
THE LACK OF PUBLIC POLICIES ON URBAN MOBILITY RESTRICTS THE RIGHT TO ADEQUATE HOUSING

Edérson Dos-Santos Alves¹

Universidad de Salamanca (USAL) |

Beatriz Duarte Correa de Brito²

Pontificia Universidade Católica de Campinas (PUC-CAMPINAS) |

Josué Mastrodi³

Pontificia Universidade Católica de Campinas (PUC-CAMPINAS) |

Lorenzo Bujosa Vadell⁴

Universidad de Salamanca (USAL) |

ABSTRACT

Nowadays a growing population lives in big cities. They are part of a group that is moving to increasingly distant neighborhoods. Consequently, the distance between the center of the city and the periphery is expanding progressively. Therefore, urban mobility is essential to guarantee full access to the city and take advantage of the basic rights. This study aims to examine whether the lack of urban mobility policies restricts citizens' access to adequate housing, based on a study about the Brazilian social program *Minha Casa, Minha Vida* (My House, My Life) implemented in the neighborhood Jardim Bassoli, Campinas, a city in the state of São Paulo, Brazil, in 2012. The method used for this study is a hypothetical-deductive approach with a dogmatic-legal analysis, considering national and international maps and

1 Doctoral student in Administration, Finance and Justice in the Social State at USAL. International Master's degree in Latin American Studies from USAL and Sorbonne Nouvelle University – Paris 3. Bachelor in Law from the Pontificia Universidade Católica de Campinas (PUC-CAMPINAS). Member of the Research Group “Compliance in the midst and in the post-pandemic” Del IDP. ORCID: <https://orcid.org/0000-0002-6594-5537> / e-mail: ederson@usal.es

2 Master's degree in Sustainability from PUC-CAMPINAS. Bachelor in Law from PUC-CAMPINAS. Has experience in Public Law. ORCID: <https://orcid.org/0000-0001-6638-3700> / email: beatriz.brito@mail.com

3 Doctoral researcher in Philosophy and General Theory of Law from the Universidade de São Paulo (USP). Master's Degree in Law from the Universidade Gama Filho (UGF). Specialization in Business Law from the Pontificia Universidade Católica de São Paulo (PUC-SP). Bachelor in Law from USP. Professor of the Graduate Programs in Law and Sustainability at PUC-CAMPINAS. ORCID: <https://orcid.org/0000-0003-4834-0170> / e-mail: mastrodi@puc-campinas.edu.br

4 Doctoral researcher in Law from USP. Full Professor of Procedural Law at Universidad de Salamanca Coordinator of the Doctoral Program “Administration, Finance and Justice in the Social State of USAL. President of the Ibero-American Institute of Procedural Law. Principal Researcher at the Procedural Studies Group at the Universidad de Salamanca (IUDICIUM). ORCID: <https://orcid.org/0000-0003-1660-7483> / email: lbujosa@usal.es

documents. The investigation concluded that the lack of urban mobility in that region has resulted in limited access to adequate housing. The creation of urban mobility policies would be the most efficient, affordable and faster way to integrate this “island” called Jardim Bassoli into the infrastructure of the city.

Keywords: public transport; the right to adequate housing; the right to the city; UN-Habitat III; urban mobility.

*AUSÊNCIA DE POLÍTICAS PÚBLICAS DE MOBILIDADE URBANA
RESTRINGE O DIREITO À MORADIA ADEQUADA*

RESUMO

Atualmente, cada vez mais pessoas vivem nas grandes cidades, uma população que está se mudando para bairros cada vez mais distantes, aumentando a distância entre o centro e a periferia. Nessa situação, a mobilidade urbana é essencial para garantir o pleno acesso à cidade e o gozo de direitos básicos. O objetivo desta pesquisa é examinar se a falta de políticas de mobilidade urbana restringe o acesso dos cidadãos a moradias adequadas, com base em um estudo baseado no programa “Minha Casa, Minha Vida”, implementado no bairro Jardim Bassoli, na cidade de Campinas, estado de São Paulo, Brasil, em 2012. O método hipotético-dedutivo foi utilizado com uma análise dogmática jurídica, tendo em conta a análise de mapas e documentos nacionais e internacionais. A investigação concluiu que a falta de mobilidade urbana naquela região causou a limitação do acesso a moradias adequadas. A criação de políticas de mobilidade urbana seria a maneira mais viável, rápida e acessível de integrar essa “ilha” chamada Jardim Bassoli na infraestrutura da cidade.

Palavras-chave: direito à cidade; direito à moradia adequada; mobilidade urbana; ONU-Habitat III; transporte público.

INTRODUCTION

With globalization, more people are moving to cities and depend on transportation, especially in big cities, as they guarantee access to vital spaces. This is because not everyone can live in the city center and many depend on public transportation.

In this sense, the Brazilian Federal Constitution guarantees everyone is free to move around the country. However, it does not guarantee the fulfilling of this right, since the State has a duty to ensure that people can exercise it, since urban mobility is difficult and costly.

The objective of this study is to examine whether the lack of urban mobility policies restricts citizens' access to adequate housing, from a study based on the *Minha Casa, Minha Vida* program, implemented in the neighborhood Jardim Bassoli, in Campinas, state of São Paulo, Brazil, in 2012.

The Federal Constitution of 1988 establishes that acting to guarantee social rights, such as the right to housing, is the duty of the State, included in article 6 by virtue of Constitutional Amendment 26/2000. In addition to fundamental rights, this is a human right provided for in several international treaties to which Brazil is a signatory. The following stand out: the International Covenant on Economic, Social and Cultural Rights (ICESCR), which establishes in its article 11 the right to adequate housing; the Istanbul Declaration on Human Settlements (Habitat II) and the New Urban Agenda (Habitat III), which address the right to housing as an essential minimum for us to have a dignified life; and the 2030 Agenda for Sustainable Development, which should guide the development of countries, including Brazil, for the next 10 years and whose objective of SDG 11.1 is to guarantee, by 2030, access to safe, adequate and accessible (including good location) housing.

Given this constitutional duty, the Brazilian government introduced in 2009, by Law no. 11,977, the *Minha Casa, Minha Vida* program (MCMV), whose "purpose is to create mechanisms to encourage the production and acquisition of new housing units or the requalification of urban properties and the production or renovation of rural housing, for families with a monthly income of up to R\$ 4,650.00" (BRASIL, 2009).

The city of Campinas is the third largest city in the state of São Paulo and a technological and educational center; it was one of the first municipalities to implement the Program, with the delivery of the first houses in April 2011, in São Paulo, in Jardim Bassoli.

Jardim Bassoli, located in the northwest region of Campinas, was the first project to be developed by PMCMV in Campinas and has more than 10,000 residents distributed in 19 condominiums. Approximately 2,380 families living in risk and environmental preservation areas were covered by the *Minha Casa, Minha Vida* program and, therefore, started to live in the houses delivered by the said program. On the other hand, in the area there was not enough infrastructure or services, there was only electricity, water and a bus stop.

In theory, this program should fulfill the aspects of realizing the right to housing, under General Observation no. 4 of the United Nations Committee on Social, Economic and Cultural Rights (1991).

Few investigations have been carried out in this region. The existing work is focused on analyzing whether adequate housing can be considered from the point of view of location and infrastructure (ALVES; BRITO, 2016; ALVES, 2018). The authors chose to make a complete study of this Residential Condominium, analyzing all the conditions of adequate housing, according to General Comment no. 4 (GC4), as will be explained later. In this study, some problems are pointed out, such as the lack of adequate infrastructure in the region to receive families that were relocated to that area. Although it has been more than nine years since it opened, there are still many problems in buildings, such as cracks in houses and falling walls, among others.

The UN-Habitat III documents clarified that the importance of “Urban transport services [...] is vital for economic and social development and, therefore, the key to achieving the Millennium Development Goals – MDGs” (ONU, 2016, p. 4, our translation). Likewise, it states that cities, with the support of the Brazilian State, should promote public spaces and integration through urban mobility and public transport systems.

It is important to establish the concept of urban mobility for a better understanding of the subject:

[...] “it is an attribute of cities and refers to the ease of movement of people and goods in the urban space. Such movements are made through vehicles, roads and all the infrastructure (roads, sidewalks, etc.) that allow this daily commute. This means that urban mobility is more than what we call urban transport, that is, more than the set of services and means of movement of people and goods” (INSTITUTO PÓLIS, 2005, p. 4, our translation).

Mobility aims to meet the needs of travel to carry out daily activities. It should be borne in mind that urban mobility is also closely linked to

access to adequate housing, as part of aspects of adequate housing rights, specifically within the element of location. In other words, to think of adequate housing, it is necessary to have quality transport at an affordable cost for everyone. Guaranteeing access to adequate housing to include all areas of life in the city through mobility, in accordance with the National Urban Mobility Policy (Law No. 12,587/12), which in article 2 states:

The National Urban Mobility Policy aims to contribute to universal access to the city, the promotion and accomplishment of conditions that contribute to the implementation of the principles, objectives and guidelines of the urban development policy, through the planning and democratic management of the National System of Urban Mobility (BRASIL, 2012, our translation).

In the same sense, Cunha (2011, p. 93) states that “urban mobility would configure a strategy to combat the housing problem, or even make housing more suitable.” Public transport is essential to ensure adequate housing and, in case transport does not exist or is very expensive, access to other fundamental rights is very difficult.

The disorderly growth of Brazilian cities and the omission of the State, as pointed out by Reis (2013), create real problems from a social and legal point of view, and a large part of the urban population ends up living in marginal areas, where informal settlements are formed without access to essential services. For these people, mobility is more than necessary, something that citizens constantly do to carry out their basic activities in their living spaces⁵. However, in large cities, infrastructure is not able to meet demand, such as the saturation of public transport, associated with the lack of integration of transport in metropolitan cities, including the distance of transportation to people’s homes, or even costs. All of this creates problems in the lives of city dwellers, a series of physical and psychosocial frictions, which have not yet been measured.

This research is based on the UN’s concept of adequate housing, which established the eight elements that are essential to define that a home is suitable. But this work focuses on studying only the element of location, which is “housing is not adequate if isolated from job opportunities, health services, schools, daycare centers and other social facilities or, if located in polluted or dangerous areas” (ONU, 1991, our translation). This is the element that must be observed in the analysis of urban mobility policies, that is, where urban mobility most influences access to life, as it is part of the housing concept.

⁵ On Living Space, see Cunha (2005).

The methodology used is the hypothetico-deductive method, with legal-dogmatic analysis.⁶ For this research, an extensive literature review was carried out, essentially dogmatic, based on doctrine, legislation and with the technique of reviewing national and international documents. In addition, scientific articles and official studies, methods of observation and geospatially-referenced analysis of the program site were used. The proposed hypothesis is that the lack of urban mobility restricts citizens' access to adequate housing. The article describes urban mobility and its legal foundations and aspects in the new urban agenda. The requirements for adequate housing were also discussed and, subsequently, an analysis was made of the Jardim Bassoli case and the public policies⁷ that should be applied.

1 THE RIGHT TO HOUSING IN THE INTERNATIONAL CONTEXT

The concern with social rights gained momentum internationally after the end of the Second World War, particularly with the Universal Declaration of Human Rights (UDHR), which established in 1948 in its article 25 that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services [...]" (ONU, 1948).

However, UDHR has no binding force, so it has not forced countries to comply with what it has established. For this reason, in 1966, the General Assembly of the United Nations met with the objective of giving binding force to the human rights so they were respected by all countries. Subsequently, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) were agreed, both ratified by Brazil in 1992.

ICESCR, which deals with social rights, established in its article 11 the right to adequate housing:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent. (ONU, 1966).

In this context of increasing urbanization, caused by the Industrial

6 On dogmatic-legal analysis, see Quiroz for this purpose (1998, p. 54).

7 On public policies See Mastrodi and Ifanger (2020) and García (2017).

Revolution and intensified after the Second World War, and in the face of an international legislative structure that protected human rights, recognizing social rights as such, the French philosopher Lefebvre published in 1969 the book “The Right to the City.” In addition to innovating when conceiving the right to the city for the first time, Lefebvre addressed the conflicts derived from transforming the city into merchandise, identifying “countless polarities in the city’s production process, such as industrialization versus urbanization; growth versus development; and economic production versus social life” (ALFONSIN *et al.*, 2017, p. 1219, our translation).

The disorderly growth of cities has triggered a warning sign in the international community, given the lack of respect for social rights and the degradation of the environment. For this reason, the 1970s and 1990s were of particular importance, as there were four major UN conferences.

In 1972, the United Nations Conference on the Human Environment was held in Stockholm (Sweden), which dealt with the environment in its various aspects, highlighting that “in developing countries, most environmental problems are motivated by underdevelopment” (ONU, 1972, our translation) and, therefore, without social development that guarantees a decent human existence, with food, clothing, housing, education, adequate health and hygiene conditions for all, it would not be possible to combat environmental problems.

Then in 1976, the United Nations Conference on Human Settlements (Habitat I) was held in Vancouver, Canada, focused on the artificial/urban environment, highlighting the precarious situation of human settlements and insisting on the need to join efforts to make human settlements more livable and attractive, with special attention to the needs of disadvantaged groups (ONU, 1976).

In 1992, the United Nations Conference on Environment and Development (Rio-92) was held in Rio de Janeiro (Brazil), in which it was again emphasized that “peace, development and environmental protection are interdependent and indivisible” (ONU, 1992), and an entire chapter of Agenda 21 was dedicated to promoting the sustainable development of human settlements.

In 1996, Istanbul (Turkey) hosted the Second United Nations Conference on Human Settlements (Habitat II), which observed the “continued deterioration of conditions of shelters and human settlements” caused by the unsustainable development of countries and reaffirmed “commitment

to the full and progressive realization of the right to adequate housing” (ONU, 1996).

The new millennium was accompanied by the Millennium Development Goals, a global agenda that guided the development of countries between 2001 and 2015 and that had as one of its objectives “to guarantee the quality of life and respect for the environment” (ONU, 2000, our translation). The results were good, but not enough, and these goals were renewed and expanded in 2015, giving rise to the 2030 Agenda, composed of 17 Sustainable Development Goals (SDGs) and 169 goals to be achieved by 2030. Among them, SDG no. 11, which aims to “make cities and human settlements inclusive, safe, resilient and sustainable” (ONU, 2015), guaranteeing housing and transportation.

Therefore, by 2030 the State should guarantee safe, adequate and affordable housing with basic services for all; safe, sustainable and accessible transport systems; inclusive and sustainable urbanization; participatory, integrated and sustainable human settlements; universal access to safe, inclusive, accessible and green public spaces; as well as the protection and safeguarding of the world’s cultural and natural heritage and the reduction of environmental disasters and the negative environmental impact per capita of cities (ONU, 2015).

2 URBAN MOBILITY, LEGISLATION AND INTERNATIONAL DOCUMENTS

General Observation no. 4 of the Economic, Social and Cultural Rights Committee (ONU, 1991) establishes the aspects of realizing the right to adequate housing, namely: legal security of tenure⁸, availability of accessible services, habitability, accessibility, cultural adequacy, urban infrastructure and location. As for the last point, what most relates to the right to the city is the location, since the house can be located in a place where there was no prior installation of basic services. However, the quality of mobility can guarantee affordable travel and therefore ensure that people can have decent housing and possible access to basic rights. In this sense, according to the regulations of the MCMV program, it is necessary to provide infrastructure for the integration of people into the city.

The right to transport must be considered an autonomous fundamental right, under the terms of article 6 of the Brazilian Constitution, through

⁸ On legal security of tenure see Mastrodi and Alves (2017).

Constitutional Amendment no. 90, from 2015, this right was created. The law therefore considers that the right to housing and transportation are fundamental autonomous rights. Given that these rights are important to have public policies aimed at improving urban mobility and stimulating quality public transport in Brazilian cities, since such policies are basic conditions or a means that provides access to cities and other rights as a whole.

One of the significant advances in this area was approved in 2012 by Law no. 12,587/12, also known as the Urban Mobility Law (BRASIL, 2012), which seeks to implement the sustainable urban mobility policy at the national level and corresponds to the municipalities, with more than 20,000 inhabitants, who must plan and execute the urban mobility policy. The objective is to contribute to establishing guidelines and providing municipalities with tools to improve mobility conditions in Brazilian cities, prioritizing non-motorized means and, subsequently, public transport by car.

It is worth remembering that the right to urban mobility and the right to the city are State competences that must be carried out through public policies and urban instruments contained in the City Statute, as already provided for in urban planning, being a fundamental and necessary instrument for the development of sustainable cities (RANGEL; SILVA, 2009).

All Brazilian municipalities with more than 20,000 inhabitants must have a master plan, according to article 41 of the City Statute. This document is the main legal framework for urban planning in cities. Urban planning and its execution by the authorities occur through political interventions. They are not only based on the constitutional norms contained in the City Statute, but must also be addressed, in each municipality, according to local standards and adaptations (BRASIL, 2001).

According to the Constitution of the Federative Republic of Brazil, a balanced environment is a fundamental right, “essential to the healthy quality of life, imposing to the state and to the community the duty to defend and preserve it for present and future generations” (BRASIL, 1988). The right to the city aspires to equate said protection to the city as well as the environmental law, since it is a diffuse right, which influences another part, as the city is already a reality for almost everyone. On the other hand, the Brazilian Constitution establishes in its articles 182 and 183 an urban development policy, promoting the well-being of the city’s inhabitants.

It can be highlighted that the Federal Constitution guarantees mobility:

Article 5: All persons are equal before the law, without any distinction whatsoever, and Brazilians and foreigners resident in Brazil are assured of inviolability of the right of life, liberty, equality, security and property, on the following terms: [...]

15 – Locomotion within the national territory is free in times of peace, and any person may, under the terms of the law, enter it, remain in it or leave it with his or her assets; [...] (BRASIL, 1988).

Despite saying that locomotion is free and that everyone is free and equal in rights, many cannot exercise this right in a predetermined way, since the State fails to intervene in public policies for the fulfillment of this right.

In this sense, Rodriguez, Soares and Guedes (2020) affirm that in an important part of Brazilian cities, the public policies for urban planning are not in line with those of the transport system. Thus, there is a lack of promotion for the implementation of these public policies, which in turn potentiates a constant dispute over the city space between pedestrians and drivers, compromising mobility and accessibility and making people stop moving with quality in urban spaces. As a result, disputes limit free movement and endanger people's lives. As already mentioned, locomotion is a constitutional right, but its effectiveness is limited to the execution of public policies by the State.

It is worth remembering that cities need help from the Brazilian State and the states to promote this type of action. In this sense, Sachs (2008, p. 11, our translation) affirms that the national state has three main functions, namely:

- a- The articulation of development spaces, from the local level (which must be expanded and strengthened) to the transnational level (which must be the subject of a careful policy of selective integration, subordinated to an endogenous development strategy);
- b- The promotion of partnerships between all stakeholders around a negotiated sustainable development agreement;
- c- The harmonization of social, environmental and economic goals, through strategic planning and the daily management of the economy and society, seeking a balance between different sustainabilities (social, cultural, ecological, environmental, territorial, economic and political) and the five efficiencies (allocation, innovation, Keynesian, social and eco-efficiency).

The State, therefore, must promote public policies to ensure that people have access to basic rights. In this sense, the author Celina Souza considers that “public policies are the sum of government activities, acting directly or by delegation, and that influence the citizens’ lives” (SOUZA, 2006, p. 24, our translation).

In the same sense, the New Urban Agenda (ONU, 2016) states the contribution it makes to implement the 2030 Agenda for sustainable development and to achieve the SDGs, “including goal no. 11, on the development of inclusive, safe, resilient and sustainable cities and urban settlements” (TANSCHKEIT, 2016, our translation).

It is noteworthy that the SDGs and the New Urban Agenda are urgent measures to seek solutions to the unsustainable expansion process of cities, which must act in the light of environmental and social problems. Such measures will require a continuous process of joint work to formulate a national urban strategy or policy, with coordination at the governmental level, based on the dialogue between various sectors and with its execution by local authorities (DE LEO; RICCI; VITALI, 2017).

This is the perspective that smart cities address, and for this reason, sustainable and smart urban mobility is the main axis. The right to urban mobility is one of the appropriated elements of the city. French philosopher Henri Lefebvre, in the late 1960s, coined the term “right to the city.” Since then, this right has been the subject of several discussions and, only recently, the UN gave due recognition to the NUA.

3 THE INFLUENCE OF URBAN MOBILITY ON THE NEW URBAN AGENDA

The Third United Nations Conference on Housing and Sustainable Urban Development, also known as Habitat III, took place on October 20, 2016, and approved the New Urban Agenda (NUA). This declaration sets out a series of objectives and targets for countries to achieve in the next 20 years. This should be used as a basic tool for policy and planning measures for the development of sustainable and compact cities, there is the planning and creation of public spaces and the preservation of the environment and the regulation of informal settlements with the participation of residents.

On the issue of urban mobility, one of the preparatory documents for UN-Habitat III in 2016 states that:

The objective [of sustainable urban mobility] is to create universal access to safe, clean and accessible transportation for all, which in turn can facilitate access to opportunities, goods and services. Accessibility and sustainable mobility have to do with the quality and efficiency of reaching destinations and reducing distances. As a result, sustainable urban mobility is determined by the degree to which the city as a whole is accessible to all its residents, including the poor, elderly, young, with disabilities, women and children (ONU, 2015, our translation).

In this sense, it was the World Charter for the Right to the City (2006), which establishes the right to public transport and urban mobility (Part 4, article 13), whose general objective is the recognition of national and international human rights legislation in the city.

NUA encourages the participation of all, from civil society, from NGOs, to the different hierarchies of the State, so they participate in the commitments of sustainable urban development.

NUA identified the need for a massive development model, different from the current one, which should focus on public transport for people, who, in turn, would provide better urban access for everyone, as explained below by NUA:

- (a) massive expansion of public transport, walking and cycling;
- (b) equitable traffic-oriented development that minimizes travel to the most vulnerable sectors, designs affordable housing and links jobs and services; also to enable comprehensive spatial and transport planning through Sustainable Urban Mobility Plans.
- (c) better planning and coordination of land use and transport (ONU, 2016, our translation).

Thus, NUA establishes a massive increase in public transport and means to facilitate walking or cycling through the city, in order to decrease the demand for private vehicles, allowing the planning of the largest global space and transportation through Sustainable Urban Mobility plans. According to the urban planner Maricato, mobility is “urban planning for some, market for some, laws for some, modernity for some, citizenship for some” (MARICATO, 2013, p 125, our translation). It cannot be forgotten that, after all, it was a great advance achieved by Habitat III to bring about the recognition of the “right to the city.”

It can be seen that Habitat III had a greater tendency to address the problems of the “right to the city” (for all aspects such as urban, inclusive, safe, resistant and sustainable mobility), urban and rural, to guarantee the sustainable use of land and natural resources, to reach a compact and poly-centric city, with adequate density and connectivity and in the control of urban expansion. These characteristics have the power to reduce the challenges and problems of urban mobility.

The event instigated the integration of mobility plans in the urban planning of cities and supports the prioritization of active transport over motorized transport and Sustainable Transport-Oriented Development (STOD), which reduces displacement to a minimum – particularly for the

poorest – and would allow more accessibility, as it ensures that people, even if there are no basic infrastructure costs near their homes, if they have mobility, they can easily access the entire city (so they have their basic rights). The planning of sustainable urban mobility must promote security and accessibility to respond to gender and age issues, efficient systems for transporting passengers and goods that connect people, places and economic opportunities.

In this sense, Santos said (1993, p. 111, our translation):

Public power itself becomes the privileged creator of scarcity; thus, it stimulates speculation and promotes the production of empty spaces within cities; unable to solve the housing problem, it pushes the majority of the population to the peripheries; and it further impoverishes the poorest, forced to pay dearly for precarious public transport and to buy expensive goods for essential consumption and essential services that the government is unable to solve.

In addition to this problem addressed by Santos, the NUA addresses the “right to the city,”⁹ the city must be seen as a common good of all, widely spread and collective, as well as the right to the environment. Both are from present and future generations, in which all human rights are protected and people have access to spaces, services and opportunities. This right is, therefore, the sustainability of cities, not only from the economic and environmental point of view, but also from the point of view of the quality of life of its inhabitants.

According to the political synthesis of Habitat III (ONU, 2016, our translation), the concept of the right to the city is:

[...] the right of all present and future inhabitants to occupy, use and produce just, inclusive and sustainable cities, defined as a common good essential to the quality of life. The right to the city also implies the responsibilities of governments and people to claim, defend and promote this right.

The right to the city is to reconsider urbanization and cities, giving them a new paradigm, an alternative structure. This right consists of the rights that are still under construction, such as the right to housing, to urban planning and to the environment. However, they are not reflected as authentic subjective rights or fundamental rights of immediate application.

According to PGDC (2016, our translation), the concept of the right to the city is:

9 Brazil is a reference in legislation and research on the right to the city, since the main researchers are Brazilian and also enjoy city status. For Habitat III, it was easy to see that this is an example of public policy with extensive technical knowledge on the subject.

Result of a collective foundation and decades of creation that is the right of all inhabitants, present and future, temporary and permanent, to use, occupy, produce, direct and take advantage of just, inclusive, peaceful and sustainable cities, towns and settlements, seen as essential common goods for a full and decent life.

The city must give the opportunity and allow social interaction and inclusion, economic exchange, cultural expression and dialogue to be established between a wide range of people to avoid socio-spatial segregation. For this reason, the State should pay more attention to the urban space, as it is where everyday life occurs. Citizens depend on an organized urban environment, designed to meet basic needs and have their basic rights guaranteed (MARQUES; MARQUES, 2011). The right to the city is structured to achieve the effective fulfillment of all human rights internationally agreed for all the goals expressed in the goals of sustainable development and in the commitments of the Habitat Program.

As Lefebvre (2001) points out, the right to the city cannot be seen as a simple right of return to traditional cities. In addition, it creates a dynamic in which social reality could be changed if, at present, what is meant by social rights (including after what was agreed in 1966 by the United Nations in the International Covenant on Economic, Social and Cultural Rights) (ONU, 1966) was included in the program with the aim of discussing and implementing, in material conditions, not only experiences, but also coexistence and integration in the urban fabric. The precepts recognized as fundamental are discussed, namely: adequate housing, urban mobility, basic sanitation and other public service equipment.

4 ADEQUATE HOUSING AND THE BASSOLI CASE

The 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Economic, Social and Cultural Rights recognized adequate housing as part of the right to an adequate standard of living.

The requirements for adequate housing, according to the United Nations Committee on Social, Economic and Cultural Rights, pursuant to its General Comment no. 4 (GC4): “location” is a condition to allow access to work options, health services, schools, daycare centers and other social services, both in large cities and in rural areas. The GC4 establishes other suitable housing conditions, namely: legal security of tenure, availability of services and urban infrastructure, habitability, accessibility and cultural adequacy. Despite the deep interconnectedness between them, the emphasis here is on the assumption of location (ONU, 1966).

One of the most important requirements is the location. Housing should be close to schools, kindergartens, jobs, hospitals and other social facilities and far from risky areas. This applies to both large cities and rural areas. The location strongly influences residents' spending on transportation, productivity at work and at school – because the further away, the more exhausting the commute to these locations – the possibility of rescue in the event of accidents, among others.

The Federal Constitution of Brazil establishes that it is the duty of the State to act to guarantee social rights such as the right to housing, included in article 6 of Constitutional Amendment 26/2000. In the 1990s, Brazil adhered to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which establishes in its article 11 the right to adequate housing: Brazil has also adhered to the Istanbul Declaration on Human Settlements (Habitat II), which deals with the right to housing as minimum conditions for living a decent life. In addition, in 2015, the document “The transformation of our world: the 2030 Agenda for sustainable development” was published, thanks to the Rio + 20 Conference, which will guide the development of countries, including Brazil, over the next 15 years, and that it has as SDG no. 11 the guarantee to access to safe, adequate housing (including good location) and affordable prices by 2030.

Despite the *Minha Casa, Minha Vida* program, one of the main housing policies of the Brazilian government to promote the production of low-income housing and help finance it for low-income families, it appears that it does not meet the minimum production requirements for adequate housing, especially in this case, given the lack of assumption of location. This study consists of the analysis of maps and visits to places where the houses were built by the MCMV program in Campinas, São Paulo. In view of the low land prices in remote areas, practically all houses were built outside the municipality's urban area.

The land on which the houses will be built is purchased by contractors accredited by the MCMV program, which, in order to reduce production costs, chose remote locations. The distance between the city (with its infrastructure and public services) and the houses built is against the characteristics of adequate housing, in accordance with international law, and generates high costs for the municipality itself, which often without resources, sees the urgency of integrating the new houses into the structure of the city, something that would not have happened if there were urban planning for the new houses, or if they had been built in places closer to

and already integrated with the city.

As for urban planning, or the lack of it, it may be cheaper for municipalities to acquire the property close to or within the urban area, public services and equipment in inverse locations, where there is no urban structure nor it is located close to the center. The objective is to identify possible instruments of urban policy so that population can have access to the city and not be in remote isolation. The lack of a good location, raising public costs for the integration of residents into the urban fabric, makes the city's structure unsustainable.

Therefore, it is concluded that the MCMV program is not a model of public policy that allows the production of adequate housing, as the buildings are built outside the urban area and do not have the adequate infrastructure prescribed by international documents.

The location of premises and the availability of essential health, education, safety, comfort and nutrition services, materials, facilities and infrastructure will be assessed together.

Residencial Jardim Bassoli is located in Campinas, close to the borders with the municipalities of Hortolândia and Monte Mor. That means it is on the city's outskirts, far from the urban area of the three municipalities. According to the information obtained on the EMDEC website, the average travel time between the residential buildings and the center of Campinas (about 20 km), using public transport (two buses because there is no direct line), is 60 minutes, varying according to traffic.

The nearest schools are within a 4 km radius of the facilities, this distance may seem reasonable, but for those who depend on public transport, it is not. Also, there is no essential health infrastructure in place. Even in a region with more than ten thousand inhabitants, there are no health centers in the vicinity, the nearest (about 30 minutes on foot) does not have the necessary infrastructure to serve the entire population of this and other neighboring districts.



Figure 1 Location of Jardim Bassoli.
Source: Google Maps

Another problem concerns the distance between accommodation and living space, in particular, the workplace. Many residents of Jardim Bassoli come from a risk area in Jardim Campineiro, located 18 km from this region, but still work close to their previous house, which leads them to spend a lot of time commuting to work.

In this sense, Cunha (2011) states that spatial mobility can be configured as a strategy from which it is possible to address the housing problem, because even if this house is not in the city center, the quality of public transport, inclusive, sustainable and accessible housing will be more appropriate. In the case of Jardim Bassoli, it can be clearly seen that, if there had been a low-cost, high-quality public transport service, the residents' lives would have improved and, therefore, so would the situation of these houses, since it would make it more accessible to urban expansion.

In addition, the facilities are poor, as several reports explain: "Families who have moved to three condominiums in the past two weeks complain of structural problems, such as leaks, holes in walls and ceilings, as well as windows without locks and without glass" (QUADRA, 2012, our translation).

Even after a few years, the problems continue to increase, as shown by a report on the dance floor that fell, which was the inhabitants' living space (ABDE, 2016). Thus, in fact, people cannot exercise their right to live with dignity, as the conditions of the houses do not allow for a consistent, adequate and safe minimum structure.

Reinforcing this idea, it is worth highlighting the repudiation motion

presented by the Municipal Assembly of Campinas number 14, published in the Official Gazette of the Union, and it is shown below:

Jardim Bassoli, located in the Northwest Region of Campinas, where 2,380 families – residing in risk and environmental preservation areas – were contemplated by the *Minha Casa, Minha Vida* program and removed from their former homes to reside in this real estate development. However, the territory does not have service coverage of the public services that should exist in the neighborhood, as recommended by the Federal Program. As for the Social Assistance Policy, families have as their service reference, DAS/NO (District of Social Assistance/Northwest); which is located approximately 8 kilometers from the neighborhood, thus requiring that individuals ride 4 buses (round trip) or walk to access the service. Based on this reality, the number of existing families and the extreme vulnerability and situations of social and personal risk, we recommend the creation of a CRAS (Reference Center for Social Assistance) in the territory to guarantee access to the Social Assistance Policy of the Municipality by families and individuals (CAMPINAS, 2015, our translation).

This motion, added to other reports, reflects that there is still a lot of investment in public urban mobility policies in the city. As the authorities have two options to solve these problems to allow the population of that area to have access to their basic rights, the first would be to bring all the urban infrastructure around them, which would take a lot of time and expenses, the second would be making the infrastructure accessible to all, which would be faster and easier to do.

CONCLUSION

In this investigation, the proposed hypothesis was confirmed, therefore, there is a connection between the lack of public policies on urban mobility and the restriction of citizens' access to adequate housing, since one cannot have a home without infrastructure or options to access the nearest city and urban center. Both NUA and the right to the city establish the interconnections between fundamental rights. Thus, according to General Comment no. 4 of the United Nations Committee on Cultural, Economic and Social Rights that establish the requirements for adequate housing, which includes the obligation to have urban mobility to access the city. On the other hand, considering that this correlation exists, we see the need for new public policies for access to inclusive cities designed by all and for all. In other words, to have a more structured planning of cities, with the sensitivity of the public administrator, to satisfy the needs of all economic classes.

This study also sought to discuss some aspects of urban mobility, its legal frameworks and its reflection on access to adequate housing. Considering that this right is a citizen's right and duty of the State to promote mobility conditions in cities and guarantee access for all. This study is derived from other investigations, however, there are still other aspects on the subject that can be addressed.

Thinking about the future of mobility, there is speculation about the future of cities, which will invariably depend on urban planning and public policies. These policies are fundamental to have inclusive, supportive and sustainable metropolises. In addition to promoting a greater commitment by the State to the exercise of the rights of free movement and quality public transport, as well as the promotion of public policies to serve this purpose.

Urban planning and its execution by the authorities occur through political interventions. They are not only based on the constitutional norms contained in the City Statute, but must also be addressed, in each municipality, according to local standards and adaptations. For example, in Brazil, all municipalities with more than 20,000 inhabitants must have a master plan.

Cities have a key role to play in the 2030 Agenda in terms of sustainability and, therefore, transportation must be accessible, safe and sustainable for all, in addition to promoting sustainable means and improving sidewalks and cycle paths. The construction of public spaces and green areas should also be promoted.

As historical advances in global struggles for the recognition of the rights to housing and mobility have been presented throughout the articles, it is not yet applicable at the regional or local level, as in the Bassoli case, despite the fact that Brazil adhered to international treaties and created internal standards.

It must be reaffirmed that the MCMV program in Campinas is not a model of public policy that allows the production of adequate housing, since the buildings are built outside the urban area and do not have adequate infrastructure according to international documents.

In addition, if the NUA and the SDGs were implemented in the city of Campinas, therefore, the existing problems in the Bassoli case could be corrected, since these rights are interconnected and there is no way to achieve one without the other.

We concluded that, in the case of the MCMV program of Jardim

Bassoli, in Campinas, investment in urban mobility is expected to be a key factor for the quality of life of citizens to access other human rights, in particular adequate housing and their rights and its relationship to guarantee access to the city, as this is also the main idea of social inclusion, according to the National Urban Mobility Policy of Brazil.

The creation of urban mobility policies would be the most viable, quick and accessible way to integrate this “island” called Jardim Bassoli in the city. The answer must be urgent, as they have spent almost 10 years without access to their basic rights. Obviously, it would be ideal for urban infrastructure to be built around Jardim Bassoli.

Finally, it should be noted that rights are intertwined, which means the State cannot neglect any, as this negatively influences the achievement of other human rights. The New Urban Agenda must be consolidated in the city so that everyone has equal access to human rights.

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