

# Sustainability and social rights in the light of Brazilian Constitutional Law

*Análise da sustentabilidade e de direitos sociais sob a ótica do Direito Constitucional Brasileiro*

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## 1. Introduction

The objective of this research is to address key aspects such as the concept of sustainability, focusing on its connection to social rights from the perspective of Brazilian Constitutional Law. This analysis goes beyond the environmental dimension to explore the intersection between sustainability, social rights, and human relations. Through this study and reflection, the aim is to contribute to academic discussions, expanding theoretical debates that inspire the development of sustainable policies aligned with social rights.

This fundamental right, enshrined in the Universal Declaration of Human Rights (UDHR), as well as in the Brazilian Constitution and various legal frameworks, remains a topic of significant debate. Despite being an unconditional right, it unfortunately does not effectively ensure access to

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healthcare, food, housing, decent work, education, or leisure for a substantial portion of Brazilian citizens.

The Brazilian Institute of Geography and Statistics (IBGE)<sup>1</sup> shows that figures have improved year after year; however, the state of Santa Catarina (the focus of this study) still faces high poverty rates and a lack of effective implementation of the social rights outlined in Article 6 of the Brazilian Constitution.

In this context, it is important to reflect on sustainability and its relationship with social rights and fundamental guarantees in its broader scope. This is because when we consider sustainability as a fundamental right linked to “an ecologically balanced environment, a common good of the people and essential to a healthy quality of life, imposing on both the Public Power and the community the duty to defend and preserve it for present and future generations,”<sup>2</sup> we are not treating sustainability merely as a guiding principle of the economic order. Rather, we are recognizing it as a fundamental right that intersects with rights to life, health, and the environment.

This understanding has already been solidified by the Federal Supreme Court, which recognized the right to an environment as a fundamental right, given that its protection is essential to ensuring human dignity.

Furthermore, sustainability is closely tied to environmental law through the principle of the prohibition of environmental regression. This principle forbids the repeal or weakening of laws that ensure environmental protection unless such changes aim to strengthen those protections.

In this same vein, Freitas<sup>3</sup> argues that sustainability is not merely a programmatic principle but must be interpreted as an autonomous, enforceable, imperative, ethical, and legal fundamental right. However, it is also linked to the core foundations of the Democratic Rule of Law and fundamental rights as outlined in Articles 1 and 5 of the 1988 Constitution of the Federative Republic of Brazil<sup>4</sup>. This is because both the State and society are responsible for ensuring the continuity of life and environmental quality – giving sustainability its intergenerational nature. In other words, it is a right that transcends the present generation and extends to future generations.

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1 Instituto Brasileiro de Geografia e Estatística (IBGE), 2023.

2 BRASIL, 1988.

3 FREITAS, 2016.

4 BRASIL, 1988.

Ribeiro<sup>5</sup> emphasizes this concern for sustainability through values, attitudes, and behavioral practices that promote healthy interpersonal, family, professional, and social relationships. He asserts that we live in a society where individuals are constantly invited to embrace social responsibility, embodied in the call that “peace is in our hands.” This call highlights our duty to reflect on and build the common good – one that upholds life and human dignity in all respects, rejecting violence in all its forms: physical, sexual, psychological, economic, and social – particularly against the most disadvantaged and vulnerable. We’re encouraged to having generosity in sharing resources, caring for the environment, listening to understand rather than to argue, preserving the planet by promoting responsible consumption, and rediscovering solidarity as a means of fostering social, human, and sustainable development.

This perspective aligns with the motto of the French Revolution and is deeply connected to the Universal Declaration of Human Rights (UDHR), particularly Article 1, which states: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”<sup>6</sup>

Through the analysis of this article, we can see a clear connection to the French Revolution’s motto – liberty, equality, and fraternity – which correlates with the concept of human dignity expressed in several articles of the 1988 Constitution of the Federative Republic of Brazil<sup>7</sup>.

For Ribeiro<sup>8</sup>, any human attitude or behavior – whether developed through professional or business activities, education, social circles, or family life – will only be effective if it is just in the context of social coexistence. In other words, “providing the best for people, for others, and for the environment is practicing sustainability in its broadest sense.”<sup>9</sup>

In essence, the concept of sustainability in the protection of life and social rights is closely tied to promoting the common good in its broader dimension. Sustainability must begin with human relationships grounded in mutual respect and concern for others – matters that will directly influence our social rights and fundamental guarantees.

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5 RIBEIRO, 2018.

6 UNESCO, 1998, n.p.

7 BRASIL, 1988.

8 RIBEIRO, 2018.

9 RIBEIRO, 2018, p. 89.

We will begin this discussion by defining sustainability before delving into Brazilian Constitutional Law.

Boff<sup>10</sup> understands sustainability as a matter of life and death, because:

[...] sustainability, [...] means: the set of processes and actions that are intended to maintain the vitality and integrity of Mother Earth, the preservation of its ecosystems with all the physical, chemical and ecological elements that enable the existence and reproduction of life, the meeting of the needs of present and future generations, and the continuity, expansion and realization of the potentialities of human civilization in its various expressions.

In addition:

Sustainability is any action aimed at maintaining the energetic, informational and physical-chemical conditions that sustain all beings, especially the living Earth, the community of life, society and human life, aiming at its continuity and also meeting the needs of present and future generations, so that natural goods and services are maintained and enriched in their capacity for regeneration, reproduction and coevolution<sup>11</sup>.

For Elkington<sup>12</sup>:

Sustainability cannot be defined for a single corporation. On the contrary, it must be defined for a complete economic-social-ecological system, and not for its parts. Think in terms of the fishing industry. A captain of a vessel can fish for his entire life without depleting a certain area, but if he joins a large enough fleet of vessels identical to his own, the catch can be destroyed. The behavior of the captain and his vessel would not change, but in the first case it would be sustainable and in the second it would not.

Rifkin<sup>13</sup> understands that:

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10 BOFF, 2015, p. 14

11 BOFF, 2015, p. 107

12 ELKINGTON, 2012, p. 73

13 RIFKIN, 2024, p. 108.

The scientific revelation that every human being is a biome and, by inference, the planet's ecosystems do not stop at the physical limits of the human species, but descend to the microbiome of each individual, signals the emergence of the ecological self. We are all biomes that extend to the ends of our being and spread to the edges of the biosphere and beyond.

Freitas<sup>14</sup> presents the idea of sustainability as a principle of sustainable development, introducing new paradigms to society and culture, which must incorporate key aspects for their functioning, such as:

- a. Institutional ethical and legal determination to guarantee present and future generations an environment favorable to well-being [...];
- b. Ethical and legal-institutional determination of the State's strict responsibility for prevention and precaution, so that it comes before harmful events [...];
- c. Institutional ethical and legal determination of the expanded unionization of public and private choices, in order to preventively neutralize common prejudices and myths [...];
- d. Ethical and legal-institutional determination of responsibility for low-carbon development [...]. What matters is that sustainability guides development, not the other way around.

According to Carson<sup>15</sup>, an American biologist who was the pioneer in raising the first warning about the harmful effects of pesticide use in agriculture; these impacts affect the natural cycle of species, the food chain, the existence and maintenance of biodiversity, and sustainability in relation to social rights. She states that:

As Man advances in his announced goal of conquering Nature he has been writing a depressing sequence of destructions; the destructions are not only directed at the Earth he inhabits, but also against the life that shares the Globe with him (p. 95). [...] The most alarming of all man-made attacks on the environment is represented by the contamination of the air, land, rivers and seas by hazardous and even lethal materials. This pollution is, for the most part, irremediable; The chain of evils it initiates, not only in the world that is supposed to sustain life,

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14 FREITAS, 2016, p. 33-34

15 CARSON, 1962.

but also in living tissues, is, for the most part, irreversible. In this now universal contamination of the environment, chemical substances are the sinister partners and almost unrecognizable radiation, in the task of modifying the very nature of the world – the very nature of the life that beats it<sup>16</sup>.

Some of the decisions the Federal Supreme Court (STF) have taken have a reparative look at these depressing sequences of destruction. This means an effort to the protection of fundamental rights of the third dimension, which aim to protect the environment, contributing to reduce these actions and guarantee public environmental policies in the country, such as<sup>17</sup>:

a. The ordinance issued by the Ministry of Agriculture, Livestock, and Supply, which had previously allowed the tacit registration of pesticides in the country, was suspended (Action for Noncompliance with a Fundamental Precept – ADPF 656 and 658).

b. Municipalities have gained the authority to approve laws that prohibit the release of fireworks and pyrotechnic devices that produce loud bangs (Action for Noncompliance with a Fundamental Precept – ADPF 567 and Extraordinary Appeal – RE 1210727). This measure considered not only the negative environmental impacts – particularly regarding animal protection – but also the health concerns of the autistic population.

c. The establishment of a general repercussion thesis stating that civil liability claims (for moral or material damages) resulting from environmental harm are not subject to a statute of limitations (Extraordinary Appeal – RE 654833).

d. The prohibition of slaughtering animals seized in cases of mistreatment, along with banning the use of animals in hygiene and cosmetic product testing, and the invalidation of laws that regulated cockfighting (Direct Actions of Unconstitutionality – ADIs 1856, 3776, 5995, and 5996, and Action for Noncompliance with a Fundamental Precept – ADPF 640).

e. The invalidation of a federal law provision that permitted the extraction, industrialization, commercialization, and distribution of chrysotile asbestos for the production of any type of material. The court upheld state laws that prohibit the use of all types of asbestos within the state (Direct Actions of Unconstitutionality – ADIs 3356, 3357, 3937, 3406, and 3470,

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<sup>16</sup> CARSON, 1962, p. 15-16.

<sup>17</sup> BRASIL, 2023.

and Action for Noncompliance with a Fundamental Precept – ADPF 109). These decisions were based on the carcinogenic nature of asbestos and the inability to ensure its safe use, which poses serious health risks.

f. The protection of areas surrounding springs and intermittent water sources (Direct Actions of Unconstitutionality – ADIs 4901, 4902, 4903, and 4937, and the Declaratory Action of Constitutionality – ADC 42).

Thus, when considering sustainability, we must move beyond the well-known concept of the “triple bottom line” – the three pillars of social, environmental, and economic sustainability. Instead, we need to view sustainability as encompassing human relationships, aiming for the continuous well-being of all individuals, ensuring they have access to minimum existential conditions for survival – a concept that aligns with the social dimension of sustainability.

For Freitas<sup>18</sup>, the social dimension does not:

admit the exclusionary and iniquitous development model. It is no use thinking about the bored survival of a few, incarcerated in the oligarchic, relapsed and indifferent style, which denies the connection of all living beings, the connection of everything and, therefore, the immaterial nature of development. Therefore, under the aegis of the new paradigm, there can be no room for mutilating simplification, just as negative discrimination (including gender discrimination) is not admitted. Only distinctions aimed at helping the disadvantaged are valid, through positive actions and compensations that enable them to address poverty as measured by reliable standards, which necessarily take into account the seriousness of environmental issues.

In the face of all this dilemma, Freitas<sup>19</sup> understands that fundamental social rights are sheltered, that is, in the social dimension, those rights that ensure the minimum conditions for a dignified life and the promotion of social well-being for all individuals are accommodated.

Boff<sup>20</sup> criticizes the sustainable tripod, considered the standard model, saying that it is flawed. This is because it does not massively cover ethical and humanistic elements specific to individual human relations, but only

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18 FREITAS, 2016, p. 62.

19 FREITAS, 2016.

20 BOFF, 2016.

social, environmental and economic relations, which are sometimes related to purely commercial aspects, like having capital and earning profit.

Sustainability in human relations must follow the same premise, since to be sustainable in liquid modernity is to think about current needs, enjoying things with awareness and prudence, without compromising the capacity of present and future generations. Thus, sustainability in human relations can be taken as: avoiding excesses; seeking balance; respect and solidarity. Sustainability, in this context, has a legacy character<sup>21</sup> that must be related to what we want to convey to other people, whether through the material or immaterial idea of the right itself.

The Constitution of the Federative Republic of Brazil<sup>22</sup>, in its initial articles, establishes its fundamental principles, with fundamental rights and guarantees, as well as with social rights, in order to ensure that all individuals receive the minimum for their survival and in the same degree of equality, this is what we realize when reading the article listed below.

Article 1 The Federative Republic of Brazil, formed by the indissoluble union of the States, Municipalities, and the Federal District, constitutes itself as a Democratic State governed by the rule of law and is founded on the following principles:

I - sovereignty;

II - citizenship;

III - human dignity;

IV - the social values of labor and free enterprise;

V - political pluralism.

Sole paragraph. All power emanates from the people, who exercise it through elected representatives or directly, in accordance with this Constitution.<sup>23</sup>

Thus, we can observe the fundamental principles, that is, the basic rules for the organization of the country, such as State sovereignty and, especially, the principles related to individuals. These include Citizenship, which represents a set of rights granted to all citizens; Human Dignity, one of the most important fundamental principles of the Constitution, which recognizes each individual's inherent worth, simply by virtue of their existence, regardless

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21 BOFF, 2016.

22 BRAZIL, 1988.

23 BRASIL, 1988, n.p.



of their social condition, prohibiting any form of discrimination; The Social Values of Labor and Free Enterprise, which ensure the right to engage in all lawful forms of work and business activities; and Political Pluralism, which refers to freedom of thought and conscience, allowing individuals to make their own decisions. Lastly, it emphasizes non-partisanship, which excludes hate speech.

It is worth noting that Article 5 of the 1988 Constitution of the Federative Republic of Brazil outlines fundamental individual and collective rights and guarantees, ensuring that all individuals are “equal before the law, without distinction of any kind.”<sup>24</sup>, for example, we have the right to life; freedom; equality; security; property; inheritance; to religion; to the expression of intellectuality; artistic, scientific and communication activity; to intimacy, private life, honor, image, ensuring the right to compensation for material or moral damages resulting from the violation, to the house; the secrecy of correspondence, telegraphic communications and telephone communications; the exercise of work and its economic and financial remuneration, of the profession or trade; access to information and confidentiality of the source; freedom of movement; the defense that the State will promote to private individuals, among others.

We can say that this article is one of the most important in the entire Constitution, precisely because it confers on all individuals, without distinction, their fundamental rights, guarantees and duties.

Next, another important one is Article 6, which deals with social rights:

Article 6 – Education, health, food, work, housing, transportation, leisure, security, social security, protection of maternity and childhood, and assistance to the destitute, in accordance with this Constitution, are social rights.

Sole Paragraph. Every Brazilian in a situation of social vulnerability will have the right to a basic family income, guaranteed by the government in a permanent income transfer program, whose rules and access requirements will be determined by law, in accordance with fiscal and budgetary legislation<sup>25</sup>.

These rights are classified in legal doctrine as second- and third-generation rights. Second-generation rights arise from the State’s responsibility to ensure equal opportunities for all citizens through public policies that

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24 BRASIL, 1988, n.p.

25 BRASIL, 1988, n.p.

provide access to essential needs such as housing, healthcare, education, food, transportation, work safety, and leisure. Third-generation rights, also known as fraternal rights, are linked to the broader development and progress of humanity. They encompass areas such as social security, the protection of maternity and childhood, and support for those in vulnerable situations.

It is worth highlighting that the sole paragraph of the mentioned article emphasizes the concept of public policies guaranteed by the State. This means that these are policies established by the State entity, not partisan policies. These social assistance programs may have various names in Brazil. However, they were not created by parties “X,” “Y,” or “Z,” but rather by the very Constitution of the Federative Republic of Brazil in 1988, through the implicit provisions of articles 203 and 204 of the Constitution itself. Furthermore, with the enactment of Constitutional Amendment No. 114, dated December 16, 2021, these provisions were also incorporated into article 6, sole paragraph, becoming an explicit rule. This stands as another good example of a sustainable social right established by the CRFB/1988 itself.

Article 7<sup>26</sup>, in turn, deals with the rights of workers with regard to unemployment insurance and the Guarantee Fund for Length of Employment (FGTS), as an indemnity concern; the minimum wage within the scope of Principle of budgetary constraints; irreducibility and wage floor; night bonuses; working hours, weekly rest and vacations; maternity and paternity leave; the protection of women; prior notice; occupational medicine and safety; retirement; collective bargaining agreement; risks of the employer’s and employee’s activity; labor lawsuits and prohibitions.

In short, these are the main articles that guide all the fundamental rights and guarantees of individuals before the Constitution, it is what the Constitution ensures as the existential minimum, which regardless of obtaining laws, are fundamental rights and guarantees considered inherent to human beings, that is, the existential minimum that individuals should have access to for a dignified <sup>27</sup>life, however, what we effectively realize is that not all these rights are respected and many individuals are at the mercy of these guarantees.

Unfortunately, the State entity as a guarantor of these fundamental rights is often ineffective, as it ends up not providing the existential minimum for

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26 BRAZIL, 1988.

27 INTELLIGENT ISSUES OAB, 2017.

the population, due to the significant population growth, the scarcity of state resources. However, it is important to note that even in the face of the scarcity of state resources or even the non-existence of resources, the State entity has the obligation to carry out only what is within its budgetary limits<sup>28</sup>.

In this way, those who feel violated in their right to the existential minimum, guarantees and fundamental rights will be able to seek judicial support to ensure that these rights are properly guaranteed. Therefore, when we think about social rights, we can resort to the judicial sphere to claim these rights, however, when we think about sustainability, this principle is very distant from any judicial claim, due to a series of external factors<sup>29</sup>.

Thus, correlating social rights to sustainability, when we think of sustainability, we think of it, in the same way, to a constitutional principle, which is protected throughout the Constitution, but especially in articles: 43<sup>30</sup>, which deals with the prerogatives of public administration, with the Union being able to articulate actions in the same geoeconomics and social space, aiming at the development and reduction of regional inequalities, provided that the criteria of environmental sustainability are observed; Article 159-A<sup>31</sup>, which establishes the National Fund for Regional Development, aiming to reduce social inequalities and this application of funds to be carried out by the States and the Federal District must prioritize projects that provide for environmental sustainability actions; Article 170<sup>32</sup>, which establishes the principles that govern the Brazilian economic order, founded on the valorization of human work and free enterprise.

Among the principles listed, those that guarantee sustainability and social rights stand out as essential pillars for the achievement of social justice, namely: the defense of the environment (item VI<sup>33</sup>) – a relevant norm that considers the need to measure the environmental impact on the production of goods and services, which in turn will reflect on the interdependence between economic development and the preservation of natural resources.

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28 INTELLIGENT ISSUES OAB, 2017.

29 INTELLIGENT ISSUES OAB, 2017.

30 BRAZIL, 1988.

31 BRAZIL, 1988.

32 BRAZIL, 1988.

33 BRAZIL, 1988.

This Constitutional matrix and Freitas<sup>34</sup> reflect the concept of sustainable development, which seeks in turn to balance economic growth, environmental protection and social inclusion, ensuring the well-being of present and future generations. Private property, which is directly linked to the social function of property (item II),<sup>35</sup> which is correlated to sustainability and social rights, guides, for example, that in cases of exploitation of natural resources, these also meet collective interests, such as environmental preservation, the rational use of natural resources, and the adoption of policies that encourage sustainable production practices.

In item VII<sup>36</sup>, it provides for the reduction of regional and social inequalities that complements all other principles, precisely because its perspective indicates the need for economic growth that is inclusive and that favors marginalized populations.

In article 225 of the CRFB of 1988, there is a more focused look at the environment and its relations, ensuring that “[...] present and future generations have the fundamental right to a clean environment and to a dignified and fruitful life (a right that can be enforced against the State and in horizontal or private relations), without condescension to degradation of any kind”.<sup>37</sup>

Nevertheless, it is perceived that this direct and immediate realization of the responsibility of the State, as well as of society, does not guarantee sustainable aspects, as well as minimum protection of social rights, which denotes that the solidarity awareness of material and immaterial development on the part of these entities, requiring a more efficient and guaranteeing look at these issues, mainly, a preventive and cautious way of guaranteeing the fundamental and social rights and guarantees to individuals of the present, as well as of the future, which must be attended to, in the same way, as the sustainable aspects, after all, by safeguarding the situations of the present, we can guarantee access to future generations, the balance between the supply of human needs and the preservation of natural resources.

Thus, it can be seen that among the social aspects mentioned by article 6 of the CRFB/1988, the environment, in its sustainable character, is attached to this illustrative list, deserving due prominence and interconnection with social rights.

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34 FREITAS, 2016.

35 BRAZIL, 1988.

36 BRAZIL, 1988.

37 FREITAS, 2016, p. 36.

## 2. Materials and methods

The classification of the survey is given by several aspects. For Gil<sup>38</sup>, the type of research should be observed according to its purpose, being, in this specific study, applied research.

The objectives, in turn, respond to the research style, which in this case is an exploratory, cross-sectional research, as it seeks information from the current moment, to then analyze past, present and future changes.

As for the design of the research, Gil<sup>39</sup> understands that this, “[...] expresses both the idea of model and plan”, involving all the methodological, objective, environmental understanding, determination, collection and analysis of data. In this idea, the research environment, the theoretical approach, the technique of data collection and analysis will be based on bibliographic research, which for Gil<sup>40</sup>, “is elaborated based on material already published [...], includes a wide variety of printed material [...] [and] communication and information technologies”.

According to Gil<sup>41</sup>, it is also important to highlight that “in some areas of knowledge, most research is carried out based mainly on material obtained from bibliographic sources. This is the case of research in the field of Law, Philosophy and Literature”. In this case, in addition to the bibliographic research, documentary data sought in the IBGE, Census, Municipality of Caçador and QEdú will be used.

For the purposes of this study, the dialectical method will also be used, which for Matias-Pereira<sup>42</sup>, “is a method of dynamic and totalizing interpretation of reality, that is, the facts cannot be considered outside a social, political, economic context, among others”.

This is because, by investigating sustainability from the perspective of social rights, this research seeks to analyze and understand how Brazilian constitutional norms interact with social, political and governmental challenges and transformations, especially in the legal access that each individual has as a subject of rights.

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38 GIL, 2022.

39 GIL, 2022, p. 68.

40 GIL, 2022, p. 70.

41 GIL, 2022, p. 70.

42 MATIAS-PEREIRA, 2019, p. 49.

In view of this method and the subclassification of the research, the nature of the data based on the approach will be qualitative-quantitative, since it is based on the understanding that there is a dynamic relationship between the real world and the subject that cannot be translated only into numbers.

Several works were selected, among which the following authors stand out: Boff (2015-2016); Carson (1962); Elkington (2012); Freitas (2016); Gil (2022); Mathias-Pereira (2019); Rifkin (2024), in addition to scientific articles, available on the Capes Journal Portal, preferably published in the last five years.

### 3. Results and discussion

Sustainability and social rights, provided for throughout the Constitution of the Federative Republic of Brazil of 1988, are interconnected, as both institutes aim to ensure a dignified, fair and healthy quality of life for all individuals, without distinction.

Thus, when thinking about sustainability, it is assumed to promote the responsible and conscious use of natural resources, the preservation of the environment and seeks to ensure that both present and future generations can enjoy social rights, guarantees provided for in the constitutional text, such as: health, housing; education; work; food; transport; leisure; safety; social security; the protection of maternity and childhood, as well as assistance to the needy.

However, when we reflect on social rights, we realize that these can only be fully realized when confronted with a set of well-systematized situations, which involve humanistic relationships, an ecologically balanced environment capable of subsidizing the needs of present and future generations, as well as the promotion and social and economic development, provided for in the constitutional fragment.

The theory that permeates these relations is tendentially “perfect”, but, in practice, we have experienced numerous unsustainable events, as well as numerous social rights in a degree of inequality, situations that we can see in the publication of the last Census, in 2022, in which we clearly realize that many social rights are not accessed by the vast majority of the population.

Initially, it is important to highlight that the census corresponds to the statistical data of the inhabitants of a city, province, state or nation, and this

is the only survey that must serve all Brazilian households, in order to know the real situation of the population<sup>43</sup>.

Thus, through the Census, information is collected for the definition of public policies at the National, State and Municipal levels. This conglomerate of results helps the private sector to make decisions about which are the priority investments, which programs to stimulate economic growth and social development deserve special attention and how much each area (Education, Culture, Health and Infrastructure) will receive according to the budget distribution<sup>44</sup>.

The Census also affects political representation, as it is through these results and population estimates that the numbers of federal and state deputies and councilors of each state and municipality are defined<sup>45</sup>.

Despite this, the Census must “interview/visit all” households to collect the effective numbers on population, education, work and income, economy and territory. However, this does not happen because it is a complex and extremely laborious operation, so we realize that these numbers never achieve their purpose.

In 2022, the figures given from the last available Census state that the State of Santa Catarina has a population of 7,610,361 people, distributed in a demographic density of 79.50% inhabitants per square kilometer, with a total of 6,189,405 vehicles, single data for 2023<sup>46</sup>.

In relation to education, the Basic Education Development Index (IDEB) for the initial years of Elementary School in the public network is 6.2%. In 2023, 941,272 enrollments were registered in Elementary School and 267,040 in High School. The number of teachers in Elementary School in 2023 was 51,565, while in High School, the number was 21,859<sup>47</sup>.

In terms of work and nominal monthly household income per capita in 2023, the data indicate a scholarship of R\$ 2,269.00, while in the proportion of persons aged 14 and over, employed in the reference week in formal jobs, in 2022, the data show that 78.2% of the population, with average usual real income from work of R\$ 2,803.00<sup>48</sup>.

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43 IBGE, 2023.

44 IBGE, 2023.

45 IBGE, 2023.

46 IBGE, 2023.

47 IBGE, 2023.

48 IBGE, 2023.

From the point of view of the economy, the Human Development Index (HDI), in 2021, represented 0.792; budget revenues for 2023 allocate an amount of R\$ 61,440,241,790.39, while budget expenses committed in the same year represent R\$ 43,927,295,658.78<sup>49</sup>.

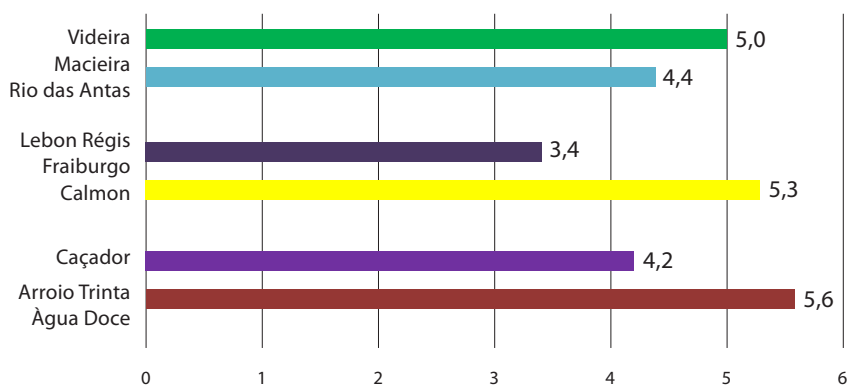
Finally, regarding territory, the State of Santa Catarina has 295 municipalities, with a territorial area demarcated in 2022 of 95,730.690 km<sup>2</sup> and an urbanized area in 2019 of 2,530.00 km, de 2.530,00 km<sup>2</sup> <sup>50</sup>.

Based on the numbers presented above, it can be inferred that in no aspect is the State of Santa Catarina self-sustainable, as well as does not offer all citizens (called Santa Catarina or green belly) the social rights explicit in the CRFB/1988, in its entirety, precisely because in no aspect is this 100% (one hundred percent).

Taking only the mesoregion of Western Santa Catarina, microregion of Joaçaba, more specifically the cities near Caçador, being: Água Doce; Arroio Trinta; Calmon; Fraiburgo; Lebon Régis; Macieira; Rio das Antas and Videira, it is possible to analyze through the excerpts, the following items in relation to sustainability and social rights.

As for education (Graph 01), Arroio Trinta was the municipality that presented the highest Basic Education Development Index (BEDI) in elementary education in 2021 in the Public Network, with 5.6%; in second place was Fraiburgo with 5.3% and in third place was Videira with 5.0%.

**Graph 01: Basic Education Development Index (BEDI)**



Source: Authors adapted from IBGE (2021, n.p.).

49 IBGE, 2023.

50 IBGE, 2023.



Again, it is evident that none of the municipalities analyzed managed to provide all their inhabitants with the social right to education in its entirety, reaching the 10th grade, which is practically intangible, as it would mean that all students would have achieved the expected performance.

Morin<sup>51</sup> understands education as a proposal for the future, which is justified by a complexity of different elements, which can explain these situations through the economic, political, sociological and social contexts of each locality that, in a way, would justify these divergent percentages.

On the other hand, for Ferreira, Bonin and Carreño-Saucedo<sup>52</sup>, education contributes to the process of human formation, shaping individuals not only in the educational sense of learning, but also in terms of structures and way of life. This ethical commitment that education assumes with individuals, nature and social responsibility are basic requirements for an educational proposal that tends to promote an effective transformation in the social environment, through the ways of thinking and acting of the individuals themselves, which would also justify these unequal percentages.

Although the initial results show the 2021 IDEB numbers, it is worth mentioning that the 2023 IDEB data have already been published and Santa Catarina reached 6.4 points in the initial years of Elementary School, 0.1 point below the period established from 2007 to 2021. In the final years of Elementary and High School, Santa Catarina was below all IDEB targets<sup>53</sup>, and the change in these numbers is a major concern for the state.

Regarding health issues (Graph 02), the municipalities of Caçador and Videira are tied in the item of health establishment by the Unified Health System, with 19 care units, while Fraiburgo is in second place with 10 establishments and Água Doce, in third place with 5 establishments.

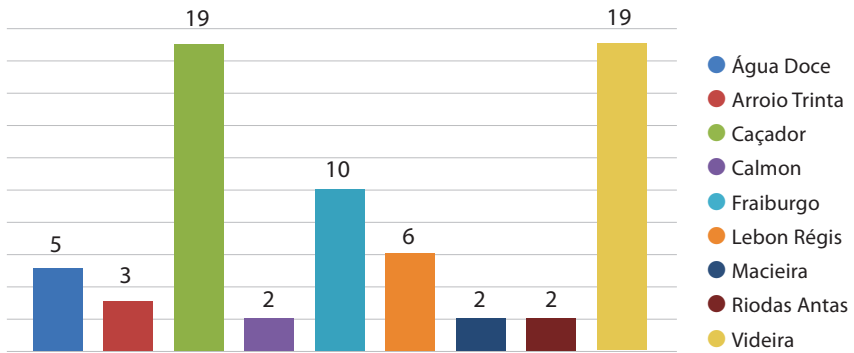
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51 MORIN, 2000.

52 FERREIRA, BONIN, CARREÑO-SAUCEDO, 2020.

53 QEdu, 2024.

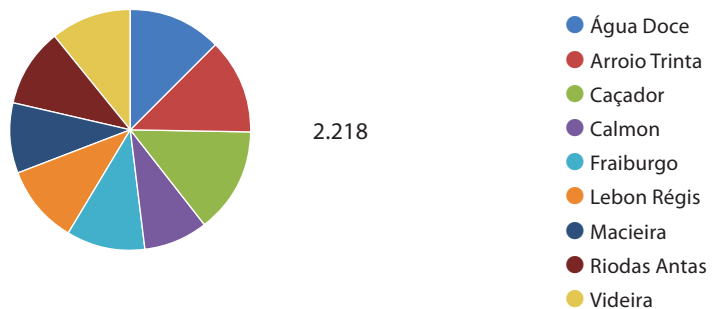
**Graph 02: Health establishments according to the Unified Health System**



Source: Authors adapted from IBGE (2023, n.p.).

Although the number of establishments is considerable, we can see that, in the same way, it does not serve the entire population. This can be evidenced by the challenges of the Covid-19 pandemic, for example, that in the absence of a vaccine and specific medicines, even with numerous health units in these municipalities, many individuals ended up dying due to lack of medical, hospital or drug care<sup>54</sup>. In relation to the average monthly salary of formal workers (Graph 03), the municipalities highlighted are: Água Doce with 2.8%, Caçador with 2.6% and Videira with 2.4%.

**GRAPH 03: Average monthly salary of formal workers**



Source: Authors adapted from IBGE (2023, n.p.).

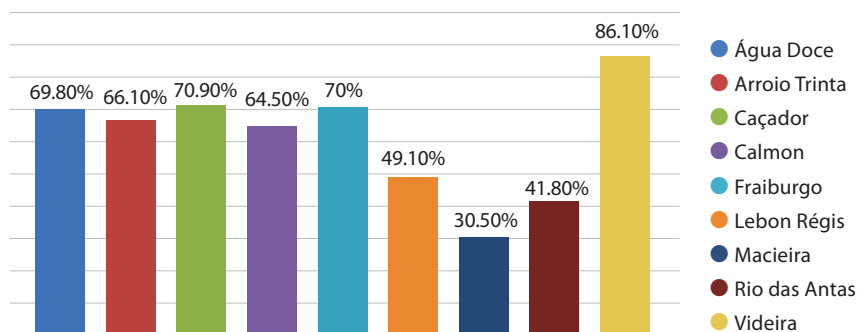
54 SEF, 2020.

Although wages do not produce very high values, it is clear that they are aligned with goal 8 – “Decent work and economic growth”, an important indicator of the Sustainable Development Goals, which “promotes inclusive and sustainable economic growth, full and productive employment and decent work for all”.<sup>55</sup>

Although this is not the best financial scenario and not all individuals actually receive a salary, this is an important piece of data that corroborates what is reported by the State Department of Finance<sup>56</sup>, when it describes that Santa Catarina has the lowest unemployment rate in the country and the highest number of workers with a formal contract.

In terms of housing (Graph 04), an alarming fact in all municipalities is related to adequate sanitary sewage. Again, the municipalities with the best rates, service and treatment in the sewage network are: Videira with 86.10%, Caçador with 70.9% and Fraiburgo with 70%.

#### GRAPH 04: Housing and Adequate sanitary sewage



Source: Authors adapted from IBGE (2023, n.p)

It is important to analyze that in cities such as Macieira (30.5%), Rio das Antas (41.8%) and Lebon Régis (49.1%) this treatment is below expectations.

According to Costa; Olive tree; Lima and Bianchi<sup>57</sup>, this inadequate discharge of sewage is one of the elementary reasons for environmental pollution. Although the care and process of sewage treatment are undeniable,

<sup>55</sup> UN, 2015, n.p.

<sup>56</sup> SANTA CATARINA, 2024.

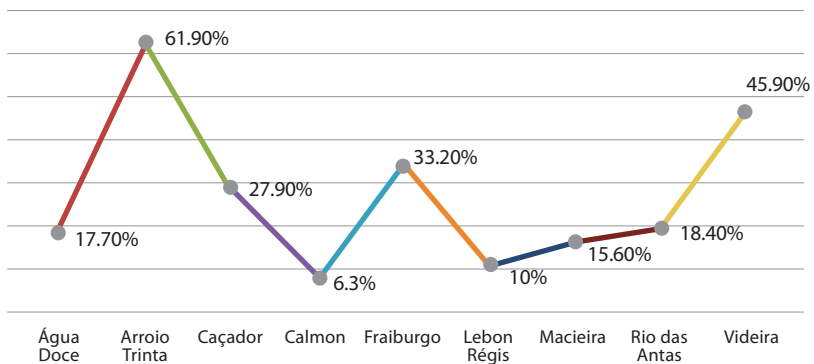
<sup>57</sup> COSTA, OLIVEIRA, LIMA, BIANCHI, 2024.

it ends up generating numerous environmental impacts, such as consuming energy, producing liquid and solid by-products, and gases captured by the atmosphere.

Thus, adequate sanitary sewage, when systematized efficiently and effectively, is linked not only to the quality of life of individuals in their homes, but also to the minimization of impacts throughout the human life cycle and the planet<sup>58</sup>.

As for the urbanization of public roads (Graph 05), the focus here was concentrated on the aspect of growth relative to cities, both in terms of population and territorial expansion, and the municipalities that stand out in this item are: Arroio Trinta with 61.90%, Videira with 45.90% and Fraiburgo with 33.20%.

**GRAPH 05: Urbanization of public roads**



Source: Authors adapted from IBGE (2023, n.p)

Schmid<sup>59</sup> understands that this growing urbanization has numerous reasons that interfere in the decision, especially of young people, to leave the countryside and migrate to the city, some of them being: the massive presence of many family members working on the same land; the lack of leisure time in the countryside; little or no social life, because most of the time the owners of the land are working; the slow process of family agricultural succession;

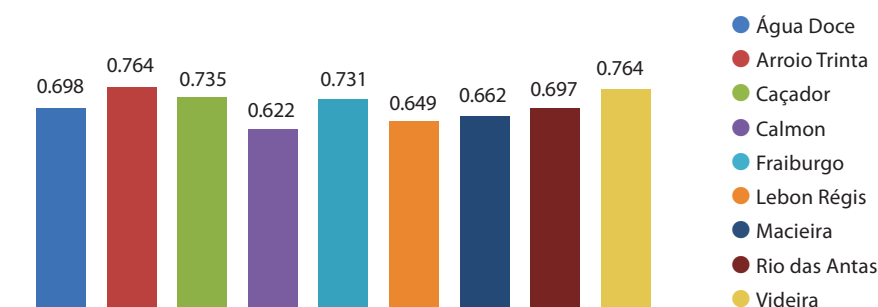
58 COSTA, OLIVEIRA, LIMA, BIANCHI, 2024.

59 SCHMID, 2020.

the lack of recognition of parents with their children; authoritarianism; the lack of salary, vacations, benefits, a formal contract and fixed working hours; the affinity with life in the city divergent from the opportunities of the countryside; even the difficulty of finding a partner; the lack of access to the means of communication (not so aggravating nowadays, but which still cause some difficulty in access) and living in society.

Regarding the last item analyzed, we can highlight that the municipalities that presented the best Municipal Human Development Index (MHDI) (Graph 06) were: Arroio Trinta and Videira with 0.764; in second place, Caçador with 0.735 and, in third place, Fraiburgo with 0.731.

Graph 06: Municipal Human Development Index (MHDI)



Source: Authors adapted from IBGE (2023, n.p)

The Municipal Human Development Index (MHDI) is an indicator composed of three dimensions: schooling, longevity and income, and in education factors related to the level of education and average time of study of the population are considered. In the aspect of longevity, it denotes the life expectancy of individuals at birth and the average age reached by people. And, finally, in the income dimension, it is based on the municipal income per capita, that is, the average income of each individual domiciled in that specific municipality<sup>60</sup>.

In addition, the United Nations Development Program (UNDP) understands the MHDI as “the composite measure of indicators of three dimensions

60 GUMBOWSKY; NOERNBERG; MAYAN; CARVALHO, 2022.

of human development: longevity, education and income. The index ranges from 0 to 1. The closer to 1, the greater the human development.”<sup>61</sup>

Thus, in view of all the excerpts and graphic representations extracted from documentary research data, we can think of sustainability in a direct relationship with social rights, from the perspective of Brazilian Constitutional Law, making several positive or negative inferences as to the structure and social functioning.

The important thing in this context is to always reciprocally solidify these guarantees, establishing much more than individual care, but pacts of cooperation and collective and intergenerational responsibility for the construction of a more just and solidary society, in terms of social rights and sustainable, in terms of the environment.

The State entity and society, supporting actors in this scenario, must act in order to reconcile economic development and growth with environmental protection and the promotion of social rights, ensuring that the former does not occur at the expense of environmental degradation or the increase in social inequalities.

#### 4. Final considerations

This study made an incipient analysis of the concept of sustainability and some numbers corresponding to social rights, revealing a complex interrelationship between these two fundamental concepts.

Thus, sustainability, when understood as a concept beyond the social, environmental and economic tripod, can be seen as an essential element for the promotion of the dignity of the human person and social justice, which emerge as basic principles for the realization of social rights, provided for in the constitutional text of 1988.

Although the Constitution of the Federative Republic of Brazil of 1988 established a solid basis for the guarantee of social rights, such as health; housing; to work, to education; leisure; Food, liquid modernity has shown that the implementation of these social rights faces significant dilemmas, highlighting gigantic gaps between theory, practice and social facts.

These challenges will only be solved with a distinct approach that pays attention to the urgent need for public policies that integrate the principles

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61 UNDP, n.p..

of sustainability in a responsible and fair way; of justice and social rights, which also promote humanitarian relations, commitments between past, present and future generations, dignified life among individuals and their relations with the environment.

Therefore, for sustainability to be consolidated as a constitutional principle, it is essential that public policies be improved and implemented with a focus on equity and social justice, because only through a serious commitment between these fundamental rights and guarantees will it be possible to achieve a truly inclusive and sustainable development, which respects and promotes citizenship; human dignity; social rights in all their dimensions.

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**ABSTRACT:** Thinking about sustainability in contemporary society is a commitment to both present and future generations. This commitment extends beyond the social, economic, and environmental aspects emphasized in the three-pillar theory; it also involves linking sustainability to social rights from the perspective of Brazilian Constitutional Law. From this viewpoint, the aim of this study is to encourage individuals to expand their understanding of sustainability—not only in its environmental dimension but also in its intersection with social rights and human relations. By deepening this reflection, the study seeks to contribute to the academic debate, providing theoretical insights that support the development of sustainable policies aligned with social rights. The methodological approach was based on documentary analysis using the dialectical method and literature review. The study's findings highlight the significance of sustainability, particularly as a constitutional principle embedded throughout the 1988 Constitution of the Federative Republic of Brazil. This principle plays a crucial role in protecting and promoting social rights, ensuring a better quality of life for both present and future generations. The core dilemma in this relationship lies in the discrepancy between the theoretical framework that upholds these guarantees and the practical implementation of social and sustainable rights, as evidenced by data obtained from IBGE (Brazilian Institute of Geography and Statistics).

**Keywords:** Sustainability; Social rights; Social justice; Federal Constitution; Public policies.

**RESUMO:** Pensar a sustentabilidade na sociedade contemporânea é um compromisso com as gerações presentes e futuras, não apenas no aspecto social, econômico e ambiental sustentável, apoiado na teoria dos três pilares, mas também é relacionar a sustentabilidade com os direitos sociais, sob a ótica do Direito Constitucional brasileiro. Nessa perspectiva, o objetivo e dilema deste estudo é instigar os indivíduos a ampliarem a compreensão e busca da informação sobre o que é sustentabilidade, não apenas em seu aspecto ambiental, mas também de sua interseção com os direitos sociais e as relações humanas. Ao aprofundar essa reflexão, pretende-se contribuir para um debate acadêmico, fornecendo subsídios teóricos que auxiliem na formulação de políticas sustentáveis alinhadas aos direitos sociais. A pesquisa metodológica de análise documental baseou-se no uso do método dialético e na revisão bibliográfica. Os resultados alcançados com este estudo denotam a importância da sustentabilidade, especialmente como princípio constitucional, previsto por toda a Constituição da República Federativa do Brasil de 1988, bem como para a proteção e promoção dos direitos sociais, garantindo uma vida melhor para todas as gerações presentes e futuras. O grande dilema dessa relação centra-se no fato de que a teoria que salvaguarda todas essas garantias está em desacordo com a efetiva prática dos direitos sociais e sustentáveis, conforme verificaremos através das informações retiradas do site do IBGE.

**Palavras-chave:** Sustentabilidade; Direitos sociais; Justiça social; Constituição Federal; Políticas públicas.

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