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**Promotion and protection of all human rights, civil,
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including the right to development**

Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context on her mission to Egypt

Comments by the State* **

* The present document is being issued without formal editing.

** The attachments referred to in this document are available for consultation at the secretariat upon request.



Remarks on the Report of the Special Rapporteur on adequate housing as an as a Component of the Right to an Adequate Standard of Living on her visit to the Arab Republic of Egypt

(contained in document A/HRC/40/61/Add.2/Zero Draft)

Paragraph 2

1. The Special Rapporteur also visited areas in Sharqiyah Governorate, which is not mentioned in the report.

Paragraph 3

2. The reference that “the current State of Emergency grants the President a number of exceptional powers, including powers to expropriate and to designate areas for evacuation,” runs counter to Articles 35 and 40 of the Constitution. Since the adoption of the Constitution and the election of the President of the Republic in 2014, no such powers were exercised.

Footnote 5 and Paragraph 109 (b)

3. Reference should be made to the High Constitutional Court, not the Constitutional Court.

Paragraphs 8 (a)

4. The Special Rapporteur may recall that meetings with officials from the Ministry of Interior and the Ministry of Defence were both set for 30 September 2018, based on the original timetable provided to her before the visit and agreed on the first day of the visit during the organisational meeting with the Ministry of Foreign Affairs (Attachment 1). However, both were cancelled due to abrupt change of schedule by the Special Rapporteur on the evening of 29 September 2018. The Special Rapporteur informed a senior Foreign Ministry official that if she had any questions to either of them, she would request them in writing from the Ministry of Foreign Affairs. However, she never did.

Paragraphs 8 (b), (c), (d) and (e)

5. The issues contained therein were thoroughly addressed in the Note Verbale no. CHAN.2019.003, dated 1 January 2019, by the Permanent Mission of the Arab Republic of Egypt to the United Nations in Geneva (Attachment 2).

Footnote 5

6. The correct reference is to the National Council for Women (NCW), not the National Women’s Council.

7. The Special Rapporteur also met with the Minister for Parliamentary Affairs, who is not mentioned in the footnote.

8. The scheduled meeting with the National Council for Persons with Disability was cancelled upon the request of the Special Rapporteur, not due to time scheduling problems on the part of the Council. Proposed meetings with the Minister for Local Development, the First Assistant to the Minister of Justice and the National Council for Childhood and Motherhood (NCCM) were also cancelled upon the request of the Special Rapporteur.

Paragraphs 10, 11 and 12

9. The issues contained therein were thoroughly addressed in the Note Verbale no. CHAN.2019.003, dated 1 January 2019, by the Permanent Mission of the Arab Republic of Egypt to the United Nations in Geneva.

Paragraph 16

10. Article 236 of the Constitution obligates the State to plan and implement development projects that would enable those who previously inhabited the Nubia area to resettle, but does not make a reference to them as a minority. In fact, the Constitution does not identify any segment of society as a minority, nor do the people living in, or originating from, Nasr El-Nuba district of Aswan and southwards, identify themselves as such.

Paragraph 17

11. Law no. 206/1951 is on Public Housing, not Social Housing. It was amended by Law no. 213/1954 and Law no. 80/1957, and it only covers the low-rent housing units occupied before the issuance of Law no. 49/1977 on Rent. On the other hand, the Social Housing Law is no. 33/2014, and was amended by Law 20/2015.

12. The fact that many laws and regulations on housing predate the adoption of the 2014 Constitution, does not necessarily entail that they need to be amended if they are in conformity with the Constitution and the right to adequate housing under International Human Rights Law as specified in Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and in line with General Comments 4 (1991) and 7 (1994) by the Committee on Economic, Social and Cultural Rights (CESCR).

Paragraph 20

13. The Social Housing Programme (SHP) also addresses SDG 5, Target 5 A, which aims at giving women “equal rights to economic resources as well as ownership and control over land and other forms of property”. This is reflected in the rise of applicant female-headed households, which were granted housing financial subsidy to 40,285 recipients, roughly 19.11% of the total number of beneficiaries. The programme also gives priority to applicant married couples, particularly in the low income bracket, and if the wife contributes through her income to the payments of the monthly instalments, the ownership of the unit has to be shared by the couple.

Paragraph 22

14. Posing the question as to whether the bricks and mortar approach is sufficient to satisfy the governments’ obligations in particular for the most disadvantaged groups, should not neglect the fact that SHP has improved the efficiency of the housing sector, leading to a lower growth rate of informal settlements. Starting 2014, the Government is placing the provision of decent housing for the poorest families on top of its priorities. SHP contributes to fulfilling this commitment, chiefly by expanding housing options for very low income households (10% of income distribution), including youth, female-headed households and households in lagging regions, who can qualify for an easy loan, complemented by a subsidy. SHP designs and subsidises housing programmes for underserved households. To that end, it provides a broad choice of locations, tenures and housing types, including rental options. SHP currently targets to offer one million units over 283 cities in Egypt for low-income families and for the upgrading or resettlement of slums. Accordingly, it is unclear what the inference that “... newly built housing stock does not match demand for those who live on very modest incomes” is based on.

15. The table below shows the total number of beneficiaries according to income distribution (in EGP) between 2014 and 2018:

<i>Income level</i>	<i>%</i>
501-1000	2.1%
1001-1500	34.1%
1501-2000	33.3%
2001-2500	18.7%
2501-3000	8.3%
3001-3500	2.6%
3501-4000	0.4%
4001-4500	0.2%
4501-4750	0.2%
Total	100%

16. SHP is designed to take into account the importance of reducing travel time for employment purposes. Therefore, 100% of the beneficiaries reside in areas within a maximum of 60-minute travel time to major job markets.

17. The statement that “new houses erected by the Government were built on State land in remote locations” neglects the fact that vacant State-owned lands are rarely available in city centres to erect new housing projects necessary to meet the expanding demands of the high population growth rate of 2.56% according to the 2017 census. It also ignores that overcrowding is inconsistent with the right to adequate housing. Building new houses to accommodate new household formations is critical in order not to expand informal housing further. Upgrading existing houses and informal areas alone does not address the enormous housing needs of the growing population. In addition, the said statement does not take into consideration the standards set out by the Government for new social housing projects, which include the following:

- a) The location should be within the existing urban cluster, or the urban planning limits, and the soil should be suitable for construction work.
- b) Avoiding dangerous and unsafe areas.
- c) Priority should be rendered to the areas more in need for new housing, based on the general strategic planning for the cities and villages of each governorate.
- d) The existence or feasibility of extending basic infrastructure and services by the Government.
- e) The accessibility to basic services, or at least the feasibility of providing access to them by the Government.
- f) The connectivity to public roads or feasibility of connexion.

18. A detailed housing demand survey is already underway by SHP, in order to better understand the housing preferences of individuals and families. When finalised, SHP intends to accommodate these preferences and provide rental and ownership units in priority areas, as well as to offer alternative types of ownership options reflecting expressed affordability and preferences.

Paragraph 23

19. The reference to the existence of 12.8 million vacant housing units, according to the 2017 census, is misleading. This gross number does not make the distinction between three main categories. The first consists of housing units that are still under construction, the total of which is 4.33 million units. The second involves units that are finished and belong to individuals who are either living abroad or live in another location, and are therefore closed, with a total of 3.81 million units. The third

represents the finished units that have not yet been owned or rented, with a total of 4.66 million units. Accordingly, only units in the latter category are considered vacant.

20. On the other hand, SHP includes options for both new and existing houses. SHP is working on formulating a strategic approach to incorporate vacant and unfinished housing units into the housing market, hence addressing the disconnect between housing supply and demand, mainly through efforts to attract private owners of multiple units to the rental market and developing rental voucher Programmes. A new property tax has been implemented, and it should act as a deterrent for owners to leave their units vacant. In addition, SHP intends to provide financial incentives to owners of vacant or unfinished units in both formal and informal neighbourhoods to improve these units and bring them to the market. These measures should help reduce vacant units and increase the supply of affordable units, since existing houses are cheaper than new construction, which in turn might help lower house prices.

Paragraph 26

21. The Government aims at providing safe drinking water and sanitation to all citizens, but limited financial resources represent a major obstacle, in addition to the declining individual's share of water by 70% from 1959 to 2019, mainly due to population growth. This is particularly problematic given that Egypt's share of the Nile water, which roughly represents 97% of the country's overall scarce water resources, did not change over the years, but in fact may be threatened by the construction of dams in neighbouring countries. Therefore, a gradual approach to increase safe drinking water production is being implemented, while attempting to reduce the network waste through a rigorous pipeline maintenance programme. Between 2012 and 2017, the number of safe drinking water production plants increased from 2522 to 2711, coupled with campaigns to encourage usage rationalisation, hence allowing for the connexion of 97% of all households to the safe drinking water network, which extends over 165,000 km.

22. Equitable access to services, connectivity and facilities is essential to ensure the long-term sustainability of the housing sector. To reduce the risk of increasing sprawl and spatial inequality, SHP incorporated quality control requirements to ensure that all units designated for social housing by urban planning authorities have access to basic services and infrastructure such as safe drinking water and sanitation, electricity and gas supply, as well as schools and health clinics and commercial markets.

Paragraph 27

23. In relation to overcrowding rate, below are the numbers from CAPMAS report of 2017, relevant to the 3 Governorates referenced, namely Suhag, Asyut and Qena:

Governorate		Total households & individuals	Whole building	Apartment	One or more room in a housing unit	One or more separate rooms	One or more floors	Shop	kiosk/ Tent/ Hut/ Fixed cart	Average household size	Over-crowding rate
Suhag	Household	880,767	102,600	452,533	55,924	227,449	41,200	643	418	4.44	1.40
	Individuals	3,913,274	516,413	2,018,522	231,772	951,934	190,362	2,577	1,694		
Asyut	Household	735,196	93,459	360,677	49,450	196,682	34,000	461	467	4.42	1.40
	Individuals	3,248,282	473,762	1,592,184	197,529	825,742	155,207	1,847	2,011		
Qena	Household	603,680	99,053	329,800	37,419	119,171	17,602	411	224	4.26	1.37
	Individuals	2,569,863	461,935	1,405,989	146,098	478,817	74,593	1,552	879		

Numbers includes foreign individuals within Egyptian households

Source: https://www.capmas.gov.eg/Pages/Publications.aspx?page_id=5104&Year=16574 Bulletin: Statistical Yearbook - Housing

24. It may be true that housing deprivation contributes to other dimensions of child poverty, including access to education. However, reality shows that there are 55,214

schools all over Egypt today, which are attended by 22,453,381 students, compared to 49,435 schools and 18,555,232 students in 2014. The percentage of children who are out of the education system have dropped to less than 7%. Girls make up 48.67% of the overall number of those enrolled, with almost a parallel percentage graduating from universities each year. Despite limited resources, plans are underway to expand the existing school coverage, including in new urban communities (Attachment 3). In addition, statistics show that up until 2014, illiteracy rate exceeded 25%. It was reduced to 20.1% in 2017, and efforts are in progress to bring it to zero.

25. It would have been really helpful had the Special Rapporteur had met with officials from the Ministry of Education (MoE) during her visit, or at least sought to consult with the Government and verify any information she may have received afterwards before jumping to conclusions

Paragraph 28

26. The collapse of houses is indeed calamitous, a result of several factors, mainly lack of prior examination of soil in construction sites in informal settlements and poor construction. To avoid recurrence and protect the safety of residents, the Government is paying particular attention to upgrading informal settlements and rehousing residents of life threatening and unsuitable shelters in alternative locations.

Paragraph 29

27. The SHP Subsidy Programme is designed to address the affordability problem. The subsidies are made progressive with income. The demand-side subsidy is linked to maximum affordable loans, with maximum monthly payments of 40% of income, for a term of 15 to 20 years. After inflation and interest rates hikes in 2011, mortgage loans became too high for the targeted brackets. SHP and the Central Bank of Egypt (CBE) coordinated a new stimulus package that would provide LE 20 billion in funds to banks and MFCs to make below-market-rate loans available on an interim basis to complement the demand side subsidy. Households are required to contribute a down payment (ranging from 15% to 50%, based on ability). In addition, due to increase in housing prices as the result of the devaluation of the local currency, SHP revised the demand-side subsidy, and increased its ceiling from LE 25,000 to LE 40,000.

28. One of the main additional contributions of the Programme is that banks have provided mortgage lending to much lower income groups and households with informal incomes. Segments of the population who were never served before have found that the credit risk of these households is not necessarily worse than those of the middle income households.

Paragraphs 30 and 31

29. The dynamics of rent controls are misunderstood by the Special Rapporteur. Households under the rent control regime are not necessarily low income households. A 2006 study showed that the rent control programme was highly inequitable, and benefitted high income households disproportionately. Moreover, the rent control regime had an extremely negative impact on the rental sector and lead to high vacancy rate and poor maintenance of existing units. The new rental law opens the possibility to create more private rental housing again, and SHP intends to work with private landlords to expand rental housing through housing vouchers for low-income renters.

30. In addition, SHP offered a total of 6,000 rental housing units in 24 cities, in 11 governorates, targeting lower income households (below LE 1,000/month) that could not afford to own a unit. The rental programme reflects the housing needs of the low-income Egyptian citizens and those who require greater mobility, and for whom home-ownership is not desirable. Rents are based on a rent to income ratio of 25%, with subsidised monthly rents ranging from LE 300/month for a two-bedrooms home to LE 410/month for a three-bedroom.

Paragraph 34

31. The suggestions that “those living in informal areas lack security of tenure” is ill-founded. It is also untrue that “if negotiations with authorities reach an impasse, residents can be removed from their homes and lands and legal recourse is unlikely to prevent this.” Please see comments below on paragraph 92.

Paragraph 35

32. Concerning urban development projects that have been managed by the Informal Settlement Development Fund (ISDF) for unsafe areas:

a) 0% Homeless people is the result from the development process in these areas.

b) For in-situ development, the inhabitants get paid rental subsidy in advance, for temporary leave during the construction work.

33. The reference to Category 2 is incorrect. This category is classified as “unsuitable shelters”, not “poorly constructed homes”.

Paragraph 36

34. The reference that Egypt Vision 2030 aims to reduce the number of people living in unsafe areas by 30% by 2020 is inaccurate. By 2019, the number of people living in unsafe areas has already been reduced by 35%.

Paragraph 39

35. Relocation is offered only to areas within the same city, not to remote areas as claimed by the Special Rapporteur, unless the residents indicate another preference. As explained to the Special Rapporteur during her visit, all inhabitants of areas under or planned for development are offered to choose one of three options: 1) immediate relocation to a home in another newly developed area within the same city; 2) financial remuneration to find alternative housing for the duration of the development of their area, in which they will be allocated a comparable unit; or 3) negotiated financial compensation. No individuals are forced to evict their homes.

36. Inhabitants of Doweika who indicate their preference for relocation over compensation are moved to Asmarat, which is about 10 km away from their original neighbourhood, and public transportation between the two areas is readily available. Examples for services provided in Asmarat include the following:

Public Transportation: External direct lines (1 to former district - 5 to main city districts).

Education: 3 basic education schools, providing 28 classrooms for girls, 27 for boys and 36 mixed.

Services: 292 commercial units, 5 healthcare units, 9 nurseries, in addition to public green and sports arenas.

Job opportunities: Crafts Training Centre for 97 trainees, 2 factories for manufacturing carpets and rosaries with 440 employees and a clothing factory with 1000 female employees. Factories provide nurseries for the children of female employees.

Paragraph 40

37. No choices were imposed on the residents of the Maspero Triangle. In fact, interventions by the Government were based on proposals by the Maspero Youth Organisation. Choices of in-situ resettlement or relocation to another area within Cairo City were made by the residents. Preferences were expressed in a generic form (Attachment 4). Then protocols were signed between the Government and the inhabitants, in which the latter indicated the location of the residential units they will return to after the development of the area. The designs and sizes of the units were

consulted with the residents, with a variety of units ranging from 78 to 102 m². Accordingly, contracts and instalments were agreed between the two sides.

38. Those who chose to move to Asmarat explained that they prefer the adequate urban environment it provides (safe area, basic infrastructure and services, accessibility to city centre, ..etc).

39. The correct number of building in 26th July Street is 9 residential buildings, in addition to 5 buildings that are marked as Architectural Heritage. The area is located on the path of a new metro line (under construction). None of these residential buildings was demolished, and none of their residents were forcibly evicted.

Paragraph 41

40. It is true that projects being implemented by the Government in cooperation with international development agencies to upgrade informal housing in unplanned areas do not enhance the security of tenure of residents, simply because these projects are not intended for that purpose.

41. The law entitles residents to quiet enjoyment of their homes and prohibits their eviction, as explained below in comments on paragraph 92.

Paragraph 42

42. Despite lack of available resources, the Government is endeavouring to fulfil its obligations under Articles 18 and 78 of the Constitution, pertaining to the provision of the highest attainable standard of physical and mental health to all citizens, and without distinction. The provided healthcare services include health education, public health, environmental health, maternal- and child-care, child nutrition, vaccination, family planning, medicine at affordable prices.

43. At the moment, there are 2221 hospitals and 5088 primary healthcare centres and units all over the country, with equitable geographical distribution. Regular mobile clinics and convoys target the residents of remote and most deprived areas, and significant efforts are being made to shorten the waiting list for hospital beds. The “100 Million Health Campaign”, for example, is underway to eliminate Hepatitis C and to provide early detection of HIV infection and reduce non-communicable diseases, such as diabetes, high blood pressure and obesity. The campaign has 1,412 units all over the country. So far, 27.8 million persons benefited from the campaign, which offers a vast opportunity, especially for women and children, to undergo a thorough health check-up and receive treatment free of charge.

44. Law no. 2 of 2018 was hailed by the Director-General of the World Health Organisation (WHO) as an exemplary model that lays the foundations for a comprehensive social health insurance system that provides full health coverage to all citizens.

Paragraph 44

45. It is untrue that the current national legal framework provides the Government with considerable power to execute forced evictions. Please see comments below on paragraph 92.

Paragraph 46

46. No administrative eviction decisions are kept secret, or communicated only orally, or on short notice, as incorrectly claimed by the Special Rapporteur. Please see comments below on paragraph 92.

Paragraph 47

47. Law no. 10/1990 on the Expropriation of Real Estate Properties for Public Good, amended by Law no. 24/2018 does require authorities to explore all feasible alternatives

prior to an eviction in consultation with affected communities, contrary to what the Special Rapporteur claims. Please see comments below on paragraph 92.

Paragraph 48

48. The campaign named by the Special Rapporteur to clear state-owned land of the “squatters and land grabbers” was aimed at vacant and unfinished structures, but did not target houses occupied by residents, be they in informal settlements or elsewhere. Please see comments below on paragraph 92.

Paragraph 49

49. It is untrue that “meaningful consultation and engagement between the Government and the populations they wish to relocate has been lacking.” Please see comments above on paragraph 40 and the attached form as an example.

50. The Statement that “where forced evictions have occurred, the [Special] Rapporteur has heard that compensation has not been adequate, and relocation is rarely proximate” is false. Please see comments below on paragraph 92 regarding the allegation of the occurrence of forced evictions, and comments above on paragraphs 39 and 40 on the proximity of relocation sites. On the other hand, the claim of inadequacy of compensations offered is presumptuous and neglects the fact that many would seek to maximizing their gains.

51. Asmarat is part of the Mokattam district, one of the main districts of Cairo city, not on the outskirts of Greater Cairo. Greater Cairo, on the other hand, includes all the cities and villages within the Governorates of Cairo, Giza and Qalyubia.

Paragraph 52

52. The understanding of the Special Rapporteur’s that alternatives to relocation are not explored, that residents are not consulted prior to being relocated or thereafter, and that sufficient notice is not provided prior to the eviction and relocation, is wrong. Please see comments on paragraphs 39, 40 and 92.

53. Relocation to another city or governorate is an unused approach.

54. It is unclear why the living conditions at the relocation site in 6th October City is difficult!!!

55. Signing agreements to vacate their homes in informal settlements planned for redevelopment could be done at the municipal unit or the nearest police station, depending on the preference of the residents, in order to secure their compensation entitlements or relocation units.

56. The reference to a case in which one resident was detained by the police for two days and was only released after having signed a document indicating his agreement to evacuate his home was addressed in the Note Verbale no. CHAN.2019.003, dated 1 January 2019, by the Permanent Mission of the Arab Republic of Egypt to the United Nations in Geneva.

Paragraphs 58, 59, 60, 61 and 62

57. As for the statement that “the Special Rapporteur regrets that she was not able to meet with the Ministry of Defence during her visit to receive additional information...”, please see comments above on paragraph 8. Had the Special Rapporteur been candid in seeking additional information from the Government on the issue, she could have requested that after the visit.

58. Before the end of the Special Rapporteur’s visit, she presented Government representatives with a draft End-of-Mission Statement, the first page of which had a footnote that indicated that she was unable to comment on a number of issues that were brought to her attention due to time constraints, and that she expects to include them in her final report (Attachment 5). She also indicated in the same meeting her awareness that she needs to consult with the Government on these issues prior to their inclusion in

the report. Paragraphs 58, 59, 60, 61 and 62 address one of these issues, with no prior consultation with the Government.

59. The data cited is inaccurate and the Special Rapporteur does not take into consideration that the high toll of life by terrorism in the area, which harvested the lives of hundreds of innocent civilians, let alone security personnel. It is only logical that when an individual is deprived of his/her right to life, they could not possibly enjoy adequate housing as a component of the Right to an Adequate Standard of Living. The Government has a primary responsibility to protect its citizens against such threats under International Law.

60. The statement that almost 20,000 houses have been raided in Northern Sinai is false and does not distinguish between raids by terrorists and searches undertaken by the law enforcement forces based on subpoenas, or those that were necessary in case of crossfires between the terrorists and the law enforcement units, or even in *flagrante delicto* situations. Therefore, the statement is factually wrong, and the sanctity of homes is guaranteed by Article 58 of the Constitution, which details the incidents that may fall under the statute of limitations.

61. It is true that the Government refused to compensate any owner for property where a tunnel entrance was found. However, the Special Rapporteur has to understand the context first before jumping into conclusions. First, these tunnels are used to smuggle terrorists, weapons and explosives across international borders. Second, investigations in all these cases have concluded that the construction of tunnel entrances in houses and buildings in this area was done in exchange for regular money payments to the owners, a matter that makes them accomplices in the crime. It appears from the way the Special Rapporteur mentions the issue in the report that she wants the Government to compensate those owners for their loss of illegal revenues and for complicity in the terrorist acts carried out.

62. In short, the Special Rapporteur never sought to consult with the Government on this issue prior to the preparation of the draft report. Therefore, these paragraphs should be removed, given that the Government was only requested to inform of errors of fact or law, as per her letter dated 14 January 2019 to the Permanent Representative of the Arab Republic of Egypt to the United Nations in Geneva.

Paragraph 65

63. Lenders find it difficult to extend loans to the lowest income group whose income is less than LE 1000/month, with the limitation of a debt-to-income ratio below 40%. Increasing the ratio is not permitted and would increase the probability of delinquency. For that reason, SHP introduced its rental housing programme targeting lower income households with incomes below LE 1000/month, with subsidised monthly rents ranging from LE 300/month for a two-bedrooms home to LE 410/month for a three-bedroom.

Paragraph 66

64. SHP, banks and mortgage finance companies now accept mortgage lending to much lower income groups, both formal and informal sector workers, a category that they never served before. Lenders allow applicants to provide a certificate from a legal accountant office as a proof of their monthly income within the last three years. As a result, the number of self-employed beneficiaries increased gradually since the beginning of the programme, reaching 12.5% in 2018, compared to 2% in 2014. The table below illustrates the classification of current beneficiaries according to the type of employment:

<i>Employment Classification of Beneficiaries</i>		2018
Public Sector		37.49%
Private Sector		50.01%

<i>Employment Classification of Beneficiaries</i>	<i>2018</i>
Self-Employed	12.5%
Total	100%

Paragraph 69

.65 This quoted research is inaccurate. SHP provides social units in 27 governorates to meet the demand of low-income households, and has managed to offer numbers of social units that closely meet the number of applicants in each governorate. The below table illustrates the details for each city referred to in the said paragraph:

<i>Governorate</i>	<i>Number of HHs below poverty line</i>	<i>Number of applicants</i>	<i>Units Built</i>	<i>Under Construction</i>	<i>Total number of units</i>
Fayoum	8,802	3,172	3,264	5,160	8,424
Minya	21,688	23,928	12,100	4,488	16,588
Asyut	17,139	14,682	18,601	1,560	20,161
Luxor	7,683	4,130	9,384	2,568	11,952
Qena	6,393	11,608	8,372	4,512	12,884
Suhag	18,861	9,259	10,788	3,360	14,148
Total	80,566	66,779	62,509	21,648	84,157

Paragraph 71

66. The suggestion by the Special Rapporteur that emphasis on building new, large cities on desert land requires reflection neglects the fact that vacant State-owned lands are rarely available in city centres to erect new housing projects necessary to meet the expanding demands of the high population growth rate of 2.56% according to the 2017 census, and ignores that overcrowding is inconsistent with the right to adequate housing.

67. Other than the provision of basic services and upgrading infrastructure by the Government, improvement of living conditions in existing formal or informal urban settlements is done in collaboration with civil society, and depends mainly on extra-budgetary financing.

Paragraph 72

68. It is true that many new towns struggle with low occupancy. However, as explained to the Special Rapporteur during her visit, many purchase housing units in newly developed areas to secure homes for their children in the future, as a preference to escape the big city's hassle and bustle after retirement, or as a future private investment. This is addressed by the Special Rapporteur herself in paragraph 75.

Paragraph 73

69. It is unclear on what basis the Special Rapporteur concludes that in new cities "there are restricted opportunities to open small-scale businesses which provide most work in urban Egypt", especially that she does not identify these restrictions.

Paragraph 74

70. The Government opts to rely on the bus system at the early growth stages of new cities, because of its flexibility. A total number of 220 buses are allocated to new cities, and 25 buses are allocated for transportation to and within 6th October City alone. Buses include all the latest technologies to ensure the highest safety rate, by providing GPS devices, surveillance cameras, electronic payment system, ...etc. Buses in 6th October City are scheduled to run all day long, so as to serve most of its residents.

71. For the later growth stages of new cities, several projects are underway to enhance the public transportation services to and within them. The following projects are currently under construction:

- a) An Electric train line connecting the cities of Al-Ubour, Al-Mostakabal, Al-Shorouk, Badr, Al-Roubiki, 10th Ramadan, and the New Administrative Capital (scheduled to operate by mid-2021);
- b) A Monorail line, connecting Boulaq El-Dakrour Metro Station with 6th October City (scheduled to operate before the end of 2022);
- c) A Monorail line, connecting the Cairo Stadium Metro Station, Nasr City, New Cairo and the New Administrative Capital (scheduled to operate before the end of 2022).

Paragraph 77

72. Women have an equal opportunity to apply and to qualify for the units offered by SHP, based on their income level, with full property rights. The total number of women who applied to SHP is 164,500 out of 697,547 in total between 2014 and 2018, making up 24% of applicants. Remarkably, women do not have a higher rejection rate for a loan, and only 26.5% of the total rejected number of applicants were women. Priority for allocating units are given to single parent families, then widows.

73. There is also a noticeable rise of applicant female-headed households, which were granted housing financial subsidy to 40,285 recipients, roughly 19.11% of the total number of beneficiaries. The programme also gives priority to applicant married couples, particularly in the low income bracket, and if the wife contributes through her income to the payments of the monthly instalments, the ownership of the unit has to be shared by the couple.

74. The report does not take account of what was presented to the Special Rapporteur during the meeting with NCW, nor the data previously provided to her (Attachment 6).

75. In all cases, the Egyptian social context, i.e. religion-, custom- and tradition-related aspects, need to be taken into consideration, rather than perceiving issues through the Special Rapporteur's own paradigm. According to Egyptian customs and traditions, male spouses are responsible for the provision of housing in the first place, be it the father, the grandfather, the husband, the brother, or even the uncle, in addition to education, clothing, food, healthcare, ..etc. The exception is when some working women choose to share part of the financial burdens. When divorce occurs, the ex-husband provides affordable housing for the women during the custody period, and takes financial care of the children until they are 15 years-old, then they may choose to stay with either the mother or the father.

76. Women's rights are guaranteed by the Constitution and national laws. According to the Constitution, women have the same rights as men, including access to affordable housing. Article 9 states that "The State shall ensure equal opportunities to all citizens without discrimination." Article 11 commits the State "to achieving equality between women and men in all civil, political, economic, social, and cultural rights." Article 53 stipulates that "Citizens are equal before the law and are equal in rights, freedoms and public duties, not to be discriminated against by reasons of religion, creed, sex, origin, race, colour, language, disability, social level, political or geographic affiliation, or any other reason."

77. Several innovative initiatives for women's social support were recently launched, including:

A life insurance policy scheme for women and their families. The policy is offered free of charge for 50,000 women who are heading households.

"Haya Karima (A Decent Life)" Initiative for the neediest individuals. Rescue teams roam the streets all over the country in buses searching for displaced, missing and homeless people to provide them with full care and shelters.

“Sakan Kareem (A Decent Housing)” Programme, from which 37,000 families benefited in 2018. The programme is implemented by the Ministry of Social Solidarity (MoSS) and 7 NGOs to improve the infrastructure, sanitation and maintenance of houses in 27 villages. The programme is planned to expand to cover 60,000 families, with a total funding of 550 million EGP.

78. Regarding women’s social and economic empowerment, Egypt has witnessed notable progress in this area, which is translated into strategies and programmes that are implemented through collaboration with civil society, under the umbrella of the ‘National Women’s Strategy 2030,’ which is aligned with the 2030 United Nations Agenda on Sustainable Development. This Strategy confirms the country’s commitment to mainstream gender issues, and to support the advancement of women. It rests on 4 pillars:

1. Political empowerment and leadership promotion;
2. Economic empowerment;
3. Social empowerment;
4. Protection.

Progress on Women’s Economic Empowerment and Social Protection:

79. In the first quarter of the Egyptian Women Year (2018), 1.33 million women benefited from SME loans amounted to 2.55 billion EGP, and 1,680,000 woman benefited from micro finance projects.

80. In 2014, Egypt started implementing the Village Savings and Loans Association Scheme (VSLA) that was initially started in India. VSLA is a group of people who save together and take small loans from those savings. In 2016, more than 18,000 women participated in VSLA. 6,138 loans were disbursed to start micro projects, amounting to 2,240,457 EGP. This initiative was the next milestone to the financial inclusion journey, mainly to unlock the unbanked population through greater financial inclusion programmes for the graduates of VSLA. Meaning, Egyptian women would get a chance to not only grow independently and have their own savings, but also graduate into the formal systems. Currently, the Government is working on a mechanism that creates an enabling environment for inclusive economic development and access to financial services.

81. “Takaful and Karama (Solidarity and Dignity)” Cash Transfer Programme, led by MoSS, has now reached out to 1,980,000 poor female-headed households. Takaful Provides monthly conditional income per family, and per each child in school (up to 3 children), based on an incentive-based system related to school attendance, making use of maternal, and child healthcare services. Karama provides monthly unconditional income to poor elderly people, aged over 65, and people with severe disabilities who are unable to work. Women represent more than 90% of the beneficiaries.

82. Under the Economic empowerment pillar in the National Women’s Strategy 2030, NCW signed a Memorandum of understanding with CBE. NCW is also designing the first Women Financial Inclusion Technology Platform.¹ The goal is to create clear linkages between all existing and potential projects, such as the National Citizenship Initiative, Financial Literacy, VSLA, and Takaful & Karama Cash Transfer Programme, hence allowing Egyptian women and girls access to the financial system. The agreement includes major activities, such as:

1. Documenting and replicating the successful VSLA Programme methodology.

¹ A service aggregator and a comprehensive financial inclusion application that combines existing financial and non-financial services, thereby reducing financial and ICT illiteracy and encouraging inclusion in banking systems, with a particular focus on women in Upper Egypt and rural areas.

2. Conducting and developing working groups of women facilitators in each governorate to be trained on raising awareness about the importance of financial services and banking products, and collecting the responses to the needs of women from financial services

3. Capacity building of rural women and women facilitators to act as customer service officers providing basic and vital banking services, according to the rules and regulations issued by CBE in this regard.

4. Conducting awareness raising campaigns that focus on raising women's financial knowledge and acquainting them with benefits of financial/banking services.

83. A Programme for women religious leaders from different governorates was launched in 2018, aiming to raise their awareness about women's issues, such as violence against women and economic empowerment. Additionally, a hotline was established by MoSS to provide support services to women drug addicts.

84. The Government is currently developing a certification programme, based on the success of the Gender Equality Seal for the private sector in 2010, led by NCW. A Gender Equity Seal was adopted to provide companies with guidance on how to address challenges for women, such as access to work, sexual harassment, work-life balance and access to leadership positions. Tools were provided to help private firms reformulate their policies for gender equity, and capitalises on the business value of becoming a Gender Equity Certified Business operating in Egypt. 10 Private sector companies underwent a thorough process of assessment, audit and training on gender mainstreaming within corporate policies, and received the Gender Equality Seal certification. Participating companies have low drop-out rates of working mothers, which is largely attributed to its affiliated subsidised day-care.

85. The Government also supports the economic empowerment of women through innovation and technology. In addition to launching the "ICT for Women Portal" to empower women and girls to use ICT in all aspects of life, the first Social Innovation Hub was launched by NCW in partnership with UNDP and Microsoft Egypt in 2016. It was named one of the best initiatives that Microsoft had globally that year. The Hub addresses the gender gap through encouraging entrepreneurship and innovation among young women, while the camps provide a collaborative space and a participatory platform for women and men to co-design solutions to complex challenges that women are confronted with. Suggested solutions for reporting on violence against women were presented, leading to its adoption by NCW, which is currently re-engineering the process of receiving complaints with the support of the private sector.

86. Through "Masr Taamal (Egypt Works)" Initiative, one million young people were reached with the objective of building their skills and providing services with specific focus on ICT training, job placement services and support for start-ups, to enhance their employability, besides providing career development and mentorship, online and in class. The Initiative supported up-skilling 120,000 young people so far, 50% of whom were young women. Services were provided through more than 70 centres established in the 27 governorates.

87. The Women Business Development Centre (WBDC) was established in 2002 to implement NCW's mandate for the economic empowerment of women. Its vision is to create value chain women entrepreneurial cultures and communities that fearlessly collaborate with each other, thrive together and empower one another. Since its establishment, WBDC carried out numerous activities in areas ranging from ICT, vocational and entrepreneurship training for SMEs and new graduates on soft skills and capacity building.

88. One of the major projects by WBDC is the Women-to-Work (W2W) Project, which is designed to provide women with the knowledge and skills they need to unlock employment opportunities. Launched in 2014, W2W is a nationwide project developed as part of the National Training for Employment Programme. W2W approach to curating and disseminating knowledge is based on three key tenets: Innovation, Collaboration, and Experience. 2640 women have benefited from W2W in 18

governorates in 4 main areas: life skills, vocational skills, entrepreneurship and innovation, and community development. WBDC launched a product development programme called “Addaha W2doud (Women can)”, targeting craftswomen all over the country to upgrade their products’ quality and design to meet market needs.

Paragraph 78

89. The Constitution affirms the right of all citizens to improved quality of life, to achieve social justice and to provide social solidarity, hence it allocates 25% of seats in municipal councils to women. The Constitution encourages the participation of rural women in the national plans for development at the local level. The participatory planning approach starts from the grassroots level up to the governorate level, hence identifying and prioritising the needs of beneficiaries, be they men or women.

.90 Women are strongly represented in all decision-making levels. They currently occupy 15.5% of seats in the House of Representatives, the highest in Egypt’s history. Current proposed amendments to the Constitution include setting a quota of 25% for women representation in the Parliament. Currently, 25% of cabinet ministers and 20% deputy ministers are woman, in addition to woman governors and deputy governors. Women in senior management positions in the government stood at 24.1% in 2017.

91. Participatory gender responsive planning starts from the village and neighbourhood level upwards. NCW participates in formulating the five-year national plan for social and economic development as of 2007, and mainstreaming gender has been consistently integrated in national plans since then, hence adequate reflection of women’s needs in the design and development of rural and urban settlements is ensured. As a result, financial allocations in the national budget for women-specific programmes have doubled since 2007.

92. New cities do include playgrounds, healthcare services, schools, nurseries and all other necessary requirements. Examples include Asmarat 1,2 and 3 in Cairo, Ghait in Alexandria.

93. The 100 Million Health Campaign, previously referred to, includes treatment of Hepatitis C, and early detection of HIV infection, diabetes, high blood pressure and obesity. The campaign has 1,412 units all over the country. So far, 27.8 million persons benefited from the campaign, which offers a vast opportunity, especially for women and children, to undergo a thorough health check-up and receive treatment free of charge.

Paragraph 79

94. It is highly recommended to state exactly what the Special Rapporteur heard by the male court officials and judges, and the context of the discussion. The Government asserts that the independence of the judiciary is unquestionable, and any attempt to cast doubt on the integrity of judges or describe their attitudes as discriminatory against women in cases involving property inheritance disputes is unacceptable. Meanwhile, it must be noted that the Complaint Office at NCW never received any complaint that a court ruling on inheritance discriminates on the basis of sex.

95. The Special Rapporteur is advised to do more research on Islamic Law, which is the basis for the Egyptian Inheritance Law. She could have also raised the issue of Muslim woman’s inheritance during the visit or seek more information afterwards to get more clarity. In short, a Muslim woman’s inheritance share equals half the share of her brother in only four instances, whereas she inherits the same, or even a larger share, in 30 other instances.

96. To guarantee that women enjoy their inheritance, a legislation reform was introduced to prevent any form of discrimination in this respect. Law no. 219 of 2017, amending Law no. 77 of 1943 on inheritance, criminalises and penalises the deliberate obstruction to hand over the rightful inheritance to any of the heirs, be they women or men. This legal reform is a step towards giving women equal rights to inheritance, in conformity with SDG 5, Target 5 A, in tandem with programmes led by NCW in

collaboration with CBE to provide women with access to ownership and control over any type of property and financial services. Women receive equal pay and financial benefits for the same job as men, a firmly established right for women in Egypt for almost seven decades now.

Paragraph 80

97. The lack of official data on the number of homeless persons in Egypt is mainly due to their constant mobility and their lacking of identification papers, in addition to the fact that they do not exist in groups. Therefore, they are difficult to find.

98. It is untrue that people living in homelessness cannot access social and health services without identification papers. There are no legal requirement to provide identification papers to benefit from these services, and the reality is that there are at the moment 28,945 NGOs working tirelessly to deliver social services to the needy across the country in collaboration with –and partly financed by– MoSS. Healthcare and medical treatment are accessible for all citizens in public hospitals, healthcare units and clinics, including mobile clinics, without distinction according to Article 53 of the Constitution. Hospitals, however, may ask for an identity card to verify the age and create the patient’s medical history file for their own records and professional use, but the inability to present it does not obstruct access to healthcare or obtaining medical treatment.

Paragraph 81

99. The Government generally uses the term “children without shelter” to refer to homeless children.

100. The wide gap between the different UN agencies estimates of the number of children without shelter confirms what was mentioned in comments above on paragraph 80 that the lack of data is mainly due to their constant mobility and their lacking of identification papers, in addition to the fact that they do not exist in groups.

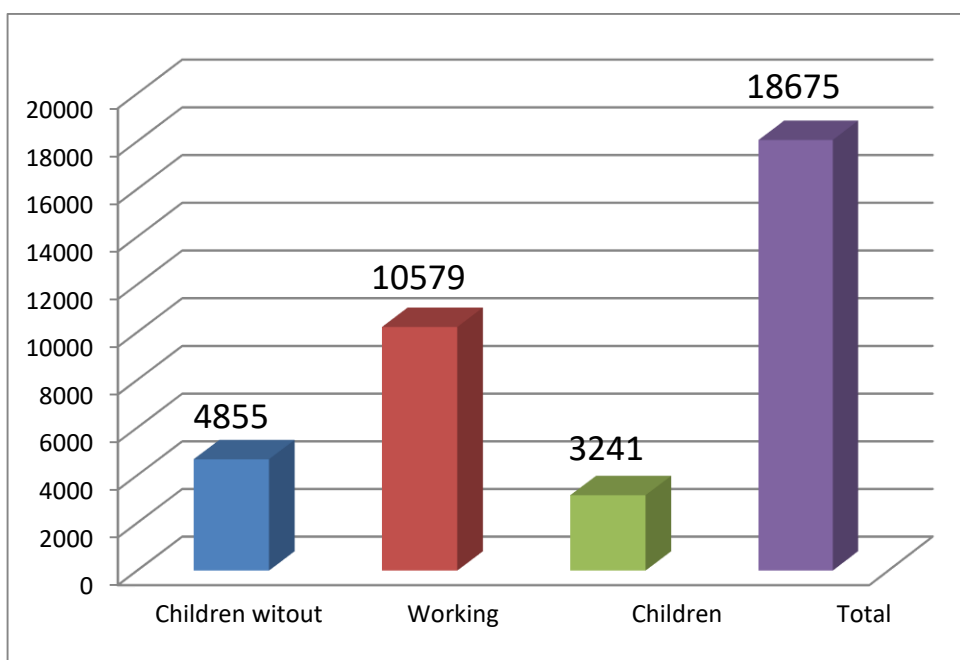
Paragraph 82

101. It is untrue that children without shelter in Egypt experience difficulties in obtaining birth registration or identification documents. When a homeless child is located MoSS specialists or the police, the case is immediately reported to the Attorney-General’s Office and a thorough check is made to contact his/her family or next of kin, and to study the causes of homelessness before a decision is made by the judiciary to return them or to take them in into specialised shelter homes, supervised by MoSS. In addition, if the child is too young to tell his/her full name and/or his home address, their photo is published in police stations and social media. Still, if the family or next of kin could not be found, and the child does not have identification papers, a birth certificate/identification document is issued after he/she are boarded in a shelter home. All of the above is mandated by the Child Law no. 12 of 1996, which was amended by law no. 126 of 2008.

102. MoSS supervises 449 orphanages, hosting over 10,000 children all over the country. There are also 17 shelters for homeless men and women, hosting 677 people under its supervision in 8 Governorates, namely Cairo, Giza, Alexandria, Monufiya, Dakahliya, Sharqiyah, Gharbiyah, Suez and Asyut. In 2018, 290 adults were reintegrated in society. All these orphanages and shelter homes are run by local NGOs. It would have been really useful to clarify these issues earlier if the Special Rapporteur had met with officials from Ministry of Health and Population (MoHP) during her visit, or at least sought to consult with the Government and verify any information she may have received afterwards before jumping into conclusions.

103. The Special Rapporteur is again advised to check the validity of the reports she references. It is inconceivable that individuals and organisations trying to assist homeless children risk being arrested for providing this kind of assistance, given that all local NGOs working on this area are under the supervision of MoSS. It is important to highlight that MoSS runs a programme to tackle the children without shelter

phenomenon, with a budget of 163,944,000 EGP. It includes improving the conditions and increasing the capacity of existing shelter homes, improving the Ministry's family consulting and social monitoring offices across the country, establishing community schooling classrooms, training specialist social workers, providing financial and logistical support as well as training to NGOs working in this area, and undertaking awareness campaigns, including 4 short films that recorded high viewing rates. The programme also includes the deployment of 17 mobile units to assist homeless children in 10 targeted Governorates at the moment, and they provide physical treatment and psychological healing, in addition to training social workers. The graph below shows the number of children dealt with in street situations in 2018:



104. 2019 has been declared the “Year of Decent Life” in Egypt. Starting January, MoSS intensified efforts to tackle the homelessness phenomenon. Teams of rapid reaction specialists are being deployed nationwide in collaboration with civil society, and 3 hotlines have been established to report cases in need of assistance. In the first month, 4,743 individuals were identified, including children. Some homeless adults were convinced to go to a shelter home, while arrangements were made to ensure that those who refused were offered food, clothing, blankets... etc, on a regular basis. They are also offered opportunities for education and craft apprenticeship. These efforts will continue throughout the year, and will help assess the extent of the homelessness phenomenon and allow for suitable reintegration.

Paragraphs 83 and 84

105. Before the end of her visit, the Special Rapporteur presented the Government representatives with a draft End-of-Mission Statement, the first page of which had a footnote that indicated that she was unable to comment on a number of issues that were brought to her attention due to time constraints, and that she expects to include them in her final report. She also indicated in the same meeting her awareness that she needs to consult with the Government on these issues prior to their inclusion in the report. The Special Rapporteur never did. Therefore, these paragraphs should be removed.

106. In any case, the Government wishes to confirm that Christian Copts have the same civil, political, economic, social and cultural rights as all other citizens. Discrimination is prohibited and all citizens are equal before the law, according to Article 53 of the Constitution. The insinuation by the Special Rapporteur in paragraph 83 that the Government forces Christian Copts in particular to leave their homes is false and baseless.

107. The Constitution safeguards the human rights and fundamental freedoms of all citizens, without distinction. It does not refer to Christians as a minority. In fact, the Constitution does not identify any segment of society as a minority, nor do Christians in Egypt identify themselves as such. The Constitution is based on the Principle of Citizenship.

108. The basis for the inference by the Special Rapporteur that “official judicial bodies have failed to provide legal protection against community reconciliation decisions” is unclear, and she does not provide any evidence to support this serious allegation.

109. It is untrue that “law enforcement authorities have, in several instances, refused to provide security to those who wanted to return to their homes.” Law enforcement authorities enforce the law, and they are subject to a rigorous accountability mechanism to ensure that any failure to perform their duties is immediately addressed.

Paragraphs 85, 86 and 87

110. Before the end of her visit, the Special Rapporteur presented the Government representatives with a draft End-of-Mission Statement, the first page of which had a footnote that indicated that she was unable to comment on a number of issues that were brought to her attention due to time constraints, and that she expects to include them in her final report. She also indicated in the same meeting her awareness that she needs to consult with the Government on these issues prior to their inclusion in the report. The Special Rapporteur never did. Therefore, these paragraphs should be removed.

111. However, to clear misunderstandings on the part of the Special Rapporteur, the Government confirms that citizens living in, or originating from, Nasr El-Nuba district of Aswan and southwards to the borders with the Republic of the Sudan have equal rights as all other citizens, according to the Constitution and laws, without distinction.

112. It must also be borne in mind the State has to strike a balance when implementing its various constitutional obligations. For example, the Government is committed under Article 27 to pursue sustainable development and social justice, and to achieve high economic growth rates, higher living standards and job opportunities, lower unemployment rates, and to eradicate poverty. Furthermore, it is obliged by Article 32 to preserve natural resources for the benefit of its people and to make optimal use of renewable energy sources. It is at the same time responsible under Articles 33 and 35 to protect private property rights and provide compensations in the case of expropriation for public good. There are many other obligations, including to protect and rationalise the use of available water resources, hence safeguarding water security, according to Article 44. Therefore, it goes without saying that it could not have been possible to work towards meeting these obligations, as well as to connect 97% of all households to the safe drinking water network, without the consequent upgrades of the Aswan Dam and the construction of the High Dam, given the declining individual’s share of water by 70% from 1959 to 2019.

113. It is untrue that forced displacements took place in this area. The fact is that alternative safe housing and land as well as financial compensations were delivered at the time to most residents, whose lives and livelihood would otherwise have been threatened by the ensuing upgrade and construction dams, and the creation of Lake Nasser. The international community gave a helping hand, and UNESCO notably contributed to the relocation of Philae Temple. The compensations included the provision of 25,548 acres of farmland to 15,104 families, alternative housing units to 5,722 families and financial compensations to 334 families; however, those who were working for the Government were not compensated, on the basis that they were not resident in the area or had no farmlands. Therefore, in implementing Article 236 of the 2014 Constitution, several steps were taken, including:

1. The creation of the Authority for the Development of Upper Egypt, with an budget allocation of 5 Billion EGP.

2. The allocation of extra-budgetary 320 million EGP to implement new projects in Aswan and finish on-going urgent projects. The amount was later increased to 430 million EGP.

3. The establishment of a Ministerial Committee, led by the Minister of Justice, to review the cases of those who were not compensated. The Committee concluded that entitlements to compensation amount to 4,758 acres of farmland and 3,017 housing units, besides 3,851 requests to own existing residential lands. For those who may prefer to receive financial remuneration, initial estimates stand at 25,000 EGP per acre of farmland and 225,000 EGP per house. The construction of 3,000 housing units is planned to expand Karkar Town, in addition to the existing 2,024 units, of which 1,840 were previously handed over. In its vicinity, 2,400 acres are planned for agricultural reclamation in Wadi Al-Amal, and will be allocated for those entitled for compensation. Restoration plans of houses in Nasr El-Nuba district are also underway.

4. Priority is given to investors from Nubia and those who are entitled to compensation in the 12,500 acres of farmland being reclaimed in Khor Condly Valley.

114. In light of the above, the claim that citizens living in, or originating from, Nasr El-Nuba district of Aswan are being subjected to “socio-economic and political marginalisation” is ill-founded. Its fallacy becomes even more evident when considering that an industrial park and a capital park are being established over 40,000 acres in Al-Genina Wal Shebbak and Nasr Al-Nuba, where the land will be offered to applicants for free, fully provided with basic utilities and necessary infrastructure, same as in all other regions in Upper Egypt.

115. People from this region are not discriminated against. This is ensured by Article 53 of the Constitution, and in practice. They live, move and work in every profession freely all over the country, and have equal civil and political rights as other Egyptians, guaranteed by an allocated seat in Parliament to Nasr El-Nuba district.

116. It is factually untrue that the Presidential Decree 444 of 2014 designated many of the villages to which Nubians wanted to return as “closed military areas”. The decree solely demarcates the lands adjacent to international borders with neighbouring countries, which border control mobile units can patrol. The said Decree does not designate any part of the country as a “closed military area”. The claimed “ancestral land” is all submerged by Lake Nasser, and the existing 44 Nubian villages replicate the community structure that existed in the submerged 44 villages.

117. It is also untrue that 14 individuals were arrested in Aswan in 2017 while protesting for their return to their lands in a symbolic march, because:

118. They were in fact demonstrating, with over 50 others, against an announcement made by the Egyptian Countryside Company that the 12,500 acres of farmland being reclaimed in Khor Condly Valley were included in a larger agricultural reclamation project and were open to bids by investors from all over the country. This plot of land was later delinked from the project, and priority to own it was given to investors and those who are entitled to compensation from Nubia, as explained above. This has nothing to do with the right to adequate housing.

119. 24 individuals were arrested in *flagrante delicto* on charges of violating Law no. 107/2013 on the Right to Peaceful Assembly, which ordains a three-day notification prior to public meetings, marches or demonstrations. The demonstrators cut off the traffic on a main road leading to a number of public offices, putting their and others’ lives in danger. As they refused to heed to repeated requests and advices by the police to clear the road, the police had to arrest them. They were all subsequently released by a court decision. Once again, this has nothing to do with the right to adequate housing.

120. The person who died in custody had a bad medical history. He had previously undergone an open heart surgery in France, and suffered from diabetes, hypertension and pancreatic cancer. While in custody, he regularly received his medications and visitors. On the day of his death, he suffered a diabetic shock. When his condition did not improve after getting a paramedic assistance and an insulin injection, he was rushed to hospital, but passed away on route, as a result of respiratory failure and arrhythmia. His brother did not

accuse anyone when asked by the public prosecution. His wife, who lives in France, said in media interviews that he spoke to her before his death, and confirmed that he received the medications she sent him from France, and was regularly taking his medications and receiving the necessary medical care.

121. Having explained the above, the Government would like to reiterate what it had conveyed to the Special Rapporteur in previous correspondences that the Government has no reason to hide anything, but has every reason to show everything, even though it does not see a single linkage between any of the above to the mandate of the Special Rapporteur.

Paragraphs 88 and 89

122. The Special Rapporteur never shared any of the harrowing stories she claims that she had heard with the Government, and never sought the latter's response or views on the issue prior to its inclusion in the draft report. These paragraphs should be removed.

123. However, to make things clear, there is no discrimination whatsoever in the housing sector. Regulations for the allocation of housing units offered by SHP, for example, do not make any restrictions based on sex, or sexual behaviour, and applicants are not required to provide any information in this respect (Attachment 7).

Paragraph 91

124. The statement that "there are few avenues where the right to housing can be or is being claimed in Egypt" contradicts with the statement in paragraph 17 that "Egypt has a large number of laws and regulations on housing...." Several of them cover important aspects of the right to adequate housing. The Government was under the impression that the Special Rapporteur must have consulted the laws in place that ensure the full enjoyment of the right to housing as well as security of tenure, as part of her mandate, before drafting a report on the visit. Access to the Judicial system is guaranteed to everyone in Egypt. The relevant laws include *inter alia* the following:

- Law no. 206/1951 on Low-Income Housing, amended by Law no. 213/1954 and Law no. 80/1957;
- Law no. 49/1977 on Rent, amended by Law no. 4/1996 and Law no. 6/1997;
- Law no. 59/1979 on the Construction of New Urban Communities, amended by Law no. 1/2018;
- Law no. 14/1981 on Cooperative Housing, amended by Law no. 122/2008;
- Law no. 136/1981 on the Relationship between Owners and Tenants, amended by Law no. 4/1996 and Law no. 6/1997;
- Law no. 10/1990 on the Expropriation of Real Estate Properties for Public Good, amended by Law no. 24/2018;
- Law no. 48/2001 on Mortgage Financing;
- Law no. 144/2006 on the Preservation of Architectural Heritage Buildings;
- Law no. 119/2008 on the Unified Building;
- Law no. 67/2010 on the Regulation of Private Sector Participation in Infrastructure Projects;
- Law no. 33/2014 on Social Housing, amended by Law 20/2015;
- Law no. 10/2018 on the Rights of Persons with Disability;

125. The statement that "the Constitutional Court has yet to hear a right to housing claim concerning Article 78" is both factually wrong and misleading, and reflects misunderstanding of the legal system in Egypt.

126. First, it is factually wrong because the High Constitutional Court ruled on 5 May 2018 on case no. 11 that part of Article 18 of Law no. 136 on the Relationship between Owners and Tenants was unconstitutional. It also ruled on 13 October 2018 against the constitutionality of Law no. 34 of 1984 amending the Penal Code, which had introduced 2 Articles to the Law, namely Articles 115-bis and 372-bis, the latter being on the penalisation of infractions on State-owned properties. Consequently, all previous penalties imposed in relation to the construction of houses on State-owned land were seized by the order of the Attorney-General, and all new relevant cases and charges were dismissed.

127. Second, it is misleading because the history of the High Constitutional Court is rife with examples of rulings in support of the right to housing, even before the adoption of the current Constitution.

128. Third, it reflects misunderstanding of the legal system in Egypt, because administrative courts are the ones responsible for considering appeals against administrative decisions in general, and their rulings may be challenged before the Supreme Administrative Court, not the High Constitutional Court. The latter, on the other hand, only controls the constitutionality of laws and regulations.

129. Examples of decisions by the High Constitutional Court in this regard include its ruling on case no. 137 of 1998 that laws and regulations on rent pricing become discriminatory not only if they discriminate on the basis of sex, origin, language, religion or belief, but also if they include any distinction, limitation, preference, or exclusion that arbitrarily undermines the rights and freedoms guaranteed by the Constitution and law. It also ruled on case no. 105 of 2002 in favour of extending the terms of old rental contracts for the lifetime of tenants, and bequeath this right to a first degree family member again for a lifetime. More recently, it ruled on two cases related to the right to housing in 2018 as mentioned earlier.

Paragraph 92

130. All procedures in connexion to re-planning of areas, development of existing houses in informal settlements, or expropriation of real estate properties for public good, are authorised by administrative decisions, same as all activities carried out by the Government and its branches, not by a court order as mistakenly understood by the Special Rapporteur. However, they are subject to judicial control, and citizens have the right to dispute them.

131. It is not clear on what basis the Special Rapporteur makes the allegation that “while it is possible to file an appeal against such decisions before an administrative court, there are many barriers for individuals living in informal settlements to do so.” Citing examples is necessary to substantiate this allegation, and it is important to explain why individuals living in informal settlements in particular face barriers to appeal, while others do not.

132. The claim that “the national law does not always require due notice in writing” is untrue. Law no. 119 of 2008 on the Construction of Buildings and its bylaws, as well as Law no. 10 of 1990 on the Expropriation of Real Estate Properties for Public Good, have clear stipulations that ensure the definite knowledge by residents of an eviction decision, if the Special Rapporteur cares to check them.

133. To better understand the process, eviction from areas designated for planning or re-planning by the administrative authority has to start by announcing those areas, then the respective Governor has to issue a decision in this regard. This decision must be published in the Official Gazette and publicised *inter alia* at the municipal unit, and can be challenged before an administrative court within 60 days of establishing definite knowledge, with an urgent appeal to suspend its execution, and if necessary before the Supreme Administrative Court later on. Unless interrupted by a judicial process, the next step after issuing and publicising the decision is to create a committee to assess the property value and negotiate with the owners and residents. The results have to be publicised, as well as the compensation amount, in various locations. Also, the number of renters is verified, and they are offered three options: 1) immediate relocation to a home in another newly developed area within the same city; 2) financial remuneration

to find alternative housing for the duration of the development of their area, in which they will be allocated a comparable unit; or 3) negotiated financial compensation.

134. In case an expropriation decision is issued for public good, it has to be published in the Official Gazette and publicised *inter alia* at the municipal unit. The decision may be challenged before an administrative court within 60 days. It is worth mentioning in this respect that the Supreme Administrative Court has established in its decision on case no. 8500 of 2006 that announcing and publishing are not enough to determine the realisation of definite knowledge by the persons concerned, thus the dates specified above may only be calculated from the date that definite knowledge is ascertained and verified. In addition, once the committee responsible for assessing the property value and negotiating with owners and residents is created, the same steps, as in case of announcing areas designated for planning or re-planning described above, have to be followed. Once the committee concludes its work, the administrative authority must send letters the owners and residents concerned by recorded delivery, and the decision has to be published in the Official Gazette and in 2 widely circulating newspapers, and publicised at the municipal unit and on the property itself in a visible manner –among other locations- for 30 days, after which owners and residents would have 15 days to submit a petition to the administrative authority. The latter should respond with recorded delivery within 30 days, and the petitioner has 30 days afterwards to challenge the decision before a first degree court, and 120 days to plea against the compensation amount assessed, without prejudice to his/her right to cash the assessed amount. The court decision may still be appealed against before the Court of Appeal, and possibly before the Court of Cassation. At the end, if expropriation procedures were not completed within two years, or the properties were used for a purpose other than public good, citizens can challenge the expropriation decision before the Supreme Administrative Court.

135. This lengthy process is outlined by Law no. 10 of 1990 on the Expropriation of Real Estate Properties for Public Good, amended by Law no. 24 of 2018. The purpose of these detailed steps is to provide maximum safeguards to owners and residents, particularly in informal settlements, and to protect property entitlements and the right to housing. The Supreme Constitutional Court established by its decision on cases no. 1875 and 1914 of 1991 that despite the fact that an administrative decision to evict residents of an informal settlement built on State-owned land was lawful in order to protect State property rights, there is a greater good in allowing the community members to remain in their homes, so as to protect them from vagrancy, and maintain social harmony and *ordre public*, especially that the administrative authority was conscious from the start that the community was created, but did not react on time to protect State property rights.

136. The Government is confident that the whole process explained above is in full congruence with Article 11 (1) of ICESCR, and General Comments 4 (1991) and 7 (1994) by CESCR on adequate housing.

137. As for the suggestion that “claimants often lack sufficient proof of residence to challenge eviction orders or ensure their inclusion in relocation or compensation schemes”, it must borne in mind that the provision of utility bills paid regularly over an extended period of time is a sufficient proof of residence. It is worth noting that the Special Rapporteur acknowledged in paragraph 33 that “most of them [informally erected building in unplanned areas] have access to water supply and sanitation facilities”. In this respect, the Supreme Administrative Court concluded in case no. 5730 of 2010 that, based on respecting the right to housing, a community residing for many years on a State-owned land, while the Government has been indolent to take the necessary administrative measures to correct the situation, may not be forcibly evicted due to a re-planning administrative decision.

138. Moreover, the submission that “residents frequently lack the financial resources to engage a lawyer to represent them” is ill-founded. Article 23 of Law no. 90 of 1944 on Judicial and Documentation Fees, and Article 94 of Law no. 17 of 1983 on Attorneyship, both ensure *pro bono* legal counselling and assistance to those who cannot afford judicial fees. This privilege is affirmed by Article 98 of the Constitution.

Paragraph 93

139. The claim that “persons living in unplanned areas or informal settlements may fear being prosecuted for illegal occupation of land under Article 372-bis or fined for infractions of building regulations” may have been true before the High Constitutional Court ruled in October 2018 against the constitutionality of the said Article, and the release of those convicted according to it, as explained above in comments on paragraph 91.

140. Furthermore, the claim that “if they [persons living in unplanned areas or informal settlements] challenge such decisions, they can be prosecuted for resisting enforcement measures under Articles 133, 136 and 137 of the Penal Code” reflects a clear misunderstanding, because these Articles only deal with physical or verbal assaults on government officials while performing their functions. Exercising a citizen’s litigation rights is safeguarded by Article 97 of the Constitution, and does not constitute such an assault.

Paragraph 94

141. There are numerous cases on claims related to the right to housing that have been decided by the Supreme Administrative Court, including cases no. 1875 and 1914 of 1991, cases 3532 and 3623 of 2005, cases no. 2773, 2779 and 2817 of 2006, and case no. 5730 of 2010, and far too many rulings by administrative courts. The Special Rapporteur only needs to check on the Internet.

Paragraph 95

142. The Government has no idea about the lawyers the Special Rapporteur says that she had spoken with. It is regrettable that the Special Rapporteur lends her ears to ill-founded perjurious allegations, and she is encouraged to depend on verifiable information.

Paragraph 97

143. Egypt worked with other Arab States to develop an Arab 2030 Strategy for Housing and Sustainable Urban Development under the auspices of the League of Arab States. It was adopted in 2016, and its implementation plan was approved on the Ministerial level in December 2018. It includes six objectives that encompass 35 goals in all areas of adequate housing and urban development.

144. On the other hand, drafting Egypt’s National Housing Strategy is underway in consultation with UN-Habitat and civil society, with a view to synthesizing it with Egypt’s Sustainable Development Strategy– Egypt Vision 2030.

Paragraph 98

145. The House of Representatives is mandated by the Constitution to review all laws predating the date of its adoption. However, the fact that many laws and regulations on housing predate the adoption of the Constitution, does not necessarily entail that they need to be amended if they are in conformity with the Constitution and the right to adequate housing under International Human Rights Law, as explained above in comments on paragraph 17.

Paragraph 99

146. On the recommendation to harmonize the dual rental law, while taking measures to ensure the security of tenure and affordability of housing for all tenants, under the old or new rental law regime, it is important draw attention to the fact that there is already a new law being deliberated by the House of Representative since April 2018 to this effect. If the Special Rapporteur did not cancel the proposed meeting by the Government with the First Assistant to the Minister of Justice during the visit, she could have learnt about that.

147. On the recommendation to consider the introduction of rental subsidies for low-income households, and rent control measures in urban areas in which housing has become unaffordable, please see comments above on paragraphs 20, 22, 29, 30, 31, 35, 65, 103 and 105.

Paragraph 100

148. Please see comments above on paragraphs 40, 47, 49, 52 and 97.

Paragraph 102

149. Please see comments above on paragraphs 92.

Paragraph 103 and 105

150. Reality shows that the Government has not been investing in luxury developments, and is doing its utmost to adequately meet the housing needs of those in the lowest income bracket. In the 5-year plan ended on 30 June 2005, a total of 1,258,073 housing units were built across the country by the public sector, of which 1,029,101 units were offered to the low income bracket, making around 81.8% of the total units built, while 226,960, or 18%, were offered to those in the middle or upper-middle income bracket. Only 2,012 units, a mere 0.2%, were luxury developments. Easy loans were offered for units up to a total price of 50,000 EGP was made available, with an interest rate of 3 to 6%, and payment plans that range between 15 to 40 years.

151. Starting October 2005, a total of 500,000 housing units were built across the country over 6 years for the youth and low income families, with an average cost of 60,000 EGP. Each unit was offered with a subsidy of 25,000 EGP, and the rest to be paid with an easy loan over 20-30 years.

152. Starting 2014, the Government has embarked on an ambitious programme that aims at providing one million units across the country for those in the lower income bracket, around 60% of which has so far been accomplished. The Government provides the land, infrastructure and basic services for free, and offers units ranging from 75 to 90 m², with a down payment of only 15% of their actual cost, and the rest is to be paid with easy loans over 20 years, with an interest rate between 5 and 7%, while the prevalent market interest rate is around 24%. The programme also offers rental units, with an option for purchasing the unit after making rental payments equal to its price.

153. One of the main objectives of national housing projects is to provide rental accommodations for the poorest, with spaces ranging from 42 to 55 m², in affordable prices.

154. A detailed housing demand survey is already underway by SHP, in order to understand the housing preferences of the Egyptian population. When finalised, SHP intends to accommodate these preferences and provide rental and ownership units in priority areas, and offer alternative types of ownership options reflecting expressed affordability and preferences.

Paragraph 106

155. Please see above comments on paragraphs 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89.

Paragraph 107

156. The Government acknowledges that homelessness is a social problem, and efforts are being exerted to deal with it, as explained in comments on paragraphs 80, 81 and 82.

Paragraph 109

157. On the recommendation that the Government provides rights-holders with legal aid and assistance in respect to the right to housing related disputes, Article 23 of Law

no. 90 of 1944 on Judicial and Documentation Fees, and Article 94 of Law no. 17 of 1983 on Attorneyship, both ensure *pro bono* legal counselling and assistance to those who cannot afford judicial fees. This privilege is affirmed by Article 98 of the Constitution, as previously mentioned above in comments on paragraph 92.

158. Courts of first instance, administrative courts, the Supreme Administrative Court and the High Constitutional Court do rely on International Human Rights Law when interpreting national and constitutional law in matters related to all human rights and fundamental freedoms, including the right to adequate housing. Article 93 of the Constitution clearly commits the State to implement the international human rights conventions and treaties ratified, and stipulates that they have the force of law upon their publication in the Official Gazette.

159. The Government has no authority over the National Council for Human Rights (NCHR). It is an independent entity according to Article 214 of the Constitution. Law no. 197 of 2017, which amended Law no. 94 of 2003, expands the mandate and capacity of NCHR, and makes it only accountable to the House of Representatives. It was upon the Government's initiative that these amendments were introduced, empowering NCHR *inter alia* to consider allegations of human rights violations, make recommendations to the relevant authorities, receive complaints, report cases to the Attorney-General's Office and intervene jointly with victims of such violations in civil proceedings. NCHR is considered by the Global Alliance for National Human Rights Institutions (GANHRI) to be in full compliance with the Paris Principles on the work of National Human Rights Institutions (NHRIs).
