

المركز المصري لحقوق السكن



التحالف الدولي للموئل
شبكة حقوق الأرض والسكن



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His Excellency Ahmed Nazif
Prime Minister
Office of the Prime Minister
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29 September 2010

Your Excellency

We are writing to express our concern about plans by the Egyptian authorities to relocate the residents of 33 "shack areas" in Cairo and Giza, to 6 October City and 15 May City by the year 2015, as part of the 2050 Greater Cairo plan. We are particularly concerned that the plans, which were announced in a statement by Your Excellency of 9 May 2010, do not appear to provide safeguards to ensure that the relocations do not result in forced evictions.¹

Amnesty International, the Egyptian Center for Housing Rights and Habitat International Coalition – Housing and Land Rights Network campaign against forced evictions and for the right to adequate housing, as enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Egypt has been a state party since 1982.

Our organizations fear that guarantees against forced eviction have not been provided to the residents of the 33 "shack areas", especially in terms of the need for full and adequate prior consultation on alternatives to eviction and over resettlement conditions.

We believe that the communities living in the 33 "shack areas" that the authorities plan to relocate into 35,700 alternative housing units, as well as the residents of all informal settlements affected by the 2050 Greater Cairo plan, have a right to participate actively in the development and implementation of plans that so directly affect their lives. Active participation is the cornerstone for reaching fair and just solutions that realize the affected people's right to adequate housing. Limited consultation with municipal council members and local authorities, while important, may not reflect the specific choices, plans or rights of the communities living in the "shack areas", especially with regard to exploring alternatives to eviction. In fact, while the residents of "shack areas" or informal settlements may initially agree or disagree among themselves on specific housing strategies, they do ultimately agree that satisfactory solutions have to be reached through negotiation and discussion.

¹ "35,000 housing units for free to the capital's shacks dwellers" [original in Arabic], *Al-Ahram* newspaper, 9 May 2010, available at: <http://www.ahram.org.eg/161/2010/05/09/5/19510/219.aspx>

We welcome the statement by the Executive Director of the Informal Settlements Development Facility (ISDF) that the relocated people from the 33 “shack areas” will be provided with housing units for free. However, we believe that – should the residents accept relocation as an option – they should also be provided with documentation to ensure their legal security of tenure. We also welcome the statement that relocated households will be provided with socio-economic programmes such as training to find work (especially for the youth), health services for women, illiteracy classes for heads of households, and identity cards. This is also a step forward, but it may not address all the specific needs of the relocated people. These should be discussed in advance as part of the consultation process.

However, these measures could not replace an active and open consultation with the residents of the 33 “shack areas” which is one of the means to avoid forced eviction. The Egyptian government has an obligation, both to the Egyptian people and under international law, as a party to the International Covenant of Economic, Social and Cultural Rights and other international treaties to respect human rights, and so has a duty to explore all feasible alternatives to forcible evictions in order to minimize human suffering, deprivation and loss. This is so even when so-called shack areas have been built informally on state-owned land, and requires that alternatives to eviction must be explored with the residents who will be affected, including the option of upgrading their current settlement; especially where no imminent danger threatens life. Residents should also be clearly informed of the conditions of their possible resettlement. No evictions may be carried out if the authorities have failed to give the residents who are to be evicted adequate prior written notice, including the proposed eviction date, and have been permitted reasonable time, opportunity and means to challenge their proposed eviction, including by bringing a case before the courts. Legal aid should be provided to residents, where necessary, and evictions should never result in those evicted being rendered homeless.

We are concerned that these guarantees against forced eviction – which are spelled out by the UN Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 7 of 1997² - are generally not respected by the relevant Egyptian authorities. Despite these CESCR requirements, our organizations continue to document forced evictions in Egypt, year after year. For example, last year, Amnesty International published a report on the forced evictions in Manshiyet Nasser and Establ Antar following the Al-Duwayqa rockslide of 2008.³ The Egyptian Center for Housing Rights also continued to document cases of forced evictions.

From our field experience in many of the 33 “shack areas” and in informal settlements in Egypt in general, we have observed the residents’ willingness to actively participate in the design of their future. It is also clear that the repeated denial of their right to do so only leads to greater despair among the residents of informal settlements, who do want to participate in the development of their community and who do wish to be genuinely consulted about their future and the future of their families.

They – and we – generally oppose forced evictions because, in our experience, these lead to more poverty, vulnerability and homelessness. Furthermore, forced evictions are carried out in breach of the human rights guarantees mentioned above, and are often done so with the use of force or the threat of it. Generally, residents of informal settlements also prefer to remain in their original location, closer to the city, as resettlement in new urban cities far from their work places affects their access to their livelihoods, as well as disrupting their social networks. We do recognize that continuing to live in poor housing conditions is not a viable option for residents of informal settlements, and we have witnessed first-hand their own endeavours to improve their housing conditions. In fact, many of the residents of the 33 “shack areas” have connected themselves to basic services, either informally or after authorization from the authorities. The residents of Establ Antar, for example, have been making collective

² See UN DOC.E/1998/22, in “Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies,” UN DOC.HRI/GEN/1/Rev.9 (Vol. I), available in English and Arabic at: <http://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx>

³ *Buried Alive: Trapped by Poverty and Neglect in Cairo’s Informal Settlements* (Index MDE 12/009/2009), 17 November 2009, available at <http://www.amnesty.org/en/news-and-updates/report/cairo039s-poorest-risk-being-buried-alive-their-homes-20091117>

efforts to connect themselves to water and sewerage networks. Thus, the residents of informal settlements want to be partners in development.

The undersigned organizations note with concern the inadequacy of the housing conditions of the residents of the 33 “shack areas” and informal settlements in Greater Cairo. As a state party to the ICESCR, Egypt has an obligation to progressively realize the right to adequate housing of its residents. This forms part of its wider obligation to realize the right of everyone to an adequate standard of living, as set out by the CESCR in its General Comment 4 of 1991.⁴ Again, such progress cannot happen without the active participation of the communities themselves.

We do note that the Egyptian authorities have undertaken slum upgrading projects in Cairo over the years, such as in Manshiyet Nasser and Zenhum in Cairo. According to the Ministry of State for Local Development, between 1993 and 2007, 340 informal settlements in Egypt were “developed” and 11 were “demolished”. After the rockslide of Al-Duwayqa in 2008, the President established the ISDF to coordinate the government’s efforts with regard to informal settlements, including “unsafe areas.” The ISDF made a classification of four categories of “unsafe areas”:

- level one: areas that threaten life;
- level two: areas of unsuitable shelter conditions;
- level three: areas of health risks; and
- level four: areas of instability.

Amnesty International delegates also met with the Executive Director of the ISDF in March 2010, where he explained that, within the next seven years, “unsafe areas” will be prioritized for eviction according to the level of urgency corresponding to the level of risk.

We welcome the priority being given to areas designated as being at “level one”, but we note that many of the “shack areas” named in Cairo do not fall under this level. Those located in Manshiyet Nasser and Ezbet al-Arab can be classified as such, possibly in addition to areas in Establ Antar and Ezbet Khayrallah. However, this is not the case for others, such as Ezbet Abu Qarn in Old Cairo, Ezbet al-Haggana in Nasr City, and Ramelt Boulaq in Boulaq Abul Ela. According to the ISDF, shacks are classified under “level two”.

Amnesty International, the Egyptian Center for Housing Rights and Habitat International Coalition – Housing and Land Rights Network, are particularly alarmed at the lack of safety for those living in areas that represent an imminent threat to the lives of the residents, such as in many parts of Manshiyet Nasser. In March 2010, according to the Cairo Governorate, 17,600 families lived in such zones in Manshiyet Nasser. The Al-Duwayqa rockslide was a stark reminder of that danger.

We believe that the absolute priority should be given to the evacuation of these areas, including through the provision of temporary housing. However, we stress that such evacuations should not turn into forced evictions. Where it is neither reasonable nor proportionate to carry out prior consultation and put procedural safeguards before eviction, these requirements have to be met as far as possible after people are moved. We are concerned that even the evictions in Manshiyet Nasser that took place in 2009 and 2010 did not respect the guarantees against forced eviction, such as consultation with residents on the conditions of resettlement and serving prior adequate notice before eviction. Many families have found themselves homeless following the demolition of their homes, as a result of imprecise enumerations that lack working criteria and processes. Some have been only relocated in alternative housing after months of homelessness. Women have faced discrimination in the allocation of flats, as in the absence of their spouse they are often not seen as representing a separate household from their parents. Hence, the thousands of families who remain at risk of rock falls live under a double threat: that of death and that of forced eviction.

⁴ See UN DOC.E/1992/23, in “Compilation of General Comments and General Recommendations, op. cit. See also General Comment 3 of 1990 on the nature of States parties’ obligations (art.2, para.1 of the Covenant).

Our organizations urge Your Excellency to put an end to forced evictions by respecting the international standards in this respect. We also call on the Egyptian authorities to define and publicize clear criteria and processes for the tasks of the enumeration committees and to monitor their work to ensure that there is no discrimination in the identification of beneficiaries. In this regard, the participation of affected communities would be an additional safeguard against fraud and/or other irregularities. Decisions by enumeration committees should be subject to appeal. Enumeration committees should identify the people's needs with respect to their livelihoods, including shops, workshops or other small business.

As to resettlement sites for evictees, we urge you to guarantee that the alternative housing provided to people complies with requirements for adequacy of housing, especially in terms of location, security of tenure, habitability, and availability of services such as health and education, which remain obstacles to relocation in new urban cities.

We look forward to receiving Your Excellency's response and appreciate your prompt attention to this matter.

Yours Sincerely

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