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**MULTICULTURALISM AND DIGNITY OF THE HUMAN PERSON: a brief  
Study of this multifaceted relationship.**

MULTICULTURALISMO E DIGNIDADE DA PESSOA HUMANA: breve estudo  
desta relação multifacetada.

Fabiana Beppler<sup>1</sup>  
Priscila Luciene Santos De Lima<sup>2</sup>  
Mara Darcanchy<sup>3</sup>

**ABSTRACT**

This article aims to reflect on the dignity of the human person and multiculturalism, analyzing the dichotomy between respect for the minimum condition of human existence - an absolute and constitutionally enshrined value that consolidates respect for the human person - and the existence of various cultural and customary expressions which must also be respected and preserved to guarantee sustainable and dignified development for peoples. The study was developed through a literature search. The Federal Constitution of 1988 deals with the dignity of the human person as one of the foundations of the Republic, thus, the right to an integral and dignified existence has a basic and mandatory character in the Brazilian legal system. Likewise, access to culture is a right guaranteed by the Constitution and must be preserved and made available to all citizens, which makes the present study of great importance for the analysis of the various aspects of the culture x human rights relationship, aiming at understanding of human processes and their consequences in contemporary reality.

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<sup>1</sup> Master's student in Law and Sustainable Development in the Professional Master's Program in Law at the Facvest University Center - UNIFACVEST/SC. Specialist in Civil Law from Anhanguera University - AESA. Member of the Commission on Legal Education of the OAB/SC. Effective Legal Advisor to the Curitiba/SC City Council, General Ombudsman of the Legislative Branch and Attorney.

<sup>2</sup> Post-Doctorate in New Technologies and Law from the Università Mediterranea di Reggio Calabria - Italy. PhD in Political and Economic Law from Mackenzie Presbyterian University - UPM. Master in Business Law and Citizenship from Curitiba University Center - UNICURITIBA. Specialist in Material Labor Law and Labor Procedure from the Pontifical Catholic University of Paraná - PUC/PR. Undergraduate and Post-graduate Professor, Educational Manager, and Lawyer.

<sup>3</sup> Post-Doctorate in International Law from the Università degli Studi di Perugia - Italy and Bi-Post-Doctorate in Corporate Law and Citizenship - Brazil. Doctor and Master in Social Relations Law from PUC/SP. Specialist in Law from USP. Permanent Professor of the Master in Law Program of Unifacvest/SC; Collaborating Professor of the Master and Doctorate in Law Program of Unicuritiba/PR and Senior Researcher CNPq.

**Keywords:** Human Rights; Principle of Human Dignity; Guarantee of access to culture; Multiculturalism.

## RESUMO

Este artigo objetiva refletir sobre a dignidade da pessoa humana e o multiculturalismo, analisando a dicotomia entre o respeito à condição mínima de existência humana - um valor absoluto e constitucionalmente consagrado que consolida o respeito à pessoa humana - e a existência de diversas expressões culturais e costumeiras que também devem ser respeitadas e preservadas para garantir-se um desenvolvimento sustentável e digno aos povos. O estudo foi desenvolvido por meio de uma pesquisa bibliográfica. A Constituição Federal de 1988 trata da dignidade da pessoa humana como um dos fundamentos da República, assim, o direito a uma existência íntegra e digna tem caráter basilar e obrigatório no ordenamento jurídico brasileiro. Da mesma forma, o acesso à cultura é direito garantido pela Carta Magna e deve ser preservado e viabilizado a todos os cidadãos, o que torna o presente estudo de grande importância para a análise dos vários aspectos da relação cultura x direitos humanos, visando a compreensão dos processos humanos e suas consequências na realidade contemporânea.

**Palavras-chave:** Direitos Humanos; Princípio da Dignidade Humana; Garantia do acesso à cultura; Multiculturalismo.

## 1. INTRODUCTION

Humanity has gone through several moments of transformation since man took upon himself the responsibility of being and acting according to moral rules, aiming at a harmonious coexistence among all beings.

After several historical moments in which humanity was questioned about its role in building peace among peoples, discussions began about what effective measures should be taken worldwide. Thus, after the Second World War, the countries that promoted human and social development proposed the Declaration of Human Rights, which was adhered to on a large scale around the globe.

Besides the uncontroversial issues, the Declaration of Human Rights has also incorporated sensitive and broadly dichotomous subjects, such as multiculturalism and its impact on the preservation of cultural identity without infringing moral norms.

This subject is of relevant importance, since until today no consensus has been reached on which right should be preponderantly preserved over the other, since both are equally

relevant.

Thus, studying the various aspects of the relationship between culture and human rights is a current, relevant, and socially essential topic for us to understand the human processes and their consequences in the globalized and contemporary world in which we live.

Throughout this paper we will analyze the history, evolution and protection of human rights, and the multifaceted relationship of human dignity in the face of multiculturalism. Such a study is extremely important because we live in a world with countless cultural possibilities, which must conform to the basic principles that guarantee a dignified life for any human being, regardless of where he lives, and regardless of how his customs were implemented. Only then can we talk about development that is humanly sustainable and socially inclusive in all aspects.

## **2. MATERIAL AND METHODS**

The present study is exploratory-descriptive, developed from a bibliographic research that also involves a theoretical-reflexive approach.

Thus, in general terms, the research contemplated in its reflective dimension the best internal and international doctrine and approached in its descriptive aspects the correlated legislation.

As for the objectives, it consists of a descriptive exploratory study, and as for the theoretical framework, the research was based on a literature review and on human rights norms.

## **3. RESULTS AND DISCUSSION**

### **3.1 HUMAN RIGHTS: A HISTORICAL ANALYSIS**

History is marked by several events of greater or lesser relevance in the legal field. Among these events we can highlight the Virginia Declaration of Rights, in the United States of America, and the Declaration of the Rights of Man and of the Citizen, in France, which served as inspiration for the creation of the Universal Declaration of Human Rights.

These documents have been won on a global scale, by guaranteeing the fundamental rights inherent to all human beings and the respect for their dignity.

In this first part, a preliminary approach is made about the history of these declarations, and about the concepts of human rights, cultural relativism, and universalism.

- **Virginia Declaration of Rights – 1776**

The Virginia Declaration of Rights, created in 1776, in the United States of America, was formulated by legal representatives of the State of Virginia, who gathered in General Assembly and established the natural rights of men, aiming at freedom, prosperity and ensuring protection to life. According to Moscoso (2010, p. 19), this document influenced the Declaration of the Rights of Man and Citizen (France, 1789) and served as an example to the other colonies of the American continent. It contained the influence of thinkers such as John Locke, who:

He developed the idea of a contract-based state. This imaginary contract between the state and its citizens would aim to guarantee the "natural rights of man," which Locke identifies as freedom, happiness, and prosperity. For the philosopher, the majority has the right to assert its point of view, and when the State does not fulfill its goals and does not ensure that citizens can defend their natural rights, citizens can and should make a revolution to depose it (KARNAL, 2016, p. 81).

The United States Declaration of Independence of 1776 established individual liberty and the limitation of state power.

According to Karnal (2016, p. 72), the independence movement constituted a new fundamental historical fact, termed as the enactment of "popular" sovereignty, an element efficient enough to depose and modify determined forms of government. According to Lafer (1995, p. 171), the governed population was considered as a set of subjects, with a series of duties towards the State. According to Karnal (2007, p. 88), this declaration was intended to break the link that existed between rulers and ruled, when there was no full protection of their fundamental rights.

Based on the American Constitution, promulgated in 1787, the need arose for constitutional amendments dealing with individual and fundamental rights, thus giving rise to ten amendments, approved in 1791, constituting the Bill of Rights, serving as a guide for the other American Constitutions.

- **Declaration of the Rights of Man and the Citizen – 1789**

The Declaration of the Rights of Man and of the Citizen was inspired by the Virginia Declaration of Rights, which led to the Independence of the United States of America. Produced by representatives of the French National Assembly in the year 1789. According to Caldeira

(2009, s. p.), this document was:

[...] composed of seventeen articles, the Declaration of the Rights of Man and of the Citizen, although it was not the first, since years before there was the Declaration of Virginia, being only established by the Declaration of Independence of the United States, in 1776, was the main source of inspiration for the people to fight for their rights. It was considered the excellence of declarations.

It aims to declare the natural, inalienable and sacred rights of man, guaranteeing them freedom, security and property, also recognizing equality before the laws and justice. This document is guided by the idea that, next to the Rights of Man and Citizen, there is the fundamental obligation of the State to respect and ensure Human Rights (MOSCOSO, 2010,

p. 17), besides having an ideological-philosophical-legal character, constituting a fundamental document that contributed to the emergence of constitutional declarations of rights, created from the twentieth century on. It claimed positively and, in general, a set of prerogatives associated with the individual before the State, even if occasionally there is opposition before it.

- **Universal Declaration of Human Rights - 1948**

The Universal Declaration of Human Rights, governed by the United Nations Organizations - UN, approved by the General Assembly of the United Nations and proclaimed in 1948, was drafted by John Peters Humphrey of Canada, along with representatives of 147 countries, such as the United States, France, China, among others (SYMONIDES, 2003, p. 139). The fundamental principle of the treaty is the universal protection of human rights, giving everyone fundamental guarantees:

[...] possessing a common ideal to be attained by all peoples and all nations, with the object that every individual and every organ of society, bearing this Declaration always in mind, shall endeavor by teaching and education to promote respect for these rights and freedoms, and, by the adoption of progressive measures of a national and international character, to secure their universal and effective recognition and observance, both among the peoples of the Member States themselves and among the peoples of territories under their jurisdiction. (UNICEF, 2018, s. p.).

The Universal Declaration of Human Rights expresses, both in its preamble and in the dispositive part, that the dignity of the person is the basic premise for the development of society. According to Article 2, everyone is entitled to all rights and freedoms without distinction of color, race, sex, language, religion, or political or legal distinction:

Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing, or under any other limitation of sovereignty.

This Declaration holds as basic principles respect and dignity, ensuring the fundamental freedoms inherent to human beings, so that there is effective protection of these rights. As stated in art. 1 of the Declaration, all human beings are born free and equal in dignity and rights.

In this way, the Declaration sets in motion a process whose end is that human rights should not only be proclaimed, but should be effectively safeguarded all over the world, even against violations by the State itself.

The expression "human rights" is understood as the set of "rights and guarantees of the human being that has as its basic purpose the respect for his dignity," in addition to fixing "the minimum conditions for life and development of personality" (MORAES, 1997, p. 39 apud SILVEIRA, 2011, p. 91).

Therefore, the representation of the universality of human rights is related to the aspect of human rights enforcement. Comparato (2010, p. 13) understands that universality derives "[...] from the revelation that all human beings, despite the innumerable biological and cultural differences that distinguish them from each other, deserve equal respect". According to the author, "[...] it is the universal recognition that, because of this radical equality, no individual, gender, ethnicity, social class, religious group, or nation can claim to be superior to others.

Bobbio (2004), when referring to "time", understands that they are historically relative rights, since "[...] the list of human rights has changed, and continues to change, with changing historical conditions". According to Silveira (2011, p. 93), the "[...] question of ownership is related to the subjects for whom the norms are intended", thus, human rights are intended for human persons and all human beings are holders of a range of internationally recognized

fundamental rights, regardless of their ethnicity, gender, religion, culture, nationality or age.

Only after the Universal Declaration of Human Rights can we have the historical certainty that all humanity shares a universality of values. These values should guide the relationship between individuals across the globe, also cultivating the union of member countries of the UN, with the purpose of ensuring individual rights and fundamental freedoms of every human being, it represented a huge progress of the defense of Human Rights, Rights of Peoples and Nations (MOSCOSO, 2010, p. 18-20).

However, documents aimed at improving relations between men and peoples continued to be developed, according to Moscoso (2010, p. 20), among them the following stand out: International Convention on the Elimination of All Forms of Racial, Inhuman or Degrading Discrimination, Convention on the Rights of the Child, Convention against Discrimination against Women, among others.

The Universal Declaration represents the historical awareness that "[...] humanity has its own fundamental values, [...] it is a synthesis of the past and an inspiration for the future" (BOBBIO, 2004, p. 33). It further clarifies that:

The problem before us is not philosophical, but juridical and, in a broader sense, political. It is not a matter of knowing what and how many these rights are, what their nature and foundation are, whether they are natural or historical, absolute or relative rights, but rather what is the safest way to guarantee them, to prevent that[...] they are continuously violated (BOBBIO, 2004, p. 25).

The same author also states that "[...] what seems fundamental in a historical epoch and in a certain civilization is not fundamental in other epochs and in other cultures" (BOBBIO, 2004, p. 18). This Declaration "[...] proclaims the principles it preaches not as legal norms, but as a common ideal to be reached by all peoples and all nations" (2004, p. 30).

### **3.2. CULTURAL RELATIVISM AND THE UNIVERSALISM OF HUMAN RIGHTS**

Cultural relativism and universalism are two theories that aim to clarify the cultural practices exercised in different societies. Cultural relativism seeks to guarantee cultural diversity, maintaining the customs and internal coherence of a given society. Universalism aims to protect individual rights, prioritizing the freedom and self-sufficiency of the individual, guaranteeing the individual's dignity as a value essential to human nature.

As Moscoso (2010, p. 22) states, the great spread of Human Rights in the last decades

has generated great debates about the subject, and two specific theses have emerged from these debates, the relativist thesis and the universalist thesis.

- **Cultural Relativism**

The cultural relativism of human rights consists in the fact that each culture, through its beliefs and principles, values and conceptualizes differently what human rights are. According to Moscoso (2010, p. 22-23), human dignity, although it has a universal value, recognizes various forms of expression, having different conceptions among different cultures.

According to Silveira (2011, p. 101), "[...] a tradition or cultural practice may suffer different interpretations", given that, as Barreto (1998, p. 379) explains, every culture is plural in itself and subject to "internal criticism", being then, the one promoted by its own practitioners. This is because every culture can hide, internally, power relations, in which a particular group is excluded and oppressed by cultural practice.

Piacentini (2007, p. 45-46) presents the problem that when we affirm equal rights in all cultures, we include those cultures that do not admit that all have equal rights.

Therefore, unconditional tolerance encompasses even intolerant cultures that carry cultural practices that are offensive to human dignity.

- **Universalism**

Each culture has a different discourse on fundamental rights, related to the circumstances of its cultural and historical specificity. It thus provides, a greater understanding of the cultural practices exercised in certain traditional communities, thus establishing their values and norms, as well as respecting their self-determination and cultural plurality.

Thus, universalism uses as the essence of its foundations the concepts arising from natural law, these natural laws establish rights inherent to all human beings, thus constituting a higher law, which should be adopted for the development of national and international humanistic norms (MOSCOSO, 2010, p. 23).

This is how the process of universalizing human rights emerges, through the elaboration of treaties, conventions, and the creation of competent bodies that ensure such rights, at a universal or regional level.

However, Freeman (2001, p. 109) warns that the struggle to harmonize the promotion

of human rights with local particularities will be "[...] a tough and practical campaign to be waged by civil society movements and organizations, by enlightened government leaders and officials, and by complex transnational alliances."

Authors such as Boaventura de Sousa Santos, Natalia Santos, and Michael Freeman have been showing that it is possible for the universalism of human rights to be compatible with cultural diversity, thus establishing a link between cultural relativism and universalism, as Santos (1997, p. 105) proposes, a method for intercultural dialogue, aiming to establish conditions for human rights to be placed at the service of an emancipatory politics.

### **3.3 DHUMAN DIGNITY X MULTICULTURALISM**

After the advent of World War II, the dignity of the human person was included in the Treaty and in the Declarations of Human Rights, and started to be considered a paradigm to be complied with and observed on an international level. This occurred mainly due to the atrocities that were committed by Nazism in search of the perfection of the race and the genocide practiced to try to exterminate cultural multiplicities. (MENDES, 2016).

With the signing of the Universal Declaration of Human Rights in 1948, the signatory countries chose as one of their main goals to promote the internationalization of human rights, that is, to make them global, universal, and accessible to the most distinct people all over the world.

In this sense Comparato (2010, p. 240) clarifies

Undeniably, the Universal Declaration of 1948 represents the culmination of an ethical process that, initiated with the Declaration of Independence of the United States and the Declaration of the Rights of Man and of the Citizen of the French Revolution, led to the recognition of the essential equality of every human being in his dignity as a person, that is, as the source of all values regardless of differences of race, color, sex, language, religion, opinion, national or social origin, wealth, birth, or any other condition, language, religion, opinion, national or social origin, wealth, birth or any other condition, and this universal recognition of human equality was only possible when, at the end of the most dehumanizing war in history, it was realized that the idea of superiority of one race, one social class, one culture or one religion over all others puts at risk the very survival of humanity.

The Declaration of Human Rights is essentially characterized by its broad scope and universality, comprising a set of rights that are indispensable for that man can develop his physical, moral and intellectual personality, being applicable to all people, everywhere in the world. (MENDES, 2016).

Thus, the right to culture was included in the Universal Declaration of Human Rights aiming to insert it in the great universality of human rights, as a right inherent to every human being and that must also be protected in all circumstances.

The Right to culture could be adopted from two perspectives: the universalist and the multiculturalist perspectives of human rights.

In the universalist conception, human rights derive from the dignity of the human person, thus, regardless of the historical, geographical, political or socioeconomic context, there are norms that are universal and dictate minimum standards of protection that enable the defense of human rights internationally, through treaties signed by signatory countries. (MENDES, 2016).

Such a universalistic conception was listed in the fifth paragraph of the Vienna Declaration signed at the 1993 World Conference in Vienna, let's see:

All human rights are universal, indivisible, interdependent, and interrelated. The international community must treat human rights globally, fairly and equitably, with the same parameters and emphasis. National and regional particularities and historical, cultural, and religious bases must be considered, but it is the obligation of states, regardless of their political, economic, and cultural system, to promote and protect all human rights and fundamental freedoms.

One of the main guidelines of the universalistic conception of Human Rights is to fight against practices that hurt the dignity of the human person or any affront to what is known as the "irreducible ethical minimum".

On the other hand, the multiculturalist concept proposes that cultural diversity should be analyzed according to the context in which it is inserted, aiming to clarify that human rights are not centered on individual rights, but encompass social, economic, and cultural rights. Thus, it becomes necessary to observe the peculiarities of each culture so that its protection is inserted in the rights inherent to man. (MENDES, 2016).

On the subject, Boaventura de Souza Santos (1997) states:

Human rights have to be reconceptualized as multicultural. Multiculturalism, as I understand it, is a precondition for a balanced and mutually enhancing relationship between global competence and local legitimacy, which are the two attributes of a counter-hegemonic politics of human rights in our time. As all cultures have different conceptions of human dignity, but they are

incomplete, awareness of these mutual cultural incompleteness should be increased as a prerequisite for an intercultural dialogue. The construction of a multicultural conception of humanrights would stem from this multicultural dialogue.

The multiculturalist perspective preaches that it is necessary to create policies that take diversity, cultural multiplicity and plurality into consideration so that there is effective protection of human rights, and thus protect socially vulnerable groups internationally. (MENDES, 2016).

It is known that respect for diversity is only implemented when there is recognition of the world's cultural plurality, through open dialogue between the most diverse cultural forms.

The preservation and perpetuation of culture are crucial for human development, because it contributes to the formation of the identity of individuals, and for these reasons was inserted in the Universal Declaration of Human Rights of 1948, which adopted a universalist conception, considering all and any culture with equal importance, without leaving the domination of certain preponderant peoples in relation to others less exploited worldwide. (MENDES, 2016).

Such a perspective is in accordance with the intercultural reality we live in, given that the right to culture has come to have the same relevance as social and economic rights for human development, and should be conceived in an integral manner by all rulers. (MENDES, 2016).

Thus, human rights policies must increasingly seek alternatives for the normative and legal debureaucratization of international laws, aiming to make them accessible and applicable to all social realities, and consequently manage to protect the dignity of the human person within the cultural environment in which he or she is inserted. (MENDES, 2016).

In the globalized world in which we live, it is no longer acceptable that cultural practices serve as a shield or justification for the commission of atrocities, such as genital mutilation and child marriage, among many other examples that seek to implant a moral and cultural relativism to legitimize the extirpation of the dignity of others in the name of multiculturalism. (LIMA, 2018).

Sustaining the existence of multiculturalism through the universality of the mostdiverse cultures spread around the world is one of the great challenges of human rights, since society has always been heterogeneous and cultural diversity is a reality. However, after the economic globalization that occurred from the twentieth century on, such diversity began tobe discussed and analyzed also under the political, legal, social and economic aspects. (LIMA,2018).

This is because the advancement of information technology and economic development have contributed to the formation of increasingly multicultural states, and have leveraged the

idea of the formation of a modern homogeneous state, with equality as a priority to be achieved.

In counterpoint to this conception is the relativistic view according to which each culture has its origin in distinct histories and contexts, which causes individualized attitudes to be adopted to deal with its particularities. By this view, it is not up to anyone to judge a culture different from their own or to recriminate its practices, which in reality ends up proposing the omission of world societies in the face of violent and inhumane practices practiced with cultural or religious justifications. (LIMA, 2018).

The universalist school proposes that fundamental values should be defended regardless of the culture to which they belong. However, relativists argue that if this current is applied, cultural westernization will occur, that is, western values would overlap with eastern ones, until the latter are suppressed from the world. (LIMA, 2018).

It is believed, however, that there should be the construction of a dialogue between the most diverse cultures, aiming to improve respect for their individualities, as long as human rights are preserved.

As Boaventura de Souza Santos (1997) states, both currents have intrinsic flaws, and neither of them brings the effective solution to the problems faced by the human rights, and the only measure to be taken to mitigate such a stir is to propose intercultural dialogues preserving the particularities of each culture. (LIMA, 2018).

To this end, it is essential that opposing cultures find common points of balance in which the object being protected is the same, such as the family, security, and dignity. Thus, it is possible to seek an open dialogue and achieve appropriate answers to the wishes of each party involved.

The fear of homogenization brought by globalization makes the most diverse cultures clamor to be respected, however, such justification cannot overly serve to repress the integral development of the human person. (LIMA, 2018).

It is important to emphasize that when condemning practices that violate human rights, such as genital mutilation and child marriage, for example, one is not condemning the culture or trying to de-characterize the community where it is carried out, but rather the practice is an attack on the dignity of the human person, through acts of violence against beings who are weak and who do not have the slightest condition to defend themselves and to choose the direction of their own existence. (LIMA, 2018).

Moreover, it is well known that only with the effective guarantee of the preservation of Human Rights will it become possible to maintain multiculturalism and cultural diversity around the world for the next generations, since Human Rights are "the culture of all cultures," and the dignity of the human person, equality, and freedom must be present in all cultural systems. (LIMA, 2018).

Thus, it becomes clear that any cultural practice that affronts the capacities of any human being to think, dream, express himself, be able to make choices and judgments about his own existence must be restrained, since they only mask the oppression, inequality, and domination that are still so present in the contemporary world, and that must be rejected in the name of human development that is effectively sustainable under all aspects.

#### **4. CONCLUDING REMARKS**

The Universal Declaration of Human Rights protects the universality of the fundamental rights to life, liberty, and equality for all human beings, and is protected through conventions, international treaties, and the 1988 Federal Constitution. It also establishes what is called the Rule of Law, in which the precepts of democracy and freedom must prevail.

Cultural relativism understands the dynamic character of cultures and, through their principles and customs, it would be impossible to impose universal standards for each individual that constitutes a society. Since each society has its own culture, thus establishing its own values, traditions, and cultural norms.

Universalism, on the other hand, recognizes all human beings with their fundamental rights and guarantees, ensured by means of treaties and conventions on an international and national level, with no distinction made for any cultural identity.

Therefore, it is necessary the intervention of the State together with society to encourage mechanisms to discuss viable actions, aiming at the realization of new evolutionary processes about the indispensable principles concerning human beings, defending the full exercise of rights and fundamental freedoms for all people, without any discrimination, successively improving the content contemplated of Human Rights. Thus, in the near future we will ensure a sustainably developed world for all coming generations.

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