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The promotion of conventionality control by the public prosecutor's office of Rio Grande do Norte

A promoção do controle de convencionalidade pelo ministério público do rio grande do norte

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ABSTRACT:

Conventionality control ensures the practical application of International Human Rights Law norms within domestic legal systems. In Brazil, these norms are incorporated through the country's voluntary adherence to international human rights protection systems, with the Public Prosecutor's Office responsible for their effective implementation by adopting a resolute approach to humanitarian and democratic protection. Given this, the question is: to what extent does the Public Prosecutor's Office of Rio Grande do Norte (MPRN) promote the exercise of conventionality control in the scope of its duties? In this regard, the general objective is to identify the promotion of conventionality control by the prosecution body from Rio Grande do Norte. The specific objectives are: a) comprehending the significance of conventionality control for the effectiveness of international human rights regulations; b) assessing the applicability of vertical compatibility mechanisms in Brazilian Law; and c) investigating practical circumstances within the MPRN, in which institutional expressions prompt the examination of conventionality. The research employs a qualitative approach and documentary sources, including the collection of legislation, jurisprudence, doctrines, and articles related to the theme, in addition to incorporating a practical case study based on the empirical analysis of prosecution actions. This study is justified by the significant role of the Public Prosecutor's Office in adapting the national legal system to the international order, considering CNMP Recommendation No. 26/23 and Sustainable Development Goal 16. Thus, the research is based on conventionalizing the Public Ministry's actions through a resolute and compatible approach with its constitutional mission.

Keywords:

International Human Rights Law; Conventionality Control; Public Prosecutor's Office of Rio Grande do Norte.

RESUMO:

O controle de convencionalidade assegura a efetiva aplicação das normas do Direito Internacional dos Direitos Humanos nos ordenamentos jurídicos internos. No Brasil, a incorporação dessas normas ocorre mediante a adesão voluntária do país aos sistemas internacionais de proteção aos direitos humanos, incumbindo ao Ministério Público a sua efetiva implementação, através de uma postura resolutiva de tutela humanitária e democrática. Diante disso, questiona-se: em que medida o Ministério Público do Rio Grande do Norte promove o exercício do controle de convencionalidade no âmbito de suas atribuições? Nesse sentido, o objetivo geral é identificar a promoção do controle de convencionalidade pelo órgão ministerial potiguar. Para tanto, os objetivos específicos são: a) compreender a importância do controle de convencionalidade para a efetividade das normativas internacionais de direitos humanos; b) verificar a aplicabilidade dos mecanismos de compatibilização vertical no direito brasileiro; e c) explorar circunstâncias práticas, no âmbito do MPRN, em que as manifestações institucionais ensejam o exame de convencionalidade. A pesquisa utiliza de uma abordagem qualitativa e fontes documentais, incluindo a coleta de legislações, jurisprudências, doutrinas e artigos relativos à temática, além de trabalhar com estudo de caso prático a partir da análise empírica de manifestações ministeriais. O trabalho se justifica pela importância do Parquet na adequação do sistema jurídico nacional à ordem internacional, tendo em vista a Recomendação nº 26/23 do CNMP e o Objetivo de Desenvolvimento Sustentável 16. Com efeito, o estudo assenta na

convencionalização da atuação do Ministério Público através de uma postura resolutiva e compatível com a sua missão constitucional.

Palavras-chave:

Direito Internacional dos Direitos Humanos. Controle de Convencionalidade. Ministério Público do Rio Grande do Norte.

1 INTRODUCTION

The practical realization of International Human Rights Law is often linked to the binding force of international norms within the sphere of states. This normative superiority is guided by the *pro-persona* interpretation criterion, wherein what is most favorable to human dignity prevails. Indeed, the notion of sovereignty must be relativized given the compatibility of domestic law with the obligations established within international human rights protection systems, so these obligations prevail as a standard parameter for vertical control. Considering this, in addition to constitutional review, domestic norms are subject to conventionality control, with States assuming primary responsibility for compliance by ratifying international standards aimed at human rights protection, thereby forming a block of conventionality.

Nevertheless, the articulation in favor of conventionality control stems from the State's commitment to adapting its legal system. In this context, the Brazilian State recognizes the special status of international human rights norms and is also bound by the contentious jurisdiction of the Inter-American System. However, the Executive and Legislative branches are silent in harmonizing these agreed precepts to domestic legislation. Thus, for democratic and humanitarian protection, it is primarily up to the judicial bodies, as integral parts of the administration of justice, to adopt interpretations and effects that insert these provisions as guarantees of legal protection. Consequently, in a preventive role, it falls to the Public Prosecutor's Office to fulfill its constitutional mission of defending human rights by promoting the adoption of conventionality control.

Considering this, this question arises: to what extent does the Public Prosecutor's Office of Rio Grande do Norte (MPRN) promote the exercise of conventionality control in the scope of its duties? In this regard, the general objective is to identify the promotion of conventionality control by the prosecution body from Rio Grande do Norte. To attain this objective, it is imperative to undertake several steps, which include: a) comprehending the significance of conventionality control for the effectiveness of international human rights regulations; b) assessing the applicability of vertical compatibility mechanisms in Brazilian Law; and c) investigating practical circumstances within the Public Prosecutor's Office of Rio Grande do Norte, in which institutional expressions prompt the examination of conventionality.

For this purpose, an exploratory and descriptive study was conducted, with a qualitative approach using sources of documentary analysis, which included the collection of Brazilian and international legislation, jurisprudence from the Inter-American Court of Human Rights (I/A Court H.R.), scientific articles, and specialized books in the field of International Human Rights Law. At the national level, relevant jurisprudence was examined on the electronic portals of superior courts that employed the term "conventionality control" in their decisions. Additionally, the study proceeded with a practical case study based on the collection of statements from the Rio Grande do Norte prosecution body that referenced international treaties ratified by Brazil or Inter-American standards, to be carried out through direct contact with Advisors and Prosecutors working as part of the institution. Consequently, this study links

International Law sources to human rights legal practice within the Brazilian context to analyze situations of potential alignment of domestic norms and legal effects with international precepts.

The research is justified by the importance of identifying the constitutional role of the Public Prosecutor's Office in defending human rights through vertical compatibility with the agreed international norms. Furthermore, the study is based on the practical adaptation of the national legal system, with emphasis on the prosecution body's actions, to the initiatives proposed in the National Judiciary Pact for Human Rights and Recommendation No. 26/2023 from the National Council of the Brazilian Public Prosecutor's Office (CNMP), which, in a compendium, seek to insert conventionality control into judicial activities. In turn, it is essential to link this action to the achievement of the Sustainable Development Goals (SDGs), especially Global Goal 16, which concerns the promotion of Peace, Justice, and Strong Institutions to ensure responsive and participatory decision-making at all levels, following the national legislation and international agreements.

Additionally, the work is part of the academic initiatives of the International Law Observatory (OBDI) of Rio Grande do Norte, focusing on International Human Rights Law. It also stems from studies conducted by the Research Group (CNPq) International Human Rights Law and Persons in Vulnerable Situations of the Federal University of Rio Grande do Norte (UFRN). Notably, the research is consistent with the content of Resolution No. 262/2023 of the CNMP, which establishes a National Permanent Committee for Monitoring the Implementation of Decisions from Inter-American Human Rights System Bodies (CONADH) within the Brazilian Public Prosecutor's Office.

This work is anticipated to elicit a broad perspective on the actions of the Public Prosecutor's Office through the responsive application of international human rights standards, thereby encouraging the exercise of conventionality control in prosecutorial activities, with a resolution-oriented approach aimed at preventing violations of fundamental rights and mitigating unconventional norms and legal consequences.

2 CONVENTIONALITY CONTROL: THE EFFECTIVE APPLICATION OF INTERNATIONAL HUMAN RIGHTS NORMS

International Human Rights Law arises from the international community's interest in developing and prioritizing legal norms to protect individuals. The legal foundations for this field were established through the Charter of the United Nations (UN), from which the cooperative efforts of states to promote respect for human rights and fundamental freedoms were solidified (Accioly; Silva, 2019). In this context, Peter Häberle (2016) highlights the evolution towards a Cooperative Constitutional State, with the ideal-moral conversion of concepts, procedures, and legal competencies, influenced by the trend of economic, social, and humanitarian interdependence among Constitutional States. This openness to International Law serves as a foundation for the interpenetration of *jusconstitutional* and

jusinternational by recognizing the duty of solidarity in building peace within the cosmopolitan dimension of state identity, intertwined in the panorama of international cooperation and responsibility (Moreira, 2017).

Given this, the principle of the primacy of international law sources prevails, especially those related to protecting human rights, which emerge with their principles, autonomy, and specificity. Due to the expansive nature and typological openness of their provisions, these sources elevate the individual to the status of a subject of Public International Law (Mazzuoli, 2019). As a result, matters about human rights are of legitimate international concern, transcending the State's territorial authority, which may possess restricted political and technical capabilities (Issy, 2022). This enables the protection of these rights through numerous legal systems, in a transconstitutional interaction that fosters cooperation for the cohesive resolution of disputes (Lopes Filho, 2020).

Therefore, to promote maximum social advantage, an international normative system is adopted that favors interpretations that best protect human dignity, known as the *pro persona* principle (Cambi; Porto, 2021). For this purpose, the applicability of these norms requires state commitment to carry out a material vertical compatibility examination of domestic law rules, recognizing the superior hierarchy of International Law over the national legal order (Mazzuoli; Faria; Oliveira, 2022). After all, with the voluntary adherence of States to international human rights instruments, conventionality control is established as a mechanism to guarantee the qualified application of these sources within national jurisdictions (Moreira, 2017).

This legal protection arises from fostering dialogue between constitutional and international orders through an interaction that shapes a relative exercise of national sovereignty³, with inquiry to remove unconventional legal effects and interpretations (Issy, 2022). From this perspective, given the openness of constitutional jurisdiction to International Human Rights Law, dual control of domestic law emerges, which, in compliance with the general principles of good faith and *pacta sunt servanda*, fulfills the role of a peremptory norm for agreed international regulations (Moreira, 2015). This binding obligation stems from the principle of the relative presumption of conventionality of domestic normative acts, which, as in the analysis of constitutionality, imposes on the State the duty to legislate in conformity with such specialized sources (Heemann, 2017).

In effect, this practice is linked to the prevalence of *pro-persona* interpretation, guided not only by customary law that established the foundations for the privileged position of human rights protection norms but also by the dialogue of sources, aiming to achieve the most suitable outcome in favor of individuals' interests (Guerra, 2017). In this context, the principle of progressivity is also applied, given that compatibility should never restrict rights

³ "This process results in a challenge to Constitutions such as the Brazilian one, molded in the traditional sovereignty framework and reflecting ambitions to regulate all facets of social life, now filled with international norms that compete for normative space with the Constitution itself" (our translation). (Ramos, 2003, pp. 84).

but always be exercised progressively, along with the principle of the atypicality of conventionality control mechanisms, since no specific or official applicability model exists (Heemann, 2017). Thus, the State's commitment, combined with the actions of public authorities, proves essential to guarantee the adequate protection of human rights and the coherence between international and domestic norms through the theory of communicating vessels.

Through a dialogical legal order, the harmony between sources facilitates the simultaneous and coordinated application of interpretative criteria for the resolution of antinomies⁴, preventing the fragmentation and loss of unity in international Law (Amaral Júnior, 2019). This interaction is implemented in two forms: horizontal dialogue fosters a complementary relationship that addresses gaps in favor of human interests, while vertical dialogue applies international norms to invalidate unconventional domestic provisions due to omission or explicit rivalry among sources (Guerra, 2017). In this regard, the dialogue of sources is fundamental to conventionality control, as it enables a method of communication between norms that, combined with the foundations of international hermeneutics, ensures coherence and harmony within the legal system (Loureiro, 2019).

The sources of conventionality control are multiple, given the existence of various international human rights systems structured by organic and normative frameworks that influence the implementation of supervision and control mechanisms through which judicial bodies can monitor, oversee, and investigate circumstances of violations (Kluge, 2022). The provision of international legal instruments confers the formation of a block of conventionality, which, when recognized domestically, is added to the constitutional order through a set of norms, rules, and principles that contribute to vertical harmonization mechanisms. In contrast, laws, decrees, provisional measures, constitutional norms, judicial decisions, and legislative omissions are assigned as normative materials subject to control (Dantas; Moreira, 2023). After all, the criteria in the block of conventionality attribute evaluative significance to their configuration as controlling norms intended to realize human rights within the context of the dialogue of sources (Loureiro, 2019).

This block consists of systems established by treaties and bodies designated by a community of States. The multiplicity of international systems and instruments share the common purpose of human protection, operating in a coordinated, supportive, and dialogic manner with national protection (Kluge, 2022). The universal system, linked to the United Nations structure, encompasses the alignment of efforts around supranational documents and

⁴ "In international Law, antinomy is characterized by the existence of incompatible norms that cannot be simultaneously applied by the interpreter. (...) The main reason for the occurrence of antinomies in international Law is the fragmentation of international Law, which stems from the proliferation of international rules; the increase in political fragmentation; the regionalization of international Law; the emancipation of individuals from nation-states; and the specialization of international regulatory activity" (our translation). (Loureiro, 2019, pp. 71-72).

institutions aiming to promote and standardize human rights. Regional systems, in turn, tailor these interests to nearby units, facilitated by regional-local management and communication. Within this framework, the Inter-American System of Human Rights Protection (IASHR) is positioned as a complementary mechanism to domestic order, performing a subsidiary function to the member States of the American continent, including Brazil⁵, linked to the inter-American conventions and its corresponding contentious jurisdiction (Guerra; Guerra; Manganote, 2022).

This convergence of international provisions fosters the perception of conventionality control, which reinforces the commitment to honor international agreements to guarantee the adequate protection of human rights. The *pro persona* principle is formally consolidated in Article 5.2 of the International Covenant on Civil and Political Rights (ICCPR)⁶ and Article 5 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁷. In turn, the binding force of treaties expressly materialized in the terms of Articles 26 and 27 of the Vienna Convention on the Law of Treaties (VCLT) of 1969⁸.

In the Inter-American scenario, the American Convention on Human Rights (ACHR), in its Articles 1.1, 2, and 29, essentially provides the commitment of States Parties to respect the rights it recognizes, which includes adopting internal measures to ensure this application, in line with interpretative criteria that foster intercommunication and mutual reinforcement through the dialogue of sources (United Nations, 1979). Similarly, the I/A Court H.R., through Advisory Opinion OC-5/85 and Advisory Opinion OC-14/94, has maintained a stance that upholds conventional provisions over less protective internal norms. This regional block of conventionality has led to the formation of an *Ius Constitucionale Commune Latino-Americano* (ICCAL), in which minimum and common standards resonate in the dialogue between Courts,

⁵ In 1992, Brazil enacted the American Convention on Human Rights (also known as the Pact of San José), incorporated into domestic law through Decree No. 678. Subsequently, through Decree No. 4,463 of November 8, 2002, the country ratified the Declaration Recognizing the Compulsory Jurisdiction of the Inter-American Court of Human Rights to recognize the binding force of the standards established in the judgments of the inter-American jurisdiction.

⁶ In the sense that “there shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent” (United Nations, 1976a, pp. 4).

⁷ *In verbis*: “Article 5. (...) 2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent”. (United Nations, 1976b, pp. 2).

⁸ Article 26 ratifies the general principles of good faith and *pacta sunt servanda*, stating that “every treaty in force is binding upon the parties to it and must be performed by them in good faith”; meanwhile, Article 27 addresses the impossibility of a State Party invoking domestic provisions to justify its failure to perform an international treaty. (United Nations, 2005, pp. 11).

the inclusion of social systems, and legal pluralism under a multicultural integration identity and a process of inter-Americanization of national norms (Dantas; Moreira, 2023).

The legality of international human rights norms provides material and evaluative power to the conventionality block, although it is insufficient by itself to ensure full implementation, as it relies on mechanisms of enforcement linked to interpretative standards with binding and direct legal effects on the parties. Human Rights Courts have precisely this role of guiding and judging States, not only to ensure the promotion of international norms but also to ensure that, if violated, they are adequately protected and remedied (Guerra; Guerra, Manganote). From this perspective, the judgments of the I/A Court H.R. produce international *res judicata* authority, highlighting the maximal effectiveness of human rights, serving as precedents for domestic judicial bodies to follow, which, therefore, reveals member countries' obligation to align their internal norms based on vertical compatibility (Cambi; Porto, 2021).

In the judgment of the Case of Almonacid Arellano et al. v. Chile in 2006, it was established that the duty of conventionality control must be fulfilled primarily by the national judiciary; and only in cases of exceptional noncompliance would it advance to the Inter-American Commission on Human Rights (IACHR)⁹. Consequently, in the Case of Cabrera García and Montiel Flores v. Mexico in 2010, the concept of a block of conventionality was enshrined, which is integrated into the constitutional order under the imperative of dual control, achieved through the domestic incorporation of international norms, that judicial bodies must assess with an inter-jurisdictional dynamic (OAS, 2010). Significantly, precedents established in Inter-American jurisprudence have *erga omnes* efficacy, meaning all States Parties are bound to ensure these decisions' continuity, dynamism, and coherence (Kluge, 2022).

As a result, international hermeneutics calls for a dialogue between international courts and national tribunals based on the commitment of State entities to human rights, and for this to happen, it is necessary to abandon the thesis of absolute State sovereignty and purely nationalist interpretations (Loureiro, 2019). The jurisprudence of regional systems influences international-local communication rooted in the shared *ratio decidendi* that expands the protection of human rights (Cambi; Porto, 2021). In fact, given the paradigm of the Cooperative Constitutional State, a Cooperative Jurisdiction logically arises as a typical function of the state, which requires an openness to international law across all state organs (Moreira, 2017). In this sense, domestic conventionality control is applied through a normative

⁹ "When a State has ratified an international treaty such as the American Convention, its judges, as part of the State, are also bound by such Convention. This forces them to see that all the effects of the provisions embodied in the Convention are not adversely affected by the enforcement of laws which are contrary to its purpose and that have not had any legal effects since their inception. (...) To perform this task, the Judiciary has to take into account not only the treaty, but also the interpretation thereof made by the Inter-American Court, which is the ultimate interpreter of the American Convention" (OAS, 2006, pp. 54-55).

confrontation appropriate to the specific case, with this duty assigned to all jurisdictional bodies and political authorities in the state according to their competencies (Guerra, 2017).

Therefore, the effective vertical harmonization of the block of conventionality within the domestic legal order is a responsibility shared by all public authorities to be carried out *ex officio* (Kluge, 2022). From the legislative incorporation of treaties, through implementation by the Executive, to the primary obligation of the Judiciary to enforce these norms, it is the State's duty to enable the practical application of international sources in the domestic scope. Indeed, conventionality control functions as a "guarantee", serving as a mechanism to protect internationally enshrined and domestically adopted human rights (Guerra; Moreira, 2017). Given this, the following section addresses the application of dual vertical control within Brazilian Law, given the responsibility of national judicial bodies to harmonize domestic norms with the international precepts adopted by Brazil, thereby ensuring the primacy of human rights in the national legal system.

3 THE APPLICABILITY OF VERTICAL COMPATIBILITY IN BRAZILIAN LAW

In Brazil, the transition to a Democratic State of Law, with the 1988 Brazilian Constitution, established a complementarity between democratic duties and respect for fundamental rights (Cambi; Porto, 2021). Thus, the conventionality control finds its foundations in the Magna Carta: Article 1, III, which enshrines human dignity as the basis of the State; Article 4, II, and IX, which highlight the prevalence of human rights and international cooperation and the sole paragraph, which promotes the integration of Latin American peoples, as an opening clause for a Cooperative Constitutional State and the foundations of the ICCAL; and Article 5, §§ 1 and 2, given the express immediate and expansive application of human rights, consolidating the integration of a block of conventionality in the domestic legal order and consecrating the *pro persona* interpretative criterion. Additionally, the country's adherence to the IASHR and the jurisdiction of the I/A Court H.R., together with Article 7 of the Transitional Constitutional Provisions Act, reinforces the establishment of dialogic jurisdictional protection.

The domestic legal effects of an international treaty depend on its legislative incorporation, which is completed by the final enactment of a Promulgation Decree (Moreira, 2015). International human rights documents incorporated into national law, to be interpreted based on the *pro persona* principle, carry normative status tied to their original admission procedure. Treaties ratified through qualified approval in Congress have a constitutional amendment-level hierarchy (per Article 5, § 3 of the Brazilian Constitution), while those approved by a simple majority have supra-legal status¹⁰. In this scenario, domestic norms are

¹⁰ Indeed, Article 5, § 2 of the Brazilian Federal Constitution expressly incorporates the rights and guarantees of international treaties to which the country is a party. For this purpose, the

subject to a dual vertical compatibility process, legitimizing the mechanism of conventionality control, which complements the domestic legal order (Camelo; Moreira, 2024).

Nevertheless, given the prevalence of norms that favor human rights, the discussion on the hierarchy of international sources in the domestic sphere primarily guides the procedural mechanisms applied to normative conformity (Dantas; Moreira, 2023). In light of the premise of the supremacy of international law, the incorporation of international human rights standards into the Brazilian constitutional block reinforces the commitment to a discernible public international order (Martins; Moreira, 2011). This implies that the block of conventionality, legitimized by the constitutional order, is enforceable and includes sources afforded special protection under domestic law. Thus, in conventionality control, the hierarchical level of treaties becomes irrelevant since the preference relies on the material criterion of better human rights protection, with immediate applicability after ratification, in which the responsibility to enforce the signed pacts persists, above all, based on the principles of good faith and *pacta sunt servanda* (Dantas; Moreira, 2023).

In fact, as a signatory of the IASHR, the country consequently recognizes the binding force of the precedents set by the I/A Court H.R., whose interpretation and application of inter-American standards are conferred mandatory jurisdictional competence, requiring a dialogue with local courts to support the domestic application of the ACHR (Cambí; Porto, 2021). In this context, following the judgment in the Case of Gelman v. Uruguay in 2011, the legitimacy was extended so that all bodies linked to the administration of justice may exercise conventionality control *ex officio* by their respective competencies (OEA, 2011). This understanding consolidates the power-duty of every public authority to effectuate the alignment of Brazilian Law with international human rights protections (Heemann, 2017).

Based on this, beyond merely dialogical judicial protection, it is essential to implement preventive extrajudicial conventionality control, to be particularly exercised by the Legislative and Executive branches through a prior examination of vertical compliance aimed at restricting the promulgation of laws incompatible with international standards (Dantas; Moreira, 2023). In this scenario, non-jurisdictional national control is defined as improper, which can also be exercised by bodies such as the Public Defender's Office and the Public Prosecutor's Office, while judges and courts carry out proper control since it deals directly with the procedural process (Heemann, 2017). However, as the Executive branch, primarily responsible for implementing social welfare rights, is remiss in this duty, and the Legislature

constitutional status of international human rights norms depends on approval in both Houses of the National Congress, in two rounds, by a three-fifths majority, through a legislative decree, under the new procedure introduced by § 3, added by Constitutional Amendment No. 45/2004. Nonetheless, according to the interpretation of the Federal Supreme Court, in a decision rendered in RE 466.343-1/SP of 2008, other human rights treaties, approved by simple legislative process, have primacy over ordinary Brazilian legislation, that is, they are only granted infra-constitutional hierarchy, although superior to ordinary norms. Finally, within this national legal framework, defined by a three-tier hierarchy of international norms, ordinary treaties regularly have the status of ordinary law (Moreira, 2015).

fails to adopt domestic legislation, it is incumbent upon the multiple judicial bodies to fulfill the realization of human rights precepts forming the Brazilian *corpus juris*, that is, the domestic legal system and integrated international sources (Carneiro, 2023).

Judicial intervention is fundamental to the duty of protecting fundamental guarantees, in which the provision of constitutional and conventional obligations in the legal system prevents potential human rights violations. Therefore, conventionality control is recognized as an instrument for the promotion of human rights in Brazil, to be exercised by public authorities, serving as a powerful mechanism for the Public Defender's Office and the Public Prosecutor's Office in safeguarding the democratic regime (Cambi; Porto, 2021). In this regard, the National Justice Council (CNJ), through Recommendation No. 123, advised that Brazilian Judiciary bodies incorporate international human rights conventions and Inter-American Court jurisprudence in their practices. Thus, it is the responsibility of legal practitioners to implement inter-American standards and facilitate a discussion among sources to harmonize Brazilian Law and address international demands, thereby functioning as practitioners of inter-American Law as well (Cambi; Porto, 2021).

Given this, it is essential to highlight the responsibility of Brazilian Courts, as judicial bodies, to exercise *ex officio* conventionality control. For instance, the Federal Supreme Court (STF), in the judgment of Extraordinary Appeal No. 466.343-SP in 2006, recognized the unlawfulness of the civil arrest of the unfaithful fiduciary, as it was contrary to Article 7, § 7, of the ACHR, thus conducting a compatibility assessment through a vertical dialogue, which even led to Binding Precedent No. 25. Similarly, the 5th Panel of the Superior Court of Justice (STJ), in 2016, in considering Special Appeal No. 1.640.084-SP, adopted an understanding that the crime of contempt was unconventional, which corroborated with a favorable opinion from the Brazilian Deputy Attorney General's Office, recognizing that the penal typification conflicted with Article 13 of the ACHR, in addition to being contrary to the recommendation of the IACHR and an Inter-American Court decision in the Case of Palamara Iribarne. However, this stance was not solidified despite this innovative and consistent control since the STF subsequently adjudicated the legitimacy of the offense within domestic law (Moreira; Pinheiro, 2022).

At the state level, a decision by the Paraná Court of Justice (TJPR) determined the immediate continuation of a process aimed at removing parental authority since the suspension as a violation was considered a violation of the principles of comprehensive protection and the primacy of the interests of children and adolescents, based on a dialogue of sources and effective conventionality control¹¹. Meanwhile, the Rio Grande do Norte Court

¹¹ Here's an excerpt from the decision: "Article 313, item V, of the Code of Civil Procedure must be interpreted based on the dialogue between domestic law and international human rights law (multilevel constitutionalism), so that, in cases concerning Children and Adolescents, the procedural suspension shall only be determined when it concretely observes the principle of the superiority and the best interests of the child and adolescent, and is in harmony with other

of Justice (TJRN), in a partial ruling on a motion for clarification, exercised conventionality control by interpreting the United Nations Convention against Corruption (Merida Convention) to uphold the restrictive nature of articles of the Administrative Improbability Law¹².

Despite these demonstrations that reinforce the legitimacy of conventionality control in Brazil, the stances of national judges remain largely unconventional. The STF and STJ, the two highest courts responsible for guiding national legal understanding, have implemented this control in a precarious and sometimes contradictory manner concerning international norms, failing to take a vanguard position on this vertical harmonization (Dantas; Moreira, 2023). In state courts, decisions are sporadic and often depend on the personal efforts of judges or external impulses, although they do not have significant national jurisprudence. In TJRN, for example, there is a tendency to resist the application of international Law, which is generally applied in accordance with the understanding of a higher court to protect domestic law or in disagreement with provisions that have been recognized in judicial decisions (Lopes Filho; Moreira, 2021).

If the Judiciary fails to adhere to this commitment, often due to ignorance or negligence concerning international norms essential for human rights protection, the onus primarily shifts to other judicial entities to ensure the efficacy of these provisions (Carneiro, 2023). The lack of innovation in national courts calls for proactive initiatives that promote debate and the applicability of the block of conventionality to the Brazilian social reality. For this reason, the role of the Public Prosecutor's Office stands out as a guardian of the legal order, whose preventive, interdisciplinary, and coordinated action, linked to a promotional and resolute profile, prompts the structuring of conventionality control as an institutional purpose (Mattei, 2022).

Incidentally, the demand for this stance from the prosecution body, with the duty to prevent or remedy human rights violations, is emphasized in recent condemnations issued by the I/A Court H.R. against the Brazilian State. The Favela Nova Brasília Case, which deals with the murder of civilians, torture, and sexual violence against women committed during a police intervention in Rio de Janeiro, highlights the inertia of the local Public Prosecutor's Office in investigating and fulfilling its role of supervising police agencies, which was even a decisive factor in the case never being resolved (Guerra; Guerra; Manganote, 2022). The decision issued by the Court in 2016 recognized that the activities carried out, or, more accurately, the

constitutional principles (such as the principle of reasonable duration and the comprehensive protection of children and adolescents), as well as with the precedents and interpretative standards of the Inter-American Court of Human Rights and other human rights treaties to which Brazil is a party" (our translation). (TJPR, Interlocutory Appeal No. 0033667-19.2024.8.16.0000, rapporteur: Judge Eduardo Augusto Salomão Cambi, 12th Civil Chamber, publication date: 30/04/2024).

¹² Vide: TJRN, Public Civil Action No. 0813413-08.2019.8.20.5124, rapporteur: Judge Dilermando Mota, publication date: 13/05/2024.

activities neglected by the Public Prosecutor's Office, the Police, and the Judiciary, were interconnected in a way that perpetuated police violence (OAS, 2017).

In these terms, as reinforced in the decisions of the Tavares Pereira Case and the Honorato Case, both issued in November 2023, related to similar situations of police massacres, which were also shelved without due resolution, the Court demanded that the Public Prosecutor's Office, as an independent entity and unrelated to the security forces, take the lead in criminal investigations involving serious offenses committed by police officers¹³. Given this, the Inter-American Court considered it essential for the Brazilian State to adopt the necessary normative adjustments regarding investigative competence, emphasizing the prosecution body's mission to incorporate conventionality control into its operations (OAS, 2023b).

Thus, the importance of conventionality control in Brazilian Law becomes evident as a guaranteed mechanism for implementing laws and public policies that adhere to constitutional and human rights standards. According to the previously cited condemnations by the I/A Court H.R., judicial entities must conduct this control. In this context, the intervention of the Public Prosecutor's Office is fundamental for the promotion of human rights, preventing the perpetuation of blatant violations and ensuring the enforcement of the block of conventionality integrated into the domestic legal order. With these theoretical parameters established, the next topic addresses conventionality control as an institutional function of the Public Prosecutor's Office, reinforced through a case study based on the prosecutorial role in the Brazilian State of Rio Grande do Norte.

4 CONVENTIONALITY CONTROL BY THE PUBLIC PROSECUTOR'S OFFICE

The Public Prosecutor's Office has a constitutional role in upholding human rights and is tasked with ensuring compliance with the norms enshrined in the Brazilian *corpus iuris*. Article 127 of the Federal Constitution assigns the Prosecutor's Office the responsibility of upholding the legal order, the democratic regime, and the inviolable social and individual interests, whereas Article 129, II, of the same document, mandates its obligation to implement the requisite measures to ensure these protections. As such, the prosecution body holds the legitimate role of promoting conventionality control to ensure the harmonization of national legislation, regulations, and practices based on the constitutional block and the inter-American

¹³ All three decisions shared the position that: "The State, within one year of notification of this judgment, shall establish the necessary legal mechanisms so that, in situations of presumed deaths, torture or sexual violence resulting from a police intervention in which *prima facie* it appears possible that police agents could be involved, immediately following the *notitia criminis*, the investigation is entrusted to an independent body, distinct from the police force involved in the incident, is put in charge of the investigation, such as a judicial authority or the Public Prosecution Service, assisted by police, criminalistic and administrative personnel unrelated to the law enforcement agency to which the possible perpetrator or perpetrators belong" (OAS, 2017, pp. 84-85)

corpus iuris, guided by legal interpretation principles that prioritize the protection of human rights (Kluge, 2022). Thus, the *Parquet* emerges as a guardian of the inter-American legal order, attentive to the precedents set by the Inter-American Court and conventional provisions, with the potential to effectively promote their application in Brazil's social reality.

In this regard, in alignment with its constitutional mission, the Brazilian Public Prosecutor's Office plays a crucial role in expanding human rights. Its actions are embedded in a dialogical legal order that reconciles domestic and international norms, whose compatibility depends on the commitment of state units to foster a resolute stance among judicial bodies (Camelo; Moreira, 2024). For this reason, the role of the prosecution institution must be proactive and preventive, apart from merely demanding initiatives that limit its action to judicial proceedings. It is, therefore, essential for the Prosecutor's Office to prioritize the use of all instruments and mechanisms at its disposal, going beyond simple law enforcement activities or reactive action. Instead, it should use these tools to prevent human rights violations, committed to its mission as a transformative social agent (Mazzuoli; Faria; Oliveira, 2022).

That said, it is essential to analyze conventionality control within the scope of the Public Prosecutor's Office. The first subtopic delves into *Parquet's* tendency toward a resolute stance, particularly concerning the compatibility of international human rights norms, in a broad vertical examination. Next, the second subtopic connects these concepts with practical circumstances, focusing on the Public Prosecutor's Office's role in Rio Grande do Norte. This section comprises two parts: the first addresses a collection of actions in which conventionality review was implemented, while the second explores prospective scenarios that necessitate the immediate implementation of this review by the institution.

4.1 RESOLUTION-ORIENTED PUBLIC PROSECUTOR'S OFFICE: PREVENTIVE ACTION THROUGH CONVENTIONALITY EXAMINATION

The prosecutorial activity of promoting human rights goes beyond the mere role of a guardian of the law, which waits for violations of the legal order to intervene in an essentially demand-driven manner. The constitutional role of the Brazilian Public Prosecutor's Office calls for preventive action, encouraging voluntary compliance with normative instruments, combined with repressive action, essential in the application of coercive measures in the face of state inertia, to establish a balance between institutional unity and functional independence, in a dialogical construction with the *pro persona* interpretation (Kluge, 2022). The conventionalization of *Parquet's* activities facilitates the pursuit of demands through resolute means, leaving behind a reactive model to observe international standards for protecting human rights as a modern alternative for conflict resolution (Heemann, 2017).

Based on this, the concept of a Resolutive Public Prosecutor's Office is outlined through a comparative analysis of the contrast with the demand-driven paradigm. The purpose is to foster a trend that enhances agility and proactivity in the institution's settlement of social conflicts. This is accomplished by an innovative and pragmatic approach focused on practical results, utilizing its extrajudicial intervention mechanisms as a primary recourse (Rodrigues, 2015). In this context, the Judiciary is seen as a last resort, to be activated only when all prior possibilities for settlement have been exhausted or in cases of legal violations.

The transition from the role of *custos legis*, that is, a mere guardian of domestic norms, to *custos juris*, responsible for ensuring compliance with all norms incorporated into the Brazilian legal system, positions the Public Prosecutor's Office as a central actor in the conventionality review of domestic normative acts (Mazzuoli; Faria; Oliveira, 2022). Consequently, as *custos juris*, the institution also assumes the role of *custos tractatus*, acting as a manager of international treaties, which encompasses a broader responsibility to defend the legal order, the democratic regime, and collective interests.

The evolution of Brazil as a Cooperative Constitutional State requires the *Parquet*, as a political agent serving the State and the administration of justice, to incorporate international norms into its institutional performance, expanding its normative mosaic and complementing its manifestations (Dias, 2021). Stemming from its constitutional mission, the Prosecutor's Office has a legitimate interest in promoting and protecting human rights, with an emphasis on the prevalence and effectiveness of the conventionality block. Through a dialogical and politically transformative approach, the institution aims to implement public policies, develop distributive justice, and build a humanitarian and cooperative cosmopolitan dimension (Cambi; Porto, 2021).

In this way, by consolidating a resolute stance, the Public Prosecutor's Office adopts a prospective approach aimed at preventing human rights violations through strategic litigation capable of structuring institutional control mechanisms and participation in the administration of justice, with the potential to generate precedents for the national legal system and foster dialogue between Courts (Melo, 2021). As a result, the appreciation of international human rights treaties is particularly relevant, whether by utilizing conflict resolution mechanisms – extrajudicially, as a primary approach, or judicially, after the exhaustion of domestic remedies – or by applying the inter-American standards as argumentative reinforcement or in the dialogue of sources.

Therefore, the prosecutor's body not only has the power to apply international human rights protection standards but also must fully comply with them (Carneiro, 2023), due to its constitutional mission and regional legitimacy under Article 44 of the ACHR. Moreover, through Recommendation No. 96/2023, the CNMP acknowledges this resolute approach, encouraging socially preventive actions that align with its power-duty as an agent of social transformation by observing international human rights norms and inter-American standards. It follows that every Brazilian Prosecutor of Justice is, by extension, an inter-American Prosecutor of Justice, acting as a guardian of the legal order, bearing the functional

responsibility of ensuring the full incorporation of human rights treaties and the enforcement of rulings issued by the inter-American Court (Serrano; Nunes Júnior, 2023).

After all, given that the Prosecutor's Office is legitimized to exercise constitutional control, there is no plausible legal justification for failing to conduct conventionality control, as derived from the maxim "*in eo quod plus est semper inest et minus*" – that is, who can do the most can do the least (Fachin; Gambi; Porto, 2021). From this perspective, the institution is therefore duty-bound to oversee the application of norms and advocate for the harmonization of any laws that contradict ratified provisions, especially in cases of massive human rights violations that amount to an Unconstitutional State of Affairs (Cambí; Porto, 2021). Thus, the inter-Americanization of the Public Prosecutor's Office enables the consolidation of a resolute stance, engaged in its constitutional role of humanitarian and democratic protection, acting as a guardian of the international legal order.

4.2 EMPIRICAL ANALYSIS: THE APPLICATION OF CONVENTIONALITY CONTROL BY THE PUBLIC PROSECUTOR'S OFFICE OF RIO GRANDE DO NORTE

Having established the importance of a proactive and preventive role by the Prosecutor's Office, which has established itself as a key player in the defense of human rights and has evolved into a function of *custos juris* and *custos tractatus*, it becomes essential to expand the study beyond bibliographic sources to assess the practical application of these concepts. As such, this subtopic is dedicated to an empirical analysis through a case study on the application of conventionality control by the MPRN. To this end, the research is divided into two perspectives: first, the collection of factual manifestations in which conventionality control was employed across various spheres of institutional action; and second, a prospective and suggestive analysis, identifying situations of human rights violations in the state.

4.2.1 Manifestations that employ the conventionality exam

The identification of cases in which the MPRN has conducted a conventionality review stems from a practical case study within the institution. Initially, regarding conventionality control, prosecutor statements that referenced international human rights precepts were examined, with particular emphasis on the actions of the Office of the Attorney General in a collection of cases carried out through communication with Advisors and Prosecutors. In this context, the intervention of MPRN in the second instance requires diligence and strict adherence to human rights protection norms since the institution serves as an impartial entity committed to ensuring the effective exercise of the legal order and the complete application of the Brazilian *corpus iuris* (Camelo; Moreira, 2024).

In addition to this, it also addresses other circumstances in which the Public Prosecutor of Rio Grande do Norte, in the capacity of an inter-American law operator, attentive to the foundations of international hermeneutics and regional jurisprudence, invokes

conventionality control as a paradigm for the preventive and pragmatic action of the MPRN. In this regard, the analysis is based on a collection of ministerial manifestations that reference international norms, thus structuring the study around the identification of this control, which allows the verification of the tendency of the norms employed and the assimilation of the institutional practice of compatibility assessment.

In the judicial sphere, it is observed that the application of conventionality control by the Public Prosecutor is rare, typically occurring in promoting such control by the Judiciary, often as an argumentative reinforcement for the manifestations issued by prosecutors. For instance, in an opinion from the 2nd Prosecutor's Office of Justice, which upheld a criminal revision request, the ACHR was invoked to reject a violation of the principle of *non-bis in idem* due to a decision that simultaneously applied formal concurrence and continued offenses in cases of robbery¹⁴. Thus, the prosecutorial agent, in the exercise of supervisory intervention, guided by independence and impartiality, exercised the conventionality control in response to a judicial initiative, at which point the institutional ensured the best interpretation and application of domestic law in light of the conventional norms to which Brazil is a party (Mazzuoli, 2022).

Additionally, the 3rd Prosecutor's Office of Justice issued an opinion advocating for the annulment of a judgment in a case where the Court had denied the hearing of a declarant who was not formally listed in the case records but was present in Court, arguing that this refusal blatantly violated Article 8(2)(f) of the ACHR. On this occasion, the Prosecutor of Justice, citing STF's Binding Precedent No. 25 and the supra-legal status of the Convention, emphasized the role of conventionality control as a mechanism for adapting domestic rules to international human rights standards. The opinion stated that "the judge's conduct violated a fundamental right of the appellant, as it disregarded an express provision of the aforementioned human rights treaty" (our translation)¹⁵. However, the Criminal Chamber of the TJRN did not uphold this position, which rejected the request for annulment on the grounds of violating the right to defense.

Meanwhile, referring to inter-American jurisprudence, precisely the Carandiru case, the 6th Prosecutor's Office of Justice, in issuing an opinion for the dismissal of a Civil Appeal

¹⁴ According to the prosecutorial opinion: "It is verified that the court, by simultaneously applying formal concurrence and continued offenses in cases of robbery, blatantly violated the principle of *non-bis in idem*, which, as is well known, is a fundamental guarantee expressly provided for in Article 8.4 of the American Convention on Human Rights (Pact of San José, Costa Rica), incorporated into the Brazilian legal system with supralegal status under Decree No. 678/92, and also stems from the systematic interpretation of constitutional provisions, such as the principle of human dignity enshrined in Article 1, III, of the Brazilian Federal Constitution" (our translation) (Criminal Review 0808012-06.2021.8.20.0000, 3rd Prosecutor of Justice Naide Maria Pinheiro, acting as legal substitute for the 2nd Prosecutor of Justice, publication date: 08/24/2021).

¹⁵ Criminal Appeal 0805492-47.2022.8.20.5300, 3rd Prosecutor of Justice Naide Maria Pinheiro, publication date: 02/21/2024.

in a civil liability action for moral damages due to the death of prisoners during a confrontation between rival criminal factions in a state prison, applied the conventionality control in the sense that:

Given the assumption of different commitments by the Brazilian State within the UN system and, likewise, within the inter-American system, the adoption of preventive and repressive measures by federal political entities stands out as essential to overcoming the unconstitutional and, furthermore, unconventional state of affairs in the national penitentiary system, aware that, on multiple occasions, before the inter-American Commission on Human Rights and the inter-American Court of Human Rights, Brazil has faced international accountability and the imposition of measures for prevention, reparation, investigation, and compensation. (our translation) (Civil Appeal No. 0800131-61.2019.8.20.5136, 6th Prosecutor of Justice Carla Campos Amico, date of publication: 08/04/2021).

Likewise, regarding first-instance proceedings, the MPRN's Operational Support Center for Public Asset Defense Prosecutor's Offices (CAOP-PP) has developed continuously updated drafts of civil appeals concerning the restrictive interpretation of Article 11 of the Brazilian Administrative Improbability Law, as amended by Law No. 14.230/2021. This interpretation is understood to undermine corruption prevention under the principle of proportionality (deficient protection of the legal good), especially given the Merida Convention. Based on this, revisiting a case already mentioned in the previous section (referring to a decision by the TJRN), it is worth highlighting the appeal filed by the 6th Prosecutor's Office of Parnamirim/RN, which applied the draft, invoking conventionality control of the norm. The appeal argued that the strict interpretation introduced by the legislative amendment violates the principle of non-regression and conventional provisions¹⁶.

Moreover, the Interamericanization of the Public Prosecutor's Office is evidenced in a request filed by the 19th Prosecutor's Office of Natal/RN against the State of Rio Grande do Norte, aiming at the application of the decision issued by the I/A Court H.R. in the Favela Nova Brasília case, requiring the adoption of regulatory adjustments concerning investigative jurisdiction in situations of police violence. In this context, the Public Prosecutor Wendell Beethoven aligns efforts to ensure the effectiveness of international *res judicata*, complying with the Court's directive to Brazilian prosecutorial bodies so that local public security agencies oversee police activities. As a result, the 3rd Public Finance Court of Natal, in case No. 0804962-33.2023, recognized the enforceability of the international ruling, mandating the Rio Grande do Norte to disclose data on deaths resulting from police operations across the entire territory.

¹⁶

Civil Appeal, Public Civil Action No. 0813413-08.2019.8.20.5124, Prosecutor of Justice Sergio Gouveia de Macedo, 6th Prosecutor's Office of Parnamirim/RN, publication date: 07/26/2022

Finally, in the extrajudicial sphere, the conventionality review is invoked in Recommendation No. 02/2024 of the MPRN, also promoted by Public Prosecutor Wendell Beethoven, urging compliance with the judgment of the Interamerican Court in the Tavares Pereira case. Thus, in line with the *pro persona* interpretation criterion and inter-American standards, the prosecutorial body issued recommendations to the governor of the State of Rio Grande do Norte, emphasizing that independent agencies should conduct investigations into civilian deaths resulting from police interventions. In this regard, in an Administrative Management Procedure, the Inspector Prosecutor Flávia Felício further advocated for extending this directive to criminal prosecutors, advising them not to recognize the validity of police investigations that contradict inter-American jurisprudence¹⁷.

4.2.2 Situations for the potential application of conventionality control

As a matter of fact, there is an urgent need to expand the conventionalization of the Public Prosecutor's Office in circumstances of human rights violations in Rio Grande do Norte. As an example of potential application, it is essential to note that the TJRN faces an overload of demands for sentence deduction because the trial court does not apply it immediately, leaving the responsibility to the execution court, which, in turn, is reluctant to modify the sentencing regime, even when required due given the time served in pre-trial detention¹⁸. This situation reveals a transgression of the legal order, as sentence deduction is a subjective right of the convicted individual, in line with Article 7 of the ACHR, so its repercussion on the establishment of the initial sentence regime is a legal imposition and must be carried out by the execution court if not implemented during the trial phase.

Although the Court has duly upheld the defense arguments, the restriction of changes to the second instance perpetuates a State of Unconventional Affairs. Given this, it is essential that the Public Prosecutor's Office, maintaining a resolute stance to ensure humanitarian protection, effectively exercises conventionality control for the immediate resolution of the dispute. However, the opposite occurs: the first-instance institution has contributed to maintaining the situation unchanged, while the Prosecutor's Office, despite being favorable to the appeals, does not refer to conventional provisions. Adopting a proactive approach grounded in the conventionality block by the prosecutorial body is crucial to rectifying institutional shortcomings and ensuring the rights of convicted individuals.

At the same time, the conventionality control can also serve as a mechanism for normative adequacy in cases of preventive detentions based solely on the generic criterion of "ensuring public order" outlined in Article 312 of the Brazilian Code of Criminal Procedure.

¹⁷ See: MPRN, Administrative Management Procedure No. 20.23.0461.0000037/2024-30, Inspector Prosecutor Flávia Felício Mathias da Silva, Office of the Inspector General of the Public Prosecutor's Office, publication date: 06/10/2024.

¹⁸ Regarding this matter: TJRN, Criminal Execution Appeal No. 0810216-52.2023.8.20.0000, rapporteur: Convoked Judge Ricardo Tinoco, Criminal Chamber, publication date: 10/16/2023.

Since such detentions pursue extra procedural objectives, without being linked to objective indications of culpability, are incompatible with inter-American standards, undermining the exceptional nature that the IACHR and the jurisprudence of the I/A Court H.R. recommend for such measures (Oliveira; Bezerra; Moreira, 2023). In this context, the Public Prosecutor's Office should preferably foster a vertical dialogue of legal sources, advocating for the Brazilian legal norms to be declared invalid due to the unconventionality of this penal typology.

Finally, the potential for intervention by the Public Prosecutor's Office is further highlighted through the alignment of the impossibility of entering into a Non-Prosecution Agreement (ANPP) in racism-related offenses with the provisions of the Inter-American Convention against Racism. Conventional protection, which guarantees victims of racism adequate access to justice with fair redress in both civil and criminal spheres, precludes the legitimacy of such agreements in these cases (Serrano; Nunes Júnior, 2023). Given that the Prosecutor's Office is the legally designated authority for proposing these agreements, it is even more imperative that the institution acknowledges and takes a stance against this possibility, considering its unconventionality and the insufficiency of the deal in ensuring the condemnation and prevention of the crime of racism.

5 FINAL CONSIDERATIONS

The practical application of international human rights norms depends on a robust mechanism of vertical compatibility that adapts domestic norms to agreed precepts. Thus, the promotion of conventionality control is linked to the State's commitment to respecting ratified international treaties, ensuring responsive legal norms in line with the *pro persona* interpretation and international standards of human rights protection. In this context, the relevance of Sustainable Development Goal 16 is pertinent, as it places upon States the duty to develop effective and strong institutions, encompassing the protection of national and international *corpus iures*.

In this sense, Brazil needs to advance in building a Democratic State of Law that guarantees equal access to justice through effective state entities capable of coordinating the powers of public administration. Judicial bodies are part of this management, reconciling domestic normative order with legal effects and practices in compliance with the jurisdictional protection of the constitutional and conventional order. Given this, it is up to the Public Prosecutor's Office, as a guardian of the Law, to adopt a resolution-oriented stance that aims to prevent violations given its power duty to defend social interests and promote human rights.

Therefore, the Public Prosecutor's Office has the special mission of promoting conventionality control in the Brazilian legal framework, providing an inclusive judicial system for sustainable development in harmony with the international duties assumed by the country. In this sense, based on empirical analysis within the prosecution body of Rio Grande do Norte, it is evident that the institution has modestly incorporated the bloc of conventionality into its

judicial statements and has been working to advance the extrajudicial recognition of the binding effects of inter-American precedents. These initiatives reflect the institution's tendency to recognize the importance of the conventionality exam as a mechanism for social transformation and dispute resolution, in addition to advancing the Inter-Americanization of the Public Prosecutor's Office.

In conclusion, the stances taken by prosecution members to ensure the adherence to the vertical compatibility of international human rights sources within the domestic legal system are praiseworthy, integrating this approach with the institution's goals. Such illustrates that this intervention instrument is both legitimate and essential for advancing the institution's resolute position, aligned its *custos tractatus* function, consistent with its constitutional mandate, and mindful of the Inter-American legal order. After all, it is crucial that the conventionalization of the Public Prosecutor's Office's actions continues to evolve, and does not remain merely a trend, so that it becomes effectively integrated as part of its attributions, in line with recent recommendations from the CNMP and the demands made by the Inter-American Court of Human Rights to the Brazilian State.

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