of a housing strategy to realize progressively the right to adequate housing.<sup>10</sup> The Special Rapporteur is cognisant that a national housing strategy has been drafted in collaboration with 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 last three decades, the Government 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 National Housing Programme was launched which constructed 500,000 subsidized housing units and in 2014 a new, even more ambitious, social housing programme was announced to construct one 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 governments' obligations in particular for the most disadvantaged groups. Almost without exception, 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, according to the 2017 census.<sup>11</sup> The Government is taking steps to curb vacancy rates through the imposition of a new property tax and financial incentives.

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<sup>10</sup> Article 78 of the 2014 Constitution and ICESCR, General Comment No. 4, para 12.

<sup>11</sup> Egyptian Streets: "Egyptian's Vacant Housing Units 12.8 Million: CAMPAS", available at: <https://egyptianstreets.com/2017/10/03/egypts-vacant-housing-units-12-8-million-capmas/>

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 percent of all housing produced in urban areas in Egypt today. It is more affordable, caters for 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 2017 Census, 135,899 persons are living in housing that is unsuitable for long-term residency such as shops, kiosks, tents, huts, or on cemetery yards, representing less than 0.14 per cent of the entire population.<sup>12</sup> However, as in many countries, the under sampling 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 2017 Census, 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, there are still about 3 per cent of all households 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 the rural communities of the Suhag, Asyut and Qena Governorates. According to the 2017 Census, there are 270,677 one-room households in which 815,590 residents live, meaning that one can expect on average 3 persons in a one-room home. A joint report by UNICEF and the Ministry of Social Solidarity found that 5 million or 15.4 per cent of all children live in households where on average there are four or more members per bedroom.<sup>13</sup> The study also highlighted that housing deprivation is contributing to other dimensions of child poverty including 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. A study conducted by the Egyptian Initiative for Personal Rights found that between July 2012 and June 2013 393 residential buildings collapsed resulting in 192 deaths and rendering 824 families homeless.<sup>14</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 have increased by 31% in a single year (2017) whereas incomes have only increased between 6.3 and 11.7%.<sup>15</sup> In 2016, 49% of Egyptian households could not afford a median priced home.<sup>16</sup> Research by UN-Habitat found that a low-income household would have to spend their entire income 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>17</sup>

<sup>12</sup> If not mentioned otherwise, all data is taken from the 2017 Census of the Central Agency for Public Mobilization and Statistics of Egypt, <https://www.capmas.gov.eg/>

<sup>13</sup> Unicef, Ministry of Social Solidarity, Central Agency for Public Mobilization and Statistics: Understanding child multi-dimensional poverty in Egypt (Unicef, 2017), p.21

<sup>14</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>15</sup> Salma Shukrallah and Yahia Shawkat, "Analysis: Government Policy Commodifies Housing," Built Environment Observatory, November 17, 2017, [http://marsadomran.info/en/policy\\_analysis/2017/11/1218/](http://marsadomran.info/en/policy_analysis/2017/11/1218/)

<sup>16</sup> 10 Tooba, "BEDI - Affordability," Built Environment Deprivation Indicator (BEDI), September 2016, <http://10tooba.org/bedi/en/affordability/>

<sup>17</sup> UN Habitat, Egypt Housing Profile, 2016, p. 67.

30. The rental market does decreasingly provide an affordable alternative for low-income families. Since a new rental law regime was introduced in 1996, there is a dual system of rental contracts. Today approximately half of all the tenants are still under the old regime.<sup>18</sup>

31. Old rental contracts offer a very 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 lifetime. They have low, fixed levels of rent that have become out of step with current market prices and benefit tenants with higher income, who least need such low rents. These low rents have meant that landlords cannot afford to maintain buildings and many apartments have deteriorated. In contrast, contracts under the new rental regime are usually for short to medium term duration, and much more expensive, as their median rent is estimated to be roughly six times higher than contracts under old rental regime. While rent to income ratios for new rent agreements were still at affordable levels in 2008 (14 percent), they have soared significantly, to 39 percent in 2017 meaning that many of the 1.5 million households with old rental contracts could not afford new rental contracts.<sup>19</sup>

## **B. Issues in Focus**

### **i. Informal settlements**

32. There are approximately 38 million people living in informal settlements in Egypt where residents live on land without holding formal legal title, or whose homes do not necessarily conform with urban planning and building standards, such as the 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>20</sup> The majority of unplanned areas are high density but with reasonably well-built 4-9 storey houses, 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, 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 due 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 one million people live in “slum” or “unsafe areas” covering 1 percent of all urban areas, while 95 percent of villages and 37.5 percent of cities are “unplanned areas”. The “unsafe areas” have been further categorized as follows: Category 1: residences deemed life threatening, such as those in flash flood or land slide prone areas; Category 2: unsuitable shelters; Category 3: housing that poses health concerns due for example to sanitation issues or industrial pollution; and Category 4: those living on land that is not regularized.

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<sup>18</sup> See Built Environment Observatory, *The 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>19</sup> *Ibid.*

<sup>20</sup> Sims, *Understanding Cairo*, p. 91

36. Egypt's Sustainable Development Strategy – Egypt Vision 2030, aims to reduce the number of people living in unsafe areas by 30% by 2020 and by 100% by 2030.<sup>21</sup> The strategy also stipulates that the overall percentage of space comprised of unplanned urban areas shall be reduced to less than 5 per cent by 2030.<sup>22</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 recognizing the relationship between housing and life itself. She has, however, concerns about certain policies 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 places 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 can pursue alternative housing options. Relocation to new homes in adjacent areas or financial compensation has so far been rarely implemented.<sup>23</sup> Nine areas have benefitted from mitigation measures to reduce flood or landslide risks which suggests this approach is possible. The Special Rapporteur did have the opportunity to visit Tal Elakarb Project, an in situ upgrading program, that promises to provide 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 subject to eviction. In 2008, after the Cairo Governorate announced that it would evacuate residents to remote housing projects, an extensive participatory process was undertaken initiated by Maspero Youth Organization with government officials and investors. This process resulted in a human rights compliant comprehensive proposal for the future development of the Maspero Triangle.<sup>24</sup> In 2016 the process collapsed when the Government reintegrated the responsible Ministry into the Ministry of Housing, Utilities and Urban Development. 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 a compensation or to obtain a newly built apartment in Asmarat, a resettlement housing complex outside the city centre.<sup>25</sup> Several who decided to return to the area after the construction of the units told the Rapporteur they were not adequately consulted regarding the design or location of their new units. The Special Rapporteur visited 26<sup>th</sup> July Street bordering the triangle where 9 residential buildings were under the threat of eviction. Since her visit, some of these households reported that they were told to leave their homes without an offer of alternative accommodation. They also informed the Special Rapporteur that demolition has commenced in some buildings though people were still living in them.

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<sup>21</sup> See Indicator 10 on Urban Development, Ministry of Planning, Monitoring and Administrative Reform, "Sustainable Development Strategy: Egypt Vision 2030 - Urban Development Pillar" (Cairo: May 17, 2016), p. 260, available at: <http://sdsegypt2030.com/wp-content/uploads/2016/10/11.-Urban-Development-Pillar.pdf>

<sup>22</sup> Ibid, Indicator 11.

<sup>23</sup> Statistics provided by ISDF to the Rapporteur.

<sup>24</sup> Madd, Report of the Maspero parallel participatory project, 26 December 2015, available at: [https://issuu.com/maddplatform/docs/maspero\\_parallel\\_participatory\\_proj](https://issuu.com/maddplatform/docs/maspero_parallel_participatory_proj)

<sup>25</sup> "On developing Maspero Triangle and the future of the Asmarat housing project", 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/>

41. The Special Rapporteur was briefed about several projects implemented by the Government in cooperation with international development agencies, to upgrade informal housing in unplanned areas to improve electricity, water and sanitation, and street paving. While of significance toward the realization of the right to housing, these projects do not enhance the security of tenure of residents as they do not ensuring legal recognition of informal tenure. A draft regularization law is close to enactment,<sup>26</sup> there are however fears that it may result in steep fees that could be prohibitive for the poor.<sup>27</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 in informal areas.<sup>28</sup> In order to harmonise 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.

## ii. Forced evictions

43. Under international human rights law, evictions should only be carried out 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>29</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>30</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 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 the Emergency Law 162/1958; the Law on Desert Land 143/1981; Law 147/1957; the Law on Local Government (Law No. 43/1979).

45. Executive regulations to the Unified Building Law 119/2008 – which bans construction, extension, repair or demolitions without authorization – states that the administration should issue written orders before evicting and demolishing buildings erected in violation of the law and notify the violators.<sup>31</sup> However, from information received by the Rapporteur, it appears that in many instances eviction orders are often kept secret, communicated only orally, or on short notice, and undermine the ability of affected people to appeal against an eviction order before it is carried out.

<sup>26</sup> Al-Ahram, “Housing Committee Provisionally Approves Law Regularizing Building Infractions (Arabic),” Al-Ahram, May 13, 2018, <http://gate.ahram.org.eg/News/1908035.aspx>

<sup>27</sup> Tadamun, “Izbit Khayrallah and the Struggle for Land: Security of Land Tenure.”

<sup>28</sup> Per capita spending for local development in the Greater Cairo is not necessarily always linked to poverty levels in districts, see Tadamun, “Planning in Justice. Spatial Analysis for Urban Cairo” p. 30 and passim.

<sup>29</sup> See General Comment No. No. 7 (1994) of the Committee on Economic, Social and Cultural Rights

<sup>30</sup> Basic Principles and Guidelines on Development-Based Evictions and Displacement, A/HRC/3/18, Annex 1, para 43.

<sup>31</sup> Article 135 of the Executive Regulations. Article 7 of Law No. 10/1990 on Expropriation states that an order to expropriate land or real state should be published in the Official Gazette as well as two widely-read newspapers for the purposes of notification. It gives the owners 30 days to object to the order.

46. The Law on Expropriation for General Interest authorizes the Government to seize properties for building, roads, infrastructure projects or other works deemed of general interest.<sup>32</sup> This law has been used to expropriate properties in the context of development projects, such as the island of Warraq. 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 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 the SDGs. (Target 11.1, Goal 11).

48. The Special Rapporteur notes that meaningful consultation and engagement between the Government and the populations they wish to relocate has been lacking. Where forced evictions have occurred, the Rapporteur has heard that compensation has not been adequate, and relocation is rarely proximate. Instead, households are invariably being relocated to communities like 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. Duweiqā, an informal settlement located in the Manshiyet Nasser district of Cairo, is 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 smashed 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 in 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, 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 Six of October, a newly created town roughly 30 km away. As a result, several of them have returned to their informal areas. Some residents reported that they were 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 was detained by the police for two days and was only released after having signed a document indicating his agreement to evacuate his home.

52. The Special Rapporteur also visited El-Hataba, a centuries old neighbourhood home to significant archaeological monuments in the heart 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, 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 and 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.

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<sup>32</sup> Law 10/1990.

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 of houses allegedly built irregularly. Thirty houses were demolished until they were halted due to public protest, where 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 any 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 the June decree 20/2018 to allocate some parts of the island to the establishment of a new urban community. On 28 November 2018, Cabinet Decree 49/2018 was published, expropriating a strip of 100 meters on both sides of the Rod al Farag bridge crossing Warraq Island and all areas located within 30 meters from the shore of the island. According to the Family Council the expropriation could affect up to 20,000 residents.

56. The Government has offered to compensate owners with EGP 1,400 per square meter, which is considered by residents as far too low for a piece of land close to the Nile river that can be used for tourism or upper market real estate construction. Alternatively, the Government has offered relocation to Asmarat or other housing projects more than 10 kilometres 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 the Northern Sinai.<sup>33</sup> The forced evictions and housing demolitions have been justified by the State with the need to cut off insurgents affiliates to the Islamic State from supplies through illegally erected tunnels for smuggling below the border of the Gaza strip.

58. Over the course of several years, the Defence Minister issued decrees banning private property ownership on land within five kilometres of the Gaza Strip, created a buffer zone delineating an eviction area including large parts of Rafah, that was home to about 70,000 residents.

59. As a result of these decrees and the government's ongoing anti-terrorism efforts, close to 22,000 people have been displaced<sup>34</sup> in North Sinai and many houses have been raided, and thousands demolished.<sup>35</sup> The livelihoods of people living in Rafah and other northern Sinai towns have been systematically destroyed with the destruction of olive harvests and razing of farmlands.

60. While the Government maintains that they have compensated residents with a sum that corresponds 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>36</sup>, without establishing whether the owner was actually responsible for digging the tunnel.

61. The Special Rapporteur wishes to underscore that measures implemented to suppress terrorism must be in full compliance with international human rights norms,

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<sup>33</sup> See Communication, AL EGY 3/2015 from 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>. See as well subsequent reports published by Human Rights Watch, "Look for Another Homeland", Forced Evictions in Egypt's Rafah, September 2015 and, "Egypt Army Intensifies Sinai Home Demolitions" Destroys Homes, Farmland Around 'Buffer Zones' from 22 May 2018.

<sup>34</sup> As reported in Human Rights Watch, "Egypt Army Intensifies Sinai Home Demolitions", Fn. above.

<sup>35</sup> <https://www.facebook.com/MoiEgy/videos/1698868710156785/>

<sup>36</sup> Response of the Egyptian Government, Fn. 34.

including the right to adequate housing. The destruction of homes in retaliation of suspected terrorist activities is a *prima facie* violation of the right to housing.

### iii. Social Housing Programme

62. In 2014, the Government created under Presidential Decree Law 33/2014 a new Social Housing Fund with the assistance of World Bank loans. The Fund was established to facilitate the building of housing units that can be purchased across income levels with the assistance of subsidies and 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 the Social Housing Fund between 75-80% of Egyptians require some form of subsidy in order to purchase a home. Currently persons can apply for a subsidised unit, if they earn less than 3,500 EGP (single) or as a couple 4,750 EGP. Applicants receive a subsidised mortgage loan running for 10 to 20 years, in addition to a non-refundable cash subsidy ranging from EGP 5,000 to 40,000. To purchase a unit, beneficiaries must make a deposit of 15 to 50 per cent of the unit price.<sup>37</sup>

64. The social housing programme is one based on the availability of mortgage lending and thus primarily reaches people living in the second and medium income brackets, as lenders are reluctant to extend loans to those in the lowest income brackets. As a result, 86.9% of the social housing program is targeted at income levels between 1,001 EGP – 2,500 EGP. Only 2.2% of all social housing programme beneficiaries are in the lowest income bracket below 1,000 EGP. In this regard, the programme more accurately resembles a homeownership programme rather than a publically 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 the social housing programme, as an employment contract is generally required to access subsidised mortgage finance, which is necessary for most 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>38</sup>

66. Enhanced efforts have been made to make the programme more accessible to women, and non-insured self-employed people. As of 30 June 2018, female beneficiaries represented 22.1 per cent of all units allocated.<sup>39</sup> The Special Rapporteur also welcomes that since 2018, 5 per cent of all social housing will be 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.

### iv. New Urban Communities

68. The Special Rapporteur visited several new cities, including 6<sup>th</sup> October, New Minya and Al-Ubour. The Government has spent considerable resources to plan and construct these cities, in an effort to redirect its population away from informal

<sup>37</sup> See, Social Housing and Mortgage Finance Fund, Social Housing Programme 2010/2018, Achievements of Mortgage Finance Fund and Social Housing Fund.

<sup>38</sup> Ibid, p. 61.

<sup>39</sup> Ibid, p. 16.

settlements in existing urban centres. Initially 23 new cities were planned that would eventually become home to about 20 million people. Since then more cities have been planned or are under development, increasing their 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>40</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 national 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. 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>41</sup> For example, the gross total investment of NUCA in new cities for the fiscal year 2015/16 has been EGP 33.2 billion. By contrast, funds devoted for upgrading informal settlements during the same year amounted 0.6 billion EGP.<sup>42</sup>

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

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>43</sup> The housing design and regulations make it difficult for residents to open small-scale businesses which provide most work in urban Egypt.<sup>44</sup> For many low-income households moving out of the local community to a new town would also risk cutting social networks that are essential for surviving on very limited income. Additionally, housing designated for low-income households is segregated from the middle and upper income communities.

72. Because of their 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 metro grid or a commuter train network allowing 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>45</sup>

<sup>40</sup> Sims, David, *Egypt's Desert Dreams. Development or Disaster*, (Cairo, American University in Cairo Press) 2018 edition, p. 143 and pp. xxv-xxxviii.

<sup>41</sup> See for example, Yahia Shawkat, 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/).

<sup>42</sup> Tadamun, *Planning in Justice, Spatial Analysis for Urban Cairo*, p. 49, see as well <http://www.tadamun.co/2015/12/31/egypts-new-cities-neither-just-efficient/?lang=en#.XBI4deQUrIW>

<sup>43</sup> Sims, p.153.

<sup>44</sup> Ibrahim Rizk Hegazy, Wael Seddik Moustafa, *Toward revitalization of new towns in Egypt case study: Sixth of October*, *International Journal of Sustainable Built Environment*, Volume 2, Issue 1, June 2013, pp. 10-18.

<sup>45</sup> See, <http://sdsegypt2030.com/wp-content/uploads/2016/10/11.-Urban-Development-Pillar.pdf>, pp. 263-266.

## **V. Financialization**

73. Egypt's housing system is already financialized in the simple sense that in both formal and informal sectors including through the social housing program, housing is largely based on a mortgage system. Egyptians are culturally pre-disposed to acquiring real estate as a form of investment. As one expert commented, "The banking system in Egypt is real estate". According to CAPMAS, 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 uninhabited by the purchasers and their families nor rented out. The purchases are made on the belief that it is a safe place to park savings and that ultimately selling these units in the future will result in good returns, once new towns have been fully developed and may become more viable.

74. The financialization of housing in Egypt may be intensified with the Government's on going deregulation of the market and recent announcement to market Egypt's real estate as an export product by luring foreign investors into the country including through the "Golden Visa" program. The massive development of luxury estates advertised all over the country – housing that can only be afforded by at most 5-10% of the population – 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 price of the units has been fixed at high rates that are driving up market prices.

## **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 due to their lack of economic autonomy in part due to their low labour force participation rate, for example, women represented just 22.2 percent of the labour force in 2017. Though women have equal opportunity to apply for the social housing programme, women's poverty makes it difficult for them to access credit for mortgages, or to save for 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 government is dominated by male decision makers. Issues that are very important for women, such as the proximity of child care, educational, health care services, food markets, playgrounds for children, working opportunities, safe neighbourhoods, 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 to be expected that after local elections will be held female representation in local government will increase as Article 180 of the Constitution reserves one quarter of all seats at Municipal Councils to women.

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

### **B. Homelessness and children in street situations**

78. There is no official data on the number of homeless persons in Egypt. People living in homelessness are not recognized as a distinct group by government, and

have difficulty obtaining identification papers which can inhibit access to accessing social and health services.

79. Most research and data on homelessness is confined to children in street situations. According to the Ministry of Social Solidarity in 2014 there were 16,019 street children.<sup>46</sup> UN agencies have estimated that there may be between 93,000 and 1 million children in street situations.<sup>47</sup>

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

81. The Rapporteur was pleased to learn of intensified outreach services to street homeless persons for the year of 2019 and encourages the government to ensure 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, Ameriya/Alexandria, in Tud/Luxor, in Shebin al- Qanatir/Qulubiya, and in Maiana Bahnasia and 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 reportedly have failed to intervene when rulings legitimised the arbitrary expulsion of Coptic families from their homes and 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 wanted 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 in Upper Egypt, have been displaced in several waves, with their land being submerged. This has resulted in their socio-economic 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 2014 constitution 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 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

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<sup>46</sup> “Egypt launches program to shelter 16,000 homeless children”, available at: <https://madamasr.com/en/2015/01/13/news/u/official-number-of-street-children-called-into-question/>.

<sup>47</sup> See UNODC, Rapid Situation Assessment of street children in Cairo and Alexandria, para 31, available at: <http://www.unodc.org/newsletter/en/perspectives/0601/page006.html> and [https://www.unicef.org/infobycountry/egypt\\_30616.html](https://www.unicef.org/infobycountry/egypt_30616.html).

to review the situation of persons that had not received compensation after the construction of the Aswan Dam in order to identify and compensate such persons.

86. In 2014, Presidential Decree 444 designated many of the villages to which Nubians wanted 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>48</sup> The remaining detainees were released by the Court on 15 November 2017 on bail awaiting trial. On 24 April 2018 the Working Group on Arbitrary Detention adopted an opinion concluding that the detention of 14 participants of the march was arbitrary and in contravention of the International Covenant on Civil and Political Rights.<sup>49</sup>

## **E. LGBT 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 LGBT 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 LGBT persons or those perceived to be LGBT. If they manage to secure accommodation, LGBT persons live in constant fear that their sexual or gender identity will be discovered, that they will be charged with debauchery, their rental agreement 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 LGBT. In some instances community members have collectively targeted particular homeowners who are suspected of being LGBT, 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 High Constitutional Court has decided on a number of matters related 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 related to housing issues, though they 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

<sup>48</sup> See, Communication AL EGY 19/2017 from 11 December 2017 and replies received by the Government on 14 and 20 February and 8 March 2017.

<sup>49</sup> A/HRC/WGAD/2018/28, para 99.

eviction orders or 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 372bis 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 that provide penalties for verbal and physical assaults on Government officials. The Special Rapporteur welcomes the High Constitutional Court's decision of 13 October 2018 which determined that Article 372bis of the Penal Code is unconstitutional and thus that all penalties imposed under this article for construction of houses on State-owned land were 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>50</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, 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 Minya whereby the Governor holds weekly town hall meetings where residents can raise housing issues of concern. 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.

## VII. Conclusions and recommendations

**96. The right to housing is enshrined in Egypt's 2014 Constitution and 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 of the 2030 Agenda for Sustainable Development, 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 this 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 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 has built an impressive number of units. It has also initiated steps to modernize their rental**

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<sup>50</sup> See Tadamun, 'Izbit Khayrallah and the Struggle for Land: Security of Land Tenure, 25 December 2013, available at: [http://www.tadamun.co/?post\\_type=initiative&p=811&lang=en&lang=en#.XDhw5eSov4g](http://www.tadamun.co/?post_type=initiative&p=811&lang=en&lang=en#.XDhw5eSov4g).

contract regime. However, much of the new housing supply does not match current housing demand, being both unaffordable for many households and poorly located without sufficient 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 the Government:

(a) Focus its resource expenditure on upgrading existing housing where the bulk of the population lives.

(b) 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) Harmonize the dual rental law, while taking measures to ensure the security of tenure and affordability of housing for all tenants, whether they are under the old or new rental law regime.

(d) 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 in Egypt on land without legal title, lacking security of tenure, often in poor condition. Of these, one million are living in what are deemed unsafe and life-threatening conditions and Egypt has made a commitment to address these conditions by 2030. In this regard, the Special Rapporteur recommends that Egypt abide by the recommendations laid out in the Special Rapporteur's report on informal settlement upgrading (A/73/310/rev.1), including ensuring the following:

- i community engagement and genuine consultations at all stages of the upgrading process;
- ii in situ upgrading whenever possible;
- iii where relocation is the only viable alternative it must be adequate, and proximate to the residents' existing housing as well as to employment opportunities, schools, health care facilities and transportation services, as defined under international human rights law;
- iv provide security of tenure for residents of informal settlements by regularizing the large amount of housing built informally.

100. With respect 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, this 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 which 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 States obligations under CESCR's General Comment No. 7 on Forced Evictions and the Basic Principles and Guidelines on Development-Based Evictions and Displacement.

102. Egypt's social housing programme is innovative and provides an accessible path for homeownership for households with revenues below median

income, but inadequately addresses the housing needs of the most vulnerable population living in poverty. The Government of Egypt 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 security of tenure commensurate with homeownership. While it is commendable that the social housing program is making efforts to better target women and persons with disabilities, a national housing needs assessment should be conducted to ensure that the program 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 the causes of under occupancy 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 resident that come from 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, LGBT, persons living in homelessness, children in street situations, Coptic minorities, and Nubians. To address the discrimination suffered by these groups, the Special Rapporteur recommends that:

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

(b) The Government must undertake further analysis on the housing needs of women and must 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 its 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.<sup>51</sup>

(c) The National Council for Human Rights develop educational, awareness building programs to combat the discrimination that LGBT persons face with respect to the right to housing.

(d) The Government must protect all citizens from arbitrary displacement, including members of the Coptic minority, and ensure that decisions made by community reconciliation mechanism are in line with Egypt's national law 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 as a starting point, that the Government 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 strategic housing plan includes provisions to eliminate homelessness by 2030, and providing this population with long-term housing options in keeping with its commitments under Sustainable Development Goal 11, Target 11.1 and as required under international human rights law.

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<sup>51</sup> See as well CEDAW/C/EGY/CO/7, para 48.

**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 unaffordability of housing.**

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

**(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 High Constitutional Court should enhance their efforts to rely on international human rights standards when interpreting national and constitutional law in matters related to the right to adequate housing or the prohibition of forced evictions;**

**(c) The Government should ratify the Optional Protocol to the 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 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.**