


**ANTI-DISCRIMINATORY REINTERPRETATION OF LAW AND THE 2030 AGENDA:  
SUBSTANTIVE EQUALITY AND RACIAL CHALLENGES IN THE BRAZILIAN REALITY** <https://doi.org/10.63330/aurumpub.023-002>**Eliane Maria Octaviano Martins<sup>1</sup> and Khayam Ramalho da Silva Sousa<sup>2</sup>****ABSTRACT**

This article examines the intersectionality between race and gender in the Brazilian legal context, emphasizing the enforcement of fundamental rights of the Black population in light of the 1988 Federal Constitution and Brazil's commitments to the UN 2030 Agenda, particularly Sustainable Development Goals 5, 10, and 16. Although formal equality is provided for in the constitutional text, achieving substantive equality remains a challenge since structural racism and sexism are intertwined and often reproduced by legal institutions themselves. The hypothesis is that intersectionality cannot be treated as isolated categories but as simultaneous dimensions of oppression that require legal interpretation committed to social justice and transforming discriminatory structures. Based on bibliographic review, legal hermeneutics, and documentary analysis, the study highlights the importance of anti-racist institutional practices and the role of affirmative actions, such as the quota system, in expanding Black people's access to higher education and power spaces. However, these policies still face resistance and have limited implementation in the private sector, demonstrating the need for broader, collaborative, and continuous strategies. The article argues that tackling structural racism requires not only normative advances but also training processes and intersectoral policies capable of promoting an inclusive, democratic institutional culture aligned with sustainable development goals.

**Keywords:** Intersectionality; Substantive equality; Structural racism; Affirmative actions; 2030 Agenda.

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## INTRODUCTION

The 1988 Federal Constitution enshrines equality between men and women and guarantees protection against any form of discrimination. However, the realization of these rights encounters obstacles arising from structural inequalities that permeate Brazilian society, especially when simultaneous discriminations based on race and gender are taken into account. These challenges reveal the need for a constitutional reading committed to the promotion of substantive equality, aligned with international human rights guidelines.

In this context, the 2030 Agenda for Sustainable Development, adopted by the United Nations in 2015, establishes specific targets aimed at reducing inequalities, promoting gender equality, and confronting structural racism.

Thus, objectives such as SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities), and SDG 16 (Peace, Justice, and Strong Institutions) reinforce the responsibility of States to adopt policies and legal interpretations that ensure effective protection against discrimination, including in its intersectional dimension. In this way, the 2030 Agenda operates as an international normative framework that complements and guides the realization of the fundamental rights provided for in the 1988 Constitution.

The central problem of this study consists in analyzing the extent to which Brazilian constitutional foundations provide adequate protection against multiple discriminations arising from the intersectionality between race and gender, observing the convergence among Brazilian constitutional law, anti-discrimination law, and the commitments assumed by Brazil under the 2030 Agenda. The aim is to understand how the Judiciary, public policies, and state institutions have been responding to these demands and what gaps persist in the enforcement of the fundamental rights of Black people.

The study proceeds from the hypothesis that intersectionality requires an integrated constitutional interpretation capable of recognizing the multiple forms of oppression that disproportionately affect Black women. The adoption of a hermeneutic oriented by the objectives of the 2030 Agenda helps to strengthen inclusive public policies, expand institutional capacity to confront structural inequalities, and promote the realization of substantive equality.

The methodology employed is based on bibliographic review, constitutional hermeneutics, and documentary analysis, with the aim of understanding the normative, institutional, and theoretical treatment afforded to intersectional discrimination in Brazil, in light of national and international commitments to the promotion of human rights.

## INTERSECTIONALITY AS A TOOL FOR ANALYZING STRUCTURAL INEQUALITIES

The term “intersectionality” has gained broad prominence in gender studies over recent decades and is widely recognized as a critical social theory, an analytical category, and a legal model. Although

the concept has deeper roots, its consolidated theoretical formulation dates back to the Black Feminism movement in the United States, particularly in the late 1970s, with emphasis on the year 1977.

According to Hirata (2014, p. 62)<sup>3</sup>, the extensive bibliographic production—initially in English and, more recently, also in French—identifies the first use of the term “intersectionality” in an article by the African-American jurist Kimberlé Williams Crenshaw, published in 1989.

In that seminal text, the author employs the concept to highlight the interdependence of power structures based on race, gender, and class, proposing a new way of understanding the multiple forms of subordination that specifically affect Black women. From the category of intersectionality, Crenshaw (1994)<sup>4</sup> concentrates her analysis above all on the intersections between race and gender, addressing in a complementary—though peripheral—manner other social markers such as class and sexuality, which, according to the author, also contribute to structuring the experiences of Black women.

Intersectionality, in this sense, does not purport to be a totalizing theory of identity, but rather an analytical tool aimed at understanding multiple sources of subordination and social exclusion. The work proposes a conceptual division of intersectionality into two complementary dimensions: structural intersectionality, which refers to the position of Black women at the overlap of race and gender and to the consequences of this condition for experiences of domestic and sexual violence, as well as for institutional responses to these forms of violence; and political intersectionality, which concerns the limitations of traditional feminist and anti-racist agendas that often neglect or marginalize the specific situation of Black women, especially with regard to racialized gender violence.

By contrast, the understanding of intersectionality from Sueli Carneiro’s perspective is deeply rooted in the Brazilian social context and in the concrete lived experiences of Black women. Although she does not adopt an identical theoretical structure to that systematized by Kimberlé Crenshaw in 1989, Carneiro (2003)<sup>5</sup> elaborates and applies the concept in a critical and situated manner, articulating the markers of race, gender, and class as inseparable elements of the dynamics of exclusion and subalternization. For the author, the experience of Black women reveals that gender inequalities cannot be analyzed in isolation, since they are intertwined with structural racism, which not only defines the possibilities of existence but also the modes of oppression to which these women are subjected.

<sup>3</sup> HIRATA, Helena. Gênero, classe e raça: Interseccionalidade e consubstancialidade das relações sociais. *Tempo Social*, vol. 26, 2014.

<sup>4</sup> CRENSHAW, Kimberlé W. Mapping the margins: intersectionality, identity politics and violence against women of color. In: FINEMAN, Martha Albertson; MYKITIUK, Roxanne (orgs.). *The public nature of private violence*. Nova York: Routledge, 1994. p. 93-118.

<sup>5</sup> CARNEIRO, Sueli. Enegrecer o feminismo: a situação da mulher negra na América Latina a partir de uma perspectiva de gênero. In: *RACISMOS CONTEMPORÂNEOS. Revista Estudos Avançados*, v. 17, n. 49, p. 49–58, 2003.

In this regard, Carneiro (2003)<sup>6</sup> argues that the condition of Black women is marked by a dual oppression—of race and of gender—that must be understood as intertwined and interdependent, rather than as additive or parallel instances of discrimination. In Brazil, the social structure is deeply marked by historical inequalities that manifest through the systematic exclusion of certain social groups, particularly Black people, women, and individuals in situations of socioeconomic vulnerability. These groups, even when possessing professional qualifications, face significant obstacles in the labor market, which translate into fewer opportunities for insertion, lower remuneration, restricted professional mobility, and a high rate of informality.

As Santos (2009)<sup>7</sup>, points out, Brazilian society is traversed by “structural racism” that naturalizes inequality and prevents social rights from being realized equitably. In the same vein, Silva (2018)<sup>8</sup> argues that the intersection of race, gender, and class operates as a mechanism of exclusion that restricts these subjects’ access to positions of power and prestige, even when they possess competencies equivalent to or superior to those of their privileged peers.

It is therefore not merely a matter of individual or conjunctural failure, but of a system that reproduces structural inequalities through discriminatory criteria disguised as meritocracy, as Carneiro (2003) analyzes when highlighting that racism, articulated with sexism, profoundly limits the possibilities of social ascension for Black women.

Within this context, intersectionality constitutes an essential theoretical-methodological tool for the critical analysis of Law, particularly in its capacity to reveal how ostensibly neutral legal structures can reproduce and legitimize historical inequalities. By failing to recognize the particularities of Black women, for example, the legal system tends to operate under a universalist logic that ignores the specificities of oppression experienced by socially subalternized groups.

As Ribeiro (2017)<sup>9</sup>, observes, Brazilian law still resists the incorporation of intersectional analytical categories, preferring solutions that treat subjects as homogeneous and decontextualized. This results in the perpetuation of a normative model that, instead of correcting inequalities, often reinforces them, especially when it disregards how race, gender, and class interact in producing exclusion.

The centrality of intersectionality in confronting structural inequalities also becomes evident in the formulation and application of public policies. In the Brazilian case, affirmative policies such as racial quotas in higher education and in public service examinations are concrete measures that seek to mitigate

<sup>6</sup> CARNEIRO, Sueli. Enegrecer o feminismo: a situação da mulher negra na América Latina a partir de uma perspectiva de gênero. In: RACISMOS CONTEMPORÂNEOS. Revista Estudos Avançados, v. 17, n. 49, p. 49–58, 2003.

<sup>7</sup> SANTOS, Juarez. Racismo estrutural e desigualdade no mercado de trabalho. Revista Jurídica, v. 15, n. 2, p. 45–67, 2009.

<sup>8</sup> SILVA, Juliana Teixeira. Discriminação interseccional no Brasil: desafios para a efetivação dos direitos fundamentais. Revista Brasileira de Direitos Fundamentais, v. 6, n. 1, p. 89–110, 2018.

<sup>9</sup> RIBEIRO, Djamil. Quem tem medo do feminismo negro?. São Paulo: Companhia das Letras, 2017.



the historical effects of racism and sexism. Nevertheless, such policies still encounter resistance and are constantly attacked by arguments based on a false notion of formal equality that disregards the material inequalities accumulated over centuries of exclusion.

According to Gomes (2012)<sup>10</sup>, the effectiveness of affirmative actions requires an intersectional approach that recognizes the complexity of social inequalities and operates on multiple fronts—including education, the labor market, health, and justice. By articulating race, gender, and class as structuring dimensions of exclusion, intersectionality enables these public policies not only to promote inclusion but also to alter the institutional logics that sustain inequality.

As Akotirene (2019)<sup>11</sup>, argues, the intersectional paradigm is not merely a theoretical resource but a political commitment to social justice, demanding that institutions operate from a perspective attuned to the multiple overlapping forms of oppression. Therefore, for the Brazilian State to advance in the realization of a substantive democracy, it is indispensable to incorporate intersectionality as a guiding principle of its policies, legislation, and judicial decisions.

Finally, adopting an intersectional approach in the legal field and in public policies represents a fundamental step toward the realization of human rights in Brazil. It entails recognizing that access to full citizenship does not occur in an equal manner for all social groups, and that Black women, in particular, have historically occupied a marginalized position in the spheres of power, justice, and institutional representation.

## **THE PRINCIPLE OF HUMAN DIGNITY AS A CONSTITUTIONAL FOUNDATION OF ANTI-DISCRIMINATION LAW**

It is undeniable that the 1988 Constitution of the Federative Republic of Brazil (CRFB/88) represents the highest normative framework of the national legal order, guiding not only infraconstitutional legislative production but also the interpretation and application of legal norms in general.

At this juncture, as Silva (2005, p. 51)<sup>12</sup> teaches, the Constitution is the “fundamental legal-political document that organizes the State, defines its powers, and establishes the fundamental rights and guarantees of individuals.”

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<sup>10</sup> GOMES, Joaquim B. Barbosa. *Ação afirmativa & princípio constitucional da igualdade: o direito como instrumento de transformação social*. Rio de Janeiro: Renovar, 2012.

<sup>11</sup> AKOTIRENE, Carla. *Interseccionalidade*. São Paulo: Sueli Carneiro: Pólen, 2019.

<sup>12</sup> SILVA, José Afonso da. *Curso de direito constitucional positivo*. 25. ed. São Paulo: Malheiros, 2005.



As Iotti (2023)<sup>13</sup>, observes in reflecting on the constitutional project of 1988, the Constitution should not be understood merely as a political document aimed at organizing the State and apportioning competencies, but rather as “a nation-building project, as a fundamental commitment of a community of persons who recognize one another as reciprocally free and equal.”

The Magna Carta must be understood as the supreme norm endowed with full normative force, in the terms set forth by Konrad Hesse (1991)<sup>14</sup>, who asserts that the Constitution bears a “will to Constitution,” whose effective legal meaning demands realization by public authorities. Thus, the 1988 Constitution not only structures the powers of the State but, above all, enshrines a societal project founded on the values of human dignity, liberty, and material equality.

In Article 1, item III, human dignity is expressly listed as one of the foundations of the Federative Republic of Brazil. This guiding principle holds the status of a source-value of the entire constitutional system, functioning as the interpretive axis of all fundamental rights. As Barroso (2013, p. 129)<sup>15</sup>, emphasizes, “human dignity constitutes the axiological core of the Brazilian constitutional order,” serving as an essential parameter for the formulation of public policies and judicial decisions.

Recognizing human dignity as a constitutional foundation translates into an ethical and legal commitment of the Brazilian State to protect individual and collective rights. In this way, human dignity projects itself onto all legal relations, guiding the Judiciary’s action in resolving everyday conflicts. For Sarlet (2012, p. 63)<sup>16</sup>, dignity is “the intrinsic and distinctive quality of each human being that makes them deserving of the same respect and consideration by the State and society.”

Therefore, by expressly enshrining human dignity as a foundation of the Republic, the 1988 Constitution not only reaffirms the centrality of fundamental rights within the Brazilian legal system but also imposes upon state entities the duty to ensure minimum conditions for a just, fraternal, and materially equal existence.

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<sup>13</sup> IOTTI, Paulo. A Constituição de 1988 e a Evolução dos Direitos da População LGBTI+ - 2022. In: RAMOS, Marcelo Maciel. NICOLI, Pedro Augusto Gravatá. ALKMIN, Gabriela. Diversidade Sexual e de Gênero. O Direito pensado por mulheres e pessoas LGBTQIA+, BH: Dialética, 2023, p. 268.

<sup>14</sup> HESSE, Konrad. A força normativa da Constituição. Tradução de Gilmar Ferreira Mendes. Porto Alegre: Sérgio Antonio Fabris, 1991.

<sup>15</sup> BARROSO, Luís Roberto. Curso de direito constitucional contemporâneo: os conceitos fundamentais e a construção do novo modelo. 6. ed. São Paulo: Saraiva, 2013.

<sup>16</sup> SARLET, Ingo Wolfgang. A eficácia dos direitos fundamentais: uma teoria geral dos direitos fundamentais na perspectiva constitucional. 11. ed. Porto Alegre: Livraria do Advogado, 2012.



## THE APPLICATION OF THE PRINCIPLES OF FORMAL AND MATERIAL EQUALITY IN BRAZILIAN ANTI-DISCRIMINATION LAW

Overcoming the racist logic that has historically permeated Brazilian society and realizing the principle of material equality constitute indispensable prerequisites for affirming the existence of a stable, legitimate, and socially effective legal order. The constitutional commitment to human dignity and substantive equality requires not only the adoption of anti-discrimination norms but also the critical deconstruction of the power structures that uphold racial exclusion in the country.

In this sense, society must problematize the asymmetries of power that result in historical and persistent discrimination, manifested across different economic, educational, institutional, and symbolic spheres. As Almeida (2019, p. 38)<sup>17</sup> states, racism in Brazil is “a structuring element of social relations,” and is therefore inseparable from national legal and political dynamics.

From this observation, the study and consolidation of anti-discrimination law become fundamental instruments in the struggle against racial prejudice, intolerance, and hate speech. This field of law assumes a significant role in protecting vulnerable groups and in ensuring the implementation of public policies geared toward historical reparation and the promotion of social justice. For Moreira (2020, p. 19)<sup>18</sup>, anti-discrimination law “is not limited to identifying discriminatory behaviors; it acts upon transforming the social structures that reproduce inequalities.”

Thus, the normative effectiveness of the 1988 Constitution depends, among other factors, on the legal system’s capacity to respond adequately to the challenges posed by structural racism, guaranteeing to all citizens, regardless of their race or origin, the full exercise of their fundamental rights.

Moreover, anti-discrimination law has foundations tied to the 1988 Federal Constitution, which structures a legal model committed to substantive equality and to overcoming all forms of social exclusion. Article 1, item III, enshrines human dignity as an essential foundation of the Republic, while Article 3, item IV, establishes as a fundamental objective the promotion of the common good, explicitly prohibiting any type of discrimination, whether by origin, race, sex, color, age, or other forms.

These provisions guide the construction of inclusive public policies and justify the adoption of specific legislative measures to confront historically consolidated inequalities, such as structural racism. The constitutional basis, therefore, confers upon anti-discrimination law not only normative support but also a transformative role in the realization of fundamental rights and social justice.

Within the realm of individual rights and guarantees, Article 5 of the Constitution ensures that all individuals are equal before the law, prohibiting distinctions of any kind. Its item XLI reinforces this

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<sup>17</sup> ALMEIDA, Silvio Luiz de. *Racismo estrutural*. São Paulo: Pólen, 2019.

<sup>18</sup> MOREIRA, Adilson José. *Crítica à razão discriminatória: uma análise da lógica jurídica da subordinação*. 2. ed. São Paulo: Revista dos Tribunais, 2020.



principle by providing for legal punishment of discriminatory conduct that violates fundamental rights and freedoms. Article 7, item XXX, explicitly prohibits discrimination in the workplace, especially with regard to persons with disabilities.

The Supreme Federal Court's interpretation of these provisions reaffirms the Constitution's normative force. In adjudicating ADPF 186, the Court recognized the constitutionality of racial quota policies in public higher education institutions, concluding that the promotion of material equality requires the adoption of affirmative actions. This decision strengthens the understanding that formal equality, by itself, is insufficient to confront historical inequalities, making it essential to reinforce legal mechanisms aimed at the realization of social justice on constitutional grounds.

## **ENFORCEMENT OF THE RIGHTS OF BLACK PEOPLE: ADVANCES AND CHALLENGES**

With regard to reparative policies aimed at promoting racial equality in higher education, the adoption of ethno-racial quotas for Black people (pretos and pardos) and Indigenous peoples stands out. A relevant example is the initiative of the Federal University of Goiás (UFG), which, through CONSUNI Resolution No. 7/2016, instituted reserved vacancies for these groups in all its *stricto sensu* graduate programs, encompassing master's and doctoral courses. This measure positioned UFG as a pioneer among Brazilian federal universities in implementing affirmative actions of this nature at the graduate level, consolidating itself as a reference in confronting racial inequalities and in realizing the principle of material equality within the academic sphere.

The implementation of the ethno-racial quota policy at the Federal University of Goiás (UFG) faced significant challenges, among which reports of fraud in student admissions via the reserved-vacancy system stand out. Such occurrences prompted the creation of a permanent self-declaration commission—an institutional mechanism designed to investigate and curb irregularities related to candidates' ethno-racial self-declarations.

Initially, this commission had a reactive character, focusing on the analysis of complaints received and having worked intensively for two years with this focus. Over that period, a broad and well-qualified internal debate took place within the University regarding the need to improve the commission's procedures. As a result of this process of institutional reflection, the permanent self-declaration commission shifted to a preventive role and was formally incorporated into the stages of selection processes, with the objective of verifying, in advance, the veracity of candidates' racial self-declarations. This change in paradigm represented an important advance in consolidating the quota policy, contributing to greater legitimacy, transparency, and effectiveness in promoting racial equity in access to higher education.





Despite the recognized importance of affirmative policies in promoting Black people's access to spaces historically denied to them, the mistaken notion persists in the social imagination that race does not constitute an obstacle to individuals' social mobility (Silveira; Vitorazo, 2021)<sup>19</sup>. This distorted conception fuels the discourse that racial equality policies would be unnecessary in contemporary social dynamics, disregarding the deep scars left by structural racism. Such a narrative contributes to resistance against the implementation of these policies and hinders their full acceptance in the public sphere, insofar as it denies the existence of the racial inequalities that underlie and justify their adoption.

It thus becomes essential to recognize that inclusion policies directed at the Black population must not be restricted exclusively to the educational field—even though this is a fundamental axis for promoting social development and citizenship. The insertion of Black people into historically exclusionary spaces requires an articulated set of intersectoral measures capable of confronting the multiple structural obstacles that limit full access to rights and opportunities.

Accordingly, the realization of racial equality demands comprehensive public policies that also encompass areas such as the labor market, the health system, housing, security, and political representation, acknowledging the complexity of the barriers imposed by structural racism.

An illustrative example is *Alyne Pimentel vs. Brazil*, decided in 2011 by the Committee on the Elimination of Discrimination against Women (CEDAW/UN), which—within the context of reproductive rights, health, and the fight against structural racism—represents an international milestone in denouncing obstetric violence and the intersectional discrimination faced by Black women in Brazil.

In that case, Ms. Alyne Pimentel, a Black woman, poor, and resident of the periphery of Rio de Janeiro, died in 2002 after her health care during pregnancy was neglected due to the absence of adequate diagnosis and treatment in public health facilities. The Committee held the Brazilian State responsible for violating Alyne's human rights, emphasizing institutional negligence based on structural factors such as race, class, and gender.

The decision underscores the need to recognize racial inequalities in access to health care and reinforces the State's duty to adopt specific measures to protect Black women, who are at greater risk of suffering institutional violence and preventable deaths. The CEDAW Committee pointed out that Brazil failed to guarantee Alyne the right to health and to life, as provided for in the Convention on the Elimination of All Forms of Discrimination against Women, demonstrating the insufficiency of public policies in effectively reaching historically marginalized groups.

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<sup>19</sup> SILVEIRA, A. P.; VITORAZO, H. A democracia racial na Base Nacional Comum Curricular: permanências e/ou rupturas? *Boletim de Conjuntura (BOCA)*, vol. 5, n. 14, 2021.



This case compellingly exemplifies how the racialization of suffering affects the right to health of Black women in Brazil, whose maternal mortality is significantly higher compared to White women. Alyne's death did not result solely from individual technical failures, but from a systematic pattern of negligence embedded within the context of structural racism, evidencing the urgency of racial equity policies within the SUS, as well as effective mechanisms of social control and institutional accountability.

The analysis of the case shows that the enforcement of the rights of Black people—especially Black women—cannot be dissociated from the construction of a health system committed to the constitutional principles of equality, human dignity (Art. 1, III, CRFB/88), and health as a fundamental right (Arts. 6 and 196 of CRFB/88). Moreover, it points to the importance of international human rights oversight as an instrument of pressure and transformation of domestic policies, particularly when national mechanisms prove ineffective in protecting Black lives.

#### THE 2030 AGENDA AS A VECTOR FOR STRENGTHENING RACIAL EQUALITY POLICIES: LINKAGES AMONG SDGs 5, 10, AND 16

In September 2023, the opening of the 78th Session of the United Nations General Assembly was held in New York under the theme “Rebuilding trust and reactivating global solidarity: accelerating the implementation of the 2030 Agenda and the Sustainable Development Goals (SDGs) towards peace, prosperity, progress, and sustainability for all people.” During the event, participating countries debated the status of the SDGs at the global level and analyzed the actions that Member States must adopt in their domestic policies to ensure their realization.

An analysis from the perspective of the Sustainable Development Goals (SDGs) of the UN 2030 Agenda highlights the urgency of this demand. SDG 5, which prioritizes gender equality; SDG 10, aimed at reducing inequalities; and SDG 16, which seeks just and effective institutions, emphasize the need to implement comprehensive affirmative policies that consider racial, sexual, and gender dimensions (UN, 2015).

In this context, the promotion of racial equality must be a central element in sustainable development strategies, ensuring that diversity and social justice are pillars of the Brazilian democratic model.

Thus, SDG 5, by addressing the elimination of all forms of discrimination against women and girls, provides an indispensable interpretive key for understanding the intersectional dimension of rights violations that affect Black women (UN, 2015). Paradigmatic cases such as that of Alyne Pimentel demonstrate how gender and race interact structurally to produce specific forms of discrimination, whose overcoming requires integrated public policies that simultaneously confront sexism and institutional racism.



In this sense, Brazil's fulfillment of the targets under SDG 5 implies not merely expanding women's formal access to services and rights, but transforming the institutional logic that naturalizes negligence and violence against Black bodies.

SDG 10, dedicated to reducing inequalities within countries, directly aligns with affirmative actions directed at the Black population, especially in the field of higher education (UN, 2015). Policies such as ethno-racial quotas and mechanisms for verifying self-declarations adopted in federal universities—such as UFG—constitute concrete instruments for achieving this objective. They seek to correct the unequal distribution of opportunities stemming from a historical pattern of racial marginalization, materializing the commitment to “leave no one behind,” a central expression of the 2030 Agenda.

In this scenario, the evolution of these policies—particularly when they shift from a reactive posture to preventive action—reinforces the need to institutionalize and maintain mechanisms that ensure the legitimacy and effectiveness of affirmative actions.

For its part, SDG 16, which concerns effective institutions, access to justice, and the promotion of peace, is directly related to confronting structural racism within the justice system, in health care, and across other public policies.

In this setting, it demands the strengthening of administrative and judicial practices that guarantee equal treatment, transparency, and state accountability—elements that are particularly sensitive when examining rights violations that affect Black people.

Thus, international monitoring of cases such as that of Alynne Pimentel demonstrates that the actions of human rights bodies play a fundamental role in overseeing state obligations, contributing to institutional improvement and to the prevention of future violations.

Therefore, the articulation among SDGs 5, 10, and 16 shows that the realization of the rights of the Black population transcends the formal dimension of equality, requiring intersectional public policies, robust institutional mechanisms, and administrative practices committed to racial inclusion.

When incorporated into governmental and academic strategies for confronting inequalities, the 2030 Agenda strengthens the advancement of inclusion policies and broadens the parameters of state accountability, constituting an important instrument for guiding actions in defense of the life and dignity of Black people in Brazil.

## CONCLUSION

As demonstrated throughout this research, a mistaken narrative still persists across broad sectors of Brazilian society that affirmative actions with a racial focus would be unnecessary or even unwarranted.



Such discourse ignores the structural nature of racism in Brazil, repeatedly evidenced by social, economic, and state-lethality indicators that reveal persistent inequalities and the selectivity of violence affecting the Black population. To deny the relevance of policies that promote racial equality is to reinforce a system that has historically marginalized and rendered Black people vulnerable, profoundly shaping the configuration of social and racial inequalities in the country.

In this sense, this research advocates the adoption of an anti-racist perspective as an interpretive axis for legal relations, especially within the domains of Constitutional Law and Anti-discrimination Law.

By demonstrating how the racial variable influences access to rights, institutional spaces, and opportunities, the urgency of legal practices capable of realizing the substantive equality enshrined in the 1988 Federal Constitution is reaffirmed. This understanding also converges with Brazil's international commitment under the 2030 Agenda for Sustainable Development, which sets goals aimed at gender equality (SDG 5), the reduction of inequalities (SDG 10), and the strengthening of institutions of justice (SDG 16).

In this context, an intersectional and anti-racist perspective proves indispensable for implementing these objectives at the national level. As analyzed, one affirmative public policy that has produced significant results in Brazil has been the implementation of quota systems, especially in access to higher education and the civil service.

Moreover, the effectiveness of this policy underscores the need to consolidate and expand such mechanisms, given that their incidence remains limited in the private sector. This asymmetry demonstrates both the resistance of certain social segments to adopting inclusive practices and the urgency of extending anti-discrimination policies to all spheres of economic and social life.

Reducing racial inequalities, as provided for under SDG 10, demands institutional arrangements that go beyond the state sphere and involve companies, universities, and civil society organizations.

To ensure the effectiveness and sustainability of affirmative actions, the importance of complementary measures is emphasized—such as the implementation of training and capacity-building programs promoted by companies themselves, focusing on people belonging to historically vulnerable groups. Such initiatives, in addition to contributing to the promotion of diversity, strengthen the construction of inclusive institutional environments aligned with the goals of the 2030 Agenda, especially those that envisage effective institutions and governance practices guided by equity (SDG 16).

Consequently, the centrality of education as a vector of social transformation stands out once again, reaffirming that confronting structural prejudice requires not only normative advances but also continuous formative processes that contribute to the deconstruction of stigmas and the consolidation of an anti-racist institutional culture.



Finally, it is recognized that affirmative actions can also be broadened through initiatives originating from organized civil society, which has historically played a fundamental role in the struggle for racial equity in Brazil.

These initiatives constitute effective and complementary alternatives to governmental and corporate efforts, strengthening social participation—an essential element for achieving the goals of the 2030 Agenda. Despite the resistance and obstacles that frequently permeate the implementation of these policies, empirical evidence shows that such difficulties do not compromise their legitimacy, nor their importance as essential instruments for promoting social justice, material equality, and the consolidation of an effectively inclusive democratic project.



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