







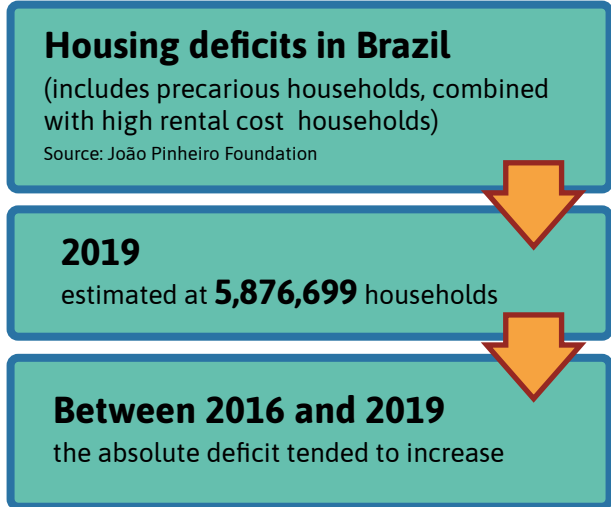
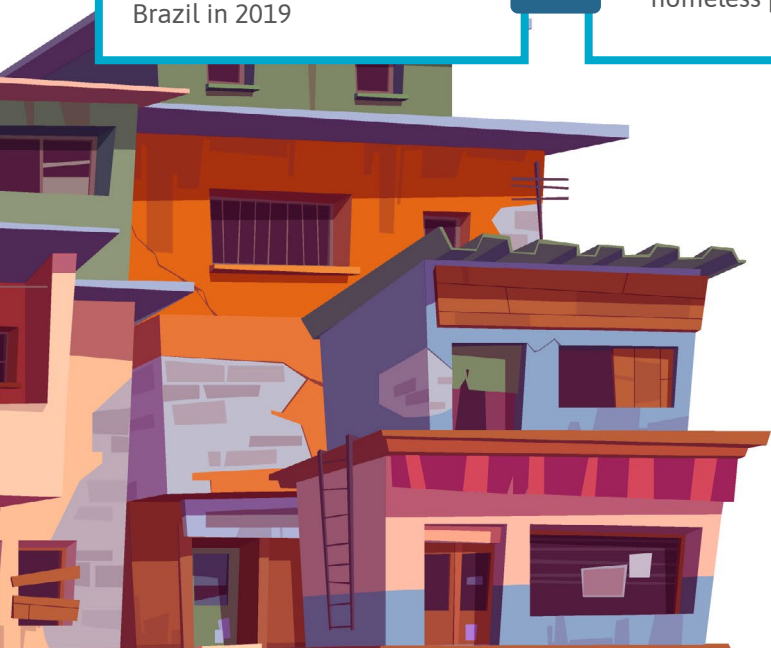
RIGHT TO HOUSING

PARLIAMENTARY OBSERVATORY OF THE UNIVERSAL PERIODIC REVIEW*

RECOMMENDATIONS TO BRAZIL

RECOMMENDATION	ASSESSMENT
 <p>136. Strengthen public policies to reduce homelessness and create conditions for middle and low-income families to access affordable housing (Angola)</p>	
 <p>137. Continue efforts to ensure adequate housing for all (Bangladesh)</p>	
 <p>138. Take further measures to improve the promotion and protection of children's rights, aiming to completely eradicate homelessness among children (Croatia)</p>	

Caption: ✘ (Not fulfilled)



* The Observatory is a government mechanism to monitor the effectiveness of the recommendations made to Brazil in order to improve our human rights situation. It is a partnership between the House of Representatives and the United Nations in Brazil (UN Brazil)

¹ Habitat for Humanity Brasil. Relatório anual 2019.

AMOUNT OF PRECARIOUS HOUSEHOLDS

2016

1.296.754

2019

1.482.585



More than 24 million households

in Brazil had at least one type of inadequacy (related to infrastructure, building or a land issue) **between 2016 e 2019**



In 2019, 45.2 million people²

lived in households with at least one of these inadequacies: no exclusive bathroom, walls built with non-durable material, locations that were too densely populated and absence of a document proving ownership.

13.5 million
are white

31.3 million
of whom, are of
African descent

The excessive burden of rent reached **4.7%** of the population in 2019.

About 62% of heads of these households were **women**.

In the **cohabitation** component, they were responsible for **56%** of households.

Source: João Pinheiro Foundation (2017).

EXCESSIVE BURDEN WITH URBAN RENT* (MILLIONS OF HOUSEHOLDS)

2016

2,814

2019

3,035

* situation in which the cost of rent is equal to or higher than 30% of the household income.

² IBGE - Brazilian Institute of Geography and Statistics. Summary of social indicators: analysis of the population's living conditions.

86% OF THE BRAZILIAN POPULATION LIVED IN URBAN AREAS IN 2019

Within cities, poor families are highly concentrated in informal settlements, scattered beyond the city's borders, often in environmentally vulnerable areas such as swamps and slopes.

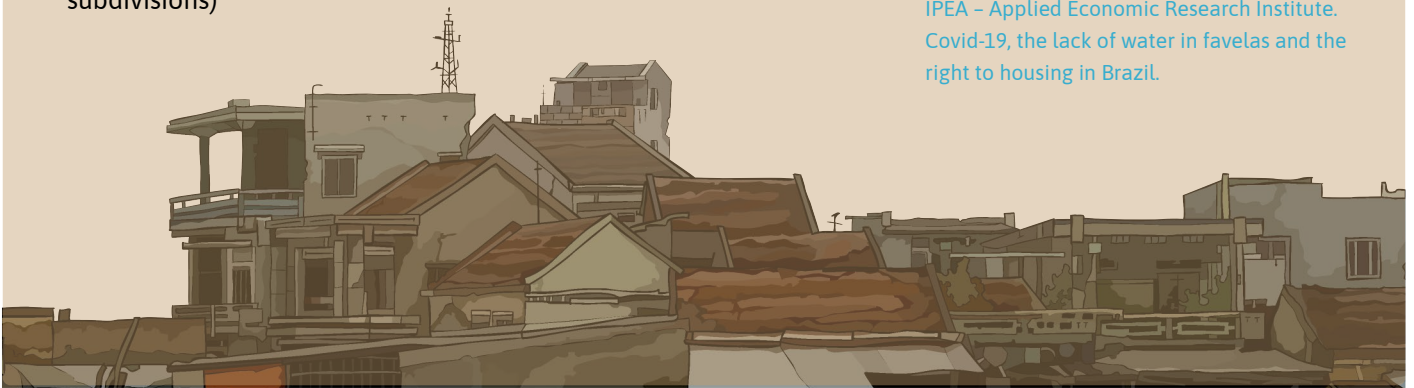
IT IS ESTIMATED THAT IN 2020:

About 5 million households (7.8% of the national total), are located in areas of subnormal agglomerations (favelas, stilts, irregular and similar subdivisions)

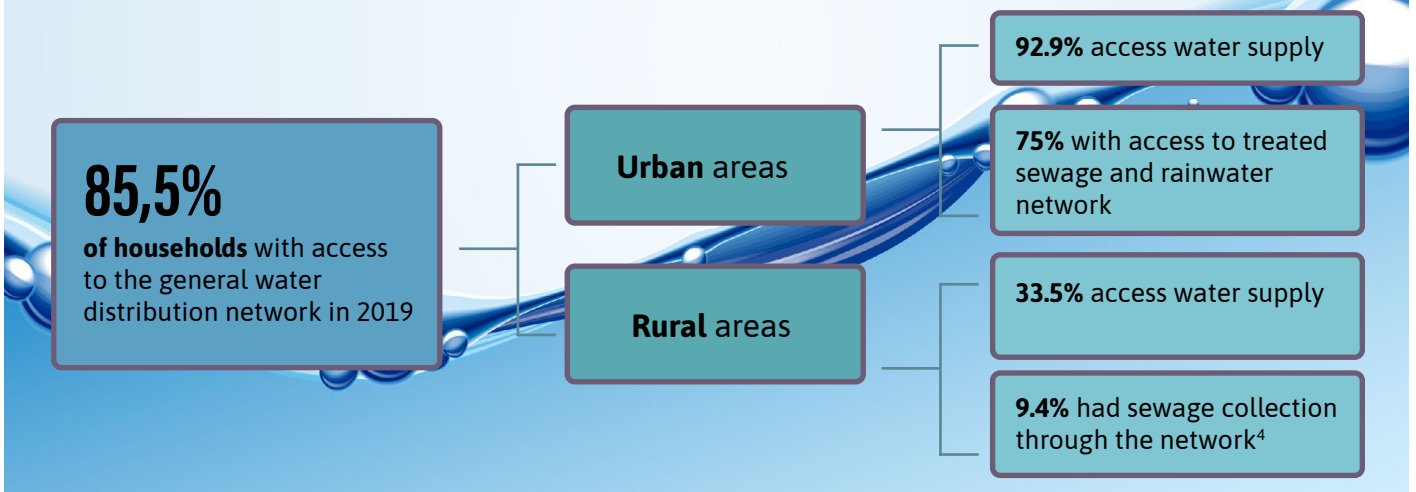
80% of the country's precarious settlements are in the metropolitan regions of the capitals.

36% of households in subnormal clusters are concentrated in the metropolitan regions of the Southeast.

IPEA – Applied Economic Research Institute. Covid-19, the lack of water in favelas and the right to housing in Brazil.



ACCESS TO WATER NETWORK AND SEWAGE COLLECTION³



HOMELESS POPULATION (IPEA)

An increase of 140% from 2012

From the 221,869 of homeless Brazilians, in 2020

81.5% were in municipalities with more than 100 thousand inhabitants

³ IBGE – Brazilian Institute of Geography and Statistics. Continuous National Household Sample Survey (Continuous PNAD).

⁴ IBGE – Brazilian Institute of Geography and Statistics. Get to know Brazil – Population.

BRAZIL'S STATE ACTIONS

The Federal Constitution of 1988 establishes that housing is a social right, and it is the duty of the State "to promote house construction programmes and improve housing conditions as well as basic sanitation".

Decree No. 9.076/2017 indefinitely suspended the National Conference of Cities and suspended the mandate of civil society advisors in the Council of Cities


Decree No. 9,759/2019 definitively abolished the Council of Cities, eliminating this important civic space for civil society's participation in government decisions related to the subject.⁵

Law No. 13.465/2017 provides for rural and urban land regularization in Brazil, on the settlement of credits granted to the settlers of agrarian reform and on land legalization within the Legal Amazon. It also establishes mechanisms to improve the efficiency of the Federal Government's real estate disposal procedures.

Direct Unconstitutionality Actions No. 5771/2017, 5787/2017 and 5883/2018 question provisions and request that Law No. 13.465/2017 be considered unconstitutional.

Provisional Measure 870/2019, converted into Law No. 13,844/2019, extinguished the Ministry of Cities and transferred its functions to the Ministry of Regional Development.

The measure, according to the Civil Society Working Group for the 2030 Agenda, presented a setback to the trajectory of city development, reducing the relevance of the topic in the country's political-institutional agenda



Resolution No. 10/2018, from the National Human Rights Council, provides for solutions guaranteeing human rights and preventive measures in situations of collective rural and urban land conflicts.




Social housing program Minha Casa Minha Vida. (Provisional Measure 459/2009, transformed into Law No. 11.977/2009)

It is the largest housing access initiative ever created in Brazil.

In 2019, track 1 of the program was extinguished, which comprises families with an income of up to R\$1,800.00 per month.


The 2020-2023 Pluriannual Plan proposes the search for private investments for housing, mobility and transport policy (Program 2220)



Casa Verde and Amarela Program (Provisional Measure 996/2020)

Brings together federal government housing initiatives to expand the housing supply and meet the housing needs of the population.

The goal is to serve 1.6 million low-income families with housing credit by 2024



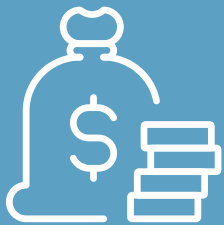
⁵ Institute of Social Economic Studies (Inesc). Disregard for pandemic and human rights evident in the 2021 federal budget.

GENERAL BUDGET OF THE UNION (2021)

The Annual Budget Bill (LOA) was sanctioned through decree No. 156, on April 22, 2021, partially vetoing R\$19.7 billion, definitively canceled from the budget



This was a **cut of over 98%** of the resources allocated to the Residential Lease Fund (FAR), which finances the construction projects in the track 1 of the former Minha Casa Minha Vida Program (now called Casa Verde e Amarela).



In 2021, there was a rise in budgets related to the right to the city, urban planning, housing and sanitation (as a result of parliamentary amendments).⁶

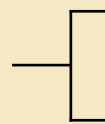


A contribution of R\$3 billion

in resources for urbanism, compared to 2020, being the highest increase.



Extra resources were vetoed for the urban public transportation sub-function.



2020: R\$ **545** million

2021: R\$ **494** million

2020 FINANCIAL IMPLEMENTATION

Only 61.9% of the housing budget function was executed

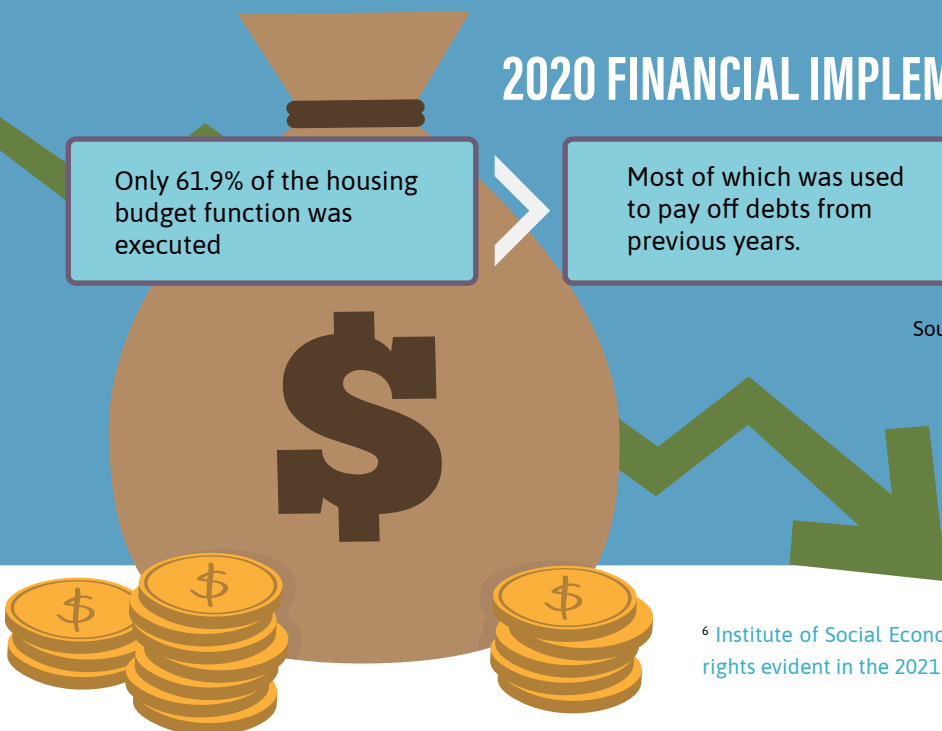


Most of which was used to pay off debts from previous years.



Only R\$2 million used in actions developed during 2020

Source: Luz da Sociedade Civil Report on the 2030 Agenda



⁶ Institute of Social Economic Studies (Inesc). Disregard for pandemic and human rights evident in the 2021 federal budget.



9,156 families were evicted from March 1, 2020 to February 11, 2021 64,546 families are being threatened with eviction during the pandemic.

(Zero Evictions Campaign)



The UN Special Rapporteur on the right to adequate housing asked Brazil, in July 2020, to end all evictions during the COVID-19 crisis, as they are a violation of human rights.



Law No. 14.216/2021

Establishes exceptional measures due to the pandemic to suspend compliance with judicial, extrajudicial or administrative measures that result in vacancy or collective forced removal in private or public property.

RIGHT TO HOUSING AND THE COVID-19 PANDEMIC



Precautionary Measure in the Claim of Noncompliance with Fundamental Precept (ADPF) No. 828/DF, of June 2021, determined a six month suspension of eviction orders or measures to vacate areas that were already inhabited before March 20, 2020.



Recommendation No. 90/2021, of the National Justice Council

Recommends that the Judiciary adopt precautions when resolving conflicts that deal with the collective vacancy of urban and rural properties during the period of the Covid-19 pandemic. The application was also defended by the Federal Public Ministry.

LEARN MORE

Full report – Right to housing

- [Public Hearing on 10/20/2021](#)
- [Report on the hearing](#)
- [Parliamentary Observatory of the Universal Periodic Review](#)