



International
Labour
Office

FIGHTING FORCED LABOUR: The Example of Brazil



SPECIAL ACTION PROGRAMME TO COMBAT FORCED LABOUR

FIGHTING FORCED LABOUR: THE EXAMPLE OF BRAZIL

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Patricía Trindade Maranhão Costa

International Labour Office (ILO)

Special Action Programme to Combat Forced Labour

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PREFACE

For some fifteen years, since a new inter-ministerial body was created in 1995 to coordinate action against forced labour, Brazil has been addressing the problem with vigour and determination. It has done so in many ways, involving different government agencies, employers' and workers' organizations, civil society, the media, academic organizations and others. Many of the measures taken are creative and unique, reflecting the need for extraordinary steps to deal with a severe human rights problem that can be difficult to identify, and even more difficult to punish through effective law enforcement in remote areas. Examples of these measures include: the creation of the National Commission to Eradicate Slave Labour (CONATRAE), responsible for the formulation and monitoring of the First and Second National Plans to prevent and eradicate forced labour; the creation of the Special Mobile Inspection Group under the Ministry of Labour, combining the efforts of specially trained and equipped labour inspectors and police officers; the establishment of labour courts in the areas most affected by forced labour; the government's 'dirty list', regularly updated, which names and shames those enterprises found to be employing forced labour; and the National Pact for the Eradication of Slave Labour, by which major companies not only commit to prevention and eradication of forced labour within their own organizations and their supply chains, but also agree to be monitored. Brazil has also developed perhaps the most effective media campaign in the world, amply supported by private contributions, to raise mass awareness of the problems caused by forced labour in the country today, and to mobilise public opinion for intensified action against it.

The ILO has been pleased to support these national efforts over the past decade. Since 2001, with support from the governments of first the United States and then Norway, it has implemented with its national partners a broad-based project aimed at combating forced labour in Brazil. The project has sought in particular to strengthen the capacity of national agencies, including the Special Mobile Inspection Group, under the coordination of

the CONATRAE. The project has also assisted with the development of a database for the Labour Inspection Secretariat, the drafting of national plans of action against slave labour, training of the judiciary and law enforcement agents, and with outreach to State governments in those parts of Brazil where the incidence of forced labour is most severe.

Although these initiatives are now widely known in Brazil, often receiving extensive media coverage, it is time to share the information with a global readership. In May 2009, the ILO released its third global report on forced labour. Entitled *The Cost of Coercion*, the report documents the serious cost – to humanity, to labour markets worldwide and particularly to affected workers and their families – of continuing problems with coercion, including debt bondage, which often results from abusive recruitment practices. The report also shows what can be done, through broad alliances involving various government agencies and civil society groups, to address the root causes of forced labour and to punish those persons responsible for its exaction.

Like the previous report in 2005, the new ILO global report on forced labour draws extensively on experience and good practices in countries like Brazil. Moreover, the 2009 report reflects in depth on the challenges ahead, looking beyond the punishment of forced labour as a serious crime to address related aspects of labour exploitation that affects so many vulnerable workers in today's global economy.

As this report demonstrates, Brazil is also taking a lead in drawing the necessary attention to wider forms of labour exploitation, which can deprive the poorest and least protected workers of their right to live in dignity. The Brazilian concept of 'slave labour', while essentially based on the concept of forced labour as set out in ILO standards on the subject, also includes the notion of degrading conditions of work. The legal and policy framework seeks to sanction those employers who subject their workforce to degrading and unacceptable conditions, and also recognises the responsibility of public authorities to improve these conditions, as an integral part of the Brazil's commitment to the Decent Work Agenda. The eradication of forced labour is indeed one of the main priorities of the National Decent Work Agenda, launched by the Brazilian government in 2006; as well as the two state-level Decent Work Agendas being developed and implemented in Bahia and Mato Grosso.

Following these initiatives at the national level, Brazil has also indicated its support for improved action against forced labour throughout Latin America, sharing its own experience. A key example is the agreement between Brazil and Peru to promote exchange of experience between their labour inspectorates, with a particular focus on forced labour. An important manifestation of this commitment was a voluntary contribution to the ILO by Brazil in December 2008, for the promotion of the Decent Work Agenda and, in particular, the fight against forced labour in Latin America. The ILO

looks forward to further cooperation with Brazil in strengthening its action against forced labour within the country, and to drawing on Brazilian experience to support its global efforts to tackle the problems.

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LIST OF ABBREVIATIONS

ASICA	Carajás Steel Mill Association
BNDES	Brazilian Development Bank
CEJIL	Centre for Justice and International Law
CLAT	Latin American Central of Workers
CONAETE	National Coordinating Office for the Fight against Slave Labour
CONATRAE	National Commission to Eradicate Slave Labour
CONTAG	National Confederation of Agricultural Workers
CPB	Brazilian Penal Code
CPT	Pastoral Land Commission
DRT	Regional Labour Delegation
FAT	Workers' Support Fund
FGTS	Length of Service Guarantee Fund
GEFM	Special Mobile Inspection Group
GERTRAF	Executive Group on the Elimination of Forced Labour
GNP	Gross National Product
GPTEC	Group for Research on Modern-day Slave Labour
GTZ	German Technical Cooperation Agency
IACHR	Inter-American Commission on Human Rights
IBAMA	Brazilian Institute for the Environment and Renewable Resources
ICC	Citizens' Charcoal Institute
INCRA	National Institute for Settlement and Agrarian Reform
IOS	Social Monitoring Institute
MIN	Ministry of National Integration

MPF	Public Federal Ministry
MPT	Public Ministry of Labour
MST	Landless Rural Workers' Movement
MTE	Ministry of Labour and Employment
OAB	Brazilian Order of Lawyers
OAS	Organization of American States
PEC	Constitutional Amendment Bill
PPE	Personal Protection Equipment
SEDH	Special Human Rights Secretariat
SINDIFERPA	Union of Pig Iron Producers of the State of Pará
SRTE	Superintendence for Labour and Employment
STF	Supreme Federal Court
SUDAM	Superintendence for the Development of the Amazon Region
TAC	Terms of Adjustment of Conduct
TRCT	Terms of Rescinding of Labour Contract
UFRJ	Federal University of Rio de Janeiro
UNB	University of Brasilia

MAP OF BRAZIL¹



¹ Website of the project *Cooperar em Português*, Information Network for the Tertiary Sector (RITS) http://www.cooperaremporugues.org/apc-aa-cooperaremporugues/home/images/mp_brasil.gif

State	Abbreviation
Acre	AC
Alagoas	AL
Amapá	AP
Amazonas	AM
Bahia	BA
Ceará	CE
Distrito Federal	DF
Espírito Santo	ES
Goiás	GO
Maranhão	MA
Mato Grosso	MT
Mato Grosso do Sul	MS
Minas Gerais	MG
Pará	PA
Paraíba	PB
Paraná	PR
Pernambuco	PE
Piauí	PI
Rio de Janeiro	RJ
Rio Grande do Norte	RN
Rio Grande do Sul	RS
Rondônia	RO
Roraima	RR
Santa Catarina	SC
São Paulo	SP
Sergipe	SE
Tocantins	TO

INTRODUCTION

1.1 BACKGROUND

This study aims to present the issue of modern-day rural slavery in Brazil, in all its complexity, to a wide and diverse audience. Particular attention is devoted to measures carried out by the Brazilian Government and various social actors to eradicate slavery, and to a technical cooperation project, ‘Combating Slave Labour in Brazil’, run by the ILO office in Brazil since 2002.

Working closely with the Government, the ILO has sought to strengthen the actions of all the national institutions involved in this issue, notably: the Ministry of Labour and Employment (MTE); the Public Ministry of Labour (MPT); the Public Federal Ministry (MPF); the Special Human Rights Secretariat (SEDH); the National Commission to Eradicate Slave Labour (CONATRAE); the Pastoral Land Commission (CPT); the Brazilian Association of Federal Judges (AJUFE); the National Association of Labour Attorneys (ANPT); the Brazilian Confederation of Agriculture and Livestock (CNA); the National Confederation of Agricultural Labourers (CONTAG); the Brazilian Order of Lawyers (OAB); the NGO Repórter Brasil; the Ethos Institute of Business and Social Responsibility; the Citizens’ Charcoal Institute (ICC); the Social Monitoring Institute (IOS); and the Federal University of Rio de Janeiro (UFRJ).

Various actions have been undertaken by the ILO in order to: obtain concrete information providing a clearer picture of the reality of the situation in Brazil; implement public awareness-raising and slave labour prevention campaigns aimed at rural workers; assist in the drafting of National Plans to Eradicate Slave Labour; empower partners in order to strengthen national agencies in the fight against slave labour; strengthen the Mobile Inspection Unit of the MTE; and implement a pilot programme for the socio-economic reinsertion of freed workers, to ensure that they do not fall back into a labour situation analogous to slavery.

In May 2005, the ILO Global Report entitled ‘A Global Alliance against Forced Labour’ recognized that Brazil had “taken the lead in addressing the problems with high visibility”.² The First National Plan to Eradicate Slave Labour³, developed by the CONATRAE and launched by President Luiz Inácio Lula da Silva in March 2003, has served as a model for similar initiatives throughout the world.

As a result of the growing interest shown by various countries in the progress made by Brazil in the fight against slave labour, we wished to disseminate Brazil’s experiences more widely. As well as examining the legal, historical, social and economic framework surrounding slave labour, the study aims to reveal the diverse and complex nature of modern-day slave labour in a national context. Furthermore, it will present recent data on the results of various initiatives undertaken by a number of social actors working to eradicate this problem.

1.2 METHODOLOGY AND STRUCTURE

The study was carried out mainly through bibliographical research, which involved consultation of academic texts relating to the issue, as well as documents made available by the ILO. Researchers and national stakeholders involved in the fight against slave labour in Brazil were also consulted.

Part 2 explains the existing legal framework for combating slave labour, an issue that affects Brazilian rural workers in particular. It initially refers to the case of José Pereira, a landmark in the fight against slave labour in Brazil, which led to official recognition by different sectors of Brazilian society of the existence, seriousness and characteristics of slave labour in the country. It then introduces the international standards governing the issue of forced labour, and explains how national legislation complements ILO Conventions by addressing the specific characteristics of slave labour in Brazil. The concept and the legal definition of forced labour and slave labour (the name given to forced labour in Brazil) are also discussed. Finally, Part 2 includes an analysis of the legal strategies employed to increase the effective punishment of employers using slave labour in Brazil.

Part 3 seeks to explain the main structural causes of slave labour, which generate and perpetuate the problem in Brazil. According to the ILO, 12.3 million people across the world are trapped in situations of forced labour. In Brazil, data provided by the Ministry of Work and Employment indicate that, between 1995 and 2008, more than 30,000 slave workers have been rescued by the Special Mobile Inspection Group (GEFM), including 5,999 workers in 2007. From January to June 2008, the GEFM inspected

² ILO, Global Report, 2005, page 41

³ See: http://www.reporterbrasil.com.br/documentos/plano_nacional.pdf

96 farms in 54 blitz labour inspections, releasing 2,269 slave workers in 14 States. The total compensation paid to these workers was 3.5 million Reais.⁴ The study focuses initially on the socio-economic background of the region with the highest incidence of this problem. In Brazil, slave labour is linked to other historically complex issues, such as poverty, deforestation in the Amazon region and unequal land distribution. There has been a general failure to take significant action against those persons involved in slave labour, and they have consequently enjoyed impunity.

Part 4 then deals with the national characteristics and peculiarities of slave labour in Brazil. Main activities for which slave labour is employed are described, along with the various forms of forced labour. A profile of victims of slave labour in Brazil helps build an understanding of the types of people reduced to these work conditions. The internal organization of those estates where illegal slave labour practices occur will also be examined as a part of the complex issue of slave labour in Brazil. Various forms of recruitment are carried out through this 'chain of command', which determines how victims are enticed into a situation analogous to slavery. Lastly, the slave routes currently existing in Brazil are presented.

Part 5 concentrates on Brazilian responses to the problem, highlighting the various social actors involved in the fight against slave labour and the strategies they have adopted. It examines in detail actions undertaken by the government, civil society and the business sector. Special emphasis is laid on the work carried out by the Special Mobile Inspection Group (GEFM) – a labour inspection group that cooperates with agents of the MPF and the Federal Police in investigating reports of slave labour and freeing slave workers – and on the creation of the so-called 'dirty list', containing the names of employers (individuals or legal entities) caught exploiting workers in conditions analogous to slavery. Along with the GEFM, the 'dirty list' is an important means of suppressing slave labour in Brazil and has given rise to actions by civil society and private sector groups. Important initiatives include the Study on the Slave Labour Production Chain – which maps the commercial relations of the rural properties included on the 'dirty list' by tracking their products' supply chain, including sale and export – and the National Pact for the Eradication of Slave Labour, which is backed by more than 150 enterprises. The Pact focused the attention of the Brazilian business community, and Brazilian society as a whole, on efforts to improve, formalize and modernize labour relations in all economic sectors, especially within those production chains with a higher incidence of slave labour. Finally, Part 5 addresses the strategies employed in the prevention of slave labour and the reinsertion of rescued workers into the formal labour market.

Throughout Part 5, special emphasis is placed on the significant capacity of these actors to work together to eradicate slave labour in the country, in

⁴ Ministry of Work And Employment (MTE), 29 July 2008

particular through the activities of the National Commission to Eradicate Slave Labour (CONATRAE), a professional association linked to the Special Human Rights Secretariat (SEDH) of the Office of the President of the Republic. The CONATRAE is made up of representatives of the state's executive, legislative and judicial branches and of various branches of civil society. It was established as a part of the 76 measures contained in the First National Plan for the Eradication of Slave Labour, and its main role is to monitor the implementation of that Plan, the objectives of which have served to guide Brazilian actions against slave labour over the last four years.

The valuable work of the CONATRAE prompted establishment of the Second National Plan for the Eradication of Slave Labour⁵, launched on 10 September 2008. Having closely overseen the process of achieving the goals of the First National Plan, the CONATRAE drew up a new document, the purpose of which is to fill in the gaps left by its predecessor, as well as to put forward more realistic aims. The second Plan is analyzed in detail to emphasise the continuity between ongoing actions, the progress made and the creation of new strategies to combat slave labour, highlighting what still remains to be done to completely eradicate the problem in Brazil.

⁵ See: <http://www.reporterbrasil.org.br/documentos/novoplanonacional.pdf>.

THE LEGAL FRAMEWORK

2.1 RECOGNIZING THE EXISTENCE OF THE PROBLEM

In September 1989, 17-year old José Pereira Ferreira and a fellow worker nicknamed ‘Paraná’ attempted to escape from gunmen holding rural workers captive at the Espírito Santo estate, near the town of Sapucaia in the south of the State of Pará, Brazil. They and 60 other workers had been forced to work on the estate without pay and in inhuman and illegal conditions. Having fled, the two men were ambushed by employees of the landowner, who fired on them with rifles, killing ‘Paraná’ and wounding José Pereira in the hand and face. Pereira fell down face first and pretended to be dead. The bodies of the two men were wrapped in canvas, thrown in the back of a pick-up truck and dumped by the side of the PA-150 highway, 20 kilometres from the scene of the crime. José Pereira asked for help at the next estate and was taken to hospital.

Once in the capital of the State of Pará, and while receiving treatment for permanent wounds to his eye and his hand, José Pereira decided to denounce the working conditions at the Espírito Santo estate to the Federal Police, given that many of his former co-workers were still trapped there. On returning to the estate, José Pereira found that the 60 workers, who had been freed by the Federal Police, were being given money to enable them to return home. The gunmen had fled.

As this was a clear case of failure by the Brazilian State to fulfil its obligations to ensure human rights, legal protection and safety in the workplace, the CPT⁶, together with the NGOs Centre for Justice and International

⁶ The Pastoral Land Commission (CPT) is an organization run by the Catholic Church, which campaigns for human rights and land reform. Its mission is to “be a prophetic, ecumenical, fraternal and loving presence which provides solidarity, as well as educational services, in order to aid the poor by strengthening their capacity in terms of activism”. The CPT also aims to “carry out grassroot work alongside the poor, accompanying, encouraging, supporting, assisting and evaluating them: first, in their collective processes of gaining rights and land, in resistance on the land and sustainable production (based on an environmental, family approach, which takes account of regional diversity); secondly, in the process of their formal and permanent integration... and thirdly, in disseminating their triumphs and combating injustice...”. (www.cptnac.com.br, accessed on 21/03/08).

Law (CEJIL) and Human Rights Watch, lodged a petition with the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) on 22 February 1994.

In the petition, presented on 16 December 1994, it was alleged that, in the case of José Pereira, Articles I and XXV of the American Declaration of the Rights and Duties of Man (establishing the right to life, liberty, personal security and protection from arbitrary arrest) had been violated. The Brazilian State was also accused of having violated articles 6, 8 and 25 of the American Convention on Human Rights, which refer to the prohibition of slavery and servitude, to judicial guarantees and to judicial protection. Moreover, the petitioners alleged disinterest and inefficiency on the part of the Brazilian State during the investigation and prosecution of the murderers and those accused of labour exploitation.⁷ The absence of a strong response from the State was indeed allowing labour situations such as that experienced by José Pereira to endure.⁸ Furthermore, despite the extreme violence that characterized those violations and the rising number of reports involving such labour practices, not a single estate employee or landowner had been convicted.

After years of legal proceedings, the Brazilian Government accepted responsibility in the case of José Pereira, volunteering to sign an amicable settlement agreement. The petitioners accepted this offer. The State of Brazil, represented by the SEDH of the Office of the President of the Republic, and the petitioners, represented by CEJIL-Brazil and the CPT, signed the agreement on 18 September 2003, in the federal capital.

The agreement established certain commitments to be undertaken by the Brazilian Government, divided into four types of action: 1) the public recognition of international responsibility in relation to the violation of rights in the case of José Pereira; 2) the payment of financial compensation for the damages suffered by the victim; 3) a commitment to prosecute and punish the individuals responsible; and 4) the institution of preventive measures, including legislative amendments, and measures to monitor and repress slave labour in Brazil, as well as measures to raise public awareness and disseminate information regarding the issue.

The Brazilian State's commitments were translated into various practices that will be examined later in this study. Public recognition of the State's responsibility regarding the violation of human rights came with the signing of the amicable settlement and the solemn act of the creation of the CONA-TRAE. As for the punishment of the individuals responsible, the State undertook to continue its efforts to carry out the judicial arrest warrants against the

⁷ IACHR report, 2003

⁸ In the years immediately prior to the complaint made by José Pereira, the CPT (a body frequently involved in the filing of reports denouncing working conditions that violate human rights) recorded 37 cases of estates where slave labour practices occurred, affecting 31,426 workers at the time. In light of this information, the IACHR agreed that the case of José Pereira and his companions was not an isolated one (IACHR report, 2003: 2).

persons accused of the crimes committed against José Pereira. With regard to compensatory measures, the Brazilian State forwarded a bill to the National Congress more than 10 years after José Pereira's escape. The legislation, adopted as a matter of urgency following a symbolic vote, provided for the payment of 52,000 Brazilian Reais (R\$)⁹ to the victim. The compensation was only paid in November 2003. José Pereira expressed a desire to use the money to buy a property in the countryside and start a new life, far from the Espírito Santo estate.

The 'Zé (Joe) Pereira case', as it became known, was a landmark in the fight against the 'slave labour' system in Brazil. The term 'slave labour' is used to refer to forced labour in the Brazilian context, which particularly affects workers in rural areas. As a result of Pereira's denunciation, the existence, serious nature and characteristics of forced labour in Brazil were recognized in various countries and sectors of Brazilian society. Although the CPT had been trying to draw society's attention to the matter for quite some time, the actions of the Brazilian Government and civil society groups to defend human rights, along with the initiatives by the ILO in Brazil to combat slave labour, were better coordinated after the Zé Pereira case, which acted as a catalyst for this process.

The ILO supervisory bodies responsible for monitoring the application of Convention No. 29¹⁰ had, however, been examining the issue of forced labour in Brazil since 1980 (before the Zé Pereira case became widely known). As a result, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) had, since 1987, made numerous observations and forwarded them to the Brazilian Government. At several sessions of the International Labour Conference (1992, 1993, 1996 and 1997), a Committee made up of representatives of the governments, workers and employers of all the member States of the ILO called on the Brazilian Government to provide explanations concerning measures taken to combat forced labour.

In 1992, the representative of the Government of Brazil denied that forced labour existed in the country, stating that the cases mentioned merely constituted violations of labour legislation. In 1993, the Latin American Central of Workers (CLAT) presented a complaint against Brazil, based on article 24 of the ILO Constitution, alleging failure to comply with Conventions Nos. 29 and 105¹¹ on forced labour. The ILO Governing Body requested the Government of Brazil to take a series of measures in this respect.

The Government's attitude began to change and, in 1995, the existence of slave labour in the country was officially recognized.

⁹ In November 2003, R\$52,000 was worth about US\$28,000.

¹⁰ ILO Convention 29 concerning Forced or Compulsory Labour (1930)

¹¹ ILO Convention 105 concerning the Abolition of Forced Labour (1957)

2.2 SLAVE LABOUR IN BRAZIL

Through José Pereira, the world became aware of the countless Brazilians who, fleeing from poverty, leave their home towns in search of work on estates located, for the most part, in the States of Pará, Mato Grosso and Tocantins. The workers are recruited and enticed away from their home towns by agents of the landowners, known as *gatos*, who encourage them to go and work in distant regions by making false promises about employment and wages (usually a rate based on each hectare worked). Once they arrive at the estate, they generally realize that the work involved is a lot harder than they had expected. Furthermore, they discover that they now owe the *gato* money for transportation, goods consumed during the journey to the estate and the advance paid to support their families during their absence. On the estate, they are pushed into a situation of perpetual debt. Any foodstuffs, household items or work tools must be bought at vastly inflated prices on the estate itself. This is known as the *política do barracão* (the estate store policy) or the ‘truck system’.¹²

Payment must be made using the future earnings of the workers, who can only leave the estate once the debt has been paid. Escape is made more difficult by the fact that such estates are located far out of reach of any normal transport route. Moreover, in order to prevent anyone from getting away, the workers are constantly watched and threatened by armed employees, proof that workers are subjected to coercion and deprived of their freedom. Their situation regarding food and accommodation is also precarious. Many workers sleep locked up in canvas and straw shelters. Meals generally consist only of “rice and beans, only very occasionally meat, when an ox has been run over”.¹³

The case of José Pereira revealed the grave human rights violations to which many rural workers were subjected and, from a legal point of view, highlighted the need to define the problem in terms of its specific Brazilian characteristics in order to be able to tackle it more effectively. It became apparent that there was a need for clear legislation to transpose the international conventions governing the issue and to provide a more precise definition of forced labour, taking into account Brazilian peculiarities. Such a definition would also make it possible to identify the various ways in which forced labour was imposed in Brazil. As part of the conceptual debate on this issue, the possibility arose that the specific crime of forced labour (in the particular form it takes in the national territory) would be included under Brazilian labour legislation.

The original version of Article 149 of the Brazilian Penal Code, before the changes introduced by the Law 10.803/2003, characterized the act as

¹² Melo, 2007, page 68

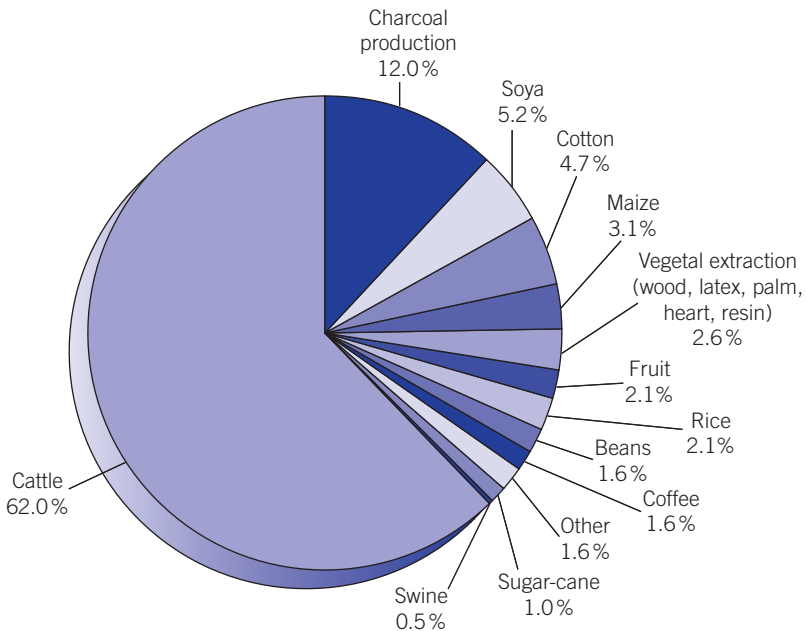
¹³ José Pereira, in an interview with the NGO Repórter Brasil

“reducing someone to conditions analogous to slavery”. The extremely general nature of the text did not supply criminal judges with objective elements to help identify the several ways in which the victim was reduced to a state analogous to slavery. After attracting widespread criticism, Article 149 was modified in 2003, and today presents a much more precise definition.

In Brazil, the expression ‘slave labour’ is the term most widely used to refer to the coercive recruitment and employment practices that affect, for the most part, labourers in the rural sector carrying out various activities linked to: cattle-farming; the cultivation of cotton, maize, soya, rice, beans and coffee; the extraction of latex (the raw material used in the production of rubber) and wood; swine-herding; and charcoal production, as can be seen in Figure 1.

Figure 1

Productive activities of estates found employing workers kept in conditions analogous to slavery in Brazil



Source: Study on the Slave Labour Production Chain, ILO-Brazil and Repórter Brasil, 2007

The actions to combat slave labour carried out by the ILO office in Brazil mainly focus on rural labour and deal with the fight against situations in which degrading labour is linked to the deprivation of liberty. Restriction of freedom may be caused by four factors: the confiscation of documents;

the presence of armed guards or employees who display threatening behaviour; illegally imposed debts; or geographical isolation.¹⁴

In Brazil, the term ‘slave labour’ was adopted largely as the result of pressure brought to bear by human rights groups such as the CPT, and trade unions such as the National Confederation of Agricultural Workers (CONTAG). The ‘Zé Pereira case’ was the driving force behind discussions between groups combating a problem for which there was no widely accepted definition in the country. This made it more difficult to fit situations involving the violation of differing aspects of human rights into a legal framework. ‘Slavery’, however, became a political category, part of a battleground, used to designate any kind of involuntary labour, aggravated exploitation or inequality between people.¹⁵ With the advent of the category of ‘slave labour’, forced labour became a crime under Brazilian law. Civil society groups and Brazilian enterprises joined in the fight. Yet the gradual widening of the legal definition has at times led to ambiguity as to whether it is based only on the coercive concept of forced labour in the sense of the ILO Conventions on the subject, or also on non-coercive forms of labour exploitation. The ILO clearly states that coercion is the key element in defining forced labour. Therefore bad working conditions, such as low wages or long working days, do not constitute a situation of forced labour, unless they include an element of coercion, such as manipulation of a debt, withholding of wages and/or ID papers, threats or violence and confinement of the workers.

The legal characterization of ‘slave labour’ was an important element in the development of strategies to address the issue. From 1988 onwards, the CEACR continually insisted that the government of Brazil should amend Section 149 of the CPB, which governs this issue, so that it would list in detail the elements constituting the crime of slave labour, thus allowing for the effective punishment of individuals guilty of the practice. Today, Brazilian legislation – along with the amended Section 149 of the Brazilian Penal Code (CPB), and ILO Conventions Nos. 29 and 105 – provides the legal basis necessary for actions to combat slave labour in the country.

2.3 FORCED LABOUR IN INTERNATIONAL LAW

Under the Convention concerning Forced or Compulsory Labour, No. 29 (1930), ratified by 173 countries¹⁶, including Brazil in 1957, the member States of the ILO undertake to:

“Suppress the use of forced or compulsory labour in all its forms within the shortest possible period.”

¹⁴ See http://www.oitbrasil.org.br/trabalho_forcado/index.php, accessed on 04/02/2009.

¹⁵ Figueira, 2004, Pages 42-44

¹⁶ To the 4th February 2009, <http://www.ilo.org/ilolex/cgi-lex/ratificc.pl?C029>

In order to achieve this goal, Convention No. 29 defines forced labour under international law as:

“All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

This wide definition seeks to cover all types of forced labour world-wide, given that it may arise in developing or industrialized countries, under varying economic models, and may be imposed by private or state agents. Ratification of Convention No. 29 should encourage ILO member States to recognize the existence of forced labour on their territories, although it still often remains a hidden problem, given that in many countries there is neither official statistical data on the issue, nor widespread awareness of it within society.¹⁷

Convention No. 29 therefore provides a definition consisting of three elements: labour; the menace of a penalty (or punishment); and consent. When present together, these elements typify the various situations of forced labour covered by the Convention. This definition was not an attempt to refer to the specific forms of forced labour existing in the various regions of the world, but rather to cover all possible forms of forced labour, be they historical (e.g. colonial slavery), or contemporary (e.g. trafficking of human beings or prison labour). After ratification, it is up to each country to adopt specific legislation, so that legal sanctions may be established.

In Brazil, for example, it is essential to consider the element of consent. Rural workers voluntarily take up offers of work. Nevertheless, the supervisory bodies of the ILO clearly stated that: “Initial consent may be considered irrelevant when deception or fraud has been used to obtain it.”¹⁸ Indeed, the initial consent given by the Brazilian workers does not exempt them from being eventually subjected to slave labour. Furthermore, at the 2007 Session of the International Labour Conference, the CEACR established that, even in cases where employment is originally the result of a freely concluded agreement, the workers’ right to free choice of employment remains inalienable.¹⁹

The element of punishment that characterizes forced labour does not have to consist of a penal sanction; it may also involve the loss of rights and privileges. Menaces may also take different forms, such as violence, confine-

¹⁷ ILO, Global Report, 2005, page 19

¹⁸ An external constraint or indirect coercion interfering with a worker’s freedom to ‘offer himself voluntarily’ may result not only from an act of the authorities, such as a statutory instrument, but also from an employer’s practice, e.g. where migrant workers are induced by deceit, false promises and retention of identity documents or forced to remain at the disposal of an employer; such practices represent a clear violation of the Convention (Eradication of forced labour, ILO General Survey, 2007).

¹⁹ For further information see the General Survey concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), 2007

ment, death threats (against the victim or his relatives) and financial punishment, for instance non-payment of wages.

ILO Convention No. 105 was adopted to complement Convention No. 29. While the latter establishes a general prohibition on forced labour in all its forms, the former provides for the prohibition of forced labour in five specific cases. These are: 1) as a means of political coercion or education, or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; 2) as a method of mobilising and using labour for purposes of economic development; 3) as a means of labour discipline; 4) as a punishment for having participated in strikes; and 5) as a means of racial, social, national or religious discrimination.

Both Conventions aim to establish a definition broad enough to cover all the forced labour practices present in the various regions of the world. Countries are then expected to adapt national legislation to the circumstances surrounding forced labour practices existing on their territories. Domestic legislation should classify the practice, taking into account the economic, social and cultural characteristics of the context in which the practice is carried out. The aim is to ensure that the practice is punishable as a penal offence, in accordance with Article 25 of Convention No. 29:

“The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.”

States are therefore obliged to check whether the sanctions imposed under their own legislation are truly effective and apply to their own national particularities concerning forced labour. The CEACR is responsible for checking the effectiveness of those sanctions, and works on the basis that effective punishment encourages the victims of forced labour to denounce the perpetrators, as well as acting as a dissuasive element for the perpetrators. The CEACR also looks into the issue of whether or not States are taking all possible measures to ensure that they possess a body of laws capable of punishing those persons who benefit from this form of exploitation.²⁰

However, the CEACR has shown that the penalties for forced labour provided for under various national legislations are not always adequate. The main problem lies in the definition of forced labour, given the many forms it may take and the nature of the texts outlawing the practice. Violations of legislation prohibiting forced labour are often merely punished with a fine. This is normally the case when the prohibition regarding forced labour is contained in the labour code, rather than the penal code.

²⁰ ILO, General Survey, 2007

In other cases, the fine or prison sentence provided for under legislation is insufficient given the seriousness of the violation. In order to ensure that the sanctions provided for by law are effective, the CEACR recommends that the constitutive elements of the practice and the applicable penalties should be appropriate to national circumstances. Laws defining and penalizing the practice of forced labour in general may prove to be insufficient, thus making application difficult.²¹

Adapting a universal concept to differing national circumstances is a huge challenge, given that the victims and the forms of coercion employed are constantly changing. For example, debt has become an essential aspect of the coercion linked to this practice. Brazilian legislation had to cover these changes at a national level. Initially, Brazilian laws faced the task of deconstructing the notions of ‘slave labour’ and ‘slave’, which no longer apply but which had taken root in people’s minds as a legacy of the colonial form of slavery that existed in Brazil until 1888.

2.4 FORCED LABOUR IN DOMESTIC LAW

The category of ‘slave labour’ currently applied in Brazil refers to modern-day slavery and differs in many ways from previous forms of slavery. In the past, slavery was a legal, long-term state and in some cases, such as African slavery in the Americas, the status of slave was passed from one generation to the next. Modern-day slavery, however, is short in duration; the victims are treated as though they were commodities; total power is exercised over the victim, although only temporarily; and the overwhelming majority of victims are internal migrants, over 16 years of age, from states which are far from the estates where they are exploited. Furthermore, unlike their counterparts in colonial times, masters of temporary slaves do not currently have *criadouros de escravos* (slave nurseries) because the enslaved workers have families at the locations where they were recruited, usually far from the workplace.

In order to differentiate slave labour from colonial or traditional slavery, other expressions are used, such as *trabalho escravo contemporâneo* (modern-day slave labour) or *trabalho escravo por dívida* (debt slavery)²², as well as the word ‘analogous’ used in legal terminology when referring to the practice of “reducing someone to a condition analogous to slavery”.

It is important to make this difference clear because the old image of an African slave chained up in a slave pen does not correspond to the victims of modern-day slavery, even though the punishments imposed upon today’s workers may well descend from the types of mistreatment practised during

²¹ ILO, General Survey, 2007

²² Figueira, 2004, Page 42

the period of colonial slavery in Brazil.²³ One such example is the practice of tying workers or farm labourers to tree trunks or logs to prevent them from escaping:

“... ‘Here things aren’t the way you want them. They’re the way we want them.’ [an estate employee speaking to recruited workers] Then they would tie people to logs. Labourers who tried to escape got tied up. We saw it happen. People would come across workers who had been tied up in the forest. We found three corpses. All that was left was the bones...” (statement quoted by Figueira, 2004: 176)

Government agents have been influenced by the stereotype of the ‘colonial slave’, a concept that must be deconstructed because it is an obstacle in the fight against modern forced labour.²⁴ Conditions of slave labour that do not correspond to this image may be ignored by many law enforcement agents, and modern-day slave labour practices can go unpunished.

In order to break down the stereotype – and as well as using the expression “condition analogous to slavery” – Section 149 of the CPB, amended in 2003 by Act 10.803, characterizes ‘slave labour’ by covering the various ways in which people may be reduced to this condition today. Thus, Section 149 of the CPB criminalizes practices which cause workers to work: in degrading conditions; exhausting working hours; in conditions of forced labour; or in situations whereby their freedom is restricted through debt or isolation. Under this definition of slave labour, it is sufficient for one of these factors (rather than all of them combined) to be present for it to be considered a crime.²⁵ The section currently reads as follows:

Section 149. Reducing someone to a condition analogous to that of a slave, namely: subjecting a person to forced labour or to arduous working days, or subjecting such a person to degrading working conditions or restricting, in any manner whatsoever, his mobility by reason of a debt contracted in respect of the employer or a representative of that employer.

Penalty – two (2) to eight (8) years of imprisonment, together with a fine, on top of any sentence handed down for violence.

§1º Any persons committing the following offences shall receive the same penalties:

²³ See Costa, 2006, for further information on types of mistreatment practised during the period of colonial slavery in Brazil and being reproduced among the descendants of slaves.

²⁴ Melo, 2007, Page 66

²⁵ Melo, 2007, Page 66

I – retaining workers at the workplace by preventing them from using any means of transportation

II – retaining workers at the workplace by confiscating their personal papers or personal property, or by maintaining manifest surveillance

§2º The prison sentence is increased by half if the crime has been committed:

I – against children or adolescents

II – on the basis of race, colour, ethnicity, religion or origin

The term “condition analogous to that of a slave” refers to forced and degrading labour. Both the restriction of the freedom of the worker and the guarantee of the dignity of the worker are thus emphasized. Modern-day forms of slavery are injurious to the principle of human dignity, and it is for this reason that Section 149 is to be found under Chapter VI of the CPB, which deals with crimes against individual freedom and thus protects the personal dignity of the individual. It is not necessary for a worker to have been transported from one place to another for a crime to have been committed, although isolation of the victim facilitates exploitation and obstructs rescue. In such situations, consent on the part of the victim is irrelevant, as emphasized by the CEACR in the 2007 ‘General Survey’.

The legal framework for the criminal prosecution of forced labour and ‘slave labour’ in Brazil is provided in Section 149 of the Penal Code, as amended following the adoption of Act No. 10,803 of 11 December 2003. This section establishes a penalty of from two to eight years of imprisonment, together with a fine, for the crime of imposing upon a person a condition similar to slavery. This concept has now been developed, as the amended Section 149 now establishes conditions constituting the imposition of a condition similar to slavery, namely: subjecting a person to forced labour or to arduous working days; or subjecting such person to degrading working conditions; or restricting, in any manner whatsoever, her or his mobility by reason of a debt contracted in respect of the employer or her or his representative. Any person that retains workers at the workplace either by preventing them from using means of locomotion, retaining their personal papers or property, or by maintaining manifest surveillance, is liable to the same prison sentence.²⁶

²⁶ ILO Committee of Experts, CEACR, Individual Observation concerning Convention No. 29, Forced Labour, 1930 Brazil (ratification: 1957), 2005

It can be seen that the Brazilian concept of slavery-like conditions – commonly referred to in the country as *trabalho escravo* or ‘slave labour’ – draws on the concept of ‘forced labour’ as set out in the ILO Conventions on the subject, but also goes beyond it by covering other aspects of unacceptable or degrading labour conditions. While the ILO concept of forced labour is based on coercion, with the two elements of involuntary work performed under the menace of a penalty, Section 149 of the Brazilian Penal Code allows for prosecution of employers who subject their workers to particularly degrading conditions, whether or not there is clear evidence of coercion in the employment relationship.

Brazil is by no means the only country that has recently amended its criminal or other laws to permit more effective law enforcement against severe forms of labour exploitation. In recent years, several European countries have amended their criminal codes in order to recognise and punish the offence of trafficking for both labour and sexual exploitation. In some countries the criterion for this offence has been the imposition of conditions incompatible with human dignity, or significant disparity between the average wages paid to migrant workers and nationals. As the ILO has itself recognized, there exists a broad spectrum of working conditions and practices, ranging from extreme exploitation (including forced labour) at one end, to decent work and the full application of labour standards at the other. Within that part of the spectrum in which forced labour may be found, the line dividing forced labour in the strict legal sense of the term from extremely poor working conditions can at times be very difficult to distinguish.²⁷

The 2003 amendment to Section 149 of the Brazilian Penal Code made an important contribution by clarifying the various ways in which vulnerable workers can be subjected to severe exploitation and slavery-like conditions. Before this amendment, the general language of this provision had not identified the ways in which contemporary workers could be reduced to conditions similar to slavery. This lack of conceptual provision had proved an obstacle to effective jurisprudence, hindering appreciation of the differences between traditional forms of slavery and the (often subtle) ways in which slavery-like practices can be imposed in the modern Brazilian economy. An important conceptual debate on these issues prepared the ground for clearer legislation, allowing for more effective law enforcement in the future.

It is interesting to see how domestic law and international Conventions complement one another. On the one hand, ILO Convention No. 29 makes up for the lack of an exact definition of ‘forced labour’ in Section 149. On the other hand, the restriction of freedom of movement of workers, due to

²⁷ A Global Alliance Against Forced Labour, ILO, Global Report, 2005, Page 8

debts contracted with the employer or the employer's representative, is clearly characterized under Section 149. This is an important contribution, because it addresses one of the most common practices in terms of modern-day slavery in rural Brazil. Once a worker is in debt, he is obliged to stay at the workplace by the code of ethics that regulates his behaviour. In rural areas, giving one's word is the equivalent of signing a contract. Once a worker has given his word, he must honour it, feeling obligated to pay back his debt in order to maintain his reputation as an honest person, even if the debt is illegal or illegitimate. When the debt is not sufficient to bind a worker, physical and moral aggression is employed. Finally, the use of the term 'forced labour' in Section 149 ensures that the provisions of ILO Convention No. 29 are incorporated within Brazilian domestic law.

In addition to the implementation of amended Section 149, punishment of those guilty of slave labour practices can be guaranteed by linking them to other offences.

2.5 OTHER RELEVANT LEGISLATION

Slave labour in Brazil is often linked to other actions that are legally classified as crimes, such as false imprisonment, physical violence, torture and the infliction of bodily harm or even murder. Those other criminal actions are significant because they increase the chances of securing a conviction. Moreover, penalties for each crime will count towards the final sentence handed down to those found guilty of slave labour.

2.5.1 Violation of labour legislation

The crime of forced labour almost always goes hand in hand with other violations of labour legislation, such as failure to sign a worker's Work and Social Security Card, failure to pay social security contributions, non-payment of wages and bank holidays, or inadequate conditions of accommodation, transport, food and safety.²⁸

The illegal restriction (through violence or menaces) of workers' freedom is governed by Section 197 of the CPB. Moral coercion, a powerful instrument with which to exploit workers, constitutes a crime under Section 203 of the CPB (amended by Act 9.777/98). This section fundamentally complements Section 149 in terms of combating slave labour in Brazil, in that it describes and sanctions the abovementioned 'truck system' or *política do barracão*. It thus establishes that:

²⁸ Figueira, 2004, Page 35

Section 203. Denying, through fraud or violence, a right guaranteed by law.

Penalty – imprisonment of 1 (one) to 2 (two) years, and a fine, on top of any penalty corresponding to the use of violence.

§1º The same penalty shall be applied to whosoever:

I – forces or coerces someone into using goods from a determined establishment, in order to make it impossible for them to leave the service of their employer owing to debt;

II – prevents an individual from quitting employment of any kind, through coercion or the confiscation of contractual or personal documents.

§2º The penalty is increased by a sixth to a third if the victim is less than 18 (eighteen) years old, elderly, pregnant, an indigenous Amerindian or a person with physical or mental disabilities.

2.5.2 Damage to the environment

The crime of reducing workers to a condition analogous to that of a slave is often accompanied by environmental offences (a large number of the workers are contracted to clear native forests), including an activity known as *juquira*, which consists of clearing the dense vegetation that grows back in areas that have previously been deforested and turned over to pasture.²⁹

According to research carried out by the NGO Repórter Brasil, the region with the highest incidence of slave labour in Brazil is the so-called ‘deforestation arch’ in the north of the country, which can be seen in Figure 2. There, trees are being felled daily in order to make room for pasture, fields of soya and charcoal-burning camps. The following items are produced in the region: bovine offal; meat; cotton (feather); soya (beans, oil and food); sugar cane (alcohol, fuel and cachaça); coffee (green bean); black pepper (seed); and vegetal charcoal (destined for the metalwork industry). The research found that slave labour was used in the production of these commodities. In some cases, soya for instance, multinational enterprises were directly involved in the production.³⁰

The destruction of areas of permanently protected forest, as well as the felling and illegal sale of timber, is environmental crimes provided for under the CPB (Section 38 of Act No. 9.605/98).

²⁹ Figueira, 2004, Page 17

³⁰ Melo, 2007, page 94

Figure 2
Deforestation arch in the Amazon region



Source: Study on the Slave Labour Production Chain, ILO-Brazil and NGO Repórter Brasil, 2007.
Map www.expedicoes.tv

Section 38. Destruction or damage to forest considered to be permanently protected, even forest in growth, or uses of forestland contravening conservation legislation:

Penalty – imprisonment of 1 (one) to 3 (three) years, or a fine, or both penalties cumulatively.

As well as representing a serious violation of fundamental human rights, work in degrading conditions may also be held to be a menace to the guarantee of a healthy and balanced environment, a fundamental right established under the Stockholm Declaration of 1972.

Principle 1. Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.

2.5.3 Internal trafficking of workers

In Brazil, human trafficking is carried out for various reasons, including the enslavement of workers. The enticement to which Brazilian rural labourers are subjected is a form of internal trafficking. In March 2004, Brazil ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also called the Palermo Protocol). The definition of trafficking of human beings contained in the Protocol closely resembles the enticement of rural labourers enslaved in Brazil, as can be seen below:

Article 3 (a) 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Section 206 of the CPB sets out the ways in which enticement is combated in Brazilian legislation, and also penalizes enticement to emigrate. Section 207 penalizes enticement for the purposes of internal migration, thus having a more immediate impact on those practices of fraudulent recruitment that give rise to slave labour in Brazil. Section 207 does not therefore punish the free migration of workers but their abusive recruitment or enticement (*aliciamento*) through third parties with the aim of taking them from one place to another, generally remote area within the country. In full, this section reads as follows:

Section 207. Enticement of workers, with the aim of taking them from one location to another in the national territory:

Penalty – imprisonment of 1 (one) to 3 (three) years and a fine.

§1º The same penalty shall be incurred by whosoever recruits workers outside of the workplace, in the national territory, through fraudulent means or the recovery of any sum from the worker, or whosoever fails to guarantee the conditions of the worker's return to his place of origin.

§2º The penalty is increased by 1/6 (a sixth) to a 1/3 (a third) should the victim be under 18 (eighteen) years of age, elderly, pregnant, an indigenous Amerindian or a person with a physical or mental disability.

The wording of the section suggests that the victim needs to have been transferred to a location far from his home or place of residence, as pointed out by Melo (2007). However, some discussions – that between Fragoso and Damásio, for example³¹ – come to the conclusion that it does not matter whether or not the location of origin of the workers and the destination to which they are taken are far from one another. Consensus was also reached on the principle that enticement should be punished, regardless of whether or not the means employed were fraudulent.

Section 207 was thus amended by Act No. 9.777/98, imposing sanction on whosoever recruits workers outside of the workplace, in the national territory, through fraudulent means or through the collection of any sum from the worker. It also penalizes whosoever entices a worker in a location different from that at which the work is to be carried out (regardless of whether fraudulent means are employed or payments of any value are made) while failing to ensure that the worker will be returned to his place of origin. This detail is fundamental to the fight against slave labour, given that labourers are often abandoned by recruiters once they have completed their work.³²

2.6 PENALTIES

The amendments to the content of the Penal Code, though significant, have not increased the penalties provided for slave labour. They currently stand at two to eight years' imprisonment, in spite of the First National Plan for the Eradication of Slave Labour calling for a penalty of four to ten years' imprisonment.³³

Imprisonment aside, a pending constitutional amendment³⁴ would allow the expropriation of lands on which slave labour is found. The amendment has not yet been adopted, but in 2004 a labour court in Marabá ordered that an estate owner's land be seized.³⁵ Slave labour had repeatedly been found

³¹ Quoted by Melo, 2007, page 82-83

³² Melo, 2007, page 82-83

³³ CEJIL Report, 2007, page 8

³⁴ PEC 438/2001

³⁵ Public Ministry of Labour v. Jorge Mutran Export & Import Ltd.

to exist on the estate and the court held that the owner had violated provisions of the Federal Constitution requiring that the use of property fulfil certain social functions.³⁶ In this particular case, the defendant was also sentenced to pay 1,350,440 Reais for collective moral harm.

Existing fines are too small to be dissuasive. Beginning in 2003 with the revision of Section 149 of the CPB, the Brazilian government began to adopt strict measures to combat forced labour and its impunity in the country. Recently, sentences imposed by Labour Courts have become more severe, especially when convictions require compensation payment for collective moral damages. Several prosecutions have resulted in a sentence of more than a million Reais, the highest being a fine of 5 million Reais³⁷, imposed in 2006 after 180 slave workers had been freed. Sentences in penal courts are also tending to increase in severity. In May 2008, a farmer received a 14-year prison sentence, including 11 years for the crime of reducing someone to slave-like conditions. Thanks to the actions of the GEFM and the MPT, the labour courts have handed down significant sentences against individuals responsible for slave labour. Part 5 of this study explores this issue in greater depth, highlighting the increase in the total amount of compensation paid to freed workers for collective moral damages.

As pointed out above, the combination of different laws is of great help in combating slave labour, as it links individuals guilty of such practices to a number of other offences, increasing their chances of being convicted. This approach was the basis for the Federal Court of Pará's previously unheard of decision to hand down a sentence of nine years (five of which were to be spent in prison and four in detention) in the case of a local landowner, following a prosecution by the Federal Public Ministry in 2003. The crimes committed were provided for under the following Penal Code Sections: 132 (endangering the life or health of another person); 149 (reduction to a condition analogous to that of a slave); 203 (interference with rights guaranteed under labour legislation); and 297 (forgery of public documents). In addition to these crimes, the case involved two environmental offences: the destruction of permanently-protected forestland; and the extraction and burning of Brazil nut tree wood, exploitation of which is prohibited under Brazilian law.

2.7 JURISPRUDENCE

Despite these improvements to the legal framework, very few cases are prosecuted and prison sentences are still rare. The low minimum prison sentence for Section 149 permits courts to suspend sentences or substitute community service, as has regularly happened. Between 1995 and 2003, only

³⁶ See Leonardo Sakamoto, "Trabalho Escravo no Brasil do Seculo XXI", ILO, 2005

³⁷ More than 3 million \$US

a few convictions were obtained under Section 149 and none of the offenders served prison time.³⁸ Some labour courts have, however, been active in awarding administrative sanctions and ordering the payment of both moral (pain and suffering) damages and back wages. The cases below³⁹ illustrate different outcomes in forced labour cases. The first was brought by the Ministry of Labour in a labour court. The second is a criminal case prosecuted in a federal court, and the third was prosecuted in a regional penal court.

Jurisprudence 1 (Labour Court)

In January 2001, a Mobile Inspection Unit visited Fazenda Sao Luiz and reported that the workers were “working in subhuman conditions, with no freedom of movement at all”. The workers were not paid, were given no medical treatment, drank the same water as the cattle and were being kept in debt bondage by the landowner. Workers were kept in perpetual debt because the landowner was the sole supplier of food, clothing and working tools. The landowner was using the shop to “create indebtedness and thus keep the workers chained to his land”.⁴⁰ According to the Court, a production system based on the indebtedness of the worker has a harmful impact on three levels. First, the workers suffer from degrading working conditions and are not paid their wages. Secondly, society is harmed because the employer does not pay any taxes or social contributions. Thirdly, the State must invest significant public resources to eradicate a production system based on debt servitude. The Labour Court ordered that the landowner pay 50,000 Brazilian Reais to compensate the workers for their collective moral damage, in addition to penalties for failure to pay wages.

Jurisprudence 2 (Criminal Court, Rio de Janeiro)

How can debt be used as a means to keep a worker in bondage? José Gomes dos Santos Neto was found guilty⁴¹ of maintaining workers in slave-like conditions. Workers had been recruited on the false promise of earning 600 Reais per month by selling fishing

³⁸ Bischoff, *op cit.*, at p. 171-172.

³⁹ From Forced Labour and human trafficking. Casebook of Court Decisions, ILO, 2009

⁴⁰ Public Ministry of Labour v. Lazaro Jose Veloso, Judgment No. 218/2002, 30 April 2003

⁴¹ Public Federal Ministry v. José Gomes dos Santos Neto, Judgment N°2007.5101.811659-4 (Criminal Court, Rio de Janeiro, 22 April 2008)

nets. They were working every day from 7 a.m. until 11 p.m., a total of 112 working hours per week. One of the workers, Jarbel, was initially charged 4,000 Reais as 'recruitment fees' (including transport and advance on wages for the family). When the labour inspection brought the *fazenda* under control, 4 years later, his debt had not merely failed to decrease but had, on the contrary, increased to 4,190 Reais. Another worker's initial debt of 2,000 Reais had increased to 3,000 Reais. As in the previous case, workers had to buy all their food provisions, clothes, medicines and working tools in the shop owned by the employer, where prices were 25% above market rates. Such employers play with the moral obligation felt by workers who don't want to leave without having paid back what they owe. If that alone proves insufficient leverage, workers or their families will be threatened. In this particular farm, labour inspectors found workers with debts ranging from 2,000 to 8,000 Reais. All workers said they could not leave this employer until they were able to pay back the debts.

Jurisprudence 3 (Penal Court, Maranhão)

In November 2004, a Mobile Inspection Unit visited the Fazenda Boa-Fe Caru and found 19 workers, including a 16 year-old boy, in slave-like conditions. Most of the workers were illiterate. Labour inspectors testified that the conditions they observed in that *fazenda* were among the worst they had ever seen. Workers had no access to drinking water, no sanitation, inadequate accommodation, no safety equipment and no first aid kit. They were living in shelters of canvas or straw, without walls or floor, which did not protect them efficiently from the rain. Their work papers were not signed and, at the time of the inspection, some workers had not received any salary for 5 months. They were working from dawn till dusk, without the right to rest on Sundays. If they did not work, their hours would be deducted at double the daily rate.

Workers incurred an initial debt towards the employer when recruited. The debt was then artificially maintained, because they had to pay for their transport to the farm and, subsequently, buy everything (garments, food, medicines and even working tools) in the estate shop, at prices far above those of the market.

Workers were prohibited from leaving the farm, and were regularly threatened to discourage them from attempting to do so.

Escape was made all the more difficult by the extremely isolated position of the farm, which was about 220 kilometres from the nearest city. This distance constituted an unquestionable obstacle to the freedom of movement of the workers, who were entirely subject to the will of the defendant. Combined with the fear factor, the distance involved cancelled in practice any possibility of escape. Nor could they ask for help, because they did not have the right to send or receive letters.

The Court found the estate owner guilty⁴² of fraudulent recruitment through false promises of paid work, subjection to degrading living and working conditions, and restriction of freedom of movement. The Court insisted that he committed those crimes freely, consciously and deliberately, submitting workers to humiliating conditions purely in order to make financial profits by the exploitation of free manpower. Aggravating circumstances were found in the behaviour of the defendant, who kept the workers in a climate of fear and violence, conspicuously wearing a gun to intimidate them. He fostered his reputation for being a violent man, accustomed to beating workers. As a consequence, workers were afraid to escape. The workers freed by the labour inspectors were even scared to remain in the same city because they feared retaliation. The defendant was convicted of violating Sections 149 (slave labour), 211 (hiding cadavers) and 207 (fraudulent recruitment), and sentenced to 14 years in prison.

In February 2008, another labour inspection came to his estate. His case then became internationally known as he was accused of having tortured a worker, branding him with the iron used for cattle as punishment for his complaints about food and absence of wages. He was convicted by the Federal Court of Maranhão, a decision made possible by the official definition of federal competence to judge forced labour crimes, as confirmed by a vote of the Federal Supreme Court in November 2006.

2.8 LEGAL CHALLENGES: IMPUNITY AND IGNORANCE OF RIGHTS

Two important legal factors contribute to the perpetuation of modern-day slavery: the impunity enjoyed by those committing the crime; and widespread ignorance of labour legislation and workers' rights. Both factors

⁴² Federal Public Ministry v. Gilberto Andrade, Judgment N°2000.37.00.002913-2, Penal Court of Maranhão State, 23 April 2008

prevent employers from being denounced, and both effectively make the State part of the structure that sustains slave labour.

Impunity has proved to be one of the main obstacles in the fight against slave labour in Brazil. Despite the sanctions provided for under the CPB against individuals who practice slave labour, the number of landowners punished for this crime is still low. In the symbolic ‘Zé Pereira case’, for example, the landowner has not been punished for the offence against rural labourers and leaseholders living and working on his property. Even though this case involved a minor, murder and attempted murder, and had repercussions at an international level, the landowner denied the accusations made against him from the outset. He stated that Pereira’s denunciation “was nothing more than organized mischief” aimed at him, and that the complainant, José Pereira, had never worked on his estate. The blame for the crimes was shifted to the *gatos* and other estate employees, with the landowner even making his property available to the police so that they could investigate the allegations. This investigation was not carried out, because the police did not have sufficient funds to travel to the estate. The landowner was transformed from accused to witness. Admission that a crime had occurred was only possible if others were to be held responsible.⁴³

The number of legal actions brought for slave labour crimes is very small when compared to the number of victims freed in the country.⁴⁴ It is important to point out, however, that differences exist in Brazil between criminal and labour courts when it comes to punishing individuals guilty of committing slave labour offences. In the case of criminal law, very few landowners have been convicted under Section 149. One significant factor that allows for impunity in the criminal courts is the conflict between the various legal bodies – the federal and labour courts – responsible for judging the crime of slave labour. On the 30 November 2006, the Supreme Federal Court (STF) recognized the competence of federal justice to judge slave labour cases.⁴⁵ The decision does not, strictly speaking, constitute a leading case, as two judges were not present.⁴⁶ It nonetheless created a precedent and gave a clear signal (6 judges voted for and only 3 against) that federal courts are the relevant legal bodies for judgment of the crime covered by Section 149. It is therefore an important landmark in the fight against forced labour in Brazil, and should help to put an end to impunity.

In the State of Pará, when talking to the press, landowners accused of using slave labour revealed that the State police and judiciary had colluded

⁴³ Figueira, 2004, pages 328-329

⁴⁴ ILO, Global Report, 2005, page 24

⁴⁵ Daniel Merli, *Supremo determina que casos de trabalho escravo devem ir para Justiça Federal*, Agência Brasil, 30 November 2006

⁴⁶ Daniel Merli e Juliana Andrade, *Juristas e Supremo divergem sobre efeitos de decisão envolvendo trabalho escravo*, Agência Brasil, 1 December 2006

with them regarding this crime. This connivance grants the landowners political strength and continued impunity, meaning that they have nothing to fear, even when their crimes are reported by the media. The light sentences handed down to landowners guilty of having reduced workers to a condition analogous to slavery do nothing to prevent those same individuals from re-offending. Therefore, although the number of freed victims of slave labour has been increasing, the number of cases involving this crime brought before the courts in Brazil is still very low.

Another factor that contributes to the perpetuation of slave labour in Brazil is ignorance of the legal code on the part of both the *gatos* and the workers. This means that the former do not perceive their work as being illegal and unfair, while the latter are unaware that their rights have been violated.

Alongside a lack of awareness regarding rights, attitudes concerning oppression and justice are influenced by the backgrounds of the victims of slave labour. If the living conditions (accommodation and food) experienced by an enslaved worker are not much worse than those enjoyed prior to being enticed to an estate, then the labour situation will not act as a sufficiently strong reason for attempting to escape or denouncing the employer. However, if life on the estate is a lot worse than life at home the worker will be motivated to react, despite his weak financial, physical and legal situation.⁴⁷ Yet according to a recent study⁴⁸, about 80 out of 121 freed workers interviewed had a title of property. Such a property is usually a house in town, equipped with electricity, television, a gas oven and even sometimes a freezer, meaning that they experience living conditions in forced labour that are much worse than those to which they are accustomed.

Attempts have been made to amend Brazilian legislation so that land reform can be implemented. Among the most significant steps taken are efforts to push through Constitutional Amendment Bill (PEC) No. 438/01, the aim of which is to expropriate estates on which slave labour is used. Under the bill, this land would be re-distributed, with priority being given to those workers previously held on it in conditions analogous to slavery.

In government and legal circles, various actions have been carried out in order to increase the effectiveness of existing constitutional measures, with the aim of ensuring that those employers using slave labour are punished. The operations of the GEFM are an important example of such actions, and have borne fruit in the payment of labour compensation to freed workers.

The success of these operations, combined with the legal mechanisms that set out the various violations constituting slave labour, and helped by

⁴⁷ Figueira, 2004, Pages 342-343

⁴⁸ *Perfil dos principais Atores envolvidos no trabalho escravo rural – Trabalhadores e gatos*, Relatório de Pesquisa, GEPTec UFRJ, Contemporary Slave Labour Research and Study Group of the Federal University of Rio de Janeiro Julho 2007

co-operation between the different public authorities, has slowly but steadily weakened the culture of impunity that protects employers from state action. This process has helped to restore the workers' faith in the state apparatus. Together with slave labour prevention campaigns, which also raise public awareness regarding the serious nature of the issue, these changes have encouraged workers to denounce the practice of slave labour existing in Brazil. Each of these efforts will be examined individually and in detail in Part 5.

Other interesting initiatives contribute to a better enforcement of the law, such as the creation, by the Supreme Labour Tribunal, of mobile labour tribunals to respond urgently to the most serious complaints of slave labour, allowing such cases to be tried in remote areas of the country. Significant cases have been judged, for example, in the labour tribunal established in the city of Redenção, in Pará State. Other tribunals are planned for the same State, but the process of establishing them has not yet begun.⁴⁹

In the State of Alagoas, this innovative experiment produced results that demonstrated the effectiveness of the initiative. In this State, the mobile tribunal went to an estate and witnessed the existence of slave labour. According to the statement of the labour prosecutor present at the time:

“...I filed the petition, requested blocking of funds and, on the spot, the judge granted the request, connected to the Internet and blocked R\$110,000 in the landowner's account. The same day, around 6 p.m., a small plane arrived at the estate bringing R\$110,000 in cash, duly converted, and payment of the 92 workers began. Starting at around 7 p.m. and carrying on all through the night, until about 5 a.m., when the final payments were made.”
(Viana, 2007: 58)

The ILO has undertaken several activities in Brazil that bring together labour judges, national prosecutors, labour prosecutors, Federal Police, Highway Police and labour inspectors. The objective was to discuss and strengthen the roles of the institutions involved in the fight against slave labour. A positive outcome of these initiatives was encouragement to establish working groups on combating slave labour within the Public Federal Ministry (MPF), the Public Ministry of Labour (MPT) and the Brazilian Order of Lawyers (OAB). As a result, the MPT now includes the National Coordinating Office for the Fight against Slave Labour (CONAETE), the MPF has a task force for the eradication of slave labour and the OAB has a Coordinating Unit to Fight Slave Labour.

A significant role is played by CONAETE, created in September 2002, which receives complaints and participates in investigations, together with the GEFM, by means of labour prosecutors who form part of the mobile group's teams. CONAETE's activities are also aimed at guaranteeing compli-

⁴⁹ CEJIL Report, 2007

ance with labour legislation relating to, inter alia, signing work cards, paying contributions to the Guarantee Fund based on Length of Service (FGTS), holidays and annual bonuses.

As far as law enforcement is concerned, the significant role of the Federal Highway Police should be also highlighted. By their monitoring of Brazilian highways, they contribute to the prevention of internal trafficking of workers. In 2006 and 2007, the ILO, in partnership with the Federal Highway Police Department, held a series of regional seminars to enable federal officers to combat human trafficking. These seminars emphasized the fight against crimes of slave labour as well as the sexual exploitation of children and adolescents.

CONTEXT AND STRUCTURAL CAUSES

This part examines both the stigma of colonial slavery and the socio-economic background of the region with the highest incidence of enslaved workers, to show that, in Brazil, slave labour is linked to other historically complex questions, such as: poverty in the regions of origin of the victims; the deforestation of the Amazon region; and unequal land distribution. The aim of Part 3 is to provide the reader with a summary of the main structural causes that generate and sustain a problem that is a source of embarrassment to the country.

3.1 HISTORICAL CAUSES: SLAVERY IN COLONIAL TIMES

In the 19th Century, all economic activity in Brazil was based on colonial slavery. This practice was not merely a means of production, but a deeply rooted part of culture and society in general, and led to the establishment of models of exploitation that thrive even today. Despite the signing of the *Lei Áurea* (Golden Law) on 13 May 1888 (abolishing the right of one person to own another), situations persisted in which workers were unable to leave the service of their employers.⁵⁰ Modern-day slave labour and debt slavery together constitute one of the most visible scars from this colonial past.

The abolition of slavery was a slow, gradual process, brought about by the restriction and subsequent prohibition of the traffic in slaves between Brazil and Africa. Consequently, a huge class of free workers was created. However, they did not have access to the means of production, in particular the land. Faced with the possibility that the abolition of slavery might result in the collapse of major rural producers, which depended on this workforce, the Brazilian Government ensured that access to the means of production continued to be limited to a small number of individuals.⁵¹

⁵⁰ Sakamoto, 2008

⁵¹ Ibidem

Under slavery, land could be made freely available for occupation, but with a free workforce access to land had to be restricted. In 1850, just after the traffic in slaves had been halted, the *Lei de Terras* (Land Act) was approved. This piece of legislation established that unoccupied public land would fall into the hands of the State, which would then sell it, rather than give it away, as had previously been the case. With the introduction of this system, land was now worth money for the first time. It came at a price that major landowners could afford, but was too expensive for former slaves and the poor. Thus, the owners of large estates were able to increase the size of their properties, while the rest of the population was excluded from this new process of official landownership. The system whereby land was concentrated in the hands of a few individuals was, therefore, strengthened. In order to survive, the poor and former slaves had to continue to offer their labour to major producers.⁵²

In this regard, the Land Act ensured that labour relations remained similar to those existing in the period prior to the abolition of slavery, and the end of slavery did not improve the quality of life for many rural workers. Modern-day slave labour displays many characteristics inherited from its colonial counterpart. After the Golden Law was instituted, two scenarios allowed for forms of exploitation similar to slavery, although neither involved the legal ownership of one human being by another. These scenarios involved servitude through debt instituted by the rubber industry in the Amazon region, and the settlement of land through the renting out of lots (*colonização por parceria*) to foreign settlers brought in to work on coffee plantations in the interior of the State of São Paulo.⁵³

The first case involves the exploitation of workers from the Northeast region who, fleeing from the drought that devastated the region between 1877 and 1880, were taken to the Amazon region to extract rubber. They would contract debts to their employers soon after being recruited, when they bought their work tools. The price of the tools was added to that of transport, constituting an initial debt that would never be paid off because there was always a way to ensure that workers' outgoings were higher than their low wages. Workers could not leave the service of their employer-creditors until they had repaid their debts. Furthermore, employers had an understanding among themselves whereby they would not employ any worker owing money to another employer.⁵⁴

Following the abolition of the slave trade, the *colonização por parceria* system was introduced on several coffee plantations, which recruited settlers from Europe to work the land. The settlers would sign a contract under which half the money they made from the sale of coffee would go to the landowner

⁵² Sakamoto, 2008

⁵³ Ibidem

⁵⁴ Prado Júnior in Sakamoto, 2008

who had recruited them. Furthermore, they had to pay certain costs, mainly the cost of their passage and that of their families, as well as their upkeep until they began to turn a profit.⁵⁵ Under the Land Act these workers were, like the former slaves, effectively barred from obtaining the means of production, given that the Act prevented immigrants whose passage to Brazil had been paid for from purchasing land within three years of arrival in the country.

Colonial slavery, in place in Brazil until 1888, established a deep-rooted model for highly hierarchical labour relations (both in terms of agricultural and domestic labour) that served as a guide for future labour relationships.

In this regard, modern-day slavery is not based strictly on race but, like colonial slavery, it has divided up the labour market, with certain members of society being vulnerable to exploitation. Degrading working conditions, when they affect black Africans or poor people, become a trivial, acceptable matter. Consequently, relations on today's estates demonstrate that the values and actions of landowners and employers constitute a cultural model similar to that which existed during the period of colonial slavery in Brazil.⁵⁶ This historically constructed model appears, both for landowners and workers, to have rendered acceptable the relationship of exploitation characterizing life on some estates.

3.2 ACCESS TO LAND: CONCENTRATION OF LAND OWNERSHIP

Intricately associated with poverty, the issue of concentrated landownership – which affects Brazil as a whole and the states of origin of enslaved rural workers in particular – is also a structural cause of slave labour. It exacerbates poverty because workers are deprived of the main resource that would allow them to support themselves in rural areas, namely land. Without land, a worker's income, normally low, becomes his mainstay in terms of survival. Items that could previously be grown (i.e. food) are transformed into goods that must be purchased. This undermines the principle of self-sufficiency that characterizes peasant societies, in which land, family and work are central cultural categories in the construction of a system of ethics that guides the actions of family members, especially heads of the family.⁵⁷ The lack of land therefore puts the physical and social reproduction of domestic groups at risk.

Landless, jobless and therefore unable to support themselves and their families, workers submit to exploitation, accepting inhuman living and working conditions and wandering between estates and towns seeking opportunities.

⁵⁵ Martins in Sakamoto, 2008

⁵⁶ Figueira, 2004, Page 267

⁵⁷ Woortmann, 1990

3.3 POVERTY AND FORCED LABOUR

The Brazilian regions with the highest levels of rural slave labour, and those from which slave labour victims originate, are affected by various historical, political and economic problems. The socio-economic characteristics of those regions therefore need to be considered, in order to understand why workers leave their homes in search of a job, and end up working in conditions analogous to slavery.

Unlike other Latin American countries, such as Peru and Bolivia, most victims of modern-day slave labour in Brazil are not indigenous Amazonians⁵⁸, but rather non-white workers (black or mixed-race) from the Northeast region, in particular from the poorest states. As shown by Tables 1 and 2, these offer the least labour and employment opportunities and the worst living conditions. Both tables are derived from data collected as part of the 2006 National Household Sample Survey (PNAD).⁵⁹

As can be seen in Table 1, the Northeast region contains 62.8% of those Brazilian households with a monthly per capita household income of less than or equal to a quarter of the minimum wage, as well as 44.4% of those households with incomes of between a quarter and half of that wage.⁶⁰ Likewise, low incomes are concentrated among non-white persons over 18 years of age. Indeed, 73.2% of those persons with monthly per capita household incomes of less than or equal to a quarter of the minimum wage state that they are black or of mixed race, as can be seen from Table 2.

In Brazil, certain regions and ethnic groups are more affected by poverty than others. The worse the living conditions, the more willing workers are to take the risks inherent in accepting work far from home. They are also more likely to ignore both their parents, who may try to prevent them from leaving, and the stories they have heard about degrading working conditions on estates in the south of the State of Pará and the north of the States of Tocantins and Mato Grosso. Poverty, therefore, is the main factor behind modern day slavery in Brazil, since it increases the vulnerability of a significant portion of the population, making them easy prey for enticers of slave labour.

Another significant factor is the Brazilian State's inadequate response to violence in rural areas, both in the workers' areas of origin and in the regions where slave labour practices occur. The diverse nature of the crimes

⁵⁸ However, this does not mean that there are no cases of indigenous Amerindians being reduced to a condition analogous to slavery, as will be seen in one of the cases presented later in this document.

⁵⁹ The PNAD is a system for surveying a sample of households on a national scale. It collects a lot of information (demographics, health, migration, housing conditions, education, work, economic situation, etc.). The survey is carried out each year by the Brazilian Institute of Geography and Statistics (IBGE).

⁶⁰ Data from 2006; in 2006, Brazil's minimum wage was about 350 Reais (US\$159).

Table 1: Distribution of households by per capita household income band (excluding pensioners, domestic workers and their relatives) and region of residency – Brazil, 2006.

	Region of Residency					Total
	North	Northeast	Southeast	South	Centre-West	
No income	absolute value 34,463 6.8%	129,658 25.6%	240,799 47.6%	55,931 11.1%	45,096 8.9%	505,947 100.0%
Less than or ¼ of min. Wage	absolute value 323,296 9.6%	2,109,908 62.8%	570,809 17.0%	219,112 6.5%	136,364 4.1%	3,359,489 100.0%
+ ¼ to ½ of min. wage	absolute value 790,222 10.8%	3,235,595 44.4%	2,099,073 28.8%	701,006 9.6%	467,781 6.4%	7,293,677 100.0%
+ ½ to 1 min. wage	absolute value 1,151,064 8.8%	3,721,566 28.3%	5,377,048 41.0%	1,826,357 13.9%	1,051,977 8.0%	13,128,012 100.0%
+1 to 2 min. wages	absolute value 896,007 5.8%	2,872,778 18.7%	7,611,339 49.4%	2,829,837 18.4%	1,185,608 7.7%	15,395,569 100.0%
+2 to 3 min. wages	absolute value 249,777 4.4%	655,396 11.6%	3,098,829 54.8%	1,236,190 21.9%	414,614 7.3%	5,654,806 100.0%
+3 to 5 min. wages	absolute value 167,042 4.0%	473,502 11.3%	2,370,894 56.6%	889,119 21.2%	290,838 6.9%	4,191,395 100.0%
+ 5 min. wages	absolute value 134,612 3.3%	449,128 11.1%	2,396,488 59.4%	717,740 17.8%	335,209 8.3%	4,033,177 100.0%
Not indicated	absolute value 35,506 3.1%	170,561 14.7%	812,410 70.2%	88,994 7.7%	49,219 4.3%	1,156,690 100.0%
Total	absolute value 3,781,989 6.9%	13,818,092 25.3%	24,577,689 44.9%	8,564,286 15.7%	3,976,706 7.3%	54,718,762 100.0%

Source: PNAD micro data for 2006 (IBGE)

Table 2: Distribution of households by per capita household income band (excluding pensioners, domestic workers and their relatives) and ethnicity – Brazil, 2006.

		Ethnicity					Total	
		Indigenous	White	Black	Asian	Mixed Race	Not Indicated	
No income	absolute value	4,533	322,720	103,242	3,151	367,793	0	801,439
	%	0.6%	40.3%	12.9%	0.4%	45.9%	0.0%	100.0%
- or equal to ¼ of min. Wage	absolute value	33,134	1,960,564	700,633	14,779	4,789,209	1,042	7,499,361
	%	0.4%	26.1%	9.3%	0.2%	63.9%	0.0%	100.0%
+ ¼ to ½ of min. wage	absolute value	58,116	5,538,240	1,615,610	36,441	10,036,556	0	17,284,963
	%	0.3%	32.0%	9.3%	0.2%	58.1%	0.0%	100.0%
+ ½ to 1 min. wage	absolute value	106,036	13,835,670	2,840,608	87,569	15,686,213	1,016	32,557,112
	%	0.3%	42.5%	8.7%	0.3%	48.2%	0.0%	100.0%
+ 1 to 2 min. wages	absolute value	99,307	19,576,098	2,573,257	166,724	12,879,566	581	35,295,533
	%	0.3%	55.5%	7.3%	0.5%	36.5%	0.0%	100.0%
+ 2 to 3 min. wages	absolute value	30,283	8,759,277	719,587	117,706	3,424,945	218	13,052,016
	%	0.2%	67.1%	5.5%	0.9%	26.2%	0.0%	100.0%
+ 3 to 5 min. wages	absolute value	17,001	7,081,502	402,567	104,939	1,950,789	0	9,556,798
	%	0.2%	74.1%	4.2%	1.1%	20.4%	0.0%	100.0%
+ 5 min. wages	absolute value	12,824	6,854,923	242,226	172,016	1,253,502	0	8,535,491
	%	0.2%	80.3%	2.8%	2.0%	14.7%	0.0%	100.0%
Not indicated	absolute value	7,490	1,917,187	224,756	33,886	864,316	0	3,047,635
	%	0.2%	62.9%	7.4%	1.1%	28.4%	0.0%	100.0%
Total	absolute value	368,724	65,846,181	9,422,486	737,211	51,252,889	2,857	127,630,348
	%	0.3%	51.6%	7.4%	0.6%	40.2%	0.0%	100.0%

Source: PNAD micro data for 2006 (IBGE)

denounced in the North region, for example, demonstrates how issues relating to environmental devastation are linked to the concentration of land in large estates, as well as to modern-day slave labour.

The region with the highest incidence of slave labour in Brazil stretches across states considered to be part of the ‘Legal Amazon’⁶¹, which encompasses all seven states of the North region (Acre, Amapá, Amazonas, Pará, Rondônia, Roraima and Tocantins), as well as Mato Grosso State in the Centre-West Region and most of Maranhão state in the Northeast region. This area accounts for around 61 per cent of the total national territory but only ten per cent of the country’s population.⁶²

As pointed out in Part 2, most of the cases of slave labour in this region are concentrated within the deforestation arch, which has been expanding since the 1970s.

During their operations, GEFM/MTE teams – responsible for carrying out on-the-spot investigations of complaints of the use of slave labour in the national territory and for the freeing of workers – have noted the relationship between cases of slave labour and deforestation. According to GEFM inspection reports, most of the workers freed had been carrying out activities linked to the opening-up of tracks in virgin rainforest, in order to allow for: the use of chainsaws; the felling of trees and the consequent production of fencing with the wood; the uprooting of tree stumps and roots to make way for pasture or arable land. Modern-day slave labour is therefore characterized by activities demanding intense manual labour with a low degree of skill.

One of the main causes of deforestation in the Brazilian Amazon is the expansion of cattle farming in the Legal Amazon region. Cattle farmers are attracted by returns on their money up to four times greater than in other regions of the country. The high profits are due to a series of factors. Favourable geographical and climatic conditions, such as high rainfall, temperature and air humidity, all contribute to lowering the costs of creating an appropriate environment for breeding livestock. Alongside these natural factors, farmers have legal reasons for choosing the region. Weak land regulation, the appropriation of public land through forged land titles and the permanent

⁶¹ The *Amazônia Legal* (‘Legal Amazon’) is a 5.1-million square km. administrative unit. It was defined by the government in 1953, and modified in 1977 as part of a development plan for northern Brazil that called for infrastructure and other investment. The main characteristic of the region is its abundant and tropical vegetation, including large sections of rainforest. Because of its remoteness, this region was the last to be inhabited by Brazilians of European descent and it still has very low population density.

⁶² “The Brazilian Amazon alone is seven times the size of France and equal in terms of area to 32 Western European countries. Marajó Island, located at the mouth of the Amazon River, is larger than Switzerland, the Netherlands or Belgium.” (Coordinating Commission of the Amazon Monitoring Project – CCSIVAM) Available at: <http://www.sivam.gov.br/AMAZONIA/apres1.htm>, accessed on 10/03/2008.

deforestation of new areas in the forest are commonplace.⁶³ Furthermore, irregular labour recruitment is a common practice in the region.⁶⁴

3.3.1 Illegal occupation of the North region

In the 20th Century, the discovery of the rubber tree (from which latex is extracted to make rubber) led to the opening up of the Amazon region to the international market. Thus began the North region's first significant economic cycle, which attracted many workers, mainly originating from Brazil's North-east region. The development of the north of the country was subject to population fluctuations triggered by: the discovery of the rubber tree; the rubber crisis; the extraction of Brazil nuts; entrepreneurial livestock farming encouraged by the Superintendence for the Development of the Amazon Region (SUDAM); and gold extraction.

During the period of military dictatorship in the 1970s, the Federal Government launched a National Integration Plan, one of the aims of which was to develop and make better use of the Amazon region. A study of rural properties in the State of Pará showed that there were hardly any properties with legally recognized land titles. Based on the presupposition that these areas of land belonged to the government, a series of agri-business projects were started, backed up by significant financial incentives (including attractive interest rates for loans) for large private and State industries starting up in the region.⁶⁵

As the uncontrolled distribution of public land to corporations increased, so did the devastation of the Amazon rainforest, along with unemployment, misery and violence in rural areas. At the same time, the number of cases of speculators illegally occupying huge tracts of public land rose.⁶⁶

The illegal seizure of land has since become a critical issue throughout the Amazon region, especially in the State of Pará. Thousands of land titles were fraudulently obtained from the State with the complicity of civil servants, creating a situation that no-one seemed able to prevent. These parcels of land were sold and re-sold countless times, to the point that, by the 1980s, it was almost impossible to ascertain the identities of the real owners of huge properties of the State of Pará.⁶⁷ Another practice that became

⁶³ MTE data shows that around 60 per cent of the properties inspected by the GEFM had not been registered with the National Institute for Settlement and Agrarian Reform (INCRA), the government body responsible for the regulation and organization of estates in Brazil.

⁶⁴ Sakamoto, 2007, pages 77-79

⁶⁵ Figueira, 2004, Pages 103-105

⁶⁶ Nepomuceno, 2007, Page 46

⁶⁷ As a result of irregular and illegal land appropriation: "The area of land claimed through false land titles increased to such an extent that the registry offices of some municipalities of the State of Pará recorded a much greater area of land than that which actually existed within their official geographical borders." (Nepomuceno, 2007: 48-49).

commonplace was the irregular privatization of public land by *grilagem*⁶⁸, and the violent eviction of small farmers who were occupying land that had been abandoned for years.

The construction of the Belem-Brasilia highway, together with the quality of the land, attracted private enterprises (subsidized by SUDAM) to the south of the State of Pará. Two types of livestock enterprises were subsequently set up in the region: large enterprises owning estates in municipalities such as Santana do Araguaia and Conceição do Araguaia; and family firms, which held even more land than the big companies. Among enterprises of both types there are a number of estates with irregular land titles, where slave labour practices are common. In the past, the North region was mainly accessed via waterways, and transportation was consequently a slow process. However, the construction of the Belem-Brasilia highway, together with the building of private airstrips on many estates, meant that the shipping (both legal and illegal) of goods and people intensified.

There was no real State presence during the period in which the region was being developed. Consequently, land was seized in contravention of regulations and labour relations were conducted in an illegal manner, marked by violence. Together with a few judges and prosecutors (subjected to intimidation), the only body representing the State was the police force, which as well as being limited to a few police stations in the towns, was poorly paid and tended to side with the landowners.⁶⁹ In the face of this situation, there was a clear lack of monitoring and inspection regarding violations of labour and environmental legislation:

“In late 2005, there were 70 IBAMA (Brazilian Institute of the Environment and Renewable Resources) inspectors working in the interior of the State of Pará, an immense area which, it should be recalled, is larger than Spain, Italy and Germany added together. In fact, the number of inspectors was somewhat fewer than 70 because not all of them would go out into rural areas to carry out inspections. Fifty of them would actually patrol the city of Pará.” (Nepomuceno, 2007: 56)

Indeed the presence of the State was limited until recently, as stated by Father Henri Burin des Roziers from the CPT:

“The first judicial circuit of Xinguara [in the State of Pará] was established in the late 1980s. Prior to that, the State was barely

⁶⁸ The term *grilagem* refers to a trick used by fraudsters (known as *grileiros*), who would falsify documents (usually hand-written land titles) by using crickets (*grilos*), which would be put in a drawer with the papers. The insects would run around, leaving excrement on the edges of the documents, which would then look older than they actually were. Judges and registry office officials were bribed so that they would accept the documents as being official (Nepomuceno, 2004: 57).

⁶⁹ Figueira, 2004, page 108

present at all. Until 1989, there was only one judicial circuit in Conceição do Araguaia, which covered Santana do Araguaia, Santa Maria das Barreiras, Rio Maria, Xinguara and São Geraldo [towns also located in the State of Pará]. An immense area. There was only one judge for this entire region. As there were no telephones, communication was a lot more difficult. The only police presence was in Conceição. In the absence of any State presence, weapons were used to settle disputes.” (Sakamoto, 2007: 83)

In the 20th century, the North region already had a history of coercive labour practices – associated with latex extraction from the *seringueira* tree in the Amazon region and from the *caucho* tree in the Araguaia region of the State of Pará – but it was intensified in the 1970s and 1980s with the arrival of cattle farmers. This resulted in a catalogue of social and environmental damage linked, for example, to deforestation and the burning of native forest in order to create pasture.

The success of the landowners who moved into the area depended to a large extent on their ability to turn the military and civil police into allies. The private militias used by landowners and *grileiros* are frequently set up and run by members of the police force. The main victims of these militias are rural labourers, members of the clergy, environmentalists, human rights activists and rural trade union officials attempting to defend the rights of low-income workers subjected to various forms of exploitation. The use of slave labour and the irregular seizure of land led to extremely violent land disputes, which continue to affect the region.

3.3.2 Land disputes and modern-day slavery

The statistics referring to land disputes and the consequent numbers of deaths in the North region of Brazil are appalling. Data provided by the CPT shows that, in Brazil between 1985 and 2004, the number of conflicts or ambushes caused by land disputes reached 1,043. During the course of these land disputes, 1,399 persons were murdered, 772 of whom (all rural dwellers or human rights activists) were killed in the State of Pará. Although these figures are in themselves surprising, the data regarding impunity is all the more shocking. Only 77 of these cases went to court (around 7 per cent of the total). Few of those found guilty actually went to prison, and when they did, they did not stay in prison for long.⁷⁰

Land disputes and modern-day slavery in the North region, especially in the State of Pará, are closely linked. Most victims were enslaved workers who had attempted to escape from estates⁷¹, or workers who had escaped and joined the Landless Rural Workers’ Movement (MST). Many tell a similar

⁷⁰ Nepomuceno, 2007, pages 34-35

⁷¹ According to the CPT, at least one hundred workers were killed while attempting to escape from estates between 1980 and 2001.

story. Lacking work or the land to make a living, they move to the Amazon region. In the past, they might have tried their luck as gold prospectors, also in the north of Brazil. Empty-handed and tempted by promises of work and good wages on the estates, they end up in forced labour. Some, having escaped and wandered around for some time, join social movements that call for land re-distribution, in particular the MST (the most organized of these bodies).⁷²

One event, known as the ‘Eldorado dos Carajás Massacre’, stands out among all the various land disputes involving rural workers that have occurred in the region:

On 17 April 1996, 19 workers were brutally murdered by the Military Police during a protest on the PA-150 highway [the same road alongside which José Pereira was left after being shot]. They had been participating in a protest march of almost 900 km. to the State capital, Belem. Carried out by members of the MST, the march was held to call for a more flexible process of land appropriation concerning one of the largest estates (almost 40,000 hectares) in the State, and the redistribution of the land among the families of rural labourers. This land appropriation scheme was adopted as a part of the government’s land reform policy, which seeks to reduce profound inequalities in terms of land distribution in the rural areas of the country. Around 2,500 rural workers belonging to the MST took part in the protest. The Government of the State of Pará ordered the highway to be cleared. Two battalions of military police, 155 men in total, opened fire on the protestors. Nineteen men were killed, most of them leaders of the MST. Expert reports referred to various signs of torture: bruising on the corpses; marks indicating blows and kicks; traces of gunpowder surrounding bullet holes, indicating shots fired at point-blank range; deep, lacerating cuts; and exposed fractures. Only two commanding officers involved in the operation were sentenced for all the crimes committed: a Colonel, sentenced to 228 years in prison; and a Major, sentenced to 158 years. Both were released less than ten years after being jailed and are awaiting new rulings. (Version based on report made by Nepomuceno, 2007.)

Because the civil and military police participate in the repression of workers, the number of complaints regarding irregularities and exploitation on estates remains limited, given that workers feel that lodging a complaint will bring neither protection nor safety from the police. In many cases, rather than recording denunciations of abuses suffered by escaped workers, the

⁷² For further information on the MST, see: <http://www.mst.org.br/mst/home.php>

authorities have returned these workers to the *gatos* who recruited them, as can be seen from the case below:

Case 1: Slave labourers escape and the police take them back to the estates.

In 1998, in the State of Pará, a *gato* handed in an escaped labourer to the municipal delegate on a Friday and took that same labourer back to his estate on the following Tuesday. He stripped the young man and gave him “a bath in a stream”, before forcing him to travel naked sitting on the lap of another naked worker. The aim of this exercise was to break his spirit, and it worked. This was not an isolated incident. In the State of Mato Grosso, a fugitive from an estate was caught with the help of the police and taken back to the workplace. In other cases, action was taken to prevent workers from being returned to their estate. In 1989, fourteen men escaped from an estate in the State of Pará. When they reached a town, a military policeman detained them with the intention of taking them back to the estate. However, thanks to the interventions of a representative of the Diocese and local civil society, they were able to return to their homes. (Figueira, 2004)

The roots of the situation regarding impunity for the use of slave labour, deforestation and other crimes lie in the links between landowners and the federal, State and municipal authorities. Many landowners exercise power and influence within various national bodies, either directly, by holding political office in prefectures, municipal legislative chambers, State governments and the National Congress, or indirectly, through close links with individuals in public office who represent their interests.

THE COMPLEX NATURE OF RURAL FORCED LABOUR

4

This part of the study seeks to present the national features and particularities of slave labour in Brazil. First, the main types of activity that involve slave labour workforces are described, as well as the different kinds of degrading work and restrictions of freedom. Secondly, a profile is drawn of victims of slave labour in Brazil, in order to get a clearer picture of the kind of people subjected to this treatment. Thirdly, the internal organization of the estates where this criminal practice occurs is studied in detail, including a description of the ‘chain of command’ on those estates to which workers subjected to conditions analogous to slavery are enticed. Lastly, the different slave routes existing in Brazil are considered.

4.1 THE CHARACTERISTICS OF SLAVE LABOUR IN BRAZIL

The reports on GEFM operations between 1995 and 2006, as well as the ‘dirty list’⁷³, show that those operators using slave labour in Brazil are not, for the most part, isolated landowners or owners of old-fashioned estates. They are, in fact, entrepreneurs working in agribusiness, many of them using cutting edge technology in the production phase. When it comes to the cattle-farming business, the livestock are given much better treatment than that received by labourers, including a balanced diet, computerized vaccination systems and artificial insemination. The temporary workers on the same estates are denied clean water, food prepared in hygienic conditions or adequate housing. They are constantly subjected to verbal and physical abuse, and are prevented from returning home.⁷⁴

⁷³ The term ‘dirty list’ refers to a register, established under MTE Decree No. 540/2004 do MTE, which contains the names of individual and legal entities known to exploit labour under conditions analogous to slavery in Brazil. The list is available to the public on the Ministry’s website (www.mte.gov.br). Part 5 addresses the issue of the ‘dirty list’ in the section focusing on actions taken by the Government of Brazil to combat slave labour.

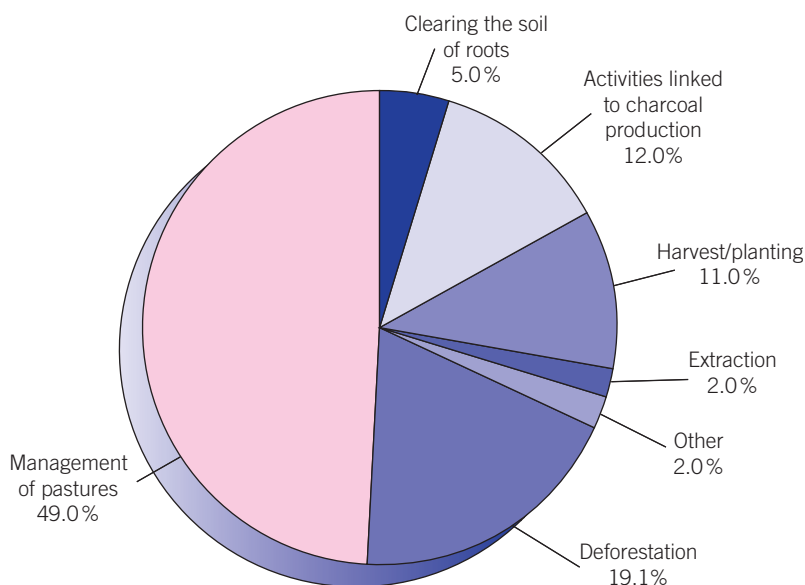
⁷⁴ Sakamoto, 2006

Other studies have sought to identify elements in the production chain of the main sectors in which slave labour is employed. Many of the enterprises identified as belonging to this production chain are major businesses involved in export and commercial retail.⁷⁵

These studies show in detail that 62 per cent of slave labour in Brazil is employed in activities related to livestock farming, 18.6 per cent is accounted for by arable production (soya, cotton, maize, rice, beans, coffee), and charcoal production takes up 12 per cent. Victims are employed in non-specialized tasks such as, among others, felling indigenous forest, *juquira*⁷⁶ work, clearing land for the planting of fields, harvesting sugar cane, planting seeds and producing vegetal charcoal, as illustrated by the figure below.

Figure 3

Activities carried out by workers subjected to slave labour (by estate)⁷⁷



Source: Study on the Slave Labour Production Chain, ILO-Brazil and the NGO Repórter Brasil, 2007.

⁷⁵ The NGO Repórter Brasil, in partnership with ILO-Brazil, completed two research projects about the production chain of slave labour. The first study was undertaken in 2004 and the second in 2007. Both will be further examined later in this document.

⁷⁶ *Juquira* is the process of clearing the dense secondary-growth vegetation that grows in previously cleared areas that have been transformed into pasture. Scythes are often used in this work. If only small quantities of vegetation are involved then this clearing activity may be referred to as *juquirinha*; in the case of larger quantities, the term *juquirão* is used (Figueira, 2004: 17).

⁷⁷ Data referring to the estates appearing on the 'dirty list' up to 25 January 2007. In total, 163 estates (controlled by 168 employers) were investigated.

In the bovine meat production sector (for which Brazil is the world export leader), farmers use slave labour to clear land and plant pasture, to build fences, and to increase the area of usable farmland by clearing native forest. Workers involved in the production of sugar-based ethanol (one of the main types of fuel used in Brazil) are also sometimes exploited, mainly to harvest sugar cane. Alcohol-based fuel has attracted a lot of interest worldwide, because it is renewable and burns more cleanly than oil derivatives. This interest has, in turn, encouraged large-scale production, sometimes without full respect for fundamental workers' rights.

Case 2: Amerindians enslaved in Mato Grosso do Sul

2007 was a record year for freed workers, with 5,877 workers being freed from 197 estates. More than half of these labourers were involved in sugar cane cultivation. Although sugar cane production accounts for only 1% of the total activities that make use of slave labour in Brazil (as shown by Figure 3), 2,947 persons were rescued from situations analogous to slavery from just four mills. One estate/mill in the State of Pará, where 1,064 persons were subjected to conditions analogous to slavery, went down as the worst case (not just in 2007 but in the history of the GEFM) in terms of the number of workers freed. The second largest rescue operation took place in the State of Mato Grosso do Sul, where 1,011 indigenous Amerindians were recorded as being lodged in precarious conditions. At the beginning of the inspection, the MTE announced that 831 workers had been freed, but as the action continued it was found that more workers were being held in similar conditions. The third largest operation of the year also took place in the State of Mato Grosso do Sul, with 498 persons being freed, a third of them indigenous Amerindians. According to the Coordinator of the Indigenous Missionary Council (CIMI) in the State of Mato Grosso do Sul, around ten thousand more sugar cane plantation workers were living in similar conditions. Many Amerindians in the region have no other choice but to accept employment in the sugar cane cultivation sector, given the difficulties they face in finding work. In the words of the CIMI coordinator: "The agricultural work that the Amerindians used to carry out, harvesting yerba mate, has disappeared. In some ways conditions have improved, but now they have to collect 12 tons of sugar cane a day. This is inhuman and can leave a worker physically broken after ten or twelve years." (NGO Repórter Brasil, 2008)

Metalwork is another important production sector in which slave labour is employed. The region of Carajás, in the State of Pará, is home to the world's largest iron ore deposit. Consequently, many metalwork factories have been set up in this region to produce pig iron (the basic material for production of the steel Brazil exports for use in the international automobile industry).

Amazonian pig iron is considered to be the best in the world because it is produced using vegetal, rather than mineral, charcoal. Mineral charcoal contaminates the pig iron with high levels of sulphur, meaning that it cannot be used in the production of special steels. A demand for vegetal charcoal therefore exists, and large amounts of iron require large amounts of charcoal. In order to meet demand, a vast number of trees are felled and workers are kept as slaves on charcoal camps. Environmental offences are often also committed because, rather than felling re-forested wood, operators prefer to clear native forest.

Case 3: Exhausting working days and confiscation of documents

In March 2007, the Attorney General of the State of Piauí denounced an employer who was using slave labour on a charcoal camp located in the State. The denunciation was based on an inspection carried out by the Regional Labour Delegation, which found 34 persons reduced to a condition analogous to slavery on the property in question in 2006. According to the inspection report, the labourers' work cards had been confiscated and their wages withheld. Furthermore, working conditions and the supply of food were precarious, and the average working day was ten hours, including Sundays and bank holidays. (NGO Repórter Brasil, 2007)

Case 4: Creating dependence to retain workers

The GEFM freed 23 persons subjected to degrading working conditions on a charcoal camp on the border of the States of Pará and Tocantins. The workers included two youths aged 15 and 16. The charcoal camp consisted of 23 ovens, and the workers were housed in makeshift wooden shacks, without access to drinking water. Wages were paid according to production, which often

depended on good weather. “They would often make R\$100 or R\$200 one month, after not having been paid for the previous two months”, stated the government inspector who took part in the rescue operation. Food had to be bought at the charcoal camp store, thus creating a relationship of dependency between the workers and the estate. Those running the camp failed to provide personal protection equipment (PPE), in violation of the legislation then in force. Many labourers worked barefoot while carrying the charcoal. Two chainsaws were also seized from the camp during the inspection operation. The non-wage labour costs to be paid to the freed workers amounted to R\$71,000.⁷⁸ (NGO Repórter Brasil, 2006)

Brazil is the world’s number one exporter of soya, usually used to produce oil, animal feed (among other foodstuffs) and chemical products. In 2004, soya was the country’s second largest commodity export. Once chainsaws have been used to cut down the forest, workers scour the felled area, pulling up tree stumps and roots to clear the land for the planting of soya fields.

Case 5: Pregnant woman clearing land

In 2003, 22 enslaved workers were freed from an estate producing soya and rice in the north of the State of Mato Grosso. The workers were taken to a town, and are still waiting for compensation regarding their labour rights. One of the estate employees, who was armed, was arrested at the scene by the Federal Police. An employment agency was being used as a façade to recruit workers and disguise the labour situation. A four-month pregnant woman was found clearing land. As the border marking the limits of agricultural land advances daily in the north of Mato Grosso, so the number of persons employed in this sector grows. Most of the workers freed were from the State of Maranhão and had been brought to the estate by the gato arrested during the operation. (NGO Repórter Brasil, 2003)

⁷⁸ In April 2008, R\$71,000 was worth US\$41,000.

4.1.1 Degrading working conditions

Concrete examples can give a clearer picture of working conditions that are, in most forced labour cases, found to be very bad, and that are often degrading. These include: poor worker accommodation; exhausting working hours; a lack of access to medical treatment for occupational accidents or diseases; lack of sanitation in the workplace; poor food supply; mistreatment; violence; inadequate remuneration; and unfair compensation. In many forced labour cases, several forms of degrading conditions coexist.

4.1.1.1 Accommodation

The kind of accommodation provided depends on the work the labourer has been enticed to perform. Conditions are usually worst in cases of operations involving the cutting down of native forest, because such sites are inaccessible and located far from urban centres.

Case 6: Fantasy accommodation

According to government agents, one of the estates inspected by the GEFM was equipped with good quality, brick-built housing containing electric appliances. As an agent present on that occasion explains, this was intended to trick the inspectors. “But the slaves were housed in plastic shacks, drinking contaminated water, and they were kept in holes behind bushes in order to hide them until we left. As we spent three days on the estate, men (119 in all) started to ‘pop up’ out of the ground and come to us in desperation, saying that they were not animals.” (op. cit)

Case 7: Rats, cockroaches and rubbish among people’s belongings

In an operation carried out in February 2008, the GEFM discovered 133 workers being housed in degrading conditions on the premises of an enterprise in the renewable energy production sector, located in towns in the interior of the State of Goiás. In one town, the team found 116 workers housed in two boarding houses and three houses. All of the premises were overcrowded and conditions were terrible, according to the government agent who coordinated the action. The labourers were working in two factories in the municipality belonging to the enterprise. None of the houses

had adequate sanitation. In one property, 15 people were sleeping in the same room. In another, all the mattresses had been soaked by rain. In another town, 17 recruited workers were lodged in an irregular fashion, awaiting transportation to the State of Mato Grosso. The workers were forced to pay rent to the gato. The coordinator of the operation described the scene. “The accommodation was dirty and there were rats and cockroaches. The shower was broken and there was a danger that you might get an electric shock while taking a shower, and the rooms didn’t have closets. Everything was on the floor: rubbish, clothes and belongings.” She added that one of the rooms, which was 11m², was being shared by seven workers. (NGO Repórter Brasil, 2008)

Because even basic infrastructure is lacking, and because the landowner does not make accommodation available (let alone transport, so that workers must sleep close to the main estate house), housing is created by putting up canvas or palm leaf shacks in the middle of the area of forest that is to be cleared. Rural workers are thus exposed to the elements.



Accommodation

Case 8: Under-age and exposed to the harsh weather

Pedro, a 13 year-old, lost count of the number of times he suffered from cold, drenched by Amazonian downpours, under the yellow canvas tent that served as his home during the week. Before dawn he would drink black coffee with manioc flour, then he would pick up a 14-kilo chainsaw and begin to turn rainforest into fences for his employer's herds. He was freed as the result of a GEFM action on 1 May 2003, on an estate in the southeast of the State of Pará. (Sakamoto, 2007: 28)

4.1.1.2 Access to medical treatment

Endemic tropical diseases, such as malaria and yellow fever, are common on the agricultural frontier. Furthermore, there are high levels of illnesses, such as tuberculosis, that are disappearing from other regions. When they fall ill, enslaved workers are usually abandoned to their fate by the *gatos* and land-owners. Those able to walk march for many kilometres until they reach a clinic, but the most seriously ill may go for months without treatment, until they get better or until someone turns up who is willing to take them to a town or, in the worst cases, until they die.

Case 9: Malnutrition and lack of access to medical care

Carlos, 62 years old, was found sick in a hammock in one of the shacks on a cattle farm in the State of Pará, and hospitalized immediately. He had been shaking for three days, not because of malaria or dengue fever, but because of malnutrition. In hospital, he stated that he had not been paid for three months, even though he had finished his work almost a month prior to that period. The *gato* had said that he would take the price of the food consumed during that month out of Carlos' wages. Carlos was freed by the GEFM in December 2001. (Sakamoto, 2007)

Owing to the high level of unemployment in the region, there are many people looking for work in order to support themselves and/or their families. This large, unemployed workforce represents an army of replacements. A person who falls ill becomes a burden, just another mouth to feed, and is no longer of any interest to the landowner, whose only concern is to have enough



workers for the amount of work to be done. There are many stories, therefore, of people simply being sent away after suffering an occupational accident.

Case 10: A box of tablets and dismissal for the loss of a finger

Luís left his home in a favela on the outskirts of the capital of the State of Piauí for the south of the State of Pará. The aim of the trip was to feed his wife and four-month old son. When he arrived, he worked in a sawmill, turning forest wood into planks. It was there that he lost a finger when a rotating blade came down without warning. “They gave me two boxes of tablets, one of anti-inflammatory and the other of painkillers, and then they sent me away”, he said. According to Luís, the bosses did not want to have to deal with an injured worker. He was freed from an estate in the south of the State of Pará in February 2004. (op. cit)

Brazil is one of the world’s leading producers and exporters not only of steel, alcohol-based fuel and bovine meat, but also of cotton and cloths. Enslaved workers are used to clear land. In order to uproot undesirable plants,

pesticides are used as well as manual labour. However, workers are not provided with safety equipment recommended by legislation, such as masks, goggles, gloves and special clothing. After a few weeks, the skin of the labourers shows marks caused by the chemicals used, and scars appear that do not heal. Workers also suffer from dizziness, sickness and other symptoms of intoxication.

Case 11: Pesticides fall like ‘rain’ on workers

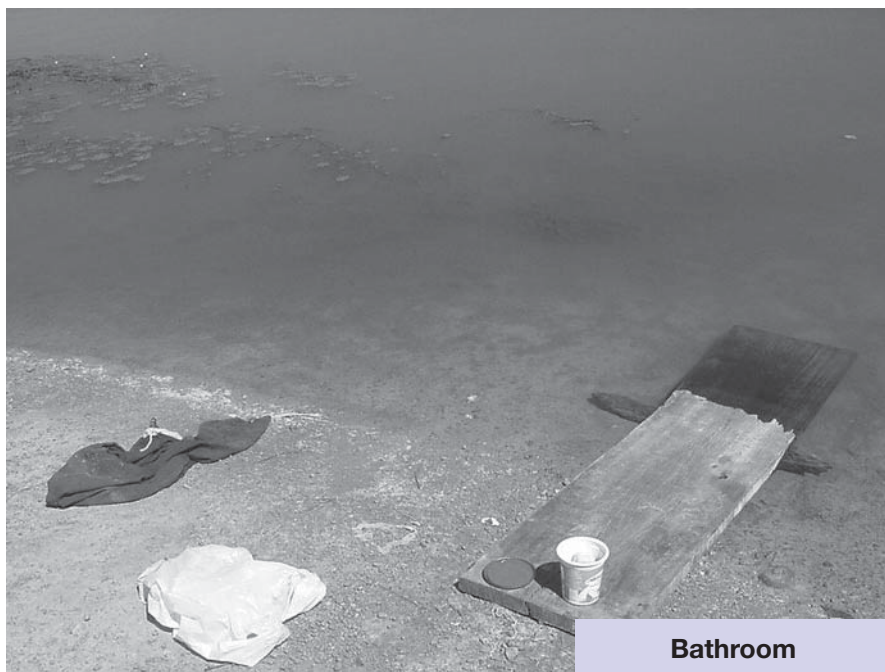
In January 2008, the GEFM freed 41 persons from degrading work on an estate in the State of Mato Grosso belonging to one of the largest producers of soya, cotton and maize in the country. On this estate alone there were around 9,000 hectares planted with soya and cotton. According to government agents, this represented almost 5 per cent of the State’s total cotton production. The workers had to remove unwanted native vegetation from the cotton plantations. They were not provided with any PPE and were exposed to pesticides (spread from aeroplanes) that fell on them like rain. While the inspectors were present on the property, one person who had come into contact with pesticides fell ill and was taken to hospital. “The most serious violation we came across was the indiscriminate use of pesticides”, explained a government inspector, stressing that working conditions in the fields and the accommodation provided did not conform to legal standards. (NGO Repórter Brasil, 2008)

4.1.1.3 Sanitary conditions

There are generally no wells providing good quality drinking water, let alone toilet facilities for the workers, on the properties where slave labour practices are employed. Water for cooking and drinking is often taken from the same streams in which the workers wash themselves, their clothes, cooking utensils and work tools. Furthermore, the rains wash the pesticides used on pastures into those same streams.

Case 12: Forced to drink the same water as the livestock

In March 2006, the GEFM freed 201 workers in a situation of slavery on one estate in the State of Tocantins. Three of the workers rescued were minors. Ten thousand head of cattle were being



Bathroom

raised in an area equivalent to eight thousand football fields. While the main house of the estate was as luxurious as any villa, the workers were kept in canvas-roofed shacks, with no provision for hygiene. In contrast, the estate employed cutting edge technology. The workers involved in clearing land for pasture had to drink the same muddy water as the livestock. They were never given meat to eat (despite the fact that there were thousands of cattle on the estate) and were prevented from leaving the workplace. They were held prisoner by a system of illegal debts contracted with agents of the estate. Although the inspection teams freed 23 slaves from this estate in November 2001, and 72 in May 2003, the owner paid little attention to the government's actions. Forty-three enslaved workers were found on another estate belonging to the same individual in May 2003. (NGO Repórter Brasil, 2006)



Case 13: Not even any water to drink

Twenty-seven workers at a 13,500-hectare estate (also located in the State of Tocantins) were forced to clear secondary-growth vegetation (juquira) without due remuneration or official work cards. They slept in improvised camps, far from the main house, without access to water. Food was charged for, and prepared without any regard for basic hygiene. In August 2006, some of the estate workers managed to send a written message asking for help to the Rural Workers' Trade Union (STR) in a nearby town. In the note, they stated that they could not go on for much longer, especially given the lack of water. They also complained about the over-inflated prices at the estate store, where they had to buy their food and work tools. When the inspectors arrived, the estate cook had a nervous breakdown upon hearing from a member of the team that her mother had died. She had had a premonition concerning her mother's death at the beginning of the year, but had been prevented from leaving the estate to find out what was going on. Once they were freed, the workers received around R\$60,000 for breach of contract and wages that had been withheld. A further R\$40,000⁷⁹ was paid out for individual moral damages in recognition of the workers' suffering during the six months that they had been held on the estate. (op. cit)

⁷⁹ In April 2008, R\$40,000 and R\$60,000 were worth around US\$23,000 and US\$34,000 respectively.

4.1.1.4 Food

The workers themselves use the term *cativo* (captive) to describe a contract whereby the labourer has the price of his food discounted from his wages. As has been pointed out, honour dictates that this fraudulent debt towards the *gato* or the landowner be paid, and this is one of the ways in which people are enslaved in Brazil. Contracts under which workers receive food that is not discounted from wages are known as *livre* (free) contracts. Meals consist of beans and rice. Employers rarely provide meat.

Case 14: Searching for wild animals and eating rotting beef

On one estate in the interior of the State of Pará, workers freed in November 2003 were forced to hunt for armadillo, *paca* (a large rodent) or monkey if they wanted to eat meat. However, the estate had more than 3,000 head of cattle, spread out over around 7,500 hectares. “At times, people would go for over a month without meat”, recalls a labourer who worked on the estate. On many estates, the only time when workers eat meat is when a cow dies. On the estate from which one worker was freed in February 2004, the only meat dish available was rotten beef, full of worms. (ILO, 2007)



4.1.2 Mistreatment and violence in the workplace

The stories told by freed workers all contain a common thread of public humiliation and threats while on the estates, with workers being reduced to a state of permanent fear. The exploitation of these different fears – such as the fear of death, of not being able to provide for the family back home, or of not receiving the necessary treatment after falling ill or being injured – make it possible to subjugate and control victims of slave labour. Furthermore, fear is an effective way of ensuring that a job gets done properly.⁸⁰ The presence of armed men, who prevent workers from leaving, and the clear threat of violence from estate employees, are the main factors contributing to the permanent state of fear that paralyses the worker, preventing him from running away and lodging a legal complaint.

Case 15: Forced to shut up

When workers complain about conditions, or when they wish to leave the estate, armed foremen often force them to change their minds. “The water was so dirty, thick and full of bugs that it looked like pineapple juice”, states Mateus, a native of the State of Piauí. He and his co-workers had to use this water for drinking, washing their clothes and bathing. They were all recruited by a gato to clear primary forest in the State of Pará, creating paths so that chainsaws could be used to cut down trees and make way for livestock. On payday, no one was paid. He complained about the water in front of his fellow labourers and was attacked with a knife. “If I hadn’t defended myself with my hand, I’d have been stabbed in the neck”, he explains, pointing out a cut that left one of his fingers without any feeling or movement. “Everyone saw what happened, but no-one could do anything. Complaining would be like jumping out of the frying pan and into the fire”, continues Mateus, who was ordered by the landowner not to complain to the legal authorities. (ILO, 2007)

Case 16: Tortured with hot iron

A worker of around 30 years of age who denounced slave labour practices on an estate in the east of the State of Pará had more than seventy recent scars on his body, made by hot iron. According to the worker, he was tortured by the boss and two estate employees

⁸⁰ Figueira, 2004, pages 151-154

when he complained about the food and unpaid wages. He escaped from the estate at the beginning of January and, having walked and hitchhiked for dozens of kilometres, he was able to make a statement at the Regional Labour and Employment Inspectorate (SRTE) of Pará. Once the complaint had been made, the rural inspection team of the SRTE went to the estate and confirmed some of the allegations made by the worker. Thirty-five persons were found in situations analogous to slavery. They were sleeping in an abandoned cattle pen, strewn with cowpats, and were fed meat scraps, cow lungs and heads. According to the government agent who headed the operation: “There were animal excrements on their clothes. It was much worse because it was the rainy season, and the water mixed with the cattle dung. As well as the horrible smell, there was the problem of contagious infections. The pen was being used to keep employees instead of cattle.” (op. cit)

4.1.3 Inadequate remuneration and unfair compensation

It is common for temporary rural workers in Brazil to be paid wages that are much lower, both than those initially agreed upon and than the national minimum wage. According to the research on the profile of victims of slave labour in Brazil, non-payment of wages is seen by slave workers as one of the worst aspects of being reduced to a situation analogous to slavery. In many cases, labourers work for months for little or no pay at the end, the argument being that they are in debt.

Case 17: R\$60⁸¹ for four months’ work

Fontes, a 53 year-old worker, was freed by the GEFM in 1999. On that occasion 182 workers, who claimed that they had been held for owing money to the estate store, were freed. In a deposition made later, Fontes, together with his wife Rilda, stated that he had worked from January to April, receiving only R\$60 at the end of the four-month period. The wages, which were supposed to be sent to his family back home, never arrived. His wife contacted the mother of the estate manager, but to no avail. (Figueira, 2004)

⁸¹ In April 2008, R\$60 was worth US\$34.29.

With regard to payment, compensation of workers who have been involved in a serious occupational accident, or who have contracted an occupational disease through a lack of appropriate equipment, is extremely problematic. As mentioned above, little is done to support or fairly compensate workers with health problems. It is common for extremely low levels of compensation to be paid for violence directed at workers resulting in loss of sight, hearing or even the mutilation of body parts.

Case 18: How much is a mutilated body part worth?

“Whenever I see a blind or mutilated worker, I ask how much the boss paid for the injury and the answer is often along the lines of ‘R\$60 for losing an eye, 100 for a hand’ and so on.⁸² It’s strange that if you lose a body part then it’s worth something, but if you lose your life you are worth nothing”, states a GEFM agent. (ILO, 2007)

4.1.4 Restriction of freedom

As pointed out in Part 2, the most common forms of restriction of workers’ freedom are: debt; confiscation of documents; difficulty of access to the workplace; and the presence of armed guards. The following are examples of the restriction of freedom through the application of each of the methods referred to above.

4.1.4.1 Debt

The main factor that triggers the process of modern-day slave labour is the manipulation of a debt. Workers enticed into travelling to far-off destinations in search of work first fall into debt because of transport costs and the cost of the food consumed during the journey to the workplace. The *gato* or land-owner initially meets these expenses and will charge for them at a later time. For those workers recruited in hotels or boarding houses located in towns near the estates, the debt consists of their hotel bill and the price of the food they have consumed, again initially paid by the recruiter. Many workers fall into debt in boarding houses because they cannot afford to pay their hotel or food bills while they are without work. In order to ensure that they get their money, hotel and boarding house owners seize the workers’ belongings, especially their luggage and their documents. When the *gatos* recruit the workers,

⁸² In April 2008, R\$100 was worth US\$57.

they also take on these debts. Debt is incurred continually. The newly employed workers then receive an advance to cover initial personal costs, to support their families and to enable them to pay for transport.

In most cases, when workers arrive at the estate, they do not get free meals, or equipment such as scythes, boots or gloves. They have to buy food, toiletries and work gear from 'stores' that are the only place where such essential items are available. These stores are run by agents of the estate, or by the *gato* himself. Prices are much higher than elsewhere. Each purchase made by the worker is recorded in a notebook. As a result, the workers fall deeply into debt and find themselves in a hopeless situation with no way out.

The amount owed by the workers is taken off the initial sum agreed upon as payment for work. Thus, the workers are never paid and, as they soon discover, they have to work for a long time to clear their debts. They remain prisoners on the estate for an undetermined length of time since there is no control over the amounts that should be paid.

It is easy for *gatos* and landowners to dominate the workers: first, because it is they who determine for how long the workers must provide their services in order to pay off the debt (the amount of which is also decided on by the *gato*/landowner); secondly, although the debt may well be unfair and illegal, the workers' moral code dictates that all debts must be repaid. The latter is a symbolic and effective form of domination. Workers are imprisoned by the moral imperative (shared with their co-workers) to repay their debts, and this is enough for slavery to be perpetuated. Last but not least, employers exploit the illiteracy and innumeracy of workers who are mostly incapable of keeping a proper, detailed account of their debts.

Case 19: Permanent debt, permanent labour

In a statement made to the CPT, a worked named Edílson, who had recently been freed from an estate in the State of Pará, said that he had basically been imprisoned by his debt, working without pay on the estate in order to settle it. "Here we pay for rice, beans, oil, sugar, salt, coffee, my grinder, and my file, all of the things needed for working with iron. Basically, they don't give us anything. When it comes to settle up and working out how much time we had worked, they would say, 'Look, you owe this much and you get this much money'. If people didn't get paid anything, then they would go back to the estate to work again." (Documentary: *Apri-sionados por Promessas - A escravidão contemporânea no Campo Brasileiro* [Imprisoned by Promises – Modern-day slavery in rural Brazil], CPT, 2006)

4.1.4.2 Confiscation of documents

In addition to debt, the seizure of documents such as work or identity cards is used to trap workers on estates. Workers are asked to hand over their documents when recruited, on the pretext that they will be registered with the relevant authorities. Many workers either do not have papers, or have lost them. Those with papers hand them over on the understanding that they will be returned as soon as the official registration process has been completed. However, workers are not registered, nor are their documents returned to them. On the contrary, the papers remain in the hands of the recruiter, for whom possession of documents provides another way to keep workers on the estate until they have completed their work or paid off their debts.

Case 20: Piles of work cards

As well as being forced into debt, the workers at the same estate where the 53 year-old Fontes and another 181 workers were freed were made to stay on the estate because their work cards had been confiscated. They stacked the cards into about ten piles, saying: “That’s everybody, then.” (Figueira, 2004)

4.1.4.3 Difficulty of access to work sites

Another factor that makes it easier to hold rural workers prisoner is the difficulty in accessing work places, the remoteness and isolation of which prevent workers from leaving. There are two important points to be taken into account here: the geographical characteristics of the Amazon region, the area in which most of the Brazilian estates that use slave labour are located; and the migrant status of most of the enslaved workers.

The Legal Amazon region is vast and contains estates so large that it is easy to get lost in them. On some estates there are more than 135,000 head of livestock.⁸³ In certain regions there are very few good roads, and the tracks that have been opened up are not sufficient given the size of the properties. Furthermore, there are estates located in the middle of the Amazon rainforest that can only be reached by air. It is therefore practically impossible for workers to leave these sites, either freely or as part of an escape attempt.⁸⁴ Sometimes, it is even difficult for the GEFM to reach such estates. It may

⁸³ Figueira, 2004: 239-241

⁸⁴ A shortage of workers, the absence of protective state institutions and, above all, geographical isolation combine to make this area a fertile ground for slave labour and a classic example of a remote Brazilian region that is difficult to reach (ILO, Global Report, 2005, p. 45).

take several days to reach one and, as they come closer to the property and conditions worsen, investigators may have to clear their way with machetes and finish the journey on foot through areas impassable for automobiles.

Case 20: Two days to reach an estate about which there had been complaints

The GEFM freed 49 people on an estate in the State of Pará, in the border area with the State of Mato Grosso. According to members of the mobile group, the dirt track that gave access to the property was in a very bad state of repair, with bridges improvised from tree trunks. It took the team two days' journey in four-wheel drive trucks to reach the site. The freed workers were housed in huts covered with black plastic, without any protection at the sides and with earthen floors. Neither were there any sanitary or electrical installations. A prosecutor from the MPT who took part in the operation said: "They did what they had to do in terms of physiological need in the bushes and they bathed in wells or pools, where the same water was used to wash clothes, prepare food and also for drinking, without any kind of sterilization treatment." (Repórter Brasil, 2007).

The fact that many of the workers come from other states or towns far from the municipalities surrounding the estates means that they are unfamiliar with the region in which they find themselves, which in turn makes escape seem even more difficult. The agents of the landowners are well aware of this, and design strategies to dominate and control the workers based on their lack of geographical knowledge.

Case 21: Access is only possible by airplane, but those who want to "can walk home"

"Things were pretty tight at home and I was one of the oldest kids. I had to help out. I studied for two months, but wasn't able to continue. I had to go and look for work. I stayed in a boarding house when I arrived, a kind of 'workers' hotel'⁸⁵, where landowners would come to recruit labourers. The shack I had on the

⁸⁵ Workers from different states may often stay at a *hotel peoneiro* (workers' hotel) or a *pensão hospedeira* (boarding house) while looking for work.

estate was tiny, with space for 5 or 6 people, but they crammed in 13, 14, 15, sleeping in layers of hammocks, one above the other. The only way out was by airplane, it was impossible on foot. He [an estate employee] said that the plane would only leave when we had completed our job. Until that time we couldn't get out. Anyone who wanted to could leave on foot. So we stayed there and kept on working." (Documentary: *Aprisionados por Promessas - A escravidão contemporânea no Campo Brasileiro* [Imprisoned by Promises – Modern-day slavery in rural Brazil], CPT, 2006)

It may be difficult to control a group of workers who are all from the same municipality because there might be a previously established cohesion or social network among them, entailing shared values and opinions. When workers are split up and put in with strangers, or when they travel alone, they find themselves completely isolated from their support networks of friends, relatives and acquaintances. Tensions may arise between workers who do not know each other, based on regional prejudices that encourage rivalry between individuals from different places.

4.1.4.4 Armed guards

Both the presence of armed men preventing workers from leaving and the clear threat of violence from estate employees contribute to the permanent state of fear that paralyses workers and keeps them at the workplace. The situation is exacerbated by the existence of corrupt police officers who take part in the search for fugitives.

The fact that there are armed guards in the vicinity creates an atmosphere of violence. Any conflict, dispute or attempt to demonstrate dissatisfaction regarding a range of issues may be resolved through the use of force.

Case 22: Demonstration for better quality food = death sentence

"There was only rice and beans. We asked for meat but they never brought any. We asked for eggs at least, but we didn't get any. They talked about killing the neighbour's pigs and I said, 'Kid, I came here to work, not to steal'. I was working, and when I went to get my wages from the agent the landowner arrived, but he didn't see me. He said to the agent: 'Have you killed that guy from Goiás

yet?' He meant me. I ran off down the road. While I was running, I heard a pickup truck coming in my direction. I threw my hat to the right and ran off to the left. There were two people on top of the pickup. I hid in the grass and watched the armed men. Then I ran for it..." (Documentary: *Aprisionados por Promessas – A escravidão contemporânea no Campo Brasileiro* [Imprisoned by Promises – Modern-day slavery in rural Brazil], CPT, 2006)

4.2 VICTIM PROFILE

According to a recent study⁸⁶, rural enslaved workers in Brazil are almost all male, non-white and have a very low level of schooling. Around 20 per cent have never attended school. They mainly come from the Northeast region, in particular the State of Maranhão.

The investigation was carried out based on a qualitative approach and is not intended to be an integral statistical representation of the situation. It focused on enslaved workers freed by the GEFM between October 2006 and July 2007. In order to build up a slave worker profile, 121 semi-structured interviews were carried out in the regions with the highest incidences of liberation of workers by the GEFM, focusing on the States of Pará and Mato Grosso, which account for around 60 per cent of all the workers rescued. The investigation also highlighted a significant increase in the number of workers rescued in the States of Bahia, Tocantins and Maranhão, pointing to a need for the interview process to be extended to those states.

According to the investigation, migration is one of the most common characteristics of Brazilian slave labour. Seventy-four per cent of the victims do not live in the municipality of their birth and 40 per cent live in a state other than that of their birth. The main occupation of the workers freed in 2006 and 2007 was temporary rural labour (the workers were neither registered, nor in possession of a work card).

With regard to the victim profile, the investigation found that, despite having families, most did not have a partner/wife. However, more than half had children and almost half claimed to be the only working family member. The vast majority did not have any retired relatives. As for vocational training, 85 per cent had never undertaken any kind of vocational course, although 81 per cent expressed a desire to do so.

⁸⁶ Pesquisa sobre o Perfil dos Principais Atores Envolvidos no Trabalho Escravo Rural (Study on the Profile of the Principle Actors Involved in Rural Slave Labour), carried out by the Group for Research on Modern-day Slave Labour (GPTEC) of the UFRJ, under the aegis of ILO-Brazil's Project to Combat Slave Labour, 2009

4.2.1 Poverty and others factors of vulnerability

The main cause of modern-day slavery is the situation of poverty that affects a significant proportion of the Brazilian population, especially in the rural areas of the Northeast region. In general, poverty is linked to privation. People may be deprived of basic human necessities in many fields. Individuals of any status may be the victims of privation.⁸⁷ The many workers who fall into the trap of enticement are particularly affected by income-linked poverty and by a lack of access to public services. Improvements in terms of income would increase their access to consumer goods, yet it would have no effect on their access to basic healthcare, education and sanitation services, all of which should be guaranteed by the State.⁸⁸

Poverty is the principal cause of vulnerability. The workers used as slave labour lack the income needed to provide basic needs for themselves and their families. Their low level of schooling is another significant factor, in that they have fewer job opportunities because they did not have access to education. In such a vulnerable situation and primarily concerned with their basic survival, workers are more inclined to believe in false promises and to be ready to accept any working conditions.

Once in forced labour, the geographical isolation of the estates cuts workers off from their support networks, exacerbating their victim vulnerability. This makes escape and denunciation of slave labour by escapees much more difficult, because they do not know who they can trust. Enslaved workers find themselves in a strange place, surrounded by people they do not know, and consequently live in a state of fear and suspicion, just like foreign illegal immigrants, without access to their rights as citizens.

4.2.2 The workers' code of honour

Modern-day slavery relies on the workers' code of ethics, a code that prevents them from leaving their jobs before they have paid off their debts. Although the debt may have been incurred as a result of fraud, the debtor is imprisoned by this common code of ethics and feels morally obliged to repay the sum in question. To a certain extent, the code explains why most workers do not question their situation. It dictates that all debts must be paid, and acts as a symbolic and effective means of dominating and imprisoning workers in the workplace.

This feeling of moral obligation is therefore part of the structure that makes modern-day slavery possible. The ambiguous labour relations existing

⁸⁷ Sprandel, 2004

⁸⁸ Poverty defined exclusively in terms of income does not cover the wide range of human privation, given that it does not take into account access to public resources, and may not even be that closely related to these basic necessities (McKinley, 2006). This approach, however, reflects the need to focus on and quantify poverty, turning it into a technical issue that can be dealt with in an objective way, through the channelling and redistribution of budgetary resources. In this regard, it should be pointed out that quantitative approaches to poverty may naturalize the relationships between the figures and the observed reality in such a way as to render their discussion or narration unnecessary (Sprandel, 2004).

in domestic settings are similarly marked by a sense of moral obligation and debt, and this dynamic may be characterized as simultaneously affectionate and hierarchical. The ambiguity that exists here can also be attributed to a cultural model of exploitation originating in the colonial period. The slaves who lived on the estates of the Alto do Paranaíba region in the west of the State of Minas Gerais, for example, formed the basis of this model – but were subjected to and oppressed by the structure while remaining unaware of the existence of the system they were supporting.

Slaves sometimes enjoyed a metonymical relationship with their masters. Friendship and intimacy were possible between both parties but this did not prevent mistreatment from occurring, nor did it result in more participation by slaves in the social order that they had created and helped to maintain. The expression “they were like family”, used by masters in the region to describe relations with slaves in the past, was typical of this. Captivity was in fact twofold, with slaves being kept in their place by a sense of gratitude at their apparent inclusion in the family circle, as well as by the physical domination exercised over them. This double captivity, which originally served to subordinate enslaved Africans, continued to exist after the abolition of slavery and remains a characteristic of today’s labour relations, in terms of both domestic service and the instances of modern-day slave labour that have occurred in the region in the recent past.⁸⁹

In the Alto do Paranaíba region, this ambiguity continued to infect labour relations after the slaves became tenant farmers on the estates where they were working. Employees were transformed into *criados*.⁹⁰ Just like *cativo*, the term used to refer to colonial slaves, *criado* even nowadays suggests both hierarchy and affection. The *criado* looks after the household and its children, and feels looked after by the employer’s family. The affection inherent in this situation is transformed into a feeling of debt and gratitude that morally imprisons the worker in the relationship, time after time preventing him or her from asking for wages or better working conditions.

The figures of the *gato* and the landowner seem to be invested with a similar sense of ambiguity in the eyes of those workers enticed into slave labour. At first they may seem to be friends and protectors, but they soon turn into the tormentors of those they initially promised to help. A paternalistic relationship may well be established between servant and master on today’s estates, with the worst excesses of behaviour being masked by the promise of protection. Even though the worker may be being exploited financially, a relationship based on dependence can be strengthened through feelings of gratitude. Thus, when a worker flees or goes to the authorities to denounce

⁸⁹ For further information on colonial slavery and its effects on the descendants of slaves in Alto do Paranaíba, in the west of the State of Minas Gerais, Brazil, see Costa, 2006.

⁹⁰ The term *criados* refers to individuals adopted in childhood by rich families to perform tasks linked to childcare and, eventually, general household chores, without pay.

an employer, he is seen as being ungrateful and disloyal. Running away is to refuse to recognize the ‘moral debt’ owed to the employer, who took in and helped (or promised to help) the worker at a time of need.⁹¹

However, it is worth pointing out that, unlike the *criados*, workers enslaved by *gatos* do not appear to maintain a relationship based on affection when they discover that they have been deceived. Moral imprisonment is mainly maintained through the code of ethics that prevents a worker from leaving before repaying his debts. This same code insists that the enslaved worker has a duty to provide for his family if he is to fulfil the role assigned to males by society. This may prompt individuals to leave their home for a faraway destination in order to sustain the family.

Faced with all the structural factors referred to above, and with the complexity of the situation, efforts to eliminate slave labour have sought to integrate actions that simultaneously address all of its causes. Many actions have been carried out by different sectors of Brazilian society (government, civil society and private enterprises), working in remarkably effective close cooperation and with the support of the ILO. The creation of the ‘dirty list’ and the study of the production chain of slave labour, together with the signing and achievement of the aims of the National Pact for the Eradication of Slave Labour, are all important means of punishing those employers who ruthlessly exploit this vulnerable workforce. The payment of labour compensation to freed workers, as well as compensation for physical and moral damages, is an emergency measure aimed at lifting enslaved workers out of a situation of extreme poverty. It is, however, important to develop the reinsertion of freed workers, in order to break the inter-generational cycle of poverty that renders workers vulnerable to enslavement. Each of these efforts will be examined in detail in Part 5.

4.3 RECRUITMENT OF SLAVE LABOUR

In order to understand this process, we need to look at three aspects of the issue: the identity of the recruiter; the nature of the duties for which workers are recruited; and the recruitment process itself. This section initially consists of a presentation of the structure of the estates, in order to build up a picture of the chain of command on which these operations are based. This casts light on the various kinds of recruitment and enticement employed. To help build a picture of the cycle of modern-day slavery in Brazil, there follows a description of the main forms of enticement and the principal locations where this type of activity occurs.

⁹¹ Figueira, 2004, Page 326

4.3.1 The structure of the estates and the 'chain of command'

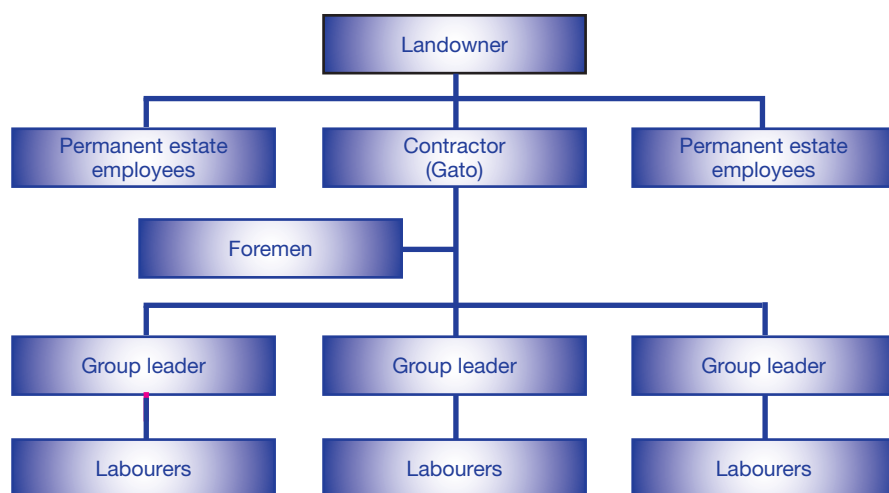
In order to maintain the system of servitude and ensure that work gets done, the internal organization of the estates is based on a hierarchy that varies according to the activities being carried out (cattle farming, arable farming, charcoal production, etc.) and the size of the area involved. A chain of command, to which workers are subject, is thus established. Estates on which large-scale cattle farming is practiced make the most use of slave labour in Brazil. There are very few long-term employees on these estates, and the workforce is mainly made up of temporary employees (also known in the region as *peões*).⁹²

The figure below shows the general hierarchical structure of Brazilian estates. It includes the main elements of the chain of command to which workers are subject. At the top, the landowners or estate managers, followed by the *gatos* and their foremen or overseers. Below these are the work groups, made up of group leaders and labourers.

At the top of this hierarchical structure stands the landowner, the absolute master, and at the bottom of this chain of command lie the victims of enticement, who are subject to an intricate structure based on coercion.

Landowners may live in urban areas, away from their estates. In such cases, they appoint managers to oversee their properties who are responsible

Figure 4
Chain of command on the estates



⁹² The term *peão* (the singular of *peões*) refers to a category usually used to designate rural labourers performing manual work, who are taken to cattle farms in the Amazon region. There, they carry out physically demanding work (requiring little in the way of occupational training), usually under coercion (Figueira, 2004: 18).

for the day-to-day running of the estate. Sometimes, therefore, landowners do not have much contact with the workers and may not be aware of the disputes and tensions existing on their properties. When landowners live on the estate, they are in regular contact with the workers and, in many cases, entice workers directly. Whether they live on their estates or not, landowners fully accept the working conditions and coercive methods to which their temporary workers are subjected, yet the presence of intermediaries is often used by landowners to justify the argument that they were not aware of, and therefore not responsible for offences committed against the workers.⁹³

Landowners may use [contractors](#) to recruit temporary workers responsible for providing a specific service. Contractors are known as *gatos* when they are hired by a specific estate to recruit and coordinate unskilled temporary workers. Small and medium-sized estates host only a few permanent workers, and recruitment may be carried out in neighbouring municipalities or in far-off towns, sometimes in other states.⁹⁴ Larger estates boast a greater number of permanent employees and a sophisticated structure, including specialized technology and skilled employees such as agronomists and vets. Contractors are chosen by landowners according to their ability to provide a service in accordance with the agreement reached, in the shortest time possible and at the lowest price. In order to provide their services, the contractors rely on a structure made up of storekeepers, overseers, foremen, drivers, subcontractors and group leaders. Contractors are generally brought in to provide ‘cleaning’ services, clearing predetermined areas within a period of time agreed with the landowner or the estate manager. The number of workers recruited for this temporary work, as well as the time it will take to complete, depends on the size of the areas scheduled for clearing, the abilities of the contractor and the landowner’s resources. In one case, a landowner signed a contract with a contractor for the latter to provide 22 men to clear an area of 160 hectares in thirty days. In another case, a contractor was to recruit 150 men to clear more than 1,700 hectares of native forest within 4 months.⁹⁵

On the larger estates, contractors must attain legal entity status as a ‘firm of contractors’ in order to avoid problems with Brazilian Government inspection authorities. However, this in no way changes their relationship

⁹³ Figueira, 2004, Page 238

⁹⁴ Determining the size of an estate in this area is a complex task. The North region is so large that the local estates are much bigger than those found in the rest of Brazil or in other countries. Parameters can be established through the use of variables such as ‘size of property’ and ‘number of workers’. A small estate tends to be up to 650 hectares in size, with a maximum of 15 permanent workers. A medium-size estate is between 650 and 6,500 hectares, with a staff of 15 to 40. Large estates cover from 6,500 to more than 1 million hectares. They tend to have a more complex structure in terms of workers, with at least 40 permanent workers, sometimes more, depending on the type of activity being carried out. (Figueira, 2004: 239-241)

⁹⁵ Figueira, 2004, Pages 243 and 249

with their workers as far as non-compliance with labour legislation and violence directed against the workforce are concerned.

Overseers or foremen control who goes in and out of the estate, monitor the quality of the work carried out and the time taken to complete it, and prevent workers from leaving prior to completion of work. Both overseers and contractors use weapons, violence being the main mechanism employed to control the workforce. A contractor's efficiency is linked to his willingness to use violence, with the most violent contractors having their contracts renewed by landowners, despite any legal problems that might arise as a result of this practice.⁹⁶

To ensure that the work gets done in an efficient manner, overseers are employed according to their skill with weapons, their loyalty to the contractor and the landowner, and their ability to coordinate labourers. Effective overseers may become contractors, and contractors may well become medium property owners, owners of prospecting firms, businessmen or politicians.

In order to meet deadlines and to ensure efficiency, workers are split into small groups (8 to 10 workers) working in different parts of the area that is being cleared. Many of these groups never meet one another and labourers often do not know how many other workers are working under the same conditions as them on other parts of the same estate. All the groups are constantly watched over by the overseers.

Group leaders are selected from among the workers recruited. They may be chosen by the contractor or by the workers themselves. They are picked for their ability to communicate with the other workers, their role in keeping up morale during the journey to the estate, their maturity or their age. Group leaders work as hard as any other worker and, like subcontractors, face the same difficulties as those under the control of the overseers.

At the bottom of the structure lie the **workers**. The peões are responsible for 'opening up the estate', a process that consists of clearing the forest to allow the creation of pasture, constructing sheds and pens for livestock, opening up roads and fencing off land to mark the boundaries of the property. Once the estate has been carved out of the forest, this type of workforce is often used to clear land to be used as pasture, as well as to repair fences and cut down forest in new areas.⁹⁷

Workers' opposition to what they see as abuse may lead to acts of resistance, most frequently in the form of attempts to sabotage work and, above all, attempts to escape. When those attempts fail, they are heavily punished with physical violence, which often deters other workers from trying in their turn.

Lack of unity among the workers, along with ignorance of the estate, the region or even the other groups of workers, makes it all the more difficult for them to resist as a group. Furthermore, most of the victims have no expe-

⁹⁶ Figueira, 2004, Page 253

⁹⁷ Figueira, 2004, Page 236

rience in carrying out collective action because, generally, they have never belonged to a trade union, political party, religious group or any other associative body. Collective forms of resistance do nevertheless occur, although they are rare.⁹⁸

4.3.1.1 Forms of Enticement

The main reason for workers travelling to another region is economic necessity, but they may also leave home for reasons linked to family disputes. Families are under pressure due to the uncertain economic situation. There is not enough money to provide for all, and the search for work in distant places therefore becomes a necessity. Leaving home does not solve the problem, but neither does staying, because there are very few job opportunities in the rural Northeast region, an area routinely devastated by drought. Even where land is available, conditions are not right for production and commercialization, as can be seen from the failure of rural settlements created by the National Institute for Settlement and Agrarian Reform (INCRA) at the end of the 1990s.

Workers therefore set off in search of employment in order to escape poverty and hunger. However, they also hope to: become rich; get away from personal problems; prove their manhood or capacity for companionship; one day become providers for a family of their own; or live out the dream of adventures in faraway places.

They may travel in groups or alone, and may have been enticed in their home municipality or in the towns of the States of Pará or Tocantins, major destinations for workers wishing to be hired. Enticement may be carried out by the landowners themselves or by a representative, such as an estate employee, a driver or the owner of the boarding house where the worker is staying while looking for work. There are three common scenarios in which the enticement of workers takes place.⁹⁹

Scenario No. 1: enticement in the worker's home State or town

Many workers are enticed in their own home towns, in states far from those where they will be working. As previously mentioned, most of them come from the State of Maranhão. *Gatos* or contractors calculate how many workers they will need for a job and then set up a strategy to entice and transport this workforce. They travel to towns, recruit workers and transport them in hired buses, vans or open-backed trucks (sometimes covered with a canvas roof) known as *paus-de-arara* (parrot-perches). In some cases,

⁹⁸ See example in the video documentary *Correntes* (Chains), Repórter Brasil, November 2005

⁹⁹ ILO, 2007, Pages 45-50

they pay for workers to travel on commercial buses that take them to the estates.

Case 23: Transported in a truck

Seventeen year-old Francisco left the interior of the State of Piauí with 91 other men in a ‘parrot-perch’ truck. He stated that each wooden bench in the back of the truck seated seven men but that, as there was not enough room, some travelled standing up. Other interviews, carried out with various groups of workers originating from the State of Piauí in 1983, confirm a similar situation regarding transport. The workers explained that the canvas canopy was taken off “so that the passengers could get some air”. The number of people in the back of the truck varied. In general, there were at least seventy workers. (Figueira, 2004: 119)

The journey to the estate is planned according to the fastest, cheapest and above all safest route. As a consequence, the typical ‘parrot-perch’ trucks are now often replaced by touring buses that do not attract the attention of the authorities. Indeed, the itinerary must be carefully planned by the enticer to avoid Highway Patrol inspections, which have increased in line with growing numbers of land disputes and slave labour complaints, and alongside public awareness of the issue. To facilitate the operation a support network, including policemen, will usually make the work of the *gatos* easier by turning a blind eye to enticement.¹⁰⁰

Scenario No. 2: enticement in hotels and boarding houses located in municipalities surrounding the estates

On learning of possible jobs in the State of Pará, a large number of workers travel there. When they arrive, they stay in hotels and boarding houses, waiting for employment opportunities, which may appear in the form of *gatos*. The *gatos* search hotels for temporary labourers to work on the local estates. In such cases, enticement occurs through the payment of debts owed to the hotel/boarding house owners, who threaten to withhold workers’ luggage until they have paid their bills.

¹⁰⁰ Figueira, 2004

Scenario No. 3: enticement of inhabitants of the region surrounding the estate

When the process of occupying the south of the State of Pará began, almost all the workers working on the estates were born and had lived in other states. Nowadays, however, a large number of workers both live in Pará and are enticed into working on local estates. Among the workers rescued in the State of Pará between 1997 and 2002, 34.7 per cent were residents of that same State.¹⁰¹ This does not mean, however, that they were born in Pará, and indeed most of them were born in other states.

This category of workers is basically made up of two groups of migrants. The first group consists of earlier migrants, coming from the States of Maranhão, Tocantins and Piauí. They came to Pará to 'try their luck' several decades ago and either brought their families with them or started families once they had settled. Some managed to buy houses in neighbouring towns, while others still have to pay rent. They earn a basic living as temporary labourers on estates. The older workers hope to retire to the countryside, since their age and the physical nature of the work makes it increasingly difficult for them to find employment. Retirement at least means receiving a fixed income, although it is generally still too little to support a family.¹⁰² Even when a family-member is receiving a pension, families still depend on money earned through temporary work.

The second group includes more recent migrants, who came to work on the estates and then also brought their families. Such workers generally live in an even more precarious situation. Most of them have only recently managed to escape from extreme poverty in their own states and have not yet managed to establish themselves in their new home (and it is unlikely that they will do so in the short term). Almost all of them have to pay rent and, even if they are not satisfied with the job opportunities that do present themselves, they have no way of returning to their home towns.

Both groups live with their families and depend on the temporary jobs offered on local estates in order to survive. However, the unstable nature of such employment, alongside all the issues involving excessive exploitation, culminating in conditions analogous to slavery, means that the families do not have enough to eat.

¹⁰¹ ILO, 2007, Page 46

¹⁰² In 2006, the Brazilian minimum wage was around R\$350 (US\$159). In a family with four individuals depending on a pensioner, the monthly per capita family income would be around US\$31.80. As families in this situation tend to be large, with more than 8 members, the level of income becomes derisory.

Case 24: A family waiting for food

A rescued worker testifies: “The gato said that in a few days he would send the money to the workers’ families, but the families never got that money.” His wife confirms: “It was terrible because there was nothing left to eat in the house. I was already living at my mother’s house. I spent two months with her so that I could feed my children. One month and 22 days after I had phoned (the estate), I called again. The boss told me not to call again, that he was going to change the number and that there was no way for me to get in contact with my husband. If I kept calling, he would tell me where his corpse was.” (Adapted from the documentary *Apri-sionados por Promessas – A escravidão contemporânea no Campo Brasileiro* [Imprisoned by Promises – Modern-day slavery in rural Brazil], CPT, 2006)

4.3.1.2 The Cycle of Modern-day Slavery

After a period of months or years, the tasks for which the workers were enticed are completed, but the labourers either have no way of leaving the estate or are abandoned in the nearest town without any money. Many have completely lost contact with their home towns and their families, and this makes it difficult or impossible for them to return home. Others are ashamed of the fact that they have failed to support the family financially, and feel demoralized and dehumanized by the treatment to which they have been subjected.

Penniless and cut off from family and friends, the workers yet again find themselves living in small boarding houses, where they accumulate more debt in order to survive. Each day the bill for food and lodging gets bigger, until it is paid by a *gato* or a landowner. Thus, the vicious circle of debt begins again.

These workers become *peões de trecho* (wandering labourers). *Peão de trecho* is a name given to any labourer without a fixed abode, who survives by doing temporary work on estates. Between jobs, such individuals will hang around a municipality looking for new opportunities. They have lost all contact with their families and have not formed any new relationships. Constantly on the move, they run up debts in boarding houses and bars, thus remaining prisoners of the network of debt and coercive labour practices. In general, such workers are illiterate and have no occupational qualifications. Many have a drinking problem. They are also known by the term *peão rodado*

(rolling labourer).¹⁰³ They are sold like merchandise in the boarding houses that put them up and use their debts to sell them to recruiters.¹⁰⁴ So begins the cycle of modern-day slavery in which workers find themselves trapped, without any other way of ensuring their survival. Caught up in a web of progressively accumulating debt, economically and geographically isolated, and cut off from family and friends, workers find themselves part of a deeply depressing cycle. Their lives are devoid of hope and marked by the humiliation and violence inflicted upon them by successive estates in exchange for a bare minimum of food.

In order to break the cycle of slavery, anti-slave labour strategies designed in Brazil seek not only to rescue the victims, but also to reinsert them in the labour market, and to punish the various social actors (such as the 'boarding houses') that help create this vicious circle of debt.

Those workers able to break the cycle may become wage-earning leaseholders, involved in some urban or rural-based activity.¹⁰⁵ In general, they do not return to their home states. Instead, they become permanent migrants to a new State, even when there is nothing to prevent them from returning to their families. Going back home would be like admitting defeat. There is a lot of pride at stake, given that undertaking a journey into the unknown is often a question of courage and manhood. Moreover, workers feel ashamed at having been subjected to degrading conditions. Together with their fear, this sense of shame prevents them from talking about what happened and, therefore, from complaining to the authorities.

4.3.2 Slave routes in Brazil

The map displayed below shows the main flows of workers found in conditions analogous to slavery, based on their places of birth and the locations at which they were residing when found by GEFM agents. The width of the arrows indicates the intensity of the flows in terms of the number of workers involved.

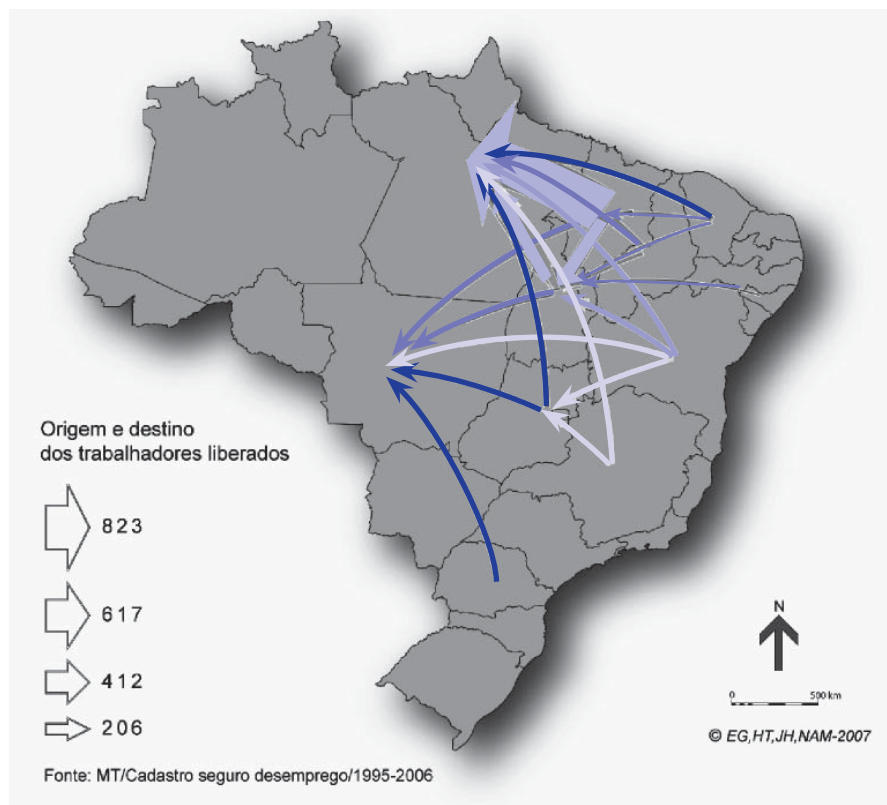
Most of the traffic clearly runs from the Northeast region to the North region. Pará, the State with the highest number of denunciations, receives the greatest number of workers, who mainly come from the State of Maranhão. The second largest flow of workers towards Pará begins in the State of Piauí. The State of Tocantins also receives a large number of workers from Maranhão and, to a lesser extent, from Piauí. Both states also receive smaller numbers of workers from the State of Ceará (again, in the Northeast region), as well as from states in other regions, such as Minas Gerais and Paraná.

¹⁰³ Figueira, 2004:18

¹⁰⁴ Melo, 2006, Page 68

¹⁰⁵ Melo, 2006, Page 68

Figure 5
Slave routes in Brazil



Source: Ministry of Labour – Flow of enslaved workers. 1995-2006.

The State with the second highest incidence of slave labour, Mato Grosso, also receives large numbers of workers from Maranhão and Piauí, and smaller numbers from the States of Bahia and Alagoas, in the Northeast region. A significant number of workers also come from the State of Tocantins, in the north. Smaller numbers travel from states in other regions, such as Bahia, Alagoas, Goiás and Paraná.

Within the North region itself, there is also a significant flow of workers from Tocantins to Pará.

RESPONSES TO THE ISSUE

Part 5 seeks to understand and assess the focus of the actions taken by the various sectors of Brazilian society against slave labour.

5.1 SOCIAL ACTORS CONCERNED

The effectiveness of Brazil's actions to fight slave labour stems in large measure from the immense capacity for coordination displayed by the various social actors involved. These actors include, in particular: the Brazilian Government, which coordinates with various public authority bodies; organized civil society groups, in the form of NGOs working in the field of combating slave labour, the Pastoral Land Commission, trade unions and rural workers' cooperatives; the private sector, represented by enterprises in various sectors and by financial institutions; and, lastly, the universities, whose research supports a range of activities.

The need to bring together various social actors arises from the fact that fighting slave labour involves social, economic, political, criminal and environmental factors simultaneously. Contact between the various actors has therefore been the structural basis for actions developed at national level ever since the first attempts to tackle this issue.

To that end, the Executive Group to Eradicate Forced Labour (GERTRAF) was created "to fight slave labour" in 1995, at a time when the generic term 'forced labour' was rather used. Its activities are based on cooperation between various areas of government, and bring together representatives of seven ministries – the Ministries of Justice, the Environment, Water Resources and the Legal Amazon, Agriculture and Supply, Industry, Commerce and Tourism, Agrarian Policy, and Welfare and Social Assistance – under the coordination of the Ministry of Labour and Employment (MTE).¹⁰⁶

In line with the specific nature of this issue in Brazil, the Technical Cooperation Project 'Combating Forced Labour in Brazil', developed by the ILO, has been seeking since April 2002 to strengthen coordination between

¹⁰⁶ Figueira, 2004, Page 360

national institutional partners (both governmental and non-governmental) that defend human rights and contribute to both the prevention of slave labour and the rehabilitation of freed workers to prevent their return to working conditions analogous to slavery. The ILO in Brazil is thus undertaking actions to complement those of the Brazilian Government, which is focusing its efforts on mechanisms to eradicate slave labour.

At present, coordination between the various social actors is based on the National Plan to Eradicate Slave Labour and the CONATRAE. The First National Plan, launched in March 2003, brings together the aims of various institutions engaged in fighting this problem. These aims were translated into 76 short-, medium- and long-term objectives that guided the actions taken by the Brazilian Government and civil society bodies between the years 2003 and 2007.¹⁰⁷ The CONATRAE, created in 2003¹⁰⁸, is composed of representatives of the executive, legislative and judicial authorities, and various sectors of civil society. Its aim is to oversee fulfilment of the above objectives, which also complement all actions proposed by the Brazilian Government in the Amicable Settlement Agreement signed before the OAS.

The ILO participated actively in drawing up the Plan, which was one of the objectives of the technical cooperation project. By doing so, it pursued the ILO's own aims, following the Declaration adopted in 1998 on Fundamental Principles and Rights at work. The Declaration's core labour standards are: the elimination of forced or compulsory labour; freedom of association and collective bargaining; the abolition of child labour; and the elimination of discrimination. The Declaration commits all ILO Member States to respect and promote principles and rights in these four categories, whether or not they have ratified the relevant Conventions.

Actions outside the First National Plan also enjoyed the support and participation of the ILO. These included: the Study on the Slave Labour Production Chain; preparing, implementing and monitoring the National Pact for the Eradication of Slave Labour; the national campaign to prevent slave labour; and a pilot programme to reinsert workers freed from working conditions analogous to slavery.

So far as the government's actions are concerned, the ILO has made an important contribution in Brazil by promoting events and research that support government activities, and by strengthening coordination between various Brazilian public authorities.

¹⁰⁷ To see the First National Plan (in Portuguese) go to: http://www.oitbrasil.org.br/trabalho_forcado/brasil/iniciativas/plano_nacional.pdf

¹⁰⁸ By the Presidential Decree of 31 July 2003

5.2 GOVERNMENT ACTIONS

Coordination between the executive, legislative and judicial authorities, along with the Public Ministry, has contributed in various ways towards the eradication of slave labour. The most notable instrument for its eradication is the MTE's Special Mobile Inspection Group (GEFM).

5.2.1 Special Mobile Inspection Group

Created in 1995, the GEFM forms the basis for all strategies to combat slave labour, because such a wide range of actions arise from its effectiveness in identifying instances of the crime of reducing workers to conditions analogous to slavery, as provided for in Section 149 of the CPB. As a result of the GEFM's activities, more than 32,000 enslaved workers have been freed across the whole country. Using teams composed of labour inspectors, labour prosecutors and Federal Police officers, the GEFM's aim is to investigate complaints of slave labour in situ, to free workers and to prosecute the owners of estates where workers have been found in conditions analogous to slavery. To avoid corruption and maximize its efficiency, the GEFM is therefore based in the national capital. Furthermore, in order to guarantee the success of its operations, they must be kept confidential before teams are sent out to investigate complaints.

Complaints of slave labour are made by workers who manage to flee from estates, after walking for many days before reaching a city, or by those who have been freed at the end of their service and subsequently denounce the ill treatment they have received. The main bodies that enable victims of slave labour to file a complaint are the Pastoral Land Commission, represented by priests and missionaries acting in local parishes, the Federal Police, Rural Workers' Unions (STR) and workers' cooperatives. These bodies report cases to the MTE in Brasilia, and to regional labour delegations in states.

Investigation of complaints is carried out by GEFM teams, which undertake surprise inspections of estates in order to levy fines and free workers when irregularities such as severe forms of exploitation, slave labour or child labour are discovered. Some of the factors that alert the teams to the existence of slave labour are: indebtedness; the presence of armed guards; evidence of ill treatment or degrading working conditions, generally associated with lack of hygiene in workers' living quarters; lack of work safety; very low wages; and long hours.

If the situation discovered on an estate is very serious, and the landowner refuses to pay fines or creates obstacles to the work of the GEFM, the Ministry of Labour may request that the bank accounts of members of the agricultural enterprise inspected be frozen, as well as arresting those involved.

The activities of the Special Mobile Inspection Group have promoted significant changes in the behaviour of landowners and in their relations with workers. The presence of the GEFM has taught victims of slave labour their

rights and taught landowners their obligations. This has improved working conditions and helped to weaken the logic of impunity and easy money present in some regions of Brazil.¹⁰⁹ The following example, concerning an inspection carried out at large sugar cane factories in the State of Alagoas, is typical in this regard:

“...The inspection team identified the presence of heavily armed guards and observed that rural workers in the region were untrusting, reluctant to spontaneously raise potential complaints with the inspection teams. They restricted themselves to replying to the team’s questions. However, this situation changed in the second week of the operation, by which time news had spread among the workers. They then made a collective submission. The fact... that they had got to know the authorities better, and the news that their rights could be restored ‘circulating’ among the group... led to not merely an individual response, but a collective one.” (Figueira, 2004: 360-361)

On this subject, the government inspector, a member of the GEFM, says in a statement:

“...If, within the Government inspection operation, there is a worker who has previously been freed, fear among the group of workers is diminished and they talk more freely... [With the GEFM present,] the oppression exerted by the landowner and his men until now is undermined and he is no longer the one who enjoys hegemony of social control and violence... From then on they start to talk... and they are able to provide information that they might have left out in their initial statements.” (Figueira, 2004: 361)

Nevertheless, the GEFM’s activities are subject to risks and difficulties, such as the constant presence of threats and actual attacks by landowners who dominate local public authorities and make inspections difficult. As this labour inspector states:

“...In one particular municipality we could only reach estates by boat, but the owners of the boats refused to transport us, out of fear of retaliation... Even the fact that the Federal Police were present did not make it certain that we would not have problems. At times it became difficult even to get accommodation, because the hotel owners were also frightened of reprisals. There... even the judge himself was involved with an air taxi enterprise that was used to transport forced labourers to estates...” (cited in Figueira, 2004: 198)

¹⁰⁹ Viana, 2007

One of these attacks, which occurred on 28 January 2004, resulted in the death of three MTE inspectors, together with the team's driver. While they were investigating a complaint of slave labour in the rural Unai area, in the northeast of Minas Gerais State, the inspectors were ambushed and killed by bullets to the head. Investigations by the Federal Police, closed six months later, indicated that landowners from the region were responsible for the crimes. Among them were major producers and exporters of beans.¹¹⁰ So far, the accused have not been arrested or tried, which is causing insecurity among government inspectors and encouraging the continuation of threats against them.

In the south of Pará state, the GEFM has already received a threat that one of its cars will be burnt and, despite having ten Federal Police officers as part of the team, one of its vehicles was broken into and documents needed for an inspection report taken. On another occasion, a GEFM vehicle was stopped on the highway by armed men who overcame the team and took the Federal Police officers' weapons.¹¹¹ Below are several specific cases of workers being freed through GEFM actions, along with examples of the difficulties encountered in inspections:

Case 1: Resisting inspection and cover-ups by Civil Police

During an operation in the State of Goiás, the GEFM freed 128 workers in two estates. In both, workers were planting grass seeds for stock raising and almost half the workers came from the State of Maranhão. The operation coordinator states that there was resistance to the inspection, despite the presence of the Federal Police: "[The estate staff] did not respond to our questions, ignored us and used aggressive language. They mocked the inspection." Two Civil Police officers were at the site and succeeded in interfering with the work of the inspectors, until they were isolated from the team by the Federal Police. The mobile group confirmed that the gato has two brothers in the Civil Police. (Repórter Brasil, 2007)

¹¹⁰ Repórter Brasil, 2008

¹¹¹ Figueira, 2004: 198-199

Case 2: Prior removal of workers

In the interior of Bahia State, the GEFM found 27 people (26 men and one woman) working in degrading conditions. The workers were sleeping on sacks and drinking water stored in containers that had originally held toxic agricultural chemicals. Many had already been at the estate for more than three months without receiving any wages. When inspectors arrived at the site, they could not find all the workers. The labour inspector coordinating the team suspects that the landowner, learning of the mobile group's operation, arranged the prior removal of part of the group from the estate. Later, the workers were found in a nearby city and the responsibility for their employment was taken over by the employer's own lawyers. The owner of the estate paid out R\$66,000, of which R\$27,000¹¹² constituted individual moral damages to each of the workers, as well as severance payments. (Repórter Brasil, 2008)

Despite these problems, confrontations between inspectors and landowners in front of their workers encourage workers to make complaints, especially when they see that the authorities are fighting to defend them. Thanks to the GEFM, the image of the public authorities among rural workers has undergone significant changes. Initially, the authorities were mainly viewed in the light of experience with the Military and Civil Police, which had not set a good precedent because of their connections with landowners. The actions of the GEFM have transformed the Federal Police and the GEFM itself into new and positive points of reference for workers with regard to effective law enforcement by government bodies in rural areas of the country.

In addition to threats, the absence of adequate infrastructure (such as appropriate vehicles and communication equipment) is another problem encountered by the GEFM when attempting to fully investigate complaints in the isolated areas where estates using slave labour are usually located.

In spite of these difficulties, the GEFM freed 4,900 workers in 2003, and between 2003 and 2004 it provided evidence to the Office of the Public Prosecutor that enabled 633 administrative proceedings to be initiated to verify allegations of slave labour.¹¹³ In recognition of the GEFM's fundamental role in the fight against slave labour, the ILO project, in conjunction

¹¹² In April 2008, R\$66,000 and R\$27,000 were equivalent to US\$37,800 and US\$15,420 respectively.

¹¹³ A Global Alliance against Forced Labour, ILO, Global Report, 2005: 22

with the National Plan, established the strengthening of the mobile group's current capacity as one of its objectives. To this end, on 26 July 2004, the ILO donated resources and equipment (laptops, portable printers, cameras and walkie-talkies) to facilitate the team's work in hard-to-reach areas.

At the same time, the First National Plan established goals intended to improve the administrative structure of the GEFM. It was therefore proposed – based on coordination between the Ministry of Labour and Employment, the Ministry of Planning, Budgeting and Management, the President of the Republic and the National Congress – to create 12 mobile groups with improved logistical structure, information technology and communications equipment, to ensure greater flexibility in investigations.¹¹⁴ To achieve this goal more labour inspectors, whose participation in the GEFM is voluntary, would have to be recruited. Therefore, another of the objectives contained in the First National Plan is to hold civil servant exams for the profession of labour inspector¹¹⁵, as well as to invest in training inspectors and to establish workable incentives to encourage them to join the GEFM, thus enabling the latter's members to dedicate themselves fully to the eradication of slave labour.¹¹⁶ The Brazilian Government says it is making resources available to hold such civil servant exams, but things are moving slowly.¹¹⁷

The activities of the GEFM would not, however, be possible without the participation of organized civil society groups – especially the CPT and rural workers' unions – that, because they have immediate contact with victims, receive the complaints that are to be investigated. As a consequence, some of their members receive death threats.

The GEFM's experience demonstrates the need to maintain coordination between the various social actors so that durable and effective results can be achieved in the fight against slave labour. The strengthening of partnerships is particularly encouraged by the ILO in Brazil, through support for creating discussion forums, councils and commissions to defend the interests and rights of workers.

¹¹⁴ This goal was not accomplished and, in 2009, there are still nine GEFM groups.

¹¹⁵ The goal was partially accomplished. The civil servant exams that have taken place so far cannot guarantee the minimum quantity of labour inspectors needed to compose the 12 teams established in the First Plan (ILO, 2007).

¹¹⁶ This goal relating to the training of labour inspectors has two parts. The first, with regard to the creation of professionals, has been achieved. The Labour Inspection Secretariat (SIT) organized training seminars and courses for inspectors covering the fight against slave labour. The second part of this goal, which deals with guaranteeing good work conditions for the inspectors, has not been completely accomplished. The inspectors that participate in operations complain about the low value of the daily allowance paid to cover expenses during work-related trips (ILO, 2007). Actions to promote better fulfilment of this goal are still being developed under the aegis of the 2nd National Plan to Eradicate Slave Labour.

¹¹⁷ CEJIL Report, 2007

5.2.2 Payment of labour compensation and unemployment benefit to freed workers

The actions of the government, particularly the GEFM, are not restricted to freeing workers who are victims of modern-day slavery. They also cover the payment of labour compensation to freed workers in respect of ‘labour offences’, as well as payment of unemployment benefit.

Labour compensation is paid by GEFM inspectors during inspections, using the fines levied on employers for infringements of labour legislation on their estates. By December 2008, 290 estates had already been inspected, resulting in the freeing of 5,016 workers, to whom payments were made with a total value of almost R\$9 million, with approximately R\$1,800 being paid to each worker, as shown in table 3.

Table 3
Mobile inspection, January–December 2008¹¹⁸

State	No. of operations	No. of estates inspected	Workers freed	Compensation payments	Institutional acts drawn up
Alagoas (AL)	1	3	656	330,309.05	182
Amazonas (AM)	6	8	85	244,837.94	124
Amapá(AP)	1	3	0	0.00	19
Bahia(BA)	6	8	106	180,295.62	66
Ceará(CE)	2	2	192	137,641.71	132
Espírito Santo (ES)	1	2	89	152,343.42	40
Goiás(GO)	7	7	867	1,476,705.81	337
Maranhão (MA)	7	10	99	102,609.76	173
Minas Gerais(MG)	15	27	229	198,789.85	336
Mato Grosso do Sul (MS)	10	14	236	504,364.03	150
Mato Grosso (MT)	25	47	578	1,930,540.72	851
Pará(PA)	35	83	811	2,131,257.82	1184
Pernambuco (PE)	2	4	309	7,016.22	165
Piauí(PI)	6	7	129	223,839.33	52
Paraná(PR)	8	22	170	439,455.19	527
Rio de Janeiro (RJ)	1	1	46	82,348.25	9
Rio Grando do Norte (RN)	1	1	7	4,108.93	7
Rondônia(RO)	0	2	28	112,744.04	48
Rio Grande do Sul (RS)	1	1	4	23,484.06	9
Santa Catarina (SC)	6	15	125	164,850.68	178
São Paulo (SP)	5	6	172	341,676.16	89
Tocantins (TO)	8	17	78	155,873.48	163
TOTAL	154	290	5,016	8,945,092.07	4,841

¹¹⁸ Updated April 2009. Source: Mobile inspection reports, Ministry of Labour and Employment (MTE), Secretariat for Labour Inspection (SIT), Department for Labour Investigation (DEFIT), Division of Inspection to Eradicate Slave Labour (DETRAE).

From this table, the Centre-West and North regions can be seen to have maintained their 'lead' in terms of the incidence of slave labour, with 1,681 workers freed in the Centre-West and 1,002 in the North. Within these two regions, the practice is most widespread in the states of Pará and Mato Grosso respectively.

The thirty-five estates inspected in the Northwest region demonstrated the presence of a significant level of slave labour in the region, particularly bearing in mind that the largest sums paid in compensation in 2008 were in Alagoas State. From just three estates in this State, 656 workers were freed from sugar cane plantations.

Table 4, for its part, gives a general overview of the amount of compensation paid to freed workers between 1995 and 2008. It enables us to see the growth in the amount of compensation over this period, with a record total amount of labour compensation paid in 2007 (more than R\$9 million), as well as a record number of workers freed (almost 6,000). The increase in these figures shows how effective in the fight against slave labour in Brazil the government's actions have been, notably those of the GEFM in coordination with other public authority bodies,

Table 4
Summary of mobile inspection operations – 1995 to 2008¹¹⁹

Year	No. of operations	No. of estates inspected	Workers registered	Workers freed	Compensation payments	Institutional acts drawn up
2008	154	290	280	5,016	8,945,092.07	4,841
2007	116	206	3,637	5,999	9,914,276.59	3,136
2006	109	209	3,454	3,417	6,299,650.53	2,772
2005	85	189	4,271	4,348	7,820,211.26	2,286
2004	72	275	3,643	2,887	4,905,613.13	2,465
2003	67	188	6,137	5,223	6,085,918.49	1,433
2002	30	85	2,805	2,285	2,084,406.41	621
2001	29	149	2,164	1,305	957,936.46	796
2000	25	88	1,130	516	472,849.69	522
1999	19	56	*	725	*	411
1998	17	47	*	159	*	282
1997	20	95	*	394	*	796
1996	26	219	*	425	*	1,751
1995	11	77	*	84	*	906
TOTAL	780	2,173	27,521	32,783	47,485,954.63	23,018

* Data not available

¹¹⁹ Updated April 2009. Source: Mobile inspection reports, Ministry of Labour and Employment (MTE), Secretariat for Labour Inspection (SIT), Department for Labour Investigation (DEFIT), Division of Inspection to Eradicate Slave Labour (DETRAE).

As with labour compensation, the amount of compensation paid to freed workers for physical and moral damages has increased. For payment of compensation, complaints of slave labour must be transmitted from the MPT to the labour courts. They may also be transmitted to the MPF and the federal courts, where they can be heard as public civil actions, either individual or collective.

Case 1: Owner of an estate in Mato Grosso agrees to pay compensation

Having been caught red-handed for the crime of slave labour, a landowner from Mato Grosso came to an agreement with the MPT to pay R\$4,000 to the three workers freed from his estate a few days earlier. A Term of Adjustment of Conduct (TAC) was signed, stipulating that R\$12,000 would be paid in individual moral damages. The agreement also provides for working and living conditions on the estate to be rectified and for payment of R\$15,000 in collective moral damages, to be reinvested in projects and organizations in the region that fight slave labour and contribute to training workers.¹²⁰ (Repórter Brasil, 2008)

At present, the labour courts tend to rule in favour of workers and against landowners or agricultural enterprises, obliging them to pay the above compensation. This was not common practice in the past. Below are some examples of compensation for physical and moral damages paid to freed workers.

Case 2: Workers receive compensation

An operation by the mobile inspection group of the Federal Government, concluded in September 2007, freed 20 rural workers found in conditions analogous to slavery at a livestock estate in the State of Maranhão. They all worked clearing grazing land on the estate. The authorities signed a TAC with the landowner, who had been caught exploiting slave labour. He immediately paid R\$3,000 to each of the 20 workers. This came to a total of R\$60,000¹²¹ in

¹²⁰ The figures: R\$4,000, R\$12,000 and R\$15,000 corresponded to US\$2,290, US\$6,860 and US\$8,570 in April 2008.

¹²¹ In April 2008, R\$3,000 and R\$60,000 were equivalent to US\$1,700 and US\$34,200 respectively.

compensation for individual moral damages, in addition to the sums paid in respect of workers' rights. The landowner also undertook, by way of compensation for collective moral damages, to provide support for building work at the local school, which is near the estate. The repairs include work on two bathrooms and installation of electricity and water systems in the building used by students from the region. The landowner will also buy a computer and printer to be used by the school in its teaching. (Repórter Brasil, 2007)

Case 3: Victims compensated for moral damages and damage to health

Following complaints filed to the courts by the workers themselves, 10 rural workers reduced to conditions analogous to slavery on an estate in Mato Grosso will receive the employment benefits to which they are entitled, together with individual compensation for moral damages. This was the decision of a labour court judge in a city located in the State. As well as the precarious conditions to which he was subjected during the time he remained on the estate, one worker lost part of his finger while using a scythe. He received no medical treatment and continued to fulfil his duties in spite of his injury. He was awarded compensation of R\$20,000. The landowner was furthermore ordered to pay all outstanding labour benefits and to pay compensation for moral damages, to the value of R\$10,000, to nine of the complainants.¹²² (Repórter Brasil, 2007)

Beginning in 2003, the ILO contributed to this change in court attitudes by facilitating awareness-raising courses on the topic of slave labour for federal and labour judges. Since then, public civil actions with respect to slave labour have been brought more consistently, and rulings in such cases have been more favourable towards workers. Compensation for physical and moral damages is not always paid directly to workers, particularly in the case of a collective action. Payment is frequently made through the Workers' Support Fund (FAT), in line with public policies aimed at ensuring best use of resources.

¹²² R\$10,000 and R\$20,000 were equivalent in 2008 to around US\$5,700 and US\$11,400.

Another important government initiative in the fight against slave labour has been the payment of unemployment benefit to freed workers, as guaranteed in Act No. 10.608/2002, which regulates the country's unemployment benefit programme. This benefit is a temporary form of assistance given to unemployed workers for dismissal without just cause and to workers verifiably freed from working in situations analogous to slavery.¹²³

To receive unemployment benefit, freed workers must present the following documents to their regional labour delegation or worker reception post: Work and Social Security Card book; Conditions for Termination of Contract (TRCT) or document issued by the GEFM verifying that the worker has been freed from a situation analogous to slavery; and proof of individual contributor status or possession of a card for PIS-PASEP (the Social Integration Program and the Public Servants' Patrimonial Development Fund).

In order to allow freed workers to submit these documents, GEFM inspectors calculate the working time for each worker they are freeing on the estate inspected, and prepare a contract that is to be cancelled immediately. After inspectors receive the appropriate labour compensation (in respect of the violations committed), a temporary work card is issued, allowing workers to receive unemployment benefit equivalent to the minimum wage for the next five months, in accordance with legislation. Workers may request this benefit until the ninetieth day after the date on which they are freed.¹²⁴

5.2.3 The 'dirty list'

Along with the GEFM, the so-called 'dirty list' (lista suja) is an important means of eradicating slave labour in Brazil, and has spawned other important activities undertaken by civil society groups and the private sector, namely the Study on the Slave Labour Production Chain and the National Pact for the Eradication of Slave Labour, both of which are supported by the ILO.

Established by MTE Decree No. 540/2004, the 'dirty list' consists of a register of names of employers (persons or legal entities) caught exploiting workers in conditions analogous to slavery. For names to be included in the

¹²³ Unemployment benefit refers to the payment of temporary financial assistance, of not less than one minimum salary, to an unemployed worker who qualifies for it. This is one of the most important rights held by Brazilian workers. It is a benefit that offers monetary assistance for a specified period, with between three and five payments being made, and that varies in amount from case to case. Unemployment benefit is intended for: formal and domestic workers dismissed without just cause, including indirect dismissal (where the employee makes a legal request to be released from employment on the grounds of misconduct by the employer); formal workers with an employment contract that has been suspended while they participate in a course or programme to obtain a professional qualification offered by the employer; professional fishermen during the closed season (when species are breeding); and workers freed from conditions analogous to slavery as a result of action by inspectors from the Ministry of Labour and Employment. Source: http://www.caixa.gov.br/Voce/Social/Beneficios/seguro_desemprego/saiba_mais.asp, accessed on 4 May 2008.

¹²⁴ For more information see <http://www.vencer-rs.com.br/parceirosdotrabalho/empregos/segu-dese.htm#1>, accessed on 15 May 2008.

register, it must have been established that employers were violating labour legislation.

The process for including names in the ‘dirty list’ runs as follows:

- After a complaint has been lodged to government or civil society, the mobile group visits the workplace in question to carry out appropriate investigations. At this stage, the names of the estate and the employers are kept confidential to increase the chances of an effective inspection;
- If it is established that workers are subjected to conditions analogous to slavery, the landowners are prosecuted by the labour inspectors on the GEFM team;
- The charges prepared by the inspectors are sent to the Ministry of Labour and Employment and submitted to an administrative process, as a result of which the employer may be ordered to pay fines;
- Only employers found guilty will have their names (or the name of their enterprise) included on the ‘dirty list’.

The ‘dirty list’ is made public via the websites of the Ministry of Labour¹²⁵ and the NGO Repórter Brasil.¹²⁶ It is updated every six months.

Once included in the register, an employer will be monitored for two years. If, during this time, the offence does not occur again, all fines arising from the inspection have been paid and all labour and social security compensations have been paid, the employer’s name may be removed from the ‘dirty list’.

Although Decree N° 540/2004 (See Annex) does not mention penalties, inclusion on the ‘dirty list’ amounts to a financial penalty for many employers, thanks to initiatives taken by various bodies and organizations committed to the eradication of slave labour. These organizations include public and private financial institutions, such as the Bank of Brazil, the Bank of Amazônia, the Northeast Bank and the Brazilian Development Bank (BNDES), all of which decided to refuse credit and other banking benefits to employers included on the register.

Financial restrictions of this kind are imposed by those institutions that view their clients’ dealings in the light of Decree No. 1.150 of the Ministry of National Integration (MIN). This decree recommends that financial bodies, under MIN supervision, refrain from granting “financial or any other form of assistance with resources” to those who appear on the register. No sanctions exist against banks that do offer credit, but the Decree nonetheless constitutes a strong recommendation to the institutions in question.

The fact that an employer included on the ‘dirty list’ has been convicted provides fundamental information for banks in evaluating the economic and social risks of their dealings with that employer. The payment of fines can

¹²⁵ http://www.mte.gov.br/trab_escravo/cadastro_trab_escravo.asp

¹²⁶ <http://www.reporterbrasil.org.br/listasuja>

also threaten the employer's capacity to repay debts to the institution, and the conviction of a client for slave labour can tarnish the image of the bank by association with an outlawed practice.

With these possibilities in mind, employers frequently attempt to remove their names from the 'dirty list' by alleging their innocence. They tell the courts that their enterprises are helping the country's growth by creating jobs and paying taxes. They refer to slave labour practices as common 'labour irregularities'. Under these circumstances, they consider it unfair to have their names included in a register that exposes them in a negative light and threatens the running of their businesses by subjecting them to credit restrictions.¹²⁷

Unable to challenge the financial institutions, which are free to decide to whom they offer credit, employers and their lawyers have questioned the legality and constitutionality of the Decree that established the register. Its constitutionality was, however, recognized by the Regional Labour Tribunal of the 10th Region¹²⁸ in February 2006, which stated:

"The decree under discussion covers only the creation of a register of employers convicted of using workers in conditions analogous to slavery, together with the conditions for inclusion and removal of names on it. There is no mention of imposing penalties or restrictions on those whose names appear on the register... This decree, by merely organizing the registration and documentation of data obtained from activities that the MTE has already been legally mandated to undertake (inspection and elimination of any irregularities in labour relations), has an adequate basis in [constitutional] law." (Chagas, 2007: 19)

The legality of Decree No. 540/2004 is, on the other hand, based on the fact that it complies with Article 5, Paragraph 1 of the 1988 Federal Constitution, which charges public authorities with the duty of maximizing the effectiveness of fundamental rights. The Decree fulfils this obligation by giving effect to the constitutional principle of the dignity of the human person.

On the basis of MTE Decree No. 540/2004 and MIN Decree No. 1.150, the National Congress is currently considering 20 proposals for amendments to legislation concerning aggravation of the offences set out in Section 149 of the Penal Code. They include granting the power to expropriate land, to prohibit the extension of official credit to enterprises present on the 'dirty list', and to prohibit those who commit the crime of slave labour from participating in public tendering.

Constitutional Amendment Bill (PEC) No. 438/01, which aimed to enable expropriation of estates where slave labour occurred, took two years

¹²⁷ Chagas, 2007: 15–16

¹²⁸ The 10th Region covers the Federal District and the State of Tocantins

to pass through the Federal Senate. It was eventually passed in 2001, when it was sent to the Chamber of Deputies. As a result of amendments proposed by members of the Chamber's rural lobby at the first vote (to include urban real estate in expropriation), the Bill will have to be returned to the Senate after approval by the Chamber's plenary.

This long struggle to get the approval of PEC No. 438/01 has enjoyed significant support from organized civil society groups, culminating in a demonstration on 12 March 2008, when around one thousand people converged on the Chamber of Deputies at the National Congress, in Brasília, to demand immediate approval of the Bill. Speeches were made in defence of the so-called 'slave labour amendment', material was distributed to Deputies and Senators, and visits were paid to the principal leaders of the Chamber and the Senate to ask them to support its approval. The proceedings succeeded in securing assent from Congress and an audience with President Luiz Inácio Lula da Silva to discuss stronger action by the Federal Government in approving the Bill.

If passed, the 'slave labour amendment' could be a major step towards putting an end to impunity, given that many landowners caught committing this crime are repeat offenders.

5.2.4 Project 'Marco Zero'

On the 3rd of November 2008, the Minister of Labour launched the first contractual intermediation agencies in rural areas to manage the hiring of rural workers. The initiative aims to do away with the figure of the *gato*, that private intermediary paid by farmers to recruit workers with false promises and to attract them into remote farms, where they work in degrading conditions, or indeed as forced labour.

This pilot project, known as '*Marco Zero*', operates initially in four states identified as the main areas affected by forced labour: Maranhão and Piauí as the states from which many of those workers originate; and Pará and Mato Grosso as their principal destination states, in which 25% of the labourers rescued by labour inspectors are concentrated. It is essential to address the problem in these areas not only through the repressive tool of labour inspection, but also through provision of job opportunities.

Such a system already exists in urban areas under the umbrella of the labour administration. For more than 30 years, units of the National Employment System (SINE), under the coordination and supervision of the Ministry of Labour and Employment, have contributed to reductions in the unemployment rate, enforcement of labour rights and improvements in the correlation between job offers and demand. This system had not, however, tackled the recruitment of rural workers, and illegal intermediaries took advantage of the loophole. The new initiative reinforces the presence of the State in rural areas so that labour legislation can be enforced.

The adaptation of the SINE in rural areas will require the active participation of local authorities, as well as the NGOs working there. The agencies will gather offers from the farmers and will register workers looking for work. It will be up to the agencies to check that the employers register workers and that the working conditions are adequate. The staff will also visit working places and may, if necessary, travel to remote areas to register workers.

5.3 CIVIL SOCIETY AND PRIVATE SECTOR ACTIONS

The Study on the Slave Labour Production Chain and the creation of the National Pact for the Eradication of Slave Labour are the major spin-offs from the creation of the 'dirty list'. Other initiatives that should be highlighted include: the Study on the Profile of the Principal Actors Involved in Rural Slave Labour; the launching of national prevention campaigns against slave labour; and the pilot programme for the socio-economic reinsertion of freed workers. The latter programme seeks to break a cycle of slavery perpetuated by poverty that has affected innumerable generations of rural workers.

5.3.1 Study on the Slave Labour Production Chain

In 2004, at the request of the Special Human Rights Secretariat (SEDH) of the Presidency of the Republic, the NGO Repórter Brasil, in partnership with the ILO, carried out the first study to identify the production chains that involved the estates included on the slave labour 'dirty list'. The Study mapped out the commercial relations of rural estates included in the first two versions of the 'dirty list' (published by the Federal Government in November 2003 and June 2004). Researchers were thus able to follow the distribution channels of products from the estates in question to their final destinations, i.e. internal consumption in the retail market, and export. The production chains of 100 estates were examined in detail from start to finish, exposing the recent commercial behaviour of some 200 enterprises.

Like other actions aimed at eradicating slave labour in Brazil, the Study on the Production Chain was undertaken in coordination with the ILO and various social actors, including the Ministry of Labour and Employment, the Public Ministry of Labour, the National Institute for Settlement and Agrarian Reform (INCRA), the Pastoral Land Commission (CPT), the Centre for the Defence of Life and Human Rights of Açailândia, the Society, Population and Nature Institute, and the CONATRAE, together with trade unions and other national and international institutions.

The aim of the Study is to inform Brazilian society, industry and consumer markets (sale, wholesale and export) about the existence of slave workforces at the beginning of the production chains behind various commodities on sale in the country. The effectiveness of the Study is linked to increasing levels of 'ethical consumption' in Brazil and worldwide, as

consumers learn to value respect for social and environmental laws by an enterprise when it comes to their choice of products. The image of an enterprise (good or bad) is transferred to the product it makes and, by extension, to the person who consumes it. Therefore, to some extent, consuming a product associated with slave labour turns the consumer into part of a tainted production chain.

In line with the demands of ‘ethical consumption’, a bill is being discussed in the Brazilian Congress that would establish a stamp certifying that a commodity comes from a production chain that does not involve slave labour. This mark of quality would be primarily applied to those products from agriculture and the timber industry produced and marketed in Pará.¹²⁹

The Study assigned priority to investigating the commercial links between estates included on the ‘dirty list’ and enterprises recognized for their importance in the market or for their efforts in the areas of social responsibility and private social investment. The aim was to alert private sector enterprises to the slave labour problem in Brazil and, as they become aware of the problem in their production chains, turn them into potential partners in actions to eradicate slave labour in the country.

The Study demonstrated that estates using slave labour were practising unfair competition while also committing a crime against human rights. It was therefore possible to demand total compliance with the labour laws within the production chains employed by private sector enterprises that buy from those estates.

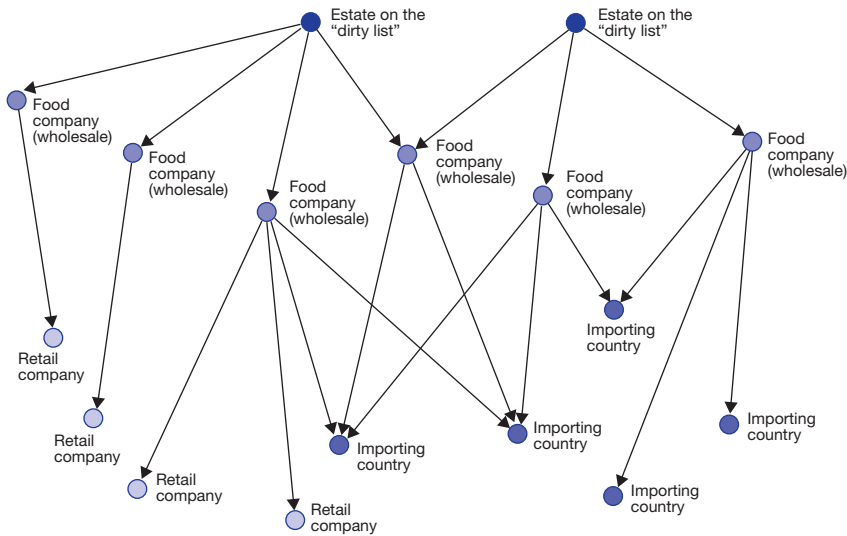
The Study took into account the dynamic nature of economic relations within the production chains investigated, which meant that they were constantly changing. Those who buy from a particular estate can vary from harvest to harvest, and from year to year. The Study responded to this fluctuation (which is linked to various factors, such as competitive pricing) by setting a specific time frame for use as a parameter in identifying any given production chain.

The second Study was carried out in 2007. More than 170 production units included on the ‘dirty list’ had their commercial relations investigated. As a result, the links between these 170 estates and approximately 300 enterprises (with national or international capital) were mapped. The economic sectors involved included livestock production, charcoal, cotton, coffee, sugar cane, soya and plantations. The largest and most complex production chain to be mapped related to cattle meat. The example below illustrates the production chain related to soya, which is far simpler than the very complex meat production chain.

In the following example, the estates included on the ‘dirty list’, were the Study’s starting point. The intermediary enterprises are normally wholesalers that buy products directly from those estates and then sell it either to

¹²⁹ Melo, 2007

Figure 6
Example of a production chain – soya



Source: Research on slave labour supply chain, ILO-Brazil and Repórter Brasil, 2007.

sales enterprises, which sell products directly to the consumer, or to foreign countries that buy these products. The names of the estates, intermediary enterprises (retail and wholesale) and countries buying soya and its derivatives produced through the use of labour analogous to slavery have been omitted.

Once the Study was complete, in September 2004, the ILO-Brazil and the Ethos Institute of Business Ethics and Social Responsibility, with the participation of the NGO Repórter Brasil, coordinated meetings with enterprises it had identified. The aim was to raise their awareness of the presence of slave labour in a particular production stage of the commodities they were selling. Many enterprises were unaware of the fact and, after the meeting, immediately suspended their trading contracts with those suppliers who used slave labour, pending the regularization of their situations. The majority of enterprises made a commitment to study actions that could contribute to the eradication of slave labour in their supply chains.

These discussions evolved into meetings with various enterprises that are leaders in their sector, culminating in collective mobilization to combat slave labour in the country on the basis of a National Pact.

5.3.2 National Pact for the Eradication of Slave Labour

Just as the actions of various public authorities can be measured by their implementation of the National Plans for the Eradication of Slave Labour, the actions of the private sector can be monitored with reference to the National Pact.

Signed on 19 May 2005, in a ceremony at the Office of the Attorney General of the Republic in Brasilia, the National Pact is a voluntary commitment undertaken by some 200 enterprises with the aim of dignifying and modernizing labour relations in production chains (See Annex). In other words, the National Pact has placed efforts to dignify, formalize and modernize labour relations in all economic sectors on the agenda of entrepreneurs and Brazilian society as a whole.

The signatory companies represent 20 per cent of Brazil's gross domestic product, and the Pact is structured around the following commitments:

- to define specific objectives for the regularization of labour relations in these production chains, including the formalizing of employment relations by producers and suppliers, the fulfilment of all their labour and social security obligations, and the undertaking of preventive actions regarding workers' safety and health;
- to define commercial restrictions on enterprises and individuals identified in the production chain as using degrading working conditions associated with the practices that characterize slavery;
- to support social reintegration and production measures for workers still in degrading or inhuman labour relations, guaranteeing them opportunities to overcome their social exclusion, in partnership with government and non-profit organizations in various fields;
- to support measures providing information to workers vulnerable to enticement into slave labour, together with publicity campaigns to prevent slavery;
- to support actions, in partnership with public and private bodies, providing training and professional qualification for freed workers;
- to support actions combating tax evasion and piracy;
- to support and debate proposals that support and request implementation by the authorities of actions set out in the National Plans to Eradicate Slave Labour;
- to monitor the actions described above, to achieve the proposed targets and to publicize the results of these joint efforts;
- to collate and share experience, so as to promote further actions that could contribute to ending the use of degrading and slave labour in all its forms, in Brazil and other countries;
- to assess, one year after the signing of this commitment, the results of implementing the policies and actions set out in the Pact.

Two years after the National Pact was signed, innumerable cases have been recorded of enterprises cutting their commercial ties with suppliers on the basis of the commitments set out in the Pact. At an event held in São Paulo in May 2007, various enterprises gave presentations on actions to eradicate slave labour in their production chains. Some enterprises at the event stood out for having promoted, on their own initiative, more effective actions against the crime of reducing workers to conditions analogous to slavery. The following are examples¹³⁰ of individual actions by enterprises that have signed the National Pact:

Case 1:

The fuel sector was one of the first two sectors to commit to breaking links with suppliers on the 'dirty list'. Some enterprises in the sector stopped trading with a distillery that was on the 'dirty list' for 2004 until it regularized its situation with the MPT. Thanks to the political influence of the owners of the distillery, which belongs to the brother of a Federal Deputy, the case had repercussions. When enterprises reported the cessation of commercial relations with the factory, the Deputy in question asked them the reason for their commercial restrictions. The case resulted in a request for impeachment of the Deputy. Although the distillery used a legal ruling to have its name removed from the 'dirty list' in 2005, the enterprises in question maintained their commercial restrictions.

Case 2:

One of the largest buyers of cotton in the country decided to break off trade immediately with cotton estates using slave labour. In addition, it established a system to identify the origin of cotton bought by the enterprise.

¹³⁰ The examples cited were obtained from the site <http://www.reporterbrasil.com.br>, accessed on 30 April 2008.

Case 3:

An enterprise severed commercial relations with a refrigeration plant in the north of Tocantins State because the abattoir had not suspended trading with an estate that was using slave labour. “It was an extreme measure, because the refrigeration plant had shown no interest in discussing the matter”, said the enterprise’s coordinator of corporate issues. Furthermore, the enterprise adopted a proactive policy towards its suppliers, convening a meeting with refrigeration plants at its headquarters to explain the situation of slave labour in Brazil and ask them to sign up to the Pact. This demonstrated the enterprise’s determination to no longer accept meat bought from people who would not commit to eradicating slave labour from their production chains.

Case 4:

One of the biggest producers and exporters of soya in the world had not signed the Pact until a report criticizing its social and environmental activities was sent to the International Finance Corporation (IFC), the private credit branch of the World Bank. The enterprise was trading with at least two estates on the ‘dirty list’. As a result, the World Bank began to think about revising the funding conditions it had agreed with the enterprise. At this point, the enterprise signed the Pact, which triggered the following actions: training of staff responsible for buying soya to inspect the labour and environmental practices of supplying estates; the immediate cessation of trade with two estates included on the ‘dirty list’, and consultation of the register before dealing with new suppliers; and the maintenance of commercial restrictions on the enterprise after it had, through a legal ruling, secured the removal of its name from the register of offenders.

Despite these individual actions, observers noted a lack of engagement from sectors linked to the production of beef (which represents 62 per cent of estates on the ‘dirty list’), soya and cotton. These results nonetheless demonstrate the importance of the Study on the Slave Labour Production Chain in stimulating the mobilization of private initiatives and supporting the maintenance of proactive relations with suppliers by enterprises that are

already part of the National Pact. The Study is also an important means of engaging new enterprises with the commitments established in the Pact.

Among the signatories to the Pact, large enterprises in the iron and steel industry have become involved in the fight against slave labour in a fairly coordinated manner. The industries active in the Carajás area, in Pará state, have made a common commitment not to buy vegetable charcoal from enterprises that (verifiably) subject their workers to conditions of slave labour. To that end, fourteen of the sixteen members of the Carajás Steel Mill Association (ASICA), with enterprises located in Maranhão and Pará, established the Citizens' Charcoal Institute (ICC) in 2004.

The ICC's actions have contributed to improving working conditions in kilns producing vegetable charcoal, an important raw material for production of the pig iron used in steel manufacture. Through the ICC, more than a thousand charcoal kilns have been inspected, of which 316 were discredited and are prohibited from selling charcoal to iron and steel enterprises within the Institute.

The results of these cases are to be brought together so that the ICC's experiences can be replicated by other enterprises, and to facilitate the recruitment of partners in the application of commercial restriction policies.

The ICC has also established its own list naming enterprises within which serious labour irregularities have been observed. At present, the list includes 275 charcoal kilns, and has been sent to iron and steel enterprises that have taken on responsibility for eliminating (or not eliminating) such suppliers from their production chains.¹³¹

5.3.3 Monitoring of the National Pact for the Eradication of Slave Labour

In order to monitor completion of the actions set out in the Pact, organized civil society groups – such as the NGO Repórter Brasil and the Ethos Institute of Business Ethics and Social Responsibility – have established, along with the ILO, a Management Committee to Monitor the National Pact. The main purpose of this Committee is to ensure application of the code of conduct¹³² by signatory companies. The Committee has the power to temporarily suspend or even permanently exclude signatories should they adopt measures that are contrary to the commitments agreed upon in the Pact.

Another supervisory body, the Social Monitoring Institute (IOS)¹³³, was contracted by the ILO in 2007 to develop a model for monitoring actions taken by signatory enterprises. Its aim was to verify, through continuous

¹³¹ Repórter Brasil, 2008

¹³² The code of conduct is in its final stages of elaboration.

¹³³ The Social Monitoring Institute is a non-governmental organization that researches the behaviour of multinational and national enterprises with regard to the fundamental rights of workers that are (principally) enshrined in ILO Conventions.

monitoring, the effective introduction to signatories' corporate policies of the guidelines set out in the National Pact. The IOS derives information from in-depth interviews held with signatory organizations and subsequently transferred to digital format.

This was the first time signatories had been intentionally monitored, and the process covered half of the enterprises that had signed the National Pact. More than 70 per cent of those interviewed had not yet developed actions to combat modern-day slave labour, but some actions aiming at the eradication of slave labour, in response to commitments undertaken by signing the Pact, were registered by the other 30 per cent. All these results were reported to the enterprises in November 2007, at a national seminar attended by more than 30 representatives of signatories interviewed. This dialogue has since been maintained by the signatory enterprises, many of which have approached the IOS for further information about slave labour.

The fact that many signatories are not aware of having signed the Pact, and do not remember or do not know the extent of the commitments undertaken, is one of the main obstacles to fulfilment of its aims. Furthermore, some enterprises do not admit responsibility for the production chain (suppliers, clients, etc.) of which they are part, or acknowledge their power to exert pressure on it. When they do, they often apply only small fines or insignificant penalties to their suppliers and clients. Last but not least, some signatories remain ignorant of the specific actions that can be taken to combat modern-day slave labour. To counter this ignorance, the IOS plans to establish a 'bank of clauses against slave labour (or child labour, etc.)' and a 'bank of good practices', which are intended to be adaptable to specific situations, and to act as sources of inspiration for actions against slave labour.

A series of strategies suggested by the IOS to guarantee better fulfilment of the Pact's aims includes publicizing the Pact, obtaining new signatories and continuously monitoring signatories. It is also suggested that qualified interlocutors should be trained to deal with Pact signatories, such as union leaders, especially those with trade unions representing workers in the sectors with the highest incidence of slave labour.

In 2008, and in the light of the monitoring project's results, the IOS was invited – along with the ILO-Brazil, the Ethos Institute and the NGO Repórter Brasil – to become part of the Committee to Coordinate and Monitor the Pact, and was given the role of carrying out continuous monitoring.

5.3.4 An increasing commitment from the business sector

Employers tend to be more and more involved in action against forced labour. On 24 June 2008, a meeting on corporate social responsibility brought together the presidents of the biggest Brazilian companies. Launched by the President of Brazil, the event gave birth to a Declaration on Social Responsibility of Companies and Human Rights, signed by 13 presidents of important national companies, Brazilian branches of multinational companies, and

banks. The Declaration's signatories assume the responsibility of private sector companies to work towards enforcement of the Universal Declaration of Human Rights by promoting human rights in their business strategies. They commit themselves not only to prioritizing human rights in order to ensure sustainable development for their country, but also to enforcing plans of action that promote gender and racial equality, eradicate forced labour in the supply chains, promote employment for disabled persons and support promotion of the rights of children and youth. They also called upon other companies to join and sign the Declaration.

5.4 STRATEGIES FOR PREVENTION OF SLAVE LABOUR AND REINSERTION OF FREED WORKERS

There is a consensus in favour of actions that integrate rigorous law enforcement with prevention and rehabilitation measures.¹³⁴ These need to be based on human rights and on a victim-centred approach. To this end, more research is needed to provide support for the formulation and reorientation of public policies to combat slave labour, including prevention, eradication and the reinsertion of freed workers. Research could guide the development of education campaigns for the various actors concerned, and offer information to support inspection and control of trafficking in slave labourers.

Research is also seen as an important tool enabling a rethink of strategies to reinsert workers into their places of origin. Such strategies include: offering alternative work and income; establishing land access mechanisms; providing support for family agriculture; offering access to training programmes (professional training and supplementary education); offering access to programmes for direct income transfer from the Federal Government (such as the Family Purse Programme and others); and providing programmes that generate employment and income while promoting cooperatives and economic solidarity.

5.4.1 National Campaign for the Prevention of Slave Labour¹³⁵

Coordinated by the ILO, with the support of the Government and the CONATRAE, a three-phase campaign has been developed using voluntary contributions from communications and publicity agencies. As a result, there has been significant promotion of wider awareness within Brazilian society about the problem of slave labour.

¹³⁴ ILO, Global Report, 2005, page 19

¹³⁵ Can also be found on the website of ILO Brasil: http://www.oitbrasil.org.br/trabalho_forcado/brasil/iniciativas/campnac/index.htm

Figure 7

One of the slogans used during the National Campaign



Employee of the month

The 2003 campaign material was displayed in the country's major airports, reaching 12 million passengers.

The publicity material developed for the campaigns is of high quality and has had a strong impact on the population. A range of material was produced, from banners, publicity videos and radio spots to booklets informing workers about the danger of exploitation. These advertisements are primarily intended to provide clear messages that open people's eyes to the issue. Between October 2003 and December 2007, about US\$17 million were contributed by the private sector and the media, mainly in the form of free advertising space.

The first phase of the campaign was carried out in 2002 and aimed at raising awareness among the Brazilian public, which was still not convinced of the existence of modern-day slave labour in the country, and did not know what form it took. The first step was creation of a logo for the campaign: a chained wrist inside a ‘forbidden’ sign, bearing the slogan ‘Slave Labour: Let’s abolish this scourge once and for all’.

To raise public awareness about the presence of modern-day slave labour and explain the specific nature of the problem, five double-page adverts and a one-minute television film were produced, as well as billboard advertising. Communication materials were produced with the support of

Figure 8
Logo of the Brazilian campaign



partner enterprises. Their display through various media (print and broadcast) was also undertaken in partnership with advertising companies.

The country's main public television stations advertised the video free of charge across a range of schedules. The film was also shown on the city of São Paulo's metro lines, which carry thousands of passengers every day, and in cinemas in Brazil's biggest cities. As a result of this investment, the year 2003 saw an increase since the previous year of more than 1,900 per cent in articles published by the printed media on the problem of slave labour in Brazil, an outpouring that helped keep the issue high on the national agenda.

Some examples of adverts used in the first phase of the campaign are shown below. To explain the nature of modern-day slave labour in Brazil the adverts illustrate various activities, such as sugar cane and maize harvesting, which use slave labour within the country. The adverts also show tools, such as scythes and shovels, commonly used by such workers to clear pasture and plantations. They also show weapons, as a means of explaining the forced nature of the work and the violence to which workers are subjected.

In December 2005, the ILO, the CONATRAE and the Brazilian Government officially launched the second phase of the National Campaign for the Prevention of Slave Labour. The material produced was particularly aimed at potential workers who could be vulnerable to exploitation as slave labour. Support for its distribution to rural workers, above all to the main trafficking regions and those with the highest incidence of slave labour, was received from key partners such as, among others, the Pastoral Land Commission, the National Confederation of Agricultural Workers and the Federal Highway Police.

Other measures aimed at prevention were also enacted during this phase. One educational television channel produced a video of puppet theatre based on the issue of slave labour, and it has since been shown throughout Brazil.¹³⁶ Also on television, a case of modern-day slave labour was featured in an

¹³⁶ *Que trabalho é esse?* (What is this work?), Canal Futura and Fundação Vale do Rio Doce, 2006

Figure 9

First Phase of the National Campaign to Combat Slave Labour



"In 1888 Princess Isabel signed the Golden Law*, but not everyone was able to read it."



"Most people can't read or write, but they know by heart what slavery means."



"Worse than not being able to get work is not being able to get out of it."



"In Brazil there are still people working to survive. Because if they stop, someone kills them."

* The Ley Aurea (Golden Law) is the law that officially abolished slavery in Brazil-

episode of one of the country's most popular soap operas.¹³⁷ In addition, a large national mining enterprise printed 300,000 booklets, 4,000 posters and 50 banners for the campaign. Three radio spots were also produced with informative repentes¹³⁸ describing the trafficking of workers and warning about the problem of modern-day slave labour. The spots were transmitted on the main radio stations in towns in the North and Northeast of the country.

The second phase of the campaign laid greater emphasis on the provision of information, and used language accessible to the rural working public. As such it offered brief explanations of the most common forms of enticement by gatos, of the nature of slave labour, and of the institutions to which

¹³⁷ *Carga pesada*, Episod *Liberdade Liberdade*, TV Globo, 2005

¹³⁸ A *repente* is a type of song (or melody) characterized by the use of improvised verse. It is traditionally associated with the Northeast region, from which most slave labourers originate, and its use demonstrates the cultural relevance of the campaign, as it employs a form that is familiar and accessible to victims of modern-day slave labour.

Figure 10
Second Phase of the National Campaign to Combat Slave Labour



NÃO SE DEIXE ENROLAR: PROMESSA DE GATO É COISA DE TRABALHO ESCRAVO. Diga não!

O trabalhador é importante e sempre tem seu valor reconhecimento digno merece o trabalhador e justa pelo suor para acabar sua dor.

Não aceite falsas promessas e não se deixe enganar assim a escravidão poderá se terminar e se algo der errado procure denunciar.

Que os fiscais do trabalho vêm logo pra lhe salvar o gato não tem poder se o trabalhador se cuidar e com ajuda de todos a escravidão vai acabar.

A seca, a falta de terra fazem faltar o alimento sem o crédito agrícola o trabalhador em sofrimento deixa a casa e a família e vai em busca do sustento.

Que o trabalhador não merece ter um destino ruim os gatos prometem trabalho e dinheiro sem pantim mas lhe dão trabalho escravo e sofrimento até o fim.

Trabalho Escravo Vamos abolir de vez essa vergonha.

cuidado com as propostas de trabalho que você recebe. Obriçao você a trabalhar por dívida é crime, é trabalho escravo.

CONATRAE Comitê Nacional de Combate ao Trabalho Escravo

cuidado com as propostas de trabalho que você recebe. Obriçao você a trabalhar por dívida é crime, é trabalho escravo.

Trabalho ESCRAVO. Tem gato querendo FAZER VOCÊ DE RATO. Diga não!



OGATO DIABO

J. BORGES

Pego atenção da pobreza que precisa trabalhar quando alguém lhe oferecer vantagens pra melhorar tenha cuidado sempre é pra lhe escravizar.

No Maranhão e Piauí Tocantins e no Pará em Goiás e Mato Grosso Pernambuco e Ceará Bahia e Minas Gerais também vão muitos pra lá.

Se alguém lhe convidar para desflorestamento prometendo boa casa bom salário e alimento tenha cuidado que talvez aumente seu sofrimento.

Eles quando lhe convidam não mostram nenhum agravo mas todos que vão pra lá tornam-se deles escravos trabalham muito e não comem e não ganham nenhum centavo.


Muitos deixam a família a mulher e seus filhinhos deixam sua região e seguem em outros caminhos para se tornarem escravos de um bando de mesquinhos.

Trabalho Escravo Vamos abolir de vez essa vergonha.

CONATRAE Comitê Nacional de Combate ao Trabalho Escravo

*cuidado com as propostas de trabalho que você recebe.
Obrigam você a trabalhar por dívida é crime, é trabalho escravo.*

Trabalho ESCRAVO. Não descubra que foi vítima quando Já ESTIVER ESCRAVIZADO. Diga não!



OS ANJOS PROTETORES J. BORGES

Profissionais que defendem o direito do trabalhador o governo organiza trabalho e empregador dando direito ao povo aonde preciso for.

O trabalhador viajando se por acaso sentir-se mal pode contar com a ajuda de um grupo policial a gloriosa polícia do governo federal.


Se o trabalhador desconfiar que trata-se de traição os policiais a postos conhecem a aflição estão pra lhe defender e lhe dão libertação.

No campo existem os fiscais do Ministério do Trabalho saem em defesa da justiça lutando sem atrapaalho combatendo o trabalho escravo tangendo este espantelho.

Chegando ao trabalhador lhe garante documento e pelo tempo de trabalho lhe ordena o pagamento e pra quem denunciar se acaba o sofrimento.

Trabalho Escravo
Vem aí a virada de uma virgória.

*cuidado com as propostas de trabalho que você recebe.
Obrigam você a trabalhar por dívida é crime, é trabalho escravo.*



OS FISCAIS SALVAM DO TRABALHO ESCRAVO J. BORGES

**CONTRA O TRABALHO ESCRAVO,
chame OS FEDERAIS.**

Os mesquinhos são os gatos que fazem dos pobres pressas fáceis de se iludir por serem gente indefesa sem moradia e sem comida no lambeção da pobreza.

E longe se torna escravo de sol a sol trabalhando e a família faminta fica em casa esperando e quando se desengana fica com fome e chorando.

Se criam os filhos raquiticos sem terem o que comer a mãe se acaba logo vendo os filhos padecerem e o pai morre sendo escravo pra o bandido enriquecer.

E assim o trabalho escravo cada dia cresce mais em São Paulo e Rio de Janeiro dentro dos canaviais todos derramam suor vindos de Minas Gerais.

Há diferentes formas que usam os recrutadores mas a maior preferência é pelos trabalhadores que residem bem distante dos estranhos iludidores.

Mas temos esperança que isso vai acabar o Ministério do Trabalho resolveu enfrentar e mandou fiscais ao campo pra o povo se libertar.

Trabalho Escravo
Vem aí a virada de uma virgória.

people can submit complaints, giving addresses and telephone numbers in the regions with the highest rates of trafficking and slave labour. The eventual aim was to warn workers about internal trafficking, informing them of their labour rights and encouraging them to report exploitation and ill treatment to the competent authorities. Some sections of the booklet are shown below.

The third phase of the campaign was launched in 2007. Its main objective was to remind the public that, despite all the efforts and progress made, the problem of modern-day slavery still persists. The communications media used in this phase of the campaign were the country's main, mass circulation magazines and newspapers.

Leafing through a magazine containing this advert, the reader is confronted by two handcuffed hands. These handcuffs also join the pages of the magazine so that they cannot be opened completely. By forcing the magazine open, the links are broken and the reader sees the slogan: "Unfortunately, putting an end to slave labour is not as easy as that."

In 2008, the advert was the winner of one of the main categories in the Abril Publicity Prize, awarded by the largest magazine publisher in the country and a benchmark for advertising professionals in Brazil. Chosen by readers as the best creation in a magazine, the advert promoted the project's paramount objective: raising public awareness of the problem in general. Banners were also produced bearing the same slogan, and were displayed in the country's main airports.

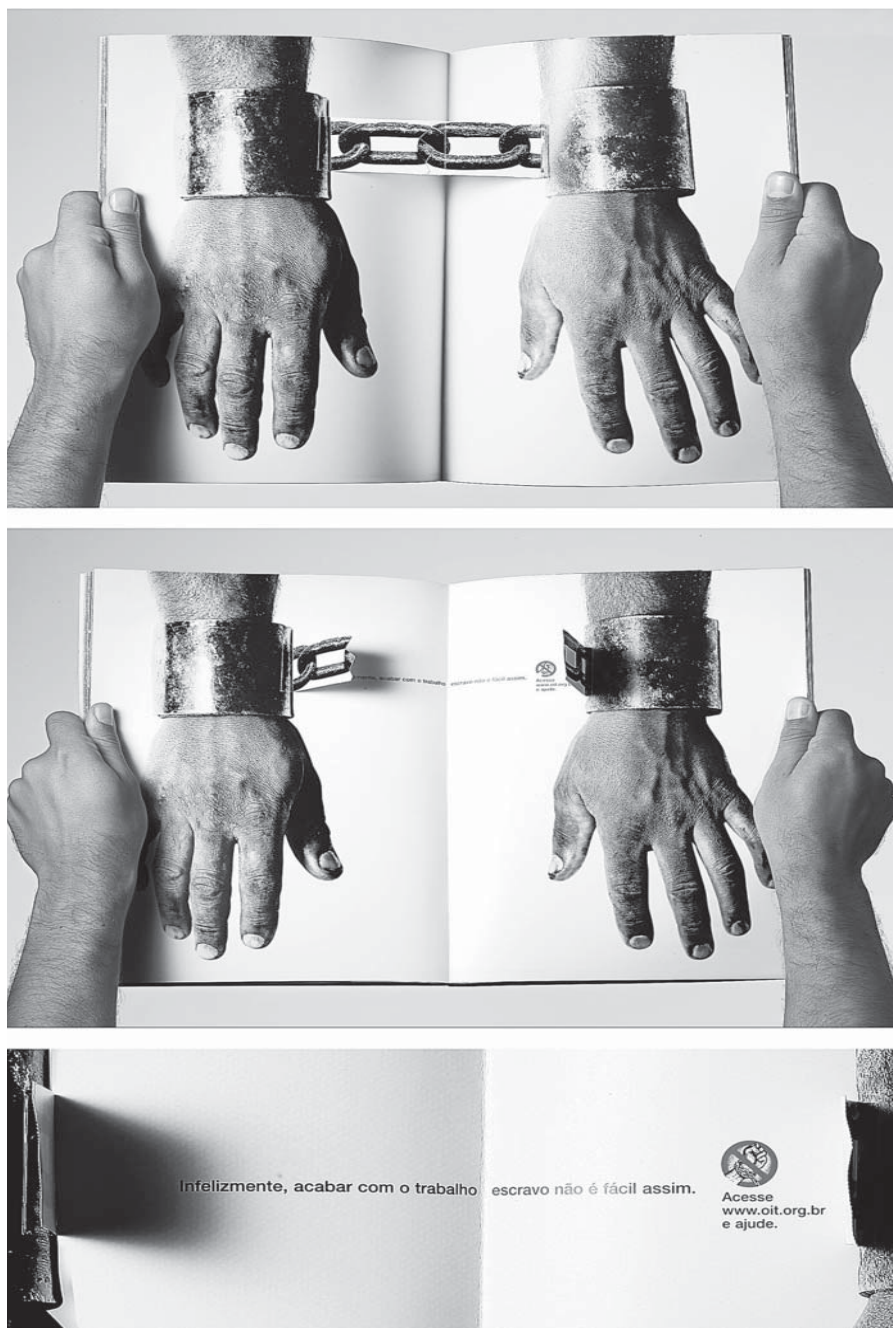
To ensure the campaign's continuity, new partners are being sought and new strategies developed. All publicity material produced so far has been made available by the ILO-Brazil for general use. Private enterprises, television channels and sources of printed media frequently request this material from ILO-Brazil for the purpose of re-publishing it. Moreover, some land-owners convicted of using practices analogous to slavery on their estates have been required, as part of their sentence, to print this publicity material, and to pay for space for its publication in newspapers and magazines. Labour tribunals are also, therefore, in constant contact with the ILO to obtain the material and pass it on to offenders.

5.4.2 Prevention of slave labour

Coordinated by the NGO Repórter Brasil, in partnership with the ILO and more than 30 institutions representing public authorities and civil society, the programme *Escravo, nem pensar!* ('Slave? No way!') is the first nationwide programme for the prevention of slave labour. Established in 2004, in response to the demands of the First National Plan for the Eradication of Slave Labour, the aim of the programme is to reduce, through awareness-raising, the number of workers trafficked for forced labour in the North, Northeast and Centre-West regions, along with the Amazonian agricultural frontier. The programme concentrates most of its activities in towns with a

Figure 11

Third Phase of the National Campaign to Combat Slave Labour



high incidence of enticement, and provides training for community leaders, teachers and educators on modern-day slave labour and related issues. It is hoped that these leaders and teachers will be able to relay the information they receive on this serious violation of human and labour rights to their students and communities.

The subjects covered in the training courses relate to the structural causes of slave labour and its consequences, examining the social, political, economic and environmental aspects of the issue. As well as the problem of slave labour per se, the following are discussed: work in our society, the agrarian issue and land struggle movements; environmental issues and the Amazonian agricultural frontier; migration, trafficking in persons and enticement; child labour and sexual exploitation of children and adolescents; development and agribusiness; and forms of independent production within a solidarity-based economy. To facilitate in-depth exploration of these issues during training, the courses receive visits from civil society organizations and public authorities that act to combat slave labour.

Since 2004, more than 2,000 people have participated in training in more than 30 municipalities in the States of Maranhão, Piauí, Pará, Tocantins, Bahia and Mato Grosso, mainly in areas from which freed workers originate. In line with the view that actions should be appropriate to the local realities faced by victims of slave labour, the 'Slave? No way!' programme encourages teachers and community leaders (after they have attended the course) to develop strategies for sharing knowledge that are appropriate to the particular nature of their city and region. The programme also promotes coordination between local bodies (whether organizations or movements) that previously worked in a fragmented way. To this end schools, teachers' unions, rural workers' unions, municipal education secretaries and community associations have formed a network responsible for implementing, following up and evaluating the programme.

On completion of each programme Repórter Brasil visits the town concerned, bringing together the teachers and 'citizenship agents' trained by the course. At these meetings, participants can obtain up-to-date information on the issue of slave labour through contact with new training material and relevant news. They also plan future activities, and discuss what has been done to prevent slave labour and overcome associated problems.

Introducing the programme through teachers and community leaders is not expensive. Costs amount to no more than the material consumed during the course, which can therefore be funded by a school or trade union. Furthermore, the NGO Repórter Brasil offers technical support to beneficiaries for a set period and assists in securing financial support to develop projects.

The Brazilian Government and the organizations that participate in the CONATRAE regard this programme as the first large national project for the prevention of modern-day slavery to have been systematically introduced across the country. As a product of the programme's accumulated experience,

a book entitled ‘Slave? No way! How to address the subject of slave labour in the classroom and the community’¹³⁹ was published at the end of 2007. Its aim is to disseminate the methodology used in the training courses – using a range of interdisciplinary activities to mobilize students and the population in general – thereby helping teachers and leaders to promote the prevention of modern-day slave labour. The book also offers guidance on how to carry out pedagogical projects in schools and communities, suggesting activities on various topics related to slave labour.

In 2006, thanks to an agreement with the ILO and Repórter Brasil, 42,000 copies of a booklet for literacy teachers, based on the methods used in the ‘Slave? No way!’ programme, were printed and distributed by the Ministry of Education.

5.4.3 Rehabilitation of Freed Workers

Alongside strategies promoted by the government, workers’ and employers’ organizations have worked in close cooperation with local authorities and civil society groups to promote a reinsertion programme for victims of slave labour in areas from which victims originate. This reinsertion programme should create viable conditions for decent living among the country’s poor. To do so, it must respond to the needs of slave labour victims, and not risk their becoming victims again by taking them out of vulnerable situations without providing them with alternatives. It must therefore be developed in consultation with freed workers.

One pioneering initiative around the reinsertion of freed workers has been launched by enterprises in the steel industry associated with the Citizens’ Charcoal Institute (ICC), which contract such workers into formal jobs with guaranteed labour rights. The aim of this strategy is to prevent freed workers, whose problems are only resolved in the short term by the payment of unemployment benefit, from returning to conditions analogous to slavery. The idea for the initiative arose from a meeting between the ICC and the MTE Inspection Secretariat in 2005, when possible ways of combating the problem of freed workers returning to slave labour were being investigated.

In order to implement the 2005 proposal, the MTE provides the ICC with a list of those workers freed through the actions of the GEFM who are receiving unemployment benefit. Based on this list, the ICC begins by locating the workers and offering them formal work at the enterprises mentioned above. After they have been found and have accepted the offer of work, the ICC provides the necessary documentation for workers, most of

¹³⁹ http://www.reporterbrasil.com.br/documentos/almanaque_alfabetizador.pdf, Ministério da Educação, Organização Internacional do Trabalho e ONG Repórter Brasil, 2006

whom do not even have birth certificates. Workers are then directed to the relevant steel enterprise for admission.

To facilitate this task, the ICC has established a database that includes all freed workers who have been located, along with the vacancies offered by participating enterprises. Unfortunately, only around 30 per cent of workers on the lists received from the MTE can be located.

The ICC initially carried out the programme on its own, and reinserted a total of 54 workers. The project's second phase had support from the ILO-Brazil, which made an agreement possible between the ICC and the Federal Republic of Germany, represented by the German Agency for Technical Cooperation (GTZ). The GTZ's support for the ICC was mainly financial, but the ILO also offered technical support, employing its technical staff, accompanied by advisors¹⁴⁰ in reinsertion activities, to carry out periodic visits to the project area. The Union of Pig Iron Producers of the State of Pará (SINDIFERPA), another important partner in this initiative, participates by placing workers with its associated enterprises based in Pará, as well as by checking the number of vacancies at these enterprises and directing workers to them.

As a result, 111 freed workers were admitted to work, with signed work cards and their labour rights guaranteed, in 2007. These workers were contracted in the States of Maranhão, Pará and Tocantins. Efforts were made to place contracted workers in areas near to their home towns, and to ensure that they were close to their families. It should be noted that any worker freed by the GEFM, irrespective of the work they were performing when freed, was eligible for reinsertion through the programme. The majority of workers contracted were originally employed on cattle estates. Initial salaries for reinserted workers range from R\$389.90 to R\$700.00¹⁴¹, and the duties expected of them require few qualifications, given that the majority cannot read or write, and have no ID documents.

Only 46 freed workers were reinserted into the labour market in 2006, but 111 people were employed through the ICC's programme in 2007, a statistic that demonstrates the programme's growing effectiveness. Workers have, however, encountered problems with adaptation during the reinsertion programme. Unfamiliar with the routines of a pre-planned working day, the rules of an organized enterprise or the need to respect set working hours, and lacking either professional qualifications or literacy, many find their new working conditions difficult, and some end up abandoning the job. In the long term, therefore, the efficiency of the project will need to be assessed.

¹⁴⁰ The main role of the advisors hired to work in the programme, was the development of activities related to insertion (contacting workers and directing them to jobs). Each advisor was assisted by an ICC inspector at his disposal.

¹⁴¹ On average, US\$194.50 and US\$350.00 respectively.

5.5 THE SECOND NATIONAL ACTION PLAN

According to the ILO's assessment, 68.41 per cent of the targets set out in the First Plan were completely or partially achieved. Progress was made, in particular, in raising the awareness of the social actors involved in the fight against slave labour and making workers aware of their rights. Least progress was made, however, with regard to measures intended to reduce the impunity of employers convicted of practising slave labour, and those intended to guarantee employment and land reform in regions supplying slave labour workforces¹⁴².

The preparation of the Second National Plan to Eradicate Slave Labour seems to have translated the accumulated experience of the last five years into new proposals. Launched on 10 September 2008 at the Ministry of Justice in Brasilia, and drawn up by the CONATRAE, the Second National Plan is an extensive update of the First.

Based on the CONATRAE's systematic monitoring of how the targets of the First Plan were being met, the new document sets more realistic goals that are thus more likely to be achieved.¹⁴³ While the First Plan emphasized the institutional coordination essential to those actions taken to combat slave labour up until 2008, the Second National Plan focuses on specific actions, first and foremost with regard to the effective eradication of the practice. Economic pressure on employers using slave labour is therefore one of the document's main thrusts. It highlights the need to restrict access to credit for those employers included on the 'dirty list', and that this must involve both public financial institutions (as has been the case) and private ones. Still on the subject of economic sanctions, the Second Plan stresses the need to prohibit such employers from participating in public tendering.¹⁴⁴ Besides, in response to the violent criticism directed at the 'dirty list', Action 58 of the Plan specifically aims to protect the list's constitutionality.

In furthering the actions devised under the First Plan, and with the aim of filling the gaps it left, the 66 Actions set out in the new document are based on the demands of civil society, and will: lead to prevention measures and reinsertion of workers; emphasize matters related to land reform and coordination of government actions in the fight against slave labour by extending social policies such as income transfer programmes to freed workers; and highlight the need to involve the business sector in addressing the problem.

An important innovation in the Second Plan is its focus on foreign workers subjected to conditions analogous to slavery or to degrading working conditions. In order to address this aspect of the problem, the document emphasizes the creation of legal and social structures for such workers.

¹⁴² Second National Action Plan, 2008

¹⁴³ Repórter Brasil, 2008

¹⁴⁴ Repórter Brasil, 2008

Measures include issuing the necessary documents for their situation to be legalized, and amending the Statute for Foreign Nationals to regularize the status of workers found in unsatisfactory working conditions. Another innovation is the emphasis on traditional peoples and communities as part of the population affected by modern-day slave labour. This has, for example, prompted measures intended to extend to the traditional sector prevention strategies that are currently aimed only at the rural population.

In order to ensure that its new targets are met, the Second Plan stresses the need for immediate approval of Constitutional Amendment Bill No. 438/01, which provides for the expropriation and use in land reform of all land on which slave labour is practised. It also calls for increased penalties for individuals convicted of reducing workers to conditions analogous to slavery, including through further modification of the Penal Code, and proposes an increase in the minimum prison sentence for slave labour from 2 to 4 years.

The Plan also grants the Mobile Inspection Unit, responsible for releasing 21,874 workers between 2003 and 2007, a broader field of action, in that a complaint will no longer be needed before it can inspect a farm in areas with high incidence of forced labour.

Several of the Plan's measures aim to eradicate the illegal recruitment of manpower, most notably by the establishment of local employment agencies in the areas from which forced labourers are recruited.

The prevention aspect of the struggle is not overlooked by the Second Plan. It seeks inclusion of the forced labour theme in school curricula, along with development of the awareness-raising campaign and activities aimed expanding the programme's capacity. Another chapter lays down all the rights and benefits that a freed worker should receive, including: administrative papers (ID, labour card); social benefits; legal assistance; access to reinsertion projects and vocational training; access to the Bolsa Familia, the public subvention that allows poor children to go to school until the age of 17.

The continuing need for coordination between enterprises under the National Pact for the Eradication of Slave Labour is also highlighted. The aim is to strengthen actions that encourage signatories to boycott products if slave labour is part of the production chain.

Another important priority emphasized by the Second Plan is strengthening the Federative Pact, through which various entities within the Brazilian Federation (states, municipalities and the Federal District) can increase the effectiveness of the National Plan by drawing up a State plan (and even state laws) to combat slave labour, and joining forces for an integrated approach at federal level. At present, the State governments of Pará, Maranhão, Mato Grosso, Tocantins and Bahia are implementing this initiative, and it could, according to the new Plan, be extended to all 27 states of the Federation. An important role here can be played by the CONATRAE, which has coordinated federal and state initiatives to combat slave labour, and is experienced

at integrating actions by public authorities and civil society organizations.¹⁴⁵

Based on the experience of the First Plan, the monitoring of which allowed obstacles to its implementation to be identified, the Second Plan also stresses the need to monitor the achievement of targets by both the National Plan and state plans. To that end, the second document calls for the devising of indicators to monitor the fulfilment of commitments made to combat slave labour, and the progress of the Plan as a whole, along with diagnostic indicators of the overall situation with regard to slave labour that must involve the participation of civil society and research institutions.

The goals set out in the Second National Plan include specific guidelines for actions to combat slave labour in the years to come. Despite the efforts made, Brazil's actions to establish solutions to the problem of impunity and to help accelerate land reform in the country have faced significant obstacles. In order to overcome such obstacles, the Second Plan deals more strongly with these issues than the First.

¹⁴⁵ Repórter Brasil, 2008

CHALLENGES AHEAD

All these initiatives, regardless of the difficulties and obstacles encountered in implementing them, have transformed Brazil into an example to be followed in the fight against slave labour. Much more progress is needed, however, to completely eradicate the problem. The immense size of the country, combined with the complexity of modern-day slave labour, make it a matter of urgency to continue these effective actions and broaden their scope.

The success of initiatives developed by Brazil in the fight against slave labour is evident from the fact that they have been both continued and expanded into new activities. Among Brazil's successes in addressing the problem, the freeing of 5,893 workers between 1995 and 2002 is of particular note, as is the release by the GEFM, between 2003 and 2008, of 26,890 workers reduced to conditions analogous to slavery. These figures reflect improvements in inspection techniques and the importance of the MPT's presence in operations to free workers, both of which have encouraged the increase in civil society activities against landowners engaging in this criminal practice.

Brazil has been highlighted as one of the most progressive countries in terms of combating forced labour. Yet in spite of all the progress made, policies and instruments still need strengthening to enable the total eradication of such a severe human rights and fundamental labour rights violation in Brazil.

As the next step, a clear focus should be established on prevention and rehabilitation activities. This is the only way to prevent workers freed by the GEFM from falling back into forced labour. Unfortunately, this problem is still far from being solved, as evidenced by the fact that some workers are freed several times by the GEFM. Unless freed workers have alternative opportunities to earn their living, they remain very vulnerable.

Action at State level should also be pursued, following the examples of those States, Pará for instance, that have adopted a State Plan of Action against Slave Labour. The eradication of forced labour is a priority for the National Decent Work Agenda, which will guide future state-level agendas.

The example of Brazil – both of its achievements and good practices, and of its difficulties and lessons learnt – should be disseminated throughout Latin America, where similar patterns of forced labour can be found. In May 2008, the Brazilian and Peruvian Governments signed an agreement to reinforce their actions to prevent, combat and eradicate forced labour. The agreement will facilitate the sharing of experience through technical cooperation and visits to each country by specialized teams. Brazil will also provide Peru with technical guidance on the successful mechanisms it has employed to get rid of forced labour.

The actions taken so far seem to have been the thread that has allowed the tangled web surrounding modern-day slavery to be unravelled. The wider participation of organized sectors of society and the State's commitment to the established principles of human rights are fundamental to its eradication. Recognizing the vital role played by Brazil in leading the Latin American fight against forced and slave labour, and in developing a range of good and innovative practices that can usefully be replicated in other regions of the world, the ILO stands ready to provide further support for these initiatives.

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ANNEXES

DECREE 540/2004, 'DIRTY LIST'

Section 1. To create, within the Ministry of Labour and Employment (MTE), a Register of Employers who have kept workers in conditions analogous to slavery.

Section 2. Inclusion of the name of an offender on the Register will occur following a final administrative decision on the proceedings for violation brought as a result of inspection activities in which it has been established that workers are subjected to conditions analogous to slavery.

Section 3. The MTE shall update, every semester, the Register referred to in section 1 and shall inform the following bodies accordingly:

- I – the Ministry of the Environment;
- II – the Ministry of Agrarian Development;
- III – the Ministry of National Integration;
- IV – the Ministry of the Economy;
- V – the Ministry of Labour;
- VI – the Public Federal Ministry;
- VII – the Special Human Rights Secretariat;
- VIII – the Central Bank of Brazil.

...complementary information or copies of documents relating to the inspection activities that gave rise to the inclusion of the offender on the Register may be requested.

Section 4. The Labour Inspectorate shall carry out monitoring for a period of two years after the inclusion of the name of an offender on the Register in order to verify the legality of working conditions, after which period, if there have been no recurrences, the name in question shall be removed from the Register.

§ 1. The exclusion of an offender's name from the Register shall be conditional upon payment of fines arising from inspection activities, along with evidence that all labour and social security debts have been cleared.

§ 2. The exclusion of an offender's name from the Register shall be communicated to the bodies referred to in Section 3, Subsections I to VIII.

NATIONAL PACT TO ERADICATE SLAVE LABOUR IN BRAZIL

Considering:

- a) that there is a list of all employers and/or their middlemen who exploit people through slave labour in Brazil (Act MTE 540/2004) by means of physical and moral constraint, restricting both free option and free action on part of the workers;
- b) that, despite the changes already made and the efforts taken by the companies involved in the various production chains and by agencies from both the government and civil society, there still remain spots of forced labour in Brazil, and in rural areas this forced labour usually assumes the features of slavery because of debts. So the priority of the government and society should be to eradicate this immediately;
- c) that all kinds of forced labour represent a serious violation of human rights, also condemned by the Universal Human Rights Declaration, by the 29th and 105th Conventions of the International Labour Organization (ILO), by the ILO's Declaration of Fundamental Principles and Rights in Labour, and by the American Convention of Human Rights;
- d) that expanding the promotion of a positive agenda is important, so that the commitment of all enterprises and the various agencies involved with social responsibility and sustainable development can be better evaluated;

All signatories agree to increase efforts aimed at dignifying and modernizing all labour relations throughout the production chains of all the sectors committed to the Employers Register Act 540/2004 that have kept workers in conditions analogous to slavery. So, as far as they are able, each of the parties agree to:

1. Define specific goals for the regularization of labour relationships within these production chains, meaning the formalization of labour relations by producers and by suppliers to fulfil all labour and social security duties, as well as preventive actions relating to the workers' health and security;
2. Define commercial restriction applied to companies and/or people identified in the production chain that make use of degrading labour conditions coupled with practices that are considered slavery;
3. Support actions in partnership with different elements of the government and non-profit making organizations that aim at social and productive reintegration of workers who are still working under degrading or unworthy conditions, so that they can have opportunities to overcome their situation of social exclusion;
4. Support actions that provide information to workers who might be vulnerable to the enticement of slave labour forces, as well as campaigns for the prevention of slavery aimed at society as a whole;

5. Support actions in partnership with public and private agencies to facilitate the professional training and improvement of freed workers;

6. Support actions that combat evasion of taxes and piracy;

7. Support and debate proposals that finance and demand the implementation of actions by public authorities according to the National Plan to Eradicate Slave Labour;

8. Monitor the implementation of the actions described above and the achievement of the proposed goals, as well as the release of results from this joint effort;

9. Systematize and publicize the experience so that the proliferation of these actions might be advanced, contributing to abolition of the exploitation of all kinds of degrading labour and slavery in Brazil as well as in other countries;

10. Assess, a year after its formalization, the results of the policies and actions in this agreement.

In the case of federations and representative agencies, given that they do not have any power to control these measures, their commitment consists of advising their associates that they should observe the recommended practices in the present agreement.

Joining this agreement is free to any social actor committed to dignity, formalization, modernization and the eradication of degrading labour and slavery.

Brasília, May 19th, 2005

The ILO has provided technical assistance to the Government of Brazil since 2002, thanks to the US Department of Labour and the Government of Norway. The ILO Special Action Programme to combat Forced labour has facilitated extensive research and activities tackling prevention, prosecution and rehabilitation, including national communication campaigns and many capacity-building and awareness-raising activities.

For further information, please see:
www.ilo.org/forcedlabour

ILO Special Action Programme to combat Forced Labour

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