

UN-HABITAT Submission for the Universal Periodic Review

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I. Background and Domestic Framework

The right to adequate housing is enshrined in the **Egyptian Constitution of 2014**: Article 41-*“The state commits to the implementation of a housing program that aims at achieving balance between population growth rates and the resources available, maximizing investment in human energy, and improving its features, within the framework of achieving sustainable development.”* and Article 78 – *“The state guarantees citizens the right to decent, safe and healthy housing, in a way that preserves human dignity and achieves social justice. The state shall draft a national housing plan that upholds environmental particularity, and guarantees the contribution of personal and collaborative initiatives in its implementation. The state shall also regulate the use of state lands and provide them with basic facilities, as part of a comprehensive urban planning framework for cities and villages and a population distribution strategy. This must be done in a way that serves the public interest, improves the quality of life for citizens and preserves the rights of future generations. The state shall draft a comprehensive, national plan to address the problem of informal areas that includes providing infrastructure and facilities and improving quality of life and public health. The state shall also guarantee the provision of necessary resources to implement the plan within a specified time frame.”*

The Constitution also set out rules on Natural resources (Article 32), Ownership (Article 33), Public Property (Article 34), Private property (Article 35), Private sector’s social responsibility (Article 36) and Cooperative Property (Article 37) respectively.

Expropriation of Real Estates for Public Interest Law (1990) governs the process of expropriating private property for public interest. It defines work of public interest and creates a mechanism through which disgruntled owners may contest the expropriation of their property and the procedures for handling such contestations.

Social Housing Decree (2014) stipulates that part of the Minister of Housing’s duties is to prepare a plan, propose a framework and supervise implementation of social housing projects to provide adequate housing for low-income citizens, and small plots for families of middle-income. The decree stipulates that it is not permissible for a citizen to take advantage or to own more than one unit of social housing program; whether residential units or plots of land intended for construction. In addition, the law sets the organizational structure and objectives of the Social Housing Fund.

Presidential Decree 305/2008(Promulgating the establishment of the Informal Settlements Development Facility (ISDF)): This Decree establishes the Informal Settlements Development Facility (ISDF) and authorizes the ISDF to develop plans to deal with informal settlements in Egypt. Under this Decree, the ISDF is mandated to address informal settlements nationwide and propose general policies for the development of unsafe areas and plans for improving slums. The Decree also stipulates the responsibilities and objectives of the ISDF, such as creating an inventory of all the slum areas across the Arab Republic of Egypt, classifying slum areas through technical committees, etc.

Presidential Decree on Real Estate Financing (2003): This presidential decree establishes a Support and Guarantee Fund for Real Estate Financing to ensure that mortgage financial activity is of support to the low-income population. In order to achieve such responsibilities, the decree states the Fund's objectives are setting general policies under the aegis of the principal law on Mortgages (Real Estate Mortgage Law) as well as coordinating with concerned authorities and those engaged in mortgage activity to construct economic housing for people with low incomes.

II. Promotion and protection of human rights on the ground

A. Cooperation with international human rights mechanisms

Egypt has ratified eight major international human rights instruments, including: CAT, ICCPR, CEDAW, CERD, ICESCR, CMW, CRC and CRPD.

The UN Special Rapporteur on the right to adequate housing visited the country from 24 September 2018 to 3 October 2018.

B. Implementation of international human rights obligations

- Right to an adequate standard of living – general

With the ongoing fast population growth and the difficulties, the local development institutions are faced with to pace up with the growing needs. In 2018, Egypt ranked 115th, down from 111 in 2017 in Human Development Index¹ Inclusive, sustainable urbanization has a key role in improved adequate standard and quality of living both in existing and new areas. If well planned and managed, urbanization can lead to equitable growth and welfare. Having the National strategic plan 2052 enabled setting up key objectives for urban development, however there is still a need to periodically revise and update this plan to continue serving the purpose of sustainable urban development. With support from the UN, the GoE, in this context, is revising its National Urban Policy including analysis of the current system of cities and urbanization trends to enable redirecting urban policies towards a more inclusive and sustainable urbanization. This includes mechanisms to foster competitiveness of cities, rural urban linkages, growth and population balanced distribution, and local economic development.

Moreover, the UN in Egypt has been advocating for the need to enable knowledge-based monitoring and redirecting of policies that affect quality of living in both urban and rural areas. Analysis of the prosperity of Egyptian cities enabled the current set up of the urban observatory units that is envisioned to support improving the standard of living in urban areas². Additionally, the UN is supporting the strategic planning process for urban development to enable improved prioritization of development projects based on multi-sectoral situational analysis and visioning.

Furthermore, with support from the UN, the GoE conducted an analysis of the various upgrading approaches of urban areas and is currently conducting a study to re-categorize urban areas under the revised building law. The current revised law changes the previously labeled areas “unplanned/ re-planning

¹ The UN Development Programme annual Human Development Index (HDI), 2018

² https://www.youtube.com/watch?v=L_ustz6g20c&feature=youtu.be

areas” to “urban upgrading areas”. This change positively and significantly unpacks the potential of inclusive upgrading under the participatory city-wide approach which includes socio-economic and environmental drivers beside physical upgrading.

In the context of ensuring the right to an adequate standard of living, it is recommended to revise the national strategic vision for urban development 2052 in light of the latest development and changes in the urban context to ensure inclusive, people centered impact and adequate cities and human settlements. The UN further recommends establishing policies to improve accessibility and availability of local economic opportunities, basic services and improved environmental status of existing and new areas.

- [Right to adequate housing](#)

With support from the UN, in 2016, Egypt issued a National Housing profile document³, based on an inclusive and consultative process, which provided a comprehensive analysis of the Egyptian housing sector focusing on low income housing. The housing profile indicated that the housing sector functions in an activity-based manner focused on construction of new housing units with little analysis of the results and impact on the housing gap and informality.

To enable shifting from such activity-based policies, the Ministry of housing with support from the UN is finalizing the “National Housing Strategy”, expected to be published in 2019, and is envisioned to redirect the housing market towards a more result based, efficient and inclusive one.

In its efforts to upgrade the existing housing stock, and with support from the UN, the government conducted a comprehensive analysis of all housing upgrading approaches used by the ISDF since its establishment in 2008. This study enabled a better understanding of the impact of various approaches and redirect efforts towards more inclusive and effective results.

To date, nearly 85,000 housing units were availed to families previously living in unsafe conditions, and nearly 100,000 unit are under construction. Around 60% of completed unsafe areas upgrading projects are self-financed, followed by 24% of projects financed by the ISDF and 16% financed by other government agencies. 35% of the projects implemented were based on a self-upgrading approach, while 25% of the projects depended on provision of housing units outside of the area. Around 10% of the projects mitigated the reason of unsafety (mainly high voltage threat). Lastly, monetary compensation and the provision of alternative housing units in the area represented 6% each⁴.

There has been additionally, efforts in upgrading “unplanned areas”. ISDF conducted a rapid mapping of unplanned areas nationally and made suggestions for the improvement of its urban environment in the short term. It additionally suggested policies for the medium term, including legislation of tenure and land management tools for improved infrastructure and utilities financing and availing land for services and

³ <https://unhabitat.org/books/egypt-housing-profile/>

⁴ Documentation of ISDF programmes, UN-Habitat 2019 (final report not published yet).

social housing. ISDF has 62 completed/ongoing projects in those areas with total investments more than 700 million EGP.

The upgrading efforts conducted were able to transform the housing condition of many Egyptian families. This integration led to a better comprehensive upgrading of some areas and safer more welcoming housing environment. However, financing upgrading projects by local governorates represented a challenge to many projects with the limited role of private sector and civil society. The Government is encouraged to include more socio-economic components within the upgrading interventions and set up a monitoring and maintenance mechanism where the government plays a more enabling and regulatory role.

The Ministry of Housing is encouraged to expedite the publishing of the Egyptian National Housing Strategy, envisioned to support a more inclusive and sustainable adequate housing provision. Moreover, in cooperation with various relevant ministries, it is recommended to complement the strategy with policies and mechanisms to enable its implementation.

The UN recommends the GoE to ensure well balanced distribution of investments between existing and new housing stock, based on data and analytical process.

- [Right to water and sanitation](#)

In 2018, Egypt received more than 400 million USD in loans for large scale water and sanitation units, trying to respond to the fast-growing demand. In 2014, 7.3 million people were deprived access to safe water, among which 5.8 million live in rural areas and 1.5 million in urban areas⁵. Additionally, 8.4 million people lack access to improved sanitation, mostly in rural areas. In rural areas, on average, the share of population without access to adequate sanitation was around 15 percent, compared with around 1 percent among urban dwellers. Formal census in 2017 shows that only 270,497 inhabitants lack access to drinking water in urban areas and around 1 million in rural areas; and that 922,273 lacks access to sanitation services in urban areas and around 7 million in rural areas. By analysis of the type of sanitation, 73% of rural sanitation is through decentralized solutions, and 0.7% does not have access to drinking water at homes⁶. Despite having the water source available, water quality and quantity still represent a serious challenge in many rural areas⁷. The UN is supporting the GoE to complement large complicated water and sanitation facilities with medium scale and decentralized low-tech solutions that fit the current implementation and management capacities, provide local job opportunities, and have better potential for local replication and scale up. Steady progress towards scaling up of alternative solutions is taking place, but in a slow pace because of the massive investments and capacities being consumed in large scale facilities.

⁵ Egypt Demographic and Health Survey 2014

⁶ CAMPAS censuses 2017

⁷ See interview with rural inhabitants from Edwa and Maghagha, 2017

<https://www.youtube.com/watch?v=s0klvExH7qw>

Access to clean water and sanitation has generally improved, however a large segment of the population in rural and peri-urban areas lack clean water and adequate sanitation systems. More than 75% of those deprived of access to safe water and sanitation live in rural areas (EDHS 2014).

The UN encourages the GoE to revisit its current water and sanitation planning system to enable a knowledge-based prioritization of investments maximizing impact and sustainability. Furthermore, there is a need to map and scale alternative low cost, innovative, and environmentally resilient water and sanitation solutions to complement large scale infrastructure, including in rural areas.