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HOME

ABOUT US

ISSUES

HUMAN RIGHTS  
BY COUNTRYWHERE WE  
WORKHUMAN RIGHTS  
BODIESNEWS AND  
EVENTSPUBLICATIONS AND  
RESOURCES

English &gt; News and Events &gt; DisplayNews



## Visit of Leilani Farha, the Special Rapporteur on the right to adequate housing to Egypt

### End of mission statement

Cairo, 3 October 2018

I conducted an official visit to the Arab Republic of Egypt from 24 September to 3 October 2018 in my capacity as UN Special Rapporteur on the right to adequate housing and to non-discrimination in this context.

I was warmly greeted by all with whom I met and enjoyed many constructive meetings with a wide array of government authorities working in areas relevant to the right to housing. I appreciate the significant efforts made by the Ministry of Foreign Affairs, which was committed to making this a successful visit. I had several exchanges with representatives from the Ministry of Housing, Utilities and Urban Development, and government entities related to them, including the Informal Settlement Development Fund. I met with the Minister of Foreign Affairs, the Minister for Justice, the President of the Supreme 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. I had particularly lively and informative meetings with the National Women's Council as well as with the CEO of the Social Housing Fund. I regret that I was not able to meet with the National Council for persons with disabilities, the Ministry of Interior and the Ministry of Defence but am looking forward to receiving written responses to questions I will submit to them.

The programme included visits to the Governorates of Cairo, Kalyubia, Minya and Giza. I managed to visit people in their homes, in informal settlements, unplanned areas, in demolition and relocation sites, and in social housing estates erected in new urban communities on desert land.

My statement today constitutes preliminary findings and recommendations regarding the implementation of the right to adequate housing in Egypt. My final report, which I will present to the Human Rights Council in March 2019, in Geneva, will provide a more detailed assessment of the topics I will speak about today as well as other issues not covered in this statement, including a more elaborated set of recommendations.<sup>1</sup>

Egypt's recent history has been turbulent and the country, though still in a state of emergency, is now in a process of addressing its socio-economic deficits. Post-revolution saw an increase in the size of informal settlements and unplanned areas absorbing a large fraction of the housing needs of its fast growing population. Local government elections, essential for people centered housing policies at the community level, have not been held for several years.

Egypt has ratified the International Covenant on Economic, Social and Cultural Rights, which is domesticated and thus enjoys in its constitutional order a status above national laws and regulations. The country has not yet ratified any international complaints mechanism under the human rights treaties of the United Nations, limiting the ability of its residents to submit individual complaints to international human rights treaty bodies. In particular, I urge the Egyptian government to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

I welcome that Egypt's Constitution of 2014, enunciates the right of residents to adequate, safe and healthy housing in a manner which preserves human dignity and achieves social justice (article 78). The article also obliges the Government to devise a strategic housing plan, to regulate state lands, and to address informal settlements and unplanned areas. No cases, as of yet, have been brought to the Supreme Constitutional Court under Article 78.

The government acknowledged that most laws governing housing pre-date the 2014 Constitution and have not yet been reviewed or amended to ensure conformity with the new Constitution, though this process is envisaged. I was pleased to learn that a new law pertaining to the rights of persons with disabilities was passed by Parliament in February 2018. This law reserves at least 5% of new build social housing to persons with disabilities, though it appears not to give effect to Article 19 of the Convention on the Rights of Persons with Disabilities by ensuring access to housing supports necessary for persons with psycho-social disabilities to live independently in their communities.

I note that the government of Egypt has yet to adopt a national housing plan or strategy as foreseen by the Constitution. It is my opinion that in order for Egypt to meet its commitments under Sustainable Development Goal 11 of the 2030 Agenda, the government must undertake a consultative process and elaborate a national housing plan, informed by the 10 key human rights principles I outlined in my last report to the Human Rights Council.<sup>2</sup> I would be happy to offer the Government assistance with this process.

The government of Egypt has stressed to me its commitment to the progressive realization of access to adequate housing for all. In 2016 the President of Egypt announced that the national government would create 1 million housing units to address the country's housing deficit. This is an ambitious goal. In a short period of time, an impressive 600.000 units have been built. I was informed that the government is currently undertaking a needs assessment in collaboration with the World Bank, to ensure that housing supply matches housing demand. I underline that needs assessments must be guided by human rights indicators.

According to the Social Housing Fund, between 75-80% of the country's population requires some form of subsidy in order to secure formal homeownership with secure tenure. This suggests an imbalance between average incomes and the cost of housing, exacerbated by the fact that housing

costs are escalating at a much faster pace than incomes. It's social housing program aims to address at least some of these housing needs by providing housing for low and middle-income households through a flexible homeownership model with subsidized mortgages over 20 years. 86.9% of its social housing program is targeted at income levels between 1,001EGP – 2,500 EGP. At this time only 2.2% of all social housing program beneficiaries belong to the lowest bracket with incomes below 1,001EGP.

The Social Housing Program is a financially innovative program deserving of ongoing and enhanced support. The program is encouraged to constantly review its allocations to ensure those most in need are provided for. Contrary to the IMF's recent announcement that Egypt ought to "depend more on the private sector", I strongly encourage the government to maintain the social housing fund as a non-profit government program and not one that depends on the profit-driven private sector.

There are approximately 38 million people living in informal settlements in Egypt. These are defined as areas where residents have established households on land without formal legal title to the land upon which they live and whose homes do not necessarily conform with urban plans and building standards. Egypt recognizes their obligations under the SDGs to upgrade informal settlements and have commenced doing so, prioritizing *unsafe areas* or areas that are deemed to be *life threatening*, for example, flood prone areas, communities established close to railway lines or subject to sliding geological formations. They have committed to eliminating the "unsafe areas" by 2019, to develop unplanned areas in the medium term and to stop the expansion and emergence of new informal settlements in the long term.

It is commendable that Egypt has set itself these goals and is proceeding to progressively address the significant housing needs of its population. It is also commendable that the government has rejected massive forced evictions of its residents, given that 40% of the population lives on unplanned areas and informal settlements. I am concerned, however, by the failure to meaningfully consult and engage with residents of these settlements to determine their future. As it stands, the government's approach has centered on bricks and mortar that is addressing housing need through building. Meaningful consultation must be enhanced in all aspects of the upgrading process, from the classification of informal settlements, assessing of community needs for improvements, design and planning and execution of upgrading projects, including for those communities located in *life threatening areas*. Moreover, I learned that in some instances forced evictions as defined by international human rights law have occurred, compensation has not been adequate, and in situ rehabilitation or the social production of housing are rarely explored as options.

In 2009, there were a total of 461 areas that have been classified as *unplanned*, 44 of which have been categorized as *life-threatening areas*, 317 as *unsuitable shelter areas*, 75 as *health risk areas* and 25 as *tenure risk areas*. For those places classified as *life-threatening areas*, like the community of Dweiqah, the policy of the government is to either relocate residents or offer compensation for them to pursue alternative housing options. It is my understanding, that for *life-threatening areas*, the government has on occasion pursued risk mitigation and in situ upgrading, although it could be feasible in more cases if the government could meaningful engage with communities and work together to find viable options for them to remain.

It should be noted that the international norm is now *in situ* participatory rehabilitation. It appears that this is not pursued as a broad based policy in Egypt. I did hear about two such projects; a rehabilitation project undertaken in coordination with the National Council of Women in Old Suq as well as the Rodett El Sayedarehabilitation project.

In light of the large housing demands and the spatial limitations in Egypt, rehabilitation is a necessary and viable policy, including for those areas designated as *life-threatening* where feasible.

Under international law, forced eviction (the involuntary removal of people from their homes and lands) is a gross violation of human rights and thus every alternative to relocation must be explored, and where the only viable option is relocation, adequate compensation or provision of alternative adequate housing is required. I learned that in some instances of relocation in Egypt residents are compelled to live at some distance from their original residences, in relocation sites like El Asmarat, far from their previous sources of employment and at times disrupting the social fabric of the community. It appears that in some relocation areas attempts are being made to ensure access to transportation, employment and basic services such as hospitals, schools and markets.

Building entirely new communities to house only a fraction of the total population residing in unplanned areas requires a significant investment of funds by the Egyptian government. Such resources could equally be harnessed to improve the housing stock and living conditions in existing unplanned areas where 40% percent of the entire population lives.

This would certainly be possible in El-Hataba, a centuries old neighbourhood home to significant archeological monuments in the heart of the Citadel and in desperate need of rehabilitation. Community members expressed to me their desire to work collaboratively with the government, not only to improve the housing conditions, but also to act as protectors of the archeological monuments to which they feel so bound. This is preferable to the trauma of relocating a centuries old community from its habitual place of residence. I am heartened to hear that the Ministry of Housing managed, in collaboration with the Ministry of Antiquities, to revisit the planned demolition of that area and that a plan is under development to engage the community members and to ensure they remain on site. I would be pleased to support a successful outcome for El-Hataba.

If government upgrading programs are to be successful they must: i/ engage in meaningful consultation, as understood in international human rights law, with local residents; ii/ explore in situ options in every instance; 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; iv/ where compensation is offered it must be sufficient to access adequate housing in a proximate location commensurate with market rates.

When developing strategies and policies for informal settlements, I urge the government to be guided by the seven recommendations for informal settlements upgrading, as outlined in my report which will be presented to the General Assembly, October 2018.<sup>3</sup> I also urge the government to avail themselves of the Basic Principles and Guidelines for Development Based Displacement.<sup>4</sup> I am happy to assist the government in this undertaking.

Egypt has embarked on the development of 42 new cities throughout the country, in particular near the major city centres of Cairo, Giza and Alexandria. The Government has spent considerable resources and effort to plan, develop and construct these cities, in part as a genuine effort to redirect its population away from informal settlements in existing urban centres. I visited several of these cities including 6th October, and New Minya. According to information received, the new cities will incorporate new technologies, be environmentally sustainable, and housing will be made available to different income levels. I was surprised to learn that some of the established cities suffer from low occupancy rates, which has resulted in schools and health clinics not operating, a lack of emergency services, inadequate transportation and lack of access to food sources. I was told that one of the more

established new cities, 6th of October, has only reached an occupancy rate of 75%. New Cairo in its first phase has an occupancy rate of 65%, Sheikh Zayed just 50%, and Shorouk City 55%. There also appears to be a lack of income mix within housing estates and a tendency towards gated communities for upper income housing. The Government may wish to rethink this approach to one that is more socially inclusive.

There are two primary reasons these cities are under-populated. The first is a catch-22: few want to reside in a location without adequate infrastructure and yet adequate infrastructure is unlikely to be provided with such low occupancy rates. At the same time Egyptians view the new cities as real estate investment opportunities – with individuals and families buying units for potential future use, or simply as a place to park and grow some savings. With such low occupancy rates, there is a real risk that these cities are becoming permanent ghost towns, leaving those who are resident in inadequate, unsustainable housing.

In consultation with the current populations of new cities, the government must review the causes of under occupancy and develop strategic plans to ensure the ongoing viability of new cities. The government must also ensure that adequate resources are equally allocated where the majority of the population is currently living, particularly in unplanned areas lacking the central components of adequate housing such as basic services and adequate social infrastructure.

The commodification of housing is also an issue of concern more generally in Egypt. 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 representing secondary investment properties. This phenomenon may be made only worse with the government’s recent announced intentions to market Egypt’s real estate as an export product by luring foreign investors into the country. To this end, the government has expressed an interest in initiating luxury developments throughout Cairo. There is concern that the Island of El-Warraq will fall prey to this vision. Though I was unable to visit the Island, I received first hand accounts by residents about the evictions that have taken place there. Residents spoke of their fear of displacement, despite their historical connections to the land and in many cases registered title. I was particularly alarmed to hear of the forced evictions that unfolded on the Island on 16 July 2017 and that resulted in the death of one resident as well as the ensuing criminal charges against a group of residents who have refused to sell their lands to the Government.

The Government must proceed cautiously with respect to foreign investment in residential real estate, ensuring that such investment benefits the country’s economy and does not contribute to unaffordability of housing. The Government must also engage in a constructive participatory process with the residents of El-Warraq Island, similar to the process used in Maspero Triangle. Any residents who wish to remain on the island must be able to do so.

My deepest concerns regarding the right to housing in Egypt relate to discrimination against particular groups and the free expression of those defending and attempting to implement the right to housing.

While visiting the Governorate of Minya, in Upper Egypt, I had the opportunity to meet with members of the Coptic population. I spoke to victims of sectarian violence who were displaced from their homes by their own neighbours without sufficient protection from security officials. Several members of this minority are unable to return to their homes, fearing for their lives and security. Resolution of such sectarian conflicts by customary community reconciliation councils has frequently resulted in the legitimization of forced displacement prohibited under national and international law.

The Government of Egypt must ensure that those who experience discrimination based on religion, resulting in displacement from their homes and lands, are adequately protected and their right to housing is guaranteed.

I heard the most harrowing and traumatic stories from members of the lesbian, gay, bisexual, and transgendered community in Cairo regarding their experiences of extreme discrimination in accessing housing and security of tenure. The overall cultural climate in Egypt for many LGBT people, and those with HIV/AIDS, is one of harassment, intimidation and discrimination and it pervades and manifests acutely in the housing sector. LGBT people often cannot rent accommodation because of their perceived sexual identity and if they manage to secure accommodation they live in constant fear of their sexual or gender identity being discovered, charged with debauchery and homelessness. I learned that even home ownership does not provide adequate protections. What I found most disturbing is the denial of identity required of many LGBT people in order for them to experience secure housing.

The right to housing is the right to live somewhere in peace, security and with dignity and without discrimination. While I recognize that this is a difficult issue in the cultural context of Egypt, the government must still make every effort to safeguard the equal right to housing for LGBT people as a matter of urgent priority. The National Human Rights Commission could take a lead role in initiating educational programs in this regard.

In conducting this country visit, one of the most challenging aspects was to access individuals, families and organizations defending the right to housing. Confidential and unsupervised contact with witnesses, including individuals, representatives of civil society and the media, is essential in order for me to carry out my work and is a core principle in the Terms of Reference of the United Nations which governs such visits. A number of individuals and organizations would not meet with me or would not meet in public spaces expressing fear that talking with me about their dissatisfaction with respect to their housing situation might result in them experiencing reprisal. I spoke with individuals who have been subjected to travel bans, whose assets have been frozen, and whose homes and offices have been raided, and who previously had charges laid against them related to their work in the area of economic, social and cultural rights. I was concerned to learn that civil society needs permission to conduct human rights fact finding within the country. Despite a constructive working relationship with the Ministry of Foreign Affairs, the government was unable to secure my access to El Warraq island, where forced evictions took place in July 2017 and where residents continue to fear displacement.

The right to adequate housing cannot be fully implemented if residents are unable to freely assemble and advocate for their rights.

I appreciate the assurances given to me by the government that no one with whom I met will experience reprisal. I encourage the government of Egypt to extend these assurances to those defending the right to housing. Egypt must respect all fundamental freedoms and human rights and, as a matter of priority, take all necessary measures to protect those who defend them.

I am pleased to be the first Special Rapporteur to conduct a country visit to Egypt since 2010. This puts me in a unique and I would say privileged position. One might say, that my visit acts as a kind of barometer – a testing of Egypt’s human rights waters. With an abundance of caution, I might say that inviting me into Egypt to carry out a human rights assessment of housing conditions in the country is an important step and perhaps an early sign that Egypt is entering a new era. I hope the encouraging

results of this visit will open the doors to those mandates that have expressed an interest in visiting Egypt.

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1/ There were a number of additional issues that have been brought to my attention, but due to a constraint in time I will not be able to comment here. In my final report to the Human Rights Council in Geneva (March 2019) I expect to include: human rights challenges caused by the co-existence of old and new rental regimes; the role of local governments in realizing the right to housing; homelessness, including street children; access to justice for people who feel that their right to adequate housing has been violated; the role of international development assistance; housing issues in the Sinai Peninsula; housing issues for the Nubian peoples; and the full enjoyment of the right to housing for persons with disabilities, women, and other minority groups.

2/ UN Doc [A/HRC/37/53](#).

3/ <http://www.undocs.org/A/73/310/rev.1>

4/ [https://www.ohchr.org/Documents/Issues/Housing/Guidelines\\_en.pdf](https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)

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