
**THE IMPORTANCE OF PUBLIC DEFENDER'S OFFICE ACTIVITIES
AS EFFECTIVENESS INSTRUMENTS OF RIGHTS OF PERSONS
WITH DISABILITIES DURING THE COVID-19 PANDEMIC**

***A IMPORTÂNCIA DAS ATUAÇÕES DA DEFENSORIA PÚBLICA
ENQUANTO INSTRUMENTOS DE EFETIVAÇÃO DOS DIREITOS DA
PESSOA COM DEFICIÊNCIA EM TEMPOS DE COVID-19***

FLÁVIA PIVA ALMEIDA LEITE

Professor at the Faculty of Architecture, Arts and Communication- at the Department of Human Sciences at FAAC/UNESP and Professor of the Master Program in Law at UNESP/Franca.

LEONARDO LUCAS SILVA OLIVEIRA

Master student in the Graduate Program in Law at UNESP, Franca. Experience in the field of Law, with an emphasis on Civil Law and Constitutional Law. Attorney.

ABSTRACT

Objective: The objective of this article is to understand issues concerning the defense of the rights of people with disabilities in the midst of the pandemic reality caused by COVID-19, under the perspective of the Public Defender's Office.

Methodology: The methodology applied in this study has, as a method of procedure, bibliographic and documentary analysis, and, with regard to the approach method, the deductive is used. It is noteworthy that the present research is classified as a qualitative exploratory.

Results: It can be concluded that, in view of the current reality, there is a need for society in institutions and agents that seek measures that bring protection and security to overcome the current factual context with the least possible damage, being the work of public defender, at this moment, fundamental for the survival of thousands of people.



Contribution: The main contribution of the work lies in the fact that it demonstrates the importance and responsibility of the institutions, especially the Public Defender's Office, which has the legitimacy to protect the rights of people with disabilities and to develop health policies that minimize the negative effects caused by the current pandemic towards those people.

Keywords: Rights; Pandemic; Defender; People; Disability.

RESUMO

Objetivo: O objetivo deste artigo é compreender questões concernentes à defesa dos direitos das pessoas com deficiência em meio à realidade de pandemia ocasionada pela COVID-19, sob à perspectiva de atuação da Defensoria Pública.

Metodologia: A metodologia aplicada neste estudo, tem-se, como método de procedimento, a análise bibliográfica e documental, e, no que tange ao método de abordagem, emprega-se o dedutivo. Ressalte-se que a presente pesquisa se enquadra como exploratória qualitativa.

Resultados: Pode-se concluir que, diante da atual realidade, há a necessidade da sociedade nas instituições e agentes que busquem medidas que lhes tragam proteção e segurança para superar o contexto fático atual com o menor número de danos possíveis, sendo a atuação das defensoras e defensores públicos, neste momento, fundamental para a sobrevivência de milhares de pessoas.

Contribuição: A principal contribuição do trabalho reside no fato de demonstrar a importância e a responsabilidade das instituições, em especial a Defensoria Pública que possui a legitimidade de tutelar os direitos das pessoas com deficiência e desenvolver políticas sanitárias que minimizem os efeitos negativos ocasionados pela pandemia atual para com essas pessoas.

Palavras-chave: Direito; Pandemia; Defensoria; Pessoas com Deficiência

1 INTRODUCTION

The pandemic scenario related to COVID-19 establishes a new and dangerous degree of vulnerability with regard to those who live with some type of disability.



The theme of the present study focuses on the analysis of behaviors that, within the scope of the attributions and actions of the Public Defender, can make a difference for a social group whose fragility, today, is quite intensified.

In this sense, how can the attitudes of the Public Defender, in the midst of a pandemic environment, be significant for the realization of the rights of people with disabilities? It is based on this questioning that the present study addresses the general objective of understanding the importance of the work of the Public Defender in the midst of the dynamics of the events inherent to the struggle for the legal realization of support for a social segment whose vulnerability is more pronounced than ever before.

In the process of searching for such answers, the following specific objectives will be pursued: (a) conducting a panoramic examination on issues related to the rights of people with disabilities; (b) analysis of the functioning of systems aimed at defending human rights; (c) study of the impacts produced by the pandemic on the lives of people with disabilities; (d) reflections on the attitudes of the Public Defender in the midst of the current health crisis.

In relation to the methodology applied in this study, bibliographic and documentary analysis is used as a procedural method, and, with regard to the approach method, the deductive is used. It is noteworthy that the present research fits as a qualitative exploratory.

2 HUMAN RIGHTS AND PEOPLE WITH DISABILITIES: AN OVERVIEW

The historical emergence of human rights does not focus on a single moment, but an approach that understands this phenomenon as the fruit of the different behaviors and positions that, over the centuries, emanated from politics, law and society as a whole is more appropriate.

In other words, these rights are determined by the consensuses that arise in the midst of existing societies. Thus, the conception about human rights that emerged with the Enlightenment is not the same as that envisioned from the second half of the



20th century, for example. Thus, there is an idea of historicity, which, according to Norberto Bobbio, can be explained as follows (2004, p. 8):

From a theoretical point of view, I have always defended - and continue to defend, strengthened by new arguments - that human rights, however fundamental they may be, are historical rights, that is, born in certain circumstances, characterized by struggles in defense of new liberties against old powers, and born gradually, not all at once and not once and for all.

Historicity affects human rights in several aspects. In this sense, the freedoms and guarantees addressed by societies at different times can vary in many ways, such as the scope, scope and specification of rights. The practical consequence of this is a significant increase in the possibility of offering more complex protection systems, capable of meeting the needs of specific groups, which opens a gap for the legal support of people who suffer from specific types of vulnerability.

One of the groups contemplated by the process of specifying human rights was that of people with disabilities. This can be seen in the elaboration of documents, conventions and policies that, at the international level, seek to promote the inclusion and social, economic and legal equity of these individuals, constituting an example to this the Convention on the Rights of Persons with Disabilities, instituted within the scope of of the United Nations.

2.1 THE RIGHTS OF PEOPLE WITH DISABILITIES

During the most ancient times, there was a certain obsession with the image of the beautiful and perfect human body, consequently generating a great exclusion of people who did not follow these standards. The social and legal awareness of society towards people with disabilities can be considered relatively recent (LOPES, 2019).

Despite the great tragedies and atrocities that happened during the two World Wars, after them, there was a major change in society, in several areas. Within the scope of this study, we can highlight the evolution of human rights with greater



awareness and positive awareness, in relation to people with disabilities (LOPES, 2019).

The role of the UN General Assembly, which from 1980 onwards, began to create resolutions with the aim of abolishing the practice of social exclusion to which people with disabilities were subjected, for several centuries, began to insert them in social systems, for example, education, work, family and leisure.

When talking about the rights of people with disabilities, it is always necessary to explain about the change in the view of the medical model that was in effect until then, because in this model, disability was seen as a disease to be treated and after treatment, the person with disability could be able to be included, and from there it could take its rightful place in society. However, this model is not compatible with the idea of inclusion, on the contrary it demonstrates discrimination very well, and it is not very efficient in guaranteeing true equality of opportunity for these people in the social sphere (LOPES, 2019).

The UN General Assembly, in 1993, adopted the document on Equating Opportunities for People with Disabilities (Resolution No. 44/70), in this document, the principle of equal rights was highlighted, and the social inclusion movement that reflected various principles arising from the dignity of the human person, such as the right to belong, the celebration of differences, humanitarian solidarity, and the appreciation of human diversity. The combination of all these principles and understandings evolved the notion of the importance of minorities and contributed to the construction of a new type of society that is more democratic, more tolerant and more inclusive (LOPES, 2019).

It is worth understanding how the rights of people with disabilities have evolved in Brazil. It is noteworthy, first of all that according to the 2010 Census, released by the IBGE, 46.5 million people declared to have at least one type of disability, which corresponds to 23.9% of the Brazilian population at the time (LEAL, 2012). Thus, one realizes the importance of studies like the present, as it refers to a theme that impacts a large number of people.



In Brazil, there was an evolution, in parallel with the evolution at the international level, as the rights of persons with disabilities were enshrined in different constitutional texts, such as the Constitutions of 1934, 1937 and 1946. However, only in the Federal Constitution of 1967 that for the first time made explicit mention of the condition of people with disabilities, however the term used at the time was “exceptional”. A major breakthrough occurred with Constitutional Amendment no. 12/78, whose objective was to assure these people, in an express way, the improvement of their social and economic conditions, as for example in the scope of special and free education, assistance, rehabilitation and their reintegration, the prohibition of discrimination, as well as the possibility of access to buildings and public places (LOPES, 2019).

The troubled national political history - permeated by dictatorships and moments of great instability - ended up, for a long time, undermining the protection and improvement of human rights. The truth is that, until a few decades ago, even basic freedoms and guarantees were compromised, such as voting, due process and freedom of thought. This, for a long time, prevented Brazil from turning substantially to issues with greater subtlety, such as the protection of people with disabilities. This was only overcome in 1988, with the advent of the Federal Constitution. Society's concern for people with some form of disability does not come from today. But without a doubt,

The text of the larger Brazilian law highlights the concern that the constituent legislator had with the issue of people with disabilities. In this tuning fork, it is possible to highlight provisions such as that of article 23, II, which regulates the duty that the entities of the federation have in the sense of “taking care of health and public assistance, of the protection and guarantee of people with disabilities” (BRAZIL, 1988).

The Federal Constitution, for all the reasons listed, appears as an important foundation in the process of realizing the rights discussed here. Nevertheless, there are still other significant normative references in the context of the present discussion. These references demonstrate that the infraconstitutional plan is also not inert in relation to the need for legal support raised by those who integrate some of the most vulnerable social segments.



The Law of Inclusion of Persons with Disabilities - also known as the Statute of Persons with Disabilities, emerges in 2015, this constitutes one of the most important developments in the perspective of the process of legal and legal search for the protection of those who live with some type of condition. Special.

A relevant aspect of the Inclusion of Persons with Disabilities Act is its more detailed approach to a number of issues. Thus, points that, in the 1988 letter, did not find sufficient discipline, envisage, in the Statute, a more careful legal treatment and capable of giving better practical results - this despite the already mentioned fact that the Constitution is not limited to an approach merely generic about these themes.

It is not the objective of the present study to explore all the minutiae of the Statute of the Person with Disabilities, however when analyzing the legislation, it is noticed that Brazil has an extremely powerful legislative framework on the subject of the rights of the person with disabilities, being, without a doubt, one of the most evolved legal systems in the world in terms of defending and guaranteeing the rights of people with disabilities and it is undeniable that under the prism of positive law, we are facing a special legislative microsystem, as there is the provision of the rights of people with disabilities in the constitutional text, principles and objectives of the International Convention on the Rights of Persons with Disabilities who have the status of Constitutional Amendment, which makes it a parameter for the control of constitutionality, that is, all infraconstitutional legislation must be interpreted in a systematic way, starting from the hermeneutic north of the International Convention on the Rights of Persons with Disabilities (DINIZ; FERREIRA, 2018).

Although the Brazilian legal system is one of the most advanced in terms of the defense and rights of people with disabilities, we have a long way to go in terms of the actual factual materialization of the letter of the law, even more so in an exceptional scenario such as the current one , and that we will start to understand this issue of today in the lives of people with disabilities.



3 COVID-19 AND PEOPLE WITH DISABILITIES

Throughout its history, human beings have faced a series of situations that threatened the well-being of our species and the balance of our societies. From world wars to major economic crises, all these events represented epoch-like trauma. However, the great trials of human history have not ended in the past centuries, with the year 2020 being the host of the newest global crisis: COVID-19.

The first official case of covid-19 (coronavirus disease 2019) was from a patient hospitalized on December 12, 2019 in Wuhan, China, but retrospective studies detected a clinical case with symptoms of the disease on 12/01/19. The first scientific article, published a few weeks later by Chinese researchers, described the case of a 41-year-old patient admitted to Wuhan Central Hospital on December 26. (GRUBER, 2020).

Brazil does not escape this whole picture. In fact, the country has been one of the most affected by the consequences of the current pandemic, either due to the controversial positions adopted within the scope of the municipal, state and federal administrations, or due to the population's often negligent behavior in relation to quarantine, Brazil bitter an astonishing advance in the number of deaths - by the date of completion of the present study, that number had exceeded the mark of 300 thousand.

Today Brazil exceeds 100 thousand deaths caused by the new coronavirus and, in many cities, it is reopening: full beaches, open bars, football games, all with masks and social distance. Impacted by the crisis, many return to face-to-face work - for some, isolation has never been an option (TEIXEIRA, 2020).

However, deaths and saturation of the health system are not the only problems related to COVID-19. Along these lines, along with the economic collapse caused by the pandemic, the bankruptcy of companies and the rise of unemployment become serious problems, further damaging the already fragile household income.

In addition to all this, there is the precariousness of the educational system and the compromise of activities essential to the lives of citizens, such as leisure - not



to mention the psychological impacts that the pandemic and quarantine inflict on people. It is, therefore, a wide range of problems, triggered and propagated through the most diverse forms.

However, despite the aforementioned fact that the crisis affects the entire population, this process does not take place in a uniform manner. The truth is that some groups, within the current scenario, are much more vulnerable to problems of all kinds. One of these groups is that of people with disabilities.

As the pandemic picture related to COVID-19 deepens and worsens, different social groups - each in their own way and in the perspective of their particularities - perceive and assimilate the effects of this terrible disease. For people with disabilities, this scenario is one of the worst possible.

It turns out that, in addition to the fact that people with disabilities are subject to contamination whose effects are more problematic than usual, these people are also more easily infected. These two factors - ease of contagion and seriousness of contagion - are some of the main reasons that explain the extremely high degree of vulnerability that affects this group in the midst of the factual situation caused by the coronavirus.

People with disabilities, called PwD, may be more likely to become infected with the new coronavirus because they have difficulty following the individual protection guidelines indicated by the World Health Organization. According to WHO, the more limited the mobility and the greater the need for care, the more exposed to Covid-19 the person will be (MODELLI, 2020).

In this pitch, it seems impossible to demand that, in a pandemic scenario, people with disabilities behave in the same way as the rest of society - because the adoption of appropriate preventive behaviors proves to be much more difficult for one group than for the other. Understanding this reality is simply fundamental.

Barriers to preventive measures: the scarcity of access to preventive public health information is null; barriers to carry out most of the prevention recommendations (access to hygiene resources, mobility, dependence on physical contact with the environment, difficulties to maintain social distance due to dependence on support persons, why found in psychiatric institutions



or other types, deprived of freedom and conditions of poverty and hacking (MOLINA, 2020, p. 31).

Another problem is the complications caused by the quarantine measures. It happens that, along with social isolation, essential services are compromised, which results in high risks to the physical and psychological integrity of people with disabilities.

To make it clear, the problems faced by people with disabilities at the time of the pandemic caused by the coronavirus are basically, in the sense of facing obstacles to adopt basic hygiene measures, such as washing hands (sinks and washbasins may be physically inaccessible or the person may have difficulty rubbing their hands properly), in addition, as social distancing has already commented, it is a major problem, due to the fact that people with disabilities need support, as many live in health institutions, therapeutic and inclusive residences.

However, there is the issue of pre-existing health problems related to the respiratory function and the immune system, as well as heart disease or diabetes. Also those who need assistive mobility technologies such as walking sticks, walkers, crutches and wheelchairs, are more exposed to surfaces that may be contaminated.

Last but not least, problems related to access to information are very relevant, as resources such as audio description, subtitles and content in pounds are lacking and government campaigns against Covid-19 and official information about the pandemic are barely accessible to people with disability (MODELLI, 2020).

All of these issues demonstrate how, in the midst of a pandemic environment, the defense of the rights of people with disabilities is important. From this the need for engagement, mobilization and performance of mechanisms and systems aimed at protecting human rights is extracted. This is the case of the Public Defender's Office, which is an autonomous and independent institution that performs the function of legal guidance, promotion of human rights and defense of the individual and collective rights of people in need, in a full and free way, in this way, one must understand their concept, its institutional functions, legitimacy among other characteristics that make it capable



of realizing the rights of people with disabilities, especially in times of crisis, such as the current Covid-19 crisis.

4 COVID-19, PUBLIC DEFENDER AND PEOPLE WITH DISABILITIES

Previously, the period of redemocratization in Brazil, our country was marked by a scenario of social exclusion, and thus the constituents of 1988 trying to change this systemic framework, characterized by an unequal reality, marked by poverty and marginality, established in the constitutional text several goals, such as: the construction of an egalitarian society, the eradication of poverty and marginalization, the reduction of social inequalities and the promotion of the well-being of all, without prejudice of origin, race, sex, color, age and any other forms discrimination.

Thus, the Federal Constitution of 1988 was promulgated, after a period of dictatorship, and within that constitutional text emerges the Public Defender's Office, whose objective is to contribute to the realization of new rights and to universal access to justice in Brazil by through free legal assistance to the underprivileged, it is now possible to verify how state health policies for people with disabilities are being adopted by state governments during the global health crisis.

Public Defenders were created and driven by the model of legal assistance adopted by other countries and described by Cappelletti and Garth (1988) in the Florence Project. The Public Defenders' forecast in Brazil, therefore, is included in the scope of reforms of access to justice related to the second "renewal wave" (CAPPELLETTI E GARTH, 1988, p.21). Thus, the Federal Constitution of 1988 enshrined the guarantee of free and full legal assistance to the needy and created the institution of the Public Defender's Office.

Federal Complementary Law No. 80 of 1994, was enacted six years after the promulgation of the 1988 Federal Constitution, so that it organized the Public Defender's Office of the Union, the Federal District and Territories and established general rules for its organization in the States.



It can be defined, therefore, that the Public Defender's Office consists of an institution that provides legal assistance to the needy, in all levels of jurisdiction and administrative instances. Its task includes the legal guidance and defense of its beneficiaries. In addition, Complementary Law n. 80/94 (included by Complementary Law 132/2009) determines that the organization of the Public Defender's Office should strive for decentralization and its performance should include interdisciplinary service, as well as the protection of diffuse individual, collective and homogeneous individual interests (RAMOS, 2020).

According to Boaventura de Sousa Santos, “these particularities distinguish the defense, among other institutions of the justice system, as the one that best conditions have to contribute to unveiling the suppressed judicial demand” (SANTOS, 2014, p. 51).

The Public Defender's Office, therefore, can be seen as a true instrument of the democratic regime, it is a bridge of access for the needy to full exercise of citizenship and the preservation of the fundamental rights and guarantees provided for in the Federal Constitution. It is important to understand that “needy” does not only cover those who are financially disabled, but also those who suffer from being in a factual and legal situation that is unequal to other people, such as, for example, elderly people, blacks, the sick, and the group of the present study, people with disabilities. This is the important role of the Public Defender's Office in the condition of *culstos vulnerabilis*, which basically is the exercise of the defense functions in favor of these vulnerable people, which may even be in the extrajudicial scope.

Having understood the concept and general objectives of the Public Defender's Office, we begin to analyze what is their role in realizing the rights of people with disabilities and more specifically their performance in the catastrophic scenario that these people experience in Covid-19.

It is undeniable that, in the field of human rights, the coronavirus was directly responsible for highly relevant impacts. However, one cannot lose sight of the fact that, in many cases, the pandemic that currently afflicts societies has done nothing more



than expose, amplify or accentuate dilemmas that have existed for some time. In this perspective, the example of people with disabilities stands out.

This is a subject about which everyone has some knowledge. This, however, does not always translate into awareness, which imposes a difficult reality on people with disabilities, with prospects for change far below those that should exist. This is despite the existence, including at the international level, of human rights protection systems that recognize the importance of providing support to these people.

Hence the importance of the performance of entities such as the Public Defender's Office, which together with the Public Ministry, are social agents who guarantee the rights of people with disabilities, as is well stated in several articles of the aforementioned Law 13.146 / 2015, as in articles 79 and 80, mainly paragraph 3 of art. 79, which provides that the Public Defender's Office and the Public Prosecutor's Office shall take the necessary measures to guarantee the rights provided for in this Law.

In the case of the Public Defender's Office, Article 4, items X and XI of Complementary Law 80/1994, gives the institution an important role in promoting the broad defense of the individual and collective rights of people with disabilities, because of their vulnerability, acting both at the judicial level, defending by judicial procedures and also at the extrajudicial level in partnership with the network bodies and with professionals from other areas (psychologists, social workers, doctors and others) to solve the problems of people with disabilities.

It is understood that the role of members of the Public Defender's Office is that of political agents, who encourage the implementation of public policies, to guarantee the dignity and even the lives of countless individuals.

The examples of actions by the Public Defender's Office are numerous, as an example of an important legal instrument we have public civil action, aiming at the restoration of public transport, the adoption of preventive measures to protect the population living on the streets, the installation of a public health service. multidisciplinary care for people with disabilities.



There is also the prerogative of requesting the Public Defender, which is nothing more than an instrument capable of carrying out the constitutional mission of the Public Defender, realizing the fundamental right of the needy to free and comprehensive legal assistance. Thus, the Public Defender's Office also makes a request, for example to obtain information about the ban on accompanying pregnant women during childbirth in municipal maternity wards; maintaining the provision of school lunches to students in the public school system; among several other extrajudicial and judicial measures that are bringing impact and effective results for the implementation of essential and necessary public policies for society throughout the national territory (SOUZA, 2018).

In addition, an important role of the State Public Defenders was the elaboration of recommendations to guarantee the rights of people with disabilities at the time of Covid-19. The Public Defender of the State of Rio de Janeiro, for example, presented a document on April 7, 2020, recommending that all coronavirus prevention campaigns be adapted in a way that guarantees accessibility and understanding by deaf people and by people with hearing and / or visual impairment (NUPED, 2020).

This document requires that messages transmitted on the internet and on television have windows for interpreting Libras, subtitles and audio description of images. In addition, one of the objectives of the recommendation is to ensure that the Covid-19 prevention campaign includes pieces with specific content for people with disabilities, as provided in the document:

As touch is one of the most used senses by those with visual impairments, it is necessary to inform the correct form and the need to wash your hands frequently and, especially, after touching tactile maps, door handles, handrails, among others, as well as the correct way to sanitize the objects he touches with greater frequency, including walking sticks (NUPED, 2020).

The recommendation continues to warn about care specifically for people with some type of physical disability who need instruments to make their lives easier, thus warning that "it is necessary to inform about the need to clean the objects that you frequently touch, including the rim drive, the wheels and the wheelchair's joystick;



prostheses, orthoses and other means of locomotion, such as walking sticks, walkers and crutches”(NUPED, 2020).

The São Paulo Public Defender's Office was no different and with the same scope to guarantee the rights of people with disabilities and reduced mobility, who are in a situation of special vulnerability in the face of the coronavirus pandemic, has inspected public services, analyzed data and formulated recommendations to other bodies aiming at initiatives for this portion of the population, considered as a risk group (ANADEP, 2020).

In São Paulo, the role of the Specialized Nucleus for the Rights of the Elderly and Persons with Disabilities stands out, which is responsible for providing free legal assistance, receiving and forwarding representation that contains a report of violation or threat of violation of individual, diffuse rights. or collectives of people aged 60 or over and people with disabilities. The judicial action of NEDIPED occurs due to the complexity and breadth of the matter, or in a subsidiary and supplementary character to the Public Defender / a natural of the Public Defender's Unit of the State.

The Specialized Nucleus for the Rights of the Elderly and the Person with Disabilities, made several recommendations in the sense that state public health and social assistance policies face the pandemic. To do this, they require that a priority code be created, in case of saturation of wards / beds, in favor of the elderly (over 60 years old) and, among them, people over 80 years old, as well as people with severe disabilities, severe sequelae or comorbidities, both in initial care, as well as access to intensive care beds and respirators.

In addition, the Specialized Nucleus for the Rights of the Elderly and the Person with Disabilities has committed itself to ensuring that elderly people (60+) and people with disabilities have access to information about the situation and have guaranteed forms of family and community coexistence in the event of any restriction regime. visits, according to articles 17, 18, 39 and 95 of the Brazilian Inclusion Law, and articles 2, 4, 5 and 15 of the Elderly Statute (NEDIPED, 2020).

There is also a recommendation formulated for the state portfolio of metropolitan transport and the Presidency of EMTU (Metropolitan Company of Urban



Transport of São Paulo), guiding the formulation of preventive measures in the scope of metropolitan and municipal public transport, including door-to-door transport. contagion. It also recommends implementing a system of automatic renewal of gratuity in metropolitan public transportation, and a facilitated, electronic and telephone system for those present and future requests for gratuity in metropolitan public transportation, avoiding physical displacements for such purposes (ANADEP, 2020).

In Tocantins, there was also the performance of the state Public Defender's Office, filing a Public Civil Action to implement a Transparency Portal in the State with relevant information for the entire population, so that it is easily accessible and updated on the coronavirus, such as how many beds available per hospital unit, how many are occupied, among other information related to the fight against COVID-19 (PUBLIC DEFENSE OF THE STATE OF MARANHÃO, 2020).

In Maranhão the scene is repeated, people with physical limitations suffer from the absence of special and essential care, which caused several accidents to happen, such as falls of patients inside health units in São Luís, even causing deaths. The capital still has rates of contamination, deaths and occupancy of worrying beds, which is much more compromising for the elderly, people with disabilities or with comorbidities (PUBLIC DEFENSE OF THE STATE OF MARANHÃO, 2020).

The State Public Defender's Office, through the work of the Nucleus for the Defense of the Elderly, the Person with Disabilities and Health, filed a Public Civil Action in the Court of Diffuse and Collective Interests in the Capital in order to optimize the service, observance of the laws priorities for the elderly, people with disabilities and other risk groups, the creation of strategies to facilitate communication between family members, in addition to monitoring patients admitted to the public health system (DEFENSORIA PUBLICO DO ESTADO DO MARANHÃO, 2020).

These instruments and actions are examples of resources that can be mobilized, managed and employed in the pursuit of objectives that, in the midst of the crisis caused by COVID-19, are of the utmost importance - one of these objectives being the protection and realization of the rights of women. disabled people.



The recommendation aims to ensure the accessibility and adaptation of prevention campaigns to the new coronavirus in order to meet the specific needs of people with disabilities, who are often more susceptible to contamination.

It can be understood that the recommendation is a measure that has its value in practicality and, even, and can be used as a last attempt to resolve the issue at the extrajudicial level, before the filing of the lawsuit (FENSTERSEIFER, 2015).

However, in addition to everything previously done, the pandemic situation related to COVID-19 presents the need for new and urgent interventions, since, as previously mentioned, the advancement of the coronavirus promotes a weakening process for people with disabilities. In times like today, when fear and insecurity invade minds and destabilize societies, what remains is the certainty about the need to preserve what is most expensive among men: the basic principles of morality and ethic. In the field of human rights, this is one of the most relevant concepts.

The current scenario caused by Covid-19, shows us the importance of analyzing the relevance of institutions, as well as the ability to manage exceptional situations.

Thus, it is possible to note the essentiality of the Public Defender's Office for the administration of Justice, its action is aimed at promoting, at all levels, legal guidance and defense of the most needy population, that is, of those individuals and groups that cannot afford the costs. expenses of a private representation.

In this sense, the mobilization, in times of crisis, of governments and institutions around the objective of defending the most vulnerable is one of the factors that preserves people from complete abandonment and barbarism. Thus, providing support to people with disabilities at a time like this means not only supporting a fragile group, but also strengthening the institutions and essential values of democracy and the rule of law.



5 FINAL CONSIDERATIONS

The emergence of the coronavirus presents society with a range of themes whose neglect, in terms of human rights, can mean serious damage. It is precisely on one of these themes that the present study looked at, seeking to shed light on a nebulous issue and that, understands dynamics that are connected with legal and political guidelines and values dear to contemporary democracies.

The importance of the actions of the Public Defender's Office - as instruments to enforce the rights of people with disabilities in times of COVID-19 - is related to some factors, such as the abnormal level of vulnerability that, at times like the current one, affects people with disabilities. deficiency. However, it should be noted that the Public Defender's Office has a variety of instruments aimed at facing crises that threaten human rights, which gives this entity great relevance in the context of the dilemmas discussed here.

The most common legal instruments are public civil actions aimed at welcoming people living on the streets in temporary shelters, due to the risks they were exposed to in relation to Covid-19. In addition, there is also a public civil action aimed at resuming free public transportation for the elderly, as well as efficient transportation for people with disabilities, actions to provide access to relevant information to face the health crisis, and in general to give concrete constitutional and infraconstitutional rules regarding the rights of people with disabilities.

The Public Defender's Office acts and reaches beyond the political responses with the Judiciary, through individual or collective legal actions (such as public civil actions) to guarantee social rights not enforced by the Executive and Legislative, it also acts in the extrajudicial scope to those in need. , through recommendations and requests, among other prerogatives of the institution.

It can be seen that, as the calamity situation worsens, the work of the Public Defender's Office becomes even more important, as people in situations of extreme vulnerability, who suffer most from the pandemic, are the users of the services of this institution.



However, other questions leave room for other studies to emerge on the topics covered in this essay, such as the long-term impacts of COVID-19 on the reality of people with disabilities, the effectiveness of the attitudes adopted by the Defender and by the entire society in question. moments of crisis, among other things.

It can be concluded that, in view of the current reality, there is a need for society in institutions and agents that seek measures that bring protection and security to overcome the current factual context with the least number of possible damages, being the role of defenders public, at this moment, fundamental for the survival of thousands of people. In this desire, as exposed during the work, the Public Defender's Office has been increasingly demanded and acts through several ways to guarantee and safeguard the fundamental rights of the Brazilian population.

Only time will be able to say whether the Public Defender's Office, in the face of threats related to the coronavirus, will make good use of the resources it has, and whether the other institutions, in addition to society as a whole, will corroborate any measures adopted in favor of people with deficiency.



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