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**The law sleeps on the sidewalks: legal invisibility and the challenge to the dignity of the homeless population.**

*Justice slumbers on the sidewalks: legal invisibility and the challenge of dignity for the homeless population*

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## SUMMARY

This article critically analyzes the effectiveness of legal protection afforded to the homeless population in Brazil, investigating the extent to which the national legal system concretizes the principle of human dignity for this socially vulnerable group and what the main challenges are for access to justice and the guarantee of fundamental rights. The research starts from the hypothesis that there is a structural contradiction between the formal recognition of rights in the 1988 Constitution and the reality of exclusion and violence faced. Methodologically, the study employs a critical legal approach, using bibliographic and documentary research to analyze legislation, public policies, and the paradox of the judicialization of social rights. The results demonstrate that vulnerability transcends economic deprivation, being a product of structural inequalities, institutional discrimination, and the insufficiency of state action to guarantee a minimum standard of living. It concludes that the challenge lies not only in the formulation of new policies, but also in overcoming legal invisibility and in demanding an ethical-political commitment from the State and society, reinforcing dignity as a concrete value and a material experience.

**Keywords:** Homeless Population. Human Dignity. Access to Justice. Social vulnerability.

## ABSTRACT

This article critically analyzes the effectiveness of the legal protection afforded to the homeless population in Brazil, investigating the extent to which the national legal system concretizes the principle of human dignity for this socially vulnerable group and what the main challenges are for accessing justice and guaranteeing fundamental rights. The research starts from the hypothesis that there is a structural contradiction between the formal recognition of rights in the 1988 Constitution and the reality of exclusion and violence faced. Methodologically, the study employs a critical-legal approach, using bibliographic and documentary research to analyze legislation, public policies, and the paradox of the judicialization of social rights. The results demonstrate that vulnerability transcends economic deprivation, being the result of structural inequalities, institutional discrimination, and the insufficiency of state action to guarantee a minimum existential standard. It is concluded that the challenge lies not only in the formulation of new policies but in overcoming legal invisibility and demanding an ethical-political commitment from the State and society, reinforcing dignity as a concrete value and a material experience.

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## 1. Introduction

The principle of the dignity of the human person, a pillar of the Federative Republic of Brazil, its most acute paradox lies in the reality of the homeless population. Invisibility, social issues and the systematic violation of fundamental rights experienced by her are evidenced by data such as the technical survey by the Brazilian Observatory of Public Policies at the University Federal University of Minas Gerais - OBSP/UFGM, published in April 2025, which found the existence of more than 335,000 people living on the streets of the country. This number reveals a humanitarian crisis and... social norms that directly contradict the principle of human dignity, a fundamental principle of... constitutional order.

The massive presence of citizens in situations of extreme vulnerability, with their rights... The fundamental aspects, when emptied of meaning, reveal a structural fracture between the formal recognition of Constitutional guarantees and the reality of social exclusion experienced by this population. The relevance The crux of this study, therefore, lies in the urgency of giving legal and scientific visibility to a group historically marginalized, whose living conditions signal profound failures in the implementation of human and social rights.

In turn, vulnerability analysis goes beyond economic hardship, requiring a research into the institutional and epistemological barriers that prevent full access to citizenship, justifying the need for a critical legal examination of the State's responsibility in guaranteeing a minimum standard of living. Given this scenario of ineffectiveness and exclusion, this article... The central research problem is: To what extent is legal protection provided to the population in situations of vulnerability? Street deprivation, in light of the principle of human dignity, is made effective by the legal system. Brazilian, and what are the main challenges to guaranteeing access to justice and other rights? fundamental?

To answer this question, the study has the overall objective of analyzing vulnerability, social responsibility of this group, highlighting the role of the State in promoting human dignity. The objectives Specifically, they seek to examine the foundations of human rights protection applicable to the group to discuss the legal and social barriers that prevent the realization of their rights, and to present Perspectives and proposals for more effective legal protection.

Therefore, the research is methodologically based on a literature review, exhaustive review of doctrinal works and scientific articles, combined with documentary analysis of federal legislation and related case law, which allows for an interdisciplinary understanding of phenomenon.

Finally, the article is structured in four chapters, in addition to this introduction and the... Final considerations, addressing the fundamentals of protection and the vulnerability of the person in homelessness, an analysis of the legal framework and existing public policies, the challenges and



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barriers to the realization of the rights of homeless people and concludes the work with the Perspectives and proposals for effective legal protection.

## **2. Foundations of Human Rights Protection and Social Vulnerability**

Social vulnerability refers to the condition of individuals or groups who find themselves... exposed to situations of risk, lack of protection and exclusion, resulting from economic, social factors, cultural and institutional. This is a category that expresses structural inequalities, such as poverty, lack of access to education, health, housing and job opportunities, resulting in concrete limitations to the exercise of human rights.

Within the framework of human rights, social vulnerability demands action from the State and society. an active protective stance. In accordance with the Universal Declaration of Human Rights of In 1948, all human beings were born free and equal in dignity and rights, and policies should... Public policies should be guided by the promotion of social justice. In Brazil, the Federal Constitution of 1988 It enshrines the eradication of poverty and the reduction of social inequalities as fundamental objectives. (art. 3º, III), reaffirming the state's duty to guarantee the effectiveness of fundamental rights for all, especially vulnerable groups.

In turn, the dignity of the person is enshrined in Article 1, item III, of the Federal Constitution. Human rights are at the core of the Brazilian constitutional order; they guide the entire normative structure of... fundamental rights and guarantees. As Sarlet (2018) teaches, the dignity of the human person is an intrinsic characteristic of every human being, which imposes on the State and society the duty to respect and protection.

Similarly, the strictly normative conception of the dignity of the human person must... to be understood as an inherent quality of human beings, as Silva (1998, p. 91) explains:

[...] the dignity of the human person is not a constitutional creation, as it is one of those a priori concepts, a given that pre-exists all speculative experience, just like the human person itself. The Constitution, recognizing its existence and its eminence, transformed it into a supreme value of the legal order when it declared it as one of the foundations of the Federative Republic of Brazil constituted as a Democratic State of Law.

This principle serves as a foundation for the interpretation of norms and as a limiting state action, and also responsible for formulating public policies aimed at to inclusion and the promotion of social justice. In this way, the dignity of the human person is not restricted not only protection against offenses or violations, but also promotes the guarantee of basic conditions of existence.



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## **2.1 The homeless population: social and economic aspects and legal invisibility**

It should be emphasized that people living on the streets is a centuries-old issue, as old as the... their own streets, but of untraceable origin. This population constitutes a vulnerable group. Brazilian society whose living conditions are marked by difficulty in accessing rights. basic needs, such as housing, work, health and other public services, in addition to addressing... incessant social stigmas, such as prejudice, discrimination, and violence.

According to the Ministry of Social Development and Fight against Hunger (2009), the The phenomenon of people living on the streets became more visible in the 1950s, through the strong migration of families from the countryside to large cities in search of alternatives for a better life. Life, therefore, is one of the main reasons for the continued large homeless population. In addition to the industrialization process and the rural exodus mentioned earlier, which are responsible for contribute to the formation of large urban centers with high population concentration in which The high cost of living and social inequality ended up pushing part of the population towards In conditions of extreme vulnerability, the emergence of this social reality is linked to multiple factors. Historical factors, such as rapid and uncontrolled urbanization, and the resulting increase in unemployment... economic crises and the inadequacy of housing policies aimed at the most vulnerable segments of the population impoverished.

According to a survey by the Federal University of Minas Gerais (2025), more than 335 A thousand people live on the streets in Brazil, highlighting the seriousness of the social problem and the inability to cope. The State's role in ensuring the fundamental rights established in the 1988 Federal Constitution. The causes that lead an individual to homelessness are diverse and interconnected: unemployment, bankruptcy Family ties, substance abuse, mental health issues, lack of effective public policies. and ongoing social exclusion. Furthermore, this population suffers a constant process of dehumanization. and stigmatization, often being seen as an "urban problem" instead of being recognized. as a subject of rights (Almeida, 2025).

From a legal standpoint, the homeless population is systematically excluded by policies, services, and institutional and social structures, thus denying their fundamental rights. In this scenario, despite the existence of the National Policy for the Homeless Population, implemented by Decree No. 7,053/2009, its guarantees are limited, since the The homeless population continues to face various factors that promote their exclusion. social, violating human dignity.

As Filipus (2018, p. 19) rightly noted:

Therefore, human dignity, which can be understood through the essential elements for a dignified life, constitutes an interpretative vector of the Brazilian legal system, and can be substantiated as a foundation and principle. Furthermore, it is an intrinsic attribute of the human being, indispensable for the promotion of fundamental individual and collective rights, although it is not absolute, since it can be subject to optimization.



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In order to achieve social peace on a case-by-case basis. Therefore, the dignity of the human person is a fundamental legal principle for the structure of the Brazilian legal system. And, as such, it is the duty of the State to pursue its effectiveness for all, without distinction, including those most marginalized by society, such as people experiencing homelessness.

In this context, legal invisibility is not a result, but one of the numerous causes that...

These factors contribute to the marginalization of this group, exacerbating the barriers that restrict the exercise of their rights. citizenship.

### **3. The Brazilian legal system and the protection of the homeless population.**

Constitutionally, the Brazilian legal system guarantees a set of rights.

Essential social rights for guaranteeing human dignity and social inclusion, including housing and health. and social assistance. In turn, social rights constitute a dimension of rights.

These are fundamental and are responsible for enabling the regulation of the State's duty to provide services. through the foundation in constitutional norms that guarantee better conditions for the most vulnerable. vulnerable, in addition to enabling the reduction of social inequalities (Silva, 2005).

There are distinct norms that corroborate the importance of access to housing, which, from one perspective, On the one hand, it relates to a need in which, through their labor, the individual must... to receive a decent wage to cover this sustenance and other needs; on the other hand, housing. as a right, which the State must provide through social policies that guarantee its implementation.

However, there are significant gaps between the normative recognition of this right and its implementation. legitimate implementation. The doctrine indicates that the right to housing should be interpreted in a way that broad and effective, otherwise it remains merely systematic (Piovesan, 2023). In mutual In this context, the right to health and social assistance is an essential component for guaranteeing dignity. Human health. The Federal Constitution of 1988, in its articles 196 and 203, establishes health as a right. It is a universal responsibility and a duty of the State, which must guarantee social and economic policies that promote the reduction of poverty. the risk of disease and absolute and equal access to health actions and services.

Just as the right to health is not limited to access to medical services, but also It encompasses fundamental conditions of hygiene, food, and housing; social assistance has the responsibility to ensure social protection and promote essential rights for individuals and families in a vulnerable situation.

The Organic Law of Social Assistance (LOAS), Law No. 8.742/1993, establishes that... Social assistance transcends mere welfare, being based on three primary objectives: a social protection, which essentially aims to guarantee life, reduce harm, and prevent... risks, with a focus on the protection of the family, childhood, adolescence, and old age; surveillance social assistance, which focuses on the territorial analysis of the family's protective capacity for



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to identify and prevent vulnerabilities, threats, and victimization; and, finally, the defense of rights, which

It ensures full access to social assistance provisions. Additionally, the legal document stipulates...

that, in order to combat poverty and universalize social rights, social assistance

It must be implemented in an integrated manner with other sectoral policies, thus guaranteeing minimum social standards.

and the provision of conditions to address social contingencies (Brazil, 1993, art. 2 and paragraph

single).

However, in the welfare setting, there is a persistence of limiting paradigms that

They hinder the effective reintegration of homeless people into various segments of society.

In concrete terms, this compromises the effectiveness of public policies – not to be confused with

the end of social programs (Palhares, 2019). Furthermore, in the same vein, Garcia's teachings stand out.

(2013, p. 93), which states:

"Homelessness" should be seen as a stage of profound humiliation and disrespect for the human condition, and should be immediately addressed by the Public Authorities. This action, in turn, should always be temporary, lasting only until the individual is able to restructure their life and reintegrate into a normal pattern.

The National Policy for the Homeless Population, in its article 7, imposes several

objectives for the benefit of the homeless population, among them, that of "ensuring access to

public policies on health, education, social security, social assistance, housing, security, culture,

"sports, leisure, work and income" and previously, in its article 6, it attributes the "articulation of policies

federal, state and municipal public works" (Decree 7.053/2009) as a tool for the success of

mentioned objectives, although it provides for access, it does not define them in detail in its

The text incorporates elements such as specific standards to meet the needs of the homeless population.

Therefore, the scope of legal protection norms for vulnerable populations and the

Coordination between public policies on housing, health, and social assistance is essential for

to ensure the effectiveness of the principle of human dignity, established in article 1, item

III, of the Federal Constitution. Furthermore, it is fundamental to achieving the essential objectives of

Republic, especially the creation of a free, just and solidary society, as per article 3,

Paragraph I of the Constitution. The lack of this coordination perpetuates the marginalization of the population in

Homelessness, turning what should be a right into merely a constitutional promise.

### **3.1 The role of the Judiciary in guaranteeing rights**

The redemocratization and the 1988 Constitution gave strength to the Judiciary in times past.

Recent changes, such as court actions, the creation of new rights, and the increased demand for justice, have contributed to this.

The phenomenon of judicialization is growing. Political and social conflicts decided judicially are...

These factors multiplied, and the Supreme Federal Court (STF) became the decision-maker on central issues of public life, making the Court...

guardian of constitutional values through its leadership role.



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The Minister of the country's highest court, Luís Roberto Barroso, emphasizes the role

The fundamental role of the Judiciary in realizing fundamental rights, especially in light of...

Omission or insufficiency of the Public Authorities in protecting vulnerable groups. For the author, the

Judicial intervention should be seen as a genuine mechanism to ensure the effectiveness of the rules.

constitutional rights in favor of citizens through recourse to the Judiciary to demand

concrete measures, ensuring that rights enshrined in the Constitution are translated into action.

legitimate and meet their needs (Barroso, 2018).

Indeed, the aforementioned Federal Decree No. 7,053/2009 established the National Policy for the

Homeless Population and its Intersectoral Monitoring and Follow-up Committee,

whose policy is based on respect for human dignity and the valuing of life and citizenship,

seeking to guarantee fundamental rights and access to essential public services. Through the ADPF (Arguição de Descumprimento de Preceito Fundamental - Claim of Non-Compliance with a Fundamental Precept).

In 1976, Supreme Court Justice Alexandre de Moraes ruled that the states, the Federal District, and the

municipalities would then adopt its guidelines immediately and without the need for formal registration.

Among the obligations imposed by the preliminary injunction, the following stand out: i) the preparation of a diagnosis

updated data on the homeless population; ii) the prohibition of forced removal of homeless people.

street violations and the arbitrary confiscation of their belongings; iii) the prohibition of the use of hostile architecture and other

forms of discrimination and exclusion (STF. ADPF 976, Rel. Min. Alexandre de Moraes, decided on

25/07/2023).

The aforementioned preliminary injunction illustrates the trend of judicialization.

which seeks to transform programmatic constitutional norms into concrete obligations of the government.

public. In this sense, among some other emblematic decisions, it is possible to mention the ADPF.

347/DF (2015) - "Unconstitutional State of Affairs": precedent in which the Supreme Federal Court recognized a

"Unconstitutional state of affairs" in Brazil, opening the door for judicial review of omissions.

structural issues in public policies and being used as a theoretical basis for ADPF 976.

In summary, the expansion of the Judiciary's role in the implementation of public policies also

This is in line with the idea that guaranteeing social rights requires cooperation between...

Powers. Although the Executive branch is primarily responsible for creating and implementing policies.

In public matters, the Judiciary plays a guarantor role when there is state omission that could affect the public sector.

Fundamental rights. It is not a substitution of functions, but a subsidiary intervention.

based on the normative force of the Constitution, especially in cases of vulnerability.

extreme.

In this context, judicialization can have a transformative effect by generating incentives for

That the government create more inclusive, effective policies that are attentive to social disparities.

Supreme Court case law in areas such as health, social assistance, housing, and protection of groups.

Vulnerability demonstrates that the Court has sought to promote compliance with the obligation.



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constitutional guarantee of rights. Thus, decisions of a nature such as those related to the population in homelessness reflects the understanding that the constant omission of the State leads to situations of Large-scale violations of rights demand strong responses.

In this way, the Judiciary establishes itself as an important agent in the fight against historical inequalities and the promotion of citizenship for vulnerable groups.

#### **4. Challenges and barriers to the realization of the rights of homeless people.**

The realization of the fundamental rights of the homeless population faces several challenges. Structural barriers, among which the lack of documentation, social stigma, and crime stand out. The Unified Registry (CadÚnico) is the main instrument for the inclusion of the most disadvantaged community to federal programs, which, according to data, reach more than 24% of the homeless population. Despite being registered, they do not have a birth certificate, while 4% do not have a CPF number (Brazilian taxpayer identification number). 6% do not have an identity number, 24% of adults do not have a work permit, and 29% of these do not... They have voter registration cards (Natalino, 2024). Without adequate access to documentation, this population is rendered invisible and consequently excluded from the justice system and citizen rights.

Furthermore, the homeless population is frequently targeted by police. violent and hygienic urban adaptations that aim to exclude these people enjoying the cities. According to Piovesan (2025), the stigma and criminalization of Poverty represents contemporary forms of human rights violations, shifting the focus away from The state's responsibility for blaming the victims of marginalization. This reality exposes the The urgent need for accessible justice, which takes into account the specific needs of this group and Promote affirmative action measures.

Despite considerable legislative provisions, such as the 1988 Constitution and Federal Decree No. 7.053/2009, the effectiveness of this legal protection proves insufficient, since the formal recognition These rights have not resulted in guarantees of dignified living conditions, which reveals that The chasm between the norm and reality. As highlighted by Carneiro, Lourinho and Pimentel (2019, p. 67), "a public policy for the homeless population, which is based on the principles of The dignity of the human person, enshrined in law by decree, is still affected by "legal, political and social challenges," which points to the fragility of legal protection when it is not linked to factual practices.

Among the main reasons for this inefficiency is the so-called "reserve of the possible." However, social rights have immediate effect and cannot be subject to arbitrariness. state budget (Sarlet, 2018), which is still limiting with regard to welfare practices and hygienists, reinforcing social exclusion and contradicting the principle of the dignity of the human person. From the same perspective, let's look at the author's teachings (2018, p. 280):



If, therefore, all constitutional norms are always endowed with a minimum of effectiveness, in the case of fundamental rights, in light of the meaning given to Article 5, § 1, of our Fundamental Law, it can be affirmed that the public authorities have the task of extracting from the norms that enshrine them (fundamental rights) the greatest possible effectiveness, granting them, in this sense, reinforced effects relative to other constitutional norms, since it is impossible to disregard the circumstance that the presumption of immediate applicability and full effectiveness that militates in favor of fundamental rights constitutes, in truth, one of the pillars of their formal fundamentality within the scope of the Constitution.

Thus, legal assistance aimed at the homeless population continues, in its

In most cases, this only applies in a formal context. Simply having legal mechanisms is not enough to guarantee...

The desired social transformation requires that recognized rights be accompanied by...

Integrated public policies, appropriate funding, and collaboration between different sectors.

Only through this articulation (and the effective understanding of dignity as a supreme value) will it be

It is possible to bridge the gap between the promises of the law and what reality actually provides.

The implementation of public policies aimed at the homeless population is...

Structural challenges that affect the effectiveness of fundamental rights. Despite the existence of milestones

important regulations, such as Decree No. 7,053/2009, which establishes the National Policy for the

Population in Homeless Situations (PNPSR), and recent court decisions that emphasize the need

concrete actions (such as ADPF 976/DF, with a preliminary injunction issued on July 25, 2023),

There is still a disconnect between the legal framework and its practical application. This manifests itself through...

incomplete diagnoses, lack of public equipment, and absence of planning

integrated (BRAZIL, Decree No. 7,053/2009; STF, ADPF 976/DF).

The fragility of the Unified Social Assistance System (SUAS) and the insufficiency in the provision of

Services constitute another structural obstacle. Although SUAS is the main mechanism for

In the organization of social protection, its effectiveness is often hampered by a lack of professionals.

Unskilled workers, inadequate infrastructure, and high staff turnover. These factors compromise the...

continuity of care and weaken the relationship between users and essential services for

social reintegration. According to Sposati (2021), SUAS constitutes a public structure of a social nature.

State and federal entities responsible for organizing, coordinating, and providing the necessary infrastructure.

to the implementation of social assistance policy in Brazil, however, "when carried out under limitations,

"Shortcomings and precarious conditions render social assistance policy insignificant and subordinate."

(Sposati, 2021, p. 3).

The lack of financial resources and the interruption of public policies, which are aggravated by...

Shifting priorities between administrations and budget cuts represent obstacles.

significant for the implementation of long-term policies. In doctrinal terms, the restrictions

Budgetary constraints should not be used as an automatic justification for state inaction:

Case law and legal doctrine indicate that public authorities should make every effort to...



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guaranteeing fundamental rights requires planning and budgetary prioritization that are in line with the social nature of these rights (Sarlet, 2018).

The lack of an intersectoral approach also hinders the tackling of Structural vulnerability. The effectiveness of housing policies depends on simultaneous actions in health, social assistance, education and work; isolated measures are generally insufficient and perpetuate the cycle of exclusion. Authors such as Piovesan emphasize that guaranteeing social rights Regulations must be accompanied by effective, continuous, and well-funded public policies. so that these rights become real. In other words, the existence of a norm does not eliminate the need for its implementation through integrated policies (Piovesan, 2023).

Exclusionary administrative and urban planning actions, such as forced evictions, seizure of goods and the use of hostile architecture act as tools for social cleansing, intensifying the

Invisibility and violation of the rights of homeless people. The preliminary injunction in the ADPF (Arguição de Descumprimento de Preceito Fundamental - Claim of Non-Compliance with a Fundamental Precept).

976/DF made it clear that it is necessary to prohibit these actions and ensure measures that protect dignity. and the freedom to remain in the city (STF, ADPF 976/DF).

Finally, the increase in the homeless population and the complexity of their needs. identified (mental health, chemical dependency, lack of documentation, violence and Discrimination makes investment in differentiated and continuous strategies essential. From diagnosis to the implementation of productive inclusion and housing programs with support. social. Recent data indicates that there are more than 335,000 people experiencing homelessness in Brazil, which This demonstrates the magnitude of the challenge and the urgency of robust public policies (UFMG, 2025).

In this context, it is essential to understand that guaranteeing the rights of people in situations of Street outreach goes beyond palliative measures or fragmented responses: it requires a state commitment. constant, based on planning, collaboration between the federative spheres and involvement Addressing extreme vulnerability should be seen as a structural priority, not as a social issue. An emergency measure to break the historical cycles of invisibility, stigmatization, and neglect. institutional.

Thus, only when the State, in all its spheres, fully complies with the constitutional duty to ensure dignified living conditions and recognize each individual in their situation treat the homeless person as a subject of rights, instead of merely as a beneficiary of policies.

With compensatory measures in place, it will be possible to overcome the aforementioned obstacles.

## **5. The importance of judicialization and judicial activism in guaranteeing rights.**

The judicialization of public policies has become a defining characteristic of the State. Contemporary constitutional law, especially regarding issues related to fundamental rights and inclusion. In Brazil, judicial activism has played an important role in guaranteeing social rights.



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of people experiencing homelessness, in response to the omission or inefficiency of other branches of government. According to Barroso (2018), judicial activism refers to the proactive role of the Judiciary in enforcing... of constitutional values, especially when there is a violation of human dignity and the principle of material equality.

Furthermore, as the author illustrates (2018, p. 277), "the role of the Judiciary and, especially, The role of constitutional courts and supreme courts should be to safeguard the democratic process and to promote constitutional values, overcoming the legitimacy deficit of the other branches of government, when "That being the case." In turn, the judicialization of public policies has been establishing itself as a means legitimate to ensure that the social rights guaranteed by the Federal Constitution are not disregarded. restricted to the formal sphere, controlling the omissions of the State. In this context, decisions paradigmatic cases such as ADPF 976/DF, in which the Supreme Federal Court ordered the implementation Immediate measures to protect this population highlight the role of judicial activism in realization of human dignity and the minimum subsistence level (STF, 2023).

Sarlet (2018, p. 378) emphasizes that constitutional jurisdiction must seek the maximum effectiveness of fundamental rights:

It is important to bear in mind that the pursuit of maximum effectiveness of fundamental rights, especially in the sphere of balancing and in the case of judicial review of public policies and the realization of social rights (...) however much it must take into account aspects related to the principle and duty of efficiency, cannot, under any circumstances, be reduced to a cost-benefit analysis based on a utilitarian logic, held hostage by certain models of economic analysis, without thereby – it is worth emphasizing – refuting a productive contribution aligned with the effectiveness of fundamental rights on the part of economic analysis.

In this vein, the Judiciary has the responsibility to ensure that the lack of action... administrative measures should not impede the exercise of rights essential to life and citizenship. Therefore, the Judicial activism, grounded in the primacy of constitutional values and the protection of groups. vulnerable populations play a democratic and emancipatory role, strengthening the State's obligation to... to ensure a dignified life for all.

The Public Defender's Office plays a fundamental role in promoting access to justice and in the protection of vulnerable groups. According to article 134 of the Federal Constitution, it is a A permanent and indispensable institution for providing legal guidance and defense to those in need. Its activities The role of Public Defenders has expanded beyond the judicial sphere, encompassing the promotion of rights, joint efforts to issue civil documents, services at shelters, and collective actions. aimed at guaranteeing housing, health and dignity.

In addition to the participation of the Public Defender's Office, Public Advocacy is fundamental to the creation of More effective social protection policies. The first ensures individual access to justice and offers Legal guidance for people in vulnerable situations, while the Public Advocacy Office focuses on...



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to collective defense, working to ensure the implementation of public policies and the protection of fundamental rights through strategic actions. This joint action not only supports people in homelessness in specific cases, but it also helps to change the living conditions of these groups, promoting citizenship, dignity and social inclusion.

According to Neves and Euzébios Filhos (2021, pp. 109-110), the performance in the work stands out developed by the agency with the homeless population, because:

A significant part of the work carried out by the Public Defender's Office with the homeless population is networking, as this is when contact is made with other services, allowing for the understanding of other perspectives on the care of the homeless population. However, even though it is one of the main and most important parts of this work, it also appears to be the most problematic. This work is carried out through contact via telephone, email, and meetings, now in a virtual format, whereas before it was in person. This contact is important because it allows for a comprehensive view of the individual seeking services, avoiding fragmented care and the problem of one service referring to another without addressing the person's needs. In this sense, this contact, and especially the meetings, are of paramount importance; however, they are not always effective, as what is decided as a course of action in the meeting does not always materialize. Furthermore, it is part of the Public Defender's Office's role to raise questions with the services, which, although not personal, can be uncomfortable for the service staff. These questions revolve around the care of the homeless population, for example, inappropriate attitudes such as contacting family members without authorization, attitudes towards this population that fall into common sense and paternalistic and charitable attitudes, or even the issue of one service referring people to another without any concrete solution being achieved.

Strengthening public policies for the homeless population depends on consolidation and expansion of existing instruments, such as the National Population Policy Homeless Situation (Decree No. 7,053/2009). This policy defines guidelines to ensure rights and While promoting social inclusion, it still faces challenges regarding its legal effectiveness and implementation by federative entities. Strengthening the Unified Health System is also essential. Social Assistance (SUAS), particularly the Specialized Reference Centers for the Population Homeless People's Centers (POP Centers), which offer specialized care and support.

At this point, other public policies, such as the Bolsa Família Program, the Single Registry for Social Programs (CadÚnico), and the Street Clinic Program, which offers care in Health and psychosocial support for homeless people are also fundamental to protecting them. Strengthening the Unified Social Assistance System is equally important. (SUAS) through Specialized Reference Centers for the Homeless Population (POP Centers) and Institutional Shelter Services, which provide protection and support. continuous. To promote social reintegration and ensure dignified living conditions for this population, It is essential to expand municipal initiatives focused on social housing, mental health, and inclusion. productive.

Therefore, in order to increase the effectiveness of protecting the homeless population, it is necessary Making adjustments to both legislation and public policies. Therefore, it is necessary to develop...



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more detailed rules that define clear responsibilities for the federative entities, establishing implementation criteria and monitoring mechanisms for policies of social assistance, health, housing, and education. Furthermore, it is essential to strengthen the mechanisms for... intersectoral coordination, uniting health, social assistance, education, public safety and agencies of housing, to prevent the fragmentation of services and ensure continuous and comprehensive care; There is an urgent need to consolidate the aforementioned National Policy for the Homeless Population in A legally binding standard that, in addition to the aforementioned guidelines, ensures its own budget and sanctions. due to state omission.

In addition, in the legal sphere, to ensure that the populations vulnerable, historically marginalized and excluded from rights protection mechanisms, For people to have greater access to justice, it is essential to improve the judiciary.

Piovesan (2023) emphasizes, in chapter 27 (Judicial Power and Human Rights) of his work Theories of Human Rights, the importance of expanding and democratizing access to the Judiciary, to shorten the distance between this [the state] and the population and to use the justice system strategically to protect and To strengthen rights, ensuring consistency in the application of laws and the effective implementation of... International human rights treaties. A more democratic and transparent judiciary. It enables society to oversee its leaders and reinforces its role as a tool for to promote equity and ensure effective access to rights. Furthermore, the author highlights (2023, p. 591) what:

Faced with these challenges, the only conclusion is that we believe in the implementation of human rights as the rationale for resistance and the only emancipatory platform of our time. If, in a democratic state governed by the rule of law, it is the Judiciary that, as an unarmed power, has the final say, then the pursuit of a more accessible, independent, effective, and democratic justice system, one that exercises its jurisdiction inspired by the protection of human rights, becomes imperative.

Therefore, another important agent of judicial activism is the Public Prosecutor's Office, which has a fundamental role in protecting vulnerable populations, especially those experiencing homelessness. According to Article 127 of the Federal Constitution, the *Public Prosecutor's Office* is responsible for defending public order. legal entity, possessing the legitimacy to act in various ways in order to guarantee compliance with obligations on the part of the State in relation to public policies.

Furthermore, with regard to the dignity of homeless people, the agency plays a role. the role of combating unfair practices against this group, such as forced evictions and violence. institutional and measures to "sanitize" urban spaces. Through collaboration with public entities, the Public Prosecutor's Office works to ensure that this population has access to Essential services, such as shelter, healthcare, documentation, and social assistance. When necessary, The institution resorts to the Judiciary to compel the State to implement effective measures and to ensure the implementation of public policies established by law.



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Therefore, the Public Prosecutor's Office establishes itself as an element of paramount importance.

for the promotion of social justice, assisting in the realization of fundamental rights and in the creation of

A safety net to benefit the homeless population.

## **6. Final considerations**

This study, by critically analyzing the effectiveness of the legal protection afforded to

Studies of the homeless population in Brazil have shown that the social vulnerability of this group constitutes...

the main barrier to the realization of fundamental rights. The research confirmed the hypothesis.

central to the fact that, despite the dignity of the human person being the fundamental basis of the Republic in

Despite the 1988 Federal Constitution, an unsustainable discrepancy persists between formal recognition...

and the material realization of these rights.

The detailed investigation, developed throughout the chapters, revealed that the

The marginalization of homeless people stems from a combination of factors that go beyond...

economic hardship, encompassing structural barriers such as lack of documentation,

stigmatization, urban violence, and the notorious inadequacy of solid public policies and

intersectoral. It was also demonstrated that access to justice remains a critical challenge, requiring the

Strengthening defense instruments and overcoming the legal and institutional invisibility to which

This group is submitted.

The effectiveness of legal protection, therefore, does not reside solely in the creation of new legal mechanisms.

legal, but requiring an ethical-political commitment and collaborative action among the

Public authorities and civil society. In this sense, the proactive action of institutions such as

The Public Defender's Office, the Public Prosecutor's Office, and the Public Attorney's Office prove indispensable in guaranteeing...

Access to justice and the defense of collective rights. Furthermore, judicial activism is consolidating itself as

a legitimate and necessary tool to mitigate state omission, ensuring a minimum

existential and human dignity.

Thus, it can be concluded that the path to effective inclusion requires breaking the paradigm.

a purely welfare-oriented approach and the adoption of an intersectoral and systemic approach that integrates health,

Housing, social assistance, education, and employment. Only through a strategic combination.

With political will, institutional commitment, and social awareness, it will be possible to transform the

Formal recognition of fundamental rights in a tangible reality, guaranteeing them to the population.

In situations of homelessness, the full exercise of citizenship and the non-negotiable preservation of one's dignity are paramount.

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