

Mandate 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

Questionnaire

Informal settlements and human rights

The Special Rapporteur on the right to adequate housing has decided to devote her forthcoming report to the General Assembly to the issue of informal settlements and human rights.

A. Background

It is estimated that one quarter of the world's urban population lives in informal settlements.¹ Informal settlements exist in nearly all regions and countries, including in highly developed countries.

Informal settlements can be defined as residential areas where inhabitants have no formal ownership or lease agreement vis-à-vis the land and/or dwellings they inhabit. Modalities include homeless encampments, squatting in abandoned buildings, living in informal rental housing or in long established communities without formal title. Shelter is frequently constructed by hand out of any available materials, but may take many other forms, such as cars, boats, containers or other shelter. Some informal settlements have been built over many years in brick and mortar, but the actual neighbourhood is not fully legalised. Informal communities usually lack basic services such as water and sanitation, and infrastructure and the housing may not comply with current planning and building regulations.

Informal settlements often expose individuals to the most extreme and degrading living conditions and are often located in the most hazardous areas. At the same time, they often represent significant accomplishments in community empowerment and self-governance, fostering vibrant centres of culture, community and economies. This duality creates a space where survival and resilience dominate the daily experience.

Residents of informal settlements often belong to marginalized groups, having faced exclusion and discrimination compounded by their housing status. The failure of States to address living conditions in informal settlements creates multiple threats to life, dignity and security. Residents of informal settlements often live under a persistent threat of forced eviction.

States have committed under Goal 11 of Agenda 2030 for Sustainable Development to upgrade all informal settlements and ensure adequate housing for all by 2030. A human rights framework will be essential to meeting this commitment so as to both address the structural factors that force people into informality while recognizing and building on the

¹ See UN Habitat III Issue Papers – 22 - Informal Settlements, New York, 31 May 2015, p. 3

accomplishments and capacities of informal settlement communities. A human rights framework prevents forced evictions and ensures that where relocation to alternative land and housing is unavoidable or is the preferred option of residents, it is planned and implemented with genuine consultation and participation, ensuring the dignity and rights of those affected.

The report on the right to adequate housing and informal settlements will be the first of its kind by a Special Rapporteur of the United Nations. In her report the Special Rapporteur on the right to adequate housing will provide clear guidelines to States and other actors on the challenges that lead to informality, including migration, colonization, urbanization, financialization and social exclusion. It will explain how a human rights-based approach is fundamental to meeting the commitments made in the 2030 Agenda for Sustainable Development and the New Urban Agenda.

In her report, the Special Rapporteur will highlight creative uses of legal mechanisms, new approaches to ownership, tenure and planning as well as innovative legislative and programmatic initiatives. It will identify good practices in diverse settings.

B. Questions

For the elaboration of her report the Special Rapporteur would be grateful to receive responses to the following questions.

1. Please provide statistical data on the numbers of people living in informal settlements, clarifying the definitions used and including disaggregated data by relevant characteristics (gender, disability, age, etc.) where available. Provide estimates of the number of households renting within informal settlements.

- **Total:** In 2016, an estimated 14 million households (70%) comprising 58.8 million people,² were living without secure tenure in Egypt, the main basis for defining informal settlements.
- **Definition:** Informal/insecure tenure is measured as the primary incidence of informality (ownership) by calculating the number of informally built units (without a permit), by deducting the number of homes built with a permit, from the total number of residential electricity subscribers, where electricity has been usually connected to informal buildings. This data-set is based on an average informality over an eight-year period, 2006/2007 to 2013/2014.³
- **Disaggregate:** Information is only available for sub-national disaggregation by governorate, where the rural Delta governorate of Gharbia had the highest proportion at 93% without secure tenure. The Frontier governorate of South Sinai had the least, at 8% of households.
- **Renting:** There is no recent information on renters in informal areas, however recent information on rent shows a total of 14% of households renting in Egypt, where around 6.2% rent under market rent (New Rent), and the rest

² 10 Tooba, "BEDI - Secure Tenure," Built Environment Deprivation Indicator (BEDI), September 2016, <http://10tooba.org/bedi/en/secure-tenure/>

³ For more, see methodology in: 10 Tooba.

under rent control (Old Rent).⁴ In the absence of other data, and with 84.8% of New Rent contracts unregistered and 6.7% of tenants without a written contract,⁵ while rent-control is not easily enforced in informal settlements, it can be assumed that at least a similar proportion of market rent tenants would be found in informal settlements.

2. Please provide information on access to water, sanitation, electricity and other services, including availability and costs. Also refer to any relevant qualitative studies or documentation of the lived experiences of residents.

- **Water:** In 2017, 93.7% of households had access to safe water (a tap inside the home).⁶ However, there remain 1.5 million households, comprising 6.5 million people, without access to safe water, which endure problems such as; water pollution, extra effort especially for women and girls, and higher costs for potable water.⁷
- **Sanitation:** In 2017, only 44.1% of households had access to improved sanitation (formal network), leaving 13.1 million households, home to 51 million people without improved sanitation.⁸ Problems emanating from a lack of improved sanitation in Egypt include; impact on general health of inhabitants from exposure to raw sewage, flooding of streets, ground water pollution, and dangerous impact on the structural safety of houses.⁹
- **Electricity:** In 2017, 99.7% of households had access to electricity. However, prices have increased dramatically over the last few years, reaching 4.5% of income for extremely-poor and middle-income households.¹⁰ While electricity consumption varied greatly on a sub-national level where average household consumption was close to or below a basic consumption of 180 kwh/month in 7 out of 27 governorates.¹¹

⁴ CAPMAS, “Final Results of the General Census for Population and Housing Conditions for 2017 (Arabic)” (Cairo: Central Agency for Public Mobilisation and Statistics (CAPMAS), December 2017),

http://www.capmas.gov.eg/Pages/Publications.aspx?page_id=5109&YearID=19635
p159

⁵ David Sims, Hazem Kamal, and Doris Solomon, “Housing Study for Urban Egypt” (United States Agency for International Development (USAID), December 2008), https://pdf.usaid.gov/pdf_docs/PNADY276.pdf pp41-42

⁶ CAPMAS, “Final Results of the General Census for Population and Housing Conditions for 2017 (Arabic).” p131

⁷ 10 Tooba, “BEDI - Safe Water,” Built Environment Deprivation Indicator (BEDI), September 2016, <http://10tooba.org/bedi/en/safe-water/>

⁸ CAPMAS, “Final Results of the General Census for Population and Housing Conditions for 2017 (Arabic).” p143

⁹ 10 Tooba, “BEDI - Improved Sanitation,” Built Environment Deprivation Indicator (BEDI), September 2016, <http://10tooba.org/bedi/en/water-sanitation/>

¹⁰ BEO, “Electricity Facts 2017/2018 | Price Hikes Continue,” Built Environment Observatory, November 13, 2017,

http://marsadomran.info/en/policy_analysis/2017/11/1266/

¹¹ BEO, “Electricity Facts 2016/2017,” Built Environment Observatory, February 2017, http://marsadomran.info/policy_analysis/2017/02/689/#i-3

3. Please provide information and data on environmental, health or security concerns and experiences, including violence against women, affecting residents in informal settlements. Please include disaggregated health statistics, including life expectancy, mortality and any data on injuries or fatalities of residents of informal settlements as compared to the general population.

Generally, residents of informal settlements usually suffer from health issues. Not only due to their financial status and the deterioration of health care system in Egypt, but also due to the ventilation circulation in their units, besides to how much sunlight they are exposed to inside their residential units.

Children: A study which focused on a selected group of informal settlements in four major Egyptian cities (Cairo, Alexandria, Port Said and Sohag),¹² separated its findings based on the two types of informal settlements designated by government (see more in Point 4 below); slums (unsafe/insecure areas), and unplanned areas (general informal settlements). In slums, 41.5% of children faced monetary poverty, compared with 19.8% in unplanned areas, and 26% at the national level. Around 48% of children in slums live in overcrowded dwellings or dwellings made of poor construction materials. Slightly less than 30% of children in slums were found to live without any direct water connection coming into the dwelling or with frequent interruptions in the water supply, compared to 13% in unplanned areas. Severe health deprivation in children under five affected 4.3% of children in slums, and .5% of children in unplanned areas.

Women: While there are no informal area specific statistics, Egypt comes within the list of worst 10 countries around the world regarding violence against women.¹³ Women between 18 to 65 years old are exposed to different types of violence and discrimination according to their gender. 9 in each 10 women experience female genital mutilation, 11% are forced for marriages, more than 25% get married before being 18 years old. 46% of women are exposed to domestic violence—whether physical, physiological, or sexual. More than 50% of Egyptian women experience violence that usually comes from their fathers before they are 18 years old. Sexual harassment is one of the most contemporary forms of violence against women in the public sphere. In 2011, 99% of Egyptian women experienced sexual harassment, where 91% of them do not feel safe to walk in the streets.¹⁴

4. What goals and timelines have been adopted to ensure that all informal settlements will be upgraded to meet the standard of adequate housing by 2030? Please provide

¹² UNICEF & ISDF, “Multidimensional Child Poverty in Slums and Unplanned Areas in Egypt” (Cairo: UNICEF Egypt and Informal Settlements Development Facility (ISDF), 2013),

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwi6qPm4t4fbAhVSalAKHWVjAAIQFggUAE&url=https%3A%2F%2Fwww.unicef.org%2Fegypt%2Feg_UNICEF_ISDF_2013_Child_poverty_in_slums_English\(3\).pdf&usq=AOvVaw2LEMVMYjC0q9Ay4dQBKOeG](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwi6qPm4t4fbAhVSalAKHWVjAAIQFggUAE&url=https%3A%2F%2Fwww.unicef.org%2Fegypt%2Feg_UNICEF_ISDF_2013_Child_poverty_in_slums_English(3).pdf&usq=AOvVaw2LEMVMYjC0q9Ay4dQBKOeG)

¹³ CAPMAS. “Population: Research & Studies,” (Cairo: CAPMAS, June 2017)

¹⁴ UN Women, “From Play-Acting to Real-Life Action: A Journey to End Harassment on Public Transit in Egypt,” UN Women, February 27, 2013, <http://www.unwomen.org/en/news/stories/2013/2/from-play-acting-to-real-life-action>

information on plans, upgrading/resettlement policies and whether these plans include human rights standards. Please also explain how responsibilities have been allocated to different levels of government.

Egypt has put in place the Sustainable Development Strategy: Egypt Vision 2030, where its Urban Development Pillar includes two indicators related to informal settlements;¹⁵ Indicator 10, Reduce the one million inhabitants living in unsafe/insecure areas by 30% by 2020 and 100% by 2030, and, Indicator 11, Reduce percentage of slums (surface area of cities) from 38% to less than 20% in 2020, and less than 5% by 2030.

However, these indicators severely understate the population in need of adequate housing, and do not propose adequate or feasible solutions. Indicator 10 is based on the National Map of Unsafe Areas, which identified 404 such areas in 2009, home to about 208,000 families, mostly living in shacks. where Level 1 (highest danger) and Level 2 areas included 13,431 and 121,284 homes respectively, however the latest census counted 3.1 million residential buildings in need of building repair, representing 25% of the housing stock.¹⁶ 400,000 buildings needed immediate repair, and almost 100,000 were deemed beyond repair. If the average building has 3 units, those in need of immediate attention would number 1.5 million units. The government's solution for 'unsafe' areas, has been predominantly based on demolition, and forced relocation to government housing estates in other areas, where by 2017, 25,000 families were moved.¹⁷

Indicator 11 is also problematic, as it has defined informal (unplanned) settlements as 38% of surface area, and only in urban areas, which is a severe undercounting, as other statistics have measured 70% of households living in informally built housing.¹⁸ Comprehensive government response to unplanned areas has been severely limited, where most of the projects have been in the Greater Cairo region, and have focused on utilities and street paving and some social services.¹⁹ But the areas these projects are being implemented in will in all likelihood remain informal, as they do not include components for recognition of informal tenure. A draft regularization law for certain building

¹⁵ MoP, "Sustainable Development Strategy: Egypt Vision 2030 - Urban Development Pillar" (Cairo: Ministry of Planning, Monitoring and Administrative Reform, May 17, 2016), <http://sdsegypt2030.com/wp-content/uploads/2016/10/11.-Urban-Development-Pillar.pdf> p260

¹⁶ CAPMAS, "Final Results of the General Census for Buildings for 2017" (Cairo: Central Agency for Public Mobilisation and Statistics (CAPMAS), December 2017), http://www.capmas.gov.eg/Pages/Publications.aspx?page_id=5109&YearID=19635 p57

¹⁷ MoHUUC, "Slum Area Development (Arabic)," Ministry of Housing, Utilities & Urban Communities, 2017, <http://www.mhuc.gov.eg/Programs/Index/1145>

¹⁸ 10 Tooba, "BEDI - Secure Tenure."

¹⁹ MoIC, "National Voluntary Review on The Sustainable Development Goals - Input to the 2016 High-Level Political Forum (HLPF) on Sustainable Development" (Cairo: Ministry of International Cooperation, 2016), <https://sustainabledevelopment.un.org/content/documents/10738egypt.pdf> pp32-33

infractions is close to enactment,²⁰ however it may result in steep regularization fees that would be prohibitive for the poor, as has previous legislation.²¹

5. What are the primary reasons for people living in informal settlements? (eg. rapid urbanization, gap between housing costs and income; loss of ancestral land; internal displacement; immigration; lack of titled land; etc). Please refer to relevant research or reports.

The main reason behind informal settlements/housing deprivation in Egypt can be summarised as misguided urban and housing policy over the last few decades, where the majority of public spending on infrastructure has been devoted to so-called New Cities in a failed effort to divert urban expansion, while subsidised housing programmes have mostly been inappropriate for a majority of households as well as expensive for the poor.²² Overall, housing affordability in general (whether for buying or rent) has been eroded due to a deregulated property market and the commodification of formal, serviced land in the New Cities and elsewhere, has driven people to seek informal housing, which is usually more affordable, but not necessarily cheap.

6. What laws are in place to protect and ensure the rights of residents of informal settlements, before, during and after any upgrading, if it takes place? Have these laws been effective? Please provide references to any important court decisions.

While Article 78 of the constitution promises upgrading, and Article 63 ensures against “arbitrary forced migration,” the two main elements of informal settlement; adverse possession (squatting),²³ and informal construction,²⁴ are prohibited by laws, which decree their removal. There have also been some exceptional laws that provided some degree of recognition of adverse possession, but this has been largely arbitrary.²⁵ Between 1997 and 2013 an estimated 41,239 families were

²⁰ Al-Ahram, “Housing Committee Provisionally Approves Law Regularizing Building Infractions (Arabic),” Al-Ahram, May 13, 2018, <http://gate.ahram.org.eg/News/1908035.aspx>

²¹ Tadamun, “Izbit Khayrallah and the Struggle for Land: Security of Land Tenure,” Tadamun, December 25, 2013, http://www.tadamun.co/?post_type=initiative&p=811&lang=en&lang=en#.WvWyZe-kaE

²² 10 Tooba, “BEDI - Overall Index,” Built Environment Deprivation Indicator (BEDI), September 2016, <http://10tooba.org/bedi/en/>

²³ Law 147/1957 prohibits squatting on state-owned land.

²⁴ Unified Building Law 119/2008 directs the administrative removal (without a court order) of; buildings, construction and works without a permit... in contravention of property lines, on antiquities land, and those built outside of urban limits (Art. 60). Offenders face fines of double to triple illegal works and or a jail terms up to five years (Art. 101). In case of recurring violation, a fine of double the value of works (maximum EGP 500,000) plus jail term (Art. 102).

²⁵ Tadamun, “Izbit Khayrallah and the Struggle for Land: Security of Land Tenure.”

relocated under the pretexts of urban renewal and slum clearance,²⁶ where the majority (58.5%) was forcibly resettled to housing in another location, mostly on city outskirts far from their original place of residence where they face extreme economic and social hardship in finding jobs and sending children to school.²⁷ In addition to the forced relocations, these projects often result in making many families homeless, or receive inadequate compensations, while armed police are regularly present during evictions.²⁸

7. Please provide, if applicable, information on international development assistance received for projects and programmes related to informal settlements. To what extent are these projects implemented within a human rights framework and linked to the achievement of the 2030 Agenda targets?

There is considerable international assistance, mostly in the Greater Cairo region, and very limited information. Below is a list of prominent current projects:

- [Participatory Development Programme in Urban Areas](#), GIZ
- [Supporting Employment and Improving Living Conditions in Deprived Neighborhoods](#), AFD
- [Informal Settlements Upgrade Technical Assistance Project](#), AFDB
- [Informal Settlements Development Project](#), AFDB

8. Please provide information about successful upgrading or resettlement projects or experiences that could provide good practices elsewhere. Please also share lessons learned from unsuccessful projects or approaches.

Some independent NGOs have been able to achieve adequate upgrading of housing and/or services that directly responded to residents' needs. They include home repair loans and quick, effective sanitation services.²⁹

C. Timelines and submissions

The report will be presented to the 73rd session of the General Assembly in October 2018. The Special Rapporteur on the right to adequate housing welcomes responses and

²⁶ Yahia Shawkat, "Al-'adala Al-Igtima'eya Wal-'umran - Kharitat Misr," ShadowMinistryOfHousing.org, 2013, http://blog.shadowministryofhousing.org/p/blog-page_2887.html pp82-83

²⁷ Tadamun 2015. The Hidden Cost of Displacement: The Move from `Izbit Khayrallah to Masākin `Uthmān, 31.12.2015 <http://www.tadamun.info/2015/12/31/hidden-cost-displacement-move-izbit-khayrallah-masakin-uthman/?lang=en#.V0Lrb-Sm0ox>

²⁸ ECSER, "Razzaz Street: Tales of Forced Eviction" (Cairo: Egyptian Center for Social and Economic Rights, December 2014), <http://ecesr.org/wp-content/uploads/2015/01/Razzaz-Street-Tales-of-Compulsory-Eviction.pdf>

²⁹ Especially community-based sanitation (pp44-47) and home repair (pp32-35) UN-Habitat, "Parallel Urban Practice in Egypt" (UN-Habitat, 2015), <http://www.egypturbanforum.com/wp-content/uploads/books/UNHABITAT%20-%20Parallel%20Urban%20Practice%20in%20Egypt%20En.pdf>

submissions of relevant reports or studies by **15 May 2018**. Submissions can be sent to srhousing@ohchr.org (cc: registry@ohchr.org).

In order to facilitate processing of the information, submissions in English, French or Spanish are appreciated. If not requested otherwise, responses and submissions received will be published on the website of the Special Rapporteur.

Please do not hesitate to contact Gunnar Theissen (gtheissen@ohchr.org) Tel: +41-22-917 9321 at the Office of the United Nations High Commissioner for Human Rights, should you have any further questions.