

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REVIEW OF STATE PARTY: EGYPT

Article 11: The Human Right to Adequate Housing

A Collective Parallel Report Submitted by Habitat International Coalition

The following information first addresses the over-riding principles enshrined in Articles 1–5 of the Covenant as they relate to the human right to adequate housing in Egypt. Then the report provides information about the State interventions affecting the human right to adequate housing and related land questions in the context of the right to an adequate standard of living. The final section addresses traditional justice issues related to the developments in Egypt since the political changes of 2011. Each theme presented is followed by (numbered) sample questions for the Committee to consider posing to the State party in the forthcoming list of issues. The following information seeks to fill some of these omissions in the State party report and developments since its submission in 2010.

Much effort to address the human right to adequate housing in Egypt, including government initiatives, focuses on the informal settlements. The official count of these slums (or *ashwa'iyāt*) current stands at 1,221, housing approximately 20 million people, or one-quarter of the country's population.¹ Cairo is host to at least 76 *ashwa'iyāt*.

Self-determination and Participation

The average Egyptian city dweller lives under an impermeable administrative apparatus in charge of political representation and service provision. Public administration in Greater Cairo, for instance, is so opaque that it is rare to find a Cairene who knows the name of the administrator in charge of her/his local neighborhood, or which administrative or political authority is responsible for solving a particular problem.

While 70% of the world's city dwellers have elected mayors, administrative units in Egypt are run and staffed by appointees and bureaucrats named by the central government. The appointed governor is the key figure in the administrative system, while presidents of urban districts divide responsibilities and authority under him.² Most governors since 1952 have been high-ranking noncommissioned military officers, owing to a security-centered approach to interior government. However, some exceptions now include academics and civil servants appointed by the president of the republic.

Chapter Four of the 2012 Constitution is dedicated to the local governance, affirming its administrative and financial independence from the executive authority (Articles 186 to 195). However, the same section refers to local "administration" (*idāra*) a narrower concept than "government" (*hukm*), the ampler term referenced in the previous Constitution. The new Constitution also establishes that local councils will be comprised of directly elected members, *as well as* executive-branch appointees, and provides no guidance to legislators on modalities of determining heads of local councils or

governorates, either by election or executive appointment. These details are deferred to future lawmakers.³

Essential to determining service delivery and related budgets in a district is proportional representation in the relevant decision-making bodies. However, with the undercounting the inhabitants of informal settlements (*ashwa'iyāt*, or “slums”), they are likely not to be “recognized” and, thus, excluded from self-representation. (See also *Maximum of Available Resources* below.)

While representative local and national democracy remains an aspiration for the majority of Egyptians, distinct communities face special challenges in exercising their housing and land rights. Among these are the indigenous Nubian, Amazigh and Bedouin populations, each struggling to maintain traditional lands against confiscation by the State under various pretexts.

Notable is the Nubian community serially dispossessed and displaced due to construction of the Aswan Dams, relocated to compounds of housing inadequate in its location, cultural aspects, access to livelihoods and habitability. Violations of Nubians' land and housing rights recently have manifest in an obvious bias against Nubians and authorities' practical refusal to resettle them along the banks of Lake Nasser, on their traditional lands. A recent decision allocated around 8,853.7 feddans in Kom Embo, Aswan Governorate, for the purpose of establishing a solar power station, without informing or consulting with the predominantly Nubian inhabitants.

The seizure of the Amazigh people's lands by military governors (Siwa) has spelled the loss of their natural resources and mineral wealth, especially salt mines. Moreover, the long-standing confiscation of Bedouin lands for a never-materializing nuclear power plant as a result Resolution No. 309 (1981) has led to the expropriation of 65km² of Arab tribal territories in the northern coast of Egypt. Bedouins also have seen the foreclosure of their lands in the Sinai under Defense Minister's decision No. 203 (2012), banning ownership, lease or use in areas adjacent to the eastern borders, a swath 5kms wide and 245kms long.

These land seizures form a pattern that deprives indigenous peoples of Egypt of their habitat, land base and adequate housing. Such decisions and measures represent a severe and a continuing violation of indigenous peoples' rights enshrined in Convention No. 107 of International Labor Organization (ILO) in 1957, which Egypt signed and ratified. These measures also violate indigenous peoples' right to free, prior and informed consent before any measures that endanger their demographic composition or lifestyle.⁴

In this context, it is important to clarify how the State interprets the Covenant's overriding principle of self-determination in the exercise of the human right to adequate housing, including land use and public services.

- 1. In what manner has the right to self-determination been implemented with respect to the State party's recognition and protection of the housing and land rights of indigenous communities, if any. Please explain how these measures affect ownership of the lands and territories that such communities traditionally occupy or use as traditional sources of livelihood. Also indicate, with examples, the extent to which indigenous and local communities are duly consulted, and whether their prior informed consent is sought in any decision-making processes affecting their housing and land rights and interests.**

Nondiscrimination

Egypt is home to some 240,000 migrants⁵ and 114,085 refugees, asylum seekers and persons of concern registered with UNHCR in Egypt.⁶ Egypt is a signatory to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, as well as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Upon ratifying the 1951 Convention, Egypt entered eight reservations related to provisions of social welfare, including Article 21, related to housing.

Living costs are higher for refugees and migrants than for nationals in the State party. Many poor Egyptians receive housing subsidies, but migrants and refugees do not. Housing costs are the primary expense for refugees in Egypt. In order to afford housing, all groups, except Iraqis, were reportedly currently sharing their living space with non-relatives (as of 2012), sometimes up to nine persons living in a small unit.⁷ With the Egyptian government also forbidding registered refugees from obtaining formal work, as formalized in a 1957 Protocol with UNHCR, it is difficult for most refugee households to find money for rent, even in shared quarters.

The UN Committee on Migrant Workers observed in 2007 that “the principle of nondiscrimination as defined in Article 40 of the Constitution refers only to Egyptian citizens. The Committee is concerned about reports that some migrant workers and members of their families suffer from various forms of discrimination in the area of employment, housing, limited access to health and education and from social stigmatization.” The current Constitution of 2012 likewise refers to the principle of nondiscrimination for all “citizens” only.⁸

- 2. In addition to information provided in the common core document (paras. 50–58 of the harmonized guidelines), kindly provide disaggregated and comparative statistical data on the effectiveness of specific antidiscrimination measures and the progress achieved toward ensuring equal enjoyment of the human right to adequate housing, in particular for disadvantaged and marginalized individuals and groups.**
- 3. With the large number of refugees and migrants in Egypt, and with no provisions for national assistance, what, if any, restrictions apply, under article 2, paragraph 3, of the Covenant, to the enjoyment by non-nationals of**

the human right to adequate housing? How do these restrictions manifest in the case of migrants and refugees residing in Egypt?

Gender Equality

The State party report is silent on measures to ensure gender equality in the enjoyment of the human right to adequate housing. Under the current economic deterioration in Egypt, women, among all citizens, especially suffer the deprivation of housing rights in the absence of any governmental plan to support women's rights to adequate housing. During the last few years, women have been especially affected by numerous cases of forced eviction and displacement, allegedly because they squat on State land, as in the Cairo quarters Maspero, Ramlit Bulāq, etc. In April 2013, Bedouin women in 200 nomadic herding households in al-Nahdha district have been subjected to forced eviction as a collective punishment by State authorities, along with the destruction of their tents and killing of their cattle, their only means of subsistence.

In many urban and rural areas women suffer the denial of their right to inherit, whether completely, or by conceding their homes and land properties for compensation that does not represent the real value. While parliamentary deliberations and draft legislation occasionally aim at respecting, protecting and fulfilling women rights to equal inheritance, successive parliaments have failed to adopt any legislation of this kind.

- 4. Kindly indicate whether the State party has adopted gender-equality legislation, and the progress achieved in the implementation of such legislation with respect to the right to adequate housing, including laws and regulations governing women's housing and land tenure and inheritance. Also please indicate whether any gender-based assessment of the impact of legislation and policies has been undertaken to overcome traditional cultural stereotypes that continue to affect negatively the enjoyment of equal housing and land rights by men and women.**

Rule of Law

Although the judiciary authority historically has been hampered by a lack of sufficient independence from the executive authority, some rulings in the recent period demonstrate that courts have considered the human rights dimensions in particular cases. On 6 February 2013, the Administrative Court in Alexandria ruled to cancel the orders of both ministers of Irrigation and Water Resources and of Transportation, based on a 1969 Presidential Decree (No. 2095), to evict the families of civic employees, estimated at 5 million persons, living for over 30 years in housing belonging to the Egyptian National Railways.

The court clarified in its ruling that the ministerial decree emanated from an authority other than that invoked in the presidential decree on which it was based, and that it breached the new Egyptian Constitution (2012), which obliges the State to provide for each citizen to realize rights to adequate housing, clean water and healthy food. The

court has obliged the government to set “a national housing plan,” based on social justice, that uses urban lands in the public interest, preserves the rights of the next generations and maintains the dignity of Egyptian families through the exercise of their right in adequate housing.⁹

5. **The Committee would like to know from the State party of any progress toward implementing the covenanted human right to adequate housing in the domestic legal order, with reference to specific examples of relevant case law.**
6. **In particular, what has been the affect, if any, has the provision of rights to housing, clean water and healthy food in the new Constitution of 2012 (article 67)?**
7. **Throughout the Constitutional changes since the State party’s last review, both the previous and new Constitutions of Egypt have enshrined the principle of the “social function of property” (Article 30 and Article 26, respectively). Kindly provide examples of how this principle is applied in law, regulations and practice within the country, including any relevant case-law.**

Progressive Realization

The State party report indicates that its National Housing Project (NHP) aims to produce 85,000 units over a six-year period “in the new cities.” However, it does not provide information as to the progress toward meeting that target, nor does it specify the target segment of NHP construction and whether or not those beneficiaries are among the most-needy households, or other sectors.

8. **How do the half-million housing units planned under the government initiative over a six-year period (para. 411) relate to actual output and housing needs, both in quantity and quality (e.g., habitability and location) of housing for social segments and regions with a adequate-housing deficit?**
9. **Kindly indicate whether the State party has adopted a national framework law, policy and/or strategy for implementing the human right to adequate housing, identifying the resources available for that purpose and the most cost-effective ways of using such resources. Please also report on any measures that the State party has taken to ensure that the housing market responds the housing needs, particularly of the most vulnerable and underhoused segments.**

Field investigations over time have revealed that the minimum standard for publicly subsidized housing for low-income households has diminished spatially over the past two decades from a former minimum of some 72 sq. meters per household to the current standard of 24–26 sq. meters. (The State party’s previous reply to the Committee’s list of issues [HR/CESCR/NONE/2000/6] refers to 63, 70 and 100 m².) This declining standard was the subject of field visit by the CESCR chairperson to Egypt in

January 2001, and is confirmed to continue in government-sponsored low-income housing construction.¹⁰

10. Reports indicate a continuing need for adequate low-income housing across Egypt. It has come to the Committee's attention that the minimum standard for publicly subsidized housing for low-income families has diminished spatially over the past decade by more than 50%. How does the State party explain this decline in spatial standards in light of the Covenant's article 2.1 obligation to ensure progressive realization and the right enshrined in article 11 to "the continuous improvement of living conditions"?

Maximum of Available Resources

Egypt's current housing and development budget is EGP 3.9bn (€430 million), an approximate 38% increase from the 2011/2012 fiscal year. Despite these efforts, Egypt's housing shortage remains acute, with an estimated three million units currently needed in rural and urban areas. The greatest shortage remains in low-cost housing, despite the presence of 7.7 million vacant units, according to the latest available census (2006).¹¹

To mitigate urban expansion, especially on precious agricultural land, the Government of Egypt (GoE) has spent between LE 60bn and LE 500bn (€6.6bn–€55bn) on the New Cities programme between 1977 and 2010. Reportedly, GoE spent LE 16 billion (€1.7bn) on low-income housing between 2005 and 2012.¹² However, these measurable inputs are not evaluated in the State party by any index that monitors enjoyment of the right to adequate housing, or gauges these interventions against a national standard for adequate housing.

The absence of reliable indicators and statistics on local services and needs also impedes proper assessment of the application of resources to meet needs. The State party has no governorate-based services index to monitor the level of basic services available (electricity, water, solid waste management, etc.). Likewise, no baseline exists to measure the effect of public investment in target sectors within governorates and districts to compare service delivery effectiveness at the local level, or to plan future development. Standardized data on the affordable-housing needs at the governorate level also does not exist.

Overall public investment fell from around 15% of GDP, in 1998, to some 8% by 2005.¹³ The State expenditure on local government is only about 12% of the total budget, which allotment accounts for about 92% of all resources available for local government. Local communities have no authority to legislate or levy taxes and fees through their elected councils to support services or local development. Since most of their governing powers were revoked in 1979, elected local councils have no authority to question appointed civil servants, demand information from them, or call for a vote of no confidence. Local self-determination is not an operational principle of internal statecraft, including resource allocation, thus eroding the effectiveness of local government. A survey for the Council

of Ministers by the Information and Decision Support Center in 2005 found that 52% of respondents were unaware of the existence of their local councils.¹⁴

Planning and budgeting in the State party are likely to rest on unreliable data. All household surveys, and much academic research, depend on official data from the Central Agency for Public Mobilization and Statistics (CAPMAS) for sampling purposes. The probability of an informal area being included in a household survey of the Household Income, Expenditure and Consumption Survey is proportional to its size in the latest census. CAPMAS data are also the basis for the only existing Greater Cairo survey of informal, low-income areas (slums, or *ashwa'iyat*). That survey selects the areas from the CAPMAS Master List of Greater Cairo "Slums," with already severely undercounted slum populations. The informal areas with relatively small populations are grouped with other nearby informal areas to form larger primary sampling units. The 2006 census produced lower-than-actual urban poverty-incidence rates, because it missed newly formed slum areas and because slum populations are growing as much as six times the rate of other, planned sections of the capital.¹⁵ Undercounting slum populations means that they will have a much lower probability of inclusion in household surveys, which supply the basis for poverty line studies. In some instances, a slum may be undercounted in the Master List at 1/15th its actual population.¹⁶

Such undercounting affects political and budgetary decisions toward the provision of services and the provision of self-representation mechanisms. In the informal neighborhood of Bulāq al-Dakrūr, with some 1.5m inhabitants, is short 20–40 schools. The children are forced to commute to adjacent neighborhoods to find schools with space to absorb them. The result is massive overcrowding, with over 100 pupils per class.¹⁷

11. Please provide a brief explanation of the measures taken to ensure that local authorities understand and implement their human rights obligations under the Covenant, in particular, the rights to adequate housing, water and sanitation through the exercise of the corresponding process rights to effective participation and needed access to information, as well as the principle of the State ensuring the maximum of available resources to uphold these rights.

International Cooperation and Assistance

Except for the brief reference to Egypt's international technical assistance (paras. 113–14), the State party report is silent on the Article 2.1 subject of receiving or providing international cooperation assistance related to rights to an adequate standards of living. However, the Committee may note that successive governments have pursued new strategies in order to obtain foreign financial aid since the country's 25 January Revolution. In the last two years, the State party has secured a total of only \$11bn in loans, grants and bank deposits. The Ministry of Planning and International Cooperation has engaged in negotiations to secure \$6bn in backed deposits from Egypt's Central

Bank, bringing the country's total to \$17bn. Nonetheless, the State party struggles with multiple challenges related to the downgrading of the country's credit rating.

In 2009, the World Bank (WB) awarded Egypt a \$300m loan to support housing programmes. The WB and the GoE reportedly reached an agreement to allocate 40% of the sum to rehabilitated informal areas. However, the State party and World Bank coincide in prioritizing the private sector, dedicating over half of the \$3.18bn earmarked for the World Bank's built environment-related projects (\$1.639bn) as "infrastructure services for private-sector development."¹⁸

The State party benefits from international assistance and cooperation in the housing sector in the forms of bilateral technical assistance, NGO contributions and foreign direct investment (FDI). Among the relevant assistance received toward realizing the human right to adequate housing has been seen through projects of Germany-based Gesellschaft für Internationale Zusammenarbeit (GIZ), largely with funding from the Bill and Melinda Gates Foundation, to upgrade informal settlements.

In recent years, much FDI has been directed to real estate and retail projects, capitalizing on Egypt's sizeable and growing population and Egypt's role as a prime tourist destination. The growth of investment in the real-estate sector has driven the rapid inflation in land values, increasingly pricing middle- and low-income households out of the market.¹⁹

Egypt: distribution of inward FDI flows to the real estate sector, 2006/2007-2009/2010 (US\$ millions)²⁰

2006/2007	2007/2008	2008/2009	2009/2010	Total
39.0	394.9	138.4	305.3	877.6

12. **Please inform the Committee of any mechanisms in place to ensure that the State party's obligations under the Covenant are fully taken into account in its actions as a member of international organizations and international financial institutions, as well as when negotiating and ratifying international agreements, in order to ensure respect, protection and fulfillment of the human right to adequate housing, particularly of particularly disadvantaged and marginalized groups.**
13. **Indicate the impact of international economic and technical assistance and cooperation received by the State party on the realization of the human right to adequate housing in Egypt. Please also inform of any international economic and technical assistance and cooperation provided by the State party toward the realization of the human right to adequate housing extraterritorially.**

As the world's largest importer of wheat, according to IFAD, Egypt relies on imports for approximately 40% of its foodstuffs²¹; however, some estimates place this number closer to 70%.²² According to FAO, Egypt is seeking to decrease imports by around 10% in 2013 to 8 million tonnes, compared to the 11.7 million tonnes imported in 2012. As there does not seem to be an increase in overall production,²³ and with the population continuing to grow, the country likely still will need to rely on imports, especially for staples such as rice and wheat.

In order to ensure a consistent food supply, the GoE under President Husni Mubarak invested in farmland abroad as part of the larger global land acquisition trend that occurred alongside the food crisis in 2008. These investments include reported deals with Sudan to produce 2 million tonnes of wheat per year, acquisition of 2 million feddans (840,127ha) in Uganda in various locations (2.2% of the total land in Uganda) for the production of wheat and maize,²⁴ and 20,000 ha in Ethiopia for cereal production.²⁵ Most recently, new reports have emerged of President Muhammad Morsi cutting deals with the Sudan to acquire land for the production of sunflower oil.²⁶

14. Given the lack of increase in domestic agricultural production, and the increasing price of food, what is the government's strategy for food security? If the strategy is investing in foreign countries, as it seems to be, how is the State party ensuring that its meet its extraterritorial obligations to respect, protect and fulfill human rights in the territories procured, specifically pertaining to property rights, the right to livelihood, the prohibition of forced evictions or displacement of communities, and development in countries/communities invested in?

In the deliberation within FAO, Egypt has played a positive role in negotiations toward Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. The State party's delegation has served on the Committee on World Food Security and, in that capacity, has consulted with civil society on the issues on a cooperative and constructive manner. However, little is known about the GoE's intention to apply these norms in policy and practice.

15. Kindly indicate whether the State party has adopted or envisages the adoption, within a specified time frame, of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

Housing "Policy"

The main challenge in upholding human rights in the housing sector is to devise housing policies and strategies that result in adequate and affordable housing, while, at once, addressing the distortions that prevent the housing market from functioning efficiently. However, without a formal housing policy that regulates the housing market and construction activities accordingly, Egypt's commercial real estate market has neglected low-cost housing.

The State party's current report (E/C.12/EGY/2-4) on the implementation of Article 11 of the Covenant refers the Committee to Egypt's previous report (E/1990/5/Add.38) and the Annex (HR/CESCR/NONE/2000/6) containing its replies to the Committee's questions in 2000. The new information provided in the current State party report does not refer to current housing conditions, needs or the tenure and living conditions of vulnerable groups, such as minorities, women, slum dwellers or indigenous peoples. The State party also does not report on a formal housing policy within the State, but provides detail of a government-sponsored housing-construction process as the "National Housing Programme" (para. 209), also referred to in Annex III as a "National Housing Project" (NHP).

Housing construction has been a major priority of State-sponsored development plans since the 1980s; however, most housing in Egypt is self-built (60–70%).²⁷ The majority of housing construction is carried out informally, without official plans or permits. Enforcement of housing standards is lax, leading to much corruption and impunity in the sector, despite the adoption of the Unified Building Law No. 119 (2008). At the same time, the majority of impoverished households live with insecure tenure, which leaves them ultimately vulnerable to forced eviction, demolition and dispossession under various public-purpose and private-sector projects (addressed below).

Meanwhile, the housing demand in that segment rises by 300,000 units every year, out of a total annual demand for 440,000–600,000 units.²⁸ The government's ambitious NHP to build 85,000 units annually, therefore, does not close the housing gap.

The private sector dominates the total real-estate supply at 80%. While luxury real estate development has remained a lucrative business, it only serves an estimated 3% of the population.²⁹

On average, Egyptian households spend 34.5% of income is spent on housing.³⁰ With property prices at an average of seven times the annual income, it would take an average of 19 years for an average household to pay for its own housing in Egypt.³¹

Although the State party report does not mention it, one of the significant government initiatives in the housing sector since 2000 has been the introduction of the Mortgage Law No. 148 and establishment of the Egyptian Mortgage Refinance Company (EMRC) in 2001. In the view of the World Bank and the State party, one of the "distortions" that prevent the housing market from functioning efficiently is the Old Rent (i.e. rent control) Law and the small, underused mortgage sector. To address this, the World Bank proposed institutional frameworks and incentive structures to enable an expanded private-sector role in the financing and delivery of affordable housing, which would help to rationalize the subsidies provided to low-income groups, and ensure the continued development of a viable rental market to serve the needs of the lowest income groups.³²

This methodology has been applied in practice in order to transform the direct and indirect subsidies that go toward government-sponsored low-income housing projects

into mortgage loans for the middle and low-income groups (between the 75th to 45th percentiles). These are to be funded through sustainable fiscal sources, mainly the private sector, freeing up the existing cash subsidy to be targeted at the lower-income groups in the form of rental and site-and-services projects, which but eventually would be phased out entirely.³³

Nonetheless, the introduction of Mortgage Law No. 148 of 2001 has been criticized for ignoring the fact that housing was already quite unaffordable.³⁴ The house price-to-income ratio in Egypt is 7:1 and up, which is almost double the level of most-developed nations.³⁵

Mortgage financing has not been a popular option for Egyptian home buyers. Among the biggest deterrents to mortgage finance in Egypt is the costly and cumbersome property-registration process, as well as the lack of sufficient legal infrastructure to enforce contracts. Other impediments include restrictions on extending bank credit to the housing sector, lack of valuation information, lack of credit risk information and complex regulations. Rather, the Mortgage Law achieved the increased commodification of the housing market in favor of private developer interests to supply expensive housing in a context that lacked sufficient regulation of the housing market. The result has been the market's decreasing share of low-income housing and decreased affordability of formal housing for most needy Egyptians.³⁶

In its previous Concluding Observations, the Committee urged the State party to address the massive housing problem confronting the Egyptian population by adopting a strategy and a plan of action in order to combat the acute housing shortage and the lack of rented accommodations at reasonable prices, and by building or providing low-cost housing units, especially for the vulnerable and low-income groups (E/C.12/1/Add.44, 12 May 2000, para. 37). Given the inability of government-sponsored construction programmes to meet current needs, the State party has yet to address the question of a comprehensive housing policy that responds to citizens' needs, particularly in the low-income sector, and supports more-efficient, autonomous self-construction (social production) of housing.

- 16. Despite reported efforts by the State party to concentrate its National Housing Programme interventions in new and planned cities, the majority of housing in the State party is self-built. Please provide detail on any targeted policies and programmes to support efficient, autonomous housing construction, particularly for individuals and families belonging to the disadvantaged and marginalized groups, in particular ethnic minorities, indigenous peoples and those living in rural and deprived urban areas.**
- 17. Please also indicate any measures taken by the State party to mitigate the rising cost of land for housing to low-income and vulnerable sectors.**

The State party report (p. 369–79) also makes no mention of a poverty line for measurement of poverty and its alleviation or eradication. Nor does the State party refer to a national poverty line as a locally specific measurement of progress toward

addressing poverty. However, the Egyptian Financial Supervisory Authority applies the term "low-income" to any person whose total monthly income does not exceed LE 1,750 and to any family whose total monthly income is no more than LE 2,500.³⁷ In 2009, the United Nations Development Programme (UNDP) estimated that around 41% of Egypt's estimated 80 million people live on or below poverty line of US\$2.7 a day calculated by the World Bank.³⁸ Rural poverty stands at 53%, as of available 2005 figures.³⁹ However, any poverty rate as of 2006 would have to be revised today in light of the high inflation rates in Egypt over recent years, and particularly since 2010.

Consumer prices rose by 25.6% on average from 1957 until 2013, spiking between August 2007 and August 2008, driven by rapidly increasing food prices. However, the Consumer Price Index (CPI) in Egypt increased to 127.90 Index Points in January 2013, up from 125.70 Index Points in December of 2012.⁴⁰

**The incidence of (extreme) poverty based on national lower poverty lines
(1991–1999 and 1999–2006)**

Survey year	Poverty incidence (%)	Pop. Average: 1995–2000 (millions)	Estimated number of poor (millions)	Survey year	Poverty incidence (%)	Pop. Average: 2000–2005 (millions)	Estimated number of poor (millions)
1999	16.7	63.6	10.6	2005	19.6	69.7	13.7

UNDP/AHDR calculations based on World Bank 2007, 2008; UNDP 2005, 2007, 2008. Source: UNDP, *Challenges*, op. cit., p. 113.

According to official statistics, the growing unemployment rate hovered around 12.5% of the 26.9m workforce in 2012 (9.1% for men; 24% for women). The youth unemployment rate is much higher at 78.3%.⁴¹

Official information on income inequality in Egypt is difficult to come by. However, the estimated Gini coefficient for Egypt was 0.32 in 2004/05, which indicates a moderate level of income inequality. However, evidence for the last decade indicates that income inequality rose in Egypt within a span of five years.⁴²

Instead, the government report refers to economic-progress indicators of increased GDP (para. 375) and a target of 7–8% economic growth (para. 375(a)) as a means to generate employment, thus affecting poverty. As economic growth is no measure for actual distribution of wealth, the Egyptian economy shrank by 4.2% in 2011, recovered to 5.2% in February 2012,⁴³ and the IMF has forecasted 2013 growth at only 2%.⁴⁴

The Committee's constructive dialog with the State party in 2000 focus on the need for a national poverty line (E/C.12/1/Add.44, para. 15). In her visit to Egypt in January 2001, the Committee's Chair Virginia Bonoan-Dandan, CESCR rapporteur for Egypt, also emphasized the importance of devising such a monitoring tool. The question to the State party remains appropriate.

18. Indicate what progress the State party has made, as the Committee recommended in its previous Concluding Observations (E/C.12/1/Add.44, para. 15), to define a national poverty line, and on what basis it is calculated. In the absence of a national poverty line, however, indicate what mechanisms are used for measuring and monitoring the incidence and depth of poverty.

The State party report refers to the “Build your own house” (para. 205), a youth housing programme proposed in advance of Pres. Husni Mubarak’s re-election bid in 2005 by then-Minister of Housing Ahmed El Maghrabi (currently serving a five-year sentence for corruption). The programme granted land to young households earning less than L.E.1,000/mo. to build standardized villas for which the private sector was to provide the building materials at reduced prices. The project involved 92,000 plots nationwide and L.E.15,000 support for applicants on the condition that they complete the foundation and ground floor within three months.

However, the government provided the 63m² plots without any infrastructure, facilities or security, including protection from (Bedouin) counter-claims to traditional ownership of the land. As result of these problems, 40% of the housing units are now closed. On 16 April 2013, frustrated applicants protested before the Ministry of Housing, demanding the government provide the necessary infrastructure and security for them to complete construction.⁴⁵

This project of partial support to individual Egyptian households contrasts with the far more-generous State support for the privatization of urban development by favoring large Persian Gulf-base construction companies, such as DAMAC, EMAAR, Al-Futtaim Group and SODIC, with direct GoE grants of thousands of acres at undervalued prices, rather than at public auction as prescribed by law. Those companies specialize in building upscale housing over the more-pressing need for low-income housing. These practices have contributed greatly to the rise in housing prices, while many Egyptians see their government targeting a wealthy base of home buyers who are conspicuously willing and able to spend millions on suburban gated communities.

19. The State party’s report (para. 205) notes that government plans and programmes have aimed at giving effect to the right to housing by relying on the establishment of new cities to accommodate the growing population and low-cost housing blocks for young people. Under the “Housing for young people,” “Build your own house” and other similar projects with low-interest, long-term loans are available through banks and international cooperation programmes with various organizations, do these programmes target the new cities exclusively, or do they serve other established urban communities? Please also update the progress in implementing these programmes.

The State party previously reported to the Committee about a national programme launched at the time for the development of shantytowns (then cited as about 961). Of these, 88 will be rehabilitated and 81, which cannot be renovated, were to be

demolished with a total investment of LE 3.8 billion in the first phase [HR/CESCR/NONE/2000/6, p. 33].

20. Please update information previously presented to the Committee on the national programme to development some 961 shantytowns, and the planned demolition of 81 of them [HR/CESCR/NONE/2000/6, p. 33]. Please advise about the status of this programme and how the State party has assured compliance with General Comment No. 7 in this regard.

Gross Violations: Forced Eviction

The State party report has omitted to apply the harmonized reporting guidelines (para. 54), or respond to the foregoing Concluding Observations (paras. 22, 31 and 37) related to the human right to adequate housing, in particular, the continuing practice of forced evictions by various authorities without sufficient reparations and other safeguards.

Egyptian law still allows authorities to evict the people from their homes administratively without providing appropriate alternatives to forced eviction. Notorious legal tools for carrying out forced evictions include the Unified Building Law No.119 (2008) and the Law on Expropriation for the Public Interest No.10 (1990).⁴⁶

In its Violations Database, the Habitat International Coalition - Housing and Land Rights Network has recorded at least 26 cases involving multiple forced evictions in Egypt over the last five years. Almost half of these cases (12) combined forced eviction and home demolition, while the numbers of victims of these practices total at least 10,300 persons, including children, women and elders.

The three gravest of these 26 cases are distinguished by the great amount of casualties and damage:

- On 6 September 2008, a rockslide in the east Cairo shantytown at Duwiqa and 'Izbat Bakhīt killed at least 119 persons and destroyed 97 homes, and displaced thousands of inhabitants. After being housed for in 63m² public housing units in al-Nahdha, eastern Cairo, until 2011, the Cairo Governorate forcibly removed over 300 displaced families to "Pyramid City," a remote compound in the desert to the far west of 6th of October Governorate. Of these, some 70 families opted to relocate in al-Fayūm, 100 kms away, rather than be evicted to the western desert. All of the evicted families are incurring further costs, losses and damages due to the great distance from their sources of livelihood, health centers, long waiting periods for electricity hook-ups, poor water quality and other services. Pyramid City residents have staged regular sit-ins at the Cairo Governorate over the past year, seeking a solution to their displacement and poor living conditions.
- At 04:00 AM on November 2012, military police forces stormed al-Qursaya Island, located in the Giza Governorate. Using excessive force and firing shotguns, the military police forcibly evicted 2,000 persons while sleeping in their humble homes,

leaving at least three civilians dead and more than five others wounded. The army claims that it now owns the land, and that the residents are living there illegally. The armed forces also destroyed property and set fire to several fishing boats owned by the island residents, before arresting 25 civilians.

- In April 2013, police forces invaded a Bedouin area in al-Nahdha, east of Cairo Governorate at 19:00 PM, burning and destroying the Bedouins' homes and properties. The police force evicted the 600 residents of the area by force, resulting in the death of one man and the injury of several women.
- 21. In the wake of the tragic 2008 Duwīqa rockslide, the State party established the Informal Settlements Development Facility (ISDF) under the Ministry of Local Development. ISDF cites its main objective to be improving the quality of life of residents in unsafe areas, as well as other unplanned areas and poor housing in historic centers. Please provide the Committee with information as to the criteria used to designate “unsafe areas” and the measures taken to ensure the human right to housing for inhabitants of such areas without resort to forced eviction, as well as the realization of corresponding process rights to information and effective participation in adequate housing solutions for the communities concerned.**

The current “Cairo 2050” plan aims to model Cairo after other cities of the world with an urban renewal scheme that threatens to evict untold thousands of households, especially low-income and informal neighborhoods. The plan, now revised as Egypt 2052 to encompass other cities, now replicates this development strategy nationwide. The implementation of such plans would require the displacement of many thousands of households. Portions of these plans are targeting impoverished and marginalized areas of the city for the construction of hotels, shopping centers, increased green space in the city center, etc. and will have a disproportionate benefit for the wealthy minority of the city.⁴⁷

A primary issue of contention is the lack of clear and available information on these plans. This planning process has been done with limited transparency and has emerged as a top-down process without any involvement from the most-affected communities. It is clear that movement has been made on this project, as communities in Maspero, Ramlat Bulaq and other Nile-front areas have been confronted by threats of removal as a result of real-estate investment, presumably linked to Cairo 2050 visions.⁴⁸ However, the government has yet to reveal a revised plan or any updates on progress to the public, nor does the State party mention these grandiose plans in its report to the Committee.

- 22. Numerous reports focus on the dual Cairo 2050 and Egypt 2052 plans currently underway in the State party; however, the State party report includes no mention of these schemes. Please provide the Committee with information on the status of the Cairo 2050/Egypt 2052 development plans, and explain how the State party guarantees the effective participation of the**

cities' affected residents in the planning and benefits of such developments, while applying the Covenant with respect to prohibitions against forced eviction in accordance with General Comment No. 7.

- 23. In accordance with the harmonized reporting guidelines, kindly indicate the number of persons and families forcibly evicted in Egypt within the last five years and the legal provisions defining the circumstances in which evictions may take place and the rights of inhabitants to security of tenure and protection from eviction. Please also indicate how the State party has adapted the *UN Principles and Guidelines on Development-based Eviction and Displacement*.⁴⁹**
- 24. In accordance with the harmonized reporting guidelines (para. 54), kindly indicate whether any disadvantaged and marginalized individuals and groups, such as ethnic minorities, are particularly affected by forced evictions, and the measures taken to ensure that no form of discrimination is involved whenever evictions take place.**
- 25. Please provide the Committee with examples of judicial and any other appropriate remedies in place, enabling victims to obtain redress in case their housing and land rights have been violated. Please also indicate how the State party has applied the right to remedy and reparations to persons subject to forced evictions and other gross violations, particularly since the State party's participation in the adoption of UN resolution *A/RES/60/147* (2006).**
- 26. Reports indicate that many thousands of residents in informal settlements have been relocated to new cities and compounds (e.g., Pyramid City) in the desert, far from their former habitat. Please clarify what measure the State party takes to ensure the economic and social viability of these relocated households and communities, in particular, guaranteeing their comparable or improved access to livelihood and services without their incurring additional, cost, losses and damage.**
- 27. The Committee is interested to know of any mechanisms in place to monitor progress toward the full realization of the human right to adequate housing, including identification of indicators and related national benchmarks, in addition to the information provided under appendix 3 of the harmonized guidelines, and taking into account the framework and tables of illustrative indicators outlined by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (HRI/MC/2008/3, p. 29).**
- 28. In its previous Concluding Observations on Egypt, the Committee strongly urged the State party to seek assistance, including international cooperation, in order to collect statistics and information necessary to formulate effective strategies to address problem areas such as unemployment, poverty,**

housing and forced evictions (E/C.12/1/Add.44, 12 May 2000, para. 31). Please provide information as to the measures by which the State party has sought to improve its capacity to gather, analyze and publicize reliable statistics on its respect, protection and fulfillment of the these human rights.

- 29. Please provide data on the enjoyment of the human right to adequate housing, disaggregated by age, gender, ethnic origin, urban/rural population and other relevant status, on an annual basis over the past five years, indicating the numbers and proportion of persons in Egypt who are adequately housed as compared with those inadequately housed. Please also explain the minimum criteria used to determine adequate housing in Egypt.**
- 30. Please indicate whether a national survey on homelessness and inadequate housing has been undertaken, as well as its findings, in particular, noting the number of individuals and families who are homeless or inadequately housed and without access to basic infrastructure and services such as water, heating, waste disposal, sanitation and electricity, as well as the number of persons living in over-crowded or structurally unsafe housing.**
- 31. In accordance with the harmonized reporting guidelines (para. 51), kindly indicate:
 - (a) The measures taken to ensure access to adequate and affordable housing with legal security of tenure for everyone, irrespective of income or access to economic resources;**
 - (b) The impact of social housing measures, such as the provision of low-cost social housing units for disadvantaged and marginalized individuals and families, in particular in rural and deprived urban areas, any wait listing to obtain such housing and the average length of waiting time;**
 - (c) Measures taken to make housing accessible and habitable for persons with special housing needs, such as families with children, older persons and persons with disabilities.****

Land Rights relative to Adequate Standard of Living

In the previous review of the State party, the Committee considered to consequences of the Agricultural Landlord/Tenants Relationship Law No. 96 (1992) on the small-producing tenant farmers of Egypt.⁵⁰ Those tenants had cultivated different categories of agricultural lands (plots subject to agricultural credit, land-reform acquisitions, held by the State under custody, Islamic endowment, reclaimed land, etc.), totalling some 1,488,000 feddans. That compares with the total arable land estimated at five million feddans (Nile Valley and Delta), in addition to newly reclaimed land estimated at two million feddans.

The 1992 law cancelled the protected tenure of small producers after a five-year transitional period (that ended in 1997) after which tenants had to return the arable land

they had rented from previous owners for forty years at fixed rents (seven times the tax – about L.E.100 per feddan/acre), as determined by the Land Reform Law 157 (1952).

In 2006, the Ministry of Agriculture counted the number of tenants dispossessed under Law 96 at approximately 904,000 (30% of farmers in Egypt).⁵¹ Those tenants and their families totalled approximately 5.3 million people who had lost their sole source of income. That number is estimated to be much higher, although no census of dispossessed farmers has followed the 2006 count

Law No. 96 has caused several problems and left many unsolved issues, the most important ones being:

- Land rents rose sharply from the L.E.500–600, in 1997, to L.E.7,000, in 2013, especially in al-Minia Governorate (Upper Egypt);
- Besides the great number of evicted tenants who gave up their livelihood because of the higher costs of agricultural production, many small farmers—and absentee owners—were forced to sell their plots, because they were no longer profitable;
- The authorities reneged on the promise, stipulated in Law No. 96, to grant the evicted tenants alternative plots in newly reclaimed lands;
- Instead of paying mandated compensations to former land owners (and their heirs) for the period in which the lands were held in custody, GoE colluded with former land owners by returning their lands to them and the evicting tenant farmers, despite the farmers' legal right to stay on the lands;
- The Law enabled former feudal owners to manipulate the process, grabbing lands previously acquired under the former Land Reform Law;
- The *Awqaf* (Islamic endowment) evicted the tenants, either by force, or by raising rents, in preparation to sell plots to private housing cooperatives belonging to State agents, such as police, judiciary, military judges, etc.

One of the official justifications for the agricultural land “liberalization” under Law No. 96 was to generate revenue through opening up land markets that would concentrate agricultural production in new economies of scale, thus increasing Egypt’s agricultural output and food sufficiency. While the rush to buy and sell farm lands after Law No. 96 allowed many sellers and speculators to profit, the promised increase in production did not, materialize. Moreover, the dispossessed lands were largely not continuous for large-scale mechanized farming, supposed to boost yields. Rather the most visible consequence of Law No. 96 has been the large-scale dispossession of small-producing farmers across Egypt.

32. Since its implementation in 1996, Law 96 (1992), can the State party please update figures of those tenant farmers who lost agricultural lands and report on the current status of those dispossessed peasants, as well as their access to replacement land to which they are entitled under the Law?

In 2011, Egypt’s population has increased from less than 30 million in the 1950s to an estimated 80 million today, living on 5.5% of the total area (“Old Lands”) of the country (55,000 km² out of one million total). Simultaneously, prime agricultural land all over

Egypt has been lost to urbanization covering approximately 2 out of 7 million acres (3 million ha). These domestic pressures on agricultural land and productivity are exacerbated by multiple external pressures of economic globalization, reliance on food imports at externally controlled prices, depletion of water resources and other disruptions in access to resources and food supply. Climate change forecasts predict a one-meter rise in the sea level, eventual flooding of 4,500 km² of farmland in the Nile Delta and the resulting displacement of 6 million people.⁵² Even if the sea level rises by only one-half meter, it could create two million refugees and cause more than \$35 billion in economic losses.⁵³

Transitional Justice

Over three years before Egyptian masses converged on Tahrir Square to call for a regime change, Egyptian People's Assembly deputy Gamal Zahran announced in a 12 November 2007 parliament session that the state had lost some L.E. 800 billion (€98 billion) through illicit privatization benefiting senior officials and businessmen.⁵⁴

Two years after Egypt's 25 January uprising, court cases have proceeded at a slow pace. However, some high-profile convictions of land fraud have resulted.

In March 2011, Egypt's Central Bank issued a letter, revealing the names of 138 persons alleged of corruption and influence peddling. The Attorney General ordered their monies frozen, and some of those figures still await trial.⁵⁵

In December 2011, the auditors of the Urban Communities Authority issued report No. 755 about former President Husni Mubarak, Prime Minister Ahmad Nazif and other ministers taking state property, granting lands and villas to senior officials, select companies and elites of other Arab states. All such operations had the backing of the president himself, his ministers and the premiers `Atif `Ubaid, Ahmad Nazif (serving in 1999–2004 and 2004–11, respectively).⁵⁶

In late December 2012, current Prime Minister Hisham Qandil issued a decree forming a committee to investigate land fraud by the deposed regime. This new committee is headed by the president of the Cairo Court of Appeals Judge Ahmad Idris, and joined by 15 men with administrative, military and agricultural expertise. Among the emblematic fraud cases is the 1,950 feddan (819 ha) land transfer to businessman Ahmad Bahgat for a pittance, which is the subject of a separate investigation.⁵⁷

33. Reports indicate that the State party has undertaken significant measures, especially since the change in government in 2011, to address corruption in public procurement of housing and land. Could the State party update the Committee on those accountability measures since its submission of the State party report in 2010, including judicial processes underway, any asset recovery, reparations to victims of previous violations of economic, social and cultural rights, and any deterrent measures in place.

Endnotes

- ¹ Central Agency for Public Mobilization and Statistics (CAPMAS) figures as of 2009.
- ² The third-person masculine pronoun is used here, as governors in Egypt are invariably male.
- ³ For further details, see Samir `Abd ul-Wahhab, "al-Idāra al-Mahaliyya fi Mashru` al-Dastūr al-Jadīd...Mulahidhāt `Āma" [Local Administration in the Draft of the New Constitution...General Observations], *Bawābat al-Sharq* [Eastern Gate] (20 October 2012), at: <http://www.shorouknews.com/columns/view.aspx?cdate=20102012&id=dc4a83bd-b1bb-403b-aa9e-aaa973fafa4a>.
- ⁴ S. Dersso, *Egypt: Constitutional, Legislative and Administrative Provisions Concerning Indigenous Peoples* (Geneva: International Labour Organization and African Commission on Human & Peoples' Rights, 2009).
- ⁵ *World Population Policies 2009*, United Nations Department of Economic and Social Affairs/Population Division, 2010.
- ⁶ UNHCR, *Factsheet 2012, Egypt*.
- ⁷ *Refugee Livelihoods in Urban Areas: Identifying Program Opportunities. Case Study: Egypt* (Boston: Feinstein International Center, Friedman School of Nutrition Science and Policy, Tufts University, 2012).
- ⁸ Constitution of Egypt, signed into law on 26 December 2012, preambular Articles five and seven, operative Articles 9 and 33..
- ⁹ "Administrative court requires president to provide adequate housing" [Arabic], *almasrawy.com* (6 February 2013), at: <http://www.hic-mena.org/arabic/news.php?id=pWxlag=>.
- ¹⁰ Observation of field work by Housing and Land Rights Network – Habitat International Coalition and the Egyptian Center on Civic and Legislative Reform, 2012–13, in the case of informal settlement households removed to the Pyramid City compound (6 October Governorate) over the past five years.
- ¹¹ Central Agency for Public Mobilization and Statistics (CAPMAS), 2006.
- ¹² According to the New Urban Communities Authority, public investment in the existing 24 new cities was LE 58.2 billion over three decades that combined spending on housing, services and utilities, agriculture and studies. New Urban Communities Authority website, at: <http://www.urban-comm.gov.eg/achivments.asp>. However, in a 2010 speech, then Prime Minister Ahmed Nazif reported the total investment figure to be LE 500 billion. Sharif Jaballah, "500 billion pounds to create new cities provide 600 thousand jobs annually," *al-Ahram* [Arabic] (17 December 2010), at: <http://digital.ahram.org.eg/articles.aspx?Serial=371773&eid=454>.
- ¹³ World Bank, "Egypt – Country assistance strategy," (20 May 2005), p. 1, at: http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2005/06/24/000012009_20050624102618/Rendered/PDF/321900rev3.pdf.
- ¹⁴ *al-Gumhuriya* (2006), cited in Sarah Ben Néfissa, "Cairo's City Government: The Crisis of Local Administration and the Refusal of Urban Citizenship," in Diane Singerman, ed., *Cairo Contested: Governance, Urban Space and Global Modernity* (Cairo: American University Press, 2011).
- ¹⁵ Marion Séjourné and David Sims, in World Bank, "Egypt: Urban Sector Update," Vol. 1 of 2 (Washington: World Bank, 2008).
- ¹⁶ Sarah Sabry, "Poverty lines in Greater Cairo: Underestimating and misrepresenting poverty," International Institute for Environment and Development (IIED) Poverty Reduction in Urban Areas Series Working Paper 21 (May 2009), p. 15
- ¹⁷ The chief of the government's General Organization of Physical Planning (GOPP) claims the need for 40 schools, while GIZ puts the number needed at 20. See UN Habitat, *Cairo: A City in Transition* (Nairobi: UN Habitat, 2011), p.79, note 175.
- ¹⁸ See Shawkat, op. cit.
- ¹⁹ S. El-Wardani, "Egypt Real Estate: No Room for The Poor," *Ahram Online* (9 January 2011), at: <http://english.ahram.org.eg/NewsContent/3/12/3419/Business/Economy/Egypt-real-estate-No-room-for-the-poor.aspx>.
- ²⁰ Ahmed Kamaly, "Inward FDI in Egypt and its policy context," *Columbia FDI Profiles* (1 October 2011), at: http://www.vcc.columbia.edu/files/vale/documents/Profiles_EGYPT_IFDI_-_FINAL.pdf.
- ²¹ IFAD, "Arab Republic of Egypt: country programme evaluation," [undated], at: www.ifad.org/evaluation/public_html/eksyst/doc/country/pn/egypt/egypt.htm.
- ²² Ian Lee, "Egypt Hungry for 'Food Revolution'", 7 March 2013, at: <http://edition.cnn.com/2013/03/07/world/africa/egypt-food-prices>
- ²³ See charts in this document for cereal production over the past few years: GIEWS and FAO Country Briefs: Egypt, 2013, <http://www.fao.org/giews/countrybrief/country.jsp?code=EGY> ; Also see a chart provided by Al Heba Group for production of fruits and vegetables: <http://www.alhebagroup.com/egyptfruits.asp> . Both sectors (cereals and produce) have had little to no increase in production over the past years.
- ²⁴ GRAIN, "Seized: The 2008 Landgrab for Food and Financial Security," 24 October 2008.
- ²⁵ Land Portal, Land Matrix: Egypt, at: <http://landportal.info/landmatrix/get-the-detail/by-investor-country/egypt?mode=table>

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