



Editorial

The multidimensional role of Public Defender's Offices in guaranteeing the right to health and strengthening the SUS

A atuação multidimensional das Defensorias Públicas na garantia do direito à saúde e fortalecimento do SUS

La actuación multidimensional de las Defensorías Públicas en la garantía del derecho a la salud y el fortalecimiento del SUS

Edson Rodrigues Marques¹

Defensoria Pública da União, Brasília, DF.

 <https://orcid.org/0009-0001-9829-3889>

✉ edson.marques@dpu.def.br

Sandra Mara Campos Alves²

Fundação Oswaldo Cruz, Brasília, DF.

 <https://orcid.org/0000-0001-6171-4558>

✉ smcalves@gmail.com

Diego de Oliveira Silva³

Defensoria Pública da União, Brasília, DF.

 <https://orcid.org/0009-0001-0793-475X>

✉ diego.silva@dpu.def.br

Abstract

The Public Defender's Office, a permanent institution essential to the jurisdictional function of the State, acts in defense of the interests of the underprivileged and in the promotion and protection of human rights, including the right to health. Since the 1988 Constitution, with the adoption of a nationwide model — the Federal Public Defender's Office (DPU), the Public Defender's Office of the Federal District and Territories, and the State Public Defender's Offices — the institution has established itself as an important element in promoting access to justice for the most vulnerable. Analyzing the work of Public Defender's Offices in the field of Health Law, in both judicial and extrajudicial dimensions, is imperative to understanding the role of the institution in protecting and affirming this important social right, and an invitation to reflect on health governance that is both technically sound and deeply humane.

Keywords: Public Defender's Office; Unified Health System; Vulnerable Groups.

¹ LL.M in Constitutional Law, Instituto Brasileiro de Ensino, Desenvolvimento e Pesquisa, Brasília, DF, Brazil. Federal Public Defender, Defensoria Pública da União, Brasília, DF, Brazil.

² Ph.D in Public Health, Universidade de Brasília, Brasília, DF, Brazil. Professor and Researcher in Public Health, Fundação Oswaldo Cruz, Brasília, DF, Brazil.

³ Ph.D in Public Law, PUC Minas, Minas Gerais, MG, Brazil. Federal Public Defender and Director-General of the Escola Nacional da Defensoria Pública da União, Brasília, DF, Brazil.



Resumo

A Defensoria Pública, instituição permanente e essencial à função jurisdicional do Estado, atua na defesa dos interesses dos hipossuficientes e na promoção e proteção dos direitos humanos, incluindo o direito à saúde. Desde a Constituição de 1988, com a adoção do modelo de abrangência nacional – Defensoria Pública da União (DPU), Defensoria Pública do Distrito Federal e Territórios e Defensoria Pública dos Estados –, a instituição se consolida como um importante elemento na promoção do acesso à justiça aos mais vulneráveis. Analisar a atuação das Defensorias Públicas na seara do Direito Sanitário, nas dimensões judiciais e extrajudiciais, mostra-se um imperativo para compreender o papel da instituição na proteção e afirmação desse importante direito social, e um convite à reflexão sobre uma governança sanitária que seja, ao mesmo tempo, tecnicamente sólida e profundamente humana.

Palavras-chave: Defensoria Pública; Sistema Único de Saúde; Grupos Vulnerabilizados.

Resumen

La Defensoría Pública, institución permanente y esencial para la función jurisdiccional del Estado, actúa en la defensa de los intereses de las personas en situación de vulnerabilidad económica y en la promoción y protección de los derechos humanos, incluido el derecho a la salud. Desde la Constitución de 1988, con la adopción de un modelo de alcance nacional — la Defensoría Pública de la Unión (DPU), la Defensoría Pública del Distrito Federal y Territorios, y las Defensorías Públicas de los Estados — la institución se ha consolidado como un pilar fundamental en la promoción del acceso a la justicia para las poblaciones más vulnerables. Analizar la actuación de las Defensorías Públicas en el ámbito del Derecho Sanitario, tanto en sus dimensiones judiciales como extrajudiciales, se revela como un imperativo para comprender el papel institucional en la protección y afirmación de este importante derecho social, así como una invitación a reflexionar sobre una gobernanza sanitaria que sea, al mismo tiempo, técnicamente sólida y profundamente humana.

Palabras clave: Defensoría Pública; Sistema Único de Salud; Grupos Vulnerabilizados.

The right to health, guaranteed by the Federal Constitution of 1988, is a duty of the State and an inalienable expression of human dignity, the realization of which depends largely on the Unified Health System (SUS), a public policy adopted by Brazil aimed at ensuring universal and equal access to public health actions and services⁽¹⁾. And despite continuous improvements aimed at achieving comprehensiveness and universal access, structural obstacles and inequalities persist that affect various segments of the Brazilian population⁽²⁾.

In this context, the role of the Public Defender's Office stands out. It is a permanent institution essential to the jurisdictional function of the State, which acts to defend the interests of the vulnerable and to promote and protect human rights, including the right to health⁽¹⁾. Since the 1988 Constitution, with the adoption of a nationwide model — the Federal Public Defender's Office (DPU), the Public Defender's Office of the Federal District and Territories, and the State Public Defender's Offices — the institution has established itself as an important element in promoting access to justice.

Public defenders, therefore, are not merely judicial representatives, but are distinguished by their “institutional role based on the promotion of human rights, the defense of collective interests, multidisciplinary assistance, extrajudicial resolution of disputes, and rights education”⁽³⁾. This growing expansion of their role can be observed, from a normative point of view, in Complementary Law N°. 80/1994⁽⁴⁾ and its subsequent update by Complementary Law N°. 132/2009⁽⁵⁾, which added, among other points, the institution's role in defending children, adolescents, the elderly, women victims of domestic violence, and other vulnerable groups that require special attention from the State⁽⁵⁾.

It is important to note that the role of the Public Defender's Office transcends initial petitions and appeals to higher courts. The institution has established itself as an agent of extrajudicial transformation, prioritizing mediation and administrative resolution to avoid the wear and tear of judicial litigation⁽⁶⁾.

In this sense, analyzing the role of Public Defender's Offices in the field of Health Law, in both judicial and extrajudicial dimensions, is imperative to understanding the institution's role in protecting and affirming this important social right, and an invitation to reflect on health governance that is both technically sound and deeply humane⁽⁷⁾.

Thus, whether by guaranteeing access to high-cost drugs for rare diseases, such as Elevidys, or by fighting to reduce waiting lists for cancer surgeries, which can reach 161 days in centers such as São Paulo, the Public Defender's Office reaffirms itself as the sentinel of the underserved. This edition of the *Cadernos Ibero-Americanos de Direito Sanitário (CIADS)*, in the form of a thematic dossier, delves into this complexity, bringing contributions that analyze everything from the radicalization of legal technicality to the open wounds of neglect in vulnerable groups.

The dossier presents articles that analyze everything from recent decisions by the Federal Supreme Court (STF) on the judicialization of health - Themes N°. 1,234 and 6 - and the repercussions of this decision for the population assisted by the public defender's office; as well as the use of the Inter-American Human Rights System by the Public Defender's Office of the state of Rio de Janeiro in response to the historical problem of insufficient intensive care unit beds in the public health system; and the actions of Brazilian State Public Defender's Offices in combating obstetric violence, through the production of educational materials, the provision of specific channels for reporting complaints, and the presence of Specialized Centers for the Promotion and Defense of Women's Rights.

Intersectorality is another important aspect of the work of public defenders contained in this dossier, analyzed from the perspective of public policies focused on the sexual and reproductive health of women deprived of their liberty in the municipality of Rio de Janeiro. There are also reflections on the conflicts between therapeutic transfusion refusal, conscientious objection, and the work of the Public Defender's Office in defending the rights of the affected group, in addition to other relevant topics.

Strengthening this institution and the bonds of federal cooperation between the Federal Public Defender's Office and the State Public Defender's Offices is the way to ensure that the SUS remains an inclusive national asset, capable of turning the constitutional promise of health into a tangible reality for all Brazilians.

References

1. Brasil. Constituição (1988). Constituição da República Federativa do Brasil. Brasília (DF): Presidência da República; 1988 [cited Feb 2, 2026]. Available from: https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm
2. Paim J. Sistema Único de Saúde (SUS) aos 30 anos. *Ciência & Saúde Coletiva* [internet]. 2018 [cited Feb 2, 2026];23(6):1723-1728 Available from: <https://doi.org/10.1590/1413-81232018236.09172018>
3. Vieira VA, Radomysler CN. A Defensoria Pública e o reconhecimento das diferenças: potencialidades e desafios de suas práticas institucionais em São Paulo. *Rev Direito GV* [Internet]. 2015 [cited Feb 3, 2026];11(2):455-480. Available from: <https://doi.org/10.1590/1808-2432201520>
4. Brasil. Lei Complementar nº 80, de 12 de janeiro de 1994. Organiza a Defensoria Pública da União, do Distrito Federal e dos Territórios e prescreve normas gerais para sua organização nos Estados, e dá outras providências. Brasília: Presidência da República; 1994 [cited Feb 3, 2026]. Available from: https://www.planalto.gov.br/ccivil_03/leis/lcp/lcp80.htm

5. Brasil. Lei Complementar nº 132, de 7 de outubro de 2009. Altera dispositivos da Lei Complementar nº 80, de 12 de janeiro de 1994, que organiza a Defensoria Pública da União, do Distrito Federal e dos Territórios e prescreve normas gerais para sua organização nos Estados, e da Lei nº 1.060, de 5 de fevereiro de 1950, e dá outras providências. Brasília: Presidência da República; 2009 [cited Feb 3, 2026]. Available from: https://www.planalto.gov.br/ccivil_03/leis/lcp/lcp132.htm

6. Sant'Ana RN. O relevante papel da Defensoria Pública na garantia do direito à saúde e na construção

do SUS. Cadernos Ibero-Americanos de Direito Sanitário [Internet]. 2013 [cited Jan 26, 2026];2(2):431-444. Available from:

<https://doi.org/10.17566/ciads.v2i2.95>

7. Tribunal de Justiça do Estado de São Paulo. Centro de Apoio ao Direito Público (CADIP). Judicialização da saúde: fornecimento de medicamentos pelo poder público [Internet]. 3ª ed. São Paulo: Tribunal de Justiça do Estado de São Paulo; 2024 [cited Jan 26, 2026]. Available from:

<https://www.tjsp.jus.br/Download/SecaoDireitoPublico/Pdf/Cadip/Esp-CADIP-Jud-Saude-3ed-2024-11-14.pdf>

Editorial information

History

Received: March, 4, 2026

Accepted: March, 4, 2026

Authors' contribution

E.R. Marques, S.M.C. Alves, D.O. Silva jointly conceived and wrote this editorial, critically reviewed the text, and approved the final version for publication.

Editorial team

Editor-in-chief: Sandra Mara Campos Alves

Guest editor (dossier): Edson Rodrigues Marques

Assistant editors: Amanda Nunes Lopes Espiñeira Lemos, Jarbas Ricardo Almeida Cunha

Associate editors: Edith Maria Barbosa Ramos, Marcelo Lamy

Executive Editor: Gabriel Teles

Editorial assistants: Danilo Silva Santos Rocha, Daphne Sarah Gomes Jacob Mendes, Maria Ester Simões Nogueira

Copy editor: Júlia Ribeiro Vitoriano

Translator: David Elias Cardoso Câmara

Publisher

Fundação Oswaldo Cruz (Fiocruz), Health Law Program, Brasília, DF, Brazil

Copyright

The authors retain the copyright to their works and grant Cadernos Ibero-Americanos de Direito Sanitário (CIADS) the right of first publication.

Open Access

This editorial is published in open access, with immediate, free, and permanent access to its content, with no charges for reading, downloading, or sharing.

License of Use

Copyright © 2026 Edson Rodrigues Marques, Sandra Mara Campos Alves, Diego de Oliveira Silva. This editorial is licensed under the [Creative Commons Attribution 4.0 International \(CC BY 4.0\)](https://creativecommons.org/licenses/by/4.0/) license, which allows use, distribution, and reproduction in any medium, provided that the original authorship and source of publication are properly cited.



How to cite (Vancouver)

Marques ER, Alves SMC, Silva DO. The multidimensional role of Public Defender's Offices in guaranteeing the right to health and strengthening the SUS. Cad. Ibero-Am. Direito Sanit. 2026;15:e2026013. doi: [10.17566/ciads.e2026013](https://doi.org/10.17566/ciads.e2026013)