



***Permanent Mission of Brazil to the United Nations Office
and other International Organizations in Geneva***

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The Permanent Mission of Brazil to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the Notes dated 19 September and 29 October 2014, has the honour to send herewith the Brazilian government's response to the questionnaire on the responsibilities of sub-national governments with respect to the right to adequate housing, prepared by 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, Leilani Farha.

The Permanent Mission of Brazil avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, December 24, 2014

To the Office of the High Commissioner for Human Rights
Special Procedures of the Human Rights Council
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

Geneva

A. Distribution of responsibilities related to the right to adequate housing:

1. Please identify the levels of government (national, provincial/state, municipal) primarily responsible for the following: (where primary responsibility is shared please check more than one):

	National/ Federal	Provincial/ state	Municipal	Explanatory Notes*
Housing programme	X	X	X	
Income support (eg: transfer payments to individuals, welfare, social security and/or rent subsidies/supplements)	X	X	X	
Tenancy and security of tenure legislation	X	X	X	
Infrastructure (eg: Water/sanitation, electricity)	X	X	X	
Prohibition of discrimination in housing	X	X	X	

***Explanatory notes:**

- General remarks

Brazil is a three-tiered federation and all federal entities share responsibilities regarding housing policy. Among the national institutions responsible for their coordination in that field, the Ministry of Cities ("*Ministério das Cidades*") and the Council of Cities ("*Conselho das Cidades*") play a substantial role. The Ministry of Cities was created, among other reasons, with the aim of fostering a national urban development policy in line with other federal entities (states and municipalities). It is responsible for promoting, in conjunction with the various levels of government, the private sector and non-governmental organizations, urbanization, housing, basic and environmental sanitation, urban transport, traffic and urban development programs. The Council of Cities is responsible for promoting cooperation between the governments of the Union, states, the Federal District and municipalities and civil society in the formulation and implementation of the national urban development policy (article 3(V) of Decree No. 5,790, of 25 may 2006).

Additionally, within the Secretariat of Institutional Relations of the Presidency of the Republic ("*Secretaria de Relações Institucionais da Presidência da República*"), the Sub-secretariat of Federal Affairs ("*Subchefia de Assuntos Federativos*") has the role of supporting and encouraging the integration of federal entities in the plans and initiatives of the federal government, as well as processes of cooperation between federal entities.

- Housing programmes

The responsibility for the national housing policy is shared between the three levels of government. As regards programs run with federal funds and under the management of the Ministry of Cities, the federal government is responsible for setting the general guidelines and for providing technical subsidies for their implementation. States and municipalities are responsible for implementing the projects and services related to those programs. Sub-national governments may also develop housing policies with different guidelines using their own resources.

- *Income support (eg: transfer payments to individuals, welfare, social security and/or rent subsidies/supplements)*

Just as the housing policy, programs of income support – which may or may not be linked to housing policies – may be proposed and implemented in the three levels of government.

- *Tenancy and security of tenure legislation*

Promoting security of tenure requires a set of activities that are shared among the three levels of government. Federal laws and instruments allow the extension of the security of tenure beyond the title of property, and federal agencies are responsible for implementing these instruments. States and municipalities play an important part in guaranteeing security of tenure through their prosecutors, public defenders and other public agencies, as well as establishing regulatory procedures.

- *Infrastructure (eg: Water/sanitation, electricity)*

National policies regarding infrastructure generally follow the housing policy's distribution of responsibilities. Nevertheless, implementation may vary, given that electricity and sanitation services are often provided by companies that are partially owned by sub-national governments. In slum upgrading and housing construction programs, such as "*Minha Casa Minha Vida*", the housing units can only be accepted if they are equipped with the entire basic infrastructure. In rural areas and in municipalities with less than 50 thousand inhabitants, sanitation is under the responsibility of the National Health Foundation ("*Fundação Nacional de Saúde*"), within the framework of the Ministry of Health.

- *Prohibition of discrimination in housing*

The guidelines of the National Housing Policy are in line with the guidelines of the laws and specific agreements that promote human rights and that prohibit any kind of discrimination. Priority is given to population that lives in risk areas, lower income families, female-headed households, as well as families that have members with disabilities, so as to promote their social inclusion and their access to housing programs.

2. What are the primary bases for the allocation of responsibilities among different levels of government? Please identify the appropriate provision(s) and provide a copy or link if possible:

- Constitutional
- National framework legislation or housing strategy
- Sub-national level legislation or housing strategy

- Inter-governmental agreement
- Other – Please explain

***Explanatory notes:**

- Constitutional

According to article 23(IX) of the Federal Constitution ("*Constituição Federal*"), the federal government, states, the Federal District and municipal governments share the responsibility of promoting housing construction programs, as well as improving housing and sanitation conditions. The shared responsibility implies that they have equal administrative autonomy in this regard.

Additionally, article 6 of the Federal Constitution establishes the right to housing as a fundamental right. Similarly, article 5 includes the right to housing in the list of fundamental rights by guaranteeing, in item XI of the same article, the inviolability of the home. This legal provision is based on the understanding of housing as an existential minimum for human dignity. The right to housing is connected to the right to due process, access to information and to association. Article 182 of the Constitution establishes the principles of the social function of property and social functions of the city as the general guidelines of urban policy. Article 183 guarantees the security of tenure through the concept of urban acquisitive prescription.

Electronic address of the document:

http://www.planalto.gov.br/ccivil_03/constituicao/Constituicao.htm

- National framework legislation or housing strategy

The Statute of the City ("*Estatuto das Cidades*", Law No. 10.257, of July 10, 2001) establishes, in article 3, that the Federal Government is responsible for legislating on general norms of urban law, as well as on norms of cooperation among the Federal Government, states, the Federal District and municipal governments as regards urban policy. According to the same article, the Federal Government shall foster, by its own and with sub-national governments, housing construction programs and the improvement of housing and sanitation conditions. Article 3 also establishes that the Federal Government shall create guidelines for urban development, including housing, sanitation and urban transport. Lastly, it states that the Federal Government shall prepare and implement national and regional plans regarding land use planning and socioeconomic development. The Statute of the City also has several tools that can be applied to land and housing policy in the municipalities, such as the municipal master plan ("*plano diretor*").

Other normative texts of national scope also address the right to housing and the national housing strategy, such as the following:

- o Provisional Measure No. 2,220, of September 4, 2001, which institutes the right to special granting of use of public property for housing purposes;
- o Law No. 11,124, of June 16, 2005, which creates the National Social Housing System;
- o Law No. 11,977, 2009, which created the "*Minha Casa, Minha Vida*" Program and regularized settlements located in urban areas.

Provisional Measure No. 2,220 regulates the institute of acquisitive prescription mentioned in paragraph 1 of article 183 of the Federal Constitution, establishing requirements and procedures for granting of use of public property for housing purposes.

According to law No. 11,124, each state or municipality must establish a fund to receive federal resources for social housing and which shall be managed by a council that must have members of civil society. States and municipalities must also prepare social housing plans using the resources conferred by the Ministry of Cities. Additionally, they may institute laws or regulations for their housing programs and policies.

Law No. 11,977 establishes criteria for the regularization of irregular settlements and encourages the production of new housing units. According to its provisions, families can may have their access to housing units built by the "*Minha Casa, Minha Vida*" program facilitated with the aim of ensuring their right to housing. Their houses may also be regularized through public actions and legal and administrative institutions envisaged by law. One of the instruments created by the Statute of the City in this respect are the Special Zones of Social Interest ("*Zonas Especiais de Interesse Social*"), which are areas allocated by municipal law – particularly by municipal master plans – for social housing and for the regularization of social interest areas occupied by low-income population.

Electronic address of the documents:

http://www.planalto.gov.br/ccivil_03/leis/leis_2001/110257.htm

http://www.planalto.gov.br/ccivil_03/mpv/2220.htm

http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/lei/111977.htm

http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2005/lei/111124.htm

- Sub-national legislation or housing agreement

The state laws creating the State Fund for Housing and the State Housing Fund Management Council are:

- Acre: Law No. 19901/2011;
- Alagoas: Law No. 6938/2008;
- Amapá: Law No. 1589/2011;
- Amazonas: Law No. 15,539/2014;
- Bahia: Law No. 11041/2008;
- Ceará: Law No. 14,103/2008;
- Goiás: Law No. 17,155/2010;
- Maranhão: Law No. 8758/2008;
- Mato Grosso: Law No. 3,480/2007;
- Mato Grosso do Sul: Law No. 3480/2007;
- Minas Gerais: Law No. 19,091/2010;
- Pará: Law No. 7,087/2008;
- Paraíba: Law No. 8,320/2007;
- Paraná: Law No. 17,197/2012; Law No. 14,250/2010;
- Pernambuco: Law No. 14250/2010;
- Piauí: Law No. 5570/2006;
- Rio de Janeiro: Law No. 4962/2006;
- Rio Grande do Norte: Law No. 9,154/2008;
- Rio Grande do Sul: Law No. 13,017/2008;
- Santa Catarina: Law No. 13017/2008;

- Sergipe: Law No. 6,501/2008;
- São Paulo: Law No. 10871/2001 (created before the institution of the National System for Social Housing and currently under review);
- Tocantins: Law No. 1935/2008.

- *Inter-governmental agreement*

Law No. 11,124 establishes an agreement ("*pacto federativo*") based on a voluntary accession of sub-national governments to the National Social Housing System. Even though accession is not compulsory, 97,5% of all sub-national entities have joined the system.

3. What role does the national level government play in relation to housing and related programs? How is compliance with the right to adequate housing structured between the national and sub-national levels? If possible please kindly provide concrete examples of how these roles and compliance mechanisms are operationalized.

The National Housing System's institutional design consists of a focal point for planning, coordination, management and control, represented by the Ministry of Cities – which is the National Housing System manager – and the Council of Cities – which is responsible for monitoring and evaluating the implementation of the system and its instruments. The Council of Cities consists in a negotiation forum in which members of civil society participate in the decision-making process on the policies implemented by the Ministry in the areas of housing, sanitation, transport, urban mobility and territorial planning. The Council of Cities and its Technical Committee on Housing ("*Comitê Técnico de Habitação*") exercise the role of civil society's monitoring agents, in conjunction with the Council of the National Social Housing Fund ("*Conselho Gestor do Fundo Nacional de Habitação de Interesse Social*") of the National Social Housing System. This structure is replicated at the sub-national level, which also elect representatives to the national level.

It should be noted that the Federal government sets national housing policy's guidelines and creates programs that may have different mechanisms of compliance and financing, such as the following:

- Programs implemented with resources from the National Fund for Social Housing ("*Fundo Nacional de Habitação de Interesse Social*" – FNHIS): the Fund is managed by a Council comprised of members of the government as well as civil society (article 9 of law 11.124). Its resources are transferred to sub-national governments for housing construction, technical assistance and slum upgrading measures aimed at low-income families. Each state or municipality must establish a local fund to receive these federal resources. These local funds shall also be managed by local councils comprised of members of the government as well as civil society. According to article 14(XI), the Ministry of Cities is responsible for monitoring the application of resources. The Fund's Council is also responsible for monitoring the application of resources, which is also submitted to the analysis of the National Audit Court ("*Tribunal de Contas da União*"). According to article 19, local councils shall also give broad publicity to criteria of access to programs, annual targets of housing assistance, allocated and applied resource, areas of intervention, number and amount of funding granted, so as members of society may monitor and evaluate measures undertaken in the framework of the National Social Housing System.

- Programs implemented with resources from the federal budget – Growth Acceleration Program ("*Programa de Aceleração do Crescimento*"): established in 2007, the Growth Acceleration Program comprises actions in various sectors, from social issues to infrastructure. It includes slums urbanization activities, which are carried out by means of transfer of funds to sub-national

governments for the implementation of comprehensive interventions (infrastructure, geotechnical and housing programs, as well as assisting families with social work measures) in territories occupied by low-income families in vulnerable situations. The Ministry of Cities, in collaboration with the Ministry of Planning, Budget and Management ("*Ministério do Planejamento, Orçamento e Gestão*"), defines the timing and criteria for selection of proposals. Interested entities should develop projects within the framework of criteria previously defined in regulations. Given the complex nature of these projects, which require different types of investment, they are monitored by the federal government at all stages of implementation, from selection to post-intervention assessment.

- Programs implemented with resources from the Employees' Severance Guarantee Fund ("*Fundo de Garantia do Tempo de Serviço*") and from the Worker's Support Fund ("*Fundo de Amparo ao Trabalhador*"): funds are given, with reduced interest, to sub-national governments or nonprofit organizations for housing construction, slum upgrading and institutional development measures aimed primarily at low-income families.

- "*Minha Casa, Minha Vida*" Program (PMCMV): this program was created in 2009 aiming at the large-scale production of affordable housing, for families with different levels of income, in urban and rural areas. For the lower income group – families with up to US\$1,600 of monthly income –, houses are acquired from private construction companies, and the beneficiaries' obligation to pay are limited to 5% of the family's monthly income each month, for 10 years. Therefore, as regards families with the lowest income, which are the most affected by the housing deficit, the subsidy given is nearly the total value of the house. For families in a higher income group, the subsidy is partial and is inversely proportional to the income level.

- Brazilian Savings and Loans System ("*Sistema Brasileiro de Poupança e Empréstimo*"): It is a system of loans of low interest rates (in comparison to market rates) that has as its source of funds the savings and investments of the banking system. The beneficiaries are the population with income higher than RS 5,400.00. They may use their own severance guarantee as part of the payment of the amount borrowed to acquire or construct a house.

Additionally, the increasing investment of public funds in the promotion of housing, as well as of security of the tenure (such as the right to acquisitive prescription, which puts housing rights above property rights), has the effect of expanding the means of coordination between different levels of governments and their actions and agencies.

4. Where sub-national governments hold key responsibilities in relation to the right to adequate housing, please describe how programs and policies are coordinated nationally and what responsibilities remain with national level institutions.

Municipalities are the only entities responsible for land use planning. Therefore, they are in charge of defining the areas in which housing and related services are to be executed. Municipal governments are also responsible for implementing the urban management tools necessary for enabling an inclusive urban development. The Statute of the City establishes several tools which can be used for fulfilling these purposes, which may be used after being regulated by local authorities in their respective master plans.

State governments may take part in land planning, especially in the case of metropolitan areas, which require coordinated investments and measures, particularly in sanitation and urban mobility. In those cases, measures for building the necessary infrastructure are planned and implemented in coordination with municipalities.

5. Where housing and related programs are administered by sub-national level governments, by whom and how are these programs funded? Are conditions attached to the funding which seek to ensure the resources are spent in a way that protects the right to adequate housing? How is this monitored?

The National Housing System is divided into two systems that operate with different sources of funding and financing conditions: the National Housing Market System ("*Sistema Nacional de Habitação de Mercado*") and the National Social Housing System. On a complementary basis, they establish mechanisms for the provision of housing in all segments of society.

In the National Housing Market System, the main sources of funds are the Brazilian Savings and Loans System and the Employees' Severance Guarantee Fund. Part of the resources of savings accounts is directly applied in financing the construction of housing for the population with some capacity for saving and borrowing. The Employees' Severance Guarantee Fund is used by employees for financing their houses.

The National Social Housing System focuses on the population with lower income, which needs subsidy or credit to acquire a house. The System is a model of decentralized, democratic and participatory management which seeks to harmonize and integrate the federal, state, Federal District and municipal housing policies, as well as other policies of urban development, such as environmental and social inclusion policies. Its main sources of funding are the National Fund for Social Housing, which is integrated by federal funds and other sources, and resources of the Residential Lease Fund ("*Fundo de Arrendamento Residencial*"), the Social Development Fund ("*Fundo de Desenvolvimento Social*"), the Worker's Support Fund and part of the returns of the Employees' Severance Guarantee Fund's investments. In this system, budget transfers may be restricted in case of breach of its fundamental operating principles, such as social control through councils of social housing and the requirement of establishing housing plans.

Moreover, it should be emphasized that the "decent housing" concept, understood as the access to housing, to security of tenure, to habitability, to accessibility, to location associated with the offer of goods and public and private services, can be found in all Ministry of Cities' standards for housing programs. This concept has been divulged by the National Council of Cities and it tends to be increasingly adopted in sub-national policies. Additionally, the Ministry of Cities' National Department of Housing has sought to make a qualitative monitoring of the social effectiveness of its programs through inter-institutional cooperation.

B. Accountability of Sub-National Governments

1. Are sub-national governments legally accountable to the right to adequate housing on the basis of any of the following?

- **International human rights law: No**

Treaties must be internalized into Brazilian legal order to be effective internally. As regards human rights treaties, after their internalization, they may have either the status of constitutional law or supra-legal character – in the last case, the status indicates a rank below the Federal Constitution.

Programs of the federal government, such as the ones involving housing construction and urbanization of slums, usually incorporate the guidelines established by international agreements. This may also be the case of sub-national governments.

Case in point, the Brazilian Program of Quality and Productivity in Housing ("*Programa Brasileiro de Qualidade e Produtividade na Habitação*") resulted from the commitments made by Brazil at the II United Nations Conference on Housing and Human Settlements (Habitat II). The program aims at the qualitative improvement of the right to housing, as well as its sustainability, establishing patterns and qualitative criteria for private companies in the social housing industry.

- **Constitution/National Bill of Rights: Yes**

As stated in the answer to question A(2), the Brazilian Federal Constitution of 1988 lists the right to housing among other social rights, such as the right to education, health, food, work, leisure, safety and social security. Its violation has to be treated within the framework of the public organs responsible for promoting those rights. Gradually, mainly in case of the federal government, they have acquired a greater capacity of understanding and controlling these occurrences, as well as responding accordingly.

- **National or sub-national legislation: Yes**

As far as infra-constitutional legislation is concerned, the Statute of the Cities has a wide set of instruments that may be applied in municipal land and housing policies. All instruments and sub-national regulations must abide to its guidelines.

- **State level or municipal level Bills of Rights/Charters: Yes**

It is important to highlight that state constitutions usually detail administrative aspects and the organization of the state. Therefore, fundamental and human rights issues are less explicit. Municipal organic laws and master plans ("*leis orgânicas dos municípios e planos diretores*") may have dispositives regarding the right to adequate housing.

- **Inter-governmental agreements : Yes**

In Brazil, there is a tendency of creating national systems that function on federal and inter-governmental levels, such as the Unified Health System ("*Sistema Único de Saúde*"), the National System of Social Housing – has the concept of "decent housing" among its fundamental principles, the National System of Social Participation ("*Sistema Nacional de Participação Social*" - Decree No. 8243/2014).

- **Conditional financing (eg: budget transfers from national level to sub-national)**

All rules regarding urban infrastructure and housing programs managed by the Ministry of Cities, Urban must abide to the right to housing. Therefore, the principle that all families must have a decent home at the end of each project promoted by the Ministry of Cities is the basic condition for funding.

2. With respect to the above and where applicable, please identify:

- i. the relevant provision.**

Please see above under A(1) and B(1).

ii. the sub-national levels of government to which the legal provision applies

Please see above under A(1) and B(1). Furthermore, it should be emphasized that all states and municipalities must have regulations that incorporate norms of the Statute of the City that aim at a democratic urban management and at the promotion of social housing, such as the formulation of master plans. Nevertheless, it is still an ongoing process in smaller municipalities.

iii. the means of enforcement (eg: courts, tribunals, national human rights institution, including ombudsmen, administrative mechanisms, etc.) and examples of how these means have been applied.

According to article 5(XXXV) of the Federal Constitution, all violations or threats of violation to rights may be submitted to the judicial system. Additionally, according to article 5(XXXIV), all individuals have the right to petition public authorities to defend their rights.

The Secretariat for Human Rights of the Presidency of the Republic ("*Secretaria de Direitos Humanos da Presidência da República*"), created in 1997, is responsible for the promotion and protection of human rights, including the right to adequate housing. It is also responsible for proposing guidelines that guarantee a coordinated action in this field among the three levels of government, as well as civil society and international organizations. The National Human Rights Council ("*Conselho Nacional de Direitos Humanos*"), was established within its framework by Law No. 12,986, of 2 June 2014, succeeding the former Council for the Defense of the Rights of the Human Person ("*Conselho de Defesa dos Direitos da Pessoa Humana*"). It has the purpose of promotion and protection of human rights through preventive, protective, reparative measures, as well as sanctioning of violations or threat of violations of human rights. According to article 4(VI) of Law No. 12,986, it is in charge of coordinating with Federal, state, Federal District and municipal agencies responsible for the protection and defense of human rights.

It should be noted that, on 14th July 2014, the Inter-Sectoral Commission of Urban Land Conflict Mediation ("*Comissão Intersetorial de Mediação de Conflitos Fundiários Urbanos*") was established in order to give peaceful solutions to conflicts involving urban low-income families, vulnerable social groups, or the city's democratic management. The Commission was created in order to guarantee the right to decent and adequate housing, access to urbanized and regularized land and the promotion of human rights. It comprises representatives of the Ministry of Cities, Ministry of Justice ("*Ministério da Justiça*"), the General Secretariat of the Presidency of the Republic ("*Secretaria Geral da Presidência da República*") and the Secretariat for Human Rights. Experts from public or private entities engaged in relevant activities may also participate upon invitation.

The Commission is responsible for acting in conjunction with other organs of the federal administration for the prevention of urban land conflicts, as well as for maintaining dialogue with communities and social housing movements in urban land conflict negotiations. The Commission also has the function of responding the judiciary and prosecutors on matters relating to urban land conflicts involving competences of the federal government. Moreover, it has the role of encouraging dialogue and negotiation between the Union, states, municipalities, the Federal District and civil society in order to achieve peaceful solutions in urban land conflicts. The Commission is responsible for suggesting measures to accelerate administrative and judicial proceedings related to urban land regularization and acquisition of housing for low-income families, as well as to guarantee that the

human rights of those involved in land conflicts are respected in the enforcement of judicial decisions.

Additionally, in 2012, a Working Group on the right to adequate housing was created within the former Council for the Defense of the Rights of the Human Person by Council Resolution no. 6, of 23 August 2012. The Working Group was subdivided in two others: "Mega-events and mega projects of large urban and social impact" and "emergency situations and natural disasters". They had the methodological proposal of visiting communities affected by big projects or natural disaster, so as to gather information on the national scenario regarding these issues and make recommendations to institutions and governments in their various spheres.

The Working Group on Human Right to Proper Housing was established with the following objectives:

- I - conduct a broad national dialogue on the human right to adequate housing;
- II - monitor and receive complaints of violations of human rights to adequate housing;
- III - develop and propose guidelines for the effective guarantee of the right to adequate housing; and
- IV - collect data and relevant information on the human right to adequate housing, as well as inform the competent authorities.

The Working Group was coordinated by a member of the National Council on Human Rights and had the following composition: representatives of the General Secretariat of the Presidency; the National Ombudsman of the Office for Human Rights of the Presidency of the Republic ("*Ouvidoria Nacional da Secretaria de Direitos Humanos da Presidência da República*"); the Secretariat of Institutional Relations of the Presidency of the Republic ("*Secretaria de Relações Institucionais da Presidência da República*"); Federal prosecutors; *Caixa Econômica Federal*; the Ministry of Cities; the Ministry of Sport ("*Ministério do Esporte*"); Ministry of Transport ("*Ministério dos Transportes*"); the Ministry of National Integration ("*Ministério da Integração Nacional*"); the Ministry of Tourism ("*Ministério do Turismo*"); the Ministry of Environment ("*Ministério do Meio Ambiente*"); Ministry of Health ("*Ministério da Saúde*"); National Confederation of Residents' Associations ("*Confederação Nacional das Associações de Moradores*"); National Union for Social Housing ("*União Nacional por Moradia Popular*"); Center of Social Movements ("*Central de Movimentos Populares*"); National Movement of Street Population ("*Movimento Nacional da População de Rua*"); National Human Rights Institutions Forum ("*Fórum de Entidades Nacionais de Direitos Humanos*"); and the National Urban Reform Forum ("*Fórum Nacional de Reforma Urbana*").

According to article 3 of Resolution No. 6, the Working Group had the responsibility of submitting interim reports and a final report to the Council's full Board. These reports were intended to provide general and specific recommendations (in each case or group of cases) in order to guarantee the effective implementation of the right to adequate housing. The Group's final report was presented in September 2013 and can be accessed in the following link: <http://www.sdh.gov.br/sobre/participacao-social/cddph/relatorios/relatorio-g.t-moradia-adequada>.

The Secretariat for Human Rights of the Presidency of the Republic also lists in its report "Toward a culture of human rights: the right to adequate housing" ("*Por uma cultura de direitos humanos: direito à moradia adequada*"), among others, the following means of enforcement:

- "*Disque Direitos Humanos*": it consists of a service of the Secretariat of Human Rights Ombudsman that may be used by the population throughout the country by dialing the

number 100. In so doing, a person may obtain information on which entities to contact and how to proceed in case of human rights violations. In addition to receiving complaints, *Disque Direitos Humanos* also informs people about their rights and public actions aimed at improving their implementation.

- In cases where a country's domestic resources for the protection of human rights are exhausted, but were not able to provide relief or redress for victims of violations of the human rights, one can also make use of international mechanisms of protection guaranteed by international treaties to which Brazil is a signatory.

3. Are sub-national governments involved in State reporting to international human rights monitoring mechanisms and in implementing recommendations? (eg, UN treaty monitoring body, Universal Periodic Review).

No. In general, the implementation of commitments made before international organizations of human rights, including the right to adequate housing, have been coordinated by the federal government. Many states and municipal governments already have a local council on human rights.

As regards the right to adequate housing, the commitments made in the world conferences on the environment and conferences on human settlements (Habitat I – Vancouver; and Habitat II - Istanbul) are particularly noteworthy, as are the diplomatic articulations with relevant international organizations, such as the United Nations Program on Human Settlements (UN-Habitat).

If so, how? Please kindly provide an example.

4. Apart from the legal and international accountability described above, what political or institutional accountability mechanisms are in place in your country through which sub-national governments are held accountable to standards or requirements linked to the implementation of the right to adequate housing (eg, Government review procedures, ombudsman/national human rights institutions, local human rights councils). Please provide any useful examples of how these have been used and, if possible, assess the outcome.

In addition to the mechanisms mentioned in answer B(2)(iii), there are instruments in programs performed with federal funding that prevent or restrict the release of resources in case of non-compliance with legal or regulatory requirements and of guaranteeing the quality and suitability of housing production.

It should also be noted that the National Human Rights Program ("*Programa Nacional de Direitos Humanos*"), coordinated by the Secretariat for Human Rights of the Presidency of the Republic, establishes guidelines and objectives in all levels of government regarding the implementation of human rights, including the right to adequate housing. Its current version may be accessed in the following link: <http://www.sdh.gov.br/assuntos/direito-para-todos/programas/pdfs/programa-nacional-de-direitos-humanos-pndh-3>

5. Please kindly identify what in your view may be the three most significant challenges in your country to effective accountability of sub-national governments to the right to adequate housing as guaranteed under international human rights law and identify key strategies or ideas for addressing these challenges.

- Establish intersectoral coordination mechanisms that enable common understanding and a common action with the aim of meeting the recommendations of treaties, international conventions and agreements of which Brazil is a signatory.
- Support sub-national governments with technical, financial and training resources for full and effective implementation of those recommendations.
- Strengthen promotion of national and international recommendations, as well as develop social campaigns aimed at raising awareness about environmental, housing and urban problems and the importance of social participation in solving these issues.