

## Introduction

During the past four decades, the Arab Republic of Egypt has evaded its state obligation to respect, protect, and fulfill the human right to adequate housing for the poor and those with limited income. Concurrently, Egypt has also suffered from the complex effects of real estate speculation, declining public housing standards, reductions in food and fuel subsidies, inflation and other pressures that bear heavily upon those households struggling to achieve adequate housing. One consequence is the predominance of informal housing areas that the government unjustly labels as *ashwā'iyāt* (slums). Official sources estimate that Egypt has approximately 1,125 informal areas, populated by 20 million people, or around 23% of the Egyptian population.

The State of Egypt has not met its social and legal obligation to ensure the well-being and living conditions of its residents, particularly the poor, improve the quality of their lives, and meet their basic human needs. Accordingly, the State of Egypt has lost its sense of purpose in resolving essential problems of urbanization and the environment. For decades, the state has handled urban and environmental issues without vision and without comprehensive, sustainable, and equitable policies to regulate the conditions that affect the daily lives of its residents. In Egypt's current transitional phase, civil society offers the following constitutional principles to guide policy, legislation, and municipal government and to pose solutions to the failed governance of Egypt's habitat.

This document is the result of collaborative efforts among several organizations and individuals dedicated and eager to champion remedial change in the governance of Egypt's habitat, based on principles of social justice, sustainability, and equality. The first step toward this end is to add a comprehensive set of interdependent economic, social, cultural, urban, rural, and environmental rights to the new Egyptian Constitution. These are basic rights that are enshrined in international minimum norms, and which the public should enjoy freely, without discrimination. We present this document to constitutional drafters in the Committee of 50 as a sectoral proposal that includes critical articles that

we believe must be included in the Constitution and inform other provisions related to habitat and local governance. We likewise present this proposal to all urban and rural inhabitants of Egypt so that we can collaborate together to realize these provisions within a framework of common citizenship and human rights.

With this declaration, we invite you to join us to realize these provisions as human rights of all persons living in Egypt, and to implement them in your neighborhoods, cities, and villages. We invite you also to deliberate with us, in order to develop this document. In the meantime, we ask you to sign this document if you agree with these rights and proposed principles and support their incorporation into the new Egyptian Constitution.

Help us attract more signatures from all over Egypt so that this Declaration and draft Constitutional text become a common demand.

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## **The Human Right to the City and All Human Settlements**

- The state shall recognize “the Right to the City” for all residents. Similarly, everyone has the right to enjoy the city and its public spaces, based on the principles of social justice, solidarity, sustainability, respect for cultural diversity and a balance between urban and rural areas. This right is practiced on the basis of the democratic management of the built environment, respect for the

social and environmental functions of all properties and urbanism, in general, according to the following considerations:

- Provision of quality public services and utilities, while ensuring their quality and equitable provision and distribution; seeking to achieve welfare for all inhabitants, particularly those most in need; and continuously improving the quality of their lives and satisfying their basic needs and corresponding human rights, all of which are an essential part of the social purpose of the state, as social justice should be the basis of the urban environment, human settlements and governance To this end, the state should prioritize social spending in the allocation of funds in public budgeting and planning.

- The government should help realize the social function of urban areas so that all inhabitants benefit from available resources to ensure the constant improvement of their living conditions. The state must direct public projects and investment to improve the public well-being, giving priority to the neediest members of society. The State of Egypt must formulate and enforce urban policies that require that land be used in accordance with the principles of social justice, equality and respect for the environment, as already defined in the minimal standards of international human rights instruments. In order to realize the social function of property, laws must guarantee the optimal usage of under-utilized, unused, or vacant public and private property for public benefit.

- The decentralization of local governance must strengthen the practice of citizenship and corresponding human rights, encouraging the democratic management of human settlements, and increasing local government's responsiveness to local needs, the collective well-being of inhabitants, and the social production and management of their habitat.

- The state commits to materially and politically supporting all local municipal districts to build their technical, administrative, and financial capabilities to respect, protect and fulfill all human rights of citizens and residents. The state also shall authorize elected representatives of local districts to adopt local ordinances consistent with the Constitution and national legislation and to levy local taxes and fees

needed to augment the national budget allotments and provide, improve, and efficiently manage local public services and utilities.

- The people own the state's natural resources, including land, water, mineral wealth and environmental assets and endowments, and have the equal right to benefit from the natural wealth, dividends, and revenues derived from these national resources. The state commits itself to safeguarding these assets and their equitable use, and to respect, protect and fulfill the rights of future generations dependent upon them. The disposition of state resources and properties shall be prohibited, except through their use toward the benefit and fulfillment of codified rights of inhabitants of the State of Egypt. The law shall regulate the Egyptian government's obligation to regulate and dispose of state property, according to the principles enshrined above and in the following Constitutional proposal.

### **The Right to Participate in Urban Management, Planning Processes and Equitable and Sustainable Urban Development**

- The State of Egypt commits to urban planning and development within the framework of the principles of solidarity and social justice, as well as environmental, social, and economic sustainability. It shall prioritize the needs of people with lower incomes and those from vulnerable and marginalized groups, while ensuring balanced development between rural and urban areas according to the extent of deprivation in each area. The state also commits to the following conditions in all urban development policies:
  - All residents have the right to participate collectively and freely in decision making related to preparing urban and development plans, urban management (managing cities and villages), and public service provision, as well as in other related aspects of public administration that directly affect the lives of residents. Individuals and organizations have the right to access information that enables them to participate in decision making and hold governmental bodies accountable.
  - The state shall inhibit real estate speculation through the adoption of urban norms that ensure just distribution of the burdens and benefits generated by the urbanization process, and the adaptation of economic, tributary, financial, and public expenditure policy

instruments to the objectives of equitable and sustainable urban and rural development.

- Urban policies shall prioritize the social interest and collective rights to culture and heritage over private property rights or the interests of speculators.

- The state shall prioritize formulation and implementation of public urban policies in the collective social and cultural interest over individual property rights and speculative private interests.

- The state shall prohibit the disposition of any public property or private land that has been seized for public benefit if it obstructs, or is inconsistent with benefitting and serving the public interest in any way.

- The state shall give priority to the original inhabitants of areas undergoing physical development or rehabilitation to remain in their neighborhoods, guaranteeing their right to adequate housing with all its elements. If, in the absence of any other alternative, it is necessary to relocate these residents to guarantee their safety or well-being, the relocation should be voluntary and transparent, based on free, prior, and informed consent and with equal or improved living conditions upon resettlement.

- The state shall apply financial returns resulting from public investment or urban redevelopment for the renovation of the same areas in a way that will benefit their original residents, with all excess returns allocated to funding social programs that guarantee the human right to adequate housing and provide a dignified living conditions to the population groups living in substandard and unsafe conditions.

## **The Human Right to Adequate Housing**

- The state guarantees the human right to adequate housing for all, which includes legal security of tenure; availability of, and access to essential public and environmental goods, services and basic infrastructure, affordability, habitability, and physical accessibility, including to disadvantaged and marginalized groups and persons

with special needs. Adequate housing also must be in an adequate location that allows access to adequate transportation links and places of employment, and is free of environmental hazards. Adequate housing shall be culturally appropriate and respect the inhabitants' cultural diversity. Adequate housing also involve the state's respect, protection and fulfillment of the indispensable human rights of meaningful participation, freedom of expression, association and peaceful assembly, information, privacy and security of person. All residents in Egypt shall enjoy this right regardless of their social or economic status. This commitment extends to all new and already-established residential areas.

### **Social Production of Habitat**

- The state shall provide an adequate institutional environment and sufficient resources to support the social production of habitat, which encompasses nonmarket processes carried out under inhabitants' initiative, management, and control that generate and/or improve adequate living spaces, housing and other elements of physical and social development, without undue impediments posed by the state or other formal structure or authority. The state shall support the social production of habitat by ensuring access to legal, financial, technical, and administrative tools, as well as making land, technical assistance, urban planning and basic building materials at affordable prices for low-income individuals. The state shall recognize and support such nonmarket, self-help, and cooperative initiatives applying principles of solidarity and social justice, whether by individual residents, families, or organized communal efforts. The state shall combat abusive and exploitative landlord-tenant relationships as part of a framework to guarantee the right to adequate housing for marginalized and vulnerable groups.

### **The Right to Security of Housing Tenure and Private and Cooperative Property**

- The state guarantees the security of housing tenure to all residents without discrimination, and recognizing the continuum of tenure arrangements, ranging from customary and collective forms of tenure to individual ownership and in association with others. The law shall regulate the mechanism for adjudicating adverse possession of state

land. The state shall protect the historical rights of indigenous people to manage land and natural resources in their communities, and preserve their identity and cultural heritage. The state and its institutions are prohibited from seizing private property, except for the public interest, which has to be authorized by a final court verdict, and after fulfilling the following conditions:

- Obtaining prior, free, and informed consent of inhabitants before the seizure of property, and fully disclosing the purpose of the seizure of property and its impact on the area's development.
  - Conducting an effective assessment of the environmental, social, and material impacts of the proposed use of eminent domain. The findings of this assessment should be announced and explained publicly.
  - In the case of eminent domain, the state shall offer residents adequate, fair and timely reparation, including restitution of properties and conditions preceding the action; consensual return, when physically possible; just compensation for losses and damages not subject to restitution; resettlement; rehabilitation; satisfaction and guarantees of non-repetition.
- The state shall prohibit and criminalize forced evictions and the demolition of houses without a final court order that applies, *ad minimum*, the norms and conditions consistent with the human right to adequate housing and internationally recognized safeguards that apply in cases of lawful eviction. The state shall not draft laws that allow forced evictions or displacement, except in the case of a disaster and subsequent eminent damages for the protection of affected residents human rights and well-being. In case of disaster, evictions or displacement shall be enforced only by a temporary administrative decree after conducting a census that surveys residents and types of tenure with the purpose of upholding corresponding rights and entitlements. In such cases, the state shall abide by the following conditions:
    - Prior true deliberation with the affected party or parties; officially notifying them in advance of the eviction date, as well as providing them with an adequate alternative, including alternative housing.

- Eviction shall be prohibited during the night, during inclement weather, during or immediately preceding school examinations, against households with pregnant women, infants, or the infirm. In the case of disaster-related evacuations, the state shall ensure sufficient conditions and remedial measures that respect, protect, and fulfill such affected persons human rights.
- Government employees or their representatives must be present and accountable during the process, which includes stages before, during, and after the eviction or evacuation.
- Legal support and mechanisms of redress should be provided for the affected parties before, during and after an eviction or evacuation.

## **The Right to Public Space**

- The state shall make public space accessible to all individuals without discrimination. Persons have the right to participate in the peaceful use and enjoyment of public spaces as a sphere for discussion and deliberation, peaceful assembly, freedom of expression, cultural activity and as a means to develop social cohesiveness, and to promote and exercise diverse and harmonious social, cultural, economic, and political relations.
- The right to disseminate information in public spaces about one's own cultural manifestations and political opinions shall be exercised without any constraint other than those provided for by this constitution and compatible legislation. Persons have the right to organize public meetings, processions and peaceful, non-inciting, and unarmed demonstrations upon notifying the responsible authorities and local residents according to the law.
- The state commits to respecting, protecting, and fulfilling the right of individuals to use and benefit from public space, and shall accommodate individuals and groups with disabilities and special needs.
- The state shall maintain public space to serve the common public interest. The public interest takes precedence over private ends.

## **The Right to Access Public Services**

- The state shall provide public services, maintenance and utilities, including clean drinking water, sanitation, energy, waste management, communication, transportation and other public utilities to all residents without discrimination. The state also guarantees the efficiency, reliability, quality, and continuity of these services and utilities. It shall also guarantee the accessibility and adequacy of these services and utilities to all residents.
- The state shall ensure the equitable distribution of resources, services, and public utilities among the residents of various neighborhoods without discrimination, while considering residential population densities and prioritizing the needs of the most-vulnerable groups who lack basic services, according to standards regulated by law.
- The state shall ensure that the fees and prices of services and utilities be fair and affordable to all, even in the exceptional case of the privatization of these services and utilities. The state shall adopt regulations to ensure community monitoring of the quality and pricing of services provided by public and private bodies, and strengthen residents' capacity and agency to plan and monitor mechanisms of service provision.
- The state shall encourage the participation of residents – whether as individuals or through cooperatives and collaborative organized efforts – in managing services and public utilities, according to a legal framework committed to internationally recognized rights and minimum standards. These services shall remain public goods under the rule of law. The management of these services, guided by democratic principles of solidarity and social justice, shall ensure quality, transparency, accountability and social responsibility.

## **The Right to Access Public Information**

- The state shall guarantee citizens' right to free and unfettered access to information, reports, statistics, and documents in a transparent, complete, adequate, timely affordable and reliable manner. This right

may be denied if it jeopardizes the sanctity of personal privacy or national security. The law regulates the procedures for accessing, filing, and preserving public documents. In cases where access to information is denied, the law shall regulate an appeals process that facilitates the disclosure of public information.

## **The Right to Cultural Heritage**

- The ancient and contemporary heritage of all Egyptian peoples and cultures; including its tangible aspects (such as archeological sites, monuments, artifacts, and historic and traditional buildings and areas), intangible aspects (such as linguistic, literary, cultural, scientific, artistic and artisanal heritage), and natural heritage (such as natural areas, landscapes and protectorates); are all guaranteed rights to all Egyptians and their future generations.
- The state shall protect all elements and forms of heritage regardless of their legal status or their tenure status. The state shall adopt necessary measures to document this heritage and continuously restore it and maintain it according to established scientific standards, binding treaties, and other international commitments. The state shall redress any encroachments or offenses to national heritage, and work toward recovering any seized or damaged property designated by law and/or international acknowledgment as national heritage.
- The state shall promote the norms of preserving cultural heritage within society. It shall formulate and implement plans to preserve this heritage, manage it efficiently and provide resources to these ends. This heritage shall be accessible to all people without discrimination, in order to promote the common good of society today and for future generations, and to preserve the diversity of Egyptian identity. The law shall provide measures to regulate private ownership of heritage properties and shall impose appropriate penalties for corresponding offenses. The law also shall stipulate the mechanism and methodology for compensating owners of heritage properties, or other individuals who are adversely affected by state efforts to protect these properties.

## **The Right to a Sustainable Environment**

- Every person has the right to a balanced and healthy environment. The state shall preserve the environment from pollution, protect ecological systems, preserve and promote biological diversity, and responsibly manage natural resources, prohibiting any transgression or abuse of nature reserves and protected areas.
- The state shall adopt comprehensive, sustainable, and participatory policies for urban development and land use. These policies should regulate urban growth and protect, preserve, increase, and extend green areas in urban spaces, including the promotion of urban agriculture.
- The state shall promote and implement the norms of environmental protection and sustainability, take necessary measures to devise environmental protection and management policies, programs, projects and plans, and avail resources required for their effective implementation. The state also shall take necessary measures to rationalize the consumption of water and energy, promote renewable energy and explore other energy sources. It also will take necessary measures to manage and recycle waste so as to limit environmental degradation and ensure the rights of future generations to a safe and clean environment.

## **The Right to Public Transportation**

- The state shall guarantee the right to mobility and transportation for all residents within and outside urban areas, without discrimination, through a safe, accessible, affordable and integrated system of public transportation that serves social, economic and environmental needs. The state also shall take necessary measures to promote environmentally friendly transportation and appropriate areas for the use of pedestrians and cyclists.

### **Endorses:**

- Habitat International Coalition -Housing and Land Rights Center Network
- Takween Integrated Community Development
- Tadamun - Urban Solidarity in Cairo
- Egyptian Initiative for Personal Rights
- Shadow Ministry of Housing blog
- Egyptian Center for Civil and Legislative Reform

- Egyptian Center for Economic and Social Rights
- Al-Shehab Institution for Promotion and Comprehensive Development.

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