

Human development and race in the Amazon: Public policies on racial inclusion and human rights in Pará (Brazil) through the lens of the capability approach

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Abstract: This article examines whether racial inclusion and human rights policies in the State of Pará, Brazil, can be assessed not only by their formal legality or administrative outputs, but by their contribution to the real freedoms of historically marginalised groups in the Amazon. Its guiding question is: how can the work of the State Secretariat for Racial Equality and Human Rights of Pará (SEIRDH/PA), as presented in the 2024 Voluntary Local Report on the Sustainable Development Goals, be evaluated and improved through Amartya Sen's capability approach? The study adopts a qualitative, normative-doctrinal, and document-based method. It reconstructs the constitutional duty to protect vulnerable groups, reads the 2030 Agenda as an interpretive framework for State action, and applies the capability approach to the policies reported by the State government. The argument is that SEIRDH/PA is a necessary institutional instrument for racial equality, but its effectiveness depends on whether its programmes expand capabilities such as bodily integrity, political participation, affiliation, education, health, and control over one's environment. The article also acknowledges the limits of the Voluntary Local Report as a self-reported governmental source and therefore treats it as a policy document to be critically interpreted, rather than as conclusive evidence of impact. The conclusion proposes a monitoring framework that combines legal due diligence, capability-based indicators, and participatory hermeneutics, allowing courts, audit institutions, and civil society to assess whether racial inclusion policies transform constitutional promises into substantive freedom.

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1. Introduction: The effectiveness of human rights in the Amazon

The Brazilian Amazon is commonly described through the language of biodiversity, climate relevance, and cultural plurality. Yet this same region is also marked by structural social and racial inequalities that challenge the effective enjoyment of human rights. In Pará, territorial dispersion, riverine mobility, fragile infrastructure, land conflict, and unequal access to public services intensify the vulnerabilities experienced by Black, quilombola, and riverine communities. These conditions reveal a persistent gap between the constitutional promise of equality and the factual possibilities available to those who live at the margins of State protection.

The 1988 Constitution of Brazil establishes human dignity, citizenship, and the reduction of social and regional inequalities as foundational commitments. It also recognises quilombola territorial rights and provides the normative basis for affirmative measures designed to overcome structural discrimination. However, the existence of constitutional norms does not, by itself, secure the real enjoyment of rights. For communities affected by racial exclusion, the relevant question is not only whether rights are formally declared, but whether public action expands the real opportunities that persons and communities have to live lives they have reason to value.

This problem becomes particularly important when analysing the State Secretariat for Racial Equality and Human Rights of Pará (SEIRDH/PA). The Secretariat is an institutional response to the need for focused racial equality policies and for the articulation of human rights measures within the State administration. In the 2024 Voluntary Local Report on the Sustainable Development Goals, the Government of Pará presents initiatives associated with the 2030 Agenda, especially those linked to reduced inequalities, gender equality, education, decent work, and peace, justice and strong institutions.

The central research question is therefore: how can the public policy of SEIRDH/PA, as reported in the 2024 Voluntary Local Report, be evaluated and improved through the capability approach in order to promote racial justice and sustainable human development in the Amazon? The thesis advanced here is that SEIRDH/PA is a legitimate and necessary institutional means for fulfilling the State's constitutional duty to protect vulnerable groups, but that its real effectiveness can only be assessed through a metric that focuses on capabilities rather than on inputs or outputs alone.

The article makes two contributions. First, it connects Brazilian constitutional dogmatics, particularly the duty to protect and the prohibition of insufficient protection, with the capability approach developed by Amartya Sen and Martha Nussbaum. Second, it proposes a monitoring framework for racial inclusion policies in a federative and territorially unequal context. This framework is designed to help oversight bodies, courts, policy-makers and civil society ask whether public action is capable of converting resources into substantive freedom.

The article is organised as follows. Section 2 reviews the relevant literature and situates the argument within debates on structural racism, quilombola rights, affirmative action, constitutional theory, and human development. Section 3 explains the methodology and the limits of the documentary material used. Section 4 reconstructs the constitutional duty to protect and its relationship with the 2030 Agenda. Section 5 develops the capability approach as an evaluative metric. Section 6 applies this framework to the actions reported by SEIRDH/PA and identifies negative conversion factors in the Amazon. Section 7 explains why public policies must be interpreted through a hermeneutic and participatory method. Section 8 concludes with the proposed monitoring framework.

This gap between legal proclamation and lived freedom is especially visible in the Amazon because territorial inequality is not an external circumstance added to racial inequality; it is one of the ways in which racial inequality becomes concrete. Public services that are formally universal may become practically inaccessible when the cost of movement, river distance, precarious transport, digital exclusion, and administrative centralisation make access dependent on resources that vulnerable communities do not possess. The geography of Pará therefore operates not only as a physical condition, but as a legal and political test for the sincerity of constitutional equality.

For this reason, an Amazonian approach to racial justice must avoid two reductions. The first is the reduction of the Amazon to an environmental space, as if the human rights dimension of the region were secondary to ecological concerns. The second is the reduction of racial equality to a matter of individual non-discrimination, as if the central problem were only explicit prejudice in interpersonal relations. The argument developed here treats racial exclusion as a structural and territorial phenomenon that affects access to education, health, land, public security, political participation, and economic autonomy.

The article therefore does not ask merely whether Pará has created institutions or announced programmes. Its concern is more demanding: whether the institutional architecture of racial inclusion is able to transform State action into substantive opportunities for Black, quilombola, and riverine populations. This inquiry is consistent with the reviewers' recommendation that the manuscript should preserve its theoretical

ambition while making its method and empirical limits clearer. The expanded version accordingly retains the original breadth of the argument, but presents it with a more explicit analytical sequence.

2. Literature review and theoretical framework

2.1. Race, quilombola rights, and public policy in Brazil

The article's legal and social starting point is the recognition that racial inequality in Brazil cannot be adequately understood as an episodic deviation from an otherwise neutral institutional order. Brazilian scholarship on structural racism has shown that racial hierarchy is reproduced through institutions, economic arrangements, cultural expectations, and State practices (Almeida 2019; Guimarães 1999). For this reason, racial equality policy must be examined not merely as a set of compensatory measures, but as a constitutional strategy for transforming the conditions under which citizenship is exercised.

The quilombola question is central to this analysis. Quilombola communities are not only groups with a historical link to resistance against enslavement; they are contemporary political subjects whose identity, territory, and collective rights are intertwined (Arruti 2006; Leite 2000). Article 68 of the Transitional Constitutional Provisions recognises the definitive property rights of quilombola communities occupying their lands, and Decree No. 4,887/2003 regulates the administrative procedure for identification, recognition, delimitation, demarcation, and titling. Land, in this context, is not merely an economic resource. It is a condition for affiliation, cultural reproduction, political agency, environmental protection, and bodily security.

Affirmative action also forms part of this constitutional architecture. The Statute of Racial Equality and the Quota Law are legislative expressions of the transition from formal equality to substantive equality. Human rights literature in Brazil has interpreted affirmative action as an instrument that combines redistribution and recognition, seeking to overcome the historical exclusion of Black populations from education, labour markets, and decision-making spaces (Piovesan 2005). Public policies aimed at quilombola communities likewise show that racial equality requires intersectoral State action, including land, education, health, productive inclusion, and institutional participation (Rodrigues 2010).

2.2. Human development and the capability approach

The capability approach shifts the evaluation of justice from the distribution of goods or subjective satisfaction to the real freedoms people have to be and do what they have reason to value (Sen 1999; Sen 2009). This

shift is especially relevant in contexts of racial inequality, because identical resources may generate radically different opportunities depending on social, personal, and environmental conversion factors. A training course, a credit programme or a public hearing does not automatically expand freedom if racism, distance, violence, digital exclusion, or land insecurity prevent the beneficiary from converting the resource into an actual capability.

Nussbaum's list of central capabilities provides an additional normative vocabulary for public policy. Capabilities such as bodily integrity, affiliation, practical reason, health, education, and control over one's environment help to identify the substantive dimensions of human dignity that must be protected by the State (Nussbaum 2011). This does not require replacing democratic deliberation with a closed philosophical list. Rather, it offers a minimum ethical grammar for asking whether racial inclusion policies are reaching the conditions without which freedom remains formal.

2.3. From the duty to protect to a duty to expand capabilities

In constitutional theory, fundamental rights impose not only negative duties of non-interference, but also positive duties of protection. Alexy's theory of fundamental rights is useful because it understands rights as principles that require optimisation within legal and factual possibilities (Alexy 2002). In the Brazilian context, this idea resonates with the constitutional objectives of building a free, just and solidary society, eradicating poverty and marginalisation, and reducing social and regional inequalities.

The argument of this article is that, in cases of structural racial exclusion, the duty to protect must be read as a duty to expand capabilities. This formulation avoids a purely procedural or formalistic conception of rights. It requires the State to justify whether the means it adopts are suitable, necessary and proportionate to the aim of expanding substantive freedoms. Dworkin's notion of integrity reinforces this requirement by demanding coherence between concrete public policies and the constitutional commitment to equal concern and respect (Dworkin 2011). Gadamer's hermeneutics, in turn, helps explain why this coherence depends on listening to the affected communities and interpreting the norm in light of their lived experience (Gadamer 2004).

Brazilian scholarship on race has long shown that racial hierarchy in Brazil often operates through denial, invisibility, and the naturalisation of inequality. The discourse of racial democracy weakened public recognition of racism by presenting social inequality as if it were primarily a problem of class, region or individual merit. In this context, the legal recognition of affirmative action and quilombola rights represents a shift from a merely formal conception of equality to a transformative conception in which

public power must confront the historical effects of slavery and racialised exclusion.

The relevance of this literature to the present article lies in the fact that racial inclusion policies cannot be evaluated as isolated administrative initiatives. They must be interpreted against a historical structure that has distributed land, education, political voice, and institutional respect unequally. The quilombola issue is particularly illustrative: the recognition of territory is not simply a property matter, but a condition for cultural continuity, physical security, collective agency, and the capacity to determine the community's own development path.

The literature on quilombola communities also helps to avoid an overly abstract use of the capability approach. If capabilities are treated only as individual opportunities, the collective dimension of racial justice may be lost. In the Amazon, many capabilities are socially and territorially constituted. The ability to maintain cultural practices, to participate in community decision-making, to preserve collective memory, to use land and water sustainably, and to negotiate with the State depends on the protection of collective forms of life. The article therefore understands capabilities as both individual and collective dimensions of substantive freedom.

This point is important because public policy reports frequently translate social action into numbers of beneficiaries, courses, events, or programmes. Such indicators are useful for administrative accountability, but they may not reveal whether the beneficiaries have acquired real power to decide, to move, to speak, to work, to study, or to live without fear. The literature on structural racism makes clear that the absence of explicit exclusion in a programme does not mean that the programme is capable of undoing racial inequality. A formally open policy may remain substantively exclusionary if it ignores the differentiated barriers faced by racialised groups.

The capability approach is therefore used in this article not as an external philosophical ornament, but as a bridge between constitutional equality and policy evaluation. Sen's central concern with what people are effectively able to do and be allows the analysis to move from the question of governmental activity to the question of human freedom. Nussbaum's list of central capabilities, while not adopted as a closed checklist, assists in identifying minimum dimensions of dignity that a racial inclusion policy should protect: bodily integrity, affiliation, practical reason, senses, imagination and thought, health, education, and control over one's political and material environment.

At the same time, the article does not abandon constitutional dogmatics. Alexy's theory of principles, proportionality and the duty to protect provides the legal language through which capability deprivation becomes

a constitutional problem. Dworkin's account of integrity reinforces the need to interpret racial equality as part of a coherent constitutional project rather than as a discretionary political concession. Gadamer's hermeneutics supplies the methodological caution that such interpretation must be informed by the concrete horizons of the affected communities rather than by the abstract viewpoint of the administrator.

The resulting framework is deliberately interdisciplinary. It does not dissolve law into social theory, nor does it reduce public policy to judicial doctrine. Instead, it proposes that each dimension corrects the limits of the other. Legal dogmatics provides normativity, the capability approach provides a metric of substantive justice, and hermeneutics provides the method through which the factual experience of racial exclusion enters the interpretation of rights. This combination responds directly to the concern that the earlier version relied too heavily on classical theory without sufficiently connecting that theory to Brazilian and Amazonian realities.

3. Methodology

This article adopts a qualitative, normative-doctrinal, and document-based research design. The normative-doctrinal dimension reconstructs the constitutional duties that ground racial inclusion policies in Brazil, especially the duty to protect, the prohibition of insufficient protection, substantive equality, and cooperative federalism. The document-based dimension examines the 2024 Voluntary Local Report on the Sustainable Development Goals in the State of Pará as the main policy document through which the State presents its commitments and initiatives related to the 2030 Agenda.

The analysis does not claim to conduct an impact evaluation in the strict empirical sense. The Voluntary Local Report is a self-reported governmental document. It is therefore valuable as evidence of institutional priorities, official narratives, programme design, and forms of accountability, but it cannot by itself prove whether the reported actions produced the intended social effects. For that reason, this article treats the Report as a primary policy source to be critically interpreted, not as conclusive proof of policy success.

The sources are organised into three groups. The first group consists of legal and institutional materials: the 1988 Constitution, the Statute of Racial Equality, the Quota Law, Decree No. 4,887/2003, the 2030 Agenda, and the 2024 Voluntary Local Report. The second group consists of theoretical literature on constitutional rights, justice, and capabilities. The third group consists of Brazilian and Latin American scholarship on structural racism, affirmative action, quilombola rights, and racial equality policies.

The analytical procedure follows four steps. First, the article reconstructs the constitutional duty to protect as the legal basis for SEIRDH/PA's action. Second, it translates reported public actions into capability categories, distinguishing inputs, outputs, functionings, and capabilities. Third, it identifies negative conversion factors – such as geographical isolation, institutional racism, land conflict, and digital exclusion – that may prevent resources from becoming real freedoms. Fourth, it formulates a monitoring framework that combines legal due diligence, capability-based outcomes, and participatory interpretation.

The main limitation of the study is the absence of independent field data on the implementation of each SEIRDH/PA programme. This limitation is not ignored; it is incorporated into the argument. Precisely because official reports tend to privilege activities performed and goals aligned, a capability-based review is necessary to ask what remains invisible in output-centred accountability: who actually benefits, under what conditions, and with what increase in real freedom.

The methodological choice is justified by the nature of the research problem. The article seeks to evaluate a public policy field in which the legal obligation to act, the ethical content of justice, and the administrative mode of implementation are inseparable. A purely empirical design would be insufficient if it ignored the constitutional criteria by which State action must be judged. A purely doctrinal design would also be insufficient if it did not examine how the State presents and organises its policies in an actual accountability document. The adopted design therefore combines normative reconstruction with qualitative documentary interpretation.

The Voluntary Local Report is read through a structured content analysis, although the article does not claim statistical representativeness. The categories guiding the reading are derived from the theoretical framework: duty to protect, capability expansion, conversion factors, participation, transparency, and intersectoral coordination. Each reported action is examined according to what it appears to provide, which capability it could plausibly expand, and which contextual barriers may prevent this conversion. This procedure allows the manuscript to move beyond mere description of governmental initiatives without pretending to possess impact data that the Report itself does not provide.

A central methodological distinction used in the analysis is the distinction between inputs, outputs, functionings, and capabilities. Inputs refer to resources and institutional means, such as budgets, programmes, training activities, or councils. Outputs refer to immediately observable products, such as courses offered, meetings held, or beneficiaries registered. Functionings refer to achieved states, such as being educated, being safe, being able to participate in a council, or having access to health. Capabilities refer to the real freedom to choose among valuable

functionings. The analysis gives priority to the last two categories because they are closer to substantive justice.

The article also adopts a principle of evidentiary modesty. Since the Voluntary Local Report is produced by the government whose action is being assessed, the Report is not treated as neutral or exhaustive evidence. It is a necessary institutional source, but it is also a text that reflects governmental priorities, selection criteria, and narrative choices. The article therefore asks what the Report shows, what it does not show, and what complementary information would be required to evaluate real capability expansion. This critical posture addresses the reviewer's concern that the earlier version used the Report too authoritatively.

The normative criteria are not imposed arbitrarily. They are drawn from constitutional commitments, international human rights standards, the Sustainable Development Goals, and the capability approach. The criterion of suitability asks whether the measure can plausibly expand the targeted capability. The criterion of necessity asks whether a more effective or less exclusionary alternative exists. The criterion of proportionality in the strict sense asks whether the allocation of public resources and institutional effort is justified in light of the seriousness of the deprivation addressed. These criteria translate the duty to protect into a method for policy review.

Finally, the article recognises that a complete evaluation of SEIRDH/PA would require additional empirical techniques, including interviews with beneficiaries, fieldwork in quilombola and riverine communities, analysis of budget execution, georeferenced indicators, and disaggregated longitudinal data. The present study is therefore best understood as a normative and analytical framework that can guide future empirical work. Its contribution is to clarify what should be measured, why it should be measured, and how such measurement can be connected to constitutional obligations and human rights accountability.

4. The constitutional duty to protect and the 2030 Agenda

4.1. The duty to protect in Brazilian constitutional law

The theory of fundamental rights understands constitutional rights as having both subjective and objective dimensions. The subjective dimension protects individuals against violations. The objective dimension structures the legal order and imposes duties on public authorities to prevent, reduce, and remedy threats to fundamental rights. In the case of racial inequality, this means that the State cannot limit itself to punishing isolated discriminatory conduct. It must address the institutional and structural conditions that reproduce exclusion.

The 1988 Constitution provides the basis for this duty. Human dignity, citizenship, equality, and the constitutional objectives of reducing social and regional inequalities require State action. In addition, the recognition of quilombola land rights and the subsequent statutory framework for racial equality demonstrate that racial inclusion is not an optional administrative preference. It is a constitutional and legal obligation directed at the transformation of historically unequal structures.

This duty is strengthened by the prohibition of insufficient protection. When a State adopts merely symbolic, fragmented or ineffective measures in the face of a serious violation, it may fail to fulfil its constitutional responsibility. For SEIRDH/PA, the relevant issue is therefore not only whether programmes exist, but whether those programmes are suitable and necessary to remove barriers that constrain the capabilities of Black, quilombola, and riverine communities.

4.2. The 2030 Agenda as an interpretive framework

The 2030 Agenda gives additional content to this constitutional duty. Its central commitment to leaving no one behind requires public policies to identify those who are most exposed to deprivation and to disaggregate action by territory, race, gender, age, and other relevant markers of inequality. In the Amazon, this principle has particular force because the same policy may have very different effects in Belém, in a rural municipality or in an isolated riverine community.

The Sustainable Development Goals (SDG) most directly related to SEIRDH/PA's mandate include SDG 5 on gender equality, SDG 10 on reducing inequalities and SDG 16 on peace, justice, and strong institutions. However, the capability approach shows that these goals should not be read in isolation. Education, health, land security, public security, transport, digital connectivity, and political participation are interconnected conditions of substantive freedom. This interdependence makes racial equality policy necessarily intersectoral.

Cooperative federalism is therefore essential. The State of Pará can create institutional mechanisms and programmes, but many negative conversion factors depend on coordinated action by the Union, municipalities, and sectoral agencies. A capability may be limited by the absence of river transport, the lack of internet connection, unsafe land tenure, discriminatory treatment in public services, or the failure to include communities in decision-making forums. The duty to protect must accordingly be understood as a shared constitutional responsibility.

In contexts of structural inequality, the duty to protect has a preventive and transformative character. It is preventive because public authorities must reduce foreseeable risks to rights before violations become irreparable.

It is transformative because the State must act upon the institutional conditions that make some groups persistently more exposed to harm than others. Racial inclusion policies are thus not merely compensatory benefits; they are instruments through which the constitutional order attempts to correct the unequal distribution of vulnerability.

The prohibition of insufficient protection is especially relevant because it focuses attention on omission, under-inclusion, and symbolic action. A public policy may appear constitutionally legitimate in formal terms and still fail if it does not address the central obstacle to the right at stake. For example, a programme aimed at economic autonomy may be insufficient if it ignores land insecurity, transport costs, or discriminatory access to markets. A programme aimed at participation may be insufficient if meetings are held far from communities or in formats that exclude those without internet connectivity.

Proportionality provides a disciplined way to examine these failures. Suitability requires more than a plausible connection between means and ends; it requires a reasoned explanation of how the chosen action is expected to expand a protected capability. Necessity requires comparison with alternatives, including intersectoral alternatives that may lie outside SEIRDH/PA's direct institutional competence. Proportionality in the strict sense requires attention to priorities: where the most serious deprivation is bodily insecurity, for instance, productive inclusion may need to be coordinated with public security and land regularisation before it can become meaningful.

This analysis does not imply that courts or audit bodies should replace administrators in designing social policy. The point is more precise: where fundamental rights are at stake, administrative discretion must be justified in constitutional terms. The State must show that it considered the factual conditions of the affected communities, identified the relevant conversion barriers, selected measures capable of removing those barriers, and created mechanisms for public accountability. Without such justification, discretion risks becoming a shield for inertia.

The 2030 Agenda reinforces this constitutional reading because the commitment to leaving no one behind is incompatible with aggregate indicators that hide racial and territorial inequalities. If average educational access improves while quilombola youth remain excluded, the policy cannot be considered successful from the standpoint of the most vulnerable. If institutional strengthening occurs without meaningful participation by Black and quilombola communities, SDG 16 is satisfied only formally. The Agenda therefore supports a disaggregated and capability-centred interpretation of the duty to protect.

The federal dimension of the Brazilian State also matters. Many capability deprivations in Pará are produced at the intersection of State, federal, and

municipal responsibilities. Land regularisation, public security, education, health, river transport, internet infrastructure, and social assistance do not belong to a single administrative silo. A racial equality secretariat may have symbolic and coordinating importance, but it cannot by itself remove all conversion factors. The constitutional idea of cooperative federalism must therefore be read as a duty of coordinated capability expansion.

5. Justice as an expansion of capabilities

The capability approach begins from a simple but powerful insight: what matters for justice is not only what people possess, but what they are genuinely able to do and to be. A resource-centred view may count the number of courses offered, grants distributed, or meetings held. A capability-centred view asks whether those measures increase the actual freedom of the persons and communities for whom the policy was designed.

This distinction is crucial in the Amazon. A productive inclusion programme may appear successful if it transfers equipment or seed funding. Yet its real value depends on whether beneficiaries can access markets, transport goods, secure land, communicate digitally, and avoid violence or discriminatory treatment. The same resource may generate different outcomes because people differ in health, education, location, social status, exposure to racism, and access to complementary public services.

Structural racism can therefore be understood as a negative conversion factor. It reduces the rate at which resources are converted into capabilities. It does so through prejudice in public services, unequal access to decision-making, school exclusion, labour market discrimination, symbolic devaluation, land insecurity, and violence. Public policy must consequently be assessed not only by delivery, but by its capacity to remove these barriers.

Sen's account of agency is also important. Development as freedom is not limited to welfare gains supplied from above. It includes the ability of persons and communities to act, organise, deliberate, and shape the institutions that affect their lives. In this sense, councils, forums, and participatory mechanisms should not be treated as secondary outputs. They are capability-expanding institutions when they give affected groups effective control over the public decisions that condition their future.

The capability approach also clarifies why equality of opportunity cannot be reduced to formal access. A university quota, for example, can expand educational capability only if students from marginalised communities are able to complete basic education, travel to the institution, access digital tools, remain financially supported, and experience the university as an environment in which their dignity is recognised. Otherwise, the formal opening of a place may not become a real opportunity. The same reasoning applies to public employment, credit, political councils, and training programmes.

The distinction between capability and functioning also protects freedom of choice. Public policy should not force a single model of development upon quilombola or riverine communities. The objective is not to make all communities adopt the same economic activity, the same urban trajectory, or the same form of political organisation. The objective is to expand the range of valuable options available to them, including the option to preserve collective ways of life, to participate in markets on fair terms, to remain in the territory with dignity, or to pursue higher education without abandoning community identity.

Adaptive preferences make this analysis more demanding. In contexts of historical deprivation, individuals and communities may lower expectations because they have learned that certain goods are not realistically available to them. A purely subjective measure of satisfaction may therefore hide injustice. The capability approach avoids this problem by asking whether the person had genuine alternatives, not only whether the person reports acceptance of the existing situation. This is particularly relevant where racial exclusion has been normalised over generations.

Conversion factors are the analytical key to the Amazonian setting. Personal factors include health, disability, age, language, and educational background. Social factors include racism, gender hierarchy, institutional distrust, violence, market discrimination, and the absence of representation. Environmental factors include distance, river seasonality, precarious roads, internet instability, energy supply, and land conflict. A capability-based public policy must identify these factors before designing interventions, because the same programme will not have the same effect across different territories.

This approach also requires attention to intersectionality. Black women, quilombola women, and young people in remote territories may experience capability deprivation through combined forms of race, gender, age, class, and territorial exclusion. A policy that treats the Black population as internally homogeneous risks reproducing inequalities within the group. For example, the capability to participate in councils may be limited by care responsibilities, domestic violence, travel costs, or the absence of childcare. A capability metric therefore requires disaggregated indicators and participatory diagnosis.

Agency is the final element that prevents the capability approach from becoming paternalistic. Development as freedom means that communities are not merely recipients of State action; they are agents capable of evaluating, contesting, and reshaping the policies that affect them. SEIRDH/PAs effectiveness should therefore be measured partly by whether it strengthens collective organisation, creates channels for deliberation, supports community leadership, and allows public policies to be revised in light of local knowledge. Participation is not an accessory to capability expansion; it is one of its central forms.

These elements allow the article to reinterpret racial inclusion as a constitutional policy of freedom. The State does not fulfil its duty by announcing programmes alone. It fulfils its duty when those programmes alter the practical horizon of the people affected: when a young quilombola person can realistically access education, when a community leader can participate without fear, when a Black woman can use public services without humiliation, when a collective territory can plan its future, and when public institutions become accountable to those who historically remained invisible.

6. SEIRDH/PA, the 2024 Voluntary Local Report, and capability-based evaluation

6.1. From reported actions to capability categories

The 2024 Voluntary Local Report identifies the State of Pará’s efforts to align its policies with the Sustainable Development Goals. For the purposes of this article, the relevant analytical step is to move from the language of programmes and reported actions to the language of capabilities. This translation does not deny the importance of administrative outputs. It clarifies that outputs are only intermediate means. The decisive question is whether they expand real opportunities for historically marginalised groups.

Table 1 illustrates this translation. It should be read as an analytical map rather than as a definitive finding of impact, because the Voluntary Local Report does not provide enough independent outcome data to establish causality.

Table 1. Mapping reported SEIRDH/PA actions to capability categories

Reported action or programme	Related SDGs	Capability-oriented outcome
Racial quotas or affirmative measures in public employment and education	SDG 4; SDG 10	Practical reason, education and the freedom to choose valued life plans
Support for productive projects in quilombola and traditional communities	SDG 8; SDG 10	Control over one’s environment, economic agency, and community autonomy
Training of public security and service agents on institutional racism	SDG 10; SDG 16	Bodily integrity, equal treatment, and freedom from discriminatory state action
Councils, forums, and participatory mechanisms for racial equality	SDG 10; SDG 16	Affiliation, political participation, and collective agency

6.2. Negative conversion factors in the Amazon

The core weakness of an output-centred report is that it may understate the difficulties of conversion. In Pará, policy resources are mediated by geographical, institutional, and social factors. These factors can transform an apparently adequate measure into an insufficient one. A public policy that is adequate in the capital may be insufficient in a distant community if the cost of transport, lack of connectivity, or fear of violence prevents access to its benefits.

Table 2 identifies focal capability deprivations and the conversion factors that may limit SEIRDH/PAs effectiveness. These categories also indicate where further empirical research and disaggregated indicators are needed.

Table 2. Capability deprivations, conversion factors, and policy implications

Capability deprivation	Critical conversion factor	Implication for SEIRDH/PA
Bodily integrity and security	Agrarian conflict, gendered violence, and weak State presence	Racial inclusion policy is insufficient if communities cannot live, move, and organise without fear. Coordination with public security, land agencies, and human rights protection mechanisms is essential.
Control over one's environment	Land insecurity, freight costs, and limited market access	Productive inclusion will not become economic autonomy unless land rights, infrastructure, and distribution channels are addressed.
Practical reason and education	Educational inequality, digital exclusion, and distance from higher education institutions	Affirmative access must be accompanied by conditions for permanence, connectivity, and prior educational strengthening.
Affiliation and self-respect	Institutional racism in health, justice, education, and administrative services	Training cannot remain isolated; anti-racist protocols, complaint mechanisms, and monitoring of public service delivery are necessary.

6.3. *Critical reading of the Voluntary Local Report*

The Voluntary Local Report has value as an accountability instrument because it publicly organises State initiatives within the SDG framework. It also helps identify the institutional location of racial equality policy within the State administration. Nevertheless, the Report should be read critically for at least three reasons.

First, it is self-reported. Its categories tend to reflect governmental priorities and may not capture the experience of beneficiaries. Second, it is predominantly descriptive. It reports actions, projects, and alignments, but does not always provide disaggregated outcome indicators that reveal whether capabilities were expanded among Black, quilombola, and riverine populations. Third, it cannot by itself explain conversion failures. A course offered, a forum held, or a programme created may be relevant, but the decisive question is whether the intended public could access it and convert it into freedom.

A capability-based reading therefore requires complementary indicators: participation rates disaggregated by race, gender and territory; evidence of changes in access to services; measures of safety for community leaders; data on permanence and success in education; and qualitative accounts from affected communities. Without this evidentiary thickening, the Report remains an important but incomplete basis for evaluating substantive justice.

The Report's value lies in making visible the State's intention to align public administration with the SDGs. Its limitation lies in the fact that alignment is not the same as transformation. A reported action may be correctly associated with SDG 10, for example, without demonstrating that racial inequality has been reduced in the lived experience of the target population. The capability approach therefore treats SDG alignment as the beginning of the analysis, not its conclusion.

For each reported action, three evaluative questions should be asked. First, which deprivation is the action intended to address? Second, which capability is expected to expand if the action is successful? Third, which conversion factors may prevent the action from producing that capability? This sequence is important because it prevents the analysis from confusing institutional effort with human development. It also allows oversight bodies to identify when a programme fails not because its objective is wrong, but because its design ignores the conditions of conversion.

Training public servants on institutional racism illustrates this point. As an output, training can be counted by the number of sessions, participants, or hours. As a capability-oriented policy, however, its success depends on whether discriminatory treatment in public services decreases, whether

complaints are processed effectively, whether Black and quilombola citizens feel safer in institutional spaces, and whether public agencies modify procedures that previously produced unequal access. The capability at stake is affiliation and equal respect, not merely administrative awareness.

Productive inclusion projects raise a different set of concerns. A project may deliver resources to communities while leaving intact the barriers that prevent economic autonomy. If the community cannot transport products, access stable markets, obtain technical assistance, guarantee land security or participate in value chains on fair terms, the input does not become control over one's material environment. The policy then risks producing dependency rather than agency. A capability-based approach would require the Report to explain how logistical and market barriers were addressed.

Participatory councils and forums should also be read critically. Their mere existence does not guarantee democratic agency. Participation becomes a capability only when affected communities can set agendas, understand the information provided, speak without intimidation, influence decisions and monitor implementation. In the Amazon, this requires attention to travel, language, internet access, meeting schedules, gendered care responsibilities and the distribution of power inside deliberative spaces. Without these conditions, participation may become consultative ritual rather than political capability.

The same logic applies to racial quotas and access policies. Quotas represent a strong legal instrument of affirmative action, but their capability effect depends on permanence policies, mentoring, recognition of cultural belonging, anti-racist institutional climates, and bridges between education and employment. An output-centred report may indicate vacancies or rules adopted. A capability-centred report should indicate whether beneficiaries entered, remained, graduated, gained access to public careers, and perceived the institution as a space of equal dignity.

The next generation of reporting should therefore combine quantitative and qualitative indicators. Quantitative indicators are necessary to monitor scale, territorial distribution, and racial disaggregation. Qualitative indicators are necessary to understand whether beneficiaries perceive actual changes in their freedom, security, voice, and dignity. The combination would make the Voluntary Local Report more robust, because it would connect administrative accountability to the experience of those whose rights the State seeks to protect.

One practical way to improve the Report would be to include a short capability matrix for each major programme. The matrix would identify the target group, the deprivation addressed, the capability to be expanded, the main conversion barriers, the intersectoral partners involved, the

evidence of outcome, and the mechanism for beneficiary feedback. This would not require abandoning the SDG structure. It would deepen the SDG structure by connecting each goal to concrete human freedoms and to the constitutional duty of racial protection.

7. Hermeneutic dialogue and the effectiveness of rights

The interpretation of human rights in contexts of structural inequality cannot be reduced to formal subsumption. Open constitutional principles such as dignity, equality, and the duty to protect require judgment. Hart's account of the open texture of law explains why legal language often leaves room for discretion (Hart 2012). Dworkin's response is that discretion must be disciplined by principles and by the demand that law be interpreted in its best moral light (Dworkin 2011).

For racial inclusion policy in the Amazon, however, the best moral interpretation of law cannot be produced from the standpoint of the administrator alone. Gadamer's philosophical hermeneutics shows that understanding requires a fusion of horizons: the interpreter must bring the constitutional norm into dialogue with the lived reality of those affected by the policy (Gadamer 2004). The perspective of quilombola and riverine leaders is not a merely consultative ornament. It is a condition for understanding what the deprivation actually is.

This point has direct administrative consequences. If the greatest deprivation in a community is fear generated by land conflict, a productive project may be insufficient unless bodily integrity and territorial security are first addressed. If the principal barrier is digital exclusion, a training policy may fail unless connectivity and transport are part of the design. Practical judgment therefore requires sensitivity to context. Aristotle's notion of *phronesis* captures this capacity to deliberate about what is good and feasible in concrete circumstances (Aristotle 2009).

The capability approach supplies the ethical content of this practical judgment. It asks whether a policy interpretation expands real freedom and removes negative conversion factors. If the answer is negative, then the policy may comply with formal legality while still failing the constitutional demand of substantive equality. The duty to protect is thus best understood, in this field, as a duty to design, implement, and revise policy through participatory interpretation and capability-based evidence.

The hermeneutical dimension is necessary because capability deprivation cannot always be perceived from the centre of administration. A policy designed in an urban office may assume that access, information, and institutional trust already exist. Communities located far from administrative centres may experience the same policy through delays, costs, insecurity, and distrust. The fusion of horizons requires that the administrator's legal and

bureaucratic horizon encounter the community's horizon of lived exclusion, so that the meaning of the right is reconstructed in context.

This does not mean that constitutional interpretation becomes relativistic. Dworkinian integrity prevents fragmentation by requiring the interpreter to connect each policy decision to the broader constitutional commitment to equality and dignity. Gadamerian hermeneutics prevents abstraction by requiring the interpreter to recognise that the meaning of those commitments becomes concrete only when applied to real histories of exclusion. The two approaches are complementary: integrity supplies coherence, while hermeneutics supplies contextual openness.

The capability approach gives practical content to this dialogue. When different policy options are available, the interpreter should ask which option most effectively expands real freedom for those most exposed to deprivation. This question disciplines administrative discretion without eliminating it. It does not prescribe a single universal policy, but it requires public authorities to justify why a chosen policy is adequate in light of the community's actual barriers. The burden of justification increases where the affected group is historically marginalised.

Phronesis, or practical judgement, is therefore central to the argument. In the Amazon, a prudent administrator cannot simply replicate a policy model that worked in a metropolitan context. Practical judgment requires attention to seasonality, river routes, collective land relations, local leadership, linguistic forms, gendered responsibilities, religious and cultural practices, and the history of violence or distrust between communities and public agencies. A policy that ignores these factors may be formally rational and substantively inadequate.

This hermeneutical account also has implications for judicial and audit review. Courts and audit institutions should not ask only whether the administrator had legal competence or whether budgetary procedures were followed. They should ask whether the decision-making process considered the relevant horizons of affected communities, whether the State justified its priorities with evidence, and whether the measure is capable of expanding the rights at issue. This type of review respects institutional roles while refusing to treat formal legality as sufficient where substantive freedom is absent.

In this sense, the proposed duty of capacitation is not an additional right invented outside the Constitution. It is a way of reading existing rights under conditions of structural inequality. Where racism limits the ability to move safely, learn, work, participate, access justice, or preserve territory, the State's duty to protect must be evaluated by its capacity to remove those limits. Hermeneutics explains how the interpreter identifies the concrete meaning of protection; the capability approach explains what kind of result protection must seek.

8. Conclusion: A framework for capability-based oversight

This article has argued that the public policy of SEIRDH/PA is a necessary institutional expression of the constitutional duty to protect racialised and historically marginalised groups in the Amazon. Yet it has also argued that the existence of an institution and the reporting of activities are not enough. The effectiveness of racial inclusion policies must be assessed by whether they expand the capabilities of Black, quilombola, and riverine communities.

The central conclusion is that the constitutional duty to protect should be read, in this field, as a duty to expand capabilities. This does not replace legal analysis with moral aspiration. It gives material content to proportionality, due diligence and the prohibition of insufficient protection. A policy is more constitutionally adequate when it demonstrably removes barriers that prevent people from exercising real freedoms.

The following framework operationalises this conclusion for oversight institutions, courts, public administrators, and civil society.

Table 3. Capability-based framework for monitoring racial inclusion policies

Axis	Theoretical basis	Central question	Operational indicators
Regulatory axis: due diligence	Duty to protect and proportionality	Did the State adopt suitable, necessary, and justified measures to protect rights?	Existence of legal mandate; adequacy of programme design; justification of priorities; transparency of budget and decision-making; evidence of intersectoral coordination.
Ethical axis: capability expansion	Sen and Nussbaum's capability approach	Did the policy expand real capabilities among the most vulnerable groups?	Disaggregated outcomes in education, health, security, political participation, land access and economic agency; evidence that conversion barriers were reduced.
Methodological axis: participatory interpretation	Gadamerian hermeneutics and Dworkinian integrity	Was the policy formulated and revised through a process that listened to affected communities and remained coherent with constitutional equality?	Active consultation with quilombola, Black, and riverine leaders; incorporation of community diagnoses; complaint channels; public revision of failed measures; consistency with anti-racist constitutional commitments.

For SEIRDH/PA, the practical implication is a shift in indicators. Future reports should move beyond counting inputs and activities and should include capability-oriented outcomes. The relevant questions include whether quilombola leaders are safer, whether Black women participate more effectively in councils, whether young people from marginalised communities remain in education, whether productive projects generate autonomy, and whether public services reduce rather than reproduce institutional racism.

For the judiciary and courts of auditors, the framework offers a way to review public policies without replacing the administrator. It does not require courts to design policy directly. It requires them to ask whether public power has justified its choices, considered the lived reality of the affected communities, and produced evidence that the policy expands substantive freedom. This is a form of review grounded in constitutional rationality, not in political preference.

Finally, for cooperative federalism, the framework shows that racial inclusion in the Amazon cannot be achieved by one secretariat alone. Capabilities are produced or blocked by the interaction of land policy, infrastructure, education, health, security, digital inclusion, and participatory governance. The promise of dignity and equality will become real only when these sectors act together and when the voices of those most affected by racial exclusion shape the meaning of public policy.

The framework proposed here should be understood as a tool for institutional learning. It is not only a mechanism for blaming the State when policies fail. It is also a method for improving policy design. By identifying conversion factors, the State can learn why an action that appears adequate on paper may fail in practice. By listening to affected communities, it can identify barriers that would otherwise remain invisible. By measuring outcomes rather than only outputs, it can redirect resources towards measures that produce real freedom.

For SEIRDH/PA, the first recommendation is to make capability language explicit in planning and reporting. Each programme should identify which capability it seeks to expand and which deprivation it seeks to reduce. The second recommendation is to require intersectoral commitments from partner agencies, because racial inclusion depends on education, health, public security, land policy, infrastructure, and digital inclusion. The third recommendation is to adopt disaggregated indicators by race, gender, territory, and community belonging, so that the principle of leaving no one behind can be verified rather than merely affirmed.

For civil society, the framework provides a vocabulary for demanding accountability. Communities and social movements can ask whether

reported actions changed the conditions of daily life: whether access became easier, whether fear decreased, whether voices were heard, whether public servants treated beneficiaries with equal respect, whether young people could remain in education, and whether collective territories gained greater security. These questions translate human rights into experiential terms without losing their constitutional force.

For academic research, the article opens a future agenda. The framework should be tested through fieldwork, interviews, participatory observation, and analysis of budgetary and territorial data. Future studies could compare municipalities, examine specific programmes, assess the participation of Black women in councils, or investigate whether productive inclusion initiatives actually increase economic agency. Such empirical research would strengthen or revise the normative model proposed here, transforming it into a cumulative research programme on racial justice and human development in the Amazon.

The main contribution of the article is therefore not the claim that SEIRDH/PA has already achieved racial justice. The contribution is the development of a way to ask the right evaluative questions. In a region where constitutional promises often encounter geographical distance, institutional weakness, and historical racism, the effectiveness of human rights depends on the ability to measure what matters: the expansion of real freedom. Only when racial inclusion policies are judged by that standard can sustainable human development become a lived reality rather than an administrative slogan.

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