

THE INTER-AMERICAN COURT OF HUMAN RIGHTS AS AN INDUCER OF PUBLIC POLICIES AND ITS IMPACT ON THE REPARATION OF HUMAN RIGHTS VIOLATIONS BASED ON THE CONVICTIONS SUFFERED BY BRAZIL

A CORTE INTERAMERICANA DE DIREITOS HUMANOS COMO INDUTORA DE POLÍTICAS PÚBLICAS E OS REFLEXOS NA REPARAÇÃO DAS VIOLAÇÕES DE DIREITOS HUMANOS A PARTIR DAS CONDENAÇÕES SOFRIDAS PELO BRASIL

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RESUMO

Este artigo analisa o papel da Corte Interamericana de Direitos Humanos (Corte IDH) como indutora de políticas públicas no Brasil, a partir das condenações sofridas pelo Estado brasileiro. O objetivo central é compreender como as decisões da Corte IDH influenciam a formulação de políticas públicas voltadas à reparação e à prevenção de violações de direitos humanos. Utilizando o método indutivo e uma abordagem qualitativa, o estudo examina casos emblemáticos, como Ximenes Lopes, Fazenda Brasil Verde e Gomes Lund, destacando as medidas reparatorias e preventivas determinadas pela Corte. A relevância do tema reside na necessidade de compreender como as decisões internacionais podem contribuir para a melhoria das políticas públicas domésticas, garantindo a não repetição de violações e o respeito aos direitos fundamentais. Os resultados evidenciam que as condenações da Corte IDH têm impulsionado mudanças estruturais no Brasil, como a reforma do sistema de saúde mental, o combate ao trabalho escravo e a promoção da memória histórica sobre violações ocorridas durante a ditadura militar, concluindo-se que a Corte IDH atua como agente catalisador de transformações, promovendo a efetivação de direitos humanos e a consolidação do Estado democrático de direito.

Palavras-Chave: Corte Interamericana de Direitos Humanos. Políticas Públicas. Reparação. Brasil. Direitos Humanos.

ABSTRACT

This article analyzes the role of the Inter-American Court of Human Rights (IACHR) as an inducer of public policies in Brazil, based on the convictions suffered by the Brazilian state. The main objective is to understand how the decisions of the Inter-American Court of Human Rights influence the formulation of public policies aimed at repairing and preventing human rights violations. Using the inductive method and a qualitative approach, the study examines emblematic cases such as Ximenes Lopes, Fazenda Brasil Verde and Gomes Lund, highlighting the reparatory and preventive measures determined by the Court. The relevance of the topic lies in the need to understand how international decisions can contribute to the improvement of domestic public policies, guaranteeing the non-repetition of violations and respect for fundamental rights. The results show that the judgments of the Inter-American Court have led to structural changes in Brazil, such as the reform of the mental health system, the fight against slave labor and the promotion of historical memory about violations that took place during the military dictatorship, concluding that the Inter-American Court acts as a

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catalyst for change, promoting the realization of human rights and the consolidation of the democratic rule of law.

Keywords: Inter-American Court of Human Rights. Public Policies. Reparations. Brazil. Human Rights.

INTRODUCTION

The Inter-American Court of Human Rights (IDH Court) plays a crucial role in guaranteeing and promoting human rights in Latin America, especially by influencing the formulation of public policies in states that are convicted for violations of these rights. When a State is held internationally responsible for a human rights violation, the HDI Court can determine a series of measures that are not only aimed at repairing the damage caused to the victims, but also induce governments to adopt preventive and structuring public policies, contributing to the strengthening of the democratic Rule of Law.

Since its consolidation, the inter-American system has been fundamental for the defense and promotion of human rights in Brazil. Through its decisions, the IDH Court not only holds States accountable for violations committed but also imposes concrete and comprehensive measures to mitigate the impacts of these violations. These measures may include from financial compensation to the implementation of legislative, administrative and institutional reforms that seek to ensure that the rights violated are not repeated. The process of accountability, therefore, goes beyond the individual sphere of victims, promoting structural transformations that impact the whole society.

In this sense, the ability of the IDH Court to determine reparation measures and non-repetition proves to be a valuable tool for promoting structural change in member States. These tools can range from the imposition of training for state agents, the review of legislation incompatible with international human rights standards, to the implementation of victim assistance programs. Such measures not only promote justice at the individual level, but also prevent similar situations from occurring again, consolidating an environment of greater respect for the fundamental rights.

This article aims to analyze the main impacts of the judgments of the IDH Court involving Brazil in the formulation of public policies and in the reparation of victims of human rights violations. For this, it will be structured in three main sections. In the first section, the role and evolution of the inter-American human rights system will be addressed, highlighting its relationship with Brazil. In the second section, the concrete cases judged by the IDH Court involving Brazil and the consequences of these decisions for the adoption of

reparatory and preventive measures will be analyzed. In the third and last section, it will be discussed how the measures determined by the Court can serve to promote public policies to be implemented in Brazil.

The main objective of this work is to reflect on the role of the convictions imposed by the IDH Court as mechanisms for reparation and prevention of human rights violations in Brazil. The problem to be answered is: In what ways can the decisions of the Inter-American Court contribute to the implementation of public policies that promote human rights?

The relevance of this theme is anchored in the need to understand how the convictions of the Inter-American Court of Human Rights can influence the public policy formulation agenda in Brazil. The decisions of the Court against the Brazilian State have the potential to catalyze structural changes and promote a culture of greater respect for fundamental human rights. Thus, the main focus of this work is to examine how the the convictions of the IDH Court may contribute to the creation or influence of domestic public policies in Brazil, based on three concrete cases: Ximenes Lopes, Green Brazil Farm (Brasil Verde) Verde and Gomes Lund.

The study will use the inductive method, since it will seek to understand, from concrete cases judged by the IDH Court, the consequences of these decisions in the context of Brazilian public policies. This method is appropriate because it allows us to take specific situations as a starting point for building a broader view on the effects of international convictions in promoting human rights.

The approach will be qualitative in nature, with a panoramic analysis of representative precedents of the IDH Court involving Brazil. The survey will be based on primary sources, such as IDH judgments; and secondary ones, including specialized literature.

1 A BRIEF OVERVIEW OF THE ROLE OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM IN CONTROLLING STATE ACTION

The Inter-American Human Rights System (IHRS) emerged as a normative and institutional response to the collective trauma caused by the World War II, complementing the universal system of protection for human rights inaugurated by the Universal Declaration of 1948. In the inter-American context, its creation reflects a coordinated effort to consolidate a regime based on individual freedom and social justice, based on respect for the essential rights of the human person. This commitment by the nations of the Americas demonstrates a shared intention to overcome past atrocities and prevent systematic

violations of rights in the future (Piovesan, 2018).

Historically, the IHRS evolved through four fundamental stages: The initial phase, marked by historical background, included the adoption of the American Declaration of Human Rights and Duties in 1948, a pioneering document that laid the foundations for regional recognition of the human rights. Then, the creation of the Inter-American Commission on Human Rights (IACHR) marked the beginning of the formative period of the system, with the progressive expansion of its competencies and responsibilities (Trindade, 1997).

The consolidation of the IHRS occurred with the adoption of the American Convention on Human Rights, also known as the San José Pact of Costa Rica, in 1969. This treaty, which came into force in 1978, established fundamental civil and political rights, as well as created the Inter-American Court of Human Rights (IDH Court), consolidating the legal infrastructure for monitoring and protecting rights on the continent. The accession of 25 member States to the Organization of American States (OAS) by 2012 reinforces the scope and relevance of the Convention as a central instrument of the IHRS, an organization that has 35 member Countries (Ramos, 2022).

The most recent stage of this evolution, improvement, is reflected in the strengthening of the jurisprudence of the IDH Court and the adoption of new treaties that extend the protection of human rights. This progress demonstrates the dynamism of the IHRS, whose action is guided not only by the guarantee of rights, but also by the promotion of social justice and the defense of democratic institutions. By establishing an integrated system of protection and accountability, the IHRS strengthens regional cohesion around values such as human dignity, freedom and equality (Mazzuoli, 2011).

Therefore, the Inter-American Human Rights System plays an essential role in building a fair and inclusive social order in the Americas. It presents itself as an indispensable mechanism for the defense of a regime of individual freedom and social justice, recovering the ideals of solidarity and mutual respect that should guide the relations among the nations of the continent and the rights of its citizens (Gomes; Piovesan, 2000).

The American Convention on Human Rights, adopted in 1969 and known as the San José Pact of Costa Rica, established two central bodies for the protection of human rights: the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IDH Court). These bodies play complementary roles in the supervision and promotion of the rights provided for in the treaty, consolidating the IHRS as a unique and robust legal structure (Coelho, 2008).

The IACHR acts as an initial supervisory body, receiving individual or intergovernmental petitions denouncing violations of rights by States. In addition, the Commission carries out on-site visits, issues precautionary measures in cases of urgency and publishes thematic and country reports assessing the degree of compliance with the obligations assumed by the States parties. This function allows a constant analysis of the human rights situation in the region and provides the basis for corrective actions, both nationally and internationally (Jayme, 2005).

The IDH Court, in turn, operates as a binding judicial body, charged with judging cases alleging non-compliance with obligations assumed when ratifying the American Convention. Its decisions, based on a progressive interpretation of human rights, are binding on the convicted States, which are often urged to implement reparations, to change domestic legislation that is incompatible with inter-American standards and to guarantee the non-repetition of violations (Gomes; Piovesan, 2000).

The structure of supervision and judgment within the IHRS is essential to ensure that the commitments assumed by the States do not remain only on a theoretical level, since it establishes a direct connection between the regional normative instruments and their effective application, Making the States parties responsible for non-compliance with ratified norms (Bolfer, 2011).

This monitoring process includes mechanisms such as the issuance of provisional measures by the IDH Court in cases of extreme urgency and imminent risk to individuals or groups. In addition, the jurisprudence developed by the system promotes harmonization between national laws and international standards, creating a legal integration that strengthens human rights across the continent (Piovesan, 2018).

One of the crucial functions of the IHRS is accountability, as it is possible to monitor and evaluate reports sent by the States to verify whether they comply with their international obligations. Through this supervision, the IHRS establishes itself as an independent actor that can positively influence public policies related to human rights (Pereira, 2006).

Article 63, § 1, of the American Convention on Human Rights (ACHR) is one of the pillars of this accountability mechanism, conferring on the IDH Court the competence to, upon finding a violation of a right or freedom protected by the Convention to determine that the State ensures the full enjoyment of the violated right by the victim. In addition, the Court is responsible for stipulating reparation measures that cover the consequences of the violation, including actions to reverse the damage caused and the payment of a fair compensation to the victims (Ramos, 2004).

When a State party fails to adequately prevent, investigate, punish or remedy the violation of human rights, its responsibility is established before the IHRS. This responsibility transcends the internal dimension and is projected in the international context, showing that state sovereignty cannot be used as a justification for practices incompatible with international standards for the protection of fundamental rights (Ramos, 2004).

One mechanism that is crucial for supervising, overseeing and monitoring state action in the face of the commitments made when ratifying the ACHR, as a result of the *Pacta Sunt Servanda* principle, is the control of conventionality. In short, this tool consists of verifying the compatibility of the internal rules of a State with the rules of international human rights treaties to which the State is a party, with the aim of ensuring that normative acts do not contradict international human rights standards, thus ensuring the protection of the fundamental rights of its citizens (Ramos, 2004).

Conventionality control complements constitutionality control by introducing a second level of verification of the compatibility of the internal rules of a State. While constitutionality control assesses whether infra-constitutional laws respect the principles and rights guaranteed by the national Constitution, conventionality control analyzes whether these same rules are in line with the international human rights treaties ratified by the State (Mazzuoli, 2011).

This approach implies a double verticality control, since on the domestic level it is required that laws comply with the Constitution, and on the external level these rules must also respect the international obligations assumed by the state, creating a network of legal protection that elevates international treaties to a binding status, ensuring that human rights are effectively observed, regardless of normative conflicts or gaps in domestic legislation (Mazzuoli, 2011).

Conventionality control also stands out in the phase of creating administrative acts, whether general or individual. It is a preventive control, which takes place before the act is published or implemented, with the aim of verifying its compatibility with human rights treaties (Gutiérrez Colantuono, 2021).

This prior control requires the authorities responsible for issuing administrative acts to carefully analyze whether the norms and practices on which their decisions are based are in accordance with the conventionality bloc, which includes the American Convention on Human Rights (ACHR) and other international treaties ratified by the State. If a nonconformity is identified - that is, an incompatibility between the administrative act and international human rights standards - the authorities must refrain from proceeding with its

issuance or application (GUSSOLI, 2020).

This preventive approach has a significant impact, as it prevents administrative practices that are incompatible with human rights from generating concrete effects, avoiding potential violations that could be more complex to correct at a later date (GUSSOLI, 2020).

2 BRAZILIAN CONVICTIONS AT THE INTER-AMERICAN COURT OF HUMAN RIGHTS

Brazil became part of the inter-American system for the protection of human rights when it ratified the ACHR in 1992, through the promulgation of the Executive Decree No. 678, marking a significant change in national policy in relation to human rights, especially after the traumas experienced during the military regime (1964-1985). The Federal Constitution of 1988 already signaled this transition, with its central axis based on the dignity of the human person and the broad protection of fundamental rights (Piovesan, 2018).

Six years after ratifying the Pact of San José of Costa Rica, in 1998, Brazil made progress by recognizing the contentious jurisdiction of the Inter-American Court of Human Rights (IACHR), allowing the Brazilian State to be subject to analysis and judgment for violations of the rights guaranteed by the ACHR, consolidating a sovereign commitment to the protection of these rights at the international level. Since then, the Court has played a crucial role in holding Brazil accountable in cases of systematic or specific violations, contributing to the promotion of justice and historical memory (Trindade, 2000).

The decisions of the IA Court have binding effect, imposing on the Brazilian State the duty to implement them in full. When the Court establishes, for example, financial compensation in favor of the victim, this decision is equivalent to a judicial enforcement order and must be executed in accordance with the procedures provided for in the domestic legal system. This obligation to implement is an essential element in guaranteeing the effectiveness of the inter-American system, reinforcing the idea that the commitments made by Brazil when it acceded to the American Convention on Human Rights (ACHR) are not mere declarations of intent, but legal and political obligations of the utmost importance, in accordance with the Article 68 of the mentioned treaty (Jayme, 2005).

The table below by the National Council of Justice gives an overview of the contentious cases that have already been concluded, in which Brazil was a defendant at the IA Court until March 15th, 2023. Of these judgments, the only one in which Brazil did not receive a

conviction was in the Nogueira de Carvalho case; in the others there was some determination of reparations for violations to be implemented by the Brazilian State (CNJ, 2023).

Picture 1 - Schematization of contentious cases

Cases	Theme	Date (Year)	Location (State)	Date of the Sentence
Ximenes Lopes	Murder	1999	Ceará	July 4th, 2006
Nogueira de Carvalho	Murder	1996	Rio Grande do Norte	November 28th, 2006
Escher	Illegal Wiretaps	1999	Paraná	July 6th, 2009
Garibaldi	Murder	1998	Paraná	September 23rd, 2009
Gomes Lund (Araguaia guerrilla)	Enforced disappearance and Murder	1973/1974	Goiás (current Tocantins), Maranhão, Pará	November 24th, 2010
Workers from the Green Brazil (Brasil Verde) Farm	Slave labor	1997/2000	Pará	October 20 th , 2016
New Brasília (Nova Brasília) Slum	Murders	1994/1995	Rio de Janeiro	February 16th, 2017
Xucuru Indigenous People	Conflict over Land	1989	Pernambuco	February 5th, 2018
Herzog	Torture/Murder	1975	São Paulo	March 15th, 2018
Saint Antônio Fireworks Factory	Right to Life and Personal Integrity	1998	Bahia	July 15th, 2020
Barbosa de Souza	Murder	1998	Paraíba	September 7th, 2021
Sales Pimenta	Murder	1982	Pará	June 30th, 2022

Source: CNJ, 2023

In 2006, Brazil was convicted by the IDH Court for negligence in the care of patient Damião Ximenes Lopes, a person with mental disabilities, who died while hospitalized in a private psychiatric institution accredited by the Brazilian Unified Health System (SUS), in the state of Ceará. This was the first conviction of Brazil by the Court and the first case in which the Court intervened to protect the rights of people with mental disabilities. The decision not only highlighted systemic flaws in the Brazilian mental health system, but also established fundamental precedents for strengthening the national legal system and implementing more inclusive public policies (Rosato; Correia, 2011).

The IDH Court, in judging the case, found that Brazil violated the articles 4 (right to life) and 5 (right to personal integrity) of the ACHR, understanding that the State failed to guarantee the rights of Damião, both for not preventing the violence and neglect he suffered and for not properly supervising the services provided by the health institution, highlighting that the death of Damião was not an isolated event, the result of structural failures in the treatment of people with mental disabilities in Brazil (Rosato; Correia, 2011).

In the case of *Ximenes Lopes v. Brazil*, the Inter-American Court of Human Rights ordered several reparation measures, including the payment of compensation to the family of the victim for material and immaterial damages, in addition to a public apology to recognize the responsibility of the State and restore the dignity of the victim, also determining the implementation of guarantees of non-repetition, as the strengthening of the supervision of psychiatric institutions and structural reforms in the mental health system, aligned with the principles of the psychiatric reform (Rosato; Correia, 2011).

The sentence also required the training of mental health professionals in human rights and the wide dissemination of the case through publication of the decision in official and widely circulated media, promoting awareness and preventing future violations. These measures sought not only to repair the damage caused, but also to structurally transform the treatment of people with mental disabilities in Brazil (Rosato; Correia, 2011).

Another condemnation to be highlighted is the case of the *Workers of the Green Brazil (Brasil Verde) Farm vs. Brazil*, tried in 2016, involving a farm located in Sapucaia, in the state of Pará, exposed the persistence of slavery practices in contemporary Brazil. The Court concluded that rural workers were subjected to inhumane and degrading conditions, including forced labor, debt bondage and threats of violence, practices which not only violated the rights of the victims but also evidenced the omission of the to punish and repair such violations (Leal; Hoffmann, 2020).

The decision stated that Brazil has international responsibility for human rights violations when it fails to prevent practices such as slave labor, investigate complaints, punish those responsible and adequately repair the victims, especially the conventional guarantees of personal liberty, personal integrity, judicial guarantees and judicial protection (Leal; Hoffmann, 2020).

Brazil was ordered to provide material and moral reparations to the victims, including the payment of wages due for the work performed and the return of amounts illegally deducted by employers. In addition, it was determined that the State should promote public recognition of violations, restoring the dignity of victims and recognizing their responsibility

(Leal; Hoffmann, 2020).

The sentence reinforced the obligation of Brazil to prevent future violations by strengthening mechanisms for the supervision and repression of slave labor, highlighting the need for structural actions, including the implementation of public policies aimed at protecting vulnerable workers and the adoption of supervisory measures in rural areas to dismantle exploitation networks (Leal; Hoffmann, 2020).

In 2010, the Inter-American Court of Human Rights recognizing the responsibility of the State for serious human rights violations committed against victims who disappeared or died during the movement of resistance to the military dictatorship in Brazil, highlighting the negligence of the State to investigate forced disappearances, to punish those responsible and provide families with the necessary clarification to repair the violations suffered (Bernardi, 2018).

In its judgment, the Court condemned Brazil for not having carried out effective investigations to ascertain the facts, identify those responsible and punish those guilty of serious violations committed. The lack of investigation and impunity, according to the Court, violated the rights to judicial guarantee and protection provided for in the American Convention on Human Rights, reinforcing the obligation of the State to break with the culture of impunity and ensure access to justice (Bernardi, 2018).

Among the main measures ordered, we highlight the continuation of investigations to ascertain the facts and identify those responsible, the performance of acts of public recognition of state responsibility, including issuing a formal statement of apology to the victims and their families. In addition, the Court has determined the adoption of memory measures to preserve history and ensure that the facts are not forgotten. In addition, compensation was provided to victims and their families for the material and moral damage suffered, as well as the implementation of effective mechanisms to ensure that violations do not recur (Bernardi, 2018).

It was also determined the classification of the crime of forced disappearance in the Brazilian legal system, the training of the Armed Forces on human rights and the adoption of material and symbolic reparations, such as financial compensation, public acts of recognition of state responsibility and creation of memorials to preserve the historical memory of victims (Bernardi, 2018).

3 SOME REPERCUSSIONS OF THE CONVICTIONS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS INVOLVING BRAZIL IN PUBLIC POLICY DESIGN

Preliminarily it is relevant to start this topic by bringing some notes on the legal dynamics of public policies. Among the various concepts of public policies that could be addressed, it was chosen to bring the reflections of Janriê Rodrigues Reck (2023) and Patrícia Helena Massa-Arzabe (2006), to serve as a starting point to define public policies as a set of coordinated decisions, organized in the form of a network, with predefined and consciously established objectives. These objectives are generally linked to the guarantee and promotion of fundamental rights and planned social change, using administrative instruments, decision-making and organizational models, as well as resources in terms of time, power and money.

This definition is articulated with the idea that public policies are government action programs, stable in time and rationally shaped, aimed at realizing legally relevant rights. These programs require not only the proper allocation of material, financial and human resources, but also the guarantee of freedom of choice and autonomy in the application of these resources, thus ensuring adequate conditions for the achievement of the proposed objectives (Reck, 2023).

Therefore, public policies can be understood in two perspectives: as interconnected government programs aimed at promoting and protecting the fundamental rights of citizens or as actions carried out by the State, previously planned, that have the objective of achieving socially relevant goals for the community, which can contribute to the improvement of problems of public interest (Reck, 2023).

From the decisions of the IDH Court it is clear that the Court not only judges specific human rights violations, but can also act as an agent inducing public policies. This action occurs in a context where public policies are understood as activities or programs aimed at achieving social relevance objectives, often related to the protection of fundamental rights (Oliveira, 2010).

In this sense, the IDH Court can influence the formulation of public policies by determining positive obligations to States to prevent, investigate and remedy human rights violations. These obligations often involve the creation or evaluation of specific public policies to ensure that violations do not recur and that fundamental rights are promoted in accordance with international standards (Oliveira, 2010).

By establishing the essential actions that a State must adopt to achieve the desired results, the Court is directly influencing the "means" that this State can employ, implying the indication, for example, of the need to develop programs, implement public policies or

conduct training for public officials, all in order to ensure that human rights are respected and promoted (Oliveira, 2010).

An important aspect to be briefly discussed is the development cycle of public policies, involving at least four distinct phases, each with a specific role in their creation and execution: i) scheduling, ii). formulation, iii). implementation and iv) evaluation (Reck, 2023).

The scheduling phase defines which topics enter the public agenda and become objects of state intervention, and can be described as the issues that the political community perceives as deserving public action, prioritizing the problems that the government intends to face (Reck, 2023).

In the formulation phase, it is the moment when the design of public policy is made, that is, it is defined how the problem will be solved, making a careful analysis of the alternatives available and by choosing the most appropriate solutions, being the stage at which the government draws up strategies and allocates resources to address social, economic and environmental issues, ensuring that policies are effective and meet the demands of the population (Reck, 2023).

In the implementation stage, it is the moment when previously planned public policies are put into practice through the execution of concrete actions, requiring the preparation of detailed plans, the organization of the administrative structure and the provision of the necessary inputs to achieve the defined objectives. Finally, in the evaluation phase, the main focus is to identify the results achieved, the consequences of the measures adopted and the impacts generated by the policy in question (Reck, 2023).

In the proceedings of the IDH Court, an analysis is made to verify whether the programs of action of the State are in conformity with the American Convention and other human rights treaties, meaning that although it does not directly create policies, plays a key role in the evaluation and orientation of public policies, influencing and interfering with the way States fulfill their international obligations (Oliveira, 2010).

When the IDH Court makes decisions on human rights violations, these decisions may lead States to create new policies to meet the requirements of ordered reparative measures or modify existing policies that are not in accordance with international human rights standards (Oliveira, 2010).

The conviction of Brazil by the Inter-American Court of Human Rights in the case of Ximenes Lopes has had important repercussions on public policies for mental health in the country, boosting structuring and innovative initiatives. Since 2002, the Permanent Training

Program of Human Resources for Psychiatric Reform has supported the implementation of training centers in mental health in the public network, in partnership with universities, municipalities and states, reinforcing the commitment to technical qualification in this field (Rosato; Correia, 2011).

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The main legacy left by the Damião Ximenes case was to emphasize the need for a change in the model of mental health care, emphasizing that treatments should respect the dignity and fundamental rights of individuals. This conviction was a catalyst for the intensification of the deinstitutionalization process, which had already been promoted by the Brazilian Psychiatric Reform, initiated in the 1980s (Rosato; Correia, 2011).

As a result, Brazil began to prioritize the replacement of psychiatric hospitals (asylums) by Psychosocial Care Centers (CAPs), units focused on free care, focusing on the humanized treatment and social reintegration of individuals with mental illness (Rosato; Correia, 2011).

In relation to the Green Brazil (Brasil Verde) case, Brazil was required to adopt the necessary measures to ensure that the statute of limitations did not apply to the crime of slavery and its analogous forms, since the Brazilian legal system still lacks a provision that deals with the inapplicability of prescription to this crime. The Constitutional Amendment no 14 of 2017, which aimed to incorporate this measure, was filed on December 21st, 2018, without any new legislative bill with the same purpose, until the completion date of this

article (Leal; Hoffmann, 2020).

Before the mentioned condemnation, there was already a National Decent Work Agenda (ANTD) for the coordination of public policies to combat slave labor in Brazil. It stands out as an organized effort to articulate actions between different spheres of government and civil society, including a series of guidelines for the eradication of slave labor, with special emphasis on the integration of programs that promote vocational training and income generation for the most vulnerable populations (Leal; Hoffmann, 2020).

The case of the Green Brazil (Brasil Verde) Farm brought as a perspective for public policies the necessary and continuous strengthening of the National Commission for the Eradication of Slave Labor, through government actions and coordination with civil society to ensure the effective implementation of policies for the eradication of slave labor. The interaction between programs to eradicate slave labor and other initiatives, such as those aimed at vocational training and income generation, is a fundamental strategy for the sustainability of public policies in this field (Leal; Hoffmann, 2020).

In the context of the Gomes Lund case, as a response to the obligations imposed by the IDH Court, the Brazilian government created, in 2009, the Araguaia Working Group (GTA), with the objective of locating and identifying the remains of missing victims. Another important development of the obligations arising from the conviction of the IDH Court was the creation of the Memorial of Political Amnesty in Brazil - conceived within the Ministry of Justice, in partnership with the Federal University of the state of Minas Gerais, the city of Belo Horizonte and the United Nations Development Program - with the aim of constituting a space of memory and consciousness (Bernardi, 2018).

The creation of the National Truth Commission (CNV), established by the Law no 12.528 of November 18th 2011, was a direct response to the international demands made by the petitioners in the Gomes Lund case and to the obligations assumed by Brazil when ratifying the American Convention on Human Rights. The CNV, established on May 16th, 2012, had as its mission to examine and clarify the serious human rights violations that occurred in the period from 1946 to 1988, with a special focus on the practices of state agents during the military regime (Bernardi, 2018).

CONCLUSION

The present work sought to analyze the role of the Inter-American Court of Human Rights (IDH Court) as a public policy inducer in Brazil, especially from the convictions

suffered by the Brazilian State. The central problem that guided the research was: In what way can the decisions of the IDH Court contribute to the implementation of public policies that promote human rights?

The central hypothesis that guided the study was that the convictions of the IDH Court, by imposing reparative measures and non-repetition, act as catalysts for structural changes in the legal system and public policies, promoting a culture of greater respect for human rights.

Throughout the work, it was possible to verify that the IDH Court plays a fundamental role in promoting public policies in Brazil, especially in sensitive areas such as mental health, fight against slave labor and transitional justice. The analysis of emblematic cases, such as Ximenes Lopes, Green Brazil (Brasil Verde) Farm and Araguaia Guerrilla, showed that the decisions of the Court not only make the State responsible for human rights violations, but also impose measures that require the reformulation of public policies and the adoption of preventive mechanisms. These decisions have a transformative effect by requiring the Brazilian State to implement policies that guarantee the non-repetition of violations and promote full reparation for victims.

The analysis of concrete cases showed that the decisions of the Court have significant impact on restructuring sectors such as mental health, with psychiatric reform and the creation of Psychosocial Care Centers (CAPs), and in the fight against slave labor, with the strengthening of monitoring mechanisms and the promotion of eradication policies. In addition, in the case of the Araguaia Guerrilla, the condemnation of the IDH Court led to the creation of the National Truth Commission (CNV), a milestone in the search for memory and justice regarding violations committed during the military regime.

Despite the advances, difficulties remain related to the effectiveness of public policies, such as the lack of continuity of programs, insufficient resources and resistance from sectors of the State to fully comply with the decisions of the Court. There is still a long way to go to ensure that public policies are implemented effectively and sustainably, especially in a context of political and economic instability.

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