



Housing and Land Rights Network
HABITAT INTERNATIONAL COALITION



The Egyptian Center for Housing Rights

Joint Urgent Action Appeal

After Forced Evictions, Egyptian Government Authorities Threaten further Eviction of Homeless Families from Their Relief Tents

Case EGP-FE 150904

The Egyptian Center for Human Rights, the Middle-East/North Africa Regional Office of Habitat International Coalition and its Housing & Land Rights Network Global Coordination Office request your **URGENT** intervention in the following situation in **Egypt**.

Brief description of the situation

On 18 May 2004, in al-Wahayid area (al-Duwiqqa), in Cairo, the Manshi'at Nasr. Municipality mobilized local police to demolish 17 houses, exemplary of general Egyptian government practices of eliminating informal areas for reconstruction as part of the national development scheme. In al-Wahayid, only a few inhabitants have received alternative housing. The authorities provided a single unit of replacement housing for some extended families, comprised of more than one nuclear family. The eviction concerned 28 families. These total 130 persons, including 73 children, four of whom are mentally disabled, 13 women-headed households and nine persons with chronic diseases. Until now, they live in relief tents under dismal living conditions, and with the constant threat of a standing demolition order against their relief-tent shelters.

The authorities have left the people homeless since then under a double pretext. First, the Municipality argues that those inhabitants are relatives and belong to one family, although they formerly lived in separate flats. The authorities also claim that they were not present when the Cairo Governorate's survey committee conducted its census of local residents. Actually, most of the inhabitants did not know the exact time the survey was to take place and, thus, were absent. As always, it took place without prior announcement, on a morning when most inhabitants were away at work, and children at schools. It is important to mention that the survey committees operate throughout the country without applying any systematic and known criteria for determining who is actually a resident and what qualifies them as eligible for alternative housing in the case of so called development (demolition and resettlement) in a given area. When the inhabitants tried to object to the demolition process, the police beat them and detained Mr. Mahmud Abd al-Daud Ismail, Mrs. Nasra Farghali Ismail and Mr. Ibrahim Tawfiq in the police station for over than ten hours. A pregnant women resident, Mrs. Wafaa Muhammad Awad was overcome by the violence and aborted. Many people did not have enough time to move their furniture or personal belongings, including their documents, all of which were lost in the demolition.

None of the governmental authorities have provided any aid to the victims. However, the Egyptian Center for Housing Rights provided 18 tents to 18 families (out of a total of 28 affected). The rest of the families had the chance to find temporary shelter with relatives or neighbors. Those 18 families live now in their temporary shelters in the street beside the

demolished area and consequently face various hazards, as this area is a sloping area unsuitable for settlement. Criminals regularly attack them, as what happened to Mrs. Nasra Farghali Ismail causing a 25-centimeter laceration wound on her abdominal while she was trying to defend her niece from being raped by four criminals. As a result of living in the street, 7-year-old Muhammad Mahmud Abd al-Wadud was badly injured after being hit by a car, breaking both of his legs.

Duty Holders and Domestic Remedies

On 8 June, the Egyptian Center for Housing Rights arranged a meeting with Manshi'aat Nasr Municipality Mayor, General Tal'at Mansur to determine the main reasons behind demolishing the homes of those evicted inhabitants and then abandoning them. The ECHR presented the mayor with all the necessary documents to prove that those inhabitants have been living for more than 15 years in their now-demolished homes. By the fact that they have exceeded eight years residence at their address, they have the legal right for replacement alternative housing in the case of removal. However, Gen. Mansur insisted that those inhabitants are imitators without any such rights, as the land on which they built their houses is "State land." He also dismissed human rights obligations by explaining that no State in the world can house all of its citizens. The ECHR's negotiation team asked Gen. Mansur why, if the government cannot house all its citizens, it demolishes their modest homes. At that moment, he refused to continue the negotiations. Gen. Mansur then threatened the Center to tear down and seize all relief-shelter tents. Following the meeting, the general issued a decree (No.446/ 2004) ordering the tents to be demolished and the people to be evicted again. Also the evicted people with the cooperation of ECHR raised many complaints to several officials including Mr. president Muhammad Husni Mubarak, Mrs. Susan Mubarak, Dr. Muhammad Sulaiman Minister of Housing, Mr. Gen. Tal'at Mansour Manshi'aat Nasr Municipality Mayor, and many others, and in spite of their success to make an interview in the Egyptian T.V., there was no reply from any of them.

In addition, after the failure to solve the problem by negotiations, the ECHR lawyers prepared a case to introduce it to the court but it was not introduced because of the court vacancy (July, August, September). Anyway, this kind of case takes years to be solved in the court. Thus, taking into consideration the living conditions of the evicted people and their fear from applying the demolition order of the tents, resorting to court is not a suitable strategy in this case. Till now the order has not been enforced and the people still live in the tents in very bad living conditions. However, they remain vulnerable to eviction again, even from the tents, at any moment.

State Obligations

Within the framework of the Egyptian State development plan, governmental authorities regularly conduct large-scale demolitions and evictions. The Egyptian State and government bear an obligation to protect all residents and citizens from human rights violations, to refrain from violations by its agents, and to intervene to protect victims of violations. The official practices reported here contravene Egyptian citizen's human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The Cairo Governorate especially violates al-Duwiqqa residents' entitlements to security of tenure; participation and self-expression; freedom from dispossession; right to resettlement and rehabilitation; adequate compensation for violations and losses. All are elements of the human right to adequate housing as recognized in international law. In the process, the impoverished Egyptian citizens have endured gross violations of their human right to physical security, with police officials directly responsible in some instances. The State and its agencies at all levels bear the obligation to respect, protect, promote and fulfill these rights and their elements in an environment of self-determination, nondiscrimination, gender equality, rule of law, and nonregressivity.

Egypt ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1991, which enshrines the right to housing in its Article 5(e)(iii) and stipulates that the State must refrain from discrimination on any criteria of differences or exclusions, which are widely interpreted to protect those who are subjected to discriminatory treatment based on their economic status, as in the case of al-Duwiqqa. Egypt also ratified the Convention on the Rights of the Child, and the Convention on the Elimination of Discrimination against Women in 1991. All of these human rights treaties enshrine and guarantee to human right to housing for all living in Egypt. The 1981 Egyptian Constitution (Article 151) provides for the domestic judiciability of all international treaty obligations.

In 2000, upon its review of the Egyptian report, the United Nations Committee on Economic Social and Cultural Rights (CESCR) criticized the government's forced-eviction policy against the impoverished communities. The Committee's finding followed its consideration of the parallel reports of Egyptian civil organizations, including ECHR, posing evidence of these violations as demonstrated by the large numbers of violent demolitions and eviction actions. In its Concluding Observations, CESCR affirmed that "forced evictions without alternative housing or compensation being provided have been occurring in poor communities." The Committee reminded the Egyptian government "of its obligations under article 11 of the Covenant and refers to its General Comments No. 4 on the right to adequate housing and No. 7 on forced evictions, to guide the Government's housing policies." The recent and ongoing evictions demonstrate that the duty holders in Egypt have dismissed their binding legal obligation

Specifically, the authorities have breached their treaty obligations under Articles. 1, 2, 4 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Egypt ratified in 1982. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing.

By the failure to afford protection to the community from such attacks, the Egyptian authorities also violate Arts. 2, 17 and 26 of the International Covenant on Civil and Political Rights (ICCPR), which the State also ratified in 1982.

What you can do

The Egyptian Center for Housing Rights, HIC-MENA and HIC-HLRN are calling all concerned organizations and individuals to send protest letters to the Egyptian authorities insisting on the protection of the 18 vulnerable tent-dwelling families in al-Wahayid. The letters also should denounce the official policy and practices of forced evictions, house demolitions and further dispossession of impoverished citizens. ECHR also urges respondents to protest the Egyptian authorities' official refusal to provide legal assistance (as police stations have become the first point of denial of these rights to remedy) and gratuitous physical violence carried out against the citizens especially in al-Duwiqqa.

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The Egyptian embassy in your country. For the listing of the Egyptian Embassy in your country, go to: http://www.arab.net/egypt/et_embassies.htm

Cairo, 15 September 2004

Kindly inform ECHR and HIC of any action undertaken quoting the code of this appeal in your reply to: echr@echr.org and urgentactions@hln.org.

[sample letter]

Appeal regarding the eviction in al-Duwiqqa (Manshi'at Nasr Quarter of Cairo)

Dear XXX:

We appeal to you regarding the situation of 28 families in al-Duwiqqa (Manshi'at Nasr quarter of Cairo), who the Egyptian authorities have evicted on 18 May without providing any alternative housing or remedy. Beside the ruins of their homes, 18 families are still living in tents provided by an Egyptian NGO.

It has come to our attention that, within the framework of the Egyptian State development plan, governmental authorities regularly conduct large-scale demolitions and evictions. Exemplary of this practice is the case of al-Duwiqqa (Manshi'at Nasr Quarter of Cairo), where the government is demolishing old houses and building new ones. In carrying out such measures, the Egyptian State and government bear an obligation to protect all residents and citizens from human rights violations, to refrain from violations by its agents, and to intervene to protect victims of violations. The official practices reported here contravene Egyptian citizen's human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The Cairo Governorate especially violates al-Duwiqqa residents' entitlements to security of tenure; access to, and benefit from access to public and environmental goods and services, namely land and water; participation and self-expression; freedom from dispossession; and adequate compensation for violations and losses. All are elements of the human right to adequate housing as recognized in international law. In the process, the impoverished Egyptian citizens have endured gross violations of their human right to physical security, with police officials directly responsible in some instances. The State and its agencies bear the obligation to respect, protect, promote and fulfill these rights and their elements in an environment of self-determination, nondiscrimination, gender equality, rule of law, and nonregressivity.

We respectfully remind you of Egypt's treaty obligations under Articles. 1, 2, 4 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Egypt ratified in 1982. The State has been derelict in its duty as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing.

In 2000, upon its review of the Egyptian report, The United Nations Committee on Economic Social and Cultural Rights (CESCR) has criticized the government's forced-eviction policy against the impoverished communities. In its Concluding Observations, CESCR declared that "forced evictions without alternative housing or compensation being provided have been occurring in poor communities." Four years later, it appears that these observations remain unheeded.

Also we remind you of Egypt's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, which it ratified in 1991, and enshrines the right to housing in Article 5(e)(iii) and stipulates that the State must refrain from discrimination on any criteria of differences or exclusions, which are widely interpreted to protect those who are subjected to discriminatory treatment based on their economic status, as in the case of al-Duwiqqa.

In addition to Egypt obligations under the Convention on the Rights of the Child and under the Convention on the Elimination of Discrimination against Women, both of which Egypt also ratified in 1991. All of these human rights treaties enshrine and guarantee the human right to adequate housing for all living in Egypt. At the core of these obligations is for State authorities to avoid depriving inhabitants of their homes without a suitable alternative, to

avoid the use of force according to the minimum rules of necessity and proportionality, and provide legal remedy in case of deprivation.

By the failure to afford protection to the community from attacks by government officials, the Egyptian authorities also violate Arts. 2, 17 and 26 of the International Covenant on Civil and Political Rights (ICCPR), which the State ratified in 1982.

Concerned for the conditions and fate of these Egyptian citizens, we call for:

- The right of the evicted people to alternative housing;
- The Egyptian Government to live up to its obligations under international human rights treaties, which are also incorporated into domestic law;
- Stop the forced eviction policy in Egypt, especially in poor communities and/or compensate the victims by providing adequate, alternative housing;
- For the Egyptian government to adopt the customary practice of negotiation with the people who are subjected to eviction, respecting citizens' rights to participation and self-expression;
- That the Egyptian government reviews its housing policy all over the county in light of its human rights obligations to all inhabitants.

Thanking you in advance for your attention to this matter, we look forward to hearing from about your remedial response.

Sincerely yours,