

**THE RIGHT TO HUMAN DEVELOPMENT AS AN INTERNATIONAL COMMITMENT: FRATERNITY, SDG 16 OF THE 2030 AGENDA, AND THE PROTECTION OF VICTIMS IN THE BRAZILIAN JUSTICE SYSTEM**

**O DIREITO AO DESENVOLVIMENTO HUMANO COMO COMPROMISSO INTERNACIONAL: FRATERNIDADE, ODS 16 DA AGENDA 2030 E A TUTELA DAS VÍTIMAS NO SISTEMA DE JUSTIÇA BRASILEIRO**

**EL DERECHO AL DESARROLLO HUMANO COMO COMPROMISO INTERNACIONAL: LA FRATERNIDAD, EL ODS 16 DE LA AGENDA 2030 Y LA PROTECCIÓN DE LAS VÍCTIMAS EN EL SISTEMA DE JUSTICIA BRASILEÑO**



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**ABSTRACT**

This article analyzes human development as a legal commitment assumed by the Brazilian State in the context of the internationalization of human rights, focusing on the United Nations 2030 Agenda as a global normative framework for promoting sustainable development, considering fraternity as a guiding legal category for social relations and the realization of human rights. It starts from the hypothesis that the incorporation of international normative instruments, even if not fully binding, imposes state duties to promote public policies aimed at overcoming poverty, reducing social inequalities, and providing comprehensive protection for victims of human rights violations, in accordance with international parameters of justice and human dignity. The objective is to verify whether the right to human development has a binding nature in the Brazilian legal system and to what extent the Justice System contributes to its realization, especially in light of SDG 16 of the 2030 Agenda, highlighting access to justice, institutional strengthening, and the protection of victims, from a fraternal perspective. This study adopts a qualitative methodology, of a bibliographic and documentary nature, based on the analysis of international treaties, domestic norms, and national and foreign doctrinal production, using the deductive method. It concludes that the right to human development has a legally binding nature, being progressively realized in Brazil through institutional action and the internalization of international parameters, requiring the consolidation of fraternity as the foundation of a more inclusive justice.

**Keywords:** Human Development. 2030 Agenda. Human Rights. Victims' Rights. SDG 16. Fraternity.

**RESUMO**

O presente artigo analisa o desenvolvimento humano como compromisso jurídico assumido pelo Estado brasileiro no contexto da internacionalização dos direitos humanos, com

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enfoque na Agenda 2030 das Nações Unidas como marco normativo global de promoção do desenvolvimento sustentável, considerando a fraternidade como categoria jurídica orientadora das relações sociais e da efetivação dos direitos humanos. Parte-se da hipótese de que a incorporação de instrumentos normativos internacionais, ainda que não plenamente vinculantes, impõe deveres estatais de promoção de políticas públicas voltadas à superação da pobreza, à redução das desigualdades sociais e à proteção integral das vítimas de violações de direitos, em consonância com parâmetros internacionais de justiça e dignidade humana. O objetivo é verificar se o direito ao desenvolvimento humano possui natureza vinculante no ordenamento jurídico brasileiro e em que medida o Sistema de Justiça contribui para sua efetivação, especialmente à luz do ODS 16 da Agenda 2030, com destaque para o acesso à justiça, o fortalecimento institucional e a tutela das vítimas, sob uma perspectiva fraterna. Adota-se metodologia qualitativa, de natureza bibliográfica e documental, com base na análise de tratados internacionais, normas internas e produção doutrinária nacional e estrangeira, mediante utilização do método dedutivo. Conclui-se que o direito ao desenvolvimento humano possui natureza juridicamente vinculante, sendo progressivamente concretizado no Brasil por meio da atuação institucional e da internalização de parâmetros internacionais, exigindo a consolidação da fraternidade como fundamento de uma justiça mais inclusiva.

**Palavras-chave:** Desenvolvimento Humano. Agenda 2030. Direitos Humanos. Direito das Vítimas. ODS 16. Fraternidade.

## RESUMEN

Este artículo analiza el desarrollo humano como un compromiso jurídico asumido por el Estado brasileño en el contexto de la internacionalización de los derechos humanos, centrándose en la Agenda 2030 de las Naciones Unidas como marco normativo global para promover el desarrollo sostenible, considerando la fraternidad como categoría jurídica rectora de las relaciones sociales y la realización de los derechos humanos. Parte de la hipótesis de que la incorporación de instrumentos normativos internacionales, aun cuando no sean plenamente vinculantes, impone al Estado el deber de promover políticas públicas dirigidas a superar la pobreza, reducir las desigualdades sociales y brindar protección integral a las víctimas de violaciones de derechos humanos, de conformidad con los parámetros internacionales de justicia y dignidad humana. El objetivo es verificar si el derecho al desarrollo humano tiene carácter vinculante en el ordenamiento jurídico brasileño y en qué medida el Sistema de Justicia contribuye a su realización, especialmente a la luz del ODS 16 de la Agenda 2030, destacando el acceso a la justicia, el fortalecimiento institucional y la protección de las víctimas, desde una perspectiva fraterna. Este estudio adopta una metodología cualitativa, de carácter bibliográfico y documental, basada en el análisis de tratados internacionales, normas internas y producción doctrinal nacional y extranjera, utilizando el método deductivo. Concluye que el derecho al desarrollo humano tiene carácter jurídicamente vinculante, realizándose progresivamente en Brasil mediante la acción institucional y la internalización de parámetros internacionales, lo que requiere la consolidación de la fraternidad como fundamento de una justicia más inclusiva.

**Palabras clave:** Desarrollo Humano. Agenda 2030. Derechos Humanos. Derechos de las Víctimas. ODS 16. Fraternidad.

## 1 INTRODUCTION

In the present work it is intended to demonstrate that there is a commitment on the part of the Brazilian Justice System to promote human development, either through the positions of its members, or through the manifestations and judicial decisions issued by the system, or due to the existence of several international treaties and the recognition of the internationalization of human rights.

The United Nations (UN) has worked insistently in search of international consensus for universal cooperation, in order to promote and consolidate respect for Human Rights and fundamental freedoms for all, without distinction of race, sex, language or religion. The UN also recognizes that development is a comprehensive economic, social, cultural and political process, and should be within the reach of all individuals on the planet.

Based on the Universal Declaration of Human Rights, which guarantees everyone the realization of the rights and freedoms enshrined in this provision, and also with a strong appeal to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in addition to other instruments of the United Nations, it is confirmed that the right to development is an inalienable human right and that equal opportunity for development is an inalienable human right. prerogative of both nations and individuals who make up nations.

The discussion of the theme intends to lead us to understand whether the Brazilian State is legally bound by the principle of human development, even though there is no express regulatory norm in this sense, but as a result of the internationalization of human rights.

Despite the growing normative consolidation of the right to development at the international level, the definition of its binding force and its institutional implementation within the Brazilian justice system still remains controversial in the Brazilian legal doctrine, evidencing a true doctrinal gap.

As a complementary theoretical framework, fraternity is adopted as a relational legal category capable of densifying the effectiveness of human rights in the context of sustainable development.

In view of this scenario, the following research problem arises: to what extent does the right to human development, in the light of the 2030 Agenda and SDG 16, have a legally binding nature in the Brazilian legal system and how has the Justice System incorporated the protection of victims from a perspective guided by fraternity?

The aim is to seek foundations to ensure responses in the sense of affirming Brazil's obligation to implement public policies, at all levels and by all sectors of the State, to ensure

the full development of people is one of the objectives of the work, evidencing the legal and institutional relevance of the theme for the effectiveness of human rights.

The second objective is to assess the level of commitment of the Justice System to the Sustainable Development Goals from the context of United Nations Resolution No. 40/34 and the 2030 Agenda that was approved in 2015 by the UN General Assembly, especially under the terms of Sustainable Development Goal (SDG) 16. Therefore,

The article aims to: (i) analyze the link of the Brazilian State to the principle of human development; and (ii) assess the commitment of the Justice System to SDG 16 of the 2030 Agenda.

The present academic discussion aims, based on bibliographic research, using books, articles, doctrine and national and international normative protocols, with the application of the deductive method, to examine the hypothesis of state linkage to sustainable human development, as a presupposition for the guarantee of Human Rights. The research is inserted in the field of public law, with a legal-dogmatic approach and critical-normative analysis.

The article is structured in four sections: initially the concept of development as freedom is discussed; then its legal nature is analyzed; then the performance of the Justice System in relation to SDG 16 is examined; and, finally, the binding nature of human development in the Brazilian context is evaluated from the perspective of fraternity.

## **2 DEVELOPMENT AND HUMAN RIGHTS**

In the contemporary world, how is it possible to think about the concept of development? The expression can lead to reflection on the paths to be taken that will allow the passage from a current state to another future state, this one more developed, more perfect than the previous one. Development can be thought of in terms of evolution or progress, which can be achieved through the expansion of the physical and intellectual capacities of a person, a community, a people, reflecting a higher level of productivity, a better and higher standard of living, whether through the use and enjoyment of new technologies, expansion of energy consumption, greater need for natural resources, all this in the name of progress that feeds back on the new demands that will arise. However, a more in-depth and broader approach will allow other conclusions to be reached, especially from the conception of development as an expansion of human freedoms.

By adding the term "sustainable" to the definition of development, it is possible to think of a more balanced and harmonized form of economic development, so as not to allow the depletion of natural resources or cause environmental damage. For Jeffrey Sachs (2017),

sustainable development is a fundamental concept for our time. It is, at the same time, a way of understanding the world and a method to solve global problems. It highlights that, as an intellectual exercise, sustainable development attempts to understand the interactions of three complex systems: the world economy, global society, and the Earth's physical environment, which reinforces the need to integrate economic growth and the expansion of human freedoms.

From this perspective, the theoretical contribution of Amartya Sen stands out, for whom development should be understood as a process of expansion of people's real freedoms, and not just as economic growth or income increase. The author proposes a break with traditional approaches focused exclusively on economic indicators, arguing that development consists of the expansion of human capacities — that is, the concrete possibilities for individuals to live the life they value. Highlighted:

Development can be seen as a process of expanding the real freedoms that people enjoy. The focus on human freedoms contrasts with narrower visions of development, such as those that identify development with growth in the Gross National Product (GNP), increase in personal incomes, industrialization, technological advancement, or social modernization. The growth of GNP or individual incomes can obviously be very important as a means of expanding the freedoms enjoyed by members of society. But freedoms also depend on other determinants, such as social and economic provisions (e.g., education and health services) and civil rights (e.g., the freedom to participate in public discussions and investigations) (SEN, 2010, p. 10).

Thus, the deprivation of substantive freedoms, such as access to education, health, political participation and justice, is not only a social problem, but a denial of development itself. In this line, development comes to be understood as an instrument and purpose of human rights, establishing an intrinsic relationship between the promotion of freedoms and the performance of state institutions, especially in the context of the justice system.

The realization of processes that seek this form of development, placing the human being at the center of the development process, will allow the world to provide current and future generations with the means of material, intellectual and social subsistence, reaching the global population in a more equal way.

In this way, it will seek to create minimum conditions for a global human coexistence, based on the reduction of poverty, misery and deprivation, considered as the great contemporary challenges, especially when understood as restrictions on fundamental

freedoms. Any discontent with such a state has the potential to generate ruptures with universal peace and harmony, as highlighted in the Declaration of Philadelphia<sup>3</sup>.

Within this context, development cannot and should not be received as a simple economic, material and technological evolution of small groups of people or of certain countries, with the prevalence of the logic of quantity. On the contrary, it should be thought of broadly, focusing on improving the quality of life of socially excluded populations. This exclusion can be manifested by the absence of access to minimum and dignified daily food for the survival of a human being, by the precariousness of health and basic sanitation services, by the limitation of access to quality education, as well as by restrictions on access to justice, configuring structural deprivations of freedom. Jeffrey Sachs explains, in this point, that:

The world economy is growing rapidly (3-4 per cent per year) and is extremely unequal in the distribution of income within and between countries. We live in a world of fabulous wealth and extreme poverty. In this way, it can be seen that the look at development is no longer strictly linked only to the economy, but also reaches the legal bias, which will appropriate the concept, aligning it with human rights, thus valuing, above all, the search for the dignity of the human being (SACHS, 2017, p. 12).

In this context, the concept of development is no longer restricted to the economic dimension, but incorporates social, legal and institutional dimensions, with a focus on the dignity of the human person. The author goes on to state that "a good society is not only an economically prosperous society, but also a socially inclusive, environmentally sustainable and well-governed society" (SACHS, 2017, p. 23).

Economic progress can no longer be detached from social progress. With this new look, a new perspective is opened for the work of the United Nations (UN), international organizations that act in defense of human rights, States and justice systems. The growing awareness of environmental issues and their global impacts has driven institutional and regulatory changes, with the aim of reorganizing development policies and promoting a social order more oriented to human dignity.

Still in this expanded perspective, the international community began to overcome strictly economic conceptions of development, adopting the paradigm of sustainable development. This concept shifts the central axis of reference, from the economy to the human being. With this approach, guided by an intergenerational commitment, the UN has

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<sup>3</sup> The Declaration of Philadelphia, referring to the aims and objectives of the International Labor Organization, was approved at the 26th meeting of the Conference (Philadelphia – 1944).

structured a set of guidelines aimed at promoting global sustainable development. This proposal became known as Agenda 21, approved at ECO-92 or Rio-92 by 178 countries<sup>4</sup>.

The United Nations Conference on Environment and Development represented a watershed that definitively placed the environmental and ecological agenda on the international agenda. This mobilization highlighted the need to adopt more sustainable production and consumption patterns, consolidating global commitments aimed at environmental protection.

One of the central approaches of this study is to analyze how the Sustainable Development Goals (SDGs) have been implemented in Brazil. The 2030 Agenda establishes 17 interdependent and ambitious goals aimed at overcoming global challenges. Considering the breadth of the theme, it would not be possible to take a critical look at all the proposed goals, so the analysis will be limited to SDG 16 – Peace, Justice and Effective Institutions –, which aims to promote peaceful and inclusive societies, ensure access to justice and strengthen effective institutions at all levels, which is directly related to the expansion of institutional and legal freedoms (UN, 2015).

### **3 ON THE RIGHT TO DEVELOPMENT AND THE SUSTAINABLE DEVELOPMENT GOALS**

Agenda 21, presented on the basis of UN General Assembly Resolution No. 44/228 of December 22, 1989, establishes a balanced and integrated approach to issues related to the environment and development. This work agenda sought to create objectives and commitments aimed at the twenty-first century, mapping priority problems, resources and means to face them. The achievement of all the goals, which are not restricted only to environmental problems, but also act to eradicate poverty and consolidate human rights, does not depend exclusively on governments, but requires the involvement of civil society, in a true cultural revolution, which reveals the progressive link between sustainable development and human rights.

In the midst of the implementation of the measures proposed by Agenda 21, the UN General Assembly was held in September 2015 in New York, with the presence of world leaders and representatives of civil society, where a new action plan was adopted to eradicate poverty, protect the planet and ensure that people achieve peace and prosperity. This plan is

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<sup>4</sup> ECO-92, also called the Earth Summit, took place in Rio de Janeiro in 1992. Important results and commitments were obtained from this conference, considered one of the most important ever held, represented a milestone in the discussions on environmental preservation and sustainable development. Agenda 21 is one of the most important instruments to have resulted from ECO-92. It is an action plan developed so that countries could, based on it, elaborate and implement measures aimed at sustainable development, which, in order to be achieved, must jointly cover the following fronts: environmental conservation; social justice; economic growth. Available at: <https://brasilecola.uol.com.br/geografia/eco-92.htm>. Accessed on: 03 May 2026.

called the 2030 Agenda for Sustainable Development and resulted in the creation of 17 Sustainable Development Goals (SDGs), which include 169 targets, based on the old Millennium Development Goals (MDGs).<sup>5</sup> The 2030 Agenda, endowed with a genuinely humanist essence, reaffirmed the objectives of Agenda 21 and broadens its scope, becoming one of the main international normative instruments with greater scope.

Sustainable Development Goal 16 – Peace, Justice and Strong Institutions – aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (UN, 2015). Sustainable development, which places the human person as a central subject, is seen as the appropriate path to world peace, especially when associated with the effectiveness of fundamental rights.

SDG 16 is quite broad and encompasses several different themes. For this reason, and specifically, it is appropriate to direct the discussion to sub-items 16.1, 16.2 and 16.3, namely: reduction of all forms of violence and related mortality rates everywhere; combating abuse, exploitation, trafficking and all forms of violence and torture against children; promotion of the rule of law, at the national and international levels, and ensuring equal access to justice for all. These themes deal, in short, with the reduction or elimination of all forms of violence, broad access to justice and unrestricted protection of fundamental freedoms.

In the field of the development of peoples, the Catholic Church had already expressed its Christian vision on the subject, through Pope Paul VI, in the following terms:

Development is not reduced to simple economic growth. To be authentic, it must be integral, that is, it must promote all men and the whole man, as an eminent expert rightly and forcefully emphasized: "We do not accept that the economic is separated from the human; nor the development of the civilizations in which he was included. What counts for us is man, each man, each group of men, until we reach the whole of humanity" (PAUL VI, 1967).

In the same sense, Pope Francis expressed himself in the terms of the Encyclical Letter *Laudato Si'*: "Technological and economic development, which does not leave a better world and an integrally superior quality of life, cannot be considered progress" (FRANCISCO, 2015, p. 148).

So far, the way in which a global commitment to a better and fairer distribution of income has been built, with a focus on eliminating poverty and preserving the environment.

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<sup>5</sup> For more information, see the document available at <https://brasil.un.org/pt-br/91863-agenda-2030-para-o-desenvolvimento-sustentável>. Accessed on: 03 May 26.

The sustainability of development is already a consensus, however, it is necessary to discuss the scope of this development and whether it can be considered as a right, especially at the international legal level.

The Declaration on the Right to Development, proclaimed by the UN in 1986 and accepted by 146 States, confirms that the right to development is an inalienable human right (Article 1), recognizes that the human person is the central subject of the development process (Article 2) and declares that all human rights and fundamental freedoms are indivisible and interdependent (Article 6). Therefore, the right to development must be seen as a global process of maximizing economic, social and cultural freedoms.

It should be added that in the same sense, the Vienna Declaration of 1993 ratifies its universal and inalienable character, and must be implemented and carried out. Thus, "the recognition of the Right to Development as a universal right gives it protection in the international sphere, thus allowing them to be postulated as true rights and not as mere charity, generosity or compassion" (PIOVESAN, 2002, p. 5), distancing its understanding as a mere programmatic guideline.

According to Flávio Pansieri (2016), when addressing some concepts of Amartya Sen's work *Development as Freedom*, he will highlight that the guarantee of development must go through the expansion of freedoms. He emphasizes that freedom is the central point of this process and is indispensable for the achievement of the condition of agent of individuals. This condition will confer on individuals the status of being agents of transformation of their own realities and protagonists of their own destinies. Regarding the definition of the term agent condition, it is worth highlighting Amartya Sen's definition:

I am using the term agent not in this sense<sup>6</sup>, but in its older—and "greater"—sense of someone who acts and brings about change and whose achievements can be judged according to his own values and goals, regardless of whether or not we evaluate them according to an external criterion. This study is particularly concerned with the role of the individual's condition as an agent as a member of the public and as a participant in economic, social and political actions (interacting in the market and even getting involved, directly or indirectly, in individual or joint activities in the political sphere or in other spheres) (SEN, 2000, p. 24).

An inhibiting factor to achieve this condition of agent thought by Amartya Sen is the incidence of extreme poverty, which makes the individual vulnerable to the violation of his freedoms. Poverty generates deprivations of all kinds: physical, material, structural and

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<sup>6</sup> The meaning to which the author refers is the use of the term agent made in the literature of economics and game theory in reference to a person who acts on behalf of another and whose objectives must be evaluated in the light of the objectives of his principal. Amartya wants to indicate with this term a republican aspect in the sense that people act on their own in search of progressive social development.

psychological, such as hunger, malnutrition, diseases, housing deficit, lack of water, lack of basic sanitation, among others. Without the possibility of access to adequate opportunities, it is not possible to exercise individual protagonism. In this context, it is essential to prioritize actions aimed at reducing inequalities, allowing the expansion of freedoms and, therefore, the formation of agents of social transformation.

The journey towards development requires the commitment of different social actors, such as governments, companies, civil society, and public authorities. Everyone must assume responsibilities in the construction of a model oriented to human dignity in the economic, social and cultural spheres, as a way of materializing the proposal of intergenerational solidarity. According to Wagner Balera (2016, p. 46) "only that development that incorporates intergenerational commitment as a guideline for the common future of humanity will meet the requirement of sustainability".

At this rate, it is clear that the Sustainable Development Goals show a reaction of the international community to the individualistic and selfish posture of those who have historically benefited from progress to the detriment of significant portions of the population. It is a model marked by the concentration of wealth, environmental degradation and the centrality of economic growth, in contrast to the contemporary proposal of development guided by human rights and the expansion of freedoms.

#### **4 THE INTERNALIZATION OF SDG 16 OF THE 2030 AGENDA IN BRAZIL: THE ROLE OF THE JUSTICE SYSTEM AND THE CENTRALITY OF VICTIMS IN THE REALIZATION OF HUMAN RIGHTS**

The United Nations 2030 Agenda, by establishing Sustainable Development Goal 16, introduces a new normative rationality in the field of human rights, by directly linking sustainable development to the promotion of access to justice, the strengthening of institutions and the construction of peaceful and inclusive societies. In this context, the victims' rights emerge as a central element of this normative architecture, to the extent that the effectiveness of access to justice cannot be dissociated from the guarantee of full protection for those who suffer rights violations. Thus, the Brazilian Justice System starts to play a strategic role in the implementation of these guidelines, requiring institutional action guided not only by the repression of illicit acts, but essentially by the promotion of rights, the reparation of damages, access to information and the centrality of the victim in the justice process.

In the current conjuncture of the contemporary Brazilian criminal procedural system, the right of victims to access justice is recognized. The participation of individuals directly in

the proceedings initiated by the State, and, exceptionally, by the victims themselves, against the alleged perpetrators of the violations suffered and generating damage, is admitted, aiming at individual accountability. This process of expanding the participation of victims in the justice system is supported by the international guidelines consolidated by the 2030 Agenda, especially within the scope of SDG 16, which reinforces the need to build and consolidate solid institutional mechanisms that are more inclusive and accessible, even as a way to overcome evident legislative deficiencies.

With the incidence of the 2030 Agenda and the goals established by SDG 16, the role of victims within the Law grows in relevance. The victim has always been seen, especially in criminal proceedings, as a subject of production of evidence, the one who presents himself and seeks to establish a link between the alleged perpetrator of the crime and the fact investigated. Under this new approach, a progressive expansion of the role of victims in the penal system is expected. When analyzing public policies aimed at victims in the face of the incidence of the 2030 Agenda, Antonio Suxberger and Henrique de Castro highlighted:

The victim was relegated for a long time to a secondary position within the Law: either due to the lack of interest in the victim as an object of study, or by the victim as the subject who suffers the crime, reflected in the lack of legal norms that dealt with how the victim should be treated after the crime occurred (SUXBERGER; CASTRO, 2020, p. 187).

Such a position ends up reflecting the precariousness of legal norms that establish a clear rule about the treatment given to victims and their rights in criminal proceedings. In this traditional model, the State is the holder of the criminal action and the focus falls on the accused. The traditional structure of the criminal process was not designed and conceived with the objective of welcoming the victims, which is why it is necessary to adapt it to allow the realization of rights, avoid re-victimization and prevent human rights violations. This need for institutional reconfiguration dialogues directly with the commitments assumed by Brazil at the international level, especially with regard to the promotion of broad and effective access to justice, as recommended by SDG 16 of the 2030 Agenda.

This phase of expansion and increase in the procedural prerogatives of victims is not unanimous in the legal world, as there are those who maintain that this expansion can generate restrictions on the rights of the accused. One of the foundations of this expansion lies in the possibility of promoting the restoration of the victim in the physical, psychic and material aspects, contributing to the humanization of procedural procedures. It is also an instrument of empowerment, insofar as the victim is moved to the center of the criminal procedural dynamics. According to Osmo and Martin-Chenut, the expansion of the

participation of victims in the criminal process reveals structural tensions between guarantees of the accused and demands for recognition and reparation. The reassessment of the role of the victim in the criminal process is highlighted:

The actors in the process - the Public Prosecutor's Office, the accused and the victim - would participate in the collective elaboration of a judicial truth. The criminal process, instead of being dominated by the confrontation between two antagonistic parties, would become a privileged place of communication (OSMO; MARTIN-CHENUT, 2017, p. 1469).

In the international dimension of human rights, UN Resolution No. 40/34 of 1985 stands out, which established the Declaration of Basic Principles of Justice Relating to Victims of Crime and Abuse of Power, adopted by the General Assembly on November 29, 1985. These are the first chords that sheltered the victim in the context of the criminal process and represent the initial milestone in the protection of victims in the criminal process. The resolution falls within the scope of international law as a *soft law* instrument, characterized by its non-binding nature and without the force of law.

Despite their non-binding nature, such instruments exert a relevant influence on the shaping of public policies and institutional practices, especially when articulated with global agendas such as the 2030 Agenda. Carlos Ayres Britto, when analyzing the influence of these instruments on the domestic legal system, points out that:

Thus, *soft law* can be seen as a legal advantage by allowing the transformation of the internal order through international non-binding discussions and guidelines. In such cases, even if it is not exactly a positive and binding norm, based on the international experience observed, it emerges as an instrument for the law to evolve more quickly, especially due to the delay of the law in the face of social transformations (BRITTO, 2020).

Only 23 years after these first international advances, the Brazilian legislator promoted changes in criminal procedural legislation<sup>7</sup>. Through Federal Law No. 11,690/2008, specific victims' rights were incorporated into the Code of Criminal Procedure<sup>8</sup>, with emphasis on

<sup>7</sup> Other initiatives can be checked by consulting Federal Law No. 11,340, of August 7, 2006 – Maria da Penha Law.

<sup>8</sup> Article 201. Whenever possible, the aggrieved party will be qualified and asked about the circumstances of the infraction, who is or presumes to be the perpetrator, the evidence he can indicate, and his statements will be concluded.

§ 1 If, summoned for this purpose, he fails to appear without just cause, the aggrieved party may be taken to the presence of the authority.

§ 2 The aggrieved party shall be informed of the procedural acts relating to the entry and exit of the accused from prison, the designation of a date for the hearing and the sentence and respective judgments that maintain or modify it.

access to information, communication of procedural acts, protection against contact with the accused, multidisciplinary care and data protection. Such advances, although relevant, are still insufficient in the face of the contemporary requirements imposed by the 2030 Agenda, which demands a broader and more structured approach to protecting victims.

Resolution No. 40/34 provides a broad definition for the term victim and recommends that victims be treated with compassion and respect for dignity. It establishes guidelines regarding access to justice, reparation of damages, whether by the perpetrator of the violation or by the State itself, compensation, material, medical, psychological and social assistance. With the signing of the 2030 Agenda document, in 2015, the members of the Brazilian Justice System began to adopt protocols aimed at meeting the goals related to institutional functioning. This normative convergence evidences the progressive incorporation of the paradigm of full protection of victims within the scope of Brazilian institutions.

Initially, the Judiciary, on September 4, 2018, making express reference to Resolution No. 40/34, issued Resolution No. 253, of the National Council of Justice (CNJ), recognizing the absence of specific legislation, and instituting a policy of attention and support for victims. This policy aims to ensure dignified, equitable and respectful treatment by judicial bodies. Its implementation seeks to expand the system of protection for victims, in line with the UN 2030 Agenda. This initiative represents a milestone in the acceptance and internalization of the SDG 16 guidelines within the Brazilian Judiciary.

Subsequently, in 2021, the Public Prosecutor's Office, through the National Council of the Public Prosecutor's Office (CNMP), adapted its institutional performance to meet the goals of SDG 16, of the United Nations. Resolution No. 243, of October 18, 2021, establishes the Institutional Policy for Integral Protection and Promotion of Rights and Support for Victims, based on the constitutional principles of human dignity and the prevalence of human rights, in addition to referring to UN Resolution No. 40/34. Therefore, there is a coordinated action among the organs of the Justice System in the implementation of policies aligned with international guidelines for the protection of victims.

It should be noted that the policy established by the Judiciary focuses on attention and support for victims, while that of the Public Prosecutor's Office adopts a more comprehensive

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§ 3 Communications to the aggrieved party shall be made at the address indicated by him/her, admitting, at the option of the aggrieved party, the use of electronic means.

§ 4 Before the beginning of the hearing and during its realization, a separate space shall be reserved for the aggrieved party.

§ 5 If the judge deems it necessary, he may refer the injured party to multidisciplinary care, especially in the psychosocial, legal assistance and health areas, at the expense of the offender or the State.

§ 6 The judge shall take the necessary measures to preserve the intimacy, private life, honor and image of the offended party, and may even determine the secrecy of justice in relation to the data, testimonies and other information contained in the records about him or her to avoid their exposure to the media." (NR)

approach, aimed at the full protection and promotion of rights. This distinction reveals different levels of internalization of the guidelines of the 2030 Agenda, with the Public Prosecutor's Office taking a more proactive stance in the promotion of rights. Unlike the CNJ resolution, the CNMP regulation expressly emphasizes fundamental rights as the central axis of institutional action, as can be seen by reading its first article, extending its protection even to situations of serious human rights violations, even if not resulting from criminal offenses.

Art. 1 This Resolution establishes the Institutional Policy for the Integral Protection and Promotion of Rights and Support for Victims, with the objective of ensuring fundamental rights to victims of criminal offenses, infractions, natural disasters, public calamities and serious human rights violations, guaranteeing them access to information, communication, participation, truth, justice, due diligence, security, support, individualized and non-discriminatory professional treatment, physical, property, psychological and personal data protection, participation and reparation of material, moral and symbolic damages, sustained as a result of the victimizing fact (CNMP, 2021).

The ministerial policy, under the terms of Resolution No. 243/2021, broadly defines the concept of victim, including not only the subject directly affected, but also reaching family members and close people who have been affected in some way by a conduct. It establishes priority for victims who are considered to be in a condition of vulnerability due to age, gender, disability, state of health, or the conditions, nature, and duration of the victimization caused by the crime and who have experienced serious physical or psychological consequences, and provides for a set of rights to be ensured. It also assigns the duty to promote public policies, aiming at the effectiveness of the rules for the protection of victims. Finally, it places the victim as the central axis of the institutional action of the Public Prosecutor's Office. Such an institutional design is directly close to the SDG 16 guidelines, especially with regard to the construction of effective, accountable and inclusive institutions.

In view of this scenario, it is possible to verify that the initiatives of the governance and management bodies of the Judiciary and the Public Prosecutor's Office, in the exercise of the powers established in articles 103-B and 130-A of the Federal Constitution of 1988, are harmoniously aligned with UN Resolution No. 40/34 and with Goal 16 brought by the 2030 Agenda, also from the United Nations. Notably, sub-items 16.1, 16.2, and 16.3 are those that have a pertinent relationship with the construction and implementation of public policies aimed at protecting victims of crimes and infractions.

The institutional agendas launched by the CNJ and CNMP, applicable throughout the Brazilian Judiciary and Public Prosecutor's Office, are in line with the objectives proposed by the United Nations and contribute to making institutions more effective in guaranteeing

fundamental rights. Such alignment highlights the progressive convergence between domestic law and the international commitments assumed by Brazil within the scope of the 2030 Agenda.

It is also noteworthy that the processing of Bill No. 3890/2020 (Statute of Victims), whose final wording was approved by the Chamber of Deputies on December 11, 2024 and on December 18 of the same year, had its proposal forwarded to the Federal Senate, where it is still awaiting deliberation<sup>9</sup>. The proposal represents progress in the consolidation of a fairer model of treatment for victims, in line with the guidelines of the UN 2030 Agenda and the perspective of a State oriented to the protection of fundamental rights. The project recognizes the importance of the role of society and the welfare state model, in the face of historical, collective and structural victimization experienced nationally and internationally. If approved, the Victims' Statute may represent the normative consolidation, at the domestic level, of the international guidelines for the protection of victims, strengthening the implementation of SDG 16 in Brazil.

The analysis developed from the perspective of human rights allows us to conclude that the Brazilian Justice System not only incorporates international guidelines, but also acts as an active agent of normative internalization, especially through *soft law instruments*, promoting the progressive institutionalization of victim protection, even in the absence of fully consolidated formal legislation, since the bill of the Statute of Victims is still in its pending in the National Congress. Such a movement, however, is not exempt from criticism, especially from the perspective of criminal guaranteeism, which points to risks of normative expansion without formal legislative support.

Such a movement reveals the transition from a procedural model centered on the State-accused conflict to a more inclusive perspective, guided by the centrality of the victim and the effectiveness of human rights.

## **5 HUMAN DEVELOPMENT AS AN INTERNATIONAL COMMITMENT FROM THE PERSPECTIVE OF FRATERNITY**

Recognizing the rights of victims as a fundamental right, it is necessary to analyze the relationship between human rights and victims' rights. Considering that the Declaration on

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<sup>9</sup> After approval in the Chamber of Deputies, Bill No. 3890/2020 was filed in the Federal Senate on December 20, 2024. On October 2, 2025, it received in the Commission on Human Rights and Legislative Participation, a Legislative Report, authored by Senator Weverton, with a vote for its approval. It was approved by the Commission on October 8, 2025. On October 16, 2025, the Bill was distributed to the Public Safety Committee of the Federal Senate, but only on November 14, 2025 was it distributed to Senator Wilder Moraes, to issue a report. To date, the Project is in this situation. Available at: <https://www25.senado.leg.br/web/atividade/materias/-/materia/166908>. Accessed on: 03 May 2026.

the Right to Development, proclaimed by the UN in 1986, confirms that the right to development is an inalienable human right, recognizes the human person as a central subject in the development process and affirms the indivisibility and interdependence of human rights. The Vienna Declaration of 1993 ratifies this understanding, by establishing that the right to development is a universal and inalienable right, which is part of fundamental rights. In view of this normative framework, it is necessary to examine the existence of a legal commitment of the Brazilian State to the promotion of human development.

In the historical normative plan of human rights, it is evident that Brazil has adhered to the main international instruments for the protection of Human Rights. Initially, the Charter of the United Nations, signed in San Francisco, on June 26, 1945 and ratified by Brazil, through Decree No. 19,841, of October 22, 1945, stands out. The document enshrines fundamental freedoms, the maintenance of peace as a common goal, the resolution of conflicts in a peaceful and negotiated manner and the principle of equality and self-determination of peoples.

The Universal Declaration of Human Rights of 1948 enunciates fundamental rights and affirms respect for the dignity of the human person as a central value. It recognizes that dignity is inherent to the human condition and has been incorporated into national legal systems. In Brazil, it acquired *constitutional status* under the terms of article 1, III, of the Federal Constitution of 1988<sup>10</sup>.

The International Covenant on Civil and Political Rights, signed on December 16, 1966, was ratified by Brazil, through Decree No. 592, of July 6, 1992. The document established a list of rights, which in summary configures a set of obligations imposed on States, with immediate applicability, structuring a system of protection for individuals against violations of their civil and political rights.

The International Covenant on Economic, Social and Cultural Rights, signed on December 16, 1966 and ratified by Brazil, via Decree No. 591, of July 6, 1992, established a broad list of rights, such as: the right to an adequate standard of living, housing, education, health, among others, recognizing the progressive nature of such rights and the need for state measures for their implementation.

The Covenant does not allow for the restriction or neglect of any of the fundamental human rights recognized or in force in a country by virtue of laws, conventions, regulations or customs (art. 5.2). It also imposes an obligation on the signatory States, in order to give

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<sup>10</sup> Art. 1 The Federative Republic of Brazil, formed by the indissoluble union of the States and Municipalities and the Federal District, is constituted as a Democratic State of Law and has as its foundations: I - sovereignty; II - citizenship; III - the dignity of the human person; IV – the social values of work and free enterprise; V - political pluralism.

effect to the list of rights established therein, to prepare programs, norms and techniques with the objective of achieving constant economic, social and cultural development and full and productive occupation, in conditions that ensure the fundamental political and economic freedoms of the human person (art. 6.2) and also the duty to account for the measures implemented and results achieved (art. 16.1). Thus, the adoption of public policies aimed at development is not configured as a mere state faculty.

The Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights are manifestations of reaffirmation and guarantee of fundamental rights, aimed at promoting the dignity of the human person. Such international normative instruments, by enshrining the indivisibility and interdependence of human rights, establish a model of integral protection that imposes on States not only negative duties of abstention, but also positive obligations to promote and realize rights. In this context, the right to human development emerges as the maximum expression of the requirement to implement public policies capable of ensuring material and institutional conditions for the full exercise of freedoms.

Another normative instrument to be considered is the American Convention on Human Rights (Pact of San José, Costa Rica), dated November 22, 1969, and incorporated into the national legal system, through Decree No. 678, of November 6, 1992. The Convention, in its preamble, reaffirms the commitment to economic, social and cultural rights, as well as to their civil and political rights, imposing on States the duty to adopt domestic measures to ensure their effectiveness.<sup>11</sup> Thus, the existence of a legal-formal commitment is evident. Firm in this sense is the wording of the first article of the decree that promulgated the Convention, when it states categorically that the Convention "shall be complied with as fully as it is contained therein".

The contemporary conception of human rights consolidated in the Universal Declaration of Human Rights and in Resolution No. 32/130 of the United Nations General Assembly establishes: "all human rights, whatever the type to which they belong, are interrelated with each other, and are indivisible and independent", where they all complement each other and interact in a dynamic way.

This understanding drove the creation of a global normative system of protection, based on the elaboration and adoption by member countries of numerous treaties aimed at the protection of fundamental rights. This system, seen as of international interest and not

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<sup>11</sup> ARTICLE 2. Duty to Adopt Provisions of Domestic Law. If the exercise of the rights and freedoms referred to in Article 1 is not already guaranteed by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional requirements and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to such rights and freedoms.

only of interest of the States, will deserve normative treatment in both instances. This new order brings as a consequence the possibility of "forms of international monitoring and accountability, when human rights are violated" (PIOVESAN, 2018, p. 61).

The Declaration on the Right to Development, adopted by UN General Assembly Resolution 41/128 on December 4, 1986, maintains the logic of the systematic interpretation of ratified international treaties and the internal constitutional order that imposes the legal obligation to promote human development. According to Martins and Siqueira, this agenda is a priority and "the legal obligation of the Brazilian State to promote the development of the human person in the national territory is maintained, especially when the country has chosen to be part of the protective systems of internationalization of the protection of human rights". And they conclude:

This legal obligation is taken from article 3, item II of the Federal Constitution of 1988, which has as a fundamental objective of the Federative Republic of Brazil the guarantee of national development (BRASIL, 1988). The right to human development goes beyond the material provision to the person, in the sense of providing material means of subsistence, but rather represents a coalition of dimensions that involve the very founding basis of a State, its values and central objectives (MARTINS; SIQUEIRA, 2017, p. 300).

The legal model adopted by Brazil to relate and interact with the international normative apparatus for the protection of human rights was clearly evidenced after the enactment of Constitutional Amendment (EC) 45, of 2004, of the Federal Constitution of 1988. International human rights treaties may acquire constitutional *status* when approved under the terms of article 5, paragraph 3, or supra-legal status, as understood by the Federal Supreme Court, reinforcing the protection of human rights in the country. "The International Convention on the Rights of Persons with Disabilities, internalized through Decree 6,949/2009, was the first international treaty approved by the legislative rite provided for in article 5, paragraph 3, of the FC" (LIMA, 2020, p. 176).

The existence of a modern and integrated normative system is essential to curb human rights violations. However, the role of the Judiciary in the effectiveness of this protection must be considered. In this sense, it is up to the Judiciary to ensure effective judicial provision, contributing to the realization of human rights at the domestic level.

The Federal Constitution enshrines an extensive list of fundamental rights, not exhaustive, and enshrines human dignity as a fundamental structuring principle in the constitutional text. In the face of profound social transformations, added to the emergence of new trends and the incorporation of contemporary values, it is up to the Judiciary to interpret

domestic and international norms in an evolving, progressive and dynamic way, allowing the incorporation of international standards of protection.

Jurisdictional dialogue with international courts, such as the Inter-American Court of Human Rights, is an important instrument for strengthening this protection and consolidating a culture of Human Rights in Brazil. These dialogues allow the Brazilian Courts to receive the decisions of the international Courts as a hermeneutical criterion, as an interpretative guide or even as a guiding criterion for their decisions.

It can be argued that one way to promote human development is to apply the principle of solidarity. The Federal Constitution enshrines solidarity as a principle of the Federative Republic of Brazil, under the terms of its article 3, I, by establishing as a fundamental objective the construction of "a free, fair and solidary society". Applying solidarity in a preponderant way as a principle of the Republic could allow the construction of a more effective path to achieve the goals of eradicating poverty, social marginalization and reducing social inequalities.

The principle of solidarity<sup>12</sup> imposes on the State the duty to promote human development with a view to achieving the common good, overcoming poverty and social exclusion. Economic development must be understood as a means to the realization of social justice and not as an end in itself. This guideline reinforces the link between development and human rights at the normative level. As Fernando Antônio de Freitas Lima (2020, p. 79) argues, "in view of this intrinsic and essential relationship between human rights and the dignity of the human person, it is inevitable to relate poverty to the violation of human rights", concluding that such a circumstance represents "an affront to human dignity" since "poverty is also indisposing against human rights" (LIMA, 2020, p. 79).

Notwithstanding the express reference to solidarity in the legal-constitutional plan, it is necessary to move towards a broader understanding of social relations, based on the incorporation of the principle of fraternity as a relevant legal category. Unlike solidarity, which is predominantly structured in a vertical logic, guiding the State's action in the promotion of public policies, aiming to reduce inequalities, fraternity has a horizontal dimension, based on the recognition of the other as a subject of rights and on the construction of bonds of community belonging.

In this sense, fraternity is not limited to imposing institutional duties, but projects an ethics of social relations that reinforces co-responsibility between individuals, between social groups and institutions, constituting the foundation for a more inclusive and participatory culture of human rights, in line with the guidelines of the UN 2030 Agenda. From this

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<sup>12</sup> In this sense, see the work "Constitutional Principle of Solidarity" by Carmen Lúcia Antunes Rocha (2025).

perspective, human development is no longer understood only as the result of state actions and is now seen as a collective process, which requires social engagement and reciprocal recognition. This ethical-legal principle is consolidated in the preamble of the Federal Constitution of 1988:

We, representatives of the Brazilian people, gathered in the National Constituent Assembly to establish a Democratic State, destined to ensure the exercise of social and individual rights, freedom, security, well-being, development, equality and justice as supreme values of a fraternal, pluralistic and unprejudiced society, founded on social harmony and committed, in the internal and international order, with the peaceful solution of the controversies, we promulgate, under the protection of God, the following CONSTITUTION OF THE FEDERATIVE REPUBLIC OF BRAZIL (BRAZIL, 1988).

Although the majority doctrine understands the preamble as non-mandatory, it is argued that it works particularly in the Brazilian case as a prior commitment, and "it was exactly from the preamble that the stage and the preliminary argumentative line were unveiled, aiming at the rescue of the principle of fraternity. Therein lies the genesis of its constitutional guarantee" (MACHADO, 2025, p. 168).

Firm in the recognition of the normative force of the Preamble of the Federal Constitution of 1988 and in the relevant legal consequences that this recognition entails, Carlos Augusto Alcântara Machado sustains his understanding based on the doctrine of José Afonso da Silva, that:

when the preamble of the 1988 Constitution [...] uses the verb "to ensure" and, moreover, "to ensure the exercise" of rights and values, it presents itself with an outstanding function of dogmatic-constitutional guarantee, in addition to an unequivocal pragmatic function, with the immediate effect of prescribing to the State an action in favor of the effective realization of values, with specific content, towards the addressees of the constitutional norms that give these values specific content. The preamble will therefore have an undeniably clear directive function (MACHADO, 2025, p. 172-173).

The Brazilian Supreme Court, distancing itself from the previous understanding that the preamble has no normative force, does not create rights or duties and does not serve as a parameter for controlling constitutionality, and that it deals only with a text of a political and ideological nature, has moved in the direction of the evolution of constitutionalism to recognize the principle of fraternity. Overcoming past understandings, it was established that

the principle of fraternity was incorporated as a guiding vector of the decisions of the Federal Supreme Court. The following stand out:<sup>13</sup>

Not only will the State be called upon to formulate public policies that can lead to well-being, equality and justice, but society will have to organize itself according to those values, so that it may establish itself as a fraternal, pluralistic and unprejudiced community (...). And, expressly referring to the Preamble of the Brazilian Constitution of 1988, José Afonso da Silva states that "The Democratic State of Law is intended to ensure the exercise of certain supreme values. 'Ensuring', has, in the context, the function of dogmatic-constitutional guarantee; not, however, of guaranteeing the values abstractly considered, but of their 'exercise'. This sign performs, in this case, a pragmatic function, because, with the objective of 'ensuring', it has the immediate effect of prescribing to the State an action in favor of the effective realization of the said values in the direction (directive function) of the addressees of the constitutional norms that give these values specific content" (...). In the wake of these supreme values explained in the Preamble of the Brazilian Constitution of 1988, the legal principle of solidarity is affirmed in the current constitutional norms. [ADI 2.649, vote of rel. min. Cármen Lúcia, j. 8-5-2008, P, DJE of 17-10-2008.]

The construction and effective achievement of a fraternal, pluralistic and prejudice-free society, as provided for in the preamble of the Federal Constitution, unequivocally involves a rupture with the praxis of a society based on the constant exercise of domination and disrespect for the dignity of the human person. The promotion of the good of all, in fact, without prejudice of origin, race, sex, color, age and any other forms of discrimination is one of the fundamental objectives of the Federative Republic of Brazil, listed in article 3 of the Federal Constitution of 1988. Thus, the delimitation of the material scope for the application of the "decriminalizing" agreement and the inhibition of *persecutio criminis* requires compliance with the Constitutional text and with the commitments assumed by the Brazilian State internationally, as a necessary limit for the preservation of the fundamental right to non-discrimination and non-submission to torture – whether psychological or physical, to the inhuman or degrading treatment, operated by the set of stereotyped meanings that circulate and that attributes both women and black people an inferior position, in a perverse hierarchy of humanities. [RHC 222.599, min. rel. Edson Fachin, j. 7-2-2023, P, DJE of 23-3-2023].

Thus, while solidarity guides state action in reducing inequalities, fraternity broadens this horizon by promoting social integration and the strengthening of community ties, becoming an essential element for the realization of human rights and, in particular, for the construction of a model of justice that recognizes the centrality of victims and the need for more humane responses. inclusive and restorative. Only through a true infra and ultra-legal social recognition, in the sense of taking the other into account, effectively disseminated in society, will it be possible to achieve the legal dimension of citizenship and equality guaranteed by law. "In order for the rule of equality to be legally effective, it is necessary that

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<sup>13</sup> The Constitution and the Supreme Court. Available at: <https://portal.stf.jus.br/constituicao-supremo/artigo.asp?item=2>. Accessed on: 04 May 2026.

the perception of equality in the dimension of everyday life is effectively internalized" (SOUZA, 2003, p. 63).

According to Luís Fernando Barzotto, "the attitude against solidarity is indifference. Indifference is the affirmation that the other is not in unity with me, does not belong to my community, that is, his good is not linked to my good" (BARZOTTO, 2018, p. 82). He will also highlight that "solidarity acts, in a fraternal perspective, to make up for the eventual inability of the other to exercise his own freedom, but it must aim at the moment when the other "will walk on his own feet"" (BARZOTTO, 2018, p. 86).

From this formulation, it is possible to identify that solidarity, although essential, cannot be sustained autonomously without the presence of a deeper foundation of a relational nature, that is, fraternity. This is because the overcoming of indifference does not occur only at the normative level and through state benefits or public policies, but requires the recognition of the other as a member of the same moral and legal community.

In this sense, fraternity can be understood as a legal category under construction, which operates as an integrating element of human rights, by establishing bonds of belonging and co-responsibility among individuals. Unlike solidarity, which is predominantly projected in the action of the State, fraternity acts in the horizontal dimension of social relations, promoting an ethics of recognition and inclusion. According to Sandro dos Santos, the dignity of the human person and fraternity are mutually strengthened.

The dignity of the human person represents the central axis of human rights and presents itself as a substrate capable of structuring fundamental rights. The dignity of the human person and fraternity complement each other: the former serves as the foundation for the latter, which in turn represents the means by which the former manifests and materializes itself (SANTOS, 2023, p. 49).

The reading proposed by Barzotto allows, therefore, to understand solidarity as an institutional expression of fraternity, insofar as it is materialized in legal duties imposed on the State to reduce inequalities, while the latter provides the axiological substrate, supported by a strong community bond, necessary for its effectiveness. Thus, it is not a question of antagonistic categories, but complementary, with fraternity being the element that gives meaning and depth to the very idea of solidarity.

In the context of human development, this distinction is particularly relevant, as it shows that the promotion of rights cannot be limited to state action, but must incorporate social practices guided by the recognition of the dignity of the other. For this reason, this aspect can be recognized as a "dimension of shared "dignity", in the non-legal sense of "taking the other into consideration" (SOUZA, 2003, p. 63). From this perspective, "not only

the State must mobilize to provide the enjoyment of rights for all members of society, but also the individuals themselves, in an inclusive and democratic perspective" (SANTOS, 2023, p. 50).

This perspective gains special relevance when analyzing the rights of victims, whose protection requires not only institutional responses, but also a profound cultural change that breaks with indifference and promotes inclusion, empathy and reparation. This process of social maturation strengthens the consolidation of victims' rights in the national system.

In this way, fraternity emerges as a principle capable of grounding a new rationality in the field of human rights, aligned with the guidelines of the 2030 Agenda, especially within the scope of Sustainable Development Goal 16, which advocates the construction of more just, inclusive societies oriented to the promotion of peace and access to justice.

Whether thought of as a principle or as a dimension of fraternity, solidarity has the potential to help combat discrimination and consolidate freedoms. However, the adequate understanding of this potentiality requires the recognition that solidarity is not exhausted in its vertical dimension, linked to state action, but finds in fraternity its deepest relational and axiological foundation. Augusto Cesar Leite de Resende and Carlos Augusto Alcântara Machado, quoting Pizzolato, point out that:

fraternity is a kind of horizontal solidarity, distinct from vertical solidarity, characterized by being a source of State intervention with the aim of reducing social inequalities and allowing the free development of the human person. Fraternity stands out as a kind of mutual aid between the individuals themselves, with the State being a mere external guarantor. (RESENDE; MACHADO, 2021, p. 12)

From this distinction, it is possible to argue that fraternity not only complements solidarity, but reconfigures it, by shifting the focus from the exclusive action of the State to a dynamic of social co-responsibility. In this sense, the promotion of human development and the realization of fundamental rights depend not exclusively on structuring public policies, but also on the construction of social bonds based on mutual recognition and inclusion.

This perspective is especially relevant in the context of victims' rights, in which the institutional response, although necessary, is insufficient if it is not accompanied by social and legal practices guided by listening, reparation and the preservation of rights. Fraternity, in this context, presents itself as a category capable of supporting a more humanized approach to the justice system, in line with the guidelines of the 2030 Agenda.

Fraternity, in this context, ceases to be just an ethical-political value to assume a normative function, guiding the interpretation and application of fundamental rights and public policies aimed at protecting victims.

The discussion about the incidence of the principle of solidarity or the prevalence of the principle of fraternity, as a legal category, as another resource for the exercise of freedoms and guarantee of fundamental rights is instigating, revealing itself as a promising field for theoretical deepening in the field of contemporary human rights, although it goes beyond the limits of this work, opening space for future investigations.

## 6 FINAL CONSIDERATIONS

The consecration of an international human rights system, through the convergence of global instruments of the United Nations, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, allied to regional protection systems, and highlighting the inter-American system, to which Brazil is a signatory, led to the formalization of these rights at the level of the States. This incorporation occurs both by express provision in the Constitutions and by the reception of international principles and norms.

Adherence to the international system for the protection of human dignity and fundamental freedoms creates the obligation for signatory states to promote rights aimed at dignity, including those aimed at human development. This obligation can also be extracted from the interpretation of article 3, item II, of the Federal Constitution of 1988, inserted in the list of fundamental principles.

The 2030 Agenda, as a global plan for sustainable development, establishes as a central challenge the eradication of poverty, understood as the main obstacle to the achievement of development in its economic, social and environmental dimensions. In this context, the right to human development, as a way of conferring dignity and equality for all, must be understood as a binding legal obligation for the Brazilian State, resulting from the commitments assumed at the international level and from the constitutional order itself.

The implementation of this agenda requires a global collective effort and international cooperation, involving not only governments, but also public institutions, the justice system, the academic community and the community in general, with a view to building a solidary society. However, as developed throughout the work, this action is more effective when guided, in a broader way, by the principle of fraternity, understood as a relational dimension of human rights, capable of promoting mutual recognition among individuals and strengthening social bonds indispensable to the construction of a truly inclusive society.

In order to contribute to the achievement of the goals established in SDG 16 of the 2030 Agenda, the Brazilian Justice System, through the National Council of Justice and the National Council of the Public Prosecutor's Office, issued resolutions that institute policies

aimed at the care and protection of victims of crimes and offenses, based on UN Resolution No. 40/34. These initiatives aim to reduce victimization, prevent crime, and promote harm repair, ensuring treatment based on dignity, equity, and respect. In this scenario, the protection of victims is consolidated as a concrete expression of the articulation between human development, access to justice and human rights, evidencing the centrality of these policies for the implementation of the commitments assumed by the Brazilian State at the international level.

Also noteworthy is the concern with the training of members and civil servants, contributing to institutional improvement and the consolidation of a culture of human rights. Thus, the implementation of such policies can contribute to the strengthening of more effective, accountable and inclusive institutions, in line with the objectives of the 2030 Agenda. It is inferred, therefore, that the promotion of human development in Brazil demands not only the implementation of normative and institutional mechanisms, but also the incorporation of a legal culture guided by fraternity, as a foundation for the consolidation of a model of justice that is more sensitive to victims and committed to the dignity of the human person.

In conclusion, in this scenario, it is possible to see that the consolidation of fraternity as a legal category proves to be an essential element for the construction of a paradigm of justice committed not only to legality, but to the effective realization of human dignity in its broadest dimension.

## REFERENCES

- Balera, W. (2016). Desenvolvimento sustentável: O novo nome da paz. *Revista Internacional Consinter de Direito*, 2(3), 37–62.
- Barzotto, L. F. (2018). Fraternidade: Uma aproximação conceitual. In C. A. A. Machado, C. C. M. Jaborandy, & L. C. Barzotto (Orgs.), *Direito e fraternidade: Em busca de concretização*.
- Brasil. (1988). Constituição da República Federativa do Brasil de 1988. Diário Oficial da União. [https://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm)
- Brasil. (1995). Agenda 21: Conferência das Nações Unidas sobre o Meio Ambiente e Desenvolvimento. Câmara dos Deputados, Coordenação de Publicações. <https://bd.camara.leg.br/bd/handle/bdcamara/7706>
- Brasil. (1992). Decreto nº 678, de 6 de novembro de 1992: Convenção Americana sobre Direitos Humanos (Pacto de São José da Costa Rica). Diário Oficial da União. [https://www.planalto.gov.br/ccivil\\_03/decreto/d0678.htm](https://www.planalto.gov.br/ccivil_03/decreto/d0678.htm)

- Brasil. (2009). Normas e princípios das Nações Unidas sobre prevenção ao crime e justiça criminal. Secretaria Nacional de Justiça. [https://www.unodc.org/documents/justice-and-prison-reform/projects/UN\\_Standards\\_and\\_Norms\\_CPCJ\\_-\\_Portuguese1.pdf](https://www.unodc.org/documents/justice-and-prison-reform/projects/UN_Standards_and_Norms_CPCJ_-_Portuguese1.pdf)
- Brasil. (1992). Decreto nº 592, de 6 de julho de 1992: Pacto Internacional sobre Direitos Civis e Políticos. Diário Oficial da União. [http://www.planalto.gov.br/ccivil\\_03/decreto/1990-1994/d0592.htm](http://www.planalto.gov.br/ccivil_03/decreto/1990-1994/d0592.htm)
- Brasil. Supremo Tribunal Federal. (s.d.). Constituição e o Supremo. <https://portal.stf.jus.br/constituicao-supremo/artigo.asp?item=2>
- Britto, C. A. (2020). Soft law e hard law como caminho para afirmação do direito à proteção de dados. <https://ayresbritto.adv.br/soft-law-e-hard-law-como-caminho-para-afirmacao-do-direito-a-protecao-de-dados>
- Conselho Nacional de Justiça. (2018). Resolução nº 253, de 4 de setembro de 2018. <https://atos.cnj.jus.br/files/compilado131337202104146076ea817d8dc.pdf>
- Conselho Nacional do Ministério Público. (2021). Resolução nº 243, de 18 de outubro de 2021. <https://www.cnmp.mp.br/portal/images/Resolucoes/2021/Resoluo-n-243-2021.pdf>
- Francisco, Papa. (2015). Carta encíclica Laudato si': Sobre o cuidado da casa comum. Vaticano. [https://www.vatican.va/content/dam/francesco/pdf/encyclicals/documents/papa-francesco\\_20150524\\_enciclica-laudato-si\\_po.pdf](https://www.vatican.va/content/dam/francesco/pdf/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si_po.pdf)
- Souza, J. (2003). (Não) reconhecimento e subcidadania, ou o que é ser gente? Lua Nova: Revista de Cultura e Política, (59), 51–73. <https://www.scielo.br/j/ln/a/p4F65RZgPJHSGXn4BTkvPyr/>
- Lima, F. A. de F. (2020). Direitos humanos e pobreza. Dialética.
- Machado, C. A. A. (2025). A fraternidade como categoria jurídica: Fundamentos e alcance. Appris.
- Martins, P. H., & Siqueira, D. P. (2017). Desenvolvimento humano, convenções internacionais e a concretização de direitos. Revista Direitos Humanos e Democracia, 5(10), 264–305.
- Organização das Nações Unidas. (1985). Declaração dos princípios básicos de justiça relativos às vítimas da criminalidade e de abuso de poder.
- Organização das Nações Unidas. (1986). Declaração sobre o direito ao desenvolvimento.
- Organização das Nações Unidas. (1993). Declaração de Viena.
- Organização das Nações Unidas. (2015). Objetivo de Desenvolvimento Sustentável 16: Paz, justiça e instituições eficazes. <https://brasil.un.org/pt-br/sdgs/16>
- Organização Internacional do Trabalho. (1944). Declaração de Filadélfia. [https://www.ilo.org/brasilia/conheca-a-oit/WCMS\\_336957/lang--pt/index.htm](https://www.ilo.org/brasilia/conheca-a-oit/WCMS_336957/lang--pt/index.htm)
- Osmo, C., & Martin-Chenut, K. (2017). A participação das vítimas no sistema interamericano. Revista Direito e Práxis, 8(2), 1455–1506.

- Pansieri, F. (2016). Liberdade como desenvolvimento em Amartya Sen. *Constituição, Economia e Desenvolvimento*, 8(15), 453–479.
- Paulo VI. (1967). Encíclica *Populorum progressio*.
- Piovesan, F. (2002). Direito ao desenvolvimento. II Colóquio Internacional de Direitos Humanos.
- Piovesan, F. (2018). *Temas de direitos humanos* (11ª ed.). Saraiva.
- Rocha, C. L. A. (2025). Princípio constitucional da solidariedade. *Fórum*.
- Resende, A. C. L. de, & Machado, C. A. A. (2021). A fraternidade como antídoto contra a aporofobia. *Sequência: Estudos Jurídicos e Políticos*, 42(88), 1–23.
- Sachs, J. D. (2017). A era do desenvolvimento sustentável. *Actual*.
- Santos, S. A. dos. (2023). Audiência de custódia no processo penal fraterno. *Dialética*.
- Sen, A. (2010). *Desenvolvimento como liberdade*. Companhia das Letras.
- Suxberger, A. H. G., & Castro, H. B. S. de. (2020). Políticas públicas para a vítima. *Delictae*, 5(8), 185–221.