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CITIZENSHIP AND SUSTAINABLE DEVELOPMENT: THE ROLE OF THE PUBLIC PROSECUTOR'S OFFICE FROM THE PERSPECTIVE OF ACCESSIBILITY FOR PEOPLE WITH DISABILITIES

CIDADANIA E DESENVOLVIMENTO SUSTENTÁVEL: O PAPEL DO MINISTÉRIO PÚBLICO NA PERSPECTIVA DA ACESSIBILIDADE PARA AS PESSOAS COM DEFICIÊNCIA

CIUDADANÍA Y DESARROLLO SOSTENIBLE: EL PAPEL DEL MINISTERIO PÚBLICO DESDE LA PERSPECTIVA DE LA ACCESIBILIDAD PARA PERSONAS CON DISCAPACIDAD

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ABSTRACT: The Colloquium "Seed of Inclusion: People with Disabilities and the Labor Market," held in September 2023 by the Escola de Magistratura de Rondônia in partnership with the Brazilian Labor Prosecutor's Office, addressed fundamental issues such as inclusion, accessibility, and citizenship, particularly in the context of deaf people. A key point was the alarming statistic presented: of the 135,000 people with disabilities in Rondônia, only 2,300 held formal jobs, accounting for less than 2% of the total, and only 0.7% worked in the public sector. The event highlighted the correlation between the lack of accessibility and the scarcity of employment opportunities. The resulting article aims to investigate the impact of this reality on social sustainability in Rondônia, examining the possibility of achieving the Sustainable Development Goals for people with disabilities. The research employs the inductive method and addresses the new role of the Public Prosecutor's Office in protecting fundamental rights, emphasizing the importance of accessibility in fostering a more equitable society.

KEYWORDS: Social inclusion. Accessibility. Public Prosecutor's Office. Sustainability.

***RESUMO**: O Colóquio "Semente da Inclusão: Pessoas com Deficiência e o Mercado de Trabalho", realizado em setembro de 2023 pela Escola de Magistratura de Rondônia, em parceria com o Ministério Público do Trabalho, abordou temas fundamentais como inclusão, acessibilidade e cidadania, especialmente no contexto das pessoas surdas. Um ponto central foi a alarmante estatística apresentada: das 135 mil pessoas com deficiência em Rondônia, apenas 2.300 estavam inseridas em empregos formais, correspondendo a menos de 2% do total, e apenas 0,7% estavam no setor público. O evento destacou a correlação entre a falta de acessibilidade e a escassez de oportunidades de trabalho. O artigo resultante visa investigar o impacto dessa realidade na sustentabilidade social em Rondônia, analisando a possibilidade de alcançar os Objetivos de Desenvolvimento Sustentável para as pessoas com deficiência. A pesquisa utiliza o método indutivo e aborda o novo papel do Ministério Público na proteção dos direitos fundamentais, enfatizando a importância da acessibilidade para uma sociedade mais equitativa.*

***PALAVRAS-CHAVE**: Inclusão social. Acessibilidade. Ministério Público. Sustentabilidade.*

***RESUMEN**: El Coloquio «Semilla de la Inclusión: Personas con Discapacidad y el Mercado Laboral», celebrado en septiembre de 2023 por la Escola de Magistratura de Rondônia en colaboración con el Ministério Público do Trabalho, abordó temas fundamentales como la inclusión, la accesibilidad y la ciudadanía, especialmente en el contexto de las personas sordas. Un punto central fue la alarmante estadística presentada: de las 135.000 personas con discapacidad en Rondônia, solo 2.300 tenían empleo formal, lo que corresponde a menos del 2% del total, y solo el 0,7% en el sector público. El evento puso de relieve la correlación entre la falta de accesibilidad y la escasez de oportunidades laborales. El artículo resultante tiene como objetivo investigar el impacto de esta realidad en la sostenibilidad social en Rondônia, analizando la posibilidad de alcanzar los Objetivos de Desarrollo Sostenible para las personas con discapacidad. La investigación utilizará una metodología inductiva y abordará el nuevo rol del Ministerio Público en la protección de los derechos fundamentales, haciendo hincapié en la importancia de la accesibilidad para una sociedad más equitativa.*

***PALABRAS CLAVE**: Inclusión social. Accesibilidad. Ministerio Público. Sostenibilidad.*

Introduction

In September 2023, the Seed of Inclusion Colloquium: Persons with Disabilities and the Labor Market took place, organized by the Rondônia School of Magistracy, with the collaboration of the Labor Public Prosecutor's Office (MPT) in the 14th Region. During the event, issues related to ensuring inclusion, accessibility, respect, citizenship, and specific issues concerning the deaf community were addressed. In addition, the promotion of equal opportunities and the fight against discrimination in the workplace were discussed.

The colloquium highlighted the problems faced by the State of Rondônia regarding accessibility at work. According to statistics presented by Labor Prosecutor Igor Sousa Gonçalves, among the 135,000 persons with disabilities in the State of Rondônia, only 2,300 held formal jobs, representing less than 2% of the total. In the public sector, this number was even lower, corresponding to only 0.7%. The event demonstrated that the lack of accessibility is directly related to the scarcity of job opportunities for people with disabilities.

It is therefore not surprising that these data reinforce the hypothesis that Porto Velho, the capital of Rondônia, ranks among the worst state capitals in Brazil in terms of accessibility for persons with disabilities.

In view of this problem, this article aims to investigate the impact of this situation on the progress of social sustainability in Rondônia. Consequently, the study intends to analyze the possibilities of meeting the targets of the Sustainable Development Goals in the context of people with disabilities, using work as the main indicator.

To understand the breadth and depth of this issue, this article will examine, through research, the topics and data listed above. In addition, the new institutional role of the State Public Prosecutor's Office in protecting the fundamental rights of people with disabilities will be explored, following the repeal of a provision related to accessibility by Law No. 14,230/2021, concerning Law No. 8,429/1992 (Brasil, 1992, 2021).

The methodology applied was the inductive method, using the techniques of the research referent, categories, operational concepts, bibliographic research, and research notes (Pasold, 2018).

The evolution of rights for people with disabilities

The study of human history reveals that, from the earliest times, human beings have never sought to live in isolation from their fellow humans, showing that solitude was not adopted as a customary way of life. Sociability has always been a fundamental characteristic of our species, promoting unity among human groups (Cotrim, 2009). At the end of the eighteenth century, various countries established constitutions, guaranteeing the basic principles of equality, fraternity, and freedom for all people (Rodrigues & Capellini, 2014).

Regarding people with disabilities, sociability with this segment was practically nonexistent. In ancient Greece, society was marked by divisions and the pursuit of physical perfection, excluding those who did not conform (Guedes, 2014). With the advent of Christianity, charity and the welcoming of these persons emerged, but without equalizing civil and political rights (Moraes, 2023). Only in the twentieth century did the rights of people with disabilities actually begin to advance (Pereira, 2017).

Thus, the rights of people with disabilities evolved as the understanding of human rights advanced. Washington Carlos and Washington Carlos de Almeida Júnior (2020), citing Professor Fábio Konder Comparato, state that: "the United States Constitution was the first political document to recognize the existence of rights for all members of the human species, without any distinction as to sex, race, religion, or any other characteristic" (p. 42), emphasizing that rights such as life, liberty, and the pursuit of happiness are inalienable and cannot be waived.

The recognition of the human dignity of people with disabilities still confronts their social, political, economic, and cultural exclusion. Madruga (2021) argues that merely creating rights does not resolve disbelief in existing ones and that it is urgent to adopt a new stance and attitude toward one another, together with social and emancipatory mobilization. In contemporary democracies, it is essential for the majority to participate so that new rights are effectively established, including persons with disabilities, in order to overcome the disadvantages and obstacles they face and thus ensure the full exercise of rights, in the same way as other members of society (Madruga, 2021). This is not about granting "special rights" that segregate them as a single category separate from other citizens, but rather about including without distinguishing (Madruga, 2021, p. 20).

Indeed, as Eugênia Augusta Gonzaga (as cited in Madruga, 2021) points out, "integration and inclusion are terms that have distinct representations, although linked to the idea of incorporating those who are excluded" (p. 22). The former allows the incorporation of

persons who are able to adapt through their own means. In the latter, everyone is part of the same community, without divisions into distinct groups.

Along these lines, the social inclusion model seeks to transform social structures in areas such as education, work, and leisure for people with disabilities. Madruga (2021) cites three important principles: 1) celebration of differences, recognizing that these contribute varied approaches; 2) the right to belong, affirming that everyone has the right to become part of society without proving their ability; 3) appreciation of human diversity, which enriches society through the contributions of diverse groups. According to the author, "it is precisely at this point of personal and human appreciation that the issue of difference concerning persons with disabilities must be situated" (Madruga, 2021, p. 22). Furthermore, in the foundation of human values in the context of disability, where the central core is the treatment of human beings as subjects of rights, dignity, autonomy, equality, and solidarity stand out (Madruga, 2021).

The expression "persons with disabilities" was officially adopted by the United Nations General Assembly through the Convention on the Rights of Persons with Disabilities, of December 13, 2006, which entered into force on May 3, 2008 (Brasil, 2008), and was ratified by several countries, including Brazil. This expression represents an innovation in relation to various earlier definitions, such as "the disabled" and "disabled person," "persons carrying disabilities," "persons with special needs or carriers of special needs," and "exceptional." Although the 1988 Federal Constitution uses the term "person carrying a disability" in several provisions, Decree No. 6,949, of August 25, 2009, introduced important changes, although the terminology "persons carrying" is still used in different contexts in society and in governmental spheres (Brasil, 1988, 2009; Madruga, 2021).

With regard to work, in recent decades, especially from 1981 onward, during the movement known as the International Year of Disabled Persons, declared by the United Nations (UN), there was a historical milestone at which persons with disabilities ceased to be ignored or viewed as objects of charity.

From this milestone onward, legislation of a social nature was developed, aimed at equalizing opportunities for those with physical, sensory, or cognitive limitations. This legal framework was developed to ensure differentiated conditions of access to the formal labor market for people with disabilities, owing to a historical context of exclusion from work and the 'social world'.

Previously viewed as 'invalids' and often hidden by their families, these persons followed a path of overcoming the invisibility and guardianship imposed by society, as well as

prejudice and discrimination (Garcia, 2014). However, the creation of legislation in favor of persons with disabilities was only possible with the strengthening of social movements, which were reorganizing after the repressive and authoritarian period of the 1960s and 1970s, as an essential measure to guarantee the rights of persons with disabilities and promote their inclusion and access to the labor market (Garcia, 2014).

The 1988 Constitution is an important achievement for people with disabilities, as it ensures the right to equality before the law and establishes the obligation to guarantee accessibility (Brasil, 1988).

In summary, the historical trajectory of people with disabilities reveals a process of overcoming invisibility and social, political, and economic exclusion. Although recognition of the humanity of persons with disabilities evolved slowly, the promulgation of the Constitution and the adoption of the Convention on the Rights of Persons with Disabilities (Brasil, 2008) constituted fundamental milestones in affirming their rights and promoting equality and accessibility. The social inclusion model must be promoted in various spheres, such as education, work, and leisure, ensuring that differences are celebrated and respected. Thus, the real challenge lies in transforming society, promoting an environment that allows the full and effective participation of all people, regardless of their limitations.

Sustainability and sustainable development in the context of the social dimension

The idea of sustainability, previously restricted to environmental issues, expanded to encompass social and economic aspects (Di Pietro, 2024). Sustainability became established as a new paradigm and/or phenomenon from a legal perspective, redefining axiological values at the local, national, international, and transnational levels (Demarchi et al., 2016). Derived from the Latin *sustentare*, which means to sustain, defend, favor, support, conserve, and care for (LaSSu, n.d.), sustainability refers to the ability to maintain or conserve a system. According to the Priberam Dictionary (n.d.), sustainability is the "quality or condition of what is sustainable and a model of a system that has the conditions to maintain or conserve itself."

The concept implies ensuring dignified conditions for future generations, balancing economic, social, and environmental factors (Garcia et al., 2021). To this end, it is essential to promote local development within the global context, multiplying cultural processes of communication and globalization to provide viability for local and regional economies (Demarchi et al., 2016).

Maria Cláudia Souza (2012) states that "sustainability brings hope of delaying human survival on earth" (p. 3). Denise Schmitt Garcia (2016) complements this, pointing out that sustainability relates to maintenance, conservation, permanence, continuity, and so on.

Sustainability is constantly evolving, with its dimensions multiplying over time. Currently, it is recognized through three main dimensions: environmental, economic, and social, in addition to others, such as the technological and ethical dimensions. These dimensions must be balanced for sustainability to actually occur (Sousa, 2024).

Social sustainability requires actions directed toward reducing inequalities, promoting access to basic social rights (Garcia, 2020), and ensuring adequate conditions for present and future generations. Garcia et al. (2021) emphasize that social sustainability seeks to correct social inequality and ensure the poor population's access to basic social rights, such as primary education, basic healthcare, assistance in cases of need, and access to justice, as provided for in the 1988 Constitution (Brasil, 1988).

The authors argue that social sustainability promotes a fair and inclusive development model, rejecting exclusionary and unfair models, and focuses on ensuring equity for current and future generations (Garcia et al., 2021). Silva (2018b) observes that the discussion of the phenomenon of sustainability has already lasted for more than 30 years, with different theoretical currents promoting knowledge and public debates on sustainability in its various dimensions, adapting it to the realities of modern society.

For its realization, global awareness is necessary in the face of the current crisis scenario (Garcia et al., 2021), with concrete actions from all sectors of society, governments, businesses, and individuals committed to a fairer, more equitable, and sustainable future, to be achieved by 2030 through Sustainable Development.

As Veiga (2019) points out:

> The motto of sustainable development closely resembles its predecessors "human rights" and "social justice"—notions that share the "curse" of the elephant: as difficult to define as it is easy to recognize visually—since normative efforts to "conceptualize" them cannot overcome certain doubts. (p. 37)

From this perspective, as regards its objectives, those defined by the United Nations are generally associated with it, with a variation in relation to the periods 2000–2015 (the so-called Millennium Development Goals) and 2015–2030 (Sustainable Development Goals) (Roma,

2019).

The Millennium Development Goals (MDGs) were eight global goals established by UN member countries, aimed at accelerating the elimination of extreme poverty and hunger, especially among the poorest populations of the least developed countries. The eight MDGs encompassed actions against hunger and poverty, including policies on health, sanitation, education, housing, the promotion of gender equality, and the environment, as well as measures for a global partnership for sustainable development. Twenty-one global targets were established, monitored by 60 indicators. Most targets had the period from 1990 to 2015 as their time horizon, assessing the progress of indicators up to 2015 based on data from 1990 (Roma, 2019).

In the context of the 2030 Agenda, the objectives pursued by sustainable development are articulated in three dimensions: "*i)* eradication of poverty in all its forms and dimensions; *ii)* promotion of shared prosperity; and *iii)* integrated and sustainable management of natural resources and ecosystems" (ONU, as cited in Silva, 2018a, p. 659).

The Sustainable Development Goals (SDGs), especially those linked to reducing inequalities (SDG 10), point to the need for policies that encourage the inclusion of vulnerable groups, such as people with disabilities. To achieve sustainable development by 2030, it is essential to promote accessibility as a form of social justice (Silva, 2018a).

Protection of fundamental rights in the context of persons with disabilities in Rondônia

The protection of the rights of persons with disabilities in Rondônia faces significant challenges (MPRO, n.d.).

The Statute of Persons with Disabilities (Law No. 13,146/2015) establishes essential guidelines, but the repeal of item IX of Article 11 of Law No. 8,429/1992 by Law No. 14,230/2021 created uncertainties regarding holding managers accountable for a lack of accessibility (Brasil, 1992, 2015, 2021; Freitas, 2022).

As Freitas (2022) emphasizes:

> Indeed, the amendments to Law 8429/92 by Law 14,230/21 implemented a kind of *abolitio criminis* in the system of accountability for acts of administrative misconduct, which disqualifies acts not provided for in the current list of Article 11 of the LIA as acts of misconduct.

> In these cases, the principle of legality must prevail from the perspective of statutory definition (Articles 5, II and XXXIX, and 37, *caput*), according to which "*there is no crime without a prior law defining it, nor any penalty without a prior legal provision*."
> Importing this precept from Criminal Law, we can state that there can be no acts of misconduct involving violations of principles outside the exhaustive list of Article 11 of Law 8,429/92. (Freitas, 2022, emphasis in the original)

To mitigate these effects, the Public Prosecutor's Office can intensify its action through Public Civil Actions and Conduct Adjustment Agreements (TACs), requiring public and private entities to comply with accessibility standards. Furthermore, awareness campaigns and partnerships with NGOs and rights councils can strengthen the support and oversight network.

Final considerations

This article analyzed various aspects of citizenship, sustainable development, and accessibility for persons with disabilities in Rondônia. The Seed of Inclusion Colloquium revealed alarming data on low participation in the formal labor market and the relationship between the lack of accessibility and the scarcity of opportunities.

On the other hand, the Public Prosecutor's Office plays a crucial role in guaranteeing the rights of people with disabilities, and can resort to alternative legal mechanisms to fill the gaps left by the repeal of legal provisions. However, for Porto Velho to cease being one of the worst state capitals in terms of accessibility, greater commitment from the authorities, investment in infrastructure, and awareness among the public and private sectors are essential.

Therefore, promoting accessibility is not merely a matter of legal compliance, but a fundamental step toward sustainable development and social justice, ensuring that all people, regardless of their limitations, can participate fully in economic and social life.

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