



**3<sup>rd</sup> International Conference  
on Public Policy (ICPP3)  
June 28-30, 2017 – Singapore**

**Panel T9 P12 Session**

**CHALLENGES FOR MULTILEVEL GOVERNANCE: CIVIL SOCIETY AND  
INSTITUTIONAL CONDITIONS FOR EFFECTIVE INCLUSION IN LATIN AMERICA  
AND EUROPE**

**Title of the paper**

**INNOVATIVE URBAN AND HOUSING PUBLIC POLICIES IN RIO DE JANEIRO  
FOR THE SOCCER WORLD CUP AND THE OLYMPIC GAMES - A REFLECTION  
ABOUT ITS SETTINGS AND DISADVANTAGES**

**Author(s)**

Prof. Dr. ROGÉRIO LUIZ NERY DA SILVA,  
UNOESC – EMERJ (BRAZIL)  
e-mail: dr.rogerionery@gmail.com

**Date of presentation**

29/06/2017

# **INNOVATIVE URBAN AND HOUSING PUBLIC POLICIES IN RIO DE JANEIRO FOR THE SOCCER WORLD CUP AND THE OLYMPIC GAMES - A REFLECTION ABOUT ITS SETTINGS AND DISADVANTAGES**

**Rogério Luiz Nery da Silva<sup>1</sup>**

## **ABSTRACT:**

This essay's theme is housing public policies for low income persons in Brazil and its coherence with the Great Games, in the last ten years in Brazil. It considers housing/living conditions in large cities in Latin America, focusing Rio de Janeiro. It analyses living in the urban centers' periphery area, regarding the innovations in urban structure in Rio, since benefits till favelas removal for the games. The proportionality between costs of policies, goals achieved and bad results by corruption. It adopts, non-exclusively, the analytical inductive method, with research to specialized literature, official statistical and formal news as research sources.

## **KEYWORDS:**

Public policies; housing; innovation; social inclusion; social rights; proportionality, corruption.

## **1. INTRODUCTION**

This work<sup>2</sup> here presented aims to address social rights, as a necessary consequence of the right to development, in the context of Latin America, the Caribbean and Brazil, with a special eye to the right to housing, based on its broader conceptual framework, the right to housing. The theme, although recurrent throughout the world, demonstrates a variety of approaches, with very advanced legal systems in this area and others where the theme is not yet sufficiently aroused.

There are some points related to Brazilian reality in terms of housing, most specifically the housing phenomenon in the poorest areas, considering in particular the urban periphery areas, in order to base the criticism on the corresponding inadequacies and to

---

<sup>1</sup> Rogério Luiz Nery da Silva is a Brazilian and International public policy researcher, who has Doctorate in Public Law with some Post-Doctorate Researches in the US and Europe: Post-Doctorate research at Université de Paris X (France 2015/2016), in Human Rights and Political Science; Post-Doctorate research at New York Fordham University School of Law (United States 2011), in North American Constitutional Law System; Post-Doctorate at Universidad Castilla-La Mancha (Toledo-Spain – 2012), in Constitutional Process and Constitutional Jurisdiction. He works at The Master Degree Program (LLM) at UNOESC (University of West Sant Catarina - Brasil), as the head of Public Policy and Social Policies Area and works, as well, for the Magistrate's School of Rio de Janeiro State Supreme Court of Justice. He is Guest Professor and visiting scholar in some international universities: Università degli studi di Roma 1 – La Sapienza (Roma – Italy), Università degli studi di Foggia (Puglia - Italy) and Fordham University (New York – US). Works as well as International Public Policy editor in the Law Journal “Espaço Jurídico Journal of Law” (ISSN 2179-7943 – Index Capes Top Qualis A 1 - Brazil); Editorial Council Member at Revista Federalismi (ISSN: 1826-3534 - Roma – Italy). Member of Brazilian National Academy of Economy, Politics and Law Sciences (Permanent Chair number 196). Lawyer and Law Consultant in Rio de Janeiro and Santa Catarina States. E-mail: [dr.rogerionery@gmail.com](mailto:dr.rogerionery@gmail.com)

<sup>2</sup> Considering this research is still in progress, it is completely, open to pertinent considerations. Readers and attendants are requested to send the authors their considerations and criticisms, which will certainly be useful in the process of maturing the debate on the matter. Please write to [dr.rogerionery@gmail.com](mailto:dr.rogerionery@gmail.com) and stay in touch.

address the debate aimed at finding solutions which may be acceptable to solve the Brazilian cases.

Special emphasis is given to housing policies and their effects, as well as to the effects of urban relocation measures aimed at building the structures related to the decade of major events in Brazil (2007-2016), in which the country hosted the Pan-American Games (Rio de Janeiro, 2007); The Military World Games (Rio de Janeiro, in 2011); The World Youth Forum (Rio de Janeiro, 2013); The Confederations Soccer Cup (with six capitals in Brazil: Rio de Janeiro, Belo Horizonte, Salvador, Brasilia, Recife and Fortaleza in 2013); The World Soccer Cup (with twelve capitals in Brazil - the same six in the Confederations Cup and in São Paulo, Porto Alegre, Curitiba, Cuiabá, Belém and Manaus, in 2014).

Also, as a result of the high financial circulation around the games, it has brought some very serious political consequences, making the population able to participate in the administration control and police authorities, as well, to get closer to know exactly how the new forms of corruption phenomenon embedded in the public powers, notably in the Executive and Legislative, but also, to a lesser extent in the Judiciary.

The first conclusions point towards an institutional restructuring, based on ethical principles of governance that distance Brazil from the practices it adopted in the once celebrated “New Republic” (1985- nowadays).

## **2. HOUSING: Latin America, the Caribbean and Brazil**

### **2.1 Latin America, Caribbean and Brazil Context**

In the critical study of fundamental rights, especially these social ones, it is necessary to promote the convergence of certain concepts and the discussion of their theoretical and practical counterpoints. Therefore, thinking about social rights demands, in addition to its legal recognition – as a positive right and enforceable fact situation, its predictions – or better saying – commands that come out from the Constitution. The fulfilment of social rights confirms the guarantee of minimum conditions of dignified life, which complete the social type of human dignity.

Then, a necessary relation between social rights and human dignity can be identified and formally proposed to be stated. A first instrument which can be easily seen in order to attend to dignity is the guarantee to the human beings to exercise their condition as actors of their own life, with the capability to comprehend general life situations and to develop their critical sense, in order to be able, under better conditions, to make their political and personal choices in their lives and relationships.

Considering these premises: a) enforceability of social rights, as necessary conditions for conforming to the guiding principle of human person's dignity, to guarantee life in dignified conditions; b) recognize dignity as the lower acceptable limit to life under conditions of material restrictions; c) the need for knowledge and discernment as basic elements to guarantee individual self-determination, therefore, to validate a real freedom situation, not only formal. With these three starting basic points, it is possible to conclude that exists a strong relationship between social rights, education, housing, and human dignity.

As the fulfilment of fundamental rights, in general, and more specifically, that of the social rights, both demand the application of public resources and still the ones from the society, and, reminding that the general rule of economy – scarcity – should be a matter of study and debate, so the theories prove that there is a notable transversality design between public finances, tax revenues, the adoption of public policies, the limits to discretion to public managers because their, always present, duty of liability. There exist, as well, lower acceptable limits to meet the individual needs of citizens which must be crossed in theoretical contributions such as both the Reserve of the thesis of The Financial Possibilities of the State and the one of The Minimum Existential.

It is proposed, in this context, to extend the traditional concept of the social right to housing, so discussed in Brazil and in other countries, and at the same time out of discussion in others, with a view to a first theoretical reflection on the social right to adequate and dignified housing, especially when facing the human person dignity as a point of support to the formal recognition of fundamental social rights as legal positions in their deep essence and existence.

The establishment of thresholds as minimum conditions for the acceptability of life in society, as a kind of reading towards a concept of dignity, may be presented an exemplary list of rights therein unsuitable; without their material affirmation, life shall not be considered

“under dignity conditions”. Based on this classificatory effort, between needs, possibilities and priorities, one can try to understand what it is to live a “worth living life”.

Brazil, in the last ten years, has undergone several major international events: The 2007 Pan-American Games; The 2011 Olympic Military Games; The 2013 World Youth Journey; The 2014 Soccer World Cup; The 2016 Olympic Games and the 2016 Paralympic Games, all of which demanded an expansion of the physical structures of the cities that hosted them. The XXVIII Youth Journey (2013), for example, gathered around 4 million people from all over the Christian world, in Rio de Janeiro – which had, at that time, other 7 million people. This event has shown many necessary points of improvement to the public services, such as transportation net, roadway structure and, of course lodging and feeding.

The commitment to the realization of these events undoubtedly made a strong pressure, ordering to modernize and adapt the urban spaces to enable the realization of the games, especially considering the human resources that would be received. But, beyond these, there are even more priority services, such as health, education and, above all, housing.

The study shall be concerned precisely on the considerations about of housing – but not in the traditional strict conception of how building or selling houses to poor people, but all other possible points, viscerally related to them, as a wide concept, with the choice of the verb “to dwell”, in addition to the discussion, traditionally restricted to the physical space demarcated by the construction, denominated house or apartment. To live is to live in good, or at least acceptable conditions of autonomy, that means: health, security and peace.

The 1996 International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>3</sup>, on its clause 11<sup>4</sup>, recognizes that everyone has the right to an adequate standard of living for himself and his family, including housing proper. Of course, this would be the most desired point. In the Brazilian reality, to have the house to be in, even not being its owner, having the protection of other legal institutes, not as strong as property, like it seems to occur with “detention”, can still be considered a kind of secure and expected situation.

---

<sup>3</sup> Treaty incorporated by the Brazilian legal system by the Executive Decree No. 591, of July 6, 1992.

<sup>4</sup> **International Covenant on Economic, Social and Cultural Rights of 19 December 1966**: “Article 11 *1. The States Parties to the present Covenant recognize the right of everyone to a standard of living adequate for himself and his family, including food, adequate clothing and housing, as well as a continuous improvement of their living conditions. States Parties shall take appropriate measures to ensure the attainment of this right, recognizing, in this regard, the essential importance of international cooperation based on free consent.*”

If – originally – the understanding of housing was to provide protection and physical security for the family. Nowadays, actually, this concept has evolved to embrace human identity and its privacy as well, becoming far more complex, starting to compose the very deep project of people's lives, as well as, the adequate housing capability will address the right way to develop their expectations of happy life.

Canuto<sup>5</sup> warns that, in order to make effective the right to housing, one must have possibilities of housing in places built, organized and operated with special environmental quality, in a suitable place and with some potential investments on security. To her, the more one respects the cultural diversity and the housing patterns of the communities, the more appropriate it shall be.

In this context, the ideal of housing shall occupy an important place in the list of fundamental social rights, as an indispensable point to the enjoyment of a dignified life. The house as a dwelling surpasses the mere notion of serving as shelter or dwelling, only. It is inside home that the true safeguard of the rights to privacy and intimacy are to be found, and from them, it is expected to be kept as best memories of life.

Those magic moments, most specially, from childhood and youth age are going to appear come out right between the eyes every time they remember the old things and passages, like their cool day living with the parents; the sweet moments, playing with their brothers and sisters; the salt reminds from that chair of "being punished". From the sofa to watch cartoons, to that desk to do the homework; from the yard to get dirty with dirt or dust to the ground to run after the dogs or chickens, in the lasting afternoon hours.

In the internal Brazilian legal system, the main normative highlight on the subject is the Federal Constitution of 1988, which, in several devices, dealt with the protection of the social fundamental right to housing. Of these, Article 6<sup>6</sup> presents housing as a social right and Article 23, IX<sup>7</sup>, which deals with the common competence of the Union, the States, the

---

<sup>5</sup> CANUTO, Elza Maria Alves. **O direito à moradia urbana como um dos pressupostos para a efetivação da dignidade da pessoa humana.** (*The right to urban housing as one of the presuppositions for the realization of the dignity of the human person*). Doctorate Thesis - Universidade Federal de Uberlândia. Uberlândia-MG, 2008, p. 167. Available on: <<http://repositorio.ufu.br/bitstream/123456789/1155/1/DireitoMoradiaUrbana.pdf>> Acesso em: 16 out. 2016.

<sup>6</sup> **Constitution of the Federative Republic of Brazil of 1988** – “Art. 6°. *Social rights are education, health, food, work, housing, leisure, security, social security, maternity and child protection, assistance to the homeless, in the form of this Constitution.*”

<sup>7</sup> **Constitution of the Federative Republic of Brazil of 1988** – “Art. 23. *It is the common competence of the Union, the States, the Federal District and the Municipalities: IX - to promote housing construction programs and the improvement of housing and basic sanitation.*”

Federal District and the municipalities, which still provides for the creation of programs for the construction of housing and Improvement of housing conditions and basic sanitation.

For Sarlet<sup>8</sup>, housing is at the same time complex with a double regard to individual and social fundamental rights, since it covers a set of objective and subjective legal positions, of one defensive and other utilitarian nature. Considered a “right to defense”, it is protected against violation by the State and private individuals, since everyone has the right not to be deprived of a decent dwelling. As a benefit right, it covers phatic and normative benefits, which translate into protective measures of a procedural and a organizational nature.

Pagani<sup>9</sup> adopts by concept of dwelling that which is broader and more complex than that of the simple “own house”, since, in her point of view, everyone has the right to live in a place that protects the inclemencies of time and some separation of the social environment as a way of preserving intimacy.

The monitoring of the economic and social indicators by the United Nations in Latin America and the Caribbean is fully applicable to the question of housing complex of needs and it covers, among other aspects, economic development, housing properly itself, basic urban services, the environment necessary adaptations, risk management and urban governance. It is the mission for the Economic Commission for Latin America and the Caribbean (ECLAC), still supported by the Latin American Federation of Cities, Municipalities and Associations of Local Governments (FLACMA) and by the Ministers and Maximum Housing and Urban Development Authorities of Latin America and the Caribbean (MINURVI) and by the Alliance for Cities and the Development Bank in Latin America, CAF, as well.

These studies focus on a single document – called “State of the Cities of Latin America and the Caribbean - towards the new urban transition”, which provides current and tabulated information according to the big urban centers of each region, which makes its results extremely useful for the planning and application of public urban social policies, such as housing.

---

<sup>8</sup> SARLET, Ingo Wolfgang. **A eficácia dos direitos fundamentais:** uma teoria geral dos direitos fundamentais na perspectiva constitucional. (*The effectiveness of fundamental rights: a general theory of fundamental rights in the constitutional perspective*). 12. ed. rev. atual e ampl. Porto Alegre: Livraria do Advogado, 2015, p. 344-346.

<sup>9</sup> PAGANI, Elaine Adelina. **O direito de propriedade e o direito à moradia:** um diálogo comparativo entre o direito de propriedade urbana imóvel e o direito à moradia. (*The right to property and the right to housing: a comparative dialogue between immovable urban property rights and the right to housing*). Porto Alegre: EDIPUCRS, 2009, p. 118.

The discussion about access and quality of housing necessarily involves the degree of urbanization in each region. Generally, a better quality of life in cities corresponds to the greater longevity of the population, creating a reference to how much more urban a region, the better for its inhabitants.

According to the UN-HABITAT<sup>10</sup> reports, to the surprise of most people, Latin America and the Caribbean are the most urban-setting regions in the world, with almost eighty percent of people living in cities – a much higher proportion of developed countries – but, paradoxically, only twenty per cent of the population has sewage treated; In addition, these regions also have the lowest demographic proportion per occupied territory, because demographic growth and the urbanization process were very intense in former times, but today they have lost their momentum and rhythm, thus their cities follow a line of expansion close to the natural.

According to the United Nations Human Settlements Program (UN-HABITAT), Latin America's urban population is going to reach at around ninety percent (90%) by the year 2050. Brazil and the South Cone (Brazil, Paraguay, Uruguay, Argentina and Chile), are going to beat this rate much earlier, around the year 2020, while, in Mexico and the Andean portion of North America, the rate is not far from this, reaching eighty-five percentage points (85%). In the Caribbean, it should reach seventy-five (75%) and Central America, eighty-three percentage points (83%) by 2050.

The last UN-Habitat reports that the number of cities in this region has largely expanded since the 1960s. This is, till some extent, justified by the fact that about half of the urban population resides nowadays in cities with less than five hundred (500.000) thousand inhabitants – at about two hundred and twenty million people (220.000.000) – and only fifteen percent (15%) to focus on megacities (sixty-five million people). These intermediate cities, as a rule, offer better conditions for the provision of public services, such as the provision of drinking water, basic sanitation, which reinforces the *vis atractiv*, by the promise of a more balanced system of cities in their countries.

Although the migratory flow from the countryside to the city has lost strength in most countries, migration continues to occur intensively, but now with a much more complex profile not only between more attractive regions or cities, just, now, varying upward and downward, that is to say, there are flows from poor to more developed countries, and there are

---

<sup>10</sup> <http://unicrio.org.br/onu-lanca-relatorio-sobre-cidades-latino-americanas/>



flows within countries, within the cities themselves, between underprivileged to better served neighbourhoods, from the periphery to the rich central neighbourhoods, and it is the reason for increasing the number and the population in the ghettos and in the favelas.

The expansion of urban areas causes the enlargement of the administrative boundaries of cities and municipalities to overflow, leading to the physical absorption of surrounding urban centers, generating a process called "conurbation", which gives rise to large contiguous and contiguous urban areas that. Sometimes it creates bigger regions, so called, metropolitan macro-regions or megalopolis, composed of multiple municipalities and marching toward some common identity.

From the point of view of purchasing power, the per capita income in Latin America and the Caribbean – and it applies to Brazil as well – has almost up tripled in the last fifty (50) years, since the 1970s. The negative point, however, is the concentration of the income in few people, which causes great disparities, and many of the cities have a per capita income considerably above the average of the respective country, which, one turn, leverages the general average but, on the other hand, operates as a source of social tension by the disparities that brings.

By one hand, the increase in urbanization rates has been somewhat uniform in almost all the countries of the region; by the other one, the evolution of per capita income has been subject to considerable variations, registering real cycles of progress and setbacks. An additional aspect to be considered is that migrations have also intensified the cycle of remittances abroad, the flow of which in some countries is close to ten percent (10%) of GDP.

In the same form as it happens with some other indexes, although Latin American and Caribbean countries have made good progress in reducing poverty over the past decade and the proportion of the urban population exposed to extreme poverty has been reduced, it can not be considered in itself as a win, cause when observed from the point of view of absolute values, the number of poor people in miserable situation is still very high and it has increased, exceeding one hundred and twenty million (120.000.000) urban dwellers in poverty, which sadly corresponds to a quarter of their urban population of the area.

The problem of extreme income inequality exacerbates the ever present tension towards poverty. The shortage of work and employment opportunities generates a great deal

of informal work, especially among the younger men and women. The social manifestation of inequality becomes territorial as well, even with the alternatives of economic and social development resulting from greater urbanization.

Another very interesting phenomenon is the expansion of the border into large cities with high economic investments, which now lend relative importance to the smaller cities, these ones located in their neighbourhoods and which have good competitive advantages, because, curiously, they are benefited by the not needing to formally support carrying out certain infrastructure investments, since they can use them from those carried out by the supercities of its surroundings, such as energy sources for industry establishments, the flowing corridors destined for transporting industry production or to create access to supplies and inputs in general, usually available in the neighbourhood of large urban agglomerations, so called “conurbations”.

These cities, whether large or medium-sized, are strongly attracted to those people, who find themselves unemployed, and who envisage the possibility of recreating or remaking their own lives, so they plan to move house in search of jobs and housing. This process aggravates inequality by the arrival of thousands of people with no income and no possibility of living in normal houses or apartments by their own possibilities, considering the high cost of real estate speculation in the developed city centers, which leads them to live in very inadequate conditions, only in the poorest areas, that seems to be accessible to them, in matter of costs.

New economic attractive poles tend to consolidate new urban designs, with the interconnection between cities, and the expansion of opportunities for economic development; on the other hand, they can also enforce further expansion to the social inequalities, in the same territorial space, hence the need to develop new inclusive policies to stimulate competitiveness without conflict.

The Millennium Development Goals (MDG) are officially declared as met in matter of water supply, by something around ninety-two percent points of urban water supply to the population, rising to ninety-eight percent, when considered other forms of water supply by the survey, as the road transported by water trucks or boats/planes. Regarding the quality of the

service, there are significant leaks and losses, in the point of – astonishing – forty percent points, complaints about excessive billing and the risk of shortage by long dry seasons, as it have been in the years of 2014 and 2015.

Tariff politics, besides not appealing to users in general, are far away from the reality of the poor class, leading to undesirable practices of derivation of supply circuits, theft of water by the poorest populations, a habit that contributes even more to increase costs the treatment and the operation of the system.

Basic sanitation has also not achieved good results: seventy-five million people, answering for more than fifteen percent (15%) of the total population in the region, live without adequate sanitation. This frame shows relative improvement in the large cities when compared to the small ones. One more weakness in the system is the lack of a culture or habit of retreat the wastewater, with levels below twenty percent (20%) and if treated, it could help to increase the health of people and avoid environmental risks.

The right to water and sanitation is a part of the right to housing and it is not limited to the mere provision of infrastructure. There is some progress in the decentralization and regulation of these services, but there is still a long way to follow till the acceptable point and it depends on obtaining efficiency, availability, quality, accessibility and continuity rates.

Efficient management of urban basic services requires permanent technical monitoring. As there is no reliable control of the water quality, sewage networks, wastewater treatment or solid waste, this absence of audit induces certain distrust by the user. It is essential to define precise, complete and comparable indicators.

As it has been broadcasted, the geographical sharing of meteorological events is changing the patterns of rain, and induces the gradual disappearance of glaciers and the rise in sea level. To the cities with poor rainfall, storms represent floods and more risk to the population, especially the poorest ones. The projections show that these phenomena can increase the risks of natural disasters in the region, especially if it is considered the high number of risking housing.

The vulnerability due to threats from climate, endemics, epidemics, and geological activity is largely related to external factors. In housing, precarious settlements such as Morro do Bumba, which occurred in Niterói-RJ, represent a serious threat to people's lives due to their location, lack of infrastructure and services, usually due to the lack of socioeconomic

and cultural knowledge of their inhabitants or the lack of options Of the situation of misery by so many known.

In the transport area, there is a great dependence of road, by both public and private users; in the recent past, there had been an intense conflict between the owners of concessionaires of the urban transport service and informal transport providers through vans, a kind of utility vehicle, used as minibuses in the poorest areas; nowadays, the most current tension source, in the area of transport, has been the resistance by taxi drivers against the Uber application drivers, which are setting them up for intense competition.

One very actual discussion is located on the field of gratuity of public transport passes. Younger students defend the gratuity in transport and fight against the increase of taxes and fees. It had a great movement in 2013, inducing serious public manifestations with thousands of people complaining about the public services and the decision to organize the games in a country with such a wide range of priority social problems.

In Brazil, in general, metropolitan underground transportation systems are insufficient in all cities, with excessive peak times and, in some places, with real camp battles for loading and unloading. By the difficulty of expanding the metropolitan net to a wider plant, the State Government has got to create some new metro stations, but implemented, as well, new bus fast line corridors in some cities and exclusive road corridors in others, but the solution is still very restricted in certain areas.

In Rio de Janeiro, so called, the BRT System – created as an option for those who live distant for the metropolitan train stations to be connected to them. It consists of a longer double bus service that runs over an exclusive track, with relatively cheap fees, that helped a lot to integrate poor areas to rich one.

In fact, it is a kind of palliative solution to expand by bus the range of the urban metropolitan plant network, in a kind of response to the inability to expand the metro system quickly, with the same amplitude. It was hoped that in the medium term the country would be able to replace the temporary solution with the meter itself. Today, it is urgent to overcome the intense political crisis caused by corruption in order to overpass the economic one.

Walking or even cycling do not represent an effective habit in individual transport in Brazil, therefore, although economic and widely used in Europe, Brazilian cities do not characterize an effective solution to the problem, and although they reach twenty-eight

Percentage points in the more advanced metropolises, there is a high risk to the safety of cyclists, both because of the incipient awareness of car users, which resists respecting the neighbour space, because the demarcation of exclusive cyclist tracks is still sad exception.

It shall also be noted that the indiscriminate use of motor vehicles has contributed to the degradation of air quality in large cities, including in São Paulo a public policy of traffic restriction to reduce the volume of vehicles and, consequently of the emissions, which consists of the rotation of the permission to circulate the vehicles, according to the final number of the license plates, corresponding to the fence to circulate in one of the five working days of the week. There are also incentives and disincentives policies in other areas, such as the use of clean fuels or the adoption of public consortia between municipalities, in order to propose joint solutions to contiguous problems.

Rampant urban growth tends to degrade ecosystems and cause serious structural damage. The interdependence of social, economic, cultural and environmental factors requires comprehensive planning and the adoption of comprehensive policies. The interventions of the public powers must follow a territorial and spatial limit; it is the key to develop a model of more sustainable urban growth and to be able to provide some way to adequate housing for the most needy population.

### **3. PUBLIC POLICIES IN LATIN AMERICA: availability of resources, poverty and great events in Brazil**

#### **3.1 The social problem of housing**

Despite the higher rate of urbanization of city life in Latin America and the Caribbean, with the concentration of housing in cities, creating an opposite movement as it happens with the countryside area, the quality of housing isn't always observed neither respected. Poverty induces a higher number of housing under poor conditions in various parts of their cities. Although the proportion of people living in poor conditions has been lately reduced, the current population in these areas is still significantly high, bordering on the case of one hundred and eleven million (111.000.000) people, therefore, although it has been

reduced in percentage numbers, there is still a high figure in absolute terms, upper than in the last two decades.

In Latin America and the Caribbean, rent and land markets lack better development and regulation, what is not possible to say in the case of Brazil, where there is extensive and even – one might say – sophisticated rental regulations. In Brazil, the biggest problem lays in the excess of real estate speculation that, in a certain way, artificializes some relations in the selling and rental market, which plays a decisive negative role on the housing problem.

While legal certainty about tenure in informal settlements has increased, this does not guarantee an effective integration process, or even the physical security of its inhabitants against nature hazards arising from the incipient implantation of urban structure in these places. It is not enough to declare that no one will be harassed for not having property and that possession will be recognized and respected to ensure that people will live with dignity in a completely degraded area.

The housing deficit, both in terms of quantity and quality of available houses, is a matter of concern. In several countries of the region, the governments offer certain types of support and assistance to families for the purpose of applying for the acquisition or renovation of their homes. In Brazil it happens as well; there is, nowadays a financial policy to help poor and low income people to buy their own houses and there is another one to make changes and adaptations in the houses.

The mechanisms adopted have shown some efficacy, but they are not always accessible to the poorest, sometimes they are most enjoyed by the middle classed people, which present themselves with better information to use the benefits. When the financial help is effectively destined to the poorest, there happen to come up some opportunistic person which doesn't fit the poorest model, but misrepresent information to enjoy the facility for the needy persons. It is not worthy to mention the cases in which where the authorities themselves allow the inclusion and registration of persons without the legitimacy to enjoy those campaigns aimed at people of low income.

In Brazil, shopping centers have assumed the role of space for socialization, although the governments pay attention to the creation and maintenance of other public spaces, but the difference between the ammount of investment makes public options quite limited when compared to private ones opened to the public use.

Such phenomenon is emphasized in the peripheries; in those areas, the absence of leisure contributes to youth unemployment and encourages the adoption of marginalized behaviours, delinquent practice and the option for violence as a form of expression, resulting in high levels of insecurity on the part of those who live there, a problem with serious consequences on the organization and disposition of the cities.

Insecurity in cities is a permanent problem requiring coordinated action by institutions, from central government to local authorities. Small-scale community-based activities should be encouraged to enable coexistence and social cohesion.

Also in the countryside areas, the housing deficit is significant and very few countries can aspire to the universalization of decent housing in the short or medium term. Budget constraints make it difficult to maintain planning and land management policies that allow a better fixation of the man to his work place and, with this, also stimulate public investment in the development of housing areas.

Housing policies shall take into account the urban dimension, with specific measures to achieve basic services, means of mobility and adequate public spaces, and not neglect the needs of the country population, always “punished” by the absence or lack of minimum quality acceptable services.

It is possible to of the three Public Powers is related in different ways to social demands: Executive Power is related through services and public policies, with investments that compensate, prevent and cure problems; The Legislative Power is especially related to control behaviours and the political measurement of the Executive; The Judiciary Power, on the other hand, relates to advancing in the direction of guarantor of constitutional and legal prerogatives of the whole community, as well as in the development of actions for the realization of rights that have not received due attention by the other powers.

For all this, according to Leal<sup>11</sup>, it has been argued that social rights, in the foreground, are formal Constitutional duties of the State. Although not only governments engage in the formulation of public policies and their process, but also interest groups and social movements, there is no empirical evidence that the role of governments and their capability to

---

<sup>11</sup> LEAL, Rogério Gesta. **Condições e possibilidades eficaciais dos direitos fundamentais sociais: os desafios do poder judiciário no Brasil** (Requirements and possibilities to social fundamental rights effectiveness: the challenges for the Judiciary Power in Brazil). (Porto Alegre: Livraria do Advogado: 2009, p. 77-78.

intervene, formulate and governing has been well done by individuals in these areas as Souza<sup>12</sup> adverts.

In Brazil, the main reason for homelessness comes from the growth of the unstable population, especially in the cities of São Paulo and Rio de Janeiro, so there are urgent needs of creating and implementing new public policies to stimulate people to stay in their places of origin, giving them dignified living conditions which make them proud of their hometowns and do not wish to move to the “wild” big city.

### **3.2 Deficit of housing origin in Brazil and some public policies**

Concerning to this respect, two public policies adopted in Brazil shall be highlighted, one at the national level, aimed at the acquisition of own house, so called: “Minha Casa, Minha Vida Program”, and the other at the competence level of the states, as it was in Rio de Janeiro, which concerns to remove people which lives in risky areas, in order to make them move to live, after the removal, in new areas, displaced due to vulnerability or public calamity. In these cases, when the state do not find them a solution for the problem, it shall give them na amount of money to help them on renting a place to live, called “Aluguel Social” (something like “social rental aid”).

The first one can be considered quite well succeeded, with lots of families getting a way to acquire their own home, with easier options to pay for it. It is still important to make a remark that even being well succeeded, this policy have not been free of corruption, like several cases of one only apartment was sold to three or four families at the same time, or like the acceptance of the registration for the program of families with an income higher than the maximum permitted. The second one became a real problem, because this mechanism is conceived as a temporary one, not an everlasting one. But, as it has happened all these years, the government was not well organized to solve the housing problems of those people caught by the unexpected catastrophes, payment, in most of the cases, besides being quite low fare, is kept as something for the rest of their lives. This is a disaster to all parts: bad for the poor people, who don't find a solution to their problem; bad for the citizens in general, who pay the

---

<sup>12</sup> SOUZA, Celina. **Estado da Arte da Pesquisa em Políticas Públicas**. (The state of the art on public policies). In: HOCHMAN, Gilberto. Public policies in Brazil. Rio de Janeiro: Fiocruz, 2007, 72 et seq.



taxes for no effective results and bad for the country, that spends lots of money for nothing and still give facilities to the corruption participant agents.

A very serious problem is the border expansion of the big cities in Brazil, as a result of the continuous periphery increase; cities expand beyond their original boundaries, because the self-determination choice of low income people to live near their working neighbourhoods, in search for better quality of life or even for the proximity of better work, in the sector of commerce and informal services. It migrates to or within the big cities and promotes the multiplication of the size of the poor areas, like favelas or communities, both on the peripheral border or even inside the cities, these last ones embedded in hills and uninhabited areas that are degraded or high risk, in the older neighbourhoods.

In Brazil, it is quite difficult to know the exact size of the population of people which lives in the "favelas" situation; the government department has great difficulty of accounting the number of poor people without acceptable housing conditions. There are many people living in shantytowns erected randomly, with no exact definition of their own. The road for cars or even streets for people are absurdly narrow; there is no piped or treated water; There is also no sanitary sewage. They are generally located on very steep slopes, and this makes it difficult to live in and to enter public agents to provide services. The same, therefore, occurs with the population, preventing an accurate assessment of the size of the poor population, and inducing the adoption of the estimated estimate, sometimes with numbers distant from reality.

One which comes to live in a big city, as an internal migrant, in search of better opportunity to live, all them have left behind a story of life and the usually the few possessions they had; when they are just arrived at the new city of destination, they depend on getting a job, they do not have effective possibilities of choosing where they are going to live. In these cases – as a matter of higher costs – they finally seek a place in today's euphemistically called communities, in fact favelas.

In Brazil, therefore, in cities such as Rio de Janeiro, São Paulo, Belo Horizonte, Recife, Manaus, among others, the favelas are the most probable option of housing for poor national migrants - who comes from other cities or regions, who generally doesn't have enough qualification for well paid work, who lives without the support of a family and who is in search of some new life option, which should imply some good work and housing, for themselves and their Family; sometimes, they need places in the school for children.

It is quite true that most of these migrants, initially, come alone, in order to prepare a minimum structure for, later seeking the family. In The choice of destination city may be prompted by misinformation about living facilities in big cities and false expectations of a better life. This case, sometimes, goes different and they start new relationship and create even more trouble with two families to support all them economically.

One can easily realize that each city can have a better structure than other. Unfortunately, it does not - necessarily - mean that every city has enough structural conditions to absorb still a great number of postulants to live in it. In other words, when the urban structure is adequate and public services go well provided for two hundred thousand people, this does not guarantee that the city support an increase of 10 % of population by internal migration, in matter of schools, hospitals, etc.

Urban sprawl may render unattainable the targets of basic public service delivery where the population does not cease to expand disproportionately, both in the outskirts of the metropolis and in the more attractive neighbourhoods.

Thus, the meaning of the term "periphery" can be worked out in two senses: one, by the physical-geographical aspect, which is limited to those living on the edges of the city, where population expansion coincides with the expansion of housing opportunities Low cost or favelas; Another, by the sociological aspect, which functions as peripheral, all those who are marginalized, therefore, somehow excluded from the society considered normal or desirable, therefore, although accounted for, not met in their most basic needs.

On the other hand of view, there are opportunities generated by migrations can be useful not only to migrants, but also to those cities or countries which receive them. Some cities with debt of population can benefit with the population increase by the migrations, notably the external ones, which can bring either qualified persons or not to apply in technical Jobs.

It is still possible to receive persons in need of humanitarian aid, as they can, in an atypical situation, also contribute to qualified labour to the new country or city. In this hypothesis, besides the demographic growth, can bring progress as well, due to the increase in the quality and quantity of qualified services, still, depending on the job of each migrant. Sometimes they can bring themselves capabilities for jobs, considered unavailable in that city before.

Demographic stability, once achieved, can contribute to the expansion of the working population. On the other hand, restraining the pace of urban growth allows avoiding the inherent disadvantages of disconnected growth and concentrating efforts on the adoption of adequate urban equipment and the provision of adequate public services, with the improvement of physical space, infrastructure and services to population.

In Latin America, the urban slick continues to expand, that is, even with a slowdown in population growth, the area occupied by cities continues to spread, and cities are becoming less and less compact, at a rate that overpasses the population increase. This pattern is difficult to sustain, as fewer and fewer people are contributing taxes to cover rising urban costs, streets, sanitation, lighting, hospitals, etc.

Brazilian housing deficit, in 2007, was evaluated in more than six million housing units, only regarding the need to increase new housing. In addition to this number, one must consider, for example, housing that requires structural reforms or functional adaptations for its users, that shall grow too much, by including the people which live in bad houses or inside structures that can't even be considered "houses".

Because of this situation, the construction professionals from all over Brazil presented the most varied proposals for action in order to compose a public policy of technical housing support to the low-income population, in the sense of making it possible to improve housing conditions, among them the legalization of real estate and the implementation by the CONFEA/CREA platform – a system of technological knowledge at the disposal of society, especially the low-income population.

Law 11888/2008 was enacted, aimed at technical assistance in social housing, as an unfolding of social law, guaranteed by the Constitution. This law provides low-income families with free public technical assistance for the design and construction of social housing. This assistance is provided by civil construction professionals, formally registered with municipalities, and work in a variety of ways: as non-profit organizations, as independent self-employed professionals, or through academic residency programs In architecture, urbanism and engineering, as well as university extension programs, in the form of model offices of the training colleges in these areas of knowledge.

The funds come from the National Social Interest Housing Fund (FNHIS), operated by a public bank to cover the needs of people with a family income of up to three minimum

wages residing in the City or country, with the purpose of constructing, expanding, reforming or even regularizing the documentation of their dwelling, since located in an area considered "of social interest", with an area of up to 60 m<sup>2</sup>. The selection of projects is the responsibility of the Ministry of Cities.

### **3.3 Resources appliance and the great games**

In Brazil all taxes that have as a generator of ownership of land or real estate activity and shows little development, this has not allowed the nodal public policies on these revenues to base, and there is a need to compensate the vulnerability of collection, with innovative experiences in terms of planning choices or public investments, important tools for systematizing the financing of administrative activity at the municipal level.

The dispute between the retributive function and the redistributive function in the disposal of financial transfers is ever intense, as it is the clash between the differences in investment capacity of the different spheres of government, mainly due to heterogeneity between the countries in the region or even within each of them. Therefore, it is necessary to promote policies of harmonization and territorial cohesion, aimed at regional and local development, according to a more egalitarian ideal for each city, as much as the UN itself, through HABITAT Agency.

In terms of evaluation of results, as public policy, what is most worrying is that, after almost ten years, the results achieved by the law are very modest, in relation to projections when promulgated. To pay attention, the National Fund for Social Interest Housing – managed by the Ministry of Cities - has transferred to 172 contracts the total amount of R\$ 27.9 million in technical assistance investments, benefiting families in sixteen Brazilian states and one hundred and twenty two municipalities, in a universe of more than five thousand municipalities, which demonstrates, among other aspects, the lack of legislative knowledge on the part of municipalities, municipal secretariats and the interested population itself.

The general budget of the Union of 2017 allocates about R\$ 7 billion to housing programs of the Ministry of Cities, of which, almost R \$ 6 billion to the "Minha Casa, Minha Vida" Program; R\$ 1 billion to the "Card Reform Program" and R\$ 184 million to the "Growth Acceleration Program - Home". The government informs that The actions of the housing policy of 2017 are structured on three objectives: the construction of housing units

aimed primarily at the population in areas at risk; The reform of the house and the free concession of the deed of immobile property to families with income of up to two minimum wages, through urban land regularization.

The opportunity to organize lots of big and great events over the last ten years (2007-2016) has brought a series of advances to the means of transportation, public safety practices and urban equipment of the city of Rio de Janeiro, in general, better integrating the city and creating incorporating some better practices harvested from the experience of other countries involved in similar events.

By the other hand, the incorporation of certain very specific constructions, intended for sporting practice, still defies creativity in order to find a new administrative effect, by means of new forms of use, albeit in parallel with the original ones, in order to prevent such constructions and works as true "white elephants"<sup>13</sup> in the midst of cities, such as gigantic soccer stadiums, in cities of Brazil where the tradition of great teams does not exist, and therefore there are no large crowds to harbour, Not even in the regional final match disputes.

Opening a brief parenthesis about soccer – after all, one of these events was the World Cup of 2014 - this problem materializes in the cases of the Mané Garrincha Arena (Brasília, Federal District), Dunes Arena (Natal, Rio Grande do Norte) and In the Amazon Arena (Manaus - Amazonas), two states of the federation that, although they have soccer clubs, these are of little expression, to the point that its inhabitants cheer for the teams of Rio de Janeiro, mainly for Flamengo<sup>14</sup>, that holds a crowd of forty million (40,000,000) fans, ranked as "the largest soccer fan club in the world", distributed throughout the national territory.

The arenas original built for sports considered excentric by the Brazilian preferences, so those which would therefore have been discontinued during the following periods had to be adapted to achieve services like schools and other like or opened sportscenter; this was exactly the case at the Olympic Park in Barra da Tijuca, built on the area of the former Néelson

---

<sup>13</sup> This idiomatic expression in Brazilian Portuguese refers to constructions of enormous size added to the urban space, with great expense of resources and that, later, they are of little or no use. It can also be used to mention a decorating object purchased to decorate a home and then becomes a hindrance, given its large dimensions or lack of effective utility.

<sup>14</sup> This occurs in a large part of Brazil, except for São Paulo, Minas Gerais and southern states (Rio Grande do Sul, Santa Catarina and Paraná), which have big teams and neutralize the influence and affection of Rio de Janeiro Soccer teams, notably Flamengo, the one with a greater number of Brazilian championships trophies, with extensive twists, very present in the Amazon, throughout the North and Northeast, and even in Espírito Santo (Southeastern) and Central West.

Piquet racetrack and the small housing group, in the form of a community (moderate favela) named “Vila Autódromo”, which was almost completely removed.

The adopted measures to clear several urban areas to destinate them to build the arenas and other sporting facilities through expropriation have been confused and disorderly, with a certain disparity between the values of ownership of property and, in some cases, discontent with allegedly unjust values and, on the other hand, outrage at allegedly exaggerated and possibly overpriced values.

Many organizations and associations were established throughout the city of Rio, during these last years, seeking to offer some protection of the interests of the original residents of the intended areas for the events. At the same time, a large numbers of opportunists have mobilized and arranged to capture representation of interest groups, organizing themselves to become an mechanism of pressure, in the most varied forms, from liberal professional, with a good scholastic education, to the most verbal interlocutors, without any preparation, but with much disposition to the clash.

Among this, the political moment of denunciations of corruption favored the posture of no submission to individual interests to unintelligent collective interests, such as the number of works occurring in parallel and whose mosaic was difficult to understand in terms of purpose and destination, even to the most enlightened people. Some works were well publicized and they got acceptance of the population; others, however, just appeared as a kind of improvisation or something incomprehensible. This caused dissatisfaction and causes, even today, after the events, with the investigations around the games and the corruption scandal. A clear example is the Soccer Stadium, in Rio de Janeiro, named "Engenhão", built in 2006 for the Panamerican Games of 2007, in a few years after, had to be closed for about three years due to failure in the design of the mixed structure of metal and tarpaulin intended for its coverage.

Some of the residents of removal goals areas got to be kept on their detention of the house, not exactly of the property by pursuing lawsuits and also by the use of political pressure instruments, such as non-governmental organizations and social media groups efforts. It happened, for example, in “Vila Autódromo”, where the government has built the principal group of arenas. There a group of about twenty (twenty) residents and one catholic church managed not only to be retained but also to include redevelopment in the negotiation, with the

construction of new residences in a predefined section regrouped in the form of a small village of houses and entered the history as an example of resistance.

Still today, even with the judicial decision and order, the houses are 50% built, with people living inside them, because with the crisis that came over the state and municipality governments, they simply did not finish the construction.

What can be pointed out is that, as much as one can praise the importance of sports practice or the practice of a religion for the development of healthy mental and physical habits by the population, the allocation of public resources on a large and uncontrolled scale for games and other events showed a certain inadequacy to the Brazilian reality, the country, then the holder, at that time of the 5th largest GDP in the world, but at the same time, with so many social deficits to be solved.

Of course, ecumenical religious games and events have provided substantial gains in the quality of the groups served by the new services and public structures incorporated, but criticism of the allocation of resources for this purpose has been made very strong, especially after the followed by scandals of misappropriation of public money perpetrated by the rulers and business groups in the area, mainly civil construction, but not exclusively from it.

It perhaps could or either be a matter of great and hard discussion, by this end, if a government shall answer administrative and criminally for making wrong choices in itself, considering all the other priorities that a rich poor country has, in order to respect the needs of the poor people and neutralize the poverty. But, with all the scandalous gates that were revealed, there is no doubt that the government ought to be submitted to their act to the civil and criminal liability. An acceptable shame in matter of public policy.<sup>15</sup>

## CONCLUSION

The recognition of social rights as true fundamental rights faces the problem of the state has enough strength to cover all needs – in the role of universal provider. In the event of a negative answer, there remains the certainty that, in a certain portion, the State has an

---

<sup>15</sup> At the time this text was written, it was just a suggestion of liability. Nowadays, it is necessary to inform that the Governor of Rio is jailed and the mayor had moved house to the United States, with his sons studying in a very expensive college. Isn't it so strange? A man so dedicated to his city, at the point of declining his free time to dedicate to improve the structure of the city, after eight years of work, when it is all finished and, presumed well, he abandons all his dreams to move to other country. One can come to its own conclusion.

obligation to guarantee citizens the use to certain essential public services and to certain social and welfare services.

As previously reported, a family may even survive for a few months in a crisis by dividing a single room and a bathroom, but this can not be considered worthy, nor should it be allowed to last for a period their lives. Survival is not synonymous with dignity. Survival is an instinct, a last condition, before the risk of death; dignity is represented by attendance at the acceptable level for a decent life.

Even when considered the most undeniable budgetary constraints and the understandable structure of reasoning over what is enforceable by the State, it is necessary to concentrate the efforts of public policy management to guarantee the fulfilment of some of the different manifestations of such human dignity - which comes to be the existential minimum worthy, that there is no way to be thought without adequate housing.

Public administrations shall be involved in the formulation of public housing policies and their activation process, but this role shall not exclude the actions of interests groups and, as the case may be, complementarily, information collected and offered by social movements . Actions aimed at materializing the right to housing must be treated as state programs, never as government programs. They are a state duty and debt.

The mere provision of a physical protection as a shelter does not fulfil the right to housing; by the other hand, the role of the State is to create conditions for people to have a way to get their own housing alternatives, but this does not necessarily mean the obligation to provide freely housing to people, but to adopt policies to create housing opportunities that can be accessible to most income deprived, according to a logic of non-exclusively remunerated care, but, in some ways, it can make a redistributive charge through differentiated rules and persons that provide conditions more favorable to the population of low income people, making them capable of providing their decent housing conditions and places.

It does not mean to distribute houses free of charge to the population, but to help the access must include structural support for new neighbourhoods or those that already exist in terms of road infrastructure, health, sanitation, lighting, pavement, education, in order to induce people to feel attracted and convinced to living in these places and do not feel provoked to migrate in search of the same conditions to other destinations better structured.



The achievement of this right promotes quality of life and minimizes social problems arising from internal mass migration, a situation that only exacerbates the problem of underdevelopment, poverty and exclusion, which occur on the outskirts of large cities.

The UN reports points a reversal of the urban disorder situation by encouraging the creation of a model of city with greater awareness of sustainability and, consequently, a higher quality of life, acceptable to the implementation of policies of planning, designing and regulation, which demands a stable real estate market capable of taking advantage of the urban gains and of reinvesting part of its profits in the development of infrastructures to improve urban planning.

Above all, it is necessary to promote an agenda with a territorial policy and urban planning, aimed at expanding the current patterns of urban growth, preventing the convulsive dispersion of the city and making possible its densification with qualitative support and optimization of the use of space, without an excessive physical or social fragmentation.

Managements through the adoption of public policies aimed at economic development shall also ensure the observance of conditions of life, that respect the principle of equality among the citizens administered. For this reason, urban governance requires the involvement of local leaders. In Latin America and the Caribbean, there are about sixteen thousand local governmental entities with autonomy, of which approximately one third part are in Brazil – it corresponds to the five thousand and six hundred Brazilian municipalities. The uncontrolled urbanization of the second half of the twentieth century surpassed all urban planning and management capacity, multiplying social inequalities and intensifying spatial segregation in cities.

In Latin America and the Caribbean, governance modalities have made some progress, mainly from the point of view of decentralized management and democratic participation. The election of prefects by universal suffrage has made it possible to believe in a more legitimate representation of citizens, although many procedural defects are subject to denunciation, it is believed that bringing people closer to government affairs has broadened horizons in the region. Practices such as participatory budgeting and auditing through public hearings and neighbourhood councils have also been praised in recent periods since the advent of Sec. XXI.

The management of resources for housing questions has been more responsive, both on the part of the local authorities and on the part of the citizens who supervise them, thanks to the transparency web portals used to eviscerate public accounts. Also the participation of women in politics should be considered a relevant achievement, in local governments, the regional average is ten percent and still very low; in the local legislatures (municipality and similar) presented a female participation of twenty-two percent, which indicates that much progress still has to be made, in the sense of effectiveness in reducing the gender disparities.

The gradual overcoming of social and urban fragmentation in the cities of the region calls for a combination of new strategies for economic growth, through policies aimed at correcting inequality, be it income, at origin, or at living conditions, at destination. The actions for territorial and social integration are also urgent, for which the articulation between the national economic policies and the urban development actions, defined for each city or region, shall be ever required.

Normative activity has also shown progress in the re-reading of territorial and housing planning, geared to the management of cities. On the other hand, the decentralization of legislative and administrative powers is not always accompanied by the transfers of resources provided for in the constitutions, and local authorities frequently complain about the central entities for carrying out on lending below their capacity and the needs of local authorities, in such a way only the municipalities with a large population force manage to self-finance, while the vast majority lives in poverty, highly dependent and, as a consequence, subordinated to the interests of central governments, repressing the empowerment of local governments.

The actions of the housing policy of 2017 are focused on the development of housing units, housing reform and the granting of deed, through the settlement of low-income people, with a stipend up to two minimum wages, or for the removal of risk areas, for urban land regularization. On the other hand, it is not possible to maintain housing policies exclusively focused on housing and its titling, housing conditions with accessibility, health and safety must also be considered with effective resources and actions of the State.

The organization of those great events from 2007 to 2016, although it has brought positive achievements: improving transportation net, modern public safety practices implemented; good urban facilities were incorporated in the cities, namely Rio de Janeiro, inspired by successful experiences abroad in previous games. On the other hand, many of the new expensive buildings require adaptation

so as not to become utterly unhelpful or excessively onerous in maintenance and therefore a threat to the public interest.

The worst problem is that the governor of the State of Rio de Janeiro and the mayor of the City of Rio de Janeiro, both, seem to be involved in a complex scenario of corruption, associated to the corruption practices of the Brazilian last impeached president. All this frame forms the greatest scandal of corruption in the Brazilian history - never ever seen before, with deviations of all kinds, involving Brazilian men and companies, but also foreigner men and companies. The removal of persons living in large poor urban areas for the construction of arenas and adaptation of transport through the expropriation institute was necessary, but did not find completely good results, generating lots of judicial actions by former owners and tenants with the participation of aid and opportunistic movements, including new buyers or speculators, with practice of unfair values in both directions, down and uprising the prices.

Groups of actual or alleged representatives have launched political or judicial attacks; organizations and these associations have multiplied in peaceful resistance to the construction works. Many opportunist people have benefited in one way or other. But above all, the high amount of money spent and the great reaction of the population allowed to operate in a dense combat the corrupt practices, repeated and disorganized manner, exposing their deepest viscera and allowing the Brazilian people to know the effects of their robbery. Therefore, it comes to an end with the recognition of the poor electoral choices made by the people, with horrible public policy managers; they left proved to be engaged, rigged and concerted among themselves for doing the most deleterious practices, completely dissociated from the public interest.

The illegal activity of organizing groups that act in a corrupt way in the management of public assets and resources, with terrible repercussions on the lives of the people is frightening. Violations and coercive practices, controlling large areas and their populations, and exerting a strong negative influence on credibility in the functioning of institutions and gestational designs are also something to be target in a non stop combat.

The corruption practices have become even more innovative, including the search for capture and immobilization of the State Powers, by political and social groups, to characterize a serious threat to the consolidation of democracy, especially in a geographical area of late modernity, which determines the imperative of a coordinated repression of crimes against

public administration in all variants of the exercise of government, whether in the direct public administration or its concessionaires.

Most especially in the so-called third sector, historically presented as a solution of managerial modernity, in practice, has proved to be an active tool for corruption and misuse of administrative purpose. More than this, the national and foreign business branch also proved to be harmful to the minimum notions of regularity in the application of public resources and their accountability.

The intellectual and political elite need to "cut their own flesh" by identifying rotten tissue, recognizing that it was seduced to support false ideological truths that gave factual support to the manipulation of ideas and the use of the administrative machine for personal enrichment. False prophets and homeland saviors of the national interest, practiced economic and financial empowerment, with abuse of economic power, combined with spurious interests.

The accusations of corruption favored the beginning of the dismantling of the corruption machine which downsized the state powers will bring good effects, but it takes time and the recovery of contaminated structures is still a complex task, with resistance from interrupted individual corruptive interests, still contrary to public and collective interests.

The greatest gain in the area of public policies was the emergence of effective participation of the population as public policy actors, interacting through social networks, reacting energetically to deviations from purpose and other delinquent practices, giving support to the institutions of investigation and punishment of those responsible, giving new contours of participation in political life to a population known for years focused only on samba and soccer.

The new institutional arrangements and designs shall allow the development of new urban configurations, metropolitan areas and urban corridors, as new paradigms of governance that require the adaptation of institutions to the reality of the life of their administrations and respective territories, to demand from cities and powers unprecedented protagonism in order to enable a democratic, honest, responsive and sustainable management in order to guarantee the possibility of a decent life, which, in housing, means dignified conditions with habitability, accessibility, safety and sanitary conditions favorable to health And physical and mental integrity of Brazilian people.

## REFERENCES:

BRAZIL. **Constitution of the Federative Republic of Brazil of 1988.** Several Articles

CANUTO, Elza Maria Alves. **O direito à moradia urbana como um dos pressupostos de realização da dignidade da pessoa humana** (The right to urban housing as one of the presuppositions for the realization of the dignity of the human person). (Doctorate Thesis) – Federal University of Uberlândia. Uberlândia-MG, 2008. Available at: <<http://repositorio.ufu.br/bitstream/123456789/1155/1/DireitoMoradiaUrbana.pdf>> Accessed on: 16 Oct. 2016.

HOHMANN, Jessie. **The Right to Housing - Law, concepts, possibilities.** Oxford and Portland, Oregon: Hart Publishing, 2013.

LEAL, Rogério Gesta. **Condições e possibilidades eficazes dos direitos fundamentais sociais: os desafios do poder judiciário no Brasil.** (Requirements and possibilities to social fundamental rights effectiveness: the challenges of the Judiciary Power in Brazil). Porto Alegre: Livraria do Advogado: 2009.

PAGANI, Elaine Adelina. **O direito de propriedade e o direito à moradia: um diálogo comparativo entre o direito de propriedade urbana imóvel e o direito à moradia.** (*The right to property and the right to housing: a comparative dialogue between immovable urban property rights and the right to housing*). Porto Alegre: EDIPUCRS, 2009.

PISARELLO. Geraldo. **Los derechos sociales y sus garantías: elementos para una reconstrucción.** (Social rights and their guarantees: elements for a reconstruction). Madrid: Trotta, 2007.

SARLET, Ingo Wolfgang. **A eficácia dos direitos fundamentais: uma teoria geral dos direitos fundamentais na perspectiva constitucional.** (The effectiveness of fundamental rights: a general theory of fundamental rights in the constitutional perspective). 12. ed. Revised, current and amplified. Porto Alegre: Livraria do Advogado, 2015.

SARLET, Ingo Wolfgang. **O Direito Fundamental à Moradia na Constituição: Algumas Anotações a Respeito de seu Contexto, Conteúdo e Possível Eficácia.** (The Fundamental Right to Housing in the Constitution: Some Notes Regarding its Context, Content and Possible Efficacy). Electronic Journal on State Reform (RERE), Salvador, IBDP – Instituto Brasileiro de Direito Público, nº 20, December, January, February, 2009, 2010. Available at: <<http://www.direitodoestado.com/revista/RERE-20-DEZEMBRO/2009-INGO-SARLET.pdf>>. Accessed on: 14 Oct. 2016.

SOUZA, Celina. **Estado da Arte da Pesquisa em Políticas Públicas.** (The state of the art on public policies). In: HOCHMAN, Gilberto. Public policies in Brazil. Rio de Janeiro: Fiocruz, 2007.

UNITED NATIONS. **International Covenant on Economic, Social and Cultural Rights**, 19 December 1966. Brasília: Ministry of Justice – Federal Government. Available at: <[http://www.planalto.gov.br/ccivil\\_03/decreto/1990-1994/D0591 .htm](http://www.planalto.gov.br/ccivil_03/decreto/1990-1994/D0591.htm)>. Accessed on: 05 Aug 2015.

UNITED NATIONS. **Estado das Cidades da América Latina e Caribe**. UN-HABITAT. Available at: <https://www.facebook.com/ONUBrasil/>. Accessed on: 12 Nov 2016.