



'WE ARE NOT DIRT'
FORCED EVICTIONS IN EGYPT'S
INFORMAL SETTLEMENTS

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Cover image: An alley in the Al-Duwayqa
neighbourhood of Manshiyet Nasser informal
settlement in east Cairo, Egypt, February
2010. © Bernd Hartung

Inside front cover: Families living in
Al-Me'adessa Street in Manshiyet Nasser
have been calling on the authorities to
evacuate them to alternative housing,
so far without success.
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**“WE ARE NOT DIRT. IT IS OUR RIGHT TO LIVE.
WE DEMAND TO LIVE A PROPER AND HEALTHY LIFE.”**

Aliyah Mohamed Ahmed, resident of Ezbet Abu Qarn
informal settlement in Old Cairo

In January 2011, millions of Egyptian women and men took to the streets to demand an end to grinding repression and economic deprivation. Protesters called for democratic reform; for the authorities to respect human rights; and for grievances over working and living conditions to be addressed. Among those calling for change were people living in Egypt’s vast, sprawling and often hazardous informal settlements (slums). Over the years, the authorities have treated these people with contempt, subjected them to unlawful forced evictions in which many lost their meagre livelihoods and few possessions, and threatened them with arbitrary arrest under repressive emergency legislation if they dared to protest.

The toppling of President Hosni Mubarak and the other dramatic political changes that have happened in Egypt since 25 January 2011, combined with an acknowledgement of the inadequacies of past governments, give the new Egyptian authorities an historic opportunity to meet their obligations by respecting and realizing one of the key demands of protesters – to ensure that the millions of underprivileged people are treated with dignity and that their human rights are respected. In this way, they can signal that the state exists to serve all its citizens without discrimination.

EGYPT



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ABBREVIATIONS AND GLOSSARY

Basic Principles	UN Basic principles and guidelines on development-based evictions and displacement
Cairo 2050 plan	Strategic Vision for Greater Cairo in 2050
Central Security Forces	Egypt's riot police
CESCR	UN Committee on Economic, Social and Cultural Rights
GOPP	General Organization for Physical Planning
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ISDF	Informal Settlements Development Facility
Law on Building	Law on Building No.119 of 2008
Law on Expropriation for the General Interest	Law No. 10 of 1990 on Expropriation for the General Interest
“shack areas”	areas categorized as “unsafe” because of poor housing conditions
“unplanned areas”	legal term used in Egypt for informal settlements

‘WE ARE NOT DIRT’

FORCED EVICTIONS IN EGYPT’S INFORMAL SETTLEMENTS

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“IF THEY ARE GOING TO GIVE ME AN ALTERNATIVE, I WILL GO. IF NOT I WILL STAY EVEN IF I WILL DIE. TO DIE IN DIGNITY IS BETTER.”

Ashraf Assaf Abdel Wahed

In an alley off Abdel Moneim Riyad Street in Cairo’s Manshiyet Nasser informal settlement, a one-storey building stands precariously under a rocky cliff. It is at imminent risk of being flattened by rockfalls, according to government geologists. The inhabitants face a cruel dilemma and a grim future. Stay and risk death or forced eviction, or move and face destitution.

The building is home to 30-year-old Nemaat Assaf Abdel Wahed and her brother Ashraf Assaf Abdel Wahed, a 28-year-old father of two. The siblings told Amnesty International that they had built their home with bricks, using wooden planks for the roof.¹ They live in two small rooms, and have water, sewerage and electricity connections. Ashraf bought the plot in 2007 for about 25,000 Egyptian pounds (US\$4,207) from a person who had “hand claimed” it, as people generally do in Manshiyet Nasser. It was the only land he could afford in Cairo. Up to then, his family had always been on the move, renting rooms in Manshiyet Nasser. Now, on his plot, he runs a small stainless steel workshop making plates. Steel dust masks the faces of children who polish orders. He also collects rent from two other rooms in the building, a total of 100 Egyptian pounds a month (US\$16.80). Nemaat does embroidery for a local cloth seller, and her husband is a bricklayer.

Looming over their building is a huge boulder, a daily reminder that death might be moments away and forcing them to question what they should do. Nemaat believes they cannot afford to gamble with their lives, especially after the nearby Al-Duwayqa rockslide of 2008 killed at least 119 people. Ashraf believes they cannot afford to leave. Renting elsewhere in



Manshiyet Nasser would cost around 250 Egyptian pounds a month (US\$42) and he would not have a workshop. If they were evicted without adequate alternative housing and space for his workshop, he

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The house of Nemaat and Ashraf Assaf Abdel Wahed (foreground) right next to a dangerous cliff in Manshiyet Nasser, in Cairo. The family face a real dilemma: to continue to live in danger, or seek eviction and lose their livelihood. February 2010.

believes he would soon be destitute. He says that even if he was given alternative housing in Al-Nahda City, some 35 kilometres away north of Cairo, he would not survive a month without his source of income and could not afford the costs of transport back to Manshiyet Nasser. As a result, he fears the prospect of eviction more than a rockfall, and is clear that he would rather live in the company of the deadly cliff than in need and shame. In a desperate measure, Ashraf jammed wooden planks across a cavity in the cliff to hide the cracks, but the authorities already know this is a dangerous place. For Nemaat too, moving would be an enormous sacrifice, but she wants a chance of life away from the cliff. For now, she cannot afford to move nor is she prepared to abandon her brother.

Many other families share the fears and dilemmas of Nemaat and Ashraf Assaf Abdel Wahed. They do not know whether death or forced evictions will strike first, they cannot afford to move, and they do not know if or how the state will relocate them. This has created divisions within communities, between those who seek eviction and those who dread its consequences.

Ashraf and Nemaat Assaf Abdel Wahed are only asking for their human rights to be respected, namely they want to be protected from forced eviction, consulted about resettlement, informed in writing in advance of the eviction date, promptly given compensation for losses and not left homeless following eviction. If their rights are respected, then their lives will be saved from both the rocks and destitution.



INTRODUCTION

“Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected.”

UN Basic principles and guidelines on development-based evictions and displacement²

More than 12 million people live in Egypt’s sprawling informal settlements (slums), over half of them in the Greater Cairo region. Driven into these settlements by an acute lack of affordable housing in the cities, they find themselves in homes unsuitable for human habitation or at grave risk because of rockslides, floods, fires, railways, high-voltage wires, open sewerage systems and other threats to their lives and health. Despite daily reminders of the perils, most of them remain where they are, waiting for an alternative they can afford or for the authorities to make sure their homes are safe and adequate through slum upgrading projects. Meanwhile, they strive to connect their homes to water, sewerage and electricity networks and to secure their tenure.

On 6 September 2008 in the capital Cairo, the dangers of slum life became all too clear. A rockslide from Al-Muqattam Hill into Al-Duwayqa in the informal settlement of Manshiyet Nasser killed at least 119 people and injured 55 others. In the aftermath, Amnesty International published a report³ outlining the authorities’ failure to protect Manshiyet Nasser’s residents despite clear evidence and knowledge of the dangers,⁴ and highlighting the continuing threat to those living on or near Al-Muqattam Hill.⁵ Amnesty International called on the authorities to take immediate action to protect slum-dwellers in life-threatening situations, including by evacuating hazardous areas and temporarily or permanently rehousing the residents. It also urged the authorities to respect at all times safeguards required under international law to prevent forced evictions,

Opposite: Old and new buildings at the end of Al-Me’adessa Street in Manshiyet Nasser, Cairo. Largely deprived of a sewerage system, residents dig holes for toilets. Dirty water leaks into the rocky ground, destabilizing the layers of limestone and increasing the threat of rockslides.

an abuse defined by the UN Committee on Economic, Social and Cultural Rights (CESCR) as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection.”⁶ The safeguards include genuine consultation with affected communities over resettlement options, adequate information about plans, written notice of evictions, provision of adequate alternative housing, and compensation for losses.⁷

In a welcome move following the tragedy, Cairo Governorate (administrative region headed by a governor appointed by the President) acknowledged the life-threatening risks of Al-Muqattam Hill. In October 2008, a presidential decree established the Informal Settlements Development Facility (ISDF) to develop plans to deal with informal settlements, co-ordinate government efforts in this respect, and identify informal settlements that are “unsafe”.⁸ The ISDF subsequently identified 404 “unsafe areas”,⁹ home to an estimated 850,000 people, and drew up plans to deal with these areas in co-ordination with governorates.¹⁰ Among them are 35 “unsafe areas” that constitute a threat to the lives of the residents and require immediate intervention, mainly in Cairo; and 281 that have unsuitable shelter conditions and require rapid intervention. Some 116 “unsafe areas” are in the Greater Cairo region.¹¹ The government also said it would address the problem of insecurity of tenure in some informal settlements.

Despite these positive steps, the plans for Egypt’s informal settlements (referred to in Egyptian law as “unplanned areas”)¹² are being developed and implemented in ways that fail to respect the human rights of residents, including in the framework of the Strategic Vision for Greater Cairo in 2050 (Cairo 2050 plan). Designed by the General Organization for Physical Planning (GOPP) at the Ministry of Housing, Utilities and Urban Development, this masterplan envisages a “competing city at the local and international levels”¹³ and aims to “redistribute” residents of Cairo and Giza to the outer fringes of new cities, mainly 6 October City and Helwan. The Cairo 2050 plan foresees the creation of more new cities, including two with a population of around 1 million each, and the expansion of existing new cities to host around two-thirds of Greater Cairo’s projected 2050 population of 30 million. These cities are to absorb populations from informal settlements, requiring an estimated 2.5 million housing units. The plan raises serious concerns about possible forced evictions, especially because communities living in “unsafe areas” and elsewhere in informal settlements have not been consulted.¹⁴ The government has not looked at other options, such as upgrading existing buildings where this would be appropriate, nor given communities any opportunity to suggest alternatives. Generally, residents of informal settlements prefer to remain in their current locations, close to or in the city, where they earn their living and have established social networks.

Under international human rights law, evictions should only be carried out as a last resort and after all feasible alternatives have been explored in genuine consultation with affected communities. This, along with broader obligations to realize the right to adequate housing, requires the government to explore solutions to improve housing and living conditions. The government is, however, simply resorting to forced evictions. Moreover, in some places, people living in areas designated as the most “unsafe” are not being evacuated for considerable periods, despite requesting urgent intervention, while others living in less dangerous situations – particularly in areas categorized as “unsafe” because of poor housing conditions (“shack areas”) – are being evicted speedily. This has left many families in dangerous situations witnessing sporadic deaths

and injuries caused by collapsing buildings or other hazards. It has also spread suspicion among slum-dwellers that some of them are being cleared out of their homes not to protect them, but so that the land can be developed for commercial gain.

The authorities should prioritize moving people based on an assessment of the risks they face, taking timely action to prevent loss of life or injury. Such action must conform with international standards; while people may have to be moved swiftly for reasons of safety, this does not require, nor can it justify, leaving people homeless, unable to earn a living, or exposed to other human rights violations. If adequate consultation cannot occur before moving people, it must occur swiftly afterwards. All processes should also conform to the international legal prohibition of discrimination, including discrimination on the basis of gender.

The “25 January Revolution” of early 2011 saw millions of people taking to the streets to demand their socio-economic rights and an end to political repression and corruption. One of the early chants of the uprising was “bread, freedom, social justice”. Slum-dwellers and residents of working class neighbourhoods were among those occupying squares and encircling police stations. As police withdrew after the “Friday of Anger” on 28 January, police stations and local authority buildings were looted and set ablaze by protesters and others who saw them as representing state repression.¹⁵ Among the targets were the Manshiyet Nasser Neighbourhood Authority and its local police station, both of which had been involved in mass forced evictions of residents from Manshiyet Nasser, one of the capital’s largest informal settlements, after the fatal rockslide there in 2008. Scores of Manshiyet Nasser families occupied empty government blocks. In late May 2011, soldiers and riot police were deployed to evict the squatters, who repelled them by demonstrating and chanting “we won’t go”. An Amnesty International delegate heard an old woman there sighing: “The poor are never victorious”, suggesting that she believed that whatever happened in the future, she and people like her would remain in inadequate housing.

The truth, however, is that the uprising offers the Egyptian authorities at central and local level an historic opportunity to genuinely consult slum-dwellers about their housing, and to work with them to create a brighter and safer future.

This report brings together extensive research undertaken by Amnesty International since 2008 on Egypt’s informal settlements. It highlights that forced evictions or the threat of them have continued in the framework of “development projects” for informal settlements in Egypt and in “unsafe areas”, concerns that have been compounded by the Cairo 2050 plan to restructure the region.

Chapter 1 describes Egypt’s informal settlements and life for people who live and often work in them. It looks at government policies for these settlements in relation to housing rights, as well as the failure of the authorities in some cases to act quickly enough to move people away from danger.

Chapter 2 analyses Egyptian laws that deal with evictions, such as the Civil Code, Law on Building No.119 of 2008 (Law on Building), Law No. 10 of 1990 on Expropriation for the General Interest (Law on Expropriation for the General Interest),¹⁶ and the Penal Code. It also highlights Egypt’s obligations to realize the right to adequate housing, as enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), both of which Egypt ratified in 1982.

Chapter 3 describes the continuing patterns of forced evictions. In most “unsafe areas” visited or studied by Amnesty International in 2009, 2010 and 2011, there had been “removals” – the

word used by the authorities to describe evictions accompanied by demolition, or clearance – all of which breached international standards against forced eviction. At no point were residents meaningfully consulted over the plans for their communities or houses, even though evictions were carried out months after the areas had been identified as “unsafe”. People’s homes were demolished without adequate prior notice, leaving them little or no time to remove their possessions. Residents were not given written eviction orders, which hindered their ability to appeal or obtain legal protection against forced eviction. At the time their homes were being destroyed, residents did not know if they would be rehoused, or where their new homes might be, or what rent or security of tenure would apply. Some suffered other violations during evictions, such as excessive use of force or threats of detention without charge or trial under emergency legislation. Demolitions were often carried out with little or no consideration for the safety of the residents or their neighbours, which led to injuries and even deaths.

The chapter also shows that families rehoused since September 2008 were neither consulted about resettlement plans nor asked if the housing met their needs. Some of those who spoke to Amnesty International were happy or partially happy with their new homes. Some were not. Often, tenants and “owners” – people who had paid for the house that was demolished, or had invested money in constructing buildings themselves – did not receive any compensation for their losses. Angered by this, some owners made tenants sign “I owe you” documents for relatively large sums of money, to be paid if the tenants received replacement housing. As the tenants usually had no savings, some felt obliged to informally “sell” the new accommodation to pay back their former landlord. Even though this abusive practice is widely known, the authorities have done nothing to stop it.

Corruption was widely reported among officials in charge of listing (enumerating) residents whose homes are to be demolished and who were eligible for rehousing. As a result, “outsiders” have obtained alternative housing while some of those eligible and in desperate need have not. Although homeowners usually receive alternative housing following eviction, hundreds of tenants have ended up homeless following forced eviction as their names did not appear on these enumeration lists,¹⁷ or did not receive alternative housing even though they were listed. The authorities have accused such families of being “manipulators” seeking to gain flats illegitimately. This may be true in some cases. In many instances, however, Amnesty International has seen the papers of homeless people proving that they were living in a building that was demolished and that they therefore should have been rehoused.

Many of the families left homeless have erected tents and wooden shacks in or near the rubble of their former homes and stayed there for months, often in extremely hazardous conditions, awaiting the outcome of their appeals to the Neighbourhood Authority. Some have eventually been relocated. Usually, they have been dispersed by the police and not been rehoused. The indifference, if not contempt, shown towards these people and their rights has also been apparent in the denial of any effective remedy for abuses they have suffered.

Chapter 4 looks at concerns relating to the conditions of resettlement. In all cases known to Amnesty International, families rehoused following eviction from informal settlements have not been provided with security of tenure as they have been given no legal document or contract concerning their replacement housing. As a result, they are worried about how long they will be allowed to stay in their new homes. For some, the new settlements pose additional problems,



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including higher costs of living and transport, disconnection from their former social networks and sources of income, lack of services, and inadequate housing, particularly flats that are far too small for the number of people allocated to live in them.

Chapter 5 describes how forced evictions impact particularly harshly on women, who are often the only adults at home when the bulldozers arrive or are more exposed to the numerous dangers following partial demolitions. It focuses on discrimination against women during enumeration processes and the allocation of alternative housing. The local authorities generally issue rehousing letters, which are needed to obtain alternative housing, in the name of a man, considered by default to be the head of household, whether he is the father, husband or married son, without finding out if this is appropriate. Women heads of household may receive rehousing letters in their name if they can prove they are divorced or widowed, but not if they are separated from their husband. In some cases, local authorities have suspected recently divorced women of obtaining a divorce solely to obtain additional housing, and have consequently not rehoused them. Elderly or divorced women and widows are sometimes assigned against their wishes to the same flat as their extended family, or to the replacement housing of their father or a married son.

Chapter 6 highlights the authorities' continuing failure to respect the rights of slum-dwellers in areas targeted for major improvement or development projects. It exposes the lack of consultation

Manshiyet Nasser in Cairo is one of Egypt's largest informal settlements and home to the Christian rubbish collectors' community, among others. People who have little or no income have squatted on the rocky slopes of the area's Al-Muqattam Hill since the 1960s.

with affected communities during the general and strategic urban planning stages of projects. This is particularly true for the 35,700 families of 33 “shack areas” due to be “cleared” in Cairo and Giza, who will be moved to new settlements far from their current homes as part of the Cairo 2050 plan. The North Giza Development Project will introduce basic services and roads in a densely populated “unplanned area” in Imbaba and Al-Warraaq. The project involves the expropriation of properties and evictions for the “general interest”. Lack of participation by residents in the design and implementation of the project, as well as secrecy over the planned evictions, relocations and compensation packages, have fed people’s fears about forced evictions and suspicions that the project’s land that is linked to Imbaba Airport may be handed over to private investors rather than used for the “general interest”. In Al-Sahaby area of Aswan, homes were demolished and residents relocated elsewhere without any exploration of feasible alternatives to eviction, even though alternatives appear viable. In some of these areas, as well as in other informal settlements that have witnessed forced evictions, residents are resisting eviction or staging increasingly effective protests.

For decades, the Egyptian authorities have refused to seek or listen to the views of people living in informal settlements about issues that deeply affect their lives. This was once again apparent when survivors of the Al-Duwayqa tragedy attempted to organize a commemorative event to mark the first anniversary of the rockslide in a marquee near the disaster site. Initially, officials from State Security Investigations, the country’s main security agency under the Interior Ministry that was dissolved after the uprising, told the organizers not to inform media about the event so that it would not be exploited to embarrass the authorities about the disaster.¹⁸ Then the organizers were summoned to Manshiyet Nasser police station, told that the event was a state security issue, and made to sign papers stating that they would cancel the commemoration. As a result, even the community’s rights to mourn their loved ones and to assemble peacefully were denied.¹⁹

During the “25 January Revolution”, the Egyptian people made their voices heard. The new authorities in Egypt should learn from past mistakes and discuss the future of the country’s vast informal settlements with the people who live there so that the rights, lives and health of millions of people are not sacrificed in the pursuit of rapid development and grandiose plans.

METHODOLOGY

In extended fact-finding visits to Egypt in July and December 2009; February, March and November/December 2010; and May 2011, Amnesty International delegates investigated human rights violations in “unsafe areas” in Cairo as well as in informal settlements in general, focusing on forced evictions or the risk of forced eviction. Most cases of forced evictions featured in this report were documented through interviews with victims and witnesses, particularly neighbours.

In Cairo, field visits took place in the informal settlements of Manshiyet Nasser, Establ Antar, Ezbet Khayrallah, Ezbet Abu Qarn and Batn Al-Baqara, where the majority of Cairo’s most “unsafe areas” are located. Field visits also took place in the Orascom dwellings in 6 October City, to where many people evicted from informal settlements in Cairo were relocated, and the irrigation workers’ housing in Al-Sawah in north Cairo, both of which are formal settlements. Community leaders from Manshiyet Nasser, Establ Antar, Ezbet Khayrallah and Ezbet Abu Qarn provided valuable background information.

Field visits involved group discussions and interviews with individuals. About 22 group discussions were held, 19 of which had 3-10 participants, while 3 had 15-20 participants. For each discussion, the groups comprised people who had been evicted from their homes or residents of a particular street or informal settlement. The group members were generally self-selected. The group discussions provided valuable information about living conditions or forced evictions in the cases of 50 families. In addition, 54 interviews with individuals enabled Amnesty International to document in detail the situations of 32 families. Many of these cases are highlighted in this report and reflect the experiences of thousands of families who have suffered or live with the threat of forced eviction.

Among the individuals interviewed were: representatives of the Popular Committee for the Defence of Imbaba Airport concerning the North Giza Development Project, community leaders in Ezbet Khayrallah and Establ Antar, and community leaders in the village of Al-Marisi of Luxor Governorate and at the irrigation workers' housing in Cairo. Phone interviews were later used to gather data from residents of Al-Sahaby area in Aswan and about Zerzara informal settlement in Port Said.

Around 200 individuals shaped the findings of this report with their voices and experiences. Amnesty International is grateful to them all for giving their time and energy. It is also grateful to residents of informal settlements who guided Amnesty International to victims of forced eviction or provided eyewitness testimonies on forced evictions.

Many others provided information, insight and access to victims and experts. Among them were human rights and community-based organizations, lawyers, media workers, architects and academics. Amnesty International is particularly grateful to the Al-Shihab Foundation for Comprehensive Development; the Association for the Development and Enhancement of Women; the Development Support Centre for Consultancy and Training; the Egyptian Centre for Economic and Social Rights; the Egyptian Centre for Housing Rights; Habitat International Coalition-Land and Housing Rights Network; the Hisham Mubarak Law Centre; the Network for the Defence of Vulnerable Groups; the Popular Committee for the Defence of the Land of Matar Imbaba; the Shafafia Centre for Societal Studies and Development Training; and the Social Research Centre at the American University of Cairo.

Academic sources were used to provide analysis of policies and laws relating to urban planning and eviction. Court decisions were also used to highlight specific cases relating to eviction or the lack of it, such as in the case of the Al-Duwayqa rockslide.

The report includes information obtained during official meetings with the Egyptian authorities in March 2010, November/December 2010 and in May 2011, including with the Minister of Housing, Utilities and Urban Development; the Chairman of the General Organization for Physical Planning at the Ministry of Housing, Utilities and Urban Development; the Executive Director of the ISDF; the Governor of Cairo, also attended by the Vice-Governors of Cairo, the Heads of Manshiyet Nasser and Old Cairo Neighbourhood Authorities, the secretariat of the Governor and advisor on informal settlements, and members of the expert geologists' committee formed to identify danger zones in Manshiyet Nasser and Old Cairo.

The report also includes official data and statistics from Cairo Governorate; the ISDF; the Ministry of Housing, Utilities and Urban Development; the Central Agency for Population Mobilization and Statistics; and the Geological Survey Authority. The report refers to the official

reply by Cairo Governorate to Amnesty International's 2009 report on the Al-Duwayqa rockslide, the Governor of Cairo's letter to the organization's members concerning Al-Me'adessa Street in Manshiyet Nasser, and an official letter from the Egyptian Embassy in the United Kingdom with regard to Al-Sahaby area in Aswan.

Amnesty International's work focused on forced evictions in "unsafe areas" in informal settlements. This report does not cover residents of some types of formal state housing, such as irrigation workers, who also face the threat of forced eviction,²⁰ nor evictions of farmers from land they had worked. Since 1992, an amendment to the Law on Agrarian Reform of 1952 liberalized the contractual relationship between farmers and landlords, which resulted in unaffordable rents for farmers, their forced eviction and other human rights violations in that context.²¹ The report also does not cover evictions in the framework of owner-tenant contractual relationships.²²

This report forms part of Amnesty International's Demand Dignity Campaign, which focuses on human rights violations that drive and deepen poverty. Among the central issues within the campaign are the human rights violations affecting people living in informal settlements and slums, including forced evictions. Amnesty International is calling on all governments to end forced evictions, to ensure equal access to public services, and to ensure the active participation of people living in informal settlements and slums in decisions and processes that impact their lives.

THE WAY FORWARD

The slums of Cairo and elsewhere in Egypt are where the rights to life, to health and to adequate housing of millions of people intersect, and where those rights are frequently violated. They are places where many other human rights are disregarded, as if poverty somehow negates the rights that belong to everyone. The residents of these ever-expanding settlements are increasingly organizing to defend their rights, aided in many cases by community-based organizations, Egyptian human rights and housing organizations as well as other local and international NGOs. In support of their efforts, Amnesty International is calling on the authorities to, among other things:²³

- Ensure genuine consultation with all potentially affected people when developing plans for "unsafe areas" and "unplanned areas", including to explore all feasible alternatives to evictions;
- Enact and enforce a clear prohibition on forced eviction;
- Ensure that evictions are only carried out as a last resort after all feasible alternatives to eviction have been explored and only when all protections required under international human rights law are in place, including the requirements on consultation, adequate notice and adequate alternative housing;
- Adopt guidelines for evictions, based on the UN Basic principles and guidelines on development-based evictions and displacement and which comply with international human rights standards;
- Ensure genuine consultation with affected communities on resettlement options;

- Ensure that any resettlement or alternative housing provided complies with requirements under international law on adequacy of housing, including location, security of tenure, habitability and affordability; and

- Review the Cairo 2050 plan and ISDF plans to ensure that they are consistent with international human rights standards, including the prohibition of forced evictions and the requirement to ensure consultation with and participation of affected communities in the decisions that concern their human rights.



1/BACKGROUND

“The geologist asked me how do I get to sleep [in such a dangerous place]? I said: ‘Can I find another place and said no, this is our home’.”

Hassan Al-Sayed Ali, a 48-year-old daily wage labourer from Manshiyet Nasser

LIFE IN EGYPT’S SLUMS

Daily life in Egypt’s slums is played out against a backdrop of hardship and neglect. Young children play football barefoot on the stony dirt, others sit in workshops treating steel or cut stone. Pollution, the stench of sewage and toxic fumes from burning rubbish suffocate the air. Flies swarm everywhere from the piles of garbage. Makeshift stone houses, wooden shacks and crumbling brick structures line the narrow alleys, some precariously balanced on the slopes of cliffs. Women queue for subsidized bread. Youths drive residents up and down the buzzing roads while informal food sellers, on the roadside, watch out for police traffic patrols. Groups of youths sit transfixed at cafés or youth centres awaiting a daily job opportunity. Some collect steel from demolished homes or sort rubbish, looking for anything of value to salvage or sell.

While official numbers vary, an estimated 12.2 million people live in 870 informal settlements across Egypt,²⁴ over half of them in 156 settlements in the Greater Cairo region comprising the three governorates of Cairo (including Helwan), Giza (including 6 October) and Al-Qaliubiya.²⁵ Every year, vast numbers of people are drawn into these teeming slums as they cannot afford to go anywhere else; the urban population living in informal settlements jumped from 14 per cent in 2004 to 17.5 per cent in 2006.²⁶ Around 40 per cent of the country’s 80 million people live on or near the internationally accepted poverty line of US\$2 a day.²⁷

For many of those forced to seek a home in these settlements, shelter is found anywhere that can protect them from Egypt’s harsh climate – in the labyrinth of Cairo’s ancient tombs, in collapsing old

Opposite: A young man looks out over Cairo from Al-Duwayqa in Manshiyet Nasser informal settlement. The rubble of the demolished homes is testament to the Egyptian authorities’ determination to evict residents from “unsafe areas”. Forced evictions have been happening since the fatal Al-Duwayqa rockslide in September 2008.

buildings, or simply under sheets of cardboard, metal or wood. Many informal settlements lack basic infrastructure such as sewerage and piped clean water, and have little or no formal connection to electricity. In some neighbourhoods, unstable ground rock, perilous cliffs, railway lines, the risk of flooding, open sewers, high-voltage wires, and other hazards pose serious threats to life and health, particularly for the old and the young.

Overcrowding, lack of infrastructure and violence make life hard in these areas, but the communities are also vibrant and treasured. Social and family networks thrive. The lack of privacy is bemoaned but also brings solidarity and support. Small businesses serve the community well and some bring significant incomes to those who run them. Many homes are officially or unofficially connected to sewerage systems, as well as to electricity and water supplies, and many services are within reach, including schools, clinics, training workshops and community centres.

Household incomes vary in informal settlements, but most inhabitants simply cannot afford formal housing. One study calculated that for a family of five living in an informal settlement, non-food needs such as housing, transport and schooling cost between 320 and 1,000 Egyptian pounds a month (US\$55 to US\$172).²⁸ Daily wage labourers say they earn about 30 Egyptian pounds a day (US\$5.2) and are usually the only source of income for a household.

Informal settlements have mushroomed in Egypt for many reasons, key among them being the lack of affordable housing. They developed in different ways depending on the location, the type of settlers and the period. In Greater Cairo, for example, building on privately owned agricultural land is more common than squatting vacant land owned by the state.²⁹ Construction on agricultural land is forbidden by Egypt's Law on Agriculture of 1966,³⁰ reinforced by a military order in 1996. Such laws have not, however, stopped the building.

In fact, informal settlements were allowed to develop unhindered by the Egyptian authorities and then expanded as the authorities continued to neglect the problem of the lack of adequate housing for the poor. Often, large plots on the edges of the settlement were walled, and then sub-parcels were "sold" to new settlers by the pioneers who had "hand claimed" the land. According to UN-Habitat:

*"The development process was completely informal, with no legal paper work and a total reliance on personal trust, mediated, when necessary, by the existing community, referred to as a 'hand claim' process. Although these areas are technically illegal, settlers have certain customary rights derived from interpretations of those portions of the civil code pertaining to hand claims on desert land. Residents tend to amass either the receipts from paying takhir (a nominal rent imposed by a Governorate's Properties Department) or awayyid (property tax), from electrical connections, and from other items to establish as much paper legitimacy as possible."*³¹

Among the many informal settlements Amnesty International has visited is Manshiyet Nasser, where the 2008 Al-Duwayqa rockslide tragedy happened. It straddles just over 7 square kilometres and is home to up to 1 million people, making it one of the most densely populated areas of Africa. Water mostly has to be collected from standpipes and carried back to homes, a job usually done by women. Pools of raw sewage collect around the drains of homes, further weakening the rock.

One of Old Cairo's informal settlements visited by Amnesty International following forced evictions is Ezbet Khayrallah, which sits on the rocky state-owned land of Al-Zahraa Hill. Around its edges are dangerous cliffs where people "hand claimed" the land and built their homes. Some are simple rooms made of bricks; others stand up to five storeys tall. To the north, the rocky belt of Ezbet Khayrallah meets the spring water of Ein El-Sirra. The whole belt is deemed "unsafe" by the

ISDF because of the rocky formation. The contact with the spring water brings further dangers as sewage is polluting the spring water and undermining the rocks and buildings.

In Al-Sahaby in Aswan, brick buildings sit alongside makeshift structures. Some were built with official permission and there are different forms of land tenure. The settlement has grown informally for around 100 years by people “hand claiming” the vacant land and building on it. Some residents own their land because before 1957 the Egyptian Civil Code allowed people who “hand claimed” vacant land to legally own it after 15 years of tenure. Others legalized their “hand claim” or are in the process of doing so by paying agreed amounts to the local authorities, as allowed by two prime ministerial decrees.³² Some residents say they are officially connected to the water and sewerage networks as well as to the electricity grid.

The informal settlements in the Imbaba and Al-Warraaq districts in Giza – characterized by severe overcrowding and lack of basic services – are home to around 1 million people,³³ and are not classified as “unsafe areas”. Here, private ownership of the land prevails, and residents have some degree of security of tenure. Historically, this part of Giza was home to farmers and fishermen, but new industrial zones were established there in the 1950s and 1960s along with workers’ housing. Residential buildings grew in an informal way. In 1992, armed groups of al-Gama’a al-Islamiya (the Islamic Group) were said to dominate Imbaba and a security crackdown led to mass arrests, administrative detention, and torture and other ill-treatment.³⁴ The state began to see informal settlements as a fertile ground for Islamist groups,³⁵ and consequently started to make an inventory of all informal settlements in Egypt and develop “slum upgrading” programmes. In 2006, according to official data, 59.9 per cent of the population of Giza Governorate lived in 23 informal settlements totalling 2.17 million people.³⁶

In 2000, the CESCR expressed its concern over “the massive housing problems faced by the Egyptian population” and urged Egypt to “combat the acute housing shortage by adopting a strategy and a plan of action and by building or providing low-cost rental housing units, especially for the vulnerable and low income groups”.³⁷ Independent reviews of subsidized housing to low-income households, such as the National Housing Program, questioned whether such housing is indeed affordable and well-located and whether it does in fact prioritize those really in need.³⁸

OFFICIAL POLICIES ON INFORMAL SETTLEMENTS

No policy instituted by local or central authorities has slowed down the relentless growth of informal settlements in Egypt since the 1960s. From the 1990s, most projects in informal settlements have involved upgrading works to provide basic infrastructure, such as water and electricity supply lines.³⁹ Recent examples include the New Al-Duwayqa upgrading project (Suzanne Mubarak dwellings), started in 1998 with funds from the Abu Dhabi Foundation; and the upgrading of Zinhoum in Cairo in 2001-09 under the auspices of the Egyptian Red Crescent.⁴⁰

Projects aimed at creating new cities in the desert to absorb the burgeoning population have fallen far short of their occupancy targets. According to a planning expert and promoter of urban expansion in the desert, this is because the projects have failed to make the housing affordable for people on low incomes, whether for buying or renting; nor have they offered sufficient incentives such as affordable transport, good social services or tax relief.⁴¹ In fact, informal settlements in Egypt have become “the dominant factor in the urbanization process and in the provision of housing for the urban poor”, according to respected academics in the field. They believe that the settlements should not be viewed as part of the country’s housing crisis, but rather as the

The 150 or more families who live at the end of Al-Me'adessa Street in Manshiyet Nasser have been calling on the local authorities to relocate them to safety as they live under a precarious cliff. This is one of the “unsafe areas” identified by the authorities, and residents say they cannot afford to move.⁴² In 2010, Zamzam Mohamed Abdel Nabi, a 35-year-old mother of two, had taken the lead in the campaign, but by May 2011, the residents’ demands were still not met. Residents believe that their situation is similar to that of the people who died in the Al-Duwayqa rockslide in September 2008, and want to make their voices heard before it is too late. In addition to the dangerous cliff, water surges up from the ground creating further hazards. Some families keep covering the ground floor of their home with layers of sand and other materials to stay dry, so the floor moves closer and closer to the ceiling.

In late 2009, workers hired by the authorities tried to secure the cliffs by breaking certain rocks, some of which fell on homes. The families complained to the Manshiyet Nasser police, who told them to leave the area for a few days or sign statements that they agreed to evacuate the buildings. The advice was apparently aimed at absolving the authorities of responsibility if rocks fell on buildings and injured or killed people. The residents refused to leave as they had nowhere else to go. They filed a report with the police about the threat from the rocks. In January 2010, they complained to Cairo Governorate and to parliament, and staged sit-ins in front of local government offices calling for their relocation to a safe place, but without success.

On 11 February 2010, about three houses were demolished in the area and families were relocated to the nearby Suzanne Mubarak dwellings. The remaining families faced an uncertain future, and could not understand why they were not relocated as well, breeding resentment and suspicion against those who had been rehoused. An Amnesty International delegate

witnessed part of the forced eviction. Security forces supervised while residents of the condemned homes put their possessions on lorries provided by Cairo Governorate. The residents were apprehensive as they did not know what would happen to them, but hopeful that they would be rehoused. As is common, they had not been informed of the date of eviction and had to leave their homes suddenly. They did not know whether they would be given alternative housing or, if they were, whether this would be in the nearby Suzanne Mubarak dwellings or far away in Al-Nahda City. The owners of the demolished buildings were said to have persuaded some tenants to sign “I owe you” papers for considerable amounts of money which they are supposed to pay if they receive alternative housing.



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During the demolition, neighbours feared for the structural safety of their homes. They also feared that their children would be injured as bits of rock flew through the air when vast hammers smashed the buildings. The street’s residents stayed out in the open and refused to go into their homes. A man representing the residents spoke to the deputy head of Manshiyet Nasser Neighbourhood Authority who was overseeing the operation, as well as the deputy head of El Muski police station, who provided security support for the operation. The deputy head of the police station reportedly told the man that he would be held under an administrative detention order and “anything could





happen to him” if he did not remain quiet. Such orders, provided by emergency legislation, allow the Ministry of Interior to detain individuals without charge or trial for prolonged periods. The officer ordered the man to tell the residents to return to their homes and leave the workers to complete the demolition, which he did.⁴³

After the demolitions, the rubble was left as it fell, with electricity wires sticking out and pipes leaking, making the area even more hazardous to the 150 or so families who remained there. A month later a woman injured her leg when the stairs in one of the unsafe buildings broke. An engineer assessed the building and reported that it represented a threat to the lives of the residents. However, no eviction or relocation was ordered by the local authorities. The demolition site became a rubbish dump, adding another hazard to the residents’ health.

In March 2010, the Egyptian Centre for Housing Rights lodged a complaint, on behalf of the residents, with the Public Prosecutor’s office over the authorities’ failure to evacuate residents of Al-Me’adessa Street, despite the clear risks to their lives. With the help of Amnesty International, the residents signed a petition addressed to the Minister of State for Local Development, urging

him to protect the lives and health of the residents of all “unsafe areas” in Greater Cairo, including Manshiyet Nasser, and calling on him to involve the communities in decisions on their future. The official body set up to deal with informal settlements, the ISDF, which is headed by the Minister, refused to accept the petition.

Amnesty International raised the issue with the Governor of Cairo in a meeting, where he said that all efforts were being made to relocate all those living in “unsafe areas” in Cairo.⁴⁴ The Governor also responded in a letter to appeals by Amnesty International members,⁴⁵ stating: “Cairo Governorate started its efforts for the relocation of residents identified in unsafe areas according to the experts’ committee. These efforts will not stop until all of Cairo residents located in unsafe areas are safely relocated to adequate units and have their lives secured”.⁴⁶ In February and May 2011, Amnesty International and the Egyptian Centre for Housing Rights raised the issue again in meetings with two consecutive new Heads of Manshiyet Nasser Neighbourhood Authority, appointed after the “25 January Revolution”. They said they needed to re-examine the situation of the residents and that they lacked alternative housing.

Above left: Residents of Al-Me’adessa Street hold up their signed Amnesty International petition, asking the authorities to consult with all Manshiyet Nasser residents about eviction plans in “unsafe areas”.

Left: Mother of two, Zamzam Mohamed Abdel Nabi, is a strong spokeswoman for her community in Al-Me’adessa Street. The authorities have failed to seek the views of community representatives.

urban poor's contribution to its solution. "It is a particularly remarkable contribution as, under the prevailing conditions of scarce economic resources and bureaucratic control, neither the government nor the private sector could provide the urban poor with basic shelter".⁴⁷

'UNSAFE AREAS'

Since the Al-Duwayqa rockslide of September 2008, the Egyptian authorities have shifted their attention towards identifying "unsafe areas" in the informal settlements and planning rapid intervention to protect people's lives and health.⁴⁸ In some of these areas, people need to be relocated quickly to ensure their safety. However, it is not clear that eviction is necessary in all the areas identified as "unsafe". For instance, where an area is considered "unsafe" because the buildings are in poor condition, the government should consider all alternatives to evictions such as helping the communities to upgrade or improve their homes. Similarly, areas struggling because of a lack of water and electricity supplies could be provided with such services.

After the rockslide, the Governor of Cairo formed an expert committee of geologists to identify the danger zones in the capital's slums. It found at least 13 different zones in Manshiyet Nasser where the residents' lives were at imminent threat from rocky cliffs and slopes. Cairo Governorate estimated that the relocation of these families would require 23,924 housing units.⁴⁹ At the end of March 2010, after the Governorate had allocated 6,200 units in the Suzanne Mubarak dwellings to evicted families, some 17,724 families were still living in life-threatening areas of Manshiyet Nasser.⁵⁰ By June 2010, the figure was 14,810 families,⁵¹ and approximately 12,000 by the end of that year.

The government's ISDF, which is identifying and categorizing "unsafe areas", is due to complete its plans by 2017. Its classification of these areas specifies four levels of danger and the required action by the authorities:⁵²

- **Level one**, where there is a threat to life, for example because of unstable geological formations, or the risk of flooding or railway accidents, require "immediate intervention";
- **Level two**, where there are unsuitable shelter conditions, such as shacks and makeshift or crumbling buildings, require "rapid intervention";
- **Level three**, where there are health risks due to factors such as a lack of access to water or sanitation, or because housing is on polluted sites or under high-voltage wires, require "improvement according to central authorities' programmes";
- **Level four**, where there is instability of tenure, for example if homes are built on state-owned land, require action dependant on "priorities of local governorates".⁵³

Despite Amnesty International's requests for clarification, it remains unclear what criteria the

Opposite, from left to right: Ne'na'a Ali, Hamdeya Ibrahim and Shokria Abdallah, seated at the end of Al-Me'adessa Street in Manshiyet Nasser. Their homes are underneath dangerous cliffs but, like most people in the area, they cannot afford to move elsewhere.

Egyptian authorities used to decide which areas were more "unsafe" than others. The concerns are compounded by instances where areas designated as level two were dealt with before level one areas which posed an imminent risk to life. Nor is it clear why only 404 areas were deemed "unsafe", given that people in all informal settlements lack security of tenure and usually face other risks listed in levels two or



three. The ISDF's website shows the "unsafe areas" on a virtual map but without specifying at which level each has been classified.⁵⁴

According to the ISDF, the 404 "unsafe areas" comprise:

- 35 level one areas, 16 of them in Cairo Governorate;⁵⁵
- 281 level two areas, of which 33 are in Cairo Governorate, 32 in Giza Governorate (including former 6 October Governorate), and 43 in Qena Governorate;
- 68 level three areas;
- 20 level four areas.

An "unsafe area" is not necessarily an entire informal settlement and indeed is often only part of it, and more than one "unsafe area" can be found in the same informal settlement. Most if not all of the 16 level one "unsafe areas" in Cairo Governorate are near the rocky Al-Muqattam Hill in Manshiyet Nasser, and in Establ Antar and Ezbet Khayrallah informal settlements in the south of Old Cairo.

Cairo Governorate has been evicting people since the Al-Duwayqa rockslide after its expert committee of geologists identified dangerous areas around Al-Muqattam Hill. It is unclear, however, at what point the Governorate started to make plans for "unsafe areas" based on the ISDF's framework.

In March 2009 the ISDF announced that it was designing 30 pilot projects in 16 governorates – excluding Cairo – to be implemented within two years.⁵⁶ The ISDF's first implemented plan for "unsafe areas" was completed by April 2010 in Al-Qaliubiya Governorate with the resettlement of 25 families from shacks in the level two "unsafe area" of Al-Wehda Al-Arabiya to the nearby Al-Amal housing.⁵⁷ The next two cleared "unsafe areas" – all level two and three – were also in Al-Qaliubiya.⁵⁸

In May 2010 the government announced plans for some "unsafe areas" (renamed "shack areas") in Cairo and Giza within the framework of the Cairo 2050 plan. The residents of 33 "shack areas" in Greater Cairo are to be relocated into 35,700 housing units in the distant 6 October City, south-west of Giza, and 15 May City, south of Cairo. Clearing the capital of its "shacks" and using the land for embellishment and investment projects seems to be the underlying objective of the Cairo 2050 plan. However, the plan has never been made public. Eviction plans are already under way in Al-Sahaby area in Aswan in southern Egypt, while sporadic forced evictions have taken place in Zerzara informal settlement in the city of Port Said in northern Egypt (see Chapter 6).

The pattern in some places of speedy forced evictions and demolitions in areas not deemed to be the most dangerous "unsafe areas" has led many residents to believe that the designation of "unsafe" is being used to clear areas wanted for development projects or investment purposes, including those living in Ezbet Abu Qarn in Old Cairo, Ramlet Bulaq and Maspri in central Cairo, and Al-Sahaby area in Aswan.

FAILURE TO PROTECT LIVES

The rights of people in informal settlements are being violated because local authorities are failing to act swiftly to address dangers. All that residents can do is repeatedly publicize the risks, seek an official local authority expert to assess the dangers and present their findings to the local authorities

and police, and demand action. Most cannot afford to move, so are trapped where they are until the local authorities act. For some, the delays have had appalling and occasionally fatal consequences.

Following the fatal 2008 Al-Duwayqa rockslide, eight Cairo city officials were charged with involuntary homicide and causing injuries as a result of neglect and failing in their official duties.⁵⁹ The trial in 2010 showed that the local authorities knew that a rockslide was likely. The Public Prosecution showed that in 2007 and early 2008, the Geological Survey Authority submitted specific reports on the risks of a rockslide in the area subsequently devastated, but that its recommendations were not implemented.⁶⁰ In September 2010, the Manshiyet Nasser Misdemeanour Appeals Court acquitted the Vice-Governor of Cairo who had been sentenced to five years' imprisonment by the court of first instance. On appeal, it reduced the sentence against six officials from the Manshiyet Nasser Neighbourhood Authority from three years to one year in prison.⁶¹ The trial provided some answers for the victims. However, it fell short of ensuring that Egypt's slum-dwellers would be protected from similar devastating experiences in the future; there is still not a sufficient framework in place to ensure that officials act promptly to protect people living in Egypt's "unsafe areas".

In 2010 alone, several "unsafe areas" suffered fires and flooding, threatening the lives of residents and leaving them homeless or in even more precarious housing conditions. Offers of relief and shelter by the authorities were generally slow or non-existent. In January 2010, for example, flash floods swept through level one "unsafe areas" in Sinai and Aswan. Thousands of families were displaced and at least six people died. In Sinai, 780 houses were destroyed and more than 1,000 were submerged, while in Aswan about 10,000 families were said to have been affected. The authorities provided financial compensation to victims but only after months of delay.⁶² The ISDF said that it had warned the relevant governorates of the danger zones but nothing had been done.⁶³ In fact, eviction plans for Al-Sahaby area in Aswan were carried out in 2010, despite its classification as a level two "unsafe area", whereas level one "unsafe areas" in Aswan continued to be ignored.

Other hazards too have been ignored by the authorities. In October 2010, for example, in Ezbet Abu Rgela in Cairo, about 200 shacks were destroyed or damaged when sewage flooded out of an open drainage canal.⁶⁴ In August 2010, in Zerzara in Port Said, a fire reportedly burnt 50 shacks. People described to Amnesty International how they had rebuilt their homes without support from the authorities, and plans for these areas are being developed without consultation with the residents.

In Boulaq Abu El-Ela, in central Cairo, in the shadows of towers and high official buildings on the Nile, residential buildings have fallen into disrepair and in some cases have collapsed because procedures to maintain buildings have not been applied by the authorities, despite residents' requests.⁶⁵ According to Cairo Governorate, 137 buildings there are in imminent danger.⁶⁶ In December 2010, some such buildings were demolished in Maspuro. Some families were forcibly evicted and made homeless before receiving alternative housing.⁶⁷ The ISDF has now classified the Boulaq Abu El-Ela areas of Ramelt Boulaq and Maspuro as "unsafe areas" because they represent a threat to residents' lives. According to the Cairo 2050 plan, these areas of mixed tenure are suitable only for tourism, business and administrative buildings with a view of the Nile and stretches of gardens. Current residents would effectively be forced to leave.

Inaction in the face of clear and impending risks to buildings is all too common and leads to casualties across Egypt.⁶⁸ Many people are living in buildings known to be dangerous. In January 2008, the Ministry of Local Development was reported to have estimated that across the country 111,800 housing units had partial or complete demolition orders issued against them, of which 19,700 were in Cairo and 21,800 in Gharbiya Governorate. Only 62 per

Following pages: Steps run through what used to be houses in Al-Duwayqa. Life for residents among the rubble of their former homes is fraught with dangers.





cent of the orders were implemented. About 18,300 housing units are at imminent risk of collapse.⁶⁹ An engineer interviewed by Amnesty International said that owners of such buildings sometimes seek a demolition order for commercial gain, as this would allow them to evict tenants that pay an old fixed rent and then build a taller structure with apartments that could be sold.⁷⁰ Although this may be the case in some situations, many residents of informal settlements visited by Amnesty International said they believed their homes were uninhabitable or dangerous, and had asked the local authorities to assess their situation and where appropriate offer them alternative housing or shelter. They said they had been waiting months or years for an answer. According to Cairo Governorate, between January 1997 and June 2008, 3,879 housing units were allocated to people whose homes were in imminent danger of collapsing.⁷¹

FAMILIES IN DANGER

On 25 February 2010, unusually heavy showers and hail battered Cairo. Residents of Manshiyet Nasser and other informal settlements feared the worst, as such weather poses serious risks to their makeshift homes, wooden roofs and precarious environment. A three-storey building in Al-Fayoum Street in Al-Duwayqa caught fire, apparently as a result of an electrical fault due to rain. Most rooms were burned, but 13 families continued to live in the building awaiting relocation to a safer environment. Marwa Fouad, a 24-year-old mother of four who lived on the second floor, panicked when she saw the fire and said that she saved her twin babies by throwing them from the balcony to her neighbours in the street below.⁷² The next day her husband, Mohamed Shaarawy, a hairdresser, filed a police report at Manshiyet Nasser police station. Two police officers examined the building to complete the police report and apparently to ascertain that the damage had not been caused by arson by the owner or residents. Experts from Manshiyet Nasser Neighbourhood Authority then assessed the danger and told residents that the building was not habitable. However, the Neighbourhood Authority did not evacuate them to alternative housing or even offer them temporary shelter. Residents say they submitted a complaint to the Public Prosecution about the inaction of the local authorities. On 10 March 2010, when Amnesty International visited, many residents were still living in the charred building as they had nowhere else to go. There was no electricity and an overwhelming smell of burning. Marwa Fouad feared for the health of her babies, who had chest infections, and the residents worried that the building would collapse.

Similarly, at 19 El Hagar Street in Kom Ghorab, Old Cairo, the storm caused the walls of an old building to collapse, fortunately without casualties. Mostafa Abdel Fattah Mohamed and his six siblings live there, as their family has for generations. After the walls collapsed, they asked the Old Cairo Neighbourhood Authority to examine the building. An engineer came, but nothing further happened. On 9 March 2010, the Neighbourhood Authority told them that a committee from Cairo Governorate would re-examine the building, but again nothing further happened. Three days later the family moved to the home of friends. About two months later some of the siblings were re-housed in 6 October City. By May 2011, the building had not been repaired and the rubble of the walls remained where they had fallen.

Opposite: The walls of this house in the Kom Ghorab area of Old Cairo have crumbled because of the effect of rain. Local authorities' neglect of homes at risk of collapse jeopardizes lives in informal and formal settlements in Egypt.





2/EGYPT'S OBLIGATIONS UNDER INTERNATIONAL AND EGYPTIAN LAW

As a state party to the ICESCR, Egypt is legally obligated to respect, protect and fulfil the right to adequate housing as provided by Article 11(1). This requires the Egyptian government to refrain from forced evictions and to protect people from interference with their rights by third parties such as landlords; the government must also adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to fully realize the right to adequate housing. It must prioritize the realization of minimum essential levels of housing for all people and prioritize the most disadvantaged groups in all programmes and while allocating resources. The ICESCR also requires the government to guarantee the right of people to participate in and be consulted over decisions that will affect their human rights, and to provide an effective remedy if any of these rights are violated.

International treaties ratified by Egypt have the force of law.⁷³ However, judges do not automatically apply provisions arising from Egypt's international commitments. The Constitution of 1971, in force until the uprising in 2011, did not explicitly refer to the right to adequate housing or protection from forced eviction, nor does the newly adopted Constitutional Declaration of 30 March 2011. The Constitution of 1971 did refer to a number of economic and social principles, such as social solidarity, equal opportunity, family as the basis of society, the protection of motherhood and childhood, raising the standard of living, sanctity of homes and protection of private lives. However, only the last two principles appear in the 2011 Constitutional Declaration.⁷⁴ Previously, the constitutional provisions had been invoked by administrative courts to stop evictions deemed illegitimate (see below).⁷⁵

SECURITY OF TENURE

The CESCR has clarified that security of tenure is one of the crucial elements to determine adequacy of housing. The Egyptian government is under an immediate obligation to take measures aimed at ensuring a

Opposite: Al-Duwayqa in Manshiyet Nasser lacks basic infrastructure. Its residents, mostly poor daily-wage labourers, collect water in jerry cans, dig holes in their rooms for toilets, and only have access to electricity informally. Squatting on state-owned land, they are at constant risk of eviction and suffer stigmatization and exclusion.

degree of legal security of tenure, at the very least sufficient to protect people from forced eviction, harassment and other threats.

According to the CESCR, "(a) Legal security of tenure. Tenure takes various forms, including, rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property.

Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. **States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups**" (emphases added).⁷⁶

PROHIBITION ON FORCED EVICTIONS

Egypt is obliged under a range of human rights treaties, including the ICCPR, ICESCR and the African Charter on Human and Peoples' Rights, to refrain from and prevent forced evictions.⁷⁷

The CESCR has emphasized that evictions may only be carried out as a last resort, once all feasible alternatives have been explored.⁷⁸ It clarified that evictions can only be carried out when appropriate procedural protections are in place. These include:

- an opportunity for genuine consultation with those affected;
- adequate and reasonable notice for affected people prior to the eviction;
- information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- government officials or their representatives to be present during an eviction;
- everyone involved in carrying out the eviction to be properly identified;
- evictions not to take place in particularly bad weather or at night unless the affected people consent otherwise;
- provision of legal remedies;
- provision, where possible, of legal aid to people who are in need of it to seek redress from the courts.⁷⁹

The CESCR also emphasized that when an eviction is considered to be justified, "it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality".⁸⁰

The prohibition on forced evictions does not apply to evictions carried out in accordance with the law and in conformity with the provisions of international human rights standards. In other words, if a government has put in place processes such as genuine consultation to explore all feasible alternatives, has provided adequate notice, remedies, adequate alternative housing and compensation, and has met all other procedural requirements, the eviction and if necessary, the use of force in a proportionate and reasonable manner to carry out the eviction, would not amount to a forced eviction.

The CESCR clarified that states that have ratified the ICESCR must pass laws banning forced eviction. It stated: "Such legislation should include measures which (a) provide the greatest possible security of tenure to occupiers of houses and land, (b) conform to the Covenant, and (c) are designed to control strictly the circumstances under which evictions may be carried out. The legislation must also apply to all agents acting under the authority of the State or who are accountable to it." The CESCR added: "States parties should therefore review relevant legislation and policies to ensure that they are compatible with the obligations arising from the right to adequate housing and repeal or amend any legislation or policies that are inconsistent with the requirements of the Covenant."⁸¹

The UN Special Rapporteur on adequate housing developed the Basic principles and guidelines on development-based evictions and displacement (the Basic Principles), which reflect existing standards and jurisprudence on the issue of evictions.⁸² They include detailed guidance on steps that should be taken before, during and after evictions in order to ensure compliance with relevant principles of international human rights law. Adequate alternative housing and compensation for all losses must be made available to those affected, regardless of whether they rent, own, occupy or lease the land or housing in question. Evictions must not "render individuals homeless or vulnerable to the violation of other human rights".⁸³ The Basic Principles spell this out further:

"At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of evictions."⁸⁴

At present, Egyptian law does not:

- prohibit forced evictions;
- set out sufficient safeguards that should be followed in evictions, particularly in situations where people are living on state-owned land or land which they do not own;
- provide for genuine consultation with residents of "unplanned areas" prior to eviction;
- provide for adequate and reasonable notice to evictees in cases of eviction from state-owned land, unlike in cases of expropriation for "general interest";

- require identification of those carrying out the eviction or for government officials to be present during eviction, even though in practice this does happen;
- prohibit evictions during bad weather or at night, both of which can expose those evicted to additional risks.

Legal remedies are available in cases of eviction, but are undermined by crucial deficiencies, including no requirement for notification or reparation, and the lack of access to justice for people living in poverty.

The Law on Building provides for alternative housing in the framework of upgrading “unplanned areas” and in cases of eviction from homes at risk of collapsing.⁸⁵ In cases of eviction from state-owned land, the law does not require provision of alternative housing. However, courts have upheld the constitutional principle of social solidarity and equal opportunity against homelessness following eviction.

Whatever the inadequacies of the legal framework regulating evictions, in practice residents of informal settlements are often left homeless because of the lack of regulation of the enumeration process, the corruption of officials and efforts by some individuals to cheat the system.

RIGHTS TO PARTICIPATION AND CONSULTATION

The right of everyone to participate in decisions that affect the exercise of their human rights is strongly grounded in international human rights law and standards. Both the Universal Declaration of Human Rights and the ICCPR guarantee the right to take part in the conduct of public affairs.⁸⁶ The UN Human Rights Committee has clarified that the “conduct of public affairs... is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels.”⁸⁷

The CESCR has emphasized that the full enjoyment of other human rights, such as the right to participate in public decision-making, “is indispensable if the right to adequate housing is to be realized and maintained by all groups in society.”⁸⁸ In relation to the development of national housing strategies, the Committee has stated, “Both for reasons of relevance and effectiveness, as well as in order to ensure respect for other human rights, such a strategy should reflect extensive genuine consultation with, and participation by, all of those affected, including the homeless, the inadequately housed and their representatives”.⁸⁹

Specifically in respect of the prohibition of forced evictions, the CESCR has stated: “[s]tates parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force.”⁹⁰ Essential procedural protections to avoid forced evictions include: “an opportunity for genuine consultation with those affected... information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected...”⁹¹

The Basic Principles include:

“All potentially affected groups and persons, including women, indigenous peoples and

*persons with disabilities, as well as others working on behalf of the affected, have **the right to relevant information, full consultation and participation** throughout the entire process, and to propose alternatives that authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate.” (emphasis added)⁹²*

RIGHT TO AN EFFECTIVE REMEDY

Under international law, everyone has the right to an effective remedy when their human rights are violated. Without access to remedies, human rights mean very little. Remedies must be accessible, affordable and timely, and should provide justice for victims of violations.

Under the ICCPR and ICESCR, Egypt is obliged to ensure that all victims of forced evictions have access to effective remedies. The CESCR has specified that one of the key procedural protections in relation to evictions is the provision of legal remedies and, where possible, legal aid to people who need it to seek redress in the courts.⁹³ When granted, the remedy must be enforced by a competent authority.⁹⁴ The Basic Principles state, in relation to forced evictions: “Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation...”⁹⁵

In the specific case of the duty to prohibit and prevent forced evictions, the CESCR has identified a number of areas, including: “(a) legal appeals aimed at preventing planned evictions or demolitions through the issuance of court-ordered injunctions; (b) legal procedures seeking compensation following an illegal eviction; (c) complaints against illegal actions carried out or supported by landlords (whether public or private) in relation to rent levels, dwelling maintenance, and racial or other forms of discrimination...”⁹⁶ The CESCR has also clarified that the competent authorities must ensure that concerned individuals have a right to adequate compensation for any property that is affected, both personal possessions and immovable property.⁹⁷

EGYPT’S LAWS ON EVICTIONS AND UNSAFE BUILDINGS

Egypt has several laws that allow the authorities to evict people from their homes without sufficient safeguards against forced evictions.⁹⁸ In particular, Egyptian law provides for administrative orders to be issued to evict residents from state-owned land. Article 970 of the Civil Code states: “It is forbidden to infringe on [state-owned property]. In case of infringement the mandated minister has the right to remove it administratively.” Article 26 of the Law on Local Government states: “The Governor may take all measures in order to protect both public and private properties of the state and remove any infringements administratively.”⁹⁹

Egyptian law does not specify a procedure for the administration to follow to implement its administrative decisions, although jurisprudence has established that decisions must be legitimate and in line with the Constitution and law.¹⁰⁰ When the administration decides on an eviction, the local authorities submit a report to the local police requesting its implementation, and the police then undertake a security assessment. It appears that there is no legal requirement for the administration to notify people in writing of eviction decisions. Amnesty International has found that

in practice local authorities do not issue formal written eviction notices to residents and keep the eviction orders secret. This completely undermines people's ability to appeal against an eviction order before it is carried out.

According to the Law on State Council, appeals can be lodged against administrative decisions.¹⁰¹ Lodging an appeal against an administrative decision of eviction before an administrative court does not automatically suspend its application – the court must agree to the suspension while it examines the case.¹⁰²

Article 372bis of the Penal Code makes punishable by prison and/or a fine infringement of state-owned property, including agricultural or vacant land, or buildings owned by the state, or any entity described in Article 119.¹⁰³ Infringement can take place by planting or seeding the land, building on it, occupying it or exploiting it in any way. The property must be returned as it is or in its original state in addition to paying back the value gained by using it.¹⁰⁴ In this context, people living on state-owned land are sometimes issued with police reports and fear punishment. However, it is unclear to what extent Article 372bis is actually enforced.¹⁰⁵ Overall, it appears that Egypt's legal framework is neither clear nor consistently implemented.

POSITIVE COURT RULINGS

Courts have on occasion quashed administrative decisions to evict residents living on state-owned land, referring in their rulings to constitutional principles. In October 2008, security forces reportedly used tear gas and rubber bullets when demolishing 300 homes in an informal settlement on the outskirts of Al-Burumbul village, near Helwan, south of Cairo.¹⁰⁶ The families were made homeless as a result and at least six people were injured. Some 660 further homes were planned for demolition and residents appealed against the eviction decisions. In 2009, an administrative court found that the local authorities' eviction decisions were illegitimate as they threatened the security of society. Invoking the constitutional principles of protection of the family, social solidarity and equal opportunity, the court found that the protection of the residents from homelessness was of a higher "public interest" than the clearance of the state-owned land on which they were squatting.¹⁰⁷

In another important ruling that protected people from eviction from state-owned agricultural land without providing alternative housing, an administrative court in 2008 ruled against the eviction of an estimated 2,000 residents from the Nile island of Jeziret Al-Qursaya in Giza. The Prime Minister sought – with the help of the army – to evict the residents, who mainly work on the land, after deciding not to renew their leases. Some residents appealed against the decision not to renew the leases. The administrative court found that in terms of "public interest", the harm of evicting the residents from the land on which they live and work would be greater than the benefit of recuperating the state-owned land. It argued that by not providing alternative housing and work, the decision threatened their security and the security of society.¹⁰⁸

Lack of documentation of evictions makes it difficult to assess how often any of these provisions have been used. Although some forced evictions date back to the 1990s, such as in Al-Fawakhir in Old Cairo,¹⁰⁹ the growth of informal settlements on state-owned lands suggests that the authorities have generally ignored such developments. Indeed, it has been argued that the

“local authorities in Egypt see demolition and eviction as no-win headaches, to be avoided if at all possible”.¹¹⁰ Some laws allowing the legalization of “hand claims” on state-owned land were adopted in 1984 and 2006. However, these laws did not remove the power of the authorities to administratively order evictions, and it is unclear to what extent “hand claimers” have actually benefited from the laws.¹¹¹ In fact, an amendment to Article 970 of the Civil Code has meant that since 1957 ownership of vacant state land cannot be gained.¹¹² Despite these laws, following eviction, structure owners do not receive financial compensation for the loss of the building as the authorities view these buildings as illegal by definition (see Chapter 3, Denied compensation).

Buildings in informal settlements are neither authorized nor compliant with building regulations, so they inevitably contravene the Law on Building and are potentially subject to demolition orders. Article 39 of the Law on Building bans any construction, works, extensions, repairs or complete or partial demolitions without authorization. Generally, however, building regulations have been ignored and local officials have used infractions to extort bribes. Informal settlements are, from a legal and planning point of view, understood as “unplanned areas” and therefore subject to development or clearance plans.

The Law on Building states that tenants should be rehoused in the context of plans for the renovation and development of “unplanned areas” and “areas of replanning”.¹¹³ Negotiation with owners over compensation applies when such plans require expropriation of property, in accordance with the Law on Expropriation for the General Interest.

Legally speaking, state intervention in “unsafe areas” and informal settlements could be understood in this framework. However, since the “unsafe areas” examined in this report are on state-owned land, evictions are usually ordered administratively under the Civil Code to “remove infringements” without regard to the Law on Building. In the case of administrative eviction, there is no explicit legal obligation to provide alternative housing or compensation to those evicted from their homes, although the authorities do often offer alternative housing in the framework of slum upgrading, or as an expression of responsibility towards people in “extreme need” and to avoid social unrest.

Many residents in “unsafe areas” told Amnesty International that they wanted to be relocated because they feared that their homes were at risk of collapsing or had become uninhabitable. Normally, in these situations, according to the Law on Building, the local authorities examine the building and recommend repairs, or partial or complete demolition, in which case the residents are evicted for their safety either temporarily or permanently.¹¹⁴ The local authorities then order the work needed. In cases of total or partial demolition, the Governor or his deputy will take a decision within a week of receipt of the reports on the building.¹¹⁵ Appeals against such decisions can be lodged within 30 days before a grievance committee, which is established by the Governor and headed by a judge, or before an administrative court.¹¹⁶ However, because buildings in informal settlements often do not have relevant planning and other permissions, and because upgrading or clearance plans can drag on for years, the applicability of procedures to examine buildings is unclear. Local authorities usually abstain from recommending action awaiting implementation of the plans. Lack of repairs also results in the degradation of buildings.

In situations of imminent danger, Article 96 of the Law on Building requires local authorities to administratively evict people from a building, as well as from neighbouring buildings if required. This can be done immediately. In cases of utmost necessity, the administration can partially or

LAW ON EXPROPRIATION FOR THE GENERAL INTEREST

The Law on Expropriation for the General Interest allows the government to expropriate or seize properties for “works of general interest”,¹¹⁷ the definition of which includes roads and infrastructure projects, as well as any other project deemed of “general interest”.¹¹⁸ It sets out procedures for compulsory land acquisition and compensation. In December 2009, the Prime Minister added as “works of general interest” all “removals” of buildings in the ISDF’s plans for “unsafe areas”.¹¹⁹

The Law has been used to expropriate or seize properties in some informal settlements where land is privately owned. This happened most recently in Al-Sahaby area in Aswan and in Imbaba and Al-Warraq informal settlements, within the framework of the North Giza Development Project. There was also a threat to remove Al-Maris villagers in Luxor¹²⁰ from their ancestral lands for a tourist project.¹²¹

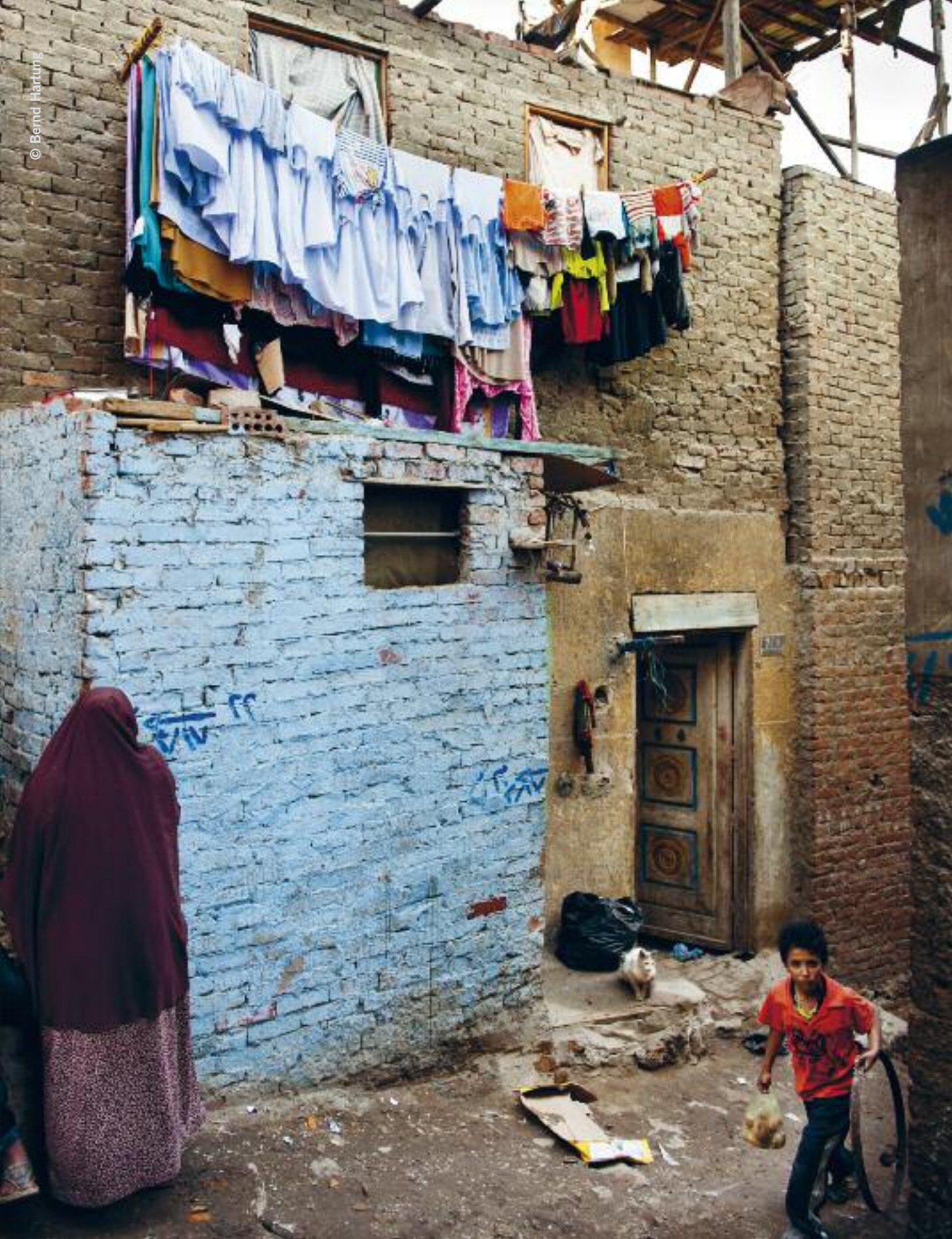
The Law provides for written eviction notices, an appeal mechanism and a compensation procedure that partly involves negotiation. It does not, however, require the authorities to explore all feasible alternatives to evictions in consultation with affected communities, a key safeguard against forced eviction. The lack of consultation reduces opportunities for residents and the government to explore options to minimize negative impacts and to reach agreement on the plans. For instance, the “works of general interest” might have been achievable with fewer or no evictions, or through the transfer of only some of the land, or by developing a slightly different route for a transport project.

Under the Law, the President or his deputy should declare a project as “works of general interest” and attach to it the maps of the required properties for its implementation.¹²² This decision represents the first legal step in the process of expropriation. The Law states that stakeholders should be notified in writing and participate in documenting their properties. An official committee assesses the compensation based on current prices, and the expropriating authority establishes lists of the expropriated properties, the stakeholders’ contact details, and the estimated compensation.¹²³ It then publishes the lists and maps showing the location of the properties in the offices of the expropriating authority and the local authority, having previously notified the stakeholders in writing. The Official Journal and two widely distributed newspapers announce the project and give two weeks’ notice of the publication of the lists and maps. The stakeholders should then receive in writing a five-month eviction notice at most.¹²⁴ They have the right to lodge an objection to the lists, maps and compensation with the expropriating authority and the right to appeal later before courts of first instance.¹²⁵ The Law states that any additions to the properties or contracts signed after the decision to expropriate property has been announced will not count when assessing compensation.¹²⁶ The expropriation must be completed within two years of the decision or it becomes null.¹²⁷

The Law also gives the President or his deputy the power to seize properties temporarily for “the general interest”.¹²⁸ The stakeholder is informed of the decision and given a two-week eviction notice.¹²⁹ Seizure can only last for three years or until the stated aim is achieved.¹³⁰ In emergency situations, such as dangers caused by the spread of disease or unstable bridges, the relevant authority can temporarily seize property for the sake of repairs and protection.¹³¹ When property has been seized, the Law provides for compensation and restoration of the property.¹³²

totally demolish a building based on an urgent court order.¹³³ Alternative housing for residents of buildings at risk of collapsing is not explicitly mentioned, although Article 97 provides for the President to establish a fund that lends money without interest to ensure alternative housing for buildings at risk of collapsing, as well as for repairs and restoration of residential buildings.¹³⁴ However, these provisions are rarely applied in informal settlements, as the buildings are seen as illegal and therefore dealt with in the context of the development of “unplanned areas”.

The Law on Building provides for the “correction” or “removal” of infractions of building regulations. The work may require temporary or permanent eviction of residents, depending on the degree of demolition required. In either case, the occupants are informed of their impending eviction. If they are to be evicted temporarily, they retain their tenancy and do not pay rent for the period of their eviction. In both situations, residents are often subjected to forced evictions under administrative procedures that do not include the safeguards required under international law.¹³⁵



3/AT THE MERCY OF FORCED EVICTIONS

“Yes [the building] was unsafe so remove us, but remove us with respect.”

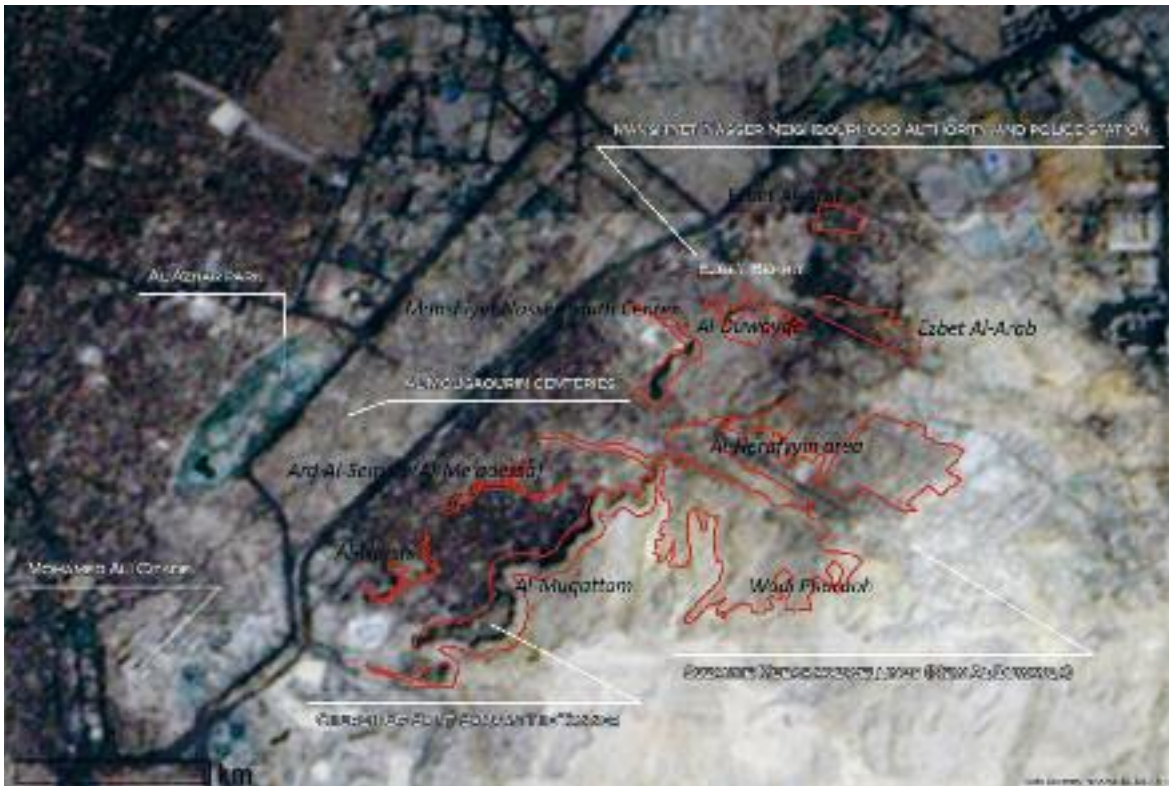
Salama ‘Oda Darwish, an elderly victim of forced eviction from Establ Antar¹³⁶

For residents of “unsafe areas”, the day of their forced eviction is one of destruction and uncertainty. The men, women and children suddenly find their homes and lives at the mercy of the authorities and demolition crews. Often, they feel intimidated by the presence of security forces such as the riot or local police, and fear with good reason strong action if they resist. As they watch workers destroy their homes, they wonder whether that night they will be sleeping in a new home at an as yet unknown location, or on the street. Some who wanted to remain in their homes told Amnesty International that they felt it was better to die under the rubble in dignity than submit to the eviction. For these people, the dreaded day invariably ends with force and violence as they are dragged away by security forces.

For those who receive a rehousing letter after queuing for long periods, the day ends at a new home that may or may not suit their needs. For those who are not given alternative housing, the day ends in despair and signals the beginning of an unknown period of homelessness. They try to find some kind of shelter for that night, some way to protect the vulnerable members of their family, some means to guard their possessions. They may lodge a grievance with the local authorities, which can lead them to living on the streets for months in the hope that they will be rehoused. They may stage protests and sit-ins outside local government offices. Whatever the outcome, their lives are never the same again.

For the neighbours, the demolitions serve as a warning of what awaits them. In the meantime, they are often left living amidst rubble, invariably littered with exposed electricity wires and leaking water pipes. In some, gangs of youths and drug addicts pick through the debris, gathering material to sell. As a result, the neighbourhoods become largely deserted at night, and women said that this made them more dangerous and put them at additional risk of sexual violence.

Opposite: An alleyway in Manshiyet Nasser informal settlement, Cairo.



Satellite image of Manshiyet Nasser: in “unsafe areas” outlined in red, residents are at risk of forced eviction.

Data sources: NASA/USGS/GLS Landsat ETM +2006, www.isdf.info – unsafe areas, ESRI – shaded relief

Cairo Governorate, in its answer to Amnesty International’s 2009 report, *Buried alive: Trapped by poverty and neglect in Cairo’s informal settlements*, argued that under international law, eviction can be used as a last resort, and since this is the case when there is imminent danger to the residents, Amnesty International’s criticism of “forced evictions” in these areas was inappropriate. It also said that the alternative housing offered in the

Suzanne Mubarak dwellings and 6 October City is adequate – two-bedroom flats of 63 square metres fully serviced by schools, markets, medical and religious services, and workshops that offer employment opportunities – and that the relocation conditions were fully accepted by the beneficiaries.¹³⁷

As highlighted above, the CESCR has emphasized that where an eviction is justified, “it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality”.¹³⁸ The Egyptian authorities may indeed need to evacuate some people immediately to ensure their safety, such as when a rockslide has left an area unstable. In such circumstances, it may not be feasible to carry out prior consultation and put mandatory safeguards in place – but it is still obligatory to ensure that these requirements are met as soon as possible after people are moved. This should include, at a minimum: consultation on resettlement options, provision of adequate alternative housing, compensation for all losses and access to effective remedies for violations. Any resettlement options must comply with the criteria for adequacy of housing under international law, which include security of tenure, location, habitability and availability of infrastructure, services and

materials. By and large, the authorities have not met these requirements, especially for communities who were resettled in 6 October City.

Amnesty International's 2009 findings highlighted a pattern of forced evictions and problems for the relocated families in some of the new housing, particularly in 6 October City. As the cases below reveal, the authorities have continued to ignore the safeguards against forced evictions.

The testimonies included below were given by victims of forced eviction in Manshiyet Nasser, Ezbet Khayrallah and Batn Al-Baqara, all in Cairo and classified as level one "unsafe areas". All are next to precarious slopes or cliffs, although it was unclear how imminent the danger was. The evictions were carried out months after the authorities classified the areas as level one "unsafe", yet none of the safeguards against forced eviction required under international law was put in place. It is not clear why, even though months elapsed between identification of a need to move people and the actual evictions, the authorities did not take any action to ensure proper consultation with affected people or why other required safeguards were not put in place.

LACK OF CONSULTATION AND ADEQUATE NOTICE

In all the cases documented, not one of the families interviewed by Amnesty International had been consulted about the plans for their area or their resettlement before they were evicted. Without exception, the authorities also failed to give adequate notice to residents before the bulldozers arrived. Any warning that was provided was given verbally.

In early November 2009, for example, Cairo Governorate announced that 550 families would be evicted from Ezbet Khayrallah in Old Cairo and relocated to 6 October City.¹³⁹ In fact, the families were never told the exact date of their eviction, nor were they ever shown the eviction orders. Only a week before eviction, the Old Cairo Neighbourhood Authority verbally warned the residents but without specifying the exact date, leaving them distressed.¹⁴⁰ Most if not all were forcibly evicted from land south of the spring water that stretches east-west from the Al-Khadra Al-Sharifa area at the end of Abdel Rehim El-Enawy Street to Al-Fahayma Street. It is part of the northern leg of the perimeter of Ezbet Khayrallah that sits on Al-Zahraa Hill. It was deemed "unsafe" and life-threatening by the ISDF because of its contact with the spring water surface and the unstable rock formation.

Amnesty International interviewed neighbours who had not been evicted; they described how on the eve of the evictions, the local authorities told the residents to load their possessions into lorries supplied by the governorate so that the demolitions could be carried out the next day. People then slept overnight in the street near their possessions to guard them. Neighbours said that the people who were evicted were never consulted on resettlement options, even though the authorities had been studying and photographing the area since shortly after the September 2008 Al-Duwayqa rockslide.¹⁴¹ From June 2009, some five months before the evictions, enumeration committees (which usually comprise officials from the Neighbourhood Authority and may also include an official from the local governorate) had been counting and identifying the residents. However, as with other communities, the enumeration committees had not provided residents with detailed information on the plans for evictions nor consulted them on these plans or on resettlement options.

During the evictions, the local authorities numbered the buildings to be demolished from 1 to 66, but the demolition work stopped at number 49. The residents of the remaining buildings still

“YOU [THE STATE] DEMOLISHED [MY HOME] BY FORCE WITHOUT FOLLOWING THE RIGHT PROCEDURES, AND ALSO FORCED ME TO LIVE IN ANOTHER PLACE AGAINST MY WILL... THIS SHOWS THAT THE GOVERNMENT TREATS THE CITIZENS IN AN INHUMANE WAY AND DOES NOT PROTECT THEIR HUMANITY.”

Abdel Nasser al-Sherif¹⁴²

The rights of Abdel Nasser al-Sherif, a lawyer and legal researcher, were violated because he was neither consulted nor given prior warning before he was evicted against his wishes. He did not receive in writing the eviction order, and force was eventually used to evict him. Unlike many other cases documented by Amnesty International, Abdel Nasser al-Sherif tried to challenge the legality of the eviction and obtain a copy of the eviction order, to delay his eviction and to negotiate alternative housing with Cairo Governorate. Even though his efforts were barely rewarded, most people do not have his legal knowledge and cannot undertake such endeavours.

Abdel Nasser al-Sherif lived in a four-storey building in Hekal Street in Establ Antar settlement in Old Cairo, below a cliff that the authorities deemed “unsafe” and life-threatening. He told Amnesty International that his father had constructed the building in 1949 and had officially introduced water, sewerage and electricity and a land phone line in the 1950s. He says his family legalized its tenure through paying land rent (*hekr* – lease) and paid property tax.¹⁴³ He lived on two floors; the other two were occupied by his father, sister and tenants.

On 7-8 March 2009, the authorities arrived to evict Abdel Nasser al-Sherif from his home, but he resisted. A couple of days earlier he had learned about the enumeration of the building’s residents and that demolition would begin the next day. Abdel Nasser al-Sherif took time off work to see what would happen and indeed a wave of forced evictions started the next



© Amnesty International



A hillside in Establ Antar, August 2009. The piles of rubble in the centre of the image and on the cliff edge are all that remain of homes that were demolished by the authorities. The remaining residents fear that their homes might be next.

day. He demanded to see the eviction order from the Neighbourhood Authority and Cairo Governorate, but without success. He submitted an official complaint at the local police station, arguing that the demolition would be unlawful as legal procedures had not been followed. Through his endeavours, he managed to suspend the demolition of his building for four days. However, the other eight buildings in the row of nine under the cliff were demolished, leaving his home in the middle of the rubble. Understandably, the tenants in his building wanted to obtain alternative accommodation, so pressed him to end his resistance.

On 11 March, the police entered his home and threw his possessions from the windows. Still he refused to leave, saying they would have to demolish his building around him. Riot police then entered his home, beat and insulted him, and forced him out. He went to the police station in Al-Khalifa to complain, but without success.

Lorries hired by the authorities took his possessions to Orascom dwellings in 6 October City and left them there in the street. His alternative housing was to be a small one-bedroom flat. He refused to move there for a month, hoping that Cairo Governorate would offer him an alternative flat in Cairo. Finally, he gave up and moved to 6 October City, where he subsequently received a slightly larger flat. However, he has no contract for it – just a receipt stating that he will pay a monthly rent of 120 Egyptian pounds (US\$20). He was continuing to pursue Cairo Governorate for compensation for the building he had owned.

do not know when their turn will come. This has disrupted their lives and left them feeling deeply insecure about their futures.

In an earlier round of demolitions on around 22 April 2009, riot police forcibly evicted without warning 55 families from Al-Nagah Street at the base of Al-Zahraa Hill in Ezbet Khayrallah. The police simply arrived, cordoned off the area and ordered people out of their homes. A bulldozer then immediately began demolishing buildings to prevent people moving back in. Enumeration of the residents had been done a week before the evictions, but the families were told that this was simply to find out who lived there, not to prepare for demolitions. For some people, the enumeration took place on the eve of their eviction.¹⁴⁴

In Manshiyet Nasser, Shaaban Riyad Abdel Latif and his neighbours in Haret Al-Moza Street in Al-Duwayqa were never consulted about their eviction or resettlement. Indeed, until the evening before their home was demolished on 25 December 2009, they did not know when they would be evicted. As a result, Shaaban Riyad Abdel Latif would often leave work and rush home when rumours spread that the eviction was about to happen. He lost his job as a result of this and the time he spent trying to find alternative housing after he was left homeless (see case box on p62). He used to earn about 20 Egyptian pounds (roughly US\$3.5) a day at a koshary shop (café serving traditional Egyptian food) and could take home left-over food for the children. He said his income barely met his family's needs. Now he depends on support from others.

ABUSES DURING EVICTIONS

"They came to demolish the building in front and a stone fell on my room from the window and almost killed my daughter sleeping on the bed. I went out and told them this is haram [forbidden] you are going to kill us and called the government but they wouldn't stop the demolition."

Iman Kamal, mother of two daughters, whose neighbours were evicted from Ezbet Khayrallah

If a government has put in place processes such as genuine consultation and all other procedural requirements, it may in certain circumstances, if necessary, use force in a proportionate and reasonable manner to carry out an eviction. However, in several cases examined by Amnesty International, evictions were carried out without the required procedural safeguards and the security forces used excessive force or threats of arrest to force people out of their homes.

For example, in November 2009 a journalist and her three siblings and their families opposed eviction from the six-storey building that they owned in Ezbet Khayrallah. Their neighbours told Amnesty International that they filed a legal complaint against the eviction decision and sought compensation. On the eve of their eviction, at around midnight, the security forces forced them to empty their flats and load their possessions into lorries. The following afternoon, according to reports, in an effort to force the families to leave the building, riot police smashed down the gate of the building and two shops on the ground floor. They also cut electricity wires and broke water pipes, even though governments should never deliberately destroy property or attempt to deprive people of essential services as a punitive measure or in order to carry out an eviction.¹⁴⁵ Then, while the four families were still in the building, a bulldozer was driven into it. Neighbours heard the screams of children as the riot police forced

the journalist and her relatives out of the building. All subsequently received alternative housing in 6 October City but no compensation.

In some cases, the security forces have threatened residents with arrest or administrative detention if they complain about demolitions or resist eviction. For example, Toba Mohamed Abdel Khaleq (pictured on p43) told Amnesty International that when he went to Old Cairo police station to make a complaint about the damage to his house during demolitions in Al-Nour Alley in Old Cairo's Batn Al-Baqara informal settlement in December 2009, the police refused to file the report.¹⁴⁶ He went to the Public Prosecutor in Old Cairo to submit a complaint, but was referred back to Old Cairo police station. The police sent an officer to check his home. The officer asked Toba Mohamed Abdel Khaleq to accompany him to Old Cairo police station to submit a request for a field examination. His brother Eid Mohamed went too and both were arrested as soon as they arrived at the police station. The Deputy Head of Old Cairo police station told Toba Mohamed that if he did not sign a document saying that he had been evicted from his home then he and his brother would be issued with an administrative detention order. The police also threatened to arrest Toba Mohamed's wife. Both men spent two days in Old Cairo police station where they say they were ill-treated. Toba Mohamed signed the document and the brothers were released.¹⁴⁷

Some demolitions have threatened the safety of those being evicted as well as neighbours and passers-by. Demolitions usually begin shortly after residents have left or been forced out of the building and before they have moved or been rehoused elsewhere. This means that sometimes families have barely left their homes when those driving the bulldozers begin their work and, as the case above shows, sometimes they do not even wait for the building to be cleared.

Cairo Governorate told Amnesty International that it hires a public sector contractor to undertake demolitions. It said that demolitions are carried out after residents have been relocated to alternative housing but as soon as possible afterwards so that nobody else can move into the building and then try to claim alternative housing.¹⁴⁸

The Executive Circular of the Law on Building, which specifies some provisions of the Law on Building, provides for a number of safety procedures that have to be respected by contractors or engineers who, among other things, carry out partial and total demolition of buildings.¹⁴⁹ These include:

- covering the entire building, to avoid debris spreading;
- surrounding the building with a two-metre wall and ensuring there are lights and warning signs to protect passers-by as well as people on the site or near it;
- ensuring that the relevant authority has disconnected electricity, gas and water supplies;
- taking precautions to protect neighbouring buildings;
- stabilizing walls of buildings that could fall.

As far as Amnesty International has been able to determine, these safety requirements are rarely if ever respected during demolitions in informal settlements. For example, during the

demolitions in Al-Me'adessa Street in Manshiyet Nasser, the authorities supervising the demolition told neighbours to stay in their homes even though they feared the demolition could affect their buildings. In Ezbet Khayrallah, the local authorities told neighbours during the demolition in November 2009 (see case box pp14-15) to leave their homes between 9am and 5pm as a safety measure, but did nothing to ensure that they complied and many did not do so as they had nowhere else to go. As the buildings were all adjacent to each other on the edge of the spring water, the demolition posed a serious threat to the safety of neighbours. When demolition workers and the bulldozer were hammering the building next to the house numbered 50, the residents said that rubble and bricks fell into their home, narrowly missing a sleeping child. The residents shouted, pleading for the workers to stop, and contacted the Old Cairo Neighbourhood Authority. They said that a child subsequently suffered a head injury and a woman was knocked unconscious while they were trying to leave their rooms, after which residents contacted the emergency services. Central Security Forces arrived and told the residents to wait in a neighbour's home or they would be beaten. The demolition then stopped.

One man reportedly died in Al-Duwayqa during a demolition. The incident was initially covered in *Al-Masry Al-Youm* newspaper, which reported that Yasser Mohamed Abdel Aziz, a 35-year-old vendor, was left in a coma after a wall fell on him as a bulldozer demolished a building in Al-Wahayed area of Al-Duwayqa on 25 March 2010.¹⁵⁰ He died in Al-Zahraa hospital on 4 April 2010. A man who told Amnesty International that he witnessed the demolition said that Yasser Mohamed Abdel Aziz had refused to be evicted and stayed inside his home. The witness said that to force him out, a bulldozer hit the home next door and the wall then collapsed on Yasser Mohamed Abdel Aziz. Manshiyet Nasser Neighbourhood Authority reportedly denied responsibility for the incident, saying that Yasser Mohamed Abdel Aziz was injured while stealing steel rods and wood from the demolition site. Yasser Mohamed Abdel Aziz' wife told *Al-Masry Al-Youm* that the police unfairly filed a theft case against her husband and threatened her after she submitted a complaint to the Public Prosecution about the incident.¹⁵¹ Irrespective of the different accounts, considering that a death was linked to a demolition site, the authorities should carry out a thorough investigation into the incident and review demolition processes to ensure that safeguards are maintained to protect people's safety, health and lives.

LEFT IN THE RUBBLE

" 'Did anybody die?' 'No thank God, nobody died'. 'Then it's fine. Will you take the flat and go or stay here?' "

Toba Mohamed Abdel Khaleq, describing a conversation he had with a local official

In December 2009, forced evictions were carried out by security forces in Al-Nour Alley in a narrow extension of Batn Al-Baqara near the area of Korn Ghorab. The buildings stood on a narrow strip on the verge of a steep slope parallel to Ein El-Sirra Road, an area categorized as "unsafe" by the ISDF. Around 46 buildings were demolished within 15-20 days, according to residents interviewed by Amnesty International. The area had been informally settled in the 1970s and residents had connected their buildings officially to electricity supplies, each having a meter, and informally to water pipes and sewerage systems.



Amnesty International only met those who had not received alternative housing and remained in this “unsafe area”. There appeared to be 28 families. Some were back in their homes after repairing the damage caused by the demolitions; others were living in wooden shacks they had built on the side of Al-Nour Alley after their homes were demolished. Surrounded by rubble, they had to fetch water from a standpipe in the middle of the demolition site. A year later in late 2010, most of the families had received alternative housing in 6 October City.

Toba Mohamed Abdel Khaleq, aged 42 and a father of six, had rented a one-storey home with his younger brother Eid Mohamed, aged 29. Both work as daily wage labourers in the marble stone industry in Shaq Elthu’ban in Helwan, south of Cairo. The enumeration committee counted Toba Mohamed but not Eid Mohamed, who had moved into his brother’s flat in 2005 after he married but whose identity card still showed his address as in Al-Fayoum Governorate. The only proof he had that he lived in Cairo was his child’s vaccination card, but this did not persuade the enumeration committee.

Toba Mohamed Abdel Khaleq (left), who alleges that he was ill-treated by police for resisting eviction, speaks to a human rights lawyer.



© Amnesty International

Samee' Gamal Al-Sayed's home is now in the middle of the demolition site of Al-Nour Alley in Batn Al-Baqara, Old Cairo. The demolition left one wall of his neighbour's house standing (left). Samee' Gamal Al-Sayed fears it could fall on him while he sleeps.

Toba Mohamed refused to be relocated until his brother was allocated alternative housing. On 21 December 2009, while the bulldozer was demolishing the buildings surrounding their home, their walls cracked and rubble fell on the roof, breaking it. They believe this was done deliberately to force them to leave. Toba Mohamed feared for his small children, so began shouting at the people supervising the demolition – the Head of Old Cairo Neighbourhood Authority and the

Deputy Head of Old Cairo police station. His wife said it took about 20 days to repair their home and move back in.

Generally, single people are housed with members of their extended family. It is rare for them to be allocated a flat on their own. For example, Samee' Gamal Al-Sayed is an elderly man who works as a daily wage labourer. He and his brother Kader Gamal Al-Sayed lived in a one-storey home in Al-Nour Alley surrounded by rubble and a brick wall from his neighbour's demolished home. They both feared the wall could collapse on them. Samee' Gamal Al-Sayed said he was not allocated alternative housing because he is single, even though he had lived there for decades.

Eid Ahmed Hussein, a 64-year-old daily wage labourer and father of five, told Amnesty International that he settled in Al-Nour Alley in 1975,¹⁵² and lived in a rented house with his son

Ramadan, aged 27, and three unmarried daughters. Just before the demolitions, Ramadan was married in the civil registry office, but did not have a wedding party or move in with his bride. As a result, the Neighbourhood Authority considered that his was not a separate family unit and therefore he would not obtain an alternative flat. Eid Ahmed Hussein's household was counted as one family. Had he accepted relocation, the six people would have been allocated just one two-bedroom flat in Orascom dwellings in 6 October City. Eid Ahmed Hussein said that even though Ramadan had explained his situation to the enumeration committee and a municipal council member, he could not obtain a flat. Even though the wooden roof of their home was broken during the demolitions, the whole family had to remain there amidst the wreckage of their neighbours' homes.

Higher up the hill and further from the water is the Al-Ma'lab area (literally, the dump), off Al-Abasiry Street, which is the continuation of Ezbet Khayrallah's cliff to the north. The alley has around 10 single-storey buildings and ends at a small brick wall beyond which rubbish has built up like a mountain surging from the spring water. Residents said they feared eviction and complained about the uncertainty with which they lived.¹⁵³ A few wanted to move because cracks in the ground made them fearful, but most did not want to be relocated to 6 October City.

Residents who remained in Al-Sahaby area in Aswan following demolitions (see Chapter 6) complained about the hazards left behind, such as torn wires, leaking water and sewerage pipes, as well as snakes and scorpions. On 15 November 2010, one of the half-demolished buildings collapsed while residents were collecting bricks and steel rods from the wreckage, killing 20-year-old Ahmed Abdel Rasoul, according to reports. Residents say the contractor had only partly demolished the three-storey building two weeks earlier, clearly leaving it in a dangerous condition, but their many calls to the emergency services to secure the building and remove rubble were ignored.

HOMELESSNESS FOLLOWING EVICTION

"Evictions should not result in individuals being rendered homeless..."

UN Committee on Economic, Social and Cultural Rights¹⁵⁴

In some rounds of forced evictions, people have been left homeless. In Manshiyet Nasser, for example, where the bulk of forced evictions have taken place, Amnesty International has come across many families and individuals who have been left homeless. Most are former tenants. Homeowners usually receive alternative housing following eviction, even if not always suitably sized or located, because they can show property tax receipts or other relevant documents to enumeration committees, or because they can bribe the enumerators to ensure they are on the list. Tenants often have few or no papers to prove where they live, and may be relatively new to the area.

Among the main reasons why people are left homeless after eviction are deficiencies in the enumeration process, corruption and the demolition of homes before alternative housing has been allocated. Enumeration committees are usually made up of officials from the Neighbourhood Authority and may also include an official from the local governorate. They count and list the population of a given area, and their lists serve as the basis for allocating alternative housing.

Visiting Al-Sayeda Zaynab Street in Al-Wahayed area of Al-Duwayqa on the afternoon of 10 March 2010, Amnesty International delegates found many people in despair. The people were gathered together towards the bottom of the steep slope on which their homes had been built and they described how bulldozers had demolished their houses earlier that day. They said that they had not been given rehousing letters, so had been left homeless. Their homes were at the top of the street, they said. The ones lower down were due to be demolished over the next few days. Residents of these homes were in anguish as they feared that homelessness was awaiting them too. Indeed, previous batches of demolitions in the street and in other streets higher up the slope in Al-Wahayed area had left many families homeless.

The forced evictions on Al-Sayeda Zaynab Street on 10-11 March 2010 left at least 30 families homeless, although some other families were rehoused in Al-Nahda City. The abandoned families were living in the street with their possessions close by the Suzanne Mubarak dwellings. They complained to the authorities, but nothing happened. Amnesty International wrote to Cairo's Governor raising concerns about their situation and provided examples of eight families, some of which are highlighted in this box.

The distraught families described how Manshiyet Nasser Neighbourhood Authority had just demolished 19 buildings and a similar number in the preceding days, all supported by a heavy security presence. Each building had housed around four families, many of whom were renting. For one reason or another, they were not included on the enumeration list. They had not found out that their names were missing from the list until the day their homes were destroyed, and some had been lulled into a false sense of security because Cairo Governorate had provided them with vehicles to transport their possessions.

Ahmed Bakr Eid, for example, a 27-year-old married man who worked with the traffic police, told Amnesty International that he had lived in Al-Sayeda Zaynab Street for seven years.¹⁵⁵ He said he was told by members of the Central Security Forces to vacate his home on 10 March 2010 and remove his possessions so that the building could be demolished. It transpired that the enumeration committee refused to include his name because his identity card did not say that he lived in Al-Sayeda Zaynab Street, although other official documents that he showed them clearly did, including his wife's identity card, their marriage registration certificate and their child's birth certificate.

Another man, Ossama Mohamed Mostafa, aged 39 and a father of four, said he had been renting a room in Al-Sayeda Zaynab Street. He was not included in the enumeration list, apparently because even though his identity card states that he lives in Al-Wahayed area, it does not give his exact address. The enumeration committee did not accept his tenancy agreement in Al-Sayeda Zaynab Street as proof of residence as it was not registered and therefore could have been forged. He insisted that it was not.

Faten Mahmoud Abdel Razeq, aged 32 and married, said she had been renting a room in Al-Sayeda Zaynab Street for three years. She said the enumeration committee had missed her when it visited the area a week earlier. When she explained this to Manshiyet Nasser Neighbourhood Authority and showed her identity card, which shows her as a resident of Manshiyet Nasser, she was told that she would be provided with alternative housing because she was a de facto resident of Al-Sayeda Zaynab Street. After the demolition, however, the Neighbourhood Authority told her that alternative housing was being provided only for those listed in the enumeration process.



Amr Mohamed Hassan Hassan, a tailor aged 27, was evicted on 10 March 2010 together with his father, Mohamed Hassan Hassan Ibrahim, from the room he rented in Al-Sayeda Zaynab Street. Amr Mohamed Hassan Hassan's name had been taken by enumeration committees twice in February 2010, but he was not included in the final list because of lack of documentation. On the day of his eviction, he was told to remove his possessions and leave the building, which was then demolished, and to complain to Manshiyet Nasser Neighbourhood Authority, which he did. Both men were left homeless.

For some, the absence of their name on the enumeration list is a complete mystery. Mahmoud Ahmed Goda Ali, a 47-year-old trader and father of four, has an identity card that gives his address as Al-Sayeda Zaynab Street. Indeed, he had been renting a

Mahmoud Ahmed Goda Ali with his wife, two of his four children and their possessions, March 2010. The family was left homeless after their house was demolished in Al-Sayeda Zaynab Street, even though they had ample proof that they lived in the street.

room there since 1 January 2008 and his tenancy agreement was registered with the Ministry of Justice on 14 February 2008. Despite this, he did not receive alternative housing after his home was demolished.

Two months after Amnesty International visited, some of the homeless families received small flats in 6 October City (see Chapter 4, Overcrowding and other problems).





The committees appear not to have written criteria for identifying residents. Neither the Law on Building nor the Law on Local Government provides such criteria, nor do any other laws or official guidelines. The committees are said to use their discretion to assess whether or not somebody actually lives in an area or is only claiming to do so.

According to information provided by officials and residents, documents that prove the exact place of residency during the enumeration process include any of the following: an identity card; a birth certificate; a vaccination card or letter from the school for children; a court decision or a police report; a driving licence; electricity or water bills; a food rations card; a certificate for paying property tax; a marriage or divorce certificate; and proxy papers for women whose husband is absent or whose father is gravely ill. Usually, the more papers the resident holds the better.

However, the most commonly held document – the identity card – does not always specify the exact place of residence for people living in informal settlements and may not be an accurate record of their address. Many avoid putting an informal settlement as the address on their identity card to avoid stigmatization when applying for jobs or police suspicion at checkpoints. Residents often cite a previous address or their province of birth.

After the Al-Duwayqa rockslide, Cairo Governorate asked the Interior Ministry not to amend addresses on people's identity cards where evictions were planned before double-checking with the local authorities, to make sure the change was not being requested simply to obtain alternative accommodation after evictions. It also appears from residents' accounts that since then it has been impossible to obtain a new identity card with an address in Manshiyet Nasser.

This has adversely affected many Manshiyet Nasser residents' ability to access alternative housing. Mona Abdel Tawab, a married mother of four, said she had been living for 15 years in Manshiyet Nasser, but the address on her identity card is in Al-Fayoum Governorate. She has two small children who should be about to start school but will not be able to unless she can prove that they live in the area. She said that she only thought about the importance of the address on her identity card after evictions in her area started and it became clear that people would not get alternative housing unless they could prove officially their place of residency.¹⁵⁶

According to the local authorities, many people try to manipulate the system to obtain flats, a view shared by some homeless people and residents of areas of informal settlements affected by forced evictions. Indeed, it appears that corruption and manipulation of the system does result in alternative housing units ending up in the wrong hands, and genuine claimants being left homeless. However, Amnesty International has seen many people with identity cards that show the right address, or a tenancy agreement or even a rehousing letter from the Neighbourhood Authority, who were left homeless after forced eviction.

The confidential and imprecise enumeration lists, drawn up without clear criteria, are one reason evicted people are left homeless. In addition, corruption is widely reported when the enumeration lists are being established. According to many evicted families and their neighbours, some people, including those who do not live in the area, pay to get their names on the enumeration lists – the going rate is said to be around 5,000 Egyptian pounds (US\$841). Some bribes work. Some do not. People with genuine claims sometimes feel forced to pay such bribes, and still are not guaranteed a place on the lists. Some residents allegedly try to manipulate the system by claiming for more flats than they are entitled to. For example, parents marry off their children so that they will count as separate households, or couples divorce so that each

Previous pages: Families who were left homeless after they were forcibly evicted from Al-Shohba in Al-Duwayqa in April 2010 ended up in living in these tents. December 2010.

will obtain a flat, or flats are subdivided into tiny rooms and relatives or acquaintances are listed as staying in them.

Some owners of buildings, particularly those who do not live in them, allegedly bribe local officials to stop or delay the demolition. Some allegedly end tenants' contracts, or subdivide their own flats which they rent to others, who then obtain alternative flats. Some owners allegedly ask tenants to forfeit their deposit money or pay additional money to avoid eviction. In some cases, owners make tenants sign "I owe you" papers for large sums – up to 20,000 Egyptian pounds (US\$3,366) – which they must pay following their relocation. These tenants become so worried about their "debt" that they feel forced to informally "sell" their new flat or hand it over to the owner.

Amnesty International did come across situations where people had clearly tried to manipulate the system to obtain additional flats. In February 2010, Amnesty International delegates saw a building that had been subdivided into tiny rooms so that the tenants could obtain more flats. Amnesty International met the residents – eight families all from southern Egypt and related to each other – when they were living near the demolition site in Al-Da'wa Street in Al-Duwayqa.¹⁵⁷ They said they had a dispute with the Neighbourhood Authority because the owner added rooms above the roof, which apparently made the authorities suspect that more alternative flats were being requested than the actual number of families living in the building.

In Al-Nour Alley in Batn Al-Baqara, a week before evictions and demolitions began in December 2009 (see p42), an enumeration committee comprising an official from Cairo Governorate and two officials from the Old Cairo Neighbourhood Authority visited the area and counted the residents. Some of the residents told Amnesty International that shortly before, many people from Al-Fayoum and Assiout southern governorates had moved into the area so that they could obtain alternative housing. At the same time, not all of those whose houses were destroyed had been listed and so they were not rehoused. They described as an example the situation at 37 Al-Nour Alley, where 11 families had been living and paying rent, but only three obtained alternative housing. After the building was demolished, the other eight families were left homeless.

Many of those left homeless have staged protests and bravely persisted with their struggle to be rehoused. Among them were some of the 400 families who were forcibly evicted on 24 and 25 December 2009 from Al-Da'wa Street and Haret Al-Moza Street near Al-Herafyin area in Al-Duwayqa.¹⁵⁸ Amid a heavy security presence, bulldozers were reported to have demolished at least 30 buildings of between two and four storeys, as well as rooms, on the precarious slope. According to witnesses, residents who resisted were beaten by security forces and forced out of their homes with their possessions. Several families were left homeless, including some who had rehousing letters. On 28 December 2009, many staged a protest on the highway, but were dispersed by the police.¹⁵⁹

At least three men received rehousing letters that named a second beneficiary on the same document. Normally, only one beneficiary is named in a rehousing letter – the head of household. The allocated flats could not possibly accommodate a second household, so the second-named ended up homeless. The men continued to call on Manshiyet Nasser Neighbourhood Authority to review their cases and rehouse them. A few days after Amnesty International met them, one of the men, a mosque employee and father of four, was finally given a flat in Al-Nahda City.

DENIED COMPENSATION

"... all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected [by an eviction]".

UN Committee on Economic, Social and Cultural Rights¹⁶⁰

"We sold the agriculture land and gold to build [the demolished house] so my children could marry and live in it."

Wafaa Abdallah, victim of forced eviction from Ezbet Khayrallah, relocated to 6 October City but who received no compensation

Egyptian law makes only limited provisions for payment of compensation to people who are evicted. In practice, most victims of forced evictions in informal settlements do not receive any compensation – for buildings, land or other losses. Most families forcibly evicted from informal settlements interviewed by Amnesty International said that owners of buildings and land had not only been uprooted but had also lost buildings they had paid for without receiving compensation for them or for loss of income deriving from tenants or businesses run from their premises. For many owners this represented the loss of the fruits of years of labour, or investments made from the sale of other property, or inherited money or property. Even when offered alternative housing, they have to pay rent, which many cannot afford having lost their source of income when their building was destroyed. Both building owners and other residents, such as tenants, should also be entitled to compensation in cases where eviction results in losses (such as of furniture or tools, or income); however, as far as Amnesty International can ascertain, those evicted in informal settlements do not receive such compensation.

The Law on Expropriation for the General Interest provides for compensation for physical losses (see p32). In addition, Article 163 of the Civil Code provides for compensation for harm towards a third party when caused by error. The complainant must present their claim before an expeditious administrative court, and the court has to find that the authorities' decision to demolish a house on state-owned land was a mistake. Alternatively, a conciliation committee established under Law No. 7 of 2000 in the local authority to examine disputes with government decisions could deal with the matter. Such committees are headed by retired judges and aim to reduce the pressure on the judicial system. If the two parties disagree with the conciliation committee's decision, they can appeal before an administrative court. In practice, however, when compensation is agreed in whatever forum, it is often years before it is paid, which generally deters people from filing compensation claims in relation to house demolitions.¹⁶¹

In the case of administrative evictions in Al-Burumbul village in 2008 (see Positive court rulings, p30), the administrative court rejected the compensation claims made by those who lost their homes on grounds of inadmissibility. It stated that the claimants should have presented their complaint to a conciliation committee and did not provide detailed accounts of their physical losses.¹⁶² Evictees whose homes were demolished in the immediate aftermath of Al-Duwayqa rockslide had attempted to join the Al-Duwayqa trial as civil parties to claim compensation for the loss of their buildings. The court rejected their requests on the grounds that they were not directly affected by the rockslide.

Salama 'Oda Darwish, aged 70, and his large family were forcibly evicted from Establ Antar in April 2009. After serving in the Egyptian army, he worked for 26 years for a pipes-and-cement company in Helwan. He put his life savings towards constructing two buildings in Mostafa Salem Abu-Hle'a Street in Establ Antar. Two of his sons, Ezzat and Sayed, lived in one of the buildings along with tenants who paid rent. Salama 'Oda Darwish and his three other sons and three daughters lived in six flats in the other building. He said he had paid property tax for 40 years and had access to basic infrastructure. In early April 2009, without written notice, the authorities demolished one of his buildings. Fifteen days later they demolished the other. All the residents were forcibly evicted to the Orascom dwellings in 6 October City and received alternative housing there, except for his unmarried son. Salama 'Oda Darwish received no compensation for the loss of his buildings, and neither he nor his children were given contracts for the flats they received. He said he cannot afford the monthly rent of 120 Egyptian pounds (US\$20) as he only has a small pension and no longer receives rent. None of the family has paid any bills since their relocation, and all worry about what will happen when they are made to pay them.

The same month, on around 22 April 2009, a four-storey family house in Al-Nagah Street at the base of Al-Zahraa Hill in Ezbet Khayrallah was demolished without notice. Alaa Shaaban, his parents, his brothers Mansour and Nasser, as well as his two sisters, and members of their respective families, were forcibly evicted. Mansour, a 30-year-old father of three, had lived there all his life. When he married, he moved into a separate flat in the same house. Alaa had done the same thing – he had spent years saving to build a conjugal flat in the building, but 15 days after his wedding it was destroyed. Nasser had begun to build his future flat on the next level up. The family speaks bitterly of the loss of their home and history, and of their new life in 6 October City. In their old building, each household had a flat of 100 square metres, and the family had invested much of their savings, including money raised when they sold agricultural land that they owned, in the building and connecting it to services. Now they live in four flats each measuring 48 square metres. Alaa said he would have accepted compensation of 50,000 Egyptian pounds (US\$8,415) rather than being forced to live in a flat in 6 October City, which Cairo Governorate apparently bought for 95,000 Egyptian pounds. As it was, he received no compensation at all.

Structure “owners” in Cairo have not been receiving financial compensation for the loss of their buildings, as the authorities view them as illegal. Some “owners” of business premises such as workshops or shops have received alternative space in the resettlement sites, but none has reported receiving financial compensation.

In Aswan, however, the Governorate said tenants and owners evicted from the Al-Sahabya area could choose between alternative housing and financial compensation or a combination of the two, depending on the number of rooms in the original home. Reports indicated that the Governor of Aswan said that people who lived in a one-bedroom flat will receive a one-bedroom flat in Al-Sadaqa Al-Qadima area or 40,000 Egyptian pounds (US\$6,730) compensation, and for each additional room, the evicted person will receive an additional 10,000 Egyptian pounds (US\$1,683) per room or a newer flat in Al-Sadaqa Al-Gadida area. Those who lived in four-bedroom flats will receive two flats in Al-Sadaqa Al-Qadima or 80,000 Egyptian pounds (US\$13,470), or a flat in Al-Sadaqa Al-Gadida and 8,000 Egyptian pounds (US\$1,347).¹⁶³ It appears that the authorities unilaterally selected the place of resettlement.

LACK OF EFFECTIVE REMEDY

At least two groups of people seek remedy in relation to Egypt's "unsafe areas" – those who were not provided with alternative housing following forced eviction; and those who seek unsuccessfully to be relocated because they fear that their homes threaten their lives (see Chapter 1, Failure to protect lives). Both face huge challenges because Egyptian law is not clear on the provision of alternative housing. Remedy through grievances to local authorities or complaints to the judiciary are slow, inaccessible or ineffective. The ICESCR is a potentially valuable tool for those seeking to claim the right to adequate housing. The Optional Protocol to the ICESCR – which Egypt has yet to ratify – is a new international mechanism that can enable people whose rights have been denied or who lack access to an effective remedy in their own country to seek justice through the UN.

To help people to know their rights, including to seek an effective remedy for abuses suffered, in 2009 Amnesty International produced a leaflet outlining people's right not to be forcibly evicted and their right to adequate alternative housing, referring them to Egyptian human rights organizations who can provide free legal help. The leaflet was distributed in many of Cairo's informal settlements.¹⁶⁴

When people are forcibly evicted and left homeless, all they can do is present a grievance to the local authorities. However, they are usually viewed with suspicion and most are unsuccessful.¹⁶⁵ According to Cairo Governorate, between 29 April and 4 May 2010, committees set up to deal with such cases looked at 250 formal grievances from people who said they had been left homeless after eviction in Manshiyet Nasser. These committees comprised "elements from the neighbourhood's administration and the municipal popular council of Manshiyet Nasser Neighbourhood Authority, the Governorate's Department of Housing Research and the traffic police investigations' service". They found that the claims of 50 families were genuine and said that all were immediately rehoused in Haram City in 6 October City. The other 200 claims were apparently rejected.

The usual means of seeking remedy for victims of forced eviction or those whose rights have been violated in other ways is to submit a complaint to the Public Prosecution. However, the slow and bureaucratic nature of this procedure is a deterrent. Moreover, most families left homeless after eviction or not given adequate alternative housing are living in poverty and cannot afford legal expenses despite the relatively low legal fees in Egypt.¹⁶⁶ The legal aid system appears to be difficult to access and most homeless families who do lodge cases rely on free legal advice provided by a limited number of local human rights organizations that support victims of forced eviction.

Eight women from Al-Duwayqa, who feared they were going to be left homeless following a forced eviction, presented a petition with Cairo's civil court under emergency procedures in March 2009 using a process that allows people to record or expose evidence urgently if they fear that it might disappear. With the help of the Egyptian Centre for Housing Rights, the women asked the court to immediately send a legal expert to examine their homes and certify their occupancy and the danger that the homes presented. They argued that they feared that their homes could be demolished at any time without alternative housing being provided. If the homes were demolished, they believed they would not be able to prove that they had lived there. The following month, in April, the court rejected their petition on the grounds that it was not competent in the matter. It said it could not certify their occupancy as, among other things, this would require the examination of documentation.¹⁶⁷ On appeal, the women argued that in informal settlements the situation must be examined in the field as there is little or no paperwork, and the matter was urgent as



demolitions had begun and their house could be demolished at any moment. The appeal was rejected. The women were later evicted but in the end did receive alternative housing.

For many of those left homeless after forced eviction, their only recourse has been to stage protests and sit-ins. Most are held outside the offices of their Neighbourhood Authorities, or at the headquarters of Cairo Governorate, or outside Parliament, the Public Prosecutor's office or the National Council for Human Rights, all in central Cairo.

Satellite image of designated "unsafe areas" in Old Cairo, where residents are at risk of forced evictions.

Data sources: NASA/USGS/GLS Landsat ETM +2006, www.isdf.info – unsafe areas, ESRI – shaded relief

Satellite images of Ezbet Khayallah, Al-Duwayqa, Batn Al-Baqara and Establ Antar informal settlements in Cairo. The two images of each were taken in September 2008 (top) and December 2010 (bottom). The areas designated as “unsafe” are outlined in red; the extent of subsequent demolitions is outlined in pink. All images © Amnesty International.



Ezbet Khayallah



Al-Duwayqa



Batn Al-Baqara



Establ Antar



4/LIFE AFTER RESETTLEMENT

“I was depressed and sad. It was difficult that as a human being we can’t get a nice flat for our children, surely. But thank God we are now compensated by these housing units which are clean as you see. We are now rested, thank God.”

Sabrin Hamed Abul ‘Elah, who was forcibly evicted from Haret Ahmed Nader in Al-Duwayqa in late 2009

When evictions are conducted, the Egyptian authorities must ensure that relocation sites fulfil the criteria for adequate housing set out in international human rights law. These include:¹⁶⁸

- security of tenure;
- services, materials, facilities and infrastructure such as potable water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;
- affordable housing;
- habitable housing that provides inhabitants with adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors, and ensures the physical safety of occupants;
- accessibility for disadvantaged groups;
- location with access to employment options, health care services, schools, childcare centres and other social facilities, whether in urban or rural areas;
- culturally appropriate housing;

Opposite: The Suzanne Mubarak dwellings, named after Egypt's former first lady, comprise around 10,000 flats and are located in Manshiyet Nasser. Many were allocated to people displaced following the 2008 Al-Duwayqa rockslide, and other people still living in danger in the area hope to be rehoused in them.

- adequate housing that includes the following essential elements: privacy and security; participation in decision-making; freedom from violence; and access to remedies for any violations suffered.

None of those interviewed by Amnesty International had ever been consulted on their alternative housing before their eviction, whether this happened in 2009/2010 or 2011, over a year after the “unsafe areas” were identified. Among them were many families evicted from Establ Antar and Ezbet Khayrallah in Old Cairo and rehoused in the Orascom dwellings in 6 October City.

Many families evicted from informal settlements, some willingly, some unwillingly, expressed satisfaction with the size and location of their alternative accommodation, particularly those rehoused in the Suzanne Mubarak dwellings. However, whether they were satisfied or not, none had been given documentation to confirm their tenure status. All were unsure of the rent and service charges they may be forced to pay, and worried that they may not be able to afford the costs. Families relocated to 6 October City complained that their new flats were too small, denying them privacy, or too far from their old home, denying them their source of income. Some said the walls of their new homes were already cracked, or that essential services were either absent or insufficient to serve the size of the population.

LACK OF SECURITY OF TENURE

To Amnesty International's knowledge, most of those relocated from “unsafe areas” have not been given documents to confirm their tenure status, leading to uncertainty and insecurity for the residents. Such concerns were expressed by many families evicted from Haret Ahmed Nader in Al-Duwayqa in late 2009,¹⁶⁹ including people rehoused in the Suzanne Mubarak dwellings. Sabrin Hamed Abul ‘Elah, for example, was allocated a home in the Suzanne Mubarak dwellings on 1 January 2010, and told Amnesty International that she was extremely happy with her new flat.¹⁷⁰ After 16 years in the hazardous conditions of Haret Ahmed Nader and a long wait for relocation to safety, she is enjoying her two-bedroom flat near her former home. Her only concern is that she has no papers to prove that the apartment has been assigned to her household. She and others like her want a legal document to secure the tenancy and end their worries about the future.

After the September 2008 rockslide, according to Cairo Governorate, 9,100 housing units were allocated to people evicted from Manshiyet Nasser by June 2010, and 2,000 housing units to those evicted from Establ Antar and Ezbet Khayrallah by March 2010. In September 2010, during an event celebrating the completion of the Al-Duwayqa upgrading project, Egypt's then first lady was reported to have handed ownership contracts to a handful of residents from Manshiyet Nasser as a symbol of what would follow for all the new occupants of the Suzanne Mubarak dwellings. However, residents told Amnesty International in December 2010 that none of them had received any kind of contract, not even for rent.

In response to Amnesty International's 2009 report, Cairo Governorate said that relocated people are given a primary document after their eviction – a letter of rehousing – so they can obtain the housing unit. This is pending a double-check of the enumeration lists and verification that the beneficiaries are in fact occupying the alternative housing. During this provisional period, the Governorate pays for the electricity, water and other services for the units. After verification, it said,

the Governorate gives the final tenancy to the residents by providing them with contracts for the rent – 50 Egyptian pounds a month (US\$8.4) – which can be taken over by relatives who live with them.¹⁷¹ Many residents told Amnesty International that they were already paying the 50 Egyptian pounds rent, but did not have any type of contract. As a result, they do not know how long they will be allowed to stay there, nor whether they may have to pay back any bills paid by the governorate.

PROBLEMS WITH LOCATION, ACCESS TO SERVICES AND LIVELIHOODS

“Adequate housing must be in a location which allows access to employment options, healthcare services, schools, child-care centres and other social facilities.”

UN Committee on Economic, Social and Cultural Rights¹⁷²

For the many thousands of people rehoused far from their original homes, the issue of location – a critical element of the right to adequate housing – is a major problem.

By March 2010, more than 2,000 families evicted from Establ Antar and Ezbet Khayrallah in Old Cairo had been rehoused in the Orascom dwellings in 6 October City, about 45km away in the desert.¹⁷³ About the same number were relocated there from Al-Duwayqa, even though some flats in the nearby Suzanne Mubarak dwellings were vacant.¹⁷⁴ The new residents acknowledge that the environment in 6 October City is cleaner and healthier than where they were, but other problems now dominate their lives. Among the most important are the long distances from their workplace, community, markets, medical centres and other services; the high transport costs to get to these and other places in the capital; the lack of job opportunities in the new location; and high prices in 6 October City.

None of those moved to the Orascom dwellings were consulted over their resettlement, so changes that have had a fundamental impact on their lives were decided by Cairo Governorate, not them. Most have jobs in Old Cairo or Cairo, so the commuting is extremely difficult and expensive. The many craftsmen, including leather workers, cobblers and other artisans, cannot find jobs in 6 October City. People who ran small businesses from sites in the informal settlement, such as grocery shops, butchers or electrical services, lost them during the demolitions, did not receive compensation and cannot afford to re-establish their enterprises in 6 October City.

For journeys to and from Cairo, residents use minibuses, and for moving around inside 6 October City, they hail private cars, many of which are now used as minicabs by other former residents of informal settlements. A private company began a bus service targeted at more affluent residents, but fares are too expensive for most of those who used to live in Establ Antar and Ezbet Khayrallah. As a result of the high transport costs, some relocated people have returned to their former informal settlement, especially those who can find somewhere to rent or still have relatives there, as they say that is the only way they can survive economically.

In terms of other services, there is one medical centre not far from the Orascom dwellings and one hospital about 30 minutes away by car in 6 October City. The other hospitals are all private. Roads inside the compound lack asphalt, and security is largely left to residents. Initially, there was no mosque, but the company has now built one. The residents set up a market with stores selling food and other groceries, which they called Al-Duwayqa souk.

The attachment of families to their communities in informal settlements manifests itself in many ways. This was clear with the family of Alaa Shaaban, evicted from Ezbet Khayrallah in April 2009

“ALL WE ASK FROM GOD IS TO FIND SHELTER IN ANY PLACE TO STAY IN WITH THE KIDS... STAYING IN THE STREET, I LOST MY JOB AND I LOST MY GLASSES AND EVERYTHING.”

Shaaban Riyad Abdel Latif

Shaaban Riyad Abdel Latif, a 45-year-old father of four young daughters, worked in a shop serving *koshary*, a popular rice and pasta-based dish. He said that for the past eight years he had been renting a room in Haret Al-Moza Street and that in February 2009 enumeration committees had listed his name. On 24 December that year, local officials told him that he would be evicted the next day and would receive a rehousing letter after the eviction. The next day, Shaaban Riyad Abdel Latif was barely given time to remove his possessions before a bulldozer demolished the building. Along with the other evicted residents, he went to Manshiyet Nasser Neighbourhood Authority to obtain his rehousing letter, only to discover that a divorced woman who lived in a neighbouring room was also named in the letter. Shaaban Riyad Abdel Latif said local officials told him he could marry her so they could share the flat to be allocated. He told Amnesty International that she and her two children remained homeless for five days until she managed to obtain a separate rehousing letter and could then move into a flat in Suzanne Mubarak dwellings.

Despite receiving a rehousing letter, Shaaban Riyad Abdel Latif's family was not given alternative accommodation. They and 26 other homeless families spent about a month living in tents with all their possessions in a vacant plot near the Suzanne Mubarak dwellings, where a rehousing committee sits. Some suffered from the cold, especially children. In mid-January 2010, local officials collected their papers, apparently to allocate them alternative housing. More families joined the group, apparently



also homeless. On 25 January 2010, during a visit by the Head of Manshiyet Nasser Neighbourhood Authority, homeless women wrongly thought he was there to give them alternative housing. They were said to have gathered outside the office and prevented him

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Shaaban Riyad Abdel Latif, a father of four girls, pictured in February 2010, found shelter in this tent near the Suzanne Mubarak dwellings after he lost his home and job following his forced eviction from Al-Duwayqa in Manshiyet Nasser. Even though he was issued with a rehousing letter, he was not given alternative housing.

from leaving. The police intervened and dispersed the gathering by force. Five women were arrested, taken to the police station and then released. A pregnant woman was reported to have been hurt in the process and was taken to hospital.¹⁷⁵ Late in the night, riot police demolished the families' tents and removed and then threw away all their possessions. The families then scattered to find shelter with friends or relatives, or elsewhere.

Shaaban Riyad Abdel Latif told Amnesty International that he lost his furniture, a blanket, two pairs of spectacles and vital papers. He managed to save a couple of mattresses and some clothes. His wife and children were sometimes staying with families who were given alternative housing. He was using the toilet at a local mosque and collecting water in jerry cans at the homes of former neighbours. By the end of 2010 he had reportedly returned to live in his extended family's home in his village of origin.



The Orascom dwellings in 6 October City, where relocated families from Establ Antar, Ezbet Khayrallah and Al-Duwayqa are obliged to restart their lives and livelihoods far from their former homes and support networks.

(see p53). His mother, Wafaa Abdallah, told Amnesty International that she goes back to Ezbet Khayrallah to buy food, as it is much cheaper there, and to see her family.¹⁷⁶ Transport costs her 8 Egyptian pounds, but she said that she still saves money by avoiding the more expensive supermarkets in 6 October City. Her husband, Alaa Shaaban, works for a company in Helwan, south of Cairo. His daily travel costs from Ezbet Khayrallah were 2 Egyptian pounds; now they are about 10 Egyptian pounds, eating around two-thirds of his monthly salary. Commuting also takes him hours every day. Alaa Shaaban, a carpenter, usually found work in Ezbet Khayrallah through contacts. Even though there is much construction in 6 October City, he has no contacts so has struggled to find work.

Salah Salama 'Oda Darwish, a 29-year-old graduate of art history and a married father of one, said that since his relocation from Establ Antar to 6 October City in April 2009, he has not been able to afford the travel costs to his workplace, a tourism company, so now uses his car as a minicab. He also said that he suffers from the hostility and suspicion shown by the police towards people who relocated from Establ Antar and Ezbet Khayrallah.¹⁷⁷

There were vacant plots of land closer to Establ Antar and Ezbet Khayrallah where people who have been rehoused in 6 October City originally lived. These were, however, set aside for housing as part of an investment development project known as New Al-Fustat. Luxury private-sector flats have since been built there, most of which remain empty. Other land near to Cairo has been set

aside for upmarket housing projects, such as Madinty in east Cairo. Under the Cairo 2050 plan as well, it appears that people from the poorer sectors of society are expected to move outside Cairo and Giza, leaving the capital increasingly for better off residents, administrative buildings and tourism development projects.

The CESCR has clarified that states “must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others.”¹⁷⁸ The Committee has also identified “location” as one of the key aspects of the right to adequate housing. It stated: “Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households.”¹⁷⁹ This requires the Egyptian government to assess the location of any resettlement site in light of the impact this will have on access to employment and other key services and also the impact of transport costs to workplaces. Resettlement sites must ensure access to employment options and that transport costs to workplaces do not place an excessive burden on the budgets of people living in poverty. In 6 October City, as well as in its broader plans under the Cairo 2050 plan, Egypt has failed to satisfy this requirement. Planning has not complied with the obligation to prioritize disadvantaged groups as no options have been identified for people living in informal settlements to be located in the centre of the city. There are serious concerns that if the authorities continue to move slum-dwellers to the outskirts of Cairo, then the most vulnerable and poorest sections of Cairo’s population will be further marginalized.

This concern was highlighted by the case of Habiba Abdel Aty, a 43-year-old widow, who was forcibly evicted from her home along with the residents of 17 other buildings in Al-Hagganah Street in Establ Antar on 4 August 2009. This was part of a planned eviction of 200 families from the area within three days. She and her son Mohamed, who suffers from a heart condition, were given a two-bedroom flat in Orascom dwellings. Habiba Abdel Aty told Amnesty International that she had lived in Establ Antar for 34 years and used to make a living selling birds in a shop she rented there.¹⁸⁰ In 6 October City, the selling of live birds is banned, so she could not restart her business. In any case, she said, the rent of 120 Egyptian pounds (US\$20) a month excluding bills is five times higher than in Establ Antar, and food and other essentials are also more expensive. As a result, she returned to Establ Antar to live in a room with her mother, but travels every now and then to her new flat to make sure it is not confiscated. Her son Mohamed remains in the new flat but she is worried about him as he needs help for his heart condition.

OVERCROWDING AND OTHER PROBLEMS

“An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services...”

UN Committee for Economic, Social and Cultural Rights¹⁸¹





Many people relocated to alternative housing complained to Amnesty International about overcrowding in their new flat and, in some instances, the quality of construction. The flats vary in size between 26 square metres and 48 square metres, which is far too small for most families. In the indicators developed by UN-Habitat to monitor the Habitat Agenda and the Millennium Development Goals, overcrowding is associated with a low number of square metres per person, high occupancy rates – number of persons sharing one room – and a high number of single room units. The indicator is the proportion of households with more than three people per room.¹⁸²

In mid-September 2008, for example, 104 families forcibly evicted from Establ Antar arrived at their assigned flats in the Orascom dwellings at sunset to find them unfinished and not connected to water or electricity supplies. Some decided to drive back to Establ Antar, but were stopped by the police on the road and forced back to their new homes. Officials encouraged them to sign a statement to the Ministry of Social Solidarity that they were satisfied with the alternative housing, after which they were each given 200 Egyptian pounds.

The two- and three-storey buildings of the Orascom dwellings were built in 2006-2007, yet already some have cracks in the walls and residents worry about their structural viability. In March 2010, a private contractor began reinforcing the foundations of some buildings. Workers also cemented over the cracks, and brick columns were apparently built to support open footways that connect stairways to the doors of the flats. Engineers apparently surveyed the land before these improvements were made, but residents believe that the problems are caused by the failure to stabilize and make level the land before building began. Residents also complain that the housing units are too small, that there are no affordable health services, and that they are stigmatized by wealthier residents and police.

Sayeda Saber Ali, a 34-year-old widow, said she was relocated with her four children, her mother and three sisters to the Orascom dwellings following her forced eviction in mid-September 2008 from Al-Mahgar Street in Establ Antar.¹⁸³ They remained there only two months because treatment for her chronically ill mother was unavailable in 6 October City, and the cost of food and transports was too high given that the families lives on her monthly pension of 120 Egyptian pounds. She also feared for the safety of her daughters in the generally deserted streets around the Orascom dwellings.

In May 2009, those allocated two-bedroom flats in the Orascom dwellings faced eviction again. Police, accompanied by staff from a construction company, told residents that all households with fewer than five members were being relocated to one-bedroom flats further away in the desert. Some went to see the flats and found them too small and inadequate, and so refused to move. Police and Central Security Forces tried to evict them by force and told them they would be administratively detained if they continued to resist. The families persisted and managed to stay where they were. Meanwhile, those who had been moved into the small one-bedroom flats gathered together to demand larger flats. Security forces again tried to contain them, but failed, and people broke into two-bedroom flats. A journalist from *Al-Dustor* newspaper went to the relocation site and interviewed some of the families about their lives there. The police arrested and

beat him, confiscated his photos, then released him, according to residents.

On 12 August 2010, at least 90 families evicted from Al-Duwayqa, including Al-Sayeda Zaynab Street (see case box, p46), and rehoused in the Orascom dwellings broke into two-bedroom flats, which they had expected to be their new homes.¹⁸⁴ They had apparently been

Previous pages: Eviction day in Al-Me'adessa Street, Manshiyet Nasser, February 2010. Residents are required to load their possessions on lorries and watch their houses being demolished without any confirmation that they will be rehoused or where this will be.

relocated six months earlier into tiny one-bedroom flats (26 square metres) that had been built for the construction workers. Security personnel and construction workers reportedly attempted to eject them by force, but failed after the protesters fought back.¹⁸⁵ A local NGO told Amnesty International that the company had won a legal case to evict the residents from its units, putting further pressure on them. It suggested relocating them to other units in Al-Fayoum Governorate, south of Cairo, but most refused to abandon the new flats.¹⁸⁶ As government control loosened after the 2011 uprising, many families were reported to have squatted empty flats.



5/IMPACT ON WOMEN

“Resettlement must ensure that the human rights of women, children, indigenous peoples and other vulnerable groups are equally protected, including their right to property ownership and access to resources...”

UN Basic principles and guidelines on development-based evictions and displacement¹⁸⁷

“Women and men must be co-beneficiaries of all compensation packages. Single women and widows should be entitled to their own compensation.”

UN Basic principles and guidelines on development-based evictions and displacement¹⁸⁸

Whether on the day of a forced eviction, or during the enumeration and relocation processes, or when confronting the dangers of homelessness or unsafe homes, women have often borne the brunt of the problems linked to informal settlements. For example, Wafaa Fadl, a mother of three, and some neighbours want to be relocated from Ezbet Khayrallah because of the increased dangers following the partial demolition in November 2009 of the row of houses in which they live. The Neighbourhood Authority had said that her family would be evicted within days of the initial demolitions in November 2009, but they were still there when Amnesty International met them in December 2009, and a community-based organization said they remained there in late 2010. She and her female neighbours said they were staying indoors much of the time as they feared that if they went to work or left their homes empty for too long, demolition crews would begin work in their absence. If this happened, they believed they would lose their possessions and any hope of alternative housing. The women also feared going out at night because the light sources were destroyed during the initial demolitions, so they feared that they may be attacked.

These women and their families lived without essential services for at least 13 months because the water and sewerage pipes were broken during the demolition of their neighbour's buildings. The women collected water from the main underground canal in the street using a small hose. Even though sewage floods into this canal periodically, the

Opposite: Deprived of a water connection to their home following the demolition of neighbouring homes in Ezbet Khayrallah, women use a hose to collect water from a broken water pipe in the ground.



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Homeless former residents of Al-Shohba have improvised a toilet by digging a hole beside their tents. Women in particular suffer from the lack of toilets. At night, they go in groups to an empty hill because of their fear of sexual assault when they go to or from toilets.

assault due to the lack of privacy, the proximity to other homes and the absence of safe toilet facilities, especially at night.

Often, women in Egypt's informal settlements have spoken out on behalf of their households and themselves. This chapter highlights a range of discriminatory practices that significantly undermine women's access to adequate housing.

families used this water for drinking and washing. The families also complained about the risks posed by the broken electric cables and infestations of scorpions and snakes.

Often, while the male members of the family were trying to find work, the women had to care for the children, collect water and guard their home. This meant that on eviction days, women frequently found themselves alone to face the bulldozers and the security forces, and to attempt to talk them out of demolishing their house.

Women and children living in informal settlements are particularly susceptible to death and injuries as they are more likely to be at home when accidents happen, particularly fires which spread quickly because of the inflammable materials used to build the homes. In some instances, residents use candles during power cuts, adding to the risk of fire.

Women in informal settlements described to Amnesty International how they fear not only homelessness in itself, but also because it would put them at increased risk of sexual assault or harassment. They already face the danger of sexual

DISCRIMINATION IN REHOUSING

Local authorities and enumeration committees in general operate from the starting point that households are headed by men. While a woman can be considered a head of household, for example, when widowed or divorced, in many cases women have to convince the authorities that they should be considered for rehousing in their own right.

Amnesty International has documented some cases where women heads of households were provided with alternative housing. Testimonies indicate that these women have provided proof to enumeration committees that they were divorced or widowed. However, Amnesty International has also documented many cases where divorced and widowed women have not been provided with alternative housing. As a result, they either become homeless or are counted as part of their larger family and are forced to move in with them. This might be with their parents or married brother or son. It is not clear

in such circumstances whether the tenancy or ownership contract for alternative housing will be issued in the name of the man and/or the woman. For a married couple, rehousing letters are generally issued in the name of the man. In one case documented by Amnesty International, a woman was not given a rehousing letter because her husband was away when the eviction took place. The household was made homeless. In another case, a woman stayed three nights out in the street in the resettlement site, as the authorities would not give her the keys to the alternative housing – her husband was absent at the time. Amnesty International also documented a case where the enumerator demanded to speak to the husband before counting a household, as the wife was alone at home.¹⁸⁹

Women who are separated but not divorced from their husband face an even tougher challenge to be seen as the head of household before an eviction. A separated woman has either been abandoned by her husband or lost contact with him, or has been unable to get him to “repudiate” her. Generally, to be counted in the enumeration process, a separated woman must obtain legal papers making her the proxy for her husband, or request that the police search for her husband and attest that he cannot be found. This puts women in a vulnerable situation, as they need to rely on their former husband for decisions relating to the household and the children, or are left in a limbo if their husband simply disappears. Separated women usually become the main providers for their children. Those who decide to resort to *khol'* whereby women obtain a unilateral divorce by a court decision, also give up any financial rights, such as their dowry and alimony.

Separated women who are at risk of forced eviction or who do not receive alternative housing also tend to lose their jobs as they are either too afraid to leave the house in case they are evicted in their absence or do not want to leave their children alone in the street if they end up homeless.

In response to Amnesty International's 2009 report, in which some of these issues were raised, Cairo Governorate stated that it does not discriminate against women in the allocation of alternative housing. It said that some people try to manipulate the allocation system by bringing in their widowed sisters or divorced daughters from outside the eviction area and pretending that they live with them in order to receive additional flats. It added that where a separated, widowed or divorced woman lived in her male relative's small and basic home and shared a toilet with others, the Governorate offers them one modern alternative housing unit. It argued that it would be unreasonable to offer such households three or four modern housing units. It also said that alternative housing would be offered to such women when their status was proved to be genuine.¹⁹⁰ This approach reflects the authorities' reluctance to view women as entitled to a household separate from their male relatives.

Khairy Shaikhoun Abdel Hamid, a 60-year-old mother of three, worked for the postal service in Al-Azhar. She told Amnesty International that she owned a two-storey building in Al-Da'wa Street in Al-Duwayqa, where she had lived since 1992.¹⁹¹ She said that she occupied one flat on her own and that her two married sons and married daughter lived in three other flats in the building. The house was connected informally to water pipes and a sewerage system, and formally to electricity and telephone services. In February 2009, an enumeration committee counted the residents and on 24 December 2009 the family was forcibly evicted along with dozens of other families in the street. At that point, she did not know if she would be allocated alternative housing or where, and many families were indeed left homeless. Khairy Shaikhoun Abdel Hamid did receive a rehousing letter, but her name was next to her son's – Mahmud Ibrahim Abdel Hamid – which meant that they would only receive one flat between them. Her other son and daughter each received a rehousing letter and separate flats. Khairy Shaikhoun Abdel Hamid moved with her son and his wife into a flat in Suzanne Mubarak dwellings, but after a dispute with her daughter-in-law over space in the flat, she left. She stayed for two days in the street with other families from her

Fatma Mohamed Wahid, a 31-year-old divorced mother and street trader, told Amnesty International that she used to rent a room with her four children at 25 Al-Sayeda Zaynab Street in the Al-Wahayed area of Al-Duwayqa.¹⁹² When her room was demolished, she was not provided with alternative housing. She thinks that the local authorities believe that she divorced her husband to obtain additional alternative housing – the authorities are known to suspect recently divorced women of making fraudulent claims.¹⁹³

Fatma and her sister Karima Mohamed Wahid, a married woman in her twenties, were not listed by the enumeration committee as residents of Al-Sayeda Zaynab Street, where they said they lived separately. Karima too was not given alternative housing and moved with her husband to her in-laws' house. Amnesty International delegates met the sisters on 10 March 2010. Fatma is unable to read or write and was married when she was about 17. Six months later her husband took a second wife. Fatma initially lived in a small flat in Manshiyet Nasser, but after the owner decided to rebuild it, she moved with her children into a one-bedroom flat with her husband's other wife and their five children, as he could not afford to rent her a separate place. She then worked as a street trader until she saved 1,000 Egyptian pounds (US\$168), enough to pay for a deposit on the room in Al-Sayeda Zaynab Street. She lived there from January 2009. She then filed for a divorce on the grounds that her husband could not provide shelter for her.



In December 2009, she said, her husband's other wife attacked her in the street over a family dispute. She lodged a complaint with the Manshiyet Nasser police, but did not follow this up. In early February 2010, she finally managed to get her husband to officially divorce her, just when rumours about the demolition of the street were spreading. The owner of her building wanted to evict her because she would not agree, like other tenants, to forfeit her 1,000 Egyptian pounds deposit if the building was demolished and sign an "I owe you" paper for 9,000 Egyptian pounds (US\$1,515) to pay if she was given alternative housing.

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Fatma Mohamed Wahid with her children in Manshiyet Nasser.

In early March 2010, the demolitions in Al-Sayeda Zaynab Street began. Fatma stayed in her room until the bulldozers reached her building in mid-March. She said that she would have preferred to die there with her children under the rubble rather than leave. Neighbours had to pull her out. She said that the enumeration committees did not recognize her registered tenancy agreement or her children's papers which linked the family to the address.

Fatma stayed for four months in a tent near Suzanne Mubarak dwellings with other evicted people made homeless. At night she slept at her mother's place in Manshiyet Nasser because she feared she would be attacked or harassed as a divorced woman. In August 2010, she built a shack on top of her mother's building, using the deposit money that was returned to her. She later found a room to rent in another informal settlement in Helwan, south of Cairo.

After she was evicted, Fatma went to the Egyptian Centre for Housing Rights to seek legal support; she had seen an Amnesty International delegate distributing leaflets spelling out the rights of residents.¹⁹⁴ She lodged a grievance with the Manshiyet Nasser Neighbourhood Authority about her lack of rehousing. She said the Head of the Neighbourhood Authority told her that she would not receive alternative housing and that she should return to her husband or stay in a tent with the others. Other people evicted in similar circumstances who filed grievances obtained alternative housing in Al-Nahda City or 6 October City. In the end, Fatma gave up and moved to Helwan.

neighbourhood left homeless by the evictions. However, the cold was too much for her to bear, so she returned to the flat. She said she submitted a grievance to Cairo Governorate in an attempt to be allocated a flat for herself, but without success.

Other NGOs in Egypt have documented discrimination against women in the context of forced evictions. Habitat International Coalition-Housing and Land Rights Network organized a workshop in Alexandria on women's right to adequate housing and land, which included various women's and human rights organizations from the Middle East and North Africa. One of many testimonies presented was:

*"In Gamaliyya, a woman with children was abandoned by her husband for 17 years, but the committee asked her to present his ID, because only he – as a male head of household – would be entitled to replacement housing... The women have to protect children, and do not know where to go. The police, who always accompany the eviction committee, often beat the women, which at least once resulted in a pregnant woman losing her baby. Moreover, these victims are sometimes arrested, morally abused, inhumanely transported, and can even be put in arbitrary detention."*¹⁹⁵

The difficulties faced by divorced or separated women in obtaining their own alternative housing can explain why women may prefer to remain in an abusive marriage rather than risk becoming homeless. Forced eviction perpetuates discrimination and violence against women. In the same report as above, the Association for the Development and Enhancement of Women noted:

*"According to official statistics, 33% of Egyptian women have been beaten at least once during their lives; 72% of them by their husbands, 43% by their fathers and 37% by their brothers. In the last study conducted in Manshiyat Nasr (east Cairo) on 444 women, 96% reported sexual violence... In such cases, the women's housing rights' entitlement to security of person and a safe environment in the house is violated. They also refuse to go to the police, and the fact that causes are not reported does not help in forcing the authorities to enact laws, nor the society to change. Therefore, the overriding application principle of 'rule of law' is also violated. Concerning the entitlement to security of tenure: even in cases where women buy a house on their own, social pressure makes them register it in their husband's name."*¹⁹⁶

Mahasen Mahmoud El Sayed Ibrahim, a 60-year-old woman divorced since 1992 who works as a housemaid, told Amnesty International that she was forcibly evicted on 3 March 2010 from a room she rented in Al-Gohary Street in Al-Wahayed area of Al-Duwayqa.¹⁹⁷ Her home was demolished, but she was not given replacement housing even though she had given her name to the enumeration committee and had a tenancy agreement showing that she had been renting the room since 1998. She believes her claim was rejected because she is divorced. A contributing factor may have been that her identity card does not give an address in Al-Duwayqa but in another neighbourhood of Cairo. This should not have mattered, however, because she has held a tenancy agreement for her room since 1998. On 19 July 2007 she had applied to Cairo Governorate for housing on the grounds that she was in "extreme need". Her application was unsuccessful, and she continued to live in Al-Gohary Street until her forced eviction.

In August 2009, Amnesty International ran a workshop with a group of women from Al-Duwayqa, aided by the Association for the Development and Enhancement of Women in Manshiyet Nasser,¹⁹⁸ to listen to the experiences of women in "unsafe areas" and discuss their perspectives. Among the most common complaints expressed were problems accessing pensions and literacy classes, and



difficulties in getting children into local schools. Many women had also not been given replacement housing after their forced eviction.

Neama Mahmoud El-Amir, aged 28, was married young so did not complete her education. From April 2009 she attended literacy classes in a local school in Al-Duwayqa, but despite making great progress, she cannot take the official exams because she does not have an identity card showing an Al-Duwayqa address, which is required to be eligible for the exams. Similarly, Fathiya Mohamed Riyad, also aged 28 and a mother of three, has a birth certificate from Al-Fayoum Governorate but no identity card. Her family did not allow her to go to school and she was married when she was 19 and moved to Al-Duwayqa, where she remains. She has been attending literacy classes but she too cannot take the exams.

Naglaa Raslan Akl Saafan, a 35-year-old widow and mother of two, works in a hospital. Her identity card is from Al-Gharbiya Governorate, where she was born. She said she has lived in Al-Duwayqa for at least 12 years. After the 2008 rockslide, she tried to change the address on her identity card but was told this was not possible. As a result, she will not get alternative housing if evicted. She also cannot obtain a ration card, which is needed to access subsidized food, separate from that issued to her father's family, so she can only receive food rations in Al-Gharbiya Governorate.

Basima Ramadan, mother of eight, used to rent a room in Al-Shohba, Al-Duwayqa. She says she was left homeless after being evicted at the end of April 2010.



6/FEARS FOR THE FUTURE: CAIRO 2050

Ambitious development plans, including the Cairo 2050 plan, that will affect millions of people living in Egypt's informal settlements are being discussed and implemented. Many of these people are fearful of the future. They have witnessed the devastating consequences of forced evictions in their neighbourhoods, and experience tells them that the authorities will neither seek nor listen to their views when planning what will become of their communities. Many believe that the plans will ultimately serve the wealthy, not the poor.

Under the Basic Principles, planning and development processes should involve all those likely to be affected and should include the following elements:

- appropriate notice to all potentially affected people that eviction is being considered and that there will be public hearings on the proposed plans and alternatives;
- effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups;
- a reasonable time period for public review of, comment on, and/or objection to the proposed plan;
- opportunities and efforts to facilitate the provision of legal, technical and other advice to affected people about their rights and options; and
- holding of public hearings that provide affected people and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.¹⁹⁹

States should also explore fully all possible alternatives to evictions. All potentially affected groups and individuals, as well as others working on their behalf, have the right to propose alternatives that the

Opposite: Manshiyet Nasser informal settlement, seen here from the “city of the dead”, is home to thousands of families. According to the Cairo 2050 plan, the settlement and its cemeteries are to be cleared to make way for gardens and housing.

authorities should duly consider. If agreement cannot be reached, an independent body, such as a court of law, tribunal or ombudsperson, should mediate, arbitrate or adjudicate as appropriate.²⁰⁰

These safeguards are not being respected in various development and other projects being planned or undertaken in Egypt's informal settlements. As a result, many residents of informal settlements do not even know what is being discussed, and therefore live with fear and uncertainty.

PLANNING PROCESSES IN EGYPT

Informal settlements fall under the legal definition in Egypt's Law on Building of "unplanned areas that grew in contravention to the laws and regulations governing planning and building".²⁰¹ These "unplanned areas" are identified in the General Strategic Plans for cities and villages which, according to the Law on Building,²⁰² are overseen by the GOPP of the Ministry of Housing, Utilities and Urban Development. A General Strategic Plan is:

*"... the city or village's plan which shows the future needs for urban expansion and projects and plans needed for the economic, social, environmental and urban development to realize sustainable development on the local level in the framework of the future vision in the Governorate's plan where the city or village is. It specifies the urban space of the city or village, the different uses of lands, planning and construction conditions in the urban space, and projects, priorities, implementation mechanisms and funding sources."*²⁰³

These plans are devised by the planning departments at the governorate and regional levels. They specify "unplanned areas" and "areas of replanning", which are designated as such by the High Council of Planning and Urban Development based on a submission from the Governor. The Governor has to present to the Council the costs of expropriation of land and compensation, proposals for alternative housing until replanning is completed, detailed plans for the area, sources of funding, and mechanisms of implementation.²⁰⁴

Development of General Strategic Plans, which must comply with regional and national strategic plans prepared by central government, involve three participatory stages at the local level where citizens and stakeholders provide their input and ensure that their comments are taken into consideration.²⁰⁵ The draft plans are released at the different stages of their preparation, which should give people access to information. They should be published in the Official Journal once they are adopted, but generally only the decisions of adoption are published. These become five-year General Strategic Plans for cities and villages. Detailed Plans for cities and villages are prepared by planners in governorates based on the General Strategic Plans. These are done by experts and do not involve participation by the public.²⁰⁶ In practice, however, it is unclear if these procedures are respected and how much they contribute to the planning process. It appears that in reality there is no system, and that plans are easily changed by those in charge.²⁰⁷

A second planning system involves regional planning authorities in eight planning regions in Egypt, including Greater Cairo.²⁰⁸ These were under the former Minister of Planning and Local Development, which became the Ministry of State for Local Development. They plan at a regional level with the involvement of governorates that will implement the plans. The system is perceived as weak and inefficient due to the domination of central government.

Concerns voiced by experts about urban planning in Egypt include:

- confusion between the two planning systems and lack of co-ordination between them;

- confusion and lack of co-ordination between the planning processes of different ministries;
- weakness of local authorities in planning processes because of their lack of capacity and the domination of central government;
- an absence of General Plans for most cities and villages;
- an absence of Detailed Plans for many cities, including Cairo and Alexandria;
- a lack of popular participation in assessing urban projects and a lack of consultation in general and with specialists, reflecting the lack of “urban democracy” in Egypt.²⁰⁹

Some experts have said that the state’s policy towards informal settlements has generally been neglectful, except when its authority has been politically tested,²¹⁰ or when upgrading has mainly been due to pressure by international donors.²¹¹

The Cairo 2050 plan was announced in late 2008.²¹² In Egypt, the planning process has historically been a top-down exercise.²¹³ Technically, it is not yet a regional plan for Greater Cairo, but under its umbrella, plans for informal settlements will be implemented. Despite promises to publish the Cairo 2050 plan, this has not yet been done, leaving residents of informal areas anxious about their future. Officials told Amnesty International that the development of the plan was based on a survey in 2009 of 5,000 people, the majority from slums. The findings were considered as reflecting the views of the 16 million inhabitants of Greater Cairo, and any contrary views of residents in specific informal settlements should not undermine the “public interest”.²¹⁴ Such a limited survey cannot be regarded as a meaningful consultation of the affected population. In December 2010, UN-Habitat told Amnesty International that it was being consulted by GOPP in elaborating the Cairo 2050 plan. It also said that it supports the development of General Strategic Plans in many cities as well as the decentralization of planning processes, with the emphasis on public participation,²¹⁵ but that it is not involved in slum-related projects. The Cairo 2050 plan lost some of its key proponents following the “25 January Revolution”, including Gamal Mubarak, son of the ousted President, who now faces trial on charges of corruption; as well as the former Minister of Housing, Utilities and Urban Development, who was sentenced to five years in prison also on charges of corruption. However, the plan itself remains, as do the uncertainties and the risks of forced evictions that have been associated with it.

The Law on Building requires only limited prior consultation on the specific plans for informal settlements. On “unplanned areas”, the planning administration co-operates with the municipal popular council and representatives of civil society to identify projects and priorities, in light of governmental financial resources allocated to these aims as well as other contributions.²¹⁶ The planning administration designs the upgrading and improvement plans in line with the General Strategic Plan for the city or village as well as its Detailed Plan. Detailed Plans for these areas – and for the city centre and “special value areas” – are adopted by the Governor after approval by the municipal popular council member and should be published in the Official Journal.²¹⁷ The planning administration negotiates with the owners of properties within the sector of replanning to divide up the land and redistribute ownership.²¹⁸ A committee of enumeration and negotiation, and a committee of assessment

“WE ARE NOT DIRTY PEOPLE, WE ARE VERY GOOD PEOPLE AND WE UNDERSTAND AND HAVE FEELINGS. THIS PLACE HAS GIVEN BIRTH TO POLICEMEN, DOCTORS, ENGINEERS AND LAWYERS. THEY PUT INTO THEIR OWN HEADS THAT BEHIND THIS FENCE THERE IS DIRT, THAT WE ARE DIRT... DEMOLISH AND DEVELOP, BUT THEN BRING US BACK.”

Aliyah Mohamed Ahmed

Ezbet Abu Qarn in Old Cairo is an informal settlement that the ISDF designated as a level two “unsafe area” with unsuitable conditions of shelter. With an estimated population of 50,000,²¹⁸ it hosts a community of artisans and waste collectors (*rubabikya*), as well as recyclers of waste such as cartons, plastic, wood and tin. Women sit in the alleys selling basic food such as pasta, koshary and fried potatoes. Residents have many reasons to feel it is unsafe. The buildings’ structures are unstable. There is the threat of fire and a lack of emergency services because of the narrow alleys. There is no safe drinking water or sewerage system. Women complain about insecurity because of fights and violence in the alleys, criminal activity, and the spread of drugs. The adjacent graveyard is said to host drug dealers with links to the local police.

In February 2010, a parliamentary representative for Old Cairo organized a public meeting to tell residents that Ezbet Abu Qarn was going to be demolished, and warned them against spending money on construction to avoid losing their investment. He indicated that he was trying to make it possible for residents to return after the area is upgraded, the outcome many residents said they wanted at the meeting.

Built on state-owned land, Ezbet Abu Qarn is near historical monasteries visited by tourists, also known as the multi-religious compound. It is behind the fence of the mosque of Amr Ibn el-As (Amr mosque), the first

in Africa, which the residents of Ezbet Abu Qarn consider a blessing. To the south are other religious monuments, such as the Hanging Church (El-Moallaqa), the most famous Coptic church in Cairo; the Greek Church of St. George (Mari Girgis); and Ben Ezer’s Temple. Some residents believe that the authorities have designated Ezbet Abu Qarn as an “unsafe area” so that they can clean it up for tourists, and that if they are moved they will not be allowed to return.

The reality of life in Ezbet Abu Qarn is not the image portrayed in the media of transient people living in makeshift structures. There are shacks made of wood, but there are also two-storey brick buildings. Some families have lived there for generations. Most people are linked to the electricity grid and the government recently introduced a sewerage system. As Ezbet Abu Qarn is in the middle of Cairo, residents have access to health services, at Amr Ibn el-As Hospital and Dar El Salam public hospital, as well as job opportunities. The electoral boundaries for Old Cairo give some power to the voices of Ezbet Abu Qarn’s residents as it is an important constituency. Community-based organizations are active, such as the Association for the Development and Enhancement of Women in Old Cairo, which provides micro-credits in Ezbet Abu Qarn as well as in Manshiyet Nasser. However, the threat of eviction, and the lack of clarity as to what neighbourhood slum-dwellers might end up in, has proved a serious obstacle to providing new long-term micro-credit.

In January 2010, according to community leaders, a large official delegation visited Ezbet Abu Qarn for several days and studied the conditions of the buildings. They did not consult residents over plans for Ezbet Abu Qarn, and were equivocal as to whether eviction was being planned.²¹⁹ Four months later, however, the government's announcement that 33 "shack areas", including Ezbet Abu Qarn, would be cleared and residents relocated in new towns outside Cairo, suggested that these settlements could simply be erased from the map. GOPP told Amnesty International that the cleared land of Ezbet Abu Qarn may be used for development projects, arguing that the "general interest" of the city is more important than the particular interests of the residents of Ezbet Abu Qarn. Some residents may, however, be relocated nearby.²²⁰ Amnesty International considers this to be contrary to the government's obligation only to use evictions as a last resort and to explore all feasible alternatives, in genuine consultation with affected communities. The approach of moving communities living in informal settlements to the periphery of cities and to prioritize housing for more affluent groups, or focus on development projects, in central parts of the city also contravenes the government's obligation to ensure that it gives priority to those social groups living in unfavourable conditions by giving them particular consideration.²²¹

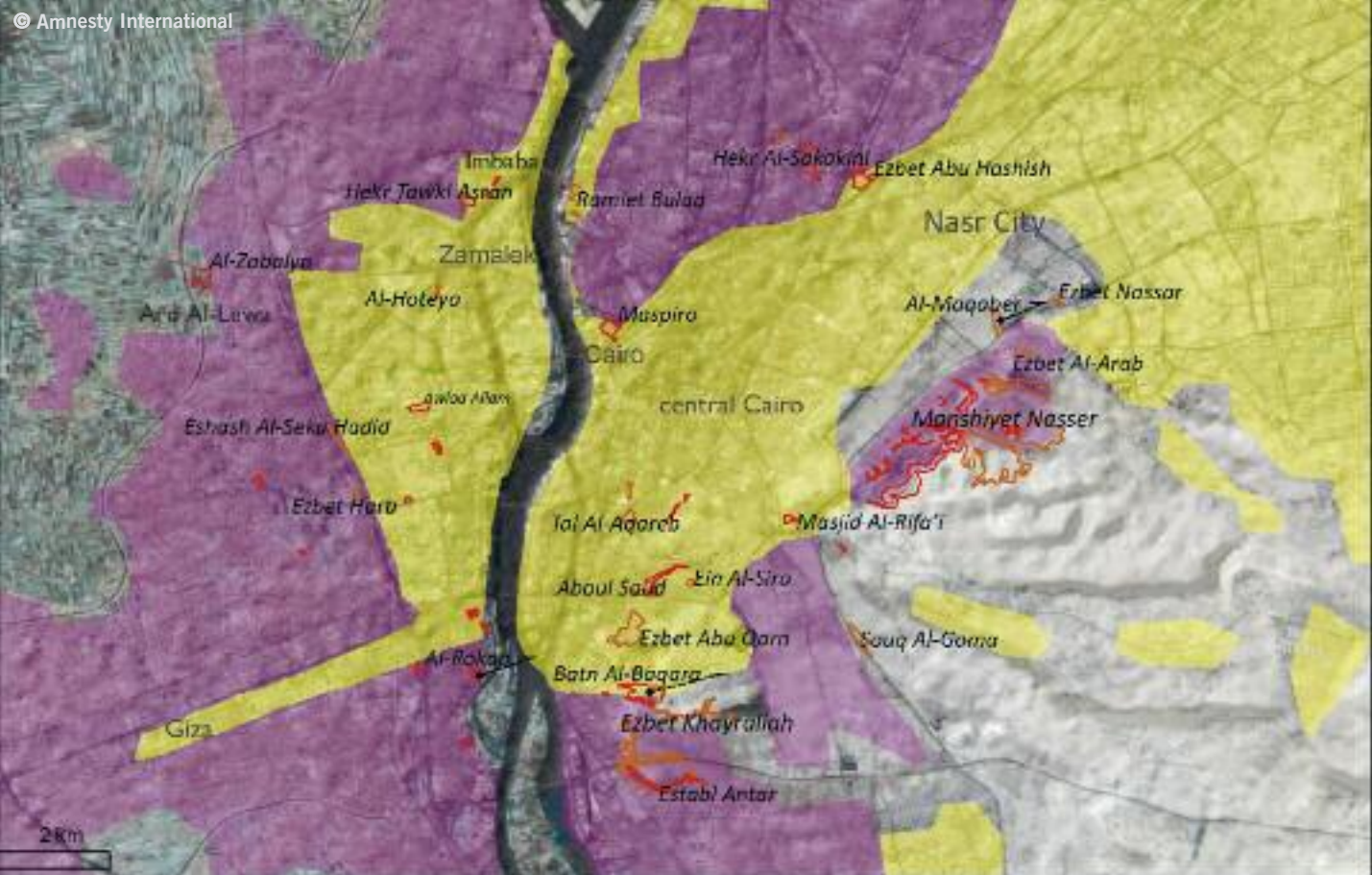
Residents are divided over what would be best for their future. Some want to be relocated so they can restart their life elsewhere. Others want to return after the upgrading of Ezbet Abu Qarn. Three women from Ezbet Abu Qarn who spoke to Amnesty International in February 2010 all wanted to improve their living conditions, and all agreed that they should be consulted and protected from forced eviction, but otherwise they had different views.²²² The first, Suad Mostafa, is a 48-year-old mother of six who was born

in Ezbet Abu Qarn. She divorced 10 years ago and has struggled to feed her children. From evening to dawn, she rides her donkey-pulled carriage through Giza collecting cartons, which she then sells in Ezbet Abu Qarn. She rents a ground-floor room for 150 Egyptian pounds a month, a flat that is often flooded by sewage. She lives there with three of her children. She wants to be relocated to Helwan or 6 October City as she said she cannot afford to move into better accommodation.

Shadia Hamdy, her cousin, is a 32-year-old mother of four. Her husband sells onions in Giza from a donkey-pulled cart. She lives in Ezbet Abu Qarn in the house she partly inherited from her father, and she too wants to be relocated as she cannot afford to move. She believes that a new life elsewhere is the only way to free her children from a dangerous social environment. She said: "In the end we are poor people, no matter how high our children reach, we don't have connections to find them jobs... Children here don't have hopes, dreams died in them!"

The third woman, Amal Kamel Hussein, aged 32, owns a store for solid waste in Ezbet Abu Qarn with her husband. She, like other people whose income derives from the waste industry, does not want to be evicted and relocated. She likes the central location of Ezbet Abu Qarn and does not see why she should be cleared off the land so that private investors can benefit from it. She wants the area to be developed and wants to be allowed to return to live there afterwards. For her, relocation to Helwan or 6 October City would mean the loss of her income.

All three are united in their desire to be treated with dignity. They want their voices to be heard by the decision-makers and they want to be consulted about any plans that impact on their lives.



Legend

- Unsafe Areas
- Informal Areas
- Shack Areas
- Formal Areas

Satellite picture of Cairo and Giza: informal settlements designated “unsafe areas” are marked in red.

Data sources: GOPP, Unsafe areas-
www.isdf.info, ESRI, NASA/USGS GLS 2006

of compensation, are formed for these purposes and owners can choose to be compensated before or after the replanning project is implemented.²²⁴

The ISDF Executive Director told Amnesty International that consultations are limited to the elected local municipal councils as they are the “democratically elected representatives of the people”. There are no negotiations or prior consultations with the affected communities or community-based organizations. Under international human rights standards, however, governments are required to consult all potentially affected people directly, as well as those working on their behalf, and to provide them with all relevant information throughout the entire process.²²⁵

According to the Executive Director, the human rights guarantees against forced evictions do not apply for “unsafe areas” as there is a risk to the lives of people and consultations would delay evictions.²²⁶ Amnesty International believes that municipal council members may not represent the specific interests of individual communities living in “unsafe areas” since they represent the entire electoral district. At the level of the local authorities, governors are appointed by the President and are usually former high-ranking military staff.

Cairo Governorate told Amnesty International that consultation in the framework of evictions in Manshiyet Nasser is implicit because residents have long campaigned for relocation away from

the dangers, and pointed to the example of those rehoused immediately after the Al-Duwayqa rockslide. It criticized Amnesty International's 2009 report for not distinguishing between situations that posed immediate and less immediate dangers to residents, and argued that in Manshiyet Nasser enumeration of residents and consultation happened at the same time.²²⁷ However, many residents who were left for long periods after the authorities identified that they were in immediate danger were still not consulted over solutions to their plight or involved in planning their relocation, despite their willingness to engage. Then, suddenly, they were forcibly evicted without notice, and even after eviction their views were not sought about relocation alternatives.

In fact, the ISDF's guideline document for local authorities to use in the preparation of action plans dealing with both "unsafe areas" and "unplanned areas" at no point even suggests that proposals should be presented to the affected communities for comment or discussion.²²⁸ According to the guideline document, an action plan is prepared by a committee representing "partners in development in the local community". The committee, headed by the Governor, comprises whomever the Governor "sees as representative of the local community (associations or popular local leaders), an ISDF delegate, and a consultant from the governorate who prepares the action plan".²²⁹ The action plan itself is prepared in five main stages: assessment of the current situation and a draft strategy for development; the development plan and its primary designs; preparation of the timeline for implementation; preparation of the financial plan; and a draft co-operation agreement.²³⁰

Whether it is for "unsafe areas" or informal settlements in general, Amnesty International fears that slum clearance and slum upgrading plans are being designed without the active participation of the concerned communities. In "unsafe areas", action plans have been and continue to be developed for 2010-2017 without genuine consultation with the residents or communities concerned. Among other things, this will greatly limit the sustainability and effectiveness of these plans.

CLEARING OUT THE POOR: 'SHACK AREAS' IN CAIRO, GIZA AND BEYOND

In May 2010, the Prime Minister announced that by 2015 the residents of 33 "shack areas" in Cairo and Giza Governorates would be relocated into 35,700 housing units in 6 October City and 15 May City in the framework of the Cairo 2050 plan. The ISDF Executive Director said that the housing units would be handed over free of charge, and that there would be provision of health services for women, illiteracy classes for heads of households, identity cards, and socio-economic programmes such as training to find work.²³¹

The relocation plan is a cost-recovery scheme whereby the land of the 33 cleared "shack areas" will provide the funds required to build the alternative housing units. The land is 460 acres (1,932 square kilometres) and estimated to be worth at least 3.7 billion Egyptian pounds (about US\$622,880 million).²³² The total cost of the alternative housing units is estimated at 2.6 billion Egyptian pounds (about US\$437.7 million), with each housing unit averaging 75,000 Egyptian pounds (about US\$12,625). The cost of the units will be covered by 1.7 billion Egyptian pounds taken from the sale of the land, with the rest covered by social housing funds from the Ministry of Housing, Utilities and Urban Development. The Ministry will contribute 25,000 Egyptian pounds per housing unit, totalling 892.5 million Egyptian pounds (about US\$150.3 million). The remaining

money raised by the sale of the land – around 2 billion Egyptian pounds (US\$336.7 million) – will be kept by the government.²³³

The 33 “shack areas” comprise 23 areas in Cairo,²³⁴ all built on state-owned land, and 10 in Giza, all built on privately owned land that will apparently be taken over by the state.²³⁵ According to the ISDF, people evicted from Cairo will be relocated into 30,000 housing units and from Giza into 5,700 units, benefiting in total around 140,000 people. All are identified on the ISDF’s interactive map.²³⁶ Amnesty International interviewed residents in six of the 33 “shack areas”, all in Cairo between 2009-2011.

A joint letter to the Prime Minister sent by Amnesty International, the Egyptian Centre for Housing Rights, and Habitat International Coalition-Housing and Land Rights Network expressed fears that guarantees against forced eviction had not been provided to the residents of the 33 “shack areas”, especially adequate prior consultation on alternatives to eviction and resettlement conditions. The organizations welcomed the fact that the flats will be provided free of charge, but called for documentation to be provided to ensure legal security of tenure should residents accept relocation. The organizations considered it as a step forward that some services will be provided, but said that these may not address all the specific needs of the relocated people, which should be discussed during the consultation process. No response to the letter was received.

Earlier, in March 2010, the ISDF announced that 30 pilot projects in “unsafe areas” would begin the following month in 16 northern and southern governorates. In two of the cases highlighted below, forced evictions took place in 2010 – in Al-Sahaby in Aswan in the south, and Zerzara in Port Said in the north. They illustrated once again the lack of respect for guarantees against forced eviction, particularly the authorities’ unwillingness to seek the participation of affected communities in developing the plans. After the 2011 uprising, evictions in Al-Sahaby stopped and some evictees reportedly returned to live in the area. However, residents complained of power cuts they believed were happening to force them to leave. In relation to Zerzara, Port Said Governorate announced a plan with the ISDF to provide 3,500 units to residents by June 2012.²³⁷ Zerzara’s residents have not, however, been consulted on where new homes will be nor on the conditions of resettlement. During the uprising, residents of Zerzara set fire to the former Governor’s car in front of Port Said Governorate on 9 February 2011, and the building was reported to have been set ablaze by “thugs”. Shortly after, with the help of the army, the local authorities relocated some 1,400 residents into 53-square-metre flats in the nearby Al-Manasra area, some 5 kilometres away, and gave them contracts.²³⁸ Large families, however, were reported to have complained about the lack of space and overcrowding.

Both Al-Sahaby and Zerzara had been built on state-owned land and were categorized by the ISDF as level two “unsafe areas”. In other ways they differed. Zerzara is a recent settlement and hosts a poor population living in shacks on the fringes of Port Said. The smaller Al-Sahaby settlement has grown since the early 20th century and is in central Aswan; it has more robust buildings and a more stable and diverse community of Muslims, Copts and Nubians of different socio-professional backgrounds. Residents of Al-Sahaby have greater security of tenure as they obtained ownership of the land over time. Whether residents of either community want to stay or leave, the law leaves no space for them to have their say. There has been no prior consultation over the eviction plans being implemented in Al-Sahaby, nor for the plans still being developed for Zerzara.



Zerzara informal settlement began in 1989 and grew significantly in 2000 after the forced eviction of some 3,600 families from their homes in Al-Salam and Nasser in Port Said. The buildings in which they had lived were in imminent danger of collapse. The Egyptian Centre for Housing Rights reported that the families were transported on rubbish collection cars and left in Zerzara rubbish dump. About 1,300 families were offered alternative housing after the centre's intervention, but the rest remained there.²³⁹ Since then, they have been asking for adequate housing.

The now estimated 4,000 families in Zerzara have no access to clean water or sanitation. In addition to the risks of fires and flooding, residents complain that their homes do not protect them from rain in the winter and extreme heat in the summer. A TV documentary filmed in Zerzara showed how the accumulation of rubbish, sewerage water and dead animals has led to the spread of water-borne and respiratory diseases. Residents described how rats attack children at night and said women feel unsafe and are exposed to assault and harassment.²⁴⁰

Between 2002 and 2005, residents of Zerzara made down payments for about 3,700 flats in a construction project for Zerzara, built next to the informal settlement. Only 800 to 1,000 families benefited from it – the other flats were allocated to “outsiders”.

In March 2009, residents protested in front of Port Said Governorate after rainwater and sewage flooded their homes and some structures were destroyed by fire sparked by informally connected electricity wires. At the time, Port Said Governorate said it was constructing 9,000 flats

Satellite image of Port Said: informal settlements designated “unsafe areas” are marked in red.

Data sources: NASA/USGS Landsat, Unsafe areas – <http://www.isdf>

for residents of local informal settlements, 3,000 of which would be allocated to people living in Zerzara. The announcement was repeated in May that year after Dream TV channel broadcast an episode of “One of the People”, which showed residents of Zerzara describing their living conditions. The promised rehousing did not happen.

On 4 May 2010, bulldozers demolished about 15 homes in Zerzara to improve road access to the new buildings. No notice was given and families were not given replacement housing. There was a heavy police presence and, according to the Egyptian Centre for Housing Rights, police beat some of those targeted for eviction. A security official offered them compensation of 500 Egyptian pounds (US\$84) on the day they were evicted, and told them that they could rebuild their homes in another area of the settlement, away from the planned road.

Amnesty International appealed to the authorities to stop these forced evictions as 200 other families were at risk of being cleared out to make way for the road. It called on the authorities to provide alternative housing to the families already made homeless, and to hold genuine consultation with Zerzara residents to identify solutions to their poor living conditions, as well as for all “unsafe areas” in Port Said.²⁴¹ It received no answer, although the evictions did stop.

On 3 October 2010, about 100 people from Zerzara staged a protest in front of the headquarters of Port Said Governorate asking for adequate housing.²⁴² It was yet another protest to highlight the dangers they face in their precarious shacks as well as the threat of forced eviction. Subsequent protests were held after the authorities failed to rehouse families made homeless when a fire burned down the 50 shacks.²⁴³ They rebuilt their homes on the ashes and rubble.

FAILURE TO EXPLORE ALTERNATIVES TO EVICTIONS: AL-SAHABY AREA

“States shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons...”

UN Committee on Economic, Social and Cultural Rights²⁴⁴

On 26 June 2010, the Governor of Aswan announced that the Prime Minister’s cabinet had allocated 30 million Egyptian pounds (about US\$5 million) to develop Al-Sahaby informal settlement. He added that Al-Sahaby, which is next to Al-Tabiyah, a tourist area in central Aswan, causes traffic jams. The Governor said that residents would be offered 320 alternative housing units – small, one-bedroom flats in Al-Sadaqa Al-Qadima, some 30 kilometres south of Aswan – or financial compensation.²⁴⁵ At no point had there been any consultation with the residents to explore feasible alternatives to evictions, even though some of the problems could be addressed through upgrading buildings and traffic planning. Al-Sahaby area had been categorized by the ISDF as a level two “unsafe area”. Three other areas in Aswan had been classified as life-threatening level one “unsafe areas”, but no plans were announced for these, nor had they been by June 2011.

The Governor said that only unsafe buildings or shacks would be demolished, affecting 536 families. In a letter to Amnesty International on 7 September 2010, the authorities said the procedures of the Law on Expropriation for the General Interest would be used to compensate



those who lost their property. However, on 11 July 2010, the Governor of Aswan issued a decision to directly take possession of the properties in order to implement a “development plan”,²⁴⁶ even though the Law on Expropriation for the General Interest states that such expropriations can only be decided by the President or his deputy, not by Governors (except in emergencies). Other provisions of the Law were breached, including failing to publish the decision in the Official Journal, specify the properties and the names of their owners, provide residents with two weeks’ written notice of eviction, and establish compensation before a property is demolished.

On around 12 July 2010, according to residents, the Vice-President of Aswan city visited the area and met groups of residents. He informed them of the decision to develop the area and to evict them. He did not disclose when the evictions were to begin and was reported to have told residents that the authorities would bulldoze the area if residents resisted and that those who did resist could be detained under administrative detention orders.²⁴⁷ No formal written eviction orders were presented to the residents.

Residents fear that the whole of the Al-Sahaby area will be cleared along with all of its estimated 1,500 families. Their fears were reinforced when they obtained leaked plans that suggested that this was the proposal and that the cleared land would mainly be used for new housing, services and roads, apparently built by private sector investors. On 22 July 2010, a group

Satellite image of Aswan, with areas designated as “unsafe” highlighted in red.

Data sources: NASA/USGS Landsat ETM+; Unsafe areas – <http://www.isdf.info>, ESRI – shaded relief

of residents formed a committee to defend their rights and negotiate with the authorities. On 25 July 2010, they met the Secretary of the Governor of Aswan and communicated their opposition to the complete demolition of the area. They said that they would support alternative development plans, including road widening. They also requested better compensation for losses. The official confirmed that most of Al-Sahaby would be demolished, but said he would communicate their demands to the Governor of Aswan. About 26 families have lodged appeals before the administrative court against the Governor's decision to seize their properties, arguing that it was an arbitrary decision and one that aims to serve the interests of investors, not the "general interest".

Since then, the residents have still not been consulted about the development project, the decision to evict them, or plans to provide alternative housing in Al-Sadaqa Al-Qadima. The residents whose homes are due to be demolished consider the proposed alternative housing to be insufficient for their number and inadequate in terms of location and access to services, particularly health care and schools. They sent petitions summarizing their position to the Governor of Aswan, the President of Aswan City, the municipal council and the chief of the police with the help of the Hisham Mubarak Law Centre in Aswan, a human rights organization providing legal aid.

On 28 July 2010, Amnesty International issued an Urgent Action urging the Governor of Aswan to suspend the evictions, to carry out genuine consultations with the residents, and to provide information on which buildings endanger lives in Al-Sahaby area.²⁴⁸ In a response dated 7 September 2010, the authorities said that the definition of forced eviction does not apply to Al-Sahaby. With regards to consultation with residents, the letter said that on 12 July 2010, a "committee of development of Al-Sahaby area" met local popular municipal leaders and local executive leaders in the area and agreed on compensation for lands and buildings based on experts' surveys and enumeration. It said ownership titles would be given to those who choose alternative housing and a maximum limit for financial compensation may be applied. The letter added that on the basis of the meeting, the Governorate started negotiations with the residents on 19 July 2010 at the office of the Secretary of the Governor in the presence of the local municipal and executive leaders "as well as natural leaders chosen in co-ordination with the population".

The response makes clear that the negotiation with residents was only over their choice between compensation and relocation, and that this took place after the authorities had decided to evict them. The eviction plan was never presented to the residents for consultation or comments. The "committee of development of Al-Sahaby area" – solely comprising official local leaders – only met a month after the plan was announced, which suggests it was not involved in the design of the plan.

The 7 September 2010 letter stated that as of 5 August 2010, 43 families had received alternative housing in Al-Sadaqa Al-Qadima and 17 had accepted financial compensation. On 9 September 2010, it was reported that the Governor handed out contracts or cheques to those who accepted alternative housing or financial compensation; that he had said that 208 families had accepted financial compensation, not relocation; that a further 123 families were in the process of obtaining compensation; and that negotiation with 205 other families was under way. The Governor was also reported to have said that residential buildings on privately owned land will remain as they are and that the cleared land will not be used for investment purposes.²⁴⁹

On 11 October 2010, it was reported that 244 families had received alternative housing or financial compensation. It was also reported that Aswan Governorate had issued warnings to

families in 286 homes in Al-Sahaby area who did not agree to the compensation scheme announced in June 2010, giving them one week to accept compensation or they would be evicted using “coercive force”.²⁵⁰ Later that month, bulldozers demolished at least three buildings of families who had accepted compensation. A man later died after one of the buildings collapsed while he searched the demolition site, according to residents.

It seems clear that in the case of Al-Sahaby, the lack of prior consultation over the eviction plan, alternatives to eviction and the resettlement conditions, as well as the threat of use of force against residents if they do not accept the compensation scheme, all breach the safeguards against forced eviction.

RESISTING EVICTION: NORTH GIZA DEVELOPMENT PROJECT

Several other communities affected by development plans on which they were given no chance to comment have tried to protect themselves from forced eviction. By raising their voices, mobilizing their numbers, using media, staging protests and exploiting legal channels of appeal, they have delayed or suspended plans to evict them. In the cases covered below, the areas in which these communities live have not been classified as “unsafe” by the ISDF and the residents have greater security of tenure than those living in the “unsafe areas” described elsewhere in this report. Their actions have, nevertheless, highlighted the authorities’ failure to provide information on plans that fundamentally affect the lives of communities, or involve communities in planning processes.

The North Giza Development Project is a pilot project for upgrading informal settlements.²⁵¹ The project covers the Imbaba district and most of Al-Warraq district in Giza, which together host around 1 million people.²⁵² Merged together, they face Al-Warraq Nile Island. The Ministry of Housing, Utilities and Urban Development has taken the lead in planning and executing this project, as opposed to the “unsafe areas” for which the ISDF leads and the Ministry takes a backseat. Like all projects that relate to informal settlements in Greater Cairo, the project is part of the Cairo 2050 plan. A prime ministerial decision in 2001 banned evictions in Al-Warraq Nile Island and Al-Dahab Island (south of Giza) and authorized owners to register their properties.²⁵³ It appears that the North Giza Development Project is intended to be self-funding so that areas will be allocated to investors in exchange for credit to use for upgrading purposes.

In December 2008, the Prime Minister decided that the North Giza Development Project was a “work of general interest”, based on a memorandum presented by the Ministry of Housing, Utilities and Urban Development.²⁵⁴ The project is based on the idea of exploiting land previously used for Imbaba Airport²⁵⁵ at the far south of Imbaba, as well as unused land inside North Giza, with the exception of that facing the Nile.²⁵⁶ According to officials, the airport’s land is to be used to build about 3,500 housing units, a public garden, some public services and a shopping mall.²⁵⁷ The services to be introduced during the four-year project will include 40 schools, 11 health units, three hospitals, nine sports centres, cultural centres, police and emergency services, a postal service as well as commercial services and parking. In addition, 12 roads will be built or widened. The projected cost is 4 billion Egyptian pounds (US\$673.2 million), which includes compensation for expropriated property.²⁵⁸ What remains unclear is exactly where the work will be carried out, the extent of evictions, the policy for compensation for buildings and businesses, and the planned use of the airport’s land.

The failure to include maps of the required lands in the government's announcement violated the Law on Expropriation for the General Interest. As a result, people did not know if they would be affected by the decision, had no details about evictions and compensation, and did not know whether new housing units being built on the airport's land would be used to rehouse them if they were evicted. The lack of consultation and information increased fears about forced evictions and fed suspicions that the government intended to sell the airport land to private investors rather than use it for the "general interest".²⁵⁹ The Minister of Housing, Utilities and Urban Development appeared to justify the absence of the maps and other detailed information when he was reported to have told the Committee on Housing and Water and Services and Utilities at the Shura Council (Higher House of the Parliament) that decisions relating to expropriations amounted to a "military secret" that would be revealed "in one blow". This was to avoid speculation on the properties that would have increased their value and negatively impacted on the project.²⁶⁰

In relation to the requirement to engage affected communities in prior consultation, the Ministry of Housing, Utilities and Urban Development said that it has conceived the North Giza Development Project and developed its General Plan based on consultation with the residents. This consultation rested on a survey conducted in September 2006 by the Central Agency for Population Mobilization and Statistics of the views and needs of the population living in the area around the airport, which served as a sample for the whole of North Giza. The survey of around 16,230 heads of household showed that 68.5 per cent were satisfied with their life in the area. The other 31.5 per cent complained about overcrowding, lack of transport and access to health and education services, pollution and poor roads. On their views on what they wanted after eviction, only 20 per cent said they wanted to be relocated to new cities; the majority wanted to be rehoused in the same area or near it, or to receive compensation.²⁶¹ However, the North Giza Development Project was neither discussed with the residents surveyed, nor was the draft plan developed with the participation of all parties, especially those who might be evicted.

As far as the Law on Building is concerned, limited prior consultation on plans for "unplanned areas" is provided by Article 25. In a hearing session in August 2008, consultants who designed the project outlined it to members of the popular municipal council for North Giza. The popular municipal council for Giza Governorate approved the project a month later having seen some of its maps.²⁶² But no wider consultation with the residents of North Giza took place. The Law on Building also provides for negotiation over compensation for people whose property is to be expropriated and guarantees alternative housing for the tenants. Such consultation and negotiation appear not to have happened in the case of the North Giza Development Project.

A number of groups were formed in Imbaba to find out information about the North Giza Development Project and oppose its privatization. Among them are the Committee of Co-ordination and Monitoring, established in mid-2007, and the Popular Committee for the Defence of Imbaba Airport, formed a year later.²⁶³ Both groups organized public meetings and attempted to obtain information from the local authorities.²⁶⁴ In August 2008, the Governor of Giza and project experts disclosed the number of services to be introduced, but neither specified where they would be built, the compensation process, nor who would be affected by the evictions and their extent. The Governor said people who were evicted would be provided with alternative housing on the airport land or elsewhere, or receive compensation, but residents remained suspicious.²⁶⁵

In October 2008, the Governor of Giza announced that official committees had begun to survey the unused land to be expropriated and assess compensation with the help of local municipal council members.²⁶⁶ According to the Law on Expropriation for the General Interest, this should take place after the Prime Minister's decision of "works of general interest" and with the participation of the owners and stakeholders. As indicated above, the Prime Minister's decision was announced in December 2008 and did not include the maps of the land to be expropriated. The Popular Committee for the Defence of Imbaba Airport lodged an appeal against the decision before an administrative court, which asked the Ministry of Housing, Utilities and Urban Development to release the maps of the project.²⁶⁷ The Ministry only presented old agricultural maps of North Giza without showing the locations of properties to be expropriated.²⁶⁸

After a meeting with the Minister of Housing, Utilities and Urban Development in March 2010, Amnesty International delegates obtained what appears to be the detailed North Giza Development Project with its executive maps.²⁶⁹ The maps show the location of the planned paths with the properties to be expropriated, as well as the location of schools, gardens and youth centres. The fight to defend the rights of the million or more slum-dwellers in Imbaba and Al-Warraaq districts continues.

On 13 July 2010, with no prior warning, Central Security Forces and Dar El Salam police arrived with a bulldozer to demolish buildings under a dangerous cliff called Gabal Khayrallah. So began a wave of forced evictions in one of the “unsafe areas” of Establ Antar and Ezbet Khayrallah – in Al-Mahgar Street in Dar El Salam neighbourhood – that left at least 21 families homeless, apparently because of corruption during the enumeration process.

The police and security forces ordered and in some cases forced the 21 families to remove their possessions. They told the families that they would be given alternative housing in 6 October City, so the families loaded their possessions onto lorries provided by Cairo Governorate, each paying 200 Egyptian pounds to the drivers. However, as soon as the demolitions began, those overseeing the evictions ordered the lorries to be unloaded, saying, according to the NGO Network for the Defence of Vulnerable Groups, that they suspected that the 21 families were trying to cheat their way into alternative housing. Only a day earlier, an enumeration committee had counted the residents, guided by a man who was a local resident. After the 21 families were made homeless, the man allegedly said he could get their names on the enumeration list for 5,000 Egyptian pounds (US\$841), as he was said to have done for his two brothers who were apparently “outsiders”.

The families presented grievances to the Neighbourhood Authority, which were either rejected or remained under consideration. Meanwhile, they continued to live near the demolition site. The families protested outside the office of the Secretary of the Governor in Old Cairo. They also filed a case before the Public Prosecutor with the help of the Network for the Defence of Vulnerable Groups, a human rights organization that provides legal support to marginalized groups.

In their complaint to the Public Prosecutor, the families criticized the Governor of Cairo, the Head of Dar El Salam Neighbourhood Authority and the enumerators for evicting them without notice and without providing alternative housing, stating that this clearly violated Egypt’s obligations under Article 11(1) of the ICESCR and General Comments 4 and 7 of the CESCR. They highlighted the officials’ responsibility for any harm that may come to them while they were homeless because of their failure to provide them with alternative housing. They also accused the enumerators and the local resident who had guided them of being involved in bribery, embezzlement and forgery. As a result, the Prosecutor ordered the formation of a Ministry of Justice committee to examine the enumeration lists and residents’ papers. However, this was a slow process and every day of delay was another day on the streets for the families.

The Egyptian Centre for Housing Rights supported the complaint of the homeless families.²⁷⁰ The Neighbourhood Authority re-examined the residents’ papers and in October 2010 said that it had found that enumeration had not included 16 families who had in fact been living in the area. They ordered that these families be given alternative housing – after more than three months of homelessness. It is unclear what happened to the remaining five families.

By December 2010, families living in three other buildings in Al-Mahgar Street had been relocated to 6 October City. But 10 families were not enumerated and remained in their rooms. Enumerators told them they had been unable to submit enough papers to support their claim. Expecting the bulldozer to reach their homes at any time, they feared homelessness but were still living in the building in June 2011.

In one house, Sultana Ahmed Ibrahim, an 80-year-old widow, lives in one of the rooms of the house where



her children and grandchildren were married. The enumerators did not count her, saying that her small number of kitchen appliances suggested she did not live there. She said she spent the days in the same house as her daughter and her needs are limited. Her daughter was relocated to a flat in 6 October City with her husband and five children.²⁷¹

Another house was home to 14 families. All were initially counted, but later only 11 were given alternative housing. Three “outsiders” allegedly received alternative housing through corruption, instead of the remaining three families. Among those

A bulldozer completes the demolition of buildings in Al-Mahgar Street, December 2010. Neighbours fear that the same fate awaits their homes.

who missed out is Wafaa Awad Mowafi, a 50-year-old divorced woman and mother of two, who was told by the enumerator that her divorce papers were a copy and not the original.

Before the end of 2010, Amnesty International wrote to the Governor of Cairo about the families at risk of becoming homeless, but by June 2011 it had not received an answer.



7/CONCLUSIONS AND RECOMMENDATIONS

The establishment of the ISDF and the commitment to deal with “unsafe” areas in informal settlements is a welcome and positive step. Unfortunately, the authorities have not addressed the problems identified in Amnesty International’s 2009 report, *Buried alive: Trapped by poverty and neglect in Cairo’s informal settlements*, namely the failure to consult people living in informal settlements on resettlement options, to provide them with information on the authorities’ plans and to respect other procedural guarantees while carrying out evictions, rendering their evictions unlawful under international law. As a result, there continues to be a striking lack of consultation with people on plans that deeply impact on their lives. In addition, the authorities are still clearing people from their homes in “unsafe areas” without implementing many of the other safeguards required under international law, resulting in forced evictions.

Amnesty International has also documented other human rights violations during the eviction process, such as excessive use of force, threats of arbitrary arrests and detention, and a failure to comply with official safety standards during demolitions, putting at risk people living in and around buildings that are demolished. The authorities’ failure to prioritize areas categorized as the most “unsafe” or homes most at risk has left some people remaining in extremely hazardous conditions for considerable periods – even after they have called for urgent intervention – while others living in less dangerous situations have been evicted and rehoused.

It is not clear what criteria were used to decide which areas were more “unsafe” than others. Nor is it clear why only 404 areas were deemed “unsafe”, given that people in all informal settlements lack security of tenure and usually face other risks identified by the authorities as criteria for designating areas as “unsafe”. While it is encouraging that the government is looking at broader issues in informal settlements that undermine people’s enjoyment of their right to adequate housing as well as many other rights, it needs to do so in a manner that respects the rights of the

Opposite: Kom Ghorab in Old Cairo. The narrow alleys are natural playgrounds for children and a gathering space for women, but they also restrict access to emergency services, such as fire engines and ambulances.

people living in these areas. It is not acceptable for the authorities to evict people in informal settlements without any consideration of alternatives, such as providing support to upgrade buildings or improve infrastructure when this is possible. As with other issues, there has been no consultation with residents in the development of plans and to explore feasible alternatives to eviction, despite the negative impacts that eviction will have on their lives.

The current pattern of forced evictions in informal settlements raises serious concerns about the implementation of the Cairo 2050 plan, as the authorities still refuse to recognize that past evictions do not meet international standards. In addition, the plan envisages the moving of people living in informal settlements to housing developments on the outskirts of Cairo and Giza, while more centrally located areas are reserved for private housing developments for more affluent people. This contravenes the government's obligation to give due priority to social groups living in unfavourable conditions by giving them particular consideration, and to ensure that policies and legislation are not designed to benefit already advantaged social groups at the expense of others. It also contravenes the government's obligation to ensure that any resettlement site allows access to employment and other key services, and that transport costs to workplaces will not place an excessive burden on the budgets of poor households.

The resettlement provided to former slum-dwellers, particularly those moved to 6 October City, failed to meet these requirements, and the negative impacts of this have already been felt on people's ability to access employment and other key services. The distance of 6 October City and Al-Nahda City from Cairo and people's former communities has meant that people have been faced with unemployment, prohibitive transport costs, lack of affordable food in local markets and restricted access to medical centres.

The dramatic political changes that have happened in Egypt since 25 January 2011, combined with an acknowledgement of the inadequacies of past governments, give the new Egyptian authorities an historic opportunity to meet their obligations by respecting and realizing one of the key demands of protesters – to ensure that the millions of underprivileged people are treated with dignity and their human rights respected. In this way, they can signal that the state exists to serve all its citizens without discrimination. To this end, Amnesty International makes the following recommendations to the Egyptian authorities.

RECOMMENDATIONS

IMMINENT DANGER AND EVICTION

- Prioritize the evacuation of areas and buildings where there is an imminent danger to lives, including through the provision of temporary alternative housing. Procedural safeguards should be put in place to ensure that these evacuations comply with international standards on evictions.
- Where it is neither reasonable nor proportionate to carry out prior consultation and put in place all the required procedural safeguards before eviction, meet these requirements as far as possible after people are moved away from danger, particularly in terms of compensation for losses and consultation on resettlement and to ensure that all resettlement sites comply with the criteria for adequacy of housing under international law.

- Uphold provisions in the Law on Building for buildings at risk of collapsing, including in “unsafe areas” and informal settlements where eviction plans are in progress or due to be implemented.

PARTICIPATION AND ALTERNATIVES TO EVICTION

- Ensure the active participation of and undertake genuine consultation with the affected communities in developing and implementing plans for “unsafe areas” and “unplanned areas”. Take action to ensure inclusivity and gender-sensitive approaches to participation and consultation.
- Except where urgent action is needed because there is an imminent threat to life or health, explore all feasible alternatives to evictions with affected residents, including the option of upgrading their current settlement; people moved due to imminent threat should be consulted on options for returning to their homes after they have been made safe – where this is a possibility.
- Ensure that evictions are only carried out as a last resort, after all feasible alternatives to eviction have been explored.
- Put in place procedural safeguards before evictions are carried out, including genuine consultation with residents, adequate prior notice, legal remedies, compensation and adequate alternative housing.
- Publish the details of all existing plans and relevant data for “unsafe areas”, “shack areas”, “unplanned areas” and the Cairo 2050 plan, so that potentially affected residents can access the information and participate in their revision and implementation.
- Review the Cairo 2050 plan and the Informal Settlements Development Facility plan to ensure that they are consistent with international human rights standards, including requirements to give due priority to disadvantaged groups and to ensure that the location of resettlement sites comply with the criteria for adequacy of housing under international law, especially in terms of location, affordability, habitability and availability of health, education and other services.
- Ensure the active participation of people living in informal settlements in the design of General Strategic Plans of Cities and Villages.

LEGAL REFORM

- Enact and enforce a clear prohibition on forced evictions, and adopt guidelines for evictions based on the UN Basic principles and guidelines on development-based evictions and displacement.
- Amend Article 970 of the Civil Code and Article 26 of the Law on Local Government to ensure procedures of eviction from vacant state-owned land are in line with UN guarantees against forced eviction.

- Ensure at least minimum legal security of tenure for all residents of informal settlements. This could include enforcement of existing laws that legalize “hand claims” in informal settlements. However, specific action must be taken – including revision of laws where necessary – to ensure that women are not subject to discrimination in access to housing or in establishing security of tenure.

EVICITION PROCESS

- Instruct security forces not to use excessive force during evictions.
- Ensure that the security forces end the practice of using the threat of administrative detention, or detention or ill-treatment, to intimidate evictees or their families or neighbours.
- Allow those evicted reasonable time to remove their possessions before eviction.

ENUMERATION, HOMELESSNESS AND CORRUPTION

- Define and publicize clear criteria and procedures for enumeration committees and ensure that their work is subject to independent oversight to prevent corruption or discrimination.
- Ensure that enumeration committees identify people's needs with respect to their livelihoods, including small business, and provide full and accessible information on the enumeration process to all residents.
- Promptly provide at least temporary shelter or alternative housing to people rendered homeless by eviction until examination of their claims.
- Investigate allegations of corruption of local employees or enumerators or manipulation by beneficiaries, and hold those found responsible to account.

HOUSE DEMOLITION AND DEMOLITION SITES

- Ensure that house demolitions are not a precondition for relocation.
- Ensure that demolitions take place only after evictees have been relocated safely.
- Ensure that contractors and other workers carry out demolitions safely, such as by preventing the spread of debris, posting warning signals, and protecting neighbouring buildings, and that demolition sites are left free of hazards.
- Ensure that water, electricity or sewerage supplies are not disconnected before residents are evicted.

ADEQUACY OF RESETTLEMENT AND COMPENSATION

- Confer legal security of tenure on people who have been resettled by providing them with documents confirming their occupancy and guaranteeing protection against forced eviction. Take decisive action, including legal reform where necessary, to ensure women have security of tenure, regardless of their marital status.
- Provide financial compensation to structure owners whose homes are confiscated or demolished and inform them of procedures to claim compensation, including through conciliation committees or courts.

EFFECTIVE REMEDIES

- Respect the rights of all victims to an effective remedy, including access to justice and the right to reparation – restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.
- While communicating any decision in relation to evictions, inform the residents of their right to appeal and the means and procedures to do so and provide them with legal aid, where necessary.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

WOMEN AND EVICTIONS

- Take decisive action to end discrimination against women, based on gender and marital status, including discrimination in processes of enumerations and the allocation of alternative housing.
- Ensure that local authorities are provided with clear guidance on non-discrimination; this guidance should specifically identify and prohibit the discriminatory practices recorded in this report, including practices that place undue burden of proof on women who are single, divorced, widowed or separated before they can access housing. In the case of married couples, ensure that the names of both wife and husband appear on rehousing letters, as well as on documentation for the alternative housing unit, securing the legal tenure for both.

ENDNOTES

1 Amnesty International interviews on 11 and 28 February 2010 and 3 June 2011.

2 Basic Principles, para. 47.

3 Amnesty International, *Buried alive: Trapped by poverty and neglect in Cairo's informal settlements* (Index: MDE 12/009/2009), 17 November 2009, available at: www.amnesty.org/en/library/info/MDE12/009/2009/en

4 In December 2009, eight Cairo city officials were referred to trial for negligence resulting in homicide and injuries because they did not take action to protect Al-Duwayqa's residents before the rockslide. In May 2010, the Vice-Governor of Cairo was sentenced to five years in prison and the others, including two heads of Manshiyet Nasser Neighbourhood Authority, received three-year prison terms. All remained free and in their official positions awaiting appeal. In September 2010, on appeal, the Vice-Governor and one official were acquitted while the six others were sentenced to one year in prison. See Amnesty International, "Egypt urged to protect slum-dwellers after official acquitted", 22 September 2010, available at : <http://www.amnesty.org/en/news-and-updates/egypt-urged-protect-slum-dwellers-after-rockslide-official-acquitted-2010-09-22>; Amnesty International, "City officials convicted over deadly Cairo rockslide", 28 May 2010, available at: <http://www.amnesty.org/en/news-and-updates/head-2010-05-28>

5 Amnesty International called on the authorities to develop comprehensive plans so as to avoid a repeat of the disaster and to address problems related to the inadequate housing conditions. The organization urged them to provide information to, and consult with, residents during the planning process and called for the plans to include

provision of temporary housing so that people could be evacuated away from imminent risk, as well as the creation of affordable, permanent housing. The report documented a range of violations of the rights of people living in Manshiyet Nasser, particularly forced eviction from their homes which are built without permission on state-owned land.

6 CESCR, General Comment 7, The right to adequate housing: forced evictions, para. 3.

7 Amnesty International's report noted that the Egyptian authorities may indeed need to evacuate some people immediately to ensure their safety in situations where a delay would jeopardize their lives or health. In such circumstances, it may not be feasible to carry out prior consultation and put mandatory safeguards in place – but it is still obligatory to ensure that these requirements are met as soon as possible after people have been moved to safety. This should include, at a minimum: consultation on resettlement options; adequate alternative housing; compensation for losses; and access to effective remedies for violations.

8 Presidential Decision No. 305 of 2008 creating the Informal Settlements Development Facility (ISDF), published in the Official Journal on 18 October 2008.

9 Although the authorities identified 404 "unsafe areas", most informal settlements in Egypt would meet one or more of the criteria used to identify the 404. See Chapter 1 of this report.

10 Presentation by Sherif Algohary and Ali El-Faramawy, ISDF, "Egyptian Approach to Informal Settlements Developments", 2 June 2010, available at: www.slideshare.net/GRFDavos/egypt-for-idrc-2-june-2010-finalpptx

11 The ISDF divided "unsafe areas" into four levels of dangers (see Chapter 1, Official policies on informal settlements). There are 24 "unsafe areas" in Giza Governorate, all categorized as level two. Cairo hosts 16 level one "unsafe areas", 33 level two areas, 3 level three, and 1 level four. In Qaliubya Governorate, there are 13 level two "unsafe areas" and 11 level three. In 6 October, there are 8 level two "unsafe areas", and in Helwan 7 level three areas. In April 2011, the short-lived 6 October and Helwan Governorates, created in 2008, respectively returned to the Giza Governorate and the Cairo Governorate. See: Sherif Algohary and Ali El-Faramawy, "Egyptian Approach to Informal Settlements Developments".

12 According to Article 2 of the Law on Building No.119 of 2008, they are "unplanned areas that grew in contravention to the laws and regulations governing planning and building".

13 Ministry of Housing, Utilities and Urban Development, General Organization of Physical Planning, *For a Vision of Cairo 2050 in the Framework of a National Vision of Egypt*, March 2009.

14 The plan, which has not yet been presented to the general public for discussion, also includes major transport projects for roads and an underground train system, water and sanitation networks, gardens, a new government complex, new universities, and investment in tourism and industry. Ministry of Housing, Utilities and Urban Development, General Organization of Physical Development, *For a Vision of Cairo 2050 in the Framework of a National Vision of Egypt* [original in Arabic], March 2009. Also: Ministry of Housing, Utilities and Urban Development, General Organization of Physical Planning, *Cairo 2050, Strategic long term plan for Greater Cairo Region* [original in Arabic], 2008.

15 See Amnesty International, *Egypt rises: Killings, detention and torture during the '25 January Revolution'* (Index: MDE 12/027/2011), 19 May 2011, available at: www.amnesty.org/en/library/info/MDE12/027/2011/en

16 Expropriation for the general interest is otherwise known as compulsory land acquisition or eminent domain.

17 The enumeration process counts and lists the population of a given area. Lists are compiled by enumeration committees, which are then used to allocate alternative housing.

18 Amnesty International interviews on 16 August 2009.

19 Amnesty International interviews in December 2009.

20 Since 2009, irrigation workers and their families living in the irrigation workers' housing units in Al-Sawah have been experiencing repeated threats of forced eviction from the Al-Zaytoun Neighbourhood Authority. For generations they have been living in one-storey houses which initially belonged to the Ministry of Irrigation and which, in 1992, were transferred to Cairo Governorate. The retired men and their families have been harassed by local authorities and the police to relocate to Al-Nahda City, which is 25km away, apparently as part of an undisclosed development plan. In March 2009, the residents were surprised by the police and Central Security Forces, who suddenly arrived to execute "removal" decisions and threatened the residents with administrative detention if they did not comply. The attempted forced evictions happened without advance notice or any consultation with the affected communities. The families resisted the eviction decisions after obtaining the documents informally in December

2010 and contesting the decisions in court. They organized a protest in their homes and sought publicity. The families want to participate in the development of the area, but feel powerless as they fear that the land will be taken for investment with the help of the authorities. In April 2010, the residents formed an association called "Protect your Home" with the support of Shafafia Centre for Societal Studies and Development Training, an Egyptian organization that aims at supporting communities to defend their rights including against forced eviction. The threat of eviction remains. See: Shafafia Centre for Societal Studies and Development Training, "In the Centre's First Meetings with Residents in Areas Targetted by Forced Eviction, The Dwellers of Irrigation Workers Housing in Al-Sawah Announce the Establishment of 'Protect your Home', And Call for Human Rights Organizations to Support Them Before Administrative Courts Next Tuesday" [original in Arabic], 10 April 2010.

21 See for example: Land Centre for Human Rights, *Implementation of the International Covenant on Economic, Social and Cultural Rights in Egypt, Parallel NGO Report by the Land Centre for Human Rights (LCHR)*, 25 April – 12 May 2000, pp.16-20.

22 Law No. 4 of 1996 changed an old fixed rent system, liberalizing any new contractual relationships between owners and tenants.

23 For a full list of recommendations, see Chapter 7.

24 This estimate is given by Egypt's Central Agency for Population Mobilization and Statistics, although official numbers vary.

25 Central Agency for Population Mobilization and Statistics, *Study of Informal Settlements in Egypt* [original in Arabic], April 2008, pp. 23-34.

26 Ministry of Economic Development, *Egypt. Achieving the Millennium Development Goals. A midpoint assessment*, 2008, p.56.

27 See: United Nations Development Programme, *Arab Human Development Report 2009, Challenges to Human Security in the Arab Countries*, UNDP, 2009, p.11. See also: "Egypt's Mubarak aims for 8 percent annual growth", Associated Press, 25 December 2010, accessed at http://news.yahoo.com/s/ap/20101225/ap_on_re_mi_ea/ml_egypt_mubarak

28 Sarah Sabry, *Poverty Lines in Greater Cairo, Underestimating and Misrepresenting Poverty*, International Institute for Environment and Development, May 2009, pp.viii-ix.

- 29** David Sims and Marion Séjourné, *Residential informality in greater Cairo: Typologies, representative areas, quantification, valuation and causal factors*, Cairo, ECES, ILD, 2000.
- 30** See Habitat International Coalition – *Housing and Land Rights Network, Housing in Egypt between informality and poor urbanization. Towards a guide for researchers and jurists dealing with issues of right to housing in Egypt*, pp.93 -100.
- 31** UN-Habitat, *The Challenge of Slums - Global Report on Human Settlements 2003*, Earthscan, 2003, p.93, available at: <http://tiranaworkshop09.pbworks.com/f/unhsp+the+challenge+of+slums+global+report+on+human+settlements+2003.pdf>
- 32** Article 970 of the Civil Code prior to its amendment by Presidential Decision 147 of 1957, published in the Official Journal on 3 July 1957. Some people say they have legalized their “hand claim” or are in the process of legalizing it by paying a set price for the land to Aswan Governorate. It is unclear, however, if this would provide full legal security of tenure and protection against eviction.
- 33** According to the Ministry of Housing, Utilities and Urban Development, in a document in relation to a project it is planning, the area hosted a population of 878,870 in 2007 and projected it to become 1,162,308 by 2027. See: Ministry of Housing, Utilities and Urban Development, *Development Project of the Northern Sector of the City of Giza and the Re-use of Land of Imbaba Airport* [original in Arabic], March 2008. According to the 2006 population census by the Central Agency for Population Mobilization and Statistics, the population of the two districts of Imbaba and Al-Warraq together totalled approximately 1.1 million. See: http://www.msrinternet.capmas.gov.eg/pls/census/cnsest_a_sex_ama?LANG=1&iname==&YY=2006&cod=21&gv=
- 34** Amnesty International, *Egypt: Grave human rights abuses amid political violence* (Index: MDE 12/003/1993), May 1993.
- 35** The Egyptian Centre for Housing Rights, *Informal Areas and Social Violence* [in Arabic], available at www.echr.org/ws/02/ash1.htm. For English, see Summary of Roundtable Discussion On: Social Violence & Informal Areas, available at www.echr.org/en/ws/02/Informal.htm
- 36** Central Agency for Population Mobilization and Statistics, *Study of Informal Settlements in Egypt* [original in Arabic], April 2008, pp.28-32.
- 37** CESCR, Concluding Observation and Recommendations on Egypt, UN DOC. E/C.12/1/Add.44, 23 May 2000, paras 22 and 37.
- 38** Interview with housing and urban development consultant, David Sims, in March 2010. See also: Suzette Aziz, Hazem Kamal, Maha Samy Kamel, Kamal Selim, Hany Serageldin, David Sims, *Housing Demand Study for the Arab Republic of Egypt*, USAID/Technical Assistance For Policy Reform II, June 2006, available at: http://www.usaideconomic.org/publication_details_results.asp?publicationId=2207
- 39** See, for example: David Sims et al, *UN-Habitat Global Report on Human Settlements 2003: Slums and Poverty in the City*, Cairo City Report, 14 June 2002.
- 40** Egyptian Red Crescent, *The Egyptian Red Crescent report of the Secretary General 2003-2009* [original in Arabic], June 2009. For more information on slum upgrading in Cairo, see: *Cairo Governorate, Urban Development and the Challenges of Informal Settlements* [original in Arabic], 2008.
- 41** Interview with the former head of the Housing and Building National Research Centre Dr Abu Zeid Rageh on 21 March 2010.
- 42** Amnesty International interviews on 24 February 2010.
- 43** Amnesty International interviews on 24 February 2010.
- 44** Amnesty International meeting with the Governor of Cairo on 4 March 2010.
- 45** Amnesty International, “200 families at risk of falling rocks”, 16 February 2010, available at: <http://www.amnesty.org/en/library/info/MDE12/008/2010/en>
- 46** Letter from the Governor of Cairo dated 28 February 2010.
- 47** Christian Arandel and Manal El Batran, *The informal housing development process in Egypt*, CNRS, July 1997, p.35.
- 48** “Unsafe areas”, which represent a small fraction of Egypt’s informal settlements, do not have a separate legal definition.
- 49** Cairo Governorate, in a presentation to Amnesty International delegates on 4 March 2010 entitled “Development of Informal Settlements” [original in Arabic].
- 50** Cairo Governorate, “Dr Wazir: Relocation of 72,000 Citizens of Informal Settlements into Humane and Urbanized Housings” [original in Arabic], 31 March 2010. The Suzanne Mubarak dwellings contain 10,000 units, about 3,500 of which had been allocated before the 2008 rockslide.
- 51** Cairo Governorate, “The Governor’s Meeting with the Committee Examining the Northern Cliff of Al-Muqattam” [original in Arabic], 23 June 2010. See also: Cairo

Governorate, "Cairo Governor Follows Execution of Second Phase Work Examining Al-Muqattam's Cliff" [original in Arabic], 13 September 2010, available at: <http://www.cairo.gov.eg/MainPage/DispNews.aspx?ID=776>

52 A table with the breakdown by level of danger is presented in an ISDF presentation. See: Sherif Algohary and Ali El-Faramawy, "Egyptian Approach to Informal Settlements Developments".

53 See: Sherif Algohary and Ali El-Faramawy, "Egyptian Approach to Informal Settlements Developments".

54 See: www.isdf.info

55 There are also six "unsafe areas" of level one in the South Sinai Governorate, four in Red Sea Governorate, three in Aswan Governorate, three in Maras Matrouh Governorate, two in Alexandria Governorate and one in Kafr El-Sheikh Governorate. See: Sherif Algohary and Ali El-Faramawy, "Egyptian Approach to Informal Settlements Developments".

56 ISDF, "Start of the development of 30 pilot projects in unsafe areas in 16 Governorates" [original in Arabic], March 2010, available at: <http://www.isdf.info/index.php/joomla-home/facts-about-slums/6>

57 ISDF, "Completion of the development of the first 'unsafe area' in the Republic in Al-Qaliubiya Governorate" [original in Arabic], April 2010, available at: <http://www.isdf.info/index.php/joomla-home/facts-about-slums/24>

58 ISDF, "Completion of the development of the areas of Wekalet Shbin and Gharb Dawar Al-Wokala' in the city of Shebin Al-Qanater" [original in Arabic], April 2010, available at: <http://www.isdf.info/index.php/joomla-home/facts-about-slums/13>

59 They were charged under Articles 238 and 244 of the Penal Code.

60 The reports recommended the following steps: 1) the demolition of homes uphill, within 15 metres of the hill's wall because informal sewerage trenches affected the stability of the rocks; 2) the eviction of the residents down the hill in Ezbet Bekhit; 3) securing the hill's rocks as specified. Work on the last point did in fact start but people were not evacuated.

61 Amnesty international observed one of the trial sessions in March 2010.

62 IRIN, "Egypt: Report details north Sinai flood damage", 1 February 2010. See also: IRIN, "Egypt: Displaced flood victims still waiting for aid", 25 January 2010; and IRIN, "Egypt: Thousands of Aswan flood victims still awaiting compensation", 29 June 2010.

63 *Al-Masry Al-Youm* daily newspaper, "The Informal Settlements Fund told the Governorates of floods danger seven months before but nobody took action" [original in Arabic], 23 January 2010.

64 Amnesty International, Urgent Action: "200 families left homeless by flooding", 1 November 2010. In addition, in June 2010, in Souk Al-Goma in Cairo, a car accident started a fire, resulting in the wide destruction of the shack homes and stores there.

65 Egyptian Organization for Development Rights, "Arbitrariness by the executive authorities in the Cairo Governorate causes a new collapse in Maspriro triangle" [original in Arabic], 13 November 2010.

66 Cairo Governorate, "The Governor of Cairo's efforts regarding the degraded properties in Boulaq Abu El-Ela" [original in Arabic], 2 January 2011.

67 Egyptian Organization for Development Rights, "Urgent report on forced eviction of seven buildings in Maspriro triangle area" [original in Arabic], 12 December 2010.

68 For examples from 2010, see: *Al-Masry Al-Youm*, "Collapsing continues: death of a woman and her grandchild under the rubble of a building in Alexandria... A committee to examine neighbouring buildings" [original in Arabic], 1 November 2010; *Al-Youm Al-Sabe'* newspaper, "Collapse of three floors in Mit Ghamr and death of two persons" [original in Arabic], 22 August 2010; *Al-Masry Al-Youm*, "Death and injury of eight in the collapse of a building in Shubra and search for two under the rubble" [original in Arabic], 2 July 2010.

69 *Al-Sharq Al-Awsat* newspaper, "Egypt: Increase of Number of Buildings at Danger of Demolition Opens the Door to Contractors Companies" [original in Arabic], 5 January 2008, available at: www.aawsat.com/details.asp?section=47&article=452642&issueno=10630

70 Interview with architect and heritage planner Yahiya Shawkat on 3 October 2010.

71 Cairo Governorate, *Houses and Housing in Cairo Governorate* [original in Arabic], 2008, p.14.

72 Amnesty International interviews on 10 March 2010.

73 Article 151 of the Constitution of 1971. Article 56(6) of the Constitutional Declaration of 30 March 2011.

74 Articles of the Egyptian Constitution of 1971: Articles 7, 8, 9, 10, 23, 44, 45, 57. See also Articles 10 and 11 of the Constitutional Declaration of 30 March 2011.

75 Possibly the only law stating the right to housing, the law on the Rights of the Child No. 12 of 1996, provides in Article 7 that children have the right to housing.

- 76** CESCR, General Comment 4, The right to adequate housing, UN Doc. E/1992/23, para. 8(a).
- 77** The UN Commission on Human Rights has also recognized that under international human rights law, forced evictions constitute gross violations of a range of human rights, in particular the right to adequate housing. UN Commission on Human Rights Resolution 1993/77, para. 1.
- 78** CESCR, General Comment 7.
- 79** CESCR, General Comment 7, para. 15.
- 80** CESCR, General Comment 7, para. 14.
- 81** CESCR, General Comment 7, para. 9.
- 82** UN Basic principles and guidelines on development-based evictions and displacement (Basic Principles), UN Doc. A/HRC/4/18.
- 83** CESCR, General Comment 7, para. 16.
- 84** Basic Principles, para. 52.
- 85** Articles 24, 25 and 97 of the Law on Building.
- 86** See Article 25 of the ICCPR.
- 87** Human Rights Committee, General Comment 25 on the right to participate in public affairs, voting rights and the right of equal access to public service (Article 25), Fifty-seventh session, 1996, available at: <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/d0b7f023e8d6d9898025651e004bc0eb?Opendocument>, para. 5.
- 88** CESCR, General Comment 4, The right to adequate housing, para. 9.
- 89** CESCR, General Comment 4, para. 12.
- 90** CESCR, General Comment 7, Article 11, para. 13.
- 91** CESCR, General Comment 7, para. 15.
- 92** Basic Principles, para. 38.
- 93** CESCR, General Comment 7, para. 15.
- 94** Article 2.3 of the ICCPR.
- 95** Basic Principles, para. 59.
- 96** CESCR, General Comment 4, para. 17.
- 97** CESCR, General Comment 7, para. 13.
- 98** For protection from forced eviction in Egyptian laws, see: Egyptian Centre for Housing Rights, *The poor always pay the price, the Egyptian poor between government's neglect and forced eviction* [original in Arabic], ECHR, December 2010, pp.20-32.
- 99** Law No. 43 of 1979.
- 100** Interview with human rights lawyers Mazen Fathi and Mohamed El Helw from the Egyptian Centre for Housing Rights on 29 November 2010.
- 101** Law No. 47 of 1972.
- 102** Articles 49 and 50 of the Law on State Council.
- 103** Article 119 of the Penal Code provides a definition of state-owned property as a property partly or completely belonging to: the state and local authorities; public institutions and organs and units; trade unions and federations; private associations and institutions with a general interest; co-operative associations; any company, association, economic units, buildings, contributed to by the above-mentioned parties; and any other properties defined as state-owned property in law.
- 104** If this has taken place with the help of manipulation or false information knowingly, the punishment is prison from one to five years and/or a fine. The punishment is doubled in case of recidivism. Under Article 115bis of the Penal Code, any state employee who commits this same crime or makes it easier to commit for others is punished by imprisonment when this property is related to work. The punishment is life imprisonment or temporary works imprisonment if the crime was committed using forgery. This is in addition to dismissal from work and loss of title as well as returning the land and a fine equivalent to the value gained from using it.
- 105** See Amnesty International, *Buried alive: Trapped by poverty and neglect in Cairo's informal settlements*, (Index: MDE 12/009/2009), November 2009, p.27.
- 106** See Egyptian Centre for Housing Rights, *The poor always pay the price, the Egyptian poor between government's neglect and forced eviction*. See also: *Al-Masry Al-Youm*, "Eviction and demolition of 150 properties in Helwan using rubber bullets and tear gas" [original in Arabic], 28 October 2008.
- 107** Administrative Court, Ruling No. 1253 of judicial year 63, dated 5 July 2009. The court said in its ruling: "The enormous number of infringements to be demolished in the area based on the appealed decision or other decisions or for those without decisions yet, which represent 960 cases of infringement on state-owned land according to some officials, will undoubtedly make an unknown number of families and individuals homeless and destroy a large settlement without alternative, which will affect civil security and social peace of a large number of families and individuals and contravenes constitutional principles such as the protection of the character of Egyptian family, social solidarity, protection of the sanctity of the home and private life... and these are obvious public interests that deserve more attention and are of a higher status that the simple public interest of removing infringements on properties of the state." [original in Arabic]

108 Administrative Court, Ruling No. 782 of judicial year 62, dated 16 November 2008. The court said in its ruling: "... the implementation of the appealed decision will lead to the homelessness of a large number of people and families as a result of the loss of their only habitat without another place; and given the impossibility for any of them of finding a shelter – even if a limited number could, the vast majority won't be capable given the current housing crisis; in which case it threatens the general principles and values on which the society is built, such as caring and protecting the family and morality... Moreover, it is certainly possible that this causes disturbance to public security with unknown limits. Hence, the general national interest is in not causing this dangerous situation, both in the human and the security senses... especially that the presence of the housing agglomeration of the residents of the island and its stability on state land didn't happen suddenly or immediately or in hiding from the administration and its organs, but it grew over a long time under its sight, which cannot be done in hiding." [Original in Arabic]

109 See: Egyptian Centre for Housing Rights, *Report to CESCR in response to the Egyptian Government report, regarding the right to housing* (issues 27 & 32), 2000, p.6. See also: Egyptian Centre for Housing Rights and the World Organization Against Torture, *The policy of forced eviction and house demolitions in Egypt: A form of Cruel, Inhumane or Degrading treatment and punishment*, Report presented to the Committee Against Torture, November 2002.

110 David Sims, "What is Secure Tenure in Urban Egypt?" in Geoffrey Payne ed., *Land, Rights and Innovation: Improving Tenure Security for Urban Poor*, ITDG Publishing, 2002, p.82.

111 See Law No. 31 of 1984 published in the Official Journal on 31 March 1984. See also Law No. 148 of 2006 published on 15 July 2006 and Prime Minister's decision No. 2041 of 2006 published on 4 November 2006.

112 Law No. 147 of 1957 published in the Official Journal on 5 February 1957. The text of the article was subsequently amended several times.

113 Articles 24 and 25 of the Law on Building.

114 Article 90 of the Law on Building.

115 According to Articles 175 and 176 of the Executive Circular of the Law on Building, works of urgent repairs include electrical works that can lead to danger and repairs to sanitary works that can affect the safety of the building, such as water leaks. Works of support and

restoration of structural elements include work that concerns the foundations, columns, stairs, floors and walls.

116 Articles 111 and 114 of the Law on Building.

117 For further information on expropriations for the "general interest", see: *Habitat International Coalition-Housing and Land Rights Network, Housing in Egypt between informality and poor urbanization, Towards a guide for researchers and jurists dealing with issues of right to housing in Egypt*, pp.35-63.

118 Article 2 of Law No. 10 of 1990. This Article lists "works of general interest" as including projects for roads, water, sanitation, irrigation, energy, bridges and tunnels, traffic and transport, urban planning and basic infrastructure, and any other project decreed as of "general interest" by the Prime Minister's Cabinet.

119 Prime Minister decision No. 3096 of 2009, published in the Official Journal on 2 December 2009.

120 In Luxor, demolitions of homes and businesses near sites protected by World Heritage have been taking place in the framework of a masterplan to make the city an open museum for tourists. Amnesty International has not documented these demolitions, but reports suggest that mass forced evictions took place, including near the Avenue of Sphinxes leading to Karnak temple.

121 In October 2010, Luxor Governorate's municipal council cancelled a tourist marina project that would have obliterated the ancestral village of Al-Maris and moved its estimated 2,400 families. The villagers had been campaigning against the project since the Prime Minister's Decision No. 264 of 2007. The decision declared the marina project a "work of general interest" and triggered the process of expropriation and compensation. According to the Law on Expropriation for the General Interest, the process of expropriation should be implemented within three years, but the residents' resilience delayed the process.

122 Article 2 of Law No. 10 of 1990. According to presidential decision No. 5 of 2006, the Prime Minister has presidential powers in relation to Law No. 10 of 1990.

123 Articles 5 and 6 of Law No.10 of 1990. According to Article 24 the Law on Building, those who are to be compensated in "unplanned areas" have the choice between compensation according to its assessed price before or after the "work of general interest" is completed.

124 Article 7 of Law No. 10 of 1990.

125 Articles 8 and 9 of Law No. 10 of 1990.

- 126** Article 22 of Law No. 10 of 1990.
- 127** Article 12 of Law No. 10 of 1990.
- 128** Anwar Tolba, *Expropriation for the General Interest* [original in Arabic], Al-Maktab Al-Game'y Al-Hadith, Alexandria, 2006, pp.135-141
- 129** Article 14 of Law No.10 of 1990.
- 130** Article 16 of Law No.10 of 1990.
- 131** Article 15 of Law No.10 of 1990.
- 132** Articles 14, 15 and 16 of Law No.10 of 1990.
- 133** For a legal analysis of demolitions of buildings at risk of collapsing, see: Zakaria Shalash, *The Reasons for Eviction and Grievances in Implementing Eviction Rulings* [original in Arabic], *Monshaat Al-Maaref*, 2000, pp.176-224.
- 134** It is unclear if such a fund was established but the provision should guarantee a form of alternative housing.
- 135** Articles 94 and 95 of the Law on Building.
- 136** For more details of case, see below.
- 137** Cairo Governorate, *Memorandum of the Cairo Governorate Concerning the Content of Amnesty International's Report on Al-Duwayqa Accident* [original in Arabic], dated December 2009, published in February 2010, p.10.
- 138** CESCR, General Comment 7, para. 14. Also, the UN Human Rights Committee has clarified that the principle of proportionality has three key dimensions: restrictive measures must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected. See UN Human Rights Committee General Comment 27, Article 12: Freedom of Movement, para. 14.
- 139** *Al-Masry Al-Youm*, "The Relocation of 550 Families From Ezbet Khayrallah to 6 October... And 4031 Alternative Units to Residents of Al-Duwayqa and Establ Antar in Suzanne Mubarak Dwellings" [original in Arabic], 8 November 2009.
- 140** Amnesty International interviews on 12 December 2009.
- 141** Amnesty International interviews on 12 December 2009.
- 142** Amnesty International interviews on 21 February 2010.
- 143** Payment of property tax simply provides the structure owner on state-owned land with a piece of paper issued by the tax authority that indicates occupancy and may help to obtain alternative housing or legalize occupancy of the land.
- 144** Amnesty International interviews on 14 August 2009.
- 145** See Basic Principles, para. 50; and CESCR, General Comment No. 15: The right to water (Articles 11 and 12 of the ICESCR), UN Doc. E/C.12/2002/11, 20 January 2003, para. 21.
- 146** Amnesty International interviews on 12 March 2010.
- 147** Amnesty International interviews on 12 March 2010.
- 148** Cairo Governorate, *Memorandum of the Cairo Governorate Concerning the Content of Amnesty International's Report on Al-Duwayqa Accident*, dated December 2009, published in February 2010, p.9.
- 149** Article 185 of the Executive Circular of the Law on Building of 2008.
- 150** *Al-Masry Al-Youm*, "Manshiyet Nasser's bulldozer demolishes a property on the head of a seller and injures him with broken skull", 28 March 2010.
- 151** *Al-Masry Al-Youm*, "The victim of Manshiyet Nasser's bulldozer died" [original in Arabic], 6 April 2010.
- 152** Amnesty International interviews on 12 March 2010.
- 153** Amnesty International interviews on 12 December 2009.
- 154** CESCR, General Comment 7, para. 16.
- 155** Amnesty International interviews on 10 March 2010.
- 156** Amnesty International interview on 13 August 2009.
- 157** Amnesty International interviews on 14 February 2010.
- 158** For previous documentation of forced evictions in Atfet Al-Moza, see: Amnesty International, *Buried alive: Trapped by poverty and neglect in Cairo's informal settlements*, pp.29-31.
- 159** *Al-Youm Al-Sabe'* newspaper, "In protest for not relocating them, Al-Duwayqa residents cut the autostrad" [original in Arabic], 28 December 2009.
- 160** CESCR, Comment 7, para. 13
- 161** Amnesty International interview with human rights lawyer Moahmed Abdel Azim Al-Bahy on 17 January 2010.
- 162** Administrative Court, Ruling No. 1253 of judicial year 63, dated 5 July 2009.
- 163** *Shams Aswan* newspaper, "The development vision of Aswan, the present and future (2010)", 19 September 2010.
- 164** Amnesty International, *Egypt: Know your rights – housing is a human right* (Index: MDE 12/003/2010), 1 March 2010, available at: www.amnesty.org/en/library/info/MDE12/003/2010/en
- 165** Cairo Governorate, Vice-Governor for the eastern

region denies that residents of Manshiyet Nasser Neighbourhood attacked the Neighbourhood's building, 5 May 2010.

166 See Khaled Seri Siam and Mohamed Al-Dakroui, "The right to access to justice: it means, its obstacles, and means to support it in the framework of the Egyptian judicial system with focus on obstacles for the weakest groups to practice the right to access to justice" in: Commission on Legal Empowerment of the Poor, *Legal Empowerment of the Poor in Egypt* [original in Arabic], Cairo, 9 September 2007. In this paper, the authors argue that: "despite the relatively low judicial fees and expenses in Egypt compared to similar countries, and despite the existence of systems of legal aid and exoneration from judicial fees and expenses, the low economic level of a large part of the citizens, which is the most in need for protection of their rights, renders the financial obstacle one of the major obstacles to access justice, in addition to the ignorance of the poor of these systems, and their need for development and funding to be effective" [original in Arabic], p.14.

167 Cairo's Expeditionary Civil Court, Ruling No. 1,076 of year 2009, dated 28 April 2009.

168 Basic Principles, para. 55.

169 See Amnesty International, *Buried alive: Trapped by poverty and neglect in Cairo's informal settlements*, p.40.

170 Amnesty International interviews on 22 March 2010.

171 Cairo Governorate, *Memorandum of the Cairo Governorate Concerning the Content of Amnesty International's Report on Al-Duwayqa Accident*, dated December 2009, published in February 2010, p.12.

172 CESCR, General Comment 4, para. 8(f).

173 The dwellings, which were built by the privately owned Orascom Company, are the property of Cairo Governorate.

174 Cairo Governorate, "Dr. Wazir: Relocation of 72,000 Citizens of Informal Settlements into Humane and Urbanized Housings" [original in Arabic], 31 March 2010.

175 *Al-Masry Al-Youm*, "Residents of Al-Duwayqa's shacks detain the Head of the Manshiyet Nasser Neighbourhood Authority: The Neighbourhood Didn't Provide them with Alternative Housing... So they Slept in the Street" [original in Arabic], 26 January 2010.

176 Amnesty International interviews on 21 February 2010.

177 Amnesty International interview on 21 February 2010.

178 CESCR, General Comment 4, para. 11.

179 CESCR, General Comment 4, para. 8(f).

180 Amnesty International interview on 14 August 2009.

181 CESCR, General Comment 4, para. 8(b).

182 A house is considered to provide a sufficient living area if three or fewer people share the same room. UN-Habitat, *Urban Indicators Guidelines: "Better Information, Better Cities" – Monitoring the Habitat Agenda and the Millennium Development Goals – Slum Target*, UN-Habitat, July 2009, p.9.

183 Amnesty International interview on 14 August 2009.

184 *Al-Youm Al-Sabe'*, "232 families from Manshiyet Nasser break into Orascom Dwellings in October" [original in Arabic], 13 August 2010.

185 *Afaq Ishtiraqia*, "Al-Duwayqa families resist security assault to evict them from Orascom dwellings" [original in Arabic], 12 August 2010.

186 Amnesty International interviews on 7 December 2010.

187 Basic Principles, para. 56(b).

188 Basic Principles, para. 62.

189 Amnesty International interviews in December 2010.

190 Cairo Governorate, *Memorandum of the Cairo Governorate Concerning the Content of Amnesty International's Report on Al-Duwayqa Accident*, dated December 2009, published in February 2010, p.13.

191 Amnesty International interviews on 14 February 2010.

192 Amnesty International interviews on 1 October 2010.

193 See Amnesty International film, "A hut on the roof", September 2010, at: www.slumstories.org/episode/egypt-%E2%80%93-hut-roof

194 Amnesty International gave the interviewed residents a leaflet about the right to adequate housing and not to be forcibly evicted. See: Amnesty International, *Egypt: Know your rights* (Index: MDE 12/003/2010), 1 March 2010, available at: www.amnesty.org/en/library/info/MDE12/003/2010/en

195 Habitat International Coalition-Housing and Land Rights Network, *The Alexandria Consultation. Women's Right to Adequate Housing and Land*, HIC-HLRN, 2004, pp.78-79, available at: www2.ohchr.org/english/issues/housing/docs/alexandriaconsultations.pdf,

196 Habitat International Coalition-Housing and Land Rights Network, *The Alexandria Consultation. Women's Right to Adequate Housing and Land*, p.74.

197 Amnesty International interviews on 10 March 2010.

198 Amnesty International interviews on 13 August 2009.

199 Basic Principles, para.37.

200 Basic Principles, para.38.

201 Article 2 of the Law on Building (unofficial translation). This article also defines “areas of re-planning” as areas that are to be renovated and upgraded. They are also designated in the General Strategic Plans of the City or Village. “Areas of re-planning” are either areas of high building density with precarious buildings, or areas that host some precarious buildings but lack utilities and basic services that can be introduced after a partial upgrading.

202 The Law on Building was adopted four months before the Al-Duwayqa rockslide of September 2008. Most of its provisions had already existed in previous and multiple laws governing building and planning.

203 Article 2 of the Law on Building. The same article defines Detailed Plans for the Cities or Villages as “executive plans of the construction and planning conditions, and the executive programmes for the use of the lands and basic infrastructure in the adopted General Strategic Plans of Cities and Villages. It includes all comprehensive development projects with their urban design and division of lands and organization of sites, proposed for implementation as part of the General Strategic Plan”.

204 Article 6 of the Executive Circular of the Law on Building. See decision by the Minister of Housing, Utilities and Urban Development No. 144 of 2009, published in the Official Journal on 8 April 2009.

205 In what should be the first participatory moment, planning departments in governorates identify the needs and priorities of urban development at the local level and propose the necessary projects and action plans, with the participation of the local municipal popular councils and authorities and representatives of the civil and popular society (see Article 11 of the Law on Building, Decision of the Minister of Housing, Utilities and Urban Development No. 144 of 2009, published in the Official Journal on 8 April 2009). Planning departments at the regional levels prepare the Draft General Strategic Plan for the City or Village with the help of experts. The draft should include maps and reports on the current situation and the future vision of the city or village designating the urban space, densities, and land uses whether for housing, industry, commerce or tourism, as well as identifying “unplanned areas” and “areas of replanning” – that is, informal settlements (see Article 13 of the Executive Circular of the Law on Building). In a second round of participation, the planning departments in governorates present the

Draft General Plan to receive observations from citizens, stakeholders and the municipal councils (Article 12 of the Law on Building). The completion of the first draft is announced in newspapers and partners in development such as citizens, representatives of civil society, private sector, associations, municipal popular council, and local authorities departments are invited to a hearing session. The Draft General Plan and its details are also displayed for 15 days at the premises of the administrative unit in an obvious location. The expert planners have to answer during the hearing any questions and comments of the attendees who can make observations and propose changes (Article 14 of the Executive Circular of the Law on Building). Accordingly, regional planners undertake the technical revisions with the involvement of the expert planners. In a third participatory round, the Governor can form a working group of the participants to ensure that their comments are taken into account and that amendments are made (Article 15 of the Executive Circular of the Law on Building). GOPP then revises the plan and approves it before it is presented to the municipal popular councils. The decisions of adoption of the General Strategic Plans of Cities and Villages are then published in the official journal.

206 Article 14 of the Law on Building states that General Departments of Planning and Urban Development in Governorates prepare the Detailed Plans for cities and villages based on the planning and construction conditions set in the General Strategic Plans for cities and villages thanks to experts. Article 15 states that these Detailed Plans have to be done within two years of the adoption (April 2009) of the Executive Circular of the Law on Building. In case there are no General Plans or before their adoption, the General Departments of Planning and Urban Development put in place temporary rules and conditions for the Detailed Plans, within two months of the adoption of the Executive Circular.

207 Interview with architect and heritage planner Yahiya Shawkat on 10 September 2010.

208 According to Presidential Decision No. 495 of 1977, these are the regions of Cairo, Alexandria, Delta, Suez Canal, Matrouh, north Upper Egypt, Asyut, and south Upper Egypt.

209 Abu Zeid Rageh et al., *The Egyptian Urbanism. Observation of urban development in Egypt's land at the end of the 20th century and vision of its directions until year 2020* (part 1) [original in Arabic], Cairo, Al-Maktaba Al-Academia, 2007, pp.43-49 and 57-60.

210 W. J. Dorman, *The politics of neglect. The Egyptian state in Cairo, 1974-1998*, London, SOAS, 2007.

- 211** Christine Arandel and Manal El Batran, *The informal housing development process in Egypt*, CNRS, July 1997, pp.21-32.
- 212** Between 2007 and 2008, Japan's International Cooperation Agency (JICA) conducted a study on the sustainable development of Cairo offering its expertise in the field by identifying the necessary conditions for the expansion of Greater Cairo along axes of development.
- 213** W. J. Dorman, *The politics of neglect. The Egyptian state in Cairo, 1974-1998*, London, SOAS, 2007.
- 214** Amnesty International meeting on 1 December 2010. According to the Egyptian Centre for Housing Rights, the survey is based on a biased multiple choice questionnaire as it does not leave space for answers contrary to the orientation of the Cairo 2050 plan.
- 215** Amnesty International interview on 2 December 2010.
- 216** Article 25 of the Law on Building.
- 217** Article 16 of the Law on Building.
- 218** According to a statement in April 2009 by the deputy of Parliament for Old Cairo. See: Badr City blog, "Abu Qarn informal settlement... impatient for development" [original in Arabic], 18 April 2009, available at: <http://tinyurl.com/36wlnm2>
- 219** Amnesty International interviews on 9 February 2010.
- 220** Amnesty International interviews on 1 December 2010.
- 221** CESCR, General Comment No. 4, para. 11.
- 222** Amnesty International interviews on 23 February 2010.
- 223** Article 24 of the Law on Building states that in case of disagreement over compensation, the High Council of Planning and Urban Development issues a "expropriation decision for general interest" based on a proposal from the Governor. The High Council specifies compensation based on the use of the land being expropriated. In this respect owners have the choice between: 1) Compensation with the value of the land as soon as the decision of expropriation is issued as assessed by High Council, before the replanning is implemented; or 2) Compensation after the replanning project is carried out and the new land plots are sold, based on the share of the evicted people in the new land, with its new value, excluding lands used for roads and basic services, and the costs of the implementation of the project.
- 224** According to Articles 67 and 68 of the Executive Circular of the Law on Building, the committee of enumeration and negotiation is established by the Governor. It is headed by the Head of the city or the neighbourhood, and with the membership of local officials, the Head of the municipal popular council and three public figures from the area. The committee can ask for help from whomever it wants. It then enumerates the properties and their owners and occupants and checks any irregularities. It negotiates compensation based on the assessment of the committee of assessment. According to Article 69 of the Executive Circular of the Law on Building, a committee of assessment is formed to assess the state of the properties and compensation. A list of the compensations is established and published in the headquarters of the Governorate.
- 225** Basic Principles, para. 38, CESCR, General Comment No. 7, para. 13.
- 226** Amnesty International meeting with ISDF on 4 March 2010.
- 227** Cairo Governorate, *Memorandum of the Cairo Governorate Concerning the Content of Amnesty International's Report on Al-Duwayqa Accident* [original in Arabic], dated December 2009, published in February 2010, pp.8-9.
- 228** ISDF, Guideline for the Preparation of an Action Plan for a Development Project of an Informal Settlement, 28 April 2009, available at: http://isdf.info/images/stories/Action_Plan_Guidelines-Arabic.pdf
- 229** ISDF, Guideline for the Preparation of an Action Plan for a Development Project of an Informal Settlement, 28 April 2009, p.3.
- 230** The annex of the guideline document lists several ideas for illustration, but these are not obligatory when developing the action plan. Under the organizational framework, the ideas include: monitoring of the project by a "natural leader from the area"; managing the project by a housing co-operative; and creating a company comprising the housing co-operative, funding institutions and the governorate. A housing co-operative could have legal status to represent the residents and collect funds for the company. Under tenure, the ideas include giving current owners ownership of alternative units and offering fixed rent to tenants and "hand claimers". At the technical level, ideas include allowing evictees to temporarily occupy "shelter housing" and giving others compensation for rent while they await completion of the project. A number of activities to support the local community are also proposed in the annex, including services for health, education, culture, sports, police, micro-credits, and shelter for emergency situations. ISDF, Guideline for the Preparation of an Action Plan for a Development Project of an Informal Settlement, pp.13 and 17.

- 231** *Al-Ahram* newspaper, “35,000 housing units for free to the capital’s shacks dwellers” [original in Arabic], 9 May 2010, available at: www.ahram.org.eg/161/2010/05/09/5/19510/219.aspx
- 232** *Al-Ahram* newspaper, “35,000 housing units for free to the capital’s shacks dwellers”.
- 233** *Al-Ahram* newspaper, “35,000 housing units for free to the capital’s shacks dwellers”.
- 234** The 23 areas in Cairo are: Al-Arsha Al-Andalous in Al-Salam City, Al-Zarayeb (Ezbet Al-Nakhl Al-Gharbiya) in Al-Marg City, Arab Al-Hesn in Al-Matariya, Ezbet Al-Haggana2 in Nasr City1, Ezbet Al-Arab in Nasr City2, Ezbet Al-Arab (uphill) in Nasr City2, Ezbet Nasser in Nasr City2, Cemeteries in Nasr City2, Al-Duwayqa 2 in Manshiyet Nasser, Al-Herafyyn hill2 in Manshiyet Nasser, Wadi Pharaoh in Manshiyet Nasser, Ezbet Al-Ward in Al-Sharabiya, Ramlet Boulaq-Nile Towers in Boulaq, Ramlet Boulaq-Arkadia in Boulaq, Kabesh in Boulaq, Souq Al-Goma in Al-Khalifa, Ezbet Abu Qarn in Old Cairo, Establ Antar2 in Old Cairo, Ezbet Khayrallah and Ein Al-Khayalah2 in Old Cairo, Ein Al-Sira in Old Cairo, Abu Al-Saoud in Old Cairo, Tal Al-Aqareb in Al-Sayeda Zaynab, and Al-Mawardy in Al-Sayeda Zaynab.
- 235** Only four of the areas in Giza were announced to the press out of the announced number of 10 areas. They were Eshash Seka Hadid in Doki, Al-Houtiya in Al-Agouza, Ezbet Harb Qibly in Boulaq Al-Dakrou, and Ezbet Harb Bahary in Boulaq Al-Dakrou.
- 236** See: www.isdf.info
- 237** *Beit Al-Tahrir*, “Governor of Port Said: Eradication of informal settlements in the Governorate by June 2012” [original in Arabic], 1 June 2011, available at: http://elbetelkber.com/index.php?option=com_content&view=article&id=6969:2012&catid=91:2011-05-16-16-39-57&Itemid=145
- 238** Amnesty International interview with human rights lawyer Bakr Hassan Bakr from the Egyptian Centre for Housing Rights in Port Said, 6 June 2011.
- 239** The Egyptian Centre for Housing Rights, “100 people from Zerzara protest in front of Port Said Governorate” [original in Arabic], 3 October 2010.
- 240** See Dream TV’s programme, “One of the People”, available at: www.youtube.com/watch?v=Unb70-4a_14
- 241** Amnesty International, “200 families at risk of forced eviction in Egypt” (Index: MDE 12/022/2010), 7 May 2010.
- 242** The Egyptian Centre for Housing Rights, “100 people from Zerzara protest in front of Port Said Governorate”, 3 October 2010.
- 243** *Al-Youm Al-Sabe’* newspaper, “An Enormous Fire Burns 50 Shacks in Port Said” [original in Arabic], 13 August 2010.
- 244** CESCR, General Comment 7, para. 13.
- 245** *Shams Aswan* newspaper, “At a cost of 30 million pounds... Develop an area of El-sahaby in Aswan”, 26 June 2010.
- 246** Aswan Governor Decision No. 266 of 2010, dated 11 July 2010.
- 247** Amnesty International interviews on 27 July 2010.
- 248** Amnesty International, Urgent Action, “1,500 families at risk of forced eviction” (Index: MDE 12/029/2010), 28 July 2010.
- 249** *Shams Aswan* newspaper, “Governor of Aswan... Recognizes the housing contracts and checks, financial compensation, for the people of the El-sahaby region”, 9 September 2010.
- 250** *Shams Aswan* newspaper, “Governor of Aswan... Business continuity in the development of the random area of El-sahaby”, 10 October 2010.
- 251** With the North Giza Development Project, North Giza is an “area of re-planning”. In the Law on Building of 2008, processes to deal with both “unplanned areas” and “area of replanning” are practically the same.
- 252** According to the Ministry of Housing, Utilities and Urban Development the project’s area hosted a population of 878,870 in 2007 and projected it to become 1,162,308 by 2027. See: Ministry of Housing, Utilities and Urban Development, *Development Project of the Northern Sector of the City of Giza and the Re-use of Land of Imbaba Airport*, March 2008. According to the 2006 population census by the Central Agency for Population Mobilization and Statistics, the population of the two districts of Imbaba and Al-Warraq together totalled approximately 1.1 million. See: [http://www.msrintranet.capmas.gov.pls/census/cnsest_a_sex_ama?LANG=1&name=&YY=2006&cod=21&gv=](http://www.msrintranet.capmas.gov.pls/census/cnsest_a_sex_ama?LANG=1&name=&YY=2006&cod=21&gv=253)
- 253** See Prime Minister’s decision No. 848 of 2001, of 18 June 2001. On Al-Dahab Island, see: Egyptian Centre for Housing Rights, *Jezirot Al-Dahab from Denial to Acknowledgment* [original in Arabic], ECHR, 2006. See also: Habitat International Coalition – Housing and Land Rights Network, “Open letter. Egypt’s intended 2050 master plan for Cairo threatens habitat and human rights of millions of impoverished citizens”, 2 July 2009, available at: www.hlrn.org/img/cases/EGY-FE-020709-gazirat%20al-dahab.pdf
- 254** Prime Minister’s decision No. 3310 of 2008 of 24 December 2008, published in the Official Journal of 1 January 2009.

255 Imbaba Airport belonged to the Ministry of Civil Aviation but the ownership was transferred to the Ministry of Housing, Utilities and Urban Development.

256 Such unused lands will be reserved for “projects of special nature” probably for investment purposes. The same is planned for agricultural land in Geziret Mohamed which is facing the Nile at the extreme north of Al-Warraq. See: Minister of Housing, Utilities and Urban Development, *Development Project of the Northern Sector of the City of Giza and the Re-use of Land of Imbaba Airport* [original in Arabic], March 2008.

257 Ministry of Housing, Utilities and Urban Development, “Imbaba Land Development Project” [original in Arabic]. See: http://www.moh.gov.eg/main/project_det_ar.aspx

258 Prime Minister’s decision No. 3310 of 2008 of 24 December 2008. See also: Ministry of Housing, Utilities and Urban Development, *Development Project of the Northern Sector of the City of Giza and the Re-use of Land of Imbaba Airport* [original in Arabic], March 2008.

259 *Al-Masry Al-Youm*, “El Maghraby: The State Won’t Sell Imbaba Airport Project to Investors and Plays the Major Role in Compensating the Residents” [original in Arabic], 30 May 2007. *Al-Masry Al-Youm*, “The Residents of Ezbet Al-Matar in Imbaba Scream: The Government’s Development is ‘Colonization’ of our Lands...And 95% of the Inhabitants Refuse Leaving” [original in Arabic], 10 June 2007.

260 *Al-Masry Al-Youm*, “El Maghraby: Decisions of Expropriation of the Residents of Imbaba Airport is a Military Secret...And Will be Implemented in One Blow” [original in Arabic], 21 January 2009.

261 CAPMAS, *Project of field social and economic to the area of Giza Gardens Neighbourhood (Airport land), Final report on the project of Giza gardens and Airport land* [original in Arabic], 2006. See also: *Al-Masry Al-Youm*, “Half a Million Citizens Awaiting Transfer or Settlement for the Development of North Giza” [original in Arabic], 31 May 2007.

262 The popular municipal council of Giza Governorate approved the project on 21 September 2008.

263 At that time, the Committee of Co-ordination and Monitoring apparently leant towards the former ruling party, the National Democratic Party, while the Popular Committee for the Defence of Imbaba Airport leant towards the opposition National Progressive Unionist Party.

264 *Al-Masry Al-Youm*, “The Committee of Residents of Imbaba Airport complaint of El Maghraby and Saad’s Lack of Transparency and Invites Them to Attend a Meeting on

the Development of the Area”, 28 December 2007. *Al-Masry Al-Youm*, “The Popular Committee for the Defence of Imbaba Airport Mobilizes Opposition to Stop Privatization of the Land” [original in Arabic], 27 July 2008.

265 *Al-Masry Al-Youm*, “The Governor of Giza announces details of the development of Imbaba Airport and Compensation for Residents and Flight Academy” [original in Arabic], 8 August 2008.

266 *Al-Masry Al-Youm*, “Giza Starts Expropriation of Lands of Imbaba Airport and Asks the Housing Ministry to Enumerate the Owners for Compensation” [original in Arabic], 1 October 2008.

267 *Al-Masry Al-Youm*, “The Popular Committee for the Defence of Imbaba Airport wants El Maghraby’s Legal Prosecution for Not Presenting the Maps of the Project” [original in Arabic], 31 March 2009.

268 *Al-Masry Al-Youm*, “The Housing Ministry Presents 38 Maps of the Development of Imbaba Airport Land”, 22 April 2009. *Al-Masry Al-Youm*, “The Housing Ministry Presents Maps from the 40s of Imbaba Airport...The Defence Objects...And the Courts Postpones to 16 June” [original in Arabic], 3 June 2009.

269 Minister of Housing, Utilities and Urban Development, *Development Project of the Northern Sector of the City of Giza and the Re-use of the Land of Imbaba Airport* [original in Arabic], March 2008.

270 Egyptian Centre for Housing Rights, *The poor always pay the price, the Egyptian poor between government’s neglect and forced eviction* [original in Arabic], ECHR, December 2010, pp.73-75.

271 Amnesty International interviews on 1 December 2010.