

I. Introduction

1. Brazil became internationally known for its innovative public policies to combat slave labor. The country has advanced penal legislation and a series of public policies to prevent and repress slave labor. Along with inspection mechanisms and training of actors in charge of combating slave labor, these laws and policies contributed to the rescue of more than 57,000 workers between 1995 and 2021.¹
2. However, **a series of threats and setbacks put all the work developed in recent decades at risk.** The rescue of these enslaved workers continues to be carried out, but only due to the consolidation of a firm national policy to combat slave labor in the country and several institutions' commitment. They have resisted the intense attacks on social and labor protections from business sectors and members of different spheres of power in the Brazilian State. This report brings together the threats and setbacks related to Recommendations 127, 125, 128, 126, 132, 131, 124, 129 and 130 of Theme D27 “prohibition of slavery and trafficking”, from the previous cycle of the Universal Periodic Review.
3. In recent years, the Brazilian government has used the justification of cutting spending and the economic crisis to implement measures that take away or make workers' rights more flexible. The state failed to invest in social policies that combat socio-economic vulnerabilities and to act to combat social and labor violations (especially slave labor and human trafficking). Labour and social protections have recently suffered considerable setbacks. In 2017, Brazil carried out a reform of its labor legislation (**Law No. 13,467/2017**), which caused an increase in the precariousness of work and informality at work.² In 2019, a public pension reform was approved, imposing stricter rules for access to pensions, disproportionately affecting informal and low-income workers and, notably, rural workers.³
4. But the reforms were not enough to overcome the Brazilian economic crisis, whose effects were even more pronounced by the impacts of the covid-19

¹ Information available at Undersecretary of Labor Inspection website:
<https://sit.trabalho.gov.br/radar>

² See:
<https://reporterbrasil.org.br/2018/11/em-um-ano-reforma-trabalhista-aumenta-informalidade-enfraquece-sindicatos>

³ See:
<https://www.redebrasilatual.com.br/trabalho/2019/05/contag-denuncia-impactos-da-reforma-da-previdencia-na-area-rural>

pandemic, which led to the death of more than 600,000 people in the country.⁴ In 2021, the unemployment rate reached 14.7% (more than double the global average), leading the country to reach the fourth highest unemployment rate globally.⁵

5. The end of jobs and the weakening of social and labor **protection intensified the social problems** experienced by the majority of the population, contributing to the increase in social inequality in the country and hunger in the Brazilian population.⁶ In 2018, there were 85 million Brazilians with some degree of food insecurity.⁷ In 2021, the situation became even more severe: 55.2% of Brazilian households were experiencing food insecurity, which means that 116.8 million Brazilians did not have complete and permanent access to food.⁸
6. This whole scenario has increased the number of workers in situations of extreme vulnerability and, therefore, **more susceptible to being enticed into slave labor**. In 2021 alone, 1,937 workers were rescued.⁹
7. The most significant number of rescues continues to be in **rural areas**, which correspond to almost 80% of the total.¹⁰ The urban area raises concern, particularly concerning some sectors, such as civil construction and the textile sector - until 2020, however, the sector corresponded to less than 2% of the cases of freed workers.¹¹
8. But whether in urban or rural areas, the profile of rescued workers shows that a series of **intersectionalities** mark the problem: the vast majority of rescued

⁴ See:

<https://g1.globo.com/saude/coronavirus/noticia/2022/02/23/brasil-registra-956-mortes-por-covid-em-24-horas-media-movel-de-casos-completa-2-semanas-em-queda.ghtml>

⁵ See:

<https://g1.globo.com/economia/noticia/2021/11/22/brasil-tem-a-4a-maior-taxa-de-desemprego-do-mundo-aponta-ranking-com-44-paises.ghtml>

⁶ See:

<https://www.cnnbrasil.com.br/nacional/fome-avanca-e-atinge-mais-9-milhoes-de-brasileiros-nos-ultimos-dois-anos/>

⁷ See: biblioteca.ibge.gov.br/visualizacao/livros/liv101749.pdf

⁸ See:

www1.folha.uol.com.br/mercado/2022/02/como-o-brasil-chegou-ao-atual-cenario-de-fome.shtml#:~:text=O%20Inqu%C3%A9rito%20Nacional%20sobre%20Inseguran%C3%A7a,cen%C3%A1rio%20de%20inseguran%C3%A7a%20alimentar%20%E2%80%944um

⁹ <https://sit.trabalho.gov.br/radar/>

¹⁰ See Painel de Informações e Estatísticas da Inspeção do Trabalho no Brasil at

<https://sit.trabalho.gov.br/radar/>>

¹¹ Data from

<https://smartlabbr.org/trabalhoescravo/localidade/0?dimensao=perfilCasosTrabalhoEscravo>

workers are black, without complete elementary education, and between 18 and 24 years old.¹²

II. Setbacks and Threats in Policies to Combat Slave Labor

9. Brazil managed to advance timidly in some policies to combat slave labor, human trafficking, and related issues, according to recommendations 127, 128, 132, 131, 124, 129, and 130.
10. In terms of legislation, Brazil approved Law No. 13,344/2016. Based on the guidelines of the Palermo Protocol, the law specifically dealt with Combating Trafficking in Persons. It provided for the prevention and repression of this crime, including essential changes in the Brazilian Penal Code.¹³
11. According to recommendations 126, 124, and 130 on protection and assistance to victims, Brazil created a **National Assistance Flow for Victims of Slave Labor**, within the scope of the **National Commission for the Eradication of Slave Labor** (CONATRAE) and in cooperation with various actors. This is an essential tool for information and combating slave labor in the country. The flow establishes a direction for the action of federative entities and social actors involved in the fight against slave labor in Brazil, standardizing the care for rescued victims and ensuring specialized and humanized support through referral to relevant public policies and services.¹⁴ Since its publication, Conatrae has been working with the federative units for its implementation, which can bring good results in the future. However, as **the flow is still in the implementation phase**, assessing its effectiveness is not yet possible.

II.1. Lack of staff and budget cuts in supervisory bodies

12. The **Labor Inspection**, the body responsible for labor inspections in Brazil (among them, those related to slave labor), has suffered severe budget and personnel cuts. Taken together, those failures demonstrate that Brazil is far from being alignment with recommendations 128, 129, and 130, on resources

¹² Data from

<https://smartlabbr.org/trabalhoescravo/localidade/0?dimensao=perfilCasosTrabalhoEscravo>

¹³ See Article 149-A from Brazilian Penal Code

¹⁴

<https://brasil.un.org/pt-br/152114-brasil-consolida-politica-publica-de-assistencia-vitimas-de-trabalho-escravo>

(government officials, budget and structure) to combating modern slavery and trafficking, as we can see in the following paragraphs:

13. Brazil has experienced a significant **decline in its number of trained labour inspectors**, which has seen a reduction by a third in the past ten years, from 2,935 in 2010 to 2,050 in 2020.¹⁵ The low number of inspectors is not enough to reach all country regions, especially the most remote ones and has made it difficult for the government to monitor and enforce labour standards. The deficit in the Labor Inspection body has been denounced for some time by civil society organizations and by the labor inspectors themselves, having been the subject of a public manifestation by Conatrae.¹⁶
14. In addition to the personnel deficit, the Labor Inspection has suffered severe **budget cuts**, affecting the public policy to combat labor violations, including slave labor. In August 2017, rescue operations came to a halt due to a lack of resources.¹⁷ Upon making this fact public, the head of Labour Inspection was fired by the higher authorities.¹⁸ The budget problem was only corrected after the pressure from institutions involved in the fight against slave labor in the country, including organizations from organized civil society and labor unions. However, in 2019, resources for labor inspection were reduced again, falling by 49% compared to the previous year.¹⁹
15. The government also prevented the Labour Inspection from obtaining resources by **controlling the allocation of funds** resulting from fines and indemnities for collective moral damages by the Public Ministry of Labor (MPT). The justification given by the government is that these funds should go to specific funds (Fundo de Defesa de Direitos Difusos and Fundo de Amparo ao Trabalhador), even though none of these funds is intended to promote collective or unavailable labor

¹⁵ See:

<http://www.wipsociology.org/2021/04/20/a-devastated-brazil-how-bolsonaro-has-dismantled-labor-and-environmental-protections/>

¹⁶ See:

<https://www.gov.br/mdh/pt-br/aceso-a-informacao/participacao-social/conatrae/NotaPblicaConcursoAuditorFiscaldoTrabalho.pdf>

¹⁷ The head of the Department of Surveillance to Eradicate Slave Labour (*Divisão de Fiscalização para a Erradicação do Trabalho Escravo*) presented official data to the Brazilian Senate that demonstrated this.

¹⁸ See:

<https://oglobo.globo.com/economia/apos-critica-por-falta-de-verba-governo-decide-trocar-chefia-no-ministerio-do-trabalho-21930138>

¹⁹ See:

<https://economia.uol.com.br/noticias/redacao/2020/01/02/2019-ano-fim-ministerio-do-trabalho-balanco-bruno-dalcolmo.htm>

rights. In other words, although the MPT's allocations in favor of combating and preventing slave labor are provided for in the **II National Plan for the Eradication of Slave Labor**, such resources can no longer be postulated by the Labour Inspection and other federal government bodies, as the Federal Police. This measure, in practice, impacts the capacity of the labour inspection since such resources help the purchase of equipment to carry out operations. For example, in 2015, the Special Mobile Inspection Group acquired all your cars with MPT destinations. Although these vehicles are already old and with high mileage, the government did not update the fleet. This measure still prohibited the receipt of equipment and resources through destinations. Initially, the allocation of resources was forbidden only by the Ministry of Labor and later extended to other federal agencies.²⁰

16. Rescue and inspection operations are complex and require resources to purchase and renew work and logistics instruments, notably the vehicle fleet (including fuel), IT equipment, and personal protection of tax auditors. The lack of funds impacts the number of operations carried out, the type of locations and activities inspected, and the number of rescued workers. As they involve higher costs, operations in more remote areas have decreased, leaving workers in these regions even more vulnerable.
17. But the Labor Inspection was not the only one affected by the budget cut, which included all policies to combat slave labor. And there is no forecast for improvement. In the **2022 budget** proposed by the federal government, the Ministry of Labor and Social Security - to which the Labor Inspection is linked - was the department that suffered the **most significant budget cut** (1 billion reais).²¹ The **lack of transparency** in government data makes it impossible to specify the exact values of the cuts suffered by each national policy mechanism.

II.2. Weakening of the administrative protective apparatus

18. The current federal administration has sought to restructure regulatory labour and social bodies or amend their composition to make them more subservient to the demands of the Executive.

²⁰ See:

<https://www1.folha.uol.com.br/mercado/2021/11/pf-e-prf-recebem-recursos-de-infracoes-trabalhistas-na-contramao-de-ministerio-de-onyx.shtml?origin=folha>

²¹ See:

www.em.com.br/app/noticia/politica/2022/01/25/interna_politica,1339956/area-social-sofre-cortes-drasticos-com-tesouradas-no-orcamento.shtml

19. In 2019, the **Ministry of Labour was eliminated** and turned into a secretariat under the Ministry of Economy. This act removed the labour agenda from the core of the executive power and left Brazil without a central entity responsible for preparing a systematic employment policy for Brazil. In 2021, the government decided to recreate the Ministry. Far, however, from signifying concern about the country's high unemployment rates, the decision was purely political. It allowed the president to make more than 200 political appointments to the ministry.²²
20. Other measures have also been taken to reduce social participation in social and human rights issues. Decree No. 9,759, of April 11, 2019, determined the extinction of the councils and commissions of the National Policy for Social Participation (PNPS).²³ Among the many collegiate bodies affected, the **National Commission for the Eradication of Slave Labor** (Conatrae) requested its recomposition, which was accepted. However, the Commission now has only eight members: four representatives from the government and four from civil society.²⁴ (selected via public notice²⁵ for a two-year term). Although other civil society organizations can follow Conatrae meetings, they cannot propose agendas or vote on decisions.
21. The measure was carried out to justify cost containment and the elimination of “superfluous” councils. It might have saved little amount of money,²⁶ but, in practice, affected social participation in fundamental issues. The list of collegiate bodies extinct by the presidential decree includes councils that deal with environment, indigenous peoples, and agriculture issues. Although some have managed to recover, many are still empty or without performing activities, existing only on paper. It is worth remembering that social participation is highly relevant. Without the pressure of organized civil society, Brazil would not be such international reference in the fight against contemporary slave labor.

II. 3. Setbacks in legislation

²² See: economia.ig.com.br/2021-07-27/fgts-anyx-guedes.html

²³ See: <https://deolhonosruralistas.com.br/2019/04/17/decreto-de-bolsonaro-fragiliza-combate-ao-trabalho-escravo-no-campo/>

²⁴ See Decree No 9,887/2019 at http://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Decreto/D9887.htm#art11

²⁵ See: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2020-2/marco/ministerio-abre-processo-seletivo-para-comissao-nacional-de-erradicacao-do-trabalho-escravo>.

²⁶ See: <https://oglobo.globo.com/politica/decreto-do-governo-bolsonaro-mantem-apenas-32-conselhos-consultivos-23773337>

22. The government is also supporting reforms that are particularly harmful to the protection of workers that have been regularly discussed **without any popular participation**, especially from union entities and public bodies and entities that work in the fight against labour irregularities.
23. A worrying example is **Senate Bill No. 432/2013**, which changes the concept of slave labor in the Brazilian Penal Code, restricting it to cases of restriction of freedom. The proposed amendment goes against the understanding of the International Labor Organization (ILO), which understands the Brazilian concept as good and adequate to contemporary forms of slavery.²⁷
24. In addition, the Brazilian government has been reviewing almost all the **Regulatory Norms** of the Ministry of Labor about occupational health and safety conditions.²⁸ These review can significantly harm the assessments of slave labor that are based on these rules and increase the rates of accidents and deaths of workers. Brazil already occupies second in the G20 mortality from work accidents.²⁹
25. With particular regard to **child labor**, it is estimated that almost 2 million children and adolescents aged 5 to 17 are subjected to child labor in Brazil. 706,000 of these were subjected to the worst forms of child labor. Far from seeking to combat the problem and actively violating **Recommendation 132**, the Brazilian State has been working under the false conception that child labour is a solution to poverty and unemployment. The legislative proposals that aim to reduce the protection given to children and adolescents demonstrate that. The Proposal for a Constitutional Amendment nº 18/2011 - which reduces the minimum age for work to 14 years - and the government's recent measures to create new fixed-term contracts for young workers that would exempt employers from paying labour and social rights,³⁰ are examples.

²⁷ See:

<http://www2.camara.leg.br/camaranoticias/noticias/RELACOES-EXTERIORES/478351-PARA-O-IT.-BRASIL-E-REFERENCIA-MUNDIAL-NO-COMBATE-AO-TRABAJO-ESCLAVO.html>

²⁸ See:

<https://agenciabrasil.ebc.com.br/politica/noticia/2021-10/governo-faz-nova-revisao-de-normas-de-seguranca-no-trabalho#:~:text=O%20governo%20federal%20anunciou%20nesta,no%20Di%C3%A1rio%20Oficial%20da%20Uni%C3%A3o.>

²⁹ See:

<https://g1.globo.com/economia/noticia/2021/05/01/brasil-e-2o-pais-do-g20-em-mortalidade-por-acidentes-no-trabalho.ghtml>

³⁰ Provisory Measures that exempt employers from paying social and labour rights are MP No. 881/2019, MP No. 905/2019 and MP No. 1045/2021

26. Brazil's failure to legislate and apply some existing protection rules has also been a problem. **Constitutional Amendment No. 81**, approved in 2014, allows the expropriation of land used for slave labor (**article 243 of the Federal Constitution**). So far, this constitutional provision has not yet been regulated nor, therefore, applied. There are some bills, such as **Project Bill No. 5970/2019**, that seek to regulate the constitutional article to make it applicable. But the projects have not yet been voted on and it is feared that they will not be approved. Thus, Recommendation 125 lacks effective implementation.
27. There is also a state Law in São Paulo, **Law No. 14.946** stipulates that business owners found to be commercializing goods produced using slave labour shall have their commercial taxpayer registration revoked,³¹ thereby virtually barring them from engaging in commerce. It, however, never had any practical effect: no company's registration has ever been canceled or removed from the commercial taxpayer registry.
28. The omission of the Brazilian state is also evident concerning **international standards**. Despite the appeals and **UPR's Recommendation 127**, Brazil still does not ratify the **2014 Protocol to the ILO Forced Labor Convention** and the **UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**.

II. 4. Impunity

29. The Brazilian problem is also compounded and fueled by its **inability to hold offenders criminally accountable and ensure adequate compensation for victims (Recommendation 124 and 130)**. Of the 3,450 slave labor inspection operations carried out between 2008 and 2019, only 2,679 defendants were denounced for the crime. Only 112 experienced a definitive conviction, which corresponds to 4.2% of all accused and 6.3% of the number of people brought to trial.³²
30. **Slow investigations and lengthy proceedings** are opportunely used by offenders to delay accountability. Often the demands go beyond the statutory

³¹ For more details, check

<https://www.al.sp.gov.br/repositorio/legislacao/lei/2013/lei-14946-28.01.2013.html>

³² See:

<https://politica.estadao.com.br/blogs/fausto-macedo/trabalho-analogo-escravidao-baixa-condenacao-justica-pesquisa-trabalho-escravo-na-balanca-da-justica-ufmg/>.

statute of limitations, preventing defendants from being held accountable³³. The low chances of punishment offer little incentive for private actors and the State to comply with the legislative apparatus of worker protection, perpetuating a cycle of abuse and impunity.

31. This delay in holding offenders accountable for labor violations resulted in Brazil's international condemnation in 2016. In the **Fazenda Brasil Verde case**, the Inter-American Court of Human Rights found that the Brazilian State violated the rights of 85 victims who were enslaved on a farm in the State of Pará in 2000 and of another 43 workers rescued from the same property in 1997. The Court found that Brazil violated the rights of individuals to freedom (specifically the right not to be subjected to any form of slavery or servitude), access to justice, and a reasonable duration of the proceedings and that the victims did not receive adequate judicial protection, which amounted to denying them access to justice. It was the first time that the Inter-American Court condemned a State for slave labor.³⁴

II. 5. Transparency

32. A successful strategy employed by Brazil, related to transparency, is the so-called "**dirty list**," a regularly updated and publicly available registry of employers who have verifiably submitted their workers to slave-like labour. Although the list has been widely celebrated as a best practice on transparency³⁵, the "dirty list" was suspended for over two years (2014 to 2016) by the Federal Supreme Court (STF) after the list became the target of a series of legal measures. In April 2016, the United Nations published a working paper that highlighted many governance gaps related to modern slavery in Brazil recommending, among other things, the reactivation of the "dirty list".³⁶ The Brazilian government attempted to attack transparency and weaken the labour protection framework by conditioning the publication of the "dirty list" to a political

³³ See: <https://exame.com/brasil/quanto-tempo-a-justica-do-brasil-leva-para-julgar-um-processo/>

³⁴ See: http://www.corteidh.or.cr/docs/casos/articulos/seriec_318_por.pdf

³⁵ See more at Official Documents System of United Nations at documents-dds-ny.un.org/doc/UNDOC/GEN/G16/096/43/PDF/G1609643.pdf?OpenElement.

³⁶ See: [//brasil.un.org/sites/default/files/2020-07/position-paper-trabalho-escravo.pdf](https://brasil.un.org/sites/default/files/2020-07/position-paper-trabalho-escravo.pdf)

decision of the federal government³⁷. Fortunately, this order was overturned by the STF in 2020, which reaffirmed the list and its publication as constitutional.³⁸

33. Brazil does not have legal regulations that require companies to publicly disclose data and information on their production chain, which makes it difficult to control and hold all those involved in the practice of slave labor difficult.

III. Conclusion

34. Over the last few years, the Brazilian government has used the justification of cutting spending, the lean state, and the economic crisis to implement measures to **threaten rights**: to make workers' rights more flexible, to stop investing in social policies that fight the causes of various socioeconomic vulnerabilities, and to act to combat social and labor violations (especially slave labor and human trafficking).

35. The policy of combating slave labor went through different administrations and was internationally celebrated. But, despite some small advances, the Brazilian State's actions in recent years show that far from intensifying efforts to increase its apparatus for protecting and combating slave labor, the country has gone backwards in several aspects.

36. The **precarious reforms** carried out and the **constant attacks on labor and social rights**, combined with the **weakening of state bodies** through budget and resource cuts, have heightened the context of extreme vulnerability and relegated workers to their own fate.

37. It is also worth highlighting the **interconnection of human rights violations and environmental degradation**: slave labor is often connected to crimes such as illegal deforestation and others to violations of environmental rights. In 2009, the International Labor Organization (ILO) indicated connection between this

³⁷ See Order No. 1,129/2017, from 17 December 2020, at www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/19356195/do1-2017-10-16-poraria-n-1-129-de-13-de-outubro-de-2017-19356171.

³⁸ 'Federal Supreme Court decides 'dirty list' on slave labour to be maintained', Conectas Human Rights, 14 September 2019, www.conectas.org/en/noticias/federal-supreme-court-decides-dirty-list-on-slave-labour-to-be-maintained/

violation and Amazon deforestation, to prepare the land for cattle raising and activities related to agriculture.³⁹ The advance of the agricultural frontier to other Brazilian biomes extends this concern regarding the use of slave labor in these crops and related environmental violations and crimes. Specialists have expressed concern about recent decrees⁴⁰ and measures⁴¹ by the federal government to stimulate the current clandestine mining (commonly associated with slave labor⁴²), reduce requirements for environmental licenses, and provide for tacit licenses due to the expiry of the application⁴³. These measures are often justified by the need to “stimulate the economy” and “create jobs” to overcome the socio-economic crisis.

38. In a scenario of economic crisis aggravated by the covid-19 pandemic, the Brazil needs to act to prevent new people from being enticed and victims of this crime and to rescue those who are already in a situation of violation of their human rights. The global health emergency and the difficulties generated by the worsening economic indices cannot justify the State's failure to fulfill its obligations and sacrifice the most vulnerable people in the name of an ideological vision of a modest State.

³⁹ See: <https://reporterbrasil.org.br/2009/08/desmatamento-usa-o-trabalho-escravo/>

⁴⁰ According to environmentalists, decree on 'artisanal mining' is an incentive for illegal mining in the Amazon. See:

<https://g1.globo.com/meio-ambiente/noticia/2022/02/14/decreto-que-estimula-mineracao-artesanal-visa-legalizar-garimpo-apontam-ambientalistas.ghtml>

⁴¹ Govern stands that the authorization on mining in the Amazon is legal and Federal Prosecutors open an investigation. See:

<https://www1.folha.uol.com.br/ambiente/2021/12/helena-diz-ser-legal-autorizacao-para-garimpo-na-amazonia-e-mpf-abre-apuracao.shtml>

⁴² This report exposes criminal connections between slave labour and mining in the Amazon. See more at

<https://brasil.mongabay.com/2021/02/trabalho-escravo-em-garimpos-expoe-redes-criminosas-na-amazonia/>.

⁴³ See Decree No. 10.965/2022, Article 39: (...)

§ 1 The execution of the licensing registration by the ANM in a free area, provided that it is duly instructed in accordance with the procedures and requirements established in the ANM Resolution, will be completed within sixty days, counted from the date of presentation of the competent environmental license.

§ 2 Once the period referred to in § 1 has expired without the ANM having expressed itself, as long as the requirements referred to in that paragraph are met, the effects of the registration will be effected. Available at:

http://www.planalto.gov.br/ccivil_03/ato2019-2022/2022/decreto/D10965.htm