

Environment and jurisdictional protection under a preventive perspective in cases of suicide



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ABSTRACT

The proposal of the authors is to present the psychological, social and economic impacts caused by the environment in which we currently live, by the bias of the new legal and sociological treatment of ecological issues, the innovation of human rights, quality of life, the right to peace and the balance of ecosystems, among others. It also wants to demonstrate the historical concepts, the multidisciplinary and the progressive increases in suicide rates, in the face of the consequences of these events within the perspective of the new sensibilities and cultural evolution of man-nature as a framework for the search for the environmental protection of ecology within the social, constitutional and technological sciences.

Keywords: Suicide, Environment, Environmental protection, Constitutional State, Preventions.

1 INTRODUCTION

When approaching a topic of extreme relevance, not only for the Law, but also for the social environment and for the other areas of the sciences and human development, what is evident is an increasingly worrying and shocking character when assessing the severity of the problem and its dimensions.

In this context, the present work will seek to clarify what suicide is, its main origins, the consequences of it for society, the environment that is currently lived and what its main relationship with this problem, in addition to its dimensions and will also discuss the consequences of suicidal behaviors, analyzing even the responsibility of the State and the Government.

And it will also address environmental issues, especially with regard to the provisions and guaranteed through the Federal Constitution of 1988, about the environment, as well as its quality and protection, even facing the theme of Brazilian environmental justice, behold, impunity on environmental aspects have several consequences for society and the environment, thus reflecting on



people's health and quality of life, and in a certain way, may even generate consequences with regard to cases of suicide.

Thus, the theme addressed in this article is of paramount importance in the field of human rights and the sustainable environment, as well as in the current area of the Constitutional State, emphasizing the urgent need for environmental protection, which will be the core of the considerations presented.

2 HISTORY OF SUICIDE AND SOCIOCULTURAL DEVELOPMENT

Before even entering into the environment of the causes and of all the aspect it is necessary to report that the word suicide is not of now, but comes from the seventeenth century, although there is previous information, but not recorded about such events.

According to Durkheim (2011), she was the first to develop a sociological study on the subject, whose book was released in 1897, where she was named as suicide any case of death that results directly or indirectly from a positive or negative act committed by the victim himself, an act that the victim knew should produce this result.

In fact, without going into the moral and religious issues that were happening at the end of the nineteenth century, the suicidal current began to be founded on capitalism and profit, causing a severe absence of values and rules, which constituted an abnormal phenomenon before society.

What is also surprising about the subject is that several thinkers, each in their own time, have been defining the term suicide. It was found that for Seneca the term suicide was an act of heroism", for Goethe as "an act proper to human nature, Kent defined it as "the arbitrary and premeditated destruction that man makes of his animal nature", Rousseau as "a violation of the duty to be useful to man himself and others", Nietzsche as "admitting death at the right time and with freedom", Sartre as "an escape or a failure," Shopenhauer as "the ultimate positivization of the human will," and Durkheim as "any case of death that results directly or indirectly from a positive or negative act committed by the victim himself, an act that the victim knew must produce this result." (SILVA, 1992 apud SHIKIDA, 2006).

All these thinkers, authors and true scholars of the subject, whether under the social, legal, empirical bias, among others, leads to the reflection of what needs to be rethought for the most current societies and what has to be modified, in this transition of theoretical understandings.

In addition, Botega (2015, p.11) also revealed that:

"Due to its dilemmatic, complex and multidimensional nature, there is no single way to look at or approach the problem and defines it as follows: suicidal acts "usually contain a more evident central idea, related to the act of ending one's own life, and peripheral ideas, less evident, related to motivation, intentionality and lethality."



Marx (2006), and the Italian Enrico Morselli (1882), investigated the increase and regularity of suicides in civilized countries, relating the influences of the environment with psychological, social, ethnic and economic issues, taking into account variables such as population density and quality of life in the countryside and cities.

Morselli's studies (1882) had as reference the first statistical data on suicides in the Social Sciences, constructed by the Belgian Quetelet and the French Guerry.

These authors narrated above were revolutionary in presenting in tables and maps, some statistical data on crime, suicide and other moral and social aspects, and such studies opened several paths in thematic cartography and data visualization, as well as boosted the development of Criminology and Criminal Sociology (MORSELLI, 1882).

Therefore, at the beginning, we seek to understand this relationship of suicide as if it were an inevitable epistemological "crossroads", which challenges theoretical and methodological paradigms of the Social Sciences, considering that it is an essentially trans and multidisciplinary theme, as are those also addressed by Criminology.

Many years have passed since the analyses presented here, but what leaves the perplexity in the air is that suicide always seems to return to the public debate from time to time, reflecting in the various areas (collective health, psychiatry, family medicine, psychology, etc.), especially in the human sciences.

However, in Brazil, suicide is no longer considered a crime¹, and suicide has been the object of studies aimed at a behavioral understanding of the individual who commits the act, or who tries to commit it, neglecting the social phenomenon that is evident in this process.

Also to what has been demonstrated throughout history is that suicidal behavior has strong relations with the environment that one lives, identifying protective and also aggravating factors for the phenomenon, and it is essential to bring to light the importance of organizations and those responsible for its prevention, because it is not exactly the body that dies: It is the body that carries with it the ethical, moral and social order, being the author of the crime, also its victim, behold, they are traumas that go, traumas that remain.

3 HEALTH, SAFETY AND SOCIAL WELFARE

The concept of quality of life can be very varied, as it is related to the time of a society, culture and welfare needs of a people. Because there is no consensus on the concept of quality of life, the WHO (World Health Organization) defined quality of life as the "individual's perception of his position

¹ It should be noted that although suicide is not legally a crime in Brazil, participation or encouragement to its act is, provided for in Article 122 of the Brazilian Penal Code (Decree Law No. 2848/1940 amended by Law No. 13,968, of December 26, 2019)



in life, in the context of the culture and value systems in which he lives in relation to his goals, expectations, standards and concerns."

Anthropologists explain that not everyone really seeks death and so it is not possible to understand suicide in a homogeneous way. Heterogeneity is the key that justifies such understanding, bifurcated in a social and another individual level (GANDRA, 1984), suicide in Anthropology is only amenable to analysis when effectively seen in the external social nuances that coordinate the experiences and in the intimate of those who affect and are affected by the environment. And so suicide is a unity resulting from human relationships.

Although society admits the understanding of the suicidal act as the ultimate object for problem solving, such a view is censored and silenced as something that no one would ever be able to glimpse. Therefore, in the final stage, suicide is something socially condemned.

In the individual character, the suicidal seeks changes, seeks realities that distinguish what was once put to him and thus exists as a door to the unknown in which not to be sure about any is not to give up living but to come to exist in another reality (GANDRA, 1984).

According to Soares (2015), the knowledge that the disclosure of suicides increases the likelihood of new suicides, led several countries to implement recommendations to the media, among them Germany, Australia, Austria, Canada, United States, Japan, New Zealand, Switzerland, in addition to being supported by the World Health Organization and the CDC (Center for Disease Control²).

Brazil follows this line, even without having any guidelines formulated from indicators demonstrating that this is the best way to prevent or reduce suicide attempts and deaths.

What occurs is the concealment of any type of information on the subject, both in relation to the details, such as photos, information about the environment and the place etc. as the places of treatment and research on the subject (SOARES, 2015).

Suicide is a theme understood as an abnormality that offends and can somehow contaminate the population, so hiding information is a way to "preserve" both people and the government, considering that it is a public health problem.³

Thus, human coexistence, social well-being and the whole plot of this theme, began to be an important indicator of quality of life, resulting in several gains for societies, including for the safety and health of workers, estimating the improvement in social responsibility under a set of techniques and acts that allow the adequacy of the environment in this aspect, observing the dignity of the human person.

² In translation: Center for Disease Control.

³ It is worth mentioning that something similar occurred in an advertising campaign for Valentine's Day in which same-sex couples appeared exchanging gifts, parliamentarians and religious managed to withdraw under pressure the announcement of the media, with the argument that the images would infect heterosexuals.



4 SUICIDE AND SOCIAL RESPONSIBILITY

The global data are systematized and consolidated by the World Health Organization (WHO) based on different sources and indicate that there are about 700,000 deaths annually by suicide in the world.

As for the information listed in this text, an acquiescence of the information is evidenced, since the collection of data for the national banks fed demand a regularity of the public and private agencies that feed them.

As referenced by WHO (2014, p. 9 and 16, our translation) many countries, in general, the poorest, there is not even a form of epidemiological data collection of the local population or even there is collection of suicide cases, for example. There are other collection systems, due to stigmatization and/or prejudice (in some countries the practice is considered illegal), that occurrences are not properly recognized and classified.

The research conducted on what influences suicide shows that there is a certain similarity in the information presented, as to the regions, age group, genders, among other comparisons. But what truly is striking that women have more repeated suicidal thoughts, and men commit the act of taking their own life more often.

Still, in September 2021, an epidemiological study conducted by the Brazilian Health Surveillance Secretariat of the Ministry of Health showed that suicide is much higher among men and 3.8 times higher risk of deaths by suicide than in women. In fact, the same study observed an increase in rates for both sexes.

For Dutra (2010), suicide, even today, remains wrapped in an aura of sin, shame and prejudice, just as in seventeenth-century England, in which the body of the suicide was crossed by a stake and placed at a crossroads, with a stone on the head, so that it did not return to haunt the living. In the Japanese practice of *hara-quiri*, suicide was considered honorable.

Dutra (2010), warns that suicide is not necessarily caused by psychopathology. So much so that much is expressed in contemporary immediatist and capitalist culture rejects the anguish, sadness and discomfort that inevitably accompany life and demands competence, agility and joviality thus facilitating that people not "fit" in this worldview come to be considered sick.

The pathologization of suicide, observes Dutra (2010), reinforces stigmas and prejudice against those who practice it and protects from the discomfort of thinking that suicide can, yes, be thought of as a viable alternative for life and result from a rational decision.

We cannot label "taking one's own life" as a purely moral problem, since only the person himself knows his bearable extreme of suffering or misery since the modern liberal State, in principle, is at the service of life and must recognize the juridical fragility of human life.



Adopting an expanded view of health, Dutra (2010) points out that the socioeconomic characteristics of the context where suicide occurs should not be ignored:

We cannot ignore the fact that a society that excludes citizens from the educational and health system and that eliminates the opportunities for a better quality of life is also a society that favors the loss of meaning of life and, in this way, reinforces, in some people, the desire to no longer live. (p. 246)

Thus, the social responsibility regarding these revelations, of sometimes not having choices, of the conduct of society is an important state of alert to face the challenges to a redefinition of public security, being essential a social/safe/human analysis, in which both the individual and the collectivity are part of the same object of examination.

5 ENVIRONMENT AND ENVIRONMENTAL JUSTICE IN THE FEDERAL CONSTITUTION OF BRAZIL

To understand and understand the current panorama in Brazil regarding environmental justice and the environment, it is necessary to analyze the articles in the Federal Constitution of 1988, which deal with the subject and that provide support and encouragement for the creation of laws that guarantee Brazilian environmental justice and that provide for the environment.

In this sense, Chapter VI, entitled as "Social Order" of the Federal Constitution of 1988, the first constituent to deal with the subject, is intended only for the environment, providing, in its article 225:

Art. 225. Everyone has the right to an ecologically balanced environment, a good for the common use of the people and essential to a healthy quality of life, imposing on the Government and the community the duty to defend and preserve it for present and future generations. (BRAZIL, 1988)

In this bias, in view of Salles (2013), states that the ecologically balanced environment was constitutionally enshrined as a fundamental right of three dimensions, being individual, behold, the quality of healthy life interests each person; social, because it is considered a good of common use of the people, being diffuse, integrating a collective patrimony; and intergenerational, behold, all generations must defend and preserve the environment for future generations.

It is also important to highlight the division of fundamental rights into generations. These, in turn, according to Fernandes (2003), complement each other, being of the first generation the rights belonging to individuals, in which they ensure their freedom; those of the second generation, who seek equality among all citizens, thus promoting justice; and those of the third generation, who seek development, including in this generation the healthy environment and balanced, behold, the common patrimony of humanity, being another right, that of solidarity.



Added to this, in a global panorama, it is essential to highlight that the environment has been recognized by the Human Rights Council of the United Nations (UN), as a human right to have a clean, healthy and sustainable environment (NAÇÕES UNIDAS BRASIL, 2021).

On the other hand, with regard to environmental justice protected by the Major Law, according to article 225, §3 of the Federal Constitution, "Conduct and activities considered harmful to the environment shall subject violators, individuals or legal entities, to criminal and administrative sanctions, regardless of the obligation to repair the damage caused." (BRAZIL, 1988).

Given this, in view of being guaranteed and protection of the environment, by the constitutional text, several laws and regulations have emerged to define the penalties regarding non-compliance with environmental protection, having, by way of example, the following laws: New Brazilian Forest Code (BRAZIL, 2012), in which, in a general panorama, it deals with the protection of native vegetation and forest exploitation, also bringing the economic instruments for the achievement of the objectives; Environmental Crimes Laws (BRASIL, 1988), which provides for criminal and administrative sanctions for conduct harmful to the environment; National Environmental Policy (BRASIL, 1981), which refers to the purposes of environmental policy and its application mechanisms, among several laws.

In addition, it is worth noting that the notion of protecting the environment, in order to remain healthy, goes far beyond what was imagined, behold, according to Guimarães:

The fulfillment of the fundamental right to a balanced environment is in tune with the notion of full development of the human personality, understanding it as directly linked to the reduction of social inequalities, eradication of poverty, as well as the right to health and dignified life. (2018, p. 52)

Thus, it is verified that such protection and environmental justice aim, in addition to the main objective that is to protect and conserve the environment, fauna and flora, also seek the defense of a dignified, healthy life, behold, the condition of human life depends essentially on a balanced environment, and the collapse of the environment would undoubtedly lead to collective suicide.

In view of this, Silva states the objective of protecting the environment:

The purpose of legal protection is not so much the environment considered in its constituent elements. What the law aims to protect is the quality of the environment as a function of the quality of life. It can be said that there are two objects in the tutelage: an immediate one, which is the quality of the environment; and another mediate, which is the health, well-being and safety of the population, which has been synthesized in "quality of life". (2003, p. 81)

Therefore, as an example of the importance of a healthy environment for people's daily lives, there are individuals who reside in large metropolises where the air is usually heavy; cities where temperatures are irregular; places where there is water rationing; droughts, fires, devastation, tornadoes, etc. Such conditions, of course, influence people's lives a lot.



Other examples about environmental influences can also be referenced with economic and social issues of people, related to where they live (for example, in places where there are high risks of landslides, droughts, etc.), as well as with regard to the food that can be produced on site and other issues.

Thus, currently, the demand for human rights is exposed with new perspectives, in various areas and themes, such as consumer rights, quality of life, and also an environment that is ecologically balanced (PEREZ-LUÑO, 2012, p. 56).

Given this, the salutary importance in observing the rights enshrined constitutionally and also in infraconstitutional norms, with regard to the environmental aspect, since such rights correlate and have impacts with various aspects in the lives of individuals and society as a whole.

6 EFFECTIVENESS OF ENVIRONMENTAL JUSTICE IN BRAZIL

First, the expression environmental justice was used by some organizations in the United States, in the 1960s, behold, they began the struggle for the civil rights of the poorest populations and also of several individuals who were being discriminated against due to greater exposure to environmental risks (ARENHART, 2015).

In this way, environmental justice comprises, in the view of Acselrad, Herculaneum and Padua:

Fair treatment means that no group of people, including ethnic, racial, or class groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, commercial, and municipal operations, the implementation of federal, state, local, or tribal policies and programs, and the consequences resulting from the absence or omission of such policies. (2004, pp. 09-10)

Therefore, the big question that is currently being debated is the extent to which Brazilian environmental justice is or is not effective, as well as whether citizens respect the laws and ordinances.

This is because, if individuals understand that nature/environment is about mere natural resources and business, it may lead to the extermination of the same, behold, it will remain legally injured, unless the legal norms are fulfilled to avoid impunity and prevent a healthy environment. (ACOSTA, 2009)

In this context, it is worth noting that the existence of laws and regulations that deal with the environmental, ecological theme exist to mitigate the risks related to environmental and climate catastrophes; to impose limits on individuals, respecting the conservation of nature and consequently a balanced environment; to punish citizens who exceed the non-respect of laws and norms; and a number of other factors, among them, to provide each human being, in a globalized way, the experience in the world in a healthier and safer way.



It is therefore necessary to discuss the effectiveness of existing environmental legal standards, since, "The politicians, legislators, judges and officials who create or enforce ecological law end up believing in the virtuality of normative responses." (PERES-LUÑOS, 2012, p. 59)

With this, Peres-Luños (2012) states that, with regard to the effectiveness or ineffectiveness of environmental norms, it is necessary to carry out an effective analysis of the norms and concrete cases to ascertain such efficacies or not, and even if some norms are presented as merely symbolic functions, they would still have a contribution, with regard to the stimulation of public powers and encouragement for public opinion.

In addition, related to the effectiveness of environmental justice linked to Brazil:

In Brazil, a country characterized by the existence of great injustices, the theme of environmental justice has been reinterpreted in order to broaden its scope, beyond the specific theme of chemical contamination and the specifically racial aspect of the discrimination denounced. The gigantic Brazilian social injustices cover up and naturalize a set of situations characterized by the unequal distribution of power over the material basis of social life and development. Injustice and discrimination, therefore, appear in the elitist appropriation of territory and natural resources, in the concentration of the benefits enjoyed from the environment and in the unequal exposure of the population to pollution and the environmental costs of development. (ACSELRAD, HERCULANO and PADUA, 2004, p. 10)

In addition, complements Acosta (2009), that a significant portion of the population does not meet their basic needs, generating chronic malnutrition, reducing the neurological development of these people, generating even more social inequality, creating a colossal environmental expenditure, behold, is being destroyed and modified several original systems, global warming, reduction of glaciers, culminating in environmental vulnerability.

In addition, according to Pilau Sobrinho (2003), for there to be a better quality of life in individuals, it is essential that it be invested in technological advances, and the State should supervise such actions, so that the advantages are distributed equally, and not only to individuals who have substantial financial conditions.

Therefore, it is notorious that there is still such social inequality in Brazil, leading to the existence, in this way, of several other inequalities, resulting even in an ineffective environmental justice, in which in addition to concentrating the benefits enjoyed from the environment in a small portion of the population, in contrast to exposure to pollution and all that a polluted environment provides, For the majority of the population, there are several impunity with regard to the imposition of the law, behold, it applies only in isolated cases, and most people do not have the conscience to comply with certain norms, proven through the such inequalities already mentioned.



7 HOW A HEALTHY ENVIRONMENT INFLUENCES SUICIDE REDUCTION/PREVENTION

At first, it is important to point out that, in the terms set forth above, the environment addresses and integrates in addition to the physical and biological aspects, also social aspects, which have a direct impact on people's lives, one of them being the propensity or not to suicide.

In this sense, Guimarães teaches:

In this perspective, it is integrated with the fundamental right to a balanced environment, the right to health, provided for in the list of social rights (article 6 of the Federal Constitution). In the discussion of this article, it can be stated that, in most cases, the situations of environmental degradation to which the less favored classes are subjected and the little access to natural resources matter in loss of health, quality of life and, in some cases, of life itself. In addition, this perspective includes the rights of workers, especially to a decent work environment that meets health, hygiene and safety standards, under the terms of the Federal Constitution. (2018, p. 54)

Thus, the balanced environment for being a fundamental right, is encompassed together with the right to health, which connects and interferes directly the balanced environment and in cases of suicide, behold, it is a matter of public health, in which it should be more noticed, especially by the Government, to carry out public policies for prevention, as well as for the treatment of the mental illness that affects the suicidal individual, before the involvement of the act and, with regard to the environmental issue, so that it provides an environment of higher quality and balanced, avoiding that the external means influence the decision of the individual.

Added to this, as stated by Sen (2000, p. 269), it is necessary to have, in addition to the imposition of the State, through regulatory norms, also a cultural change of the people themselves, in the sense of social and moral values, as well as a sense of responsibility, behold, the environmental challenge is part of a collectivity, and the development of environmental ethics can be inserted in the context of the imposing regulation of the State⁷.

Therefore, the State regulating environmental issues, making the environment remain balanced, and consequently providing people with better quality of life, with regard to the moral, economic, social, etc., is also contributing, indirectly, to a possible restraint with regard to cases of suicide, since, as narrated above, cases of suicide are very much linked to the social environment in which one lives.

In addition, in the same way that the environment helps in matters related to people's health, health, both mental and physical, also helps to have a higher quality environment, thus making this bilateral contribution. Thus, Carvalho provides:

To improve the health situation and reduce inequities, considering this approach to social determinants, it is necessary that coordinated and coherent interventions be implemented in the sectors of society that influence its structural determinants. In turn, good health contributes to other social priorities such as well-being, education, social cohesion, preservation of the environment, increased productivity and economic development. This generates a "virtuous



circle" in which health and its determinants feed back and benefit each other. (CARVALHO, 2013, p. 21)

In addition, Machado (2002) states that every individual has the right to a dignified life, based on the constitutional principle of the dignity of the human person, behold, it is not enough merely to stay alive, but rather that the individual's life has quality, implying a set of factors such as education, health, because it involves the elements of the nature of water, soil, air, flora, fauna and etc.

Thus, as already demonstrated above, the fundamental right to health of individuals is totally correlated with the environmental issue, behold, the elements of nature are essential for human survival, as well as with regard to their quality of life.

8 FINAL CONSIDERATIONS

What has been understood and proposed is a new thinking, a new approach to the epistemological and conceptual challenges for the understanding of deaths by suicide and what the unbalanced environment can influence in people's quality of life and, in a certain way, in cases of suicide.

Thus, when analyzing the work exposed, it is perceived that in Brazil, in spite of having been made a great advance in environmental legislation, being enshrined the environment as a fundamental right of the third generation, guaranteed by the Federal Constitution of 1988 and other infraconstitutional norms, there are still great social injustices in Brazil, causing there to be a cover-up and naturalization of the use of the irregular environment by society, especially linked to the most advanced economic layer of the population, to the detriment of the unequal exposure of the other lower economic class, in an unbalanced environment, exposed to pollution, lack of basic health and hygiene issues, and several situations that interfere with their quality of life.

In this sense, it was also observed the great interference in which the quality of life of people, through the environment in which they live, have influence in cases of suicide, behold, a society that does not care about maintaining the quality of life of others, and a State that does not guarantee it, especially with regard to issues related to the environment and the health of individuals, if it becomes opportune for the commission of suicides, behold, it distances citizens from a quality of life that is beneficial and with dignity, thus providing the interest in no longer existing.

Therefore, it becomes salutary the need for awareness of the entire population for the confrontation and commitment to the environmental balance, behold, it is a good of common use of all, a universal patrimony, which directly influences the lives of people, especially in the quality of life of all and the health of individuals.

Added to this, it is necessary to expand public policies to promote a healthy and balanced ecological environment, thus improving the quality of life of people, especially in the lower economic



class of the population, also improving issues related to health, as well as to help reduce suicide cases, behold, the great influence on suicides in relation to the environment in which the suicidal person lives was analyzed.



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