



# B R A Z I L

## Law, Land Tenure and Gender Review: Latin America

**LAND TENURE, HOUSING RIGHTS AND GENDER**

**IN  
B R A Z I L**



2005

## Law, Land Tenure and Gender Review Series: Latin America

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United Nations Human Settlements Programme (UN-HABITAT)

P.O. Box 30030, Nairobi, Kenya

Tel: +254 20 7621 234

Fax: +254 20 7624 266

Web: [www.unhabitat.org](http://www.unhabitat.org)

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## Foreword to Latin America Law And Land Tenure Review



Security of tenure is one of the cornerstones of Millennium Development Goal 7, Target 11 on the improvement of the living conditions of slum dwellers. It also plays a crucial role in the implementation of Target 10 on access to improved water and sanitation and is thus the main focus of UN-HABITAT's Global Campaign for Secure Tenure.

While urbanisation trends and living conditions of the urban poor vary considerably from country to country in Latin America, the region is generally characterised by rising poverty and social inequality. The majority of urban dwellers hold precarious tenure rights to the land they occupy, hindering their access to basic infrastructure and services, including water and sanitation, health and education, and rendering them vulnerable to forced evictions.

Through the generous support of the Government of the Netherlands, UN-Habitat is pleased to publish its review of the legal and policy frameworks governing urban land tenure in Latin America. This report provides an overview of the situation in all twenty countries of the region as well as four case studies on Brazil, Colombia, Mexico and Nicaragua. These case studies provide a comprehensive analysis of the laws and policies governing urban land tenure, with a special focus on women's rights to land and housing. National experts in each country have conducted extensive research on the often-complex legal issues which hinder or enable the efforts of Governments, local authorities and their civil society partners in attaining the Millennium Development Goals.

It is noteworthy that Latin America has registered some progress in achieving these goals. The region is home to a number of positive and innovative laws and practices providing security of tenure, and a well-established civil society has contributed significantly to advancing a rights-based approach to housing. There remains, however, a lot to be done. Reducing inequality is a key cross cutting issue that needs to be incorporated in all sectoral reforms in the region. Land reform is pivotal to furthering this objective while providing security of tenure constitutes an important first step in reducing the vulnerability of and the constraints facing the urban poor. Secure tenure alone will not, however, be sufficient and a clear message that emerges from this review is that good urban governance is essential to achieving the full effectiveness and desired impact of tenure security programmes.

This review contains findings and recommendations for both immediate and longer-term law reform to strengthen the tenure rights of all people, especially the poor and women. While they will further guide and inform UN-HABITAT's normative work through its two Global Campaigns for Secure Tenure and Urban Governance, it is my sincere hope they will contribute to furthering broad-based dialogue and engagement in land reform and security of tenure in all countries in Latin America in support of attaining the Millennium Development Goals.

**Mrs. Anna Kajumulo Tibaijuka**

**Executive Director**

**United Nations Human Settlements Programme  
(UN-HABITAT)**

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Global Coordinator and Substantive Editor: Marjolein Benschop, UN-HABITAT

Assisted by Florian Bruyas, UN-HABITAT

Regional Coordinator Law, Land Tenure and Gender Review in Latin America:

Leticia Marques Osorio, Centre on Housing Rights and Evictions (COHRE) – Americas Office

Regional Overview: Leticia Marques Osorio, with assistance from Marina Schneider Comandulli (COHRE)

Women's rights sections in regional overview: Eugenia Zamora (supported by Felicia Ramírez and Carla Morales), Marjolein Benschop and Leticia Osorio

Translation Spanish-English by Isabel Aguirre

Executive Summary, Introduction, restructuring and shortening of final draft: Stephen Berrisford and Michael Kihato

Editing: Greg Rosenberg

### *Brazil Chapter*

Nelson Saule Jr., Special Rapporteur on Adequate Housing for Brazil

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## List of Abbreviations

AEIS	Special Areas of Social Interest
AGB	Geographical Association of Brazil
ANOREG	National Association of Registries
CDHU	Housing and Urban Development Company
CDRU	Concession of Real Right
CIRTH	Commission for the Intervention and Recuperation of Tenement Houses
CMP	Popular Movement Centre
CNIR	National Cadastre of Rural Properties
COHAB	Metropolitan Housing Public Company
COHRE	Centre for Housing Rights and Evictions
COMATHAB	Porto Alegre Municipal Council on Land and Housing Access
CONAM	National Confederation of Resident Associations
DHESC	National Rapporteurs Project of Brazil
FGTS	Workers Guarantee for Time of Service Fund
FUNAI	National Indian Foundation
IBAM	Brazilian Institute on Municipal Administration
IBGE	Brazilian Institute of Geography and Statistics
INCRA	National Institute on Colonisation and Agrarian Reform
IRIB	Institute for Property Registration Brazil

NGO	Non-governmental organisation
RENAP	National Network of Popular Lawyers
PT	Workers Party
UN	United Nations
ZEIS	Zone of Special Social Interest

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