



**Fernando Roberto Schnorr Alves**

***Structural Measures of the Federal Supreme Court in Public Policies: How the Brazilian Court has been a Transforming Agent in Contributing to ICCAL***

**MPIL Agora**

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The research starts from the understanding of the role of Constitutional Courts as agents of social transformation, in defense of fundamental rights and human rights, from the perspective of Transformative Constitutionalism. In this scenario, structural measures in the sentences by the Brazilian Supreme Court are selected as the object of research as a tool for performing this function in confronting racial structural inequalities. Observing studies in comparative law on structural sentences, analysing their applicability in the Brazilian scenario, and especially, analysing the transformative impact of constitutional jurisdiction to defend these rights.

These inequalities are structural because they are rooted in society, sometimes even institutionalized, and harm the rights of vulnerable minorities, whether in social, political and/or economic respects. The structural sentences, as an instrument of judicial protection, have the potential to promote institutional dialogue among government agents to remedy institutional blockages and to induce state acts to defend fundamental rights.

The decisions selected use structural measures inspired by the Colombian Constitutional Court and the measures of prevention of the Inter-American Court of Human Rights, it contributes to a protection that make part of a multilevel legal system through conception of the *Ius Constitutionale Commune* for Latin America and minimum standards of protection for human rights for the Constitutional Courts. This role played by the Brazilian Court reinforces the phenomenon of Transformative Constitutionalism in Latin America.



**About the Speaker**

Fernando Roberto Schnorr Alves is a PhD Candidate in Law at the University of Santa Cruz do Sul (Santa Cruz do Sul, Brazil), studying in the line of research of Instrumental Dimensions of Public Policies, as a Capes scholarship holder. He is a member of the research group "Open Constitutional Jurisdiction: A proposal to discuss the legitimacy and limits of constitutional jurisdiction - theoretical and practical instruments". The current research project that he conducts has been funded by Coordenação de Aperfeiçoamento de Pessoal de Nível Superior (Capes), a foundation created by

the Ministry of Education of Brazil, including the funds for the period as a guest researcher at the Max Planck Institute. He is author of several articles on public and constitutional law topics, especially on fundamental rights issues, and also is admitted to practice as a lawyer in Brazil.

**For all enquiries regarding MPIL Agora coordination please contact:**

**Dr. Malcolm Jorgensen [jorgensen@mpil.de](mailto:jorgensen@mpil.de)**