

INTRODUCTION

It is estimated as many as 369,000 Brazilians were being subjected to forced labor in 2016. The primary form of forced labor in Brazil is debt bondage. Debt bondage is a system in which an employer forces a worker to pay off a debt with labor. This study aims to analyze the issue of forced labor in Brazil as well as the measures taken by the Brazilian Government and other non-government actors to combat this issue.

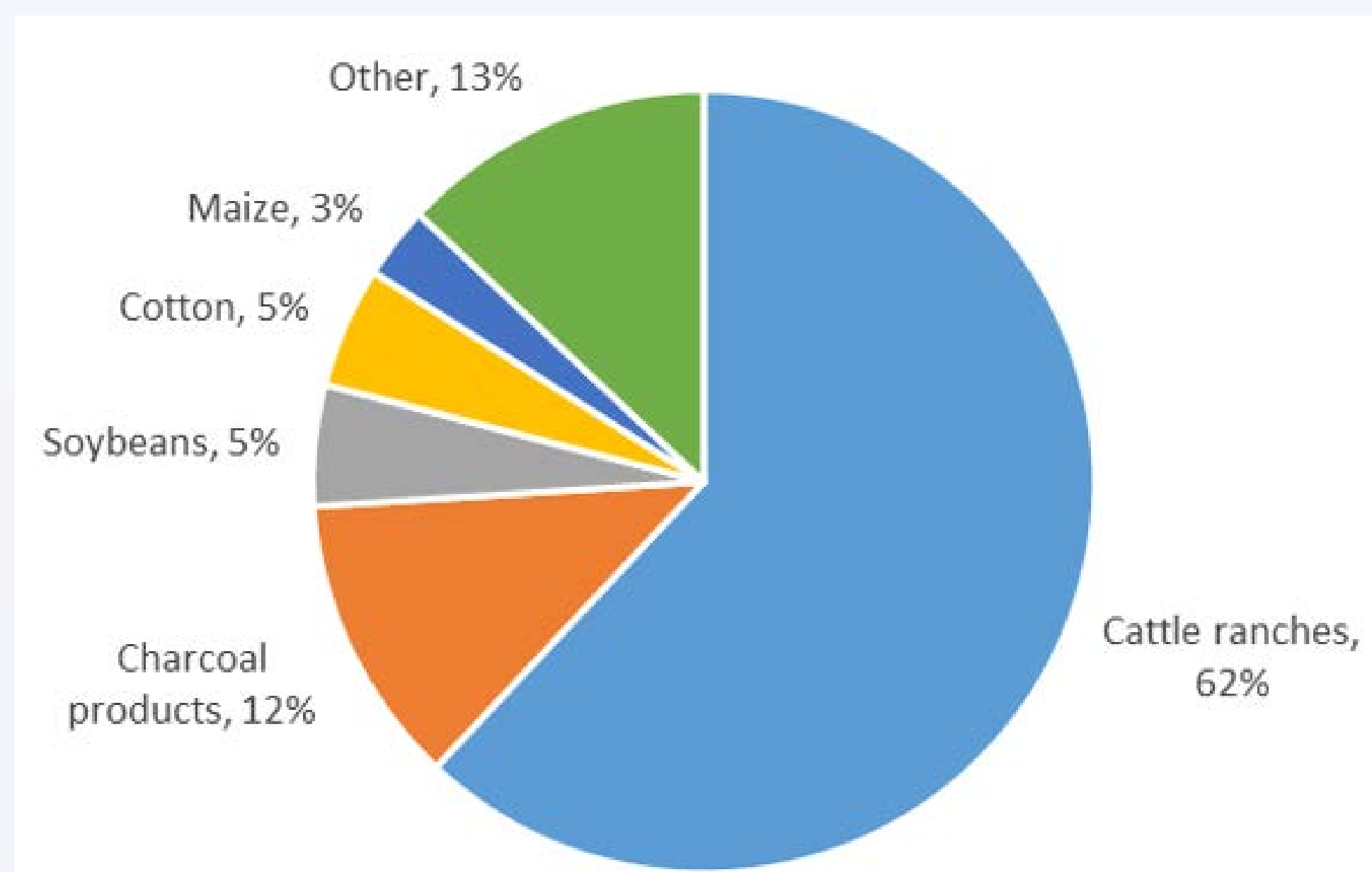


Figure 1. Distribution of forced labor by industry. Reprinted from *Forced Labor: Coercion and Exploitation in the Private Economy*, by Sakamoto, L. (2009).

THE ROOT CAUSES OF FORCED LABOR

History of Colonial Slavery

On May 13, 1888, colonial slavery was abolished after the Golden Law was signed. However, the model of exploitation was ingrained into Brazil's society. The farmer and slave relationship established a model of one person completely controlling or exploiting another person for benefit of increased profits or competitiveness in a market. The difference between colonial slavery and forced labor is that workers are not physically in chains. Instead, workers are trapped economically in an inescapable amount of debt.

Concentration of Landownership

In 1850, the Land Act established that the only way to acquire land was by purchase. The price of land was too expensive for former slaves and the poor. Thus, only a few maintained access to the means of production. Former slaves and the poor had to continue to work for landowners. Today, the concentration of land ownership remains unchanged. Approximately 1 percent of landowners control almost half the land.

Poverty and Vulnerability

Generally, workers that fall victim to forced labor originate from the Northeast region, which is characterized by high levels of poverty and unemployment. In terms of education, 75 percent of workers in situations of forced labor are illiterate or have not completed primary school. The combination of income poverty and lack of education creates a vulnerable and exploitable workforce.



Padgett, T. (2014). *Brazilian slave laborers stop their work to listen to an inspector explain their legal rights, on the Bom Jesus farm in the Amazon basin in 2003* [Photograph]. Retrieved from npr.org.

LAW AND POLICY FRAMEWORK

International Norms

The Forced Labor Convention No. 29 defines forced labor 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 or herself voluntarily." The Abolition of Forced Labor Convention No. 105 prohibits the use of forced labor "as punishment for the expression of political views, for the purposes of economic development, as a means of labor discipline, as a punishment for participation in strikes, and as a means of racial, religious, or other discrimination."

Brazilian Legal Framework

Under Article 149 of the Penal Code, forced labor is defined as subjecting a person to slavery-like conditions, which includes forced labor, exhausting work hours, degrading conditions, and debt bondage. The penalty imposed is imprisonment for two to eight years along with a fine. However, there are very few convictions as offenders often exploit legal loopholes.

MEASURES TO ERADICATE FORCED LABOR

Government Actions

Special Mobile Inspection Group (GEFM)

GEFM investigates complaints of forced labor, rescues victims in slavery-like conditions, and imposes administrative fines. Also, GEFM ensures freed workers receive compensation and unemployment benefits.

Employer Offender Registry ('Dirty List')

This is a public register of employers caught using forced labor. Employers on the list are barred "from receiving public funds, from concluding or having access to international contracts, and some private banks may refuse them credit." The list is updated every six months and employers remain on the list for two years.

National Plans for the Eradication of Slave Labor

The plans consist of objectives to prevent and eradicate forced labor in the future. Objectives include labor inspections, reintegration of freed workers into the labor market, and land reform.

Table 1.
GEFM Operations, 1995 to 2008

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	4,841
2007	116	206	3,637	599	9,914,277	3,136
2006	109	209	3,454	3,417	6,299,651	2,772
2005	85	189	4,271	4,348	7,820,211	2,286
2004	72	275	3,643	2,887	4,905,613	2,465
2003	67	188	6,137	5,223	6,085,918	1,433
2002	30	85	2,805	2,285	2,084,406	621
2001	29	149	2,164	1,305	957,936	796
2000	25	88	1,130	516	472,850	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	47,485,955	23,018

Note: Adapted from *Fighting Forced Labor: The Example of Brazil*, by Maranhão, C.P.T., (2009).

Non-Government Organizations Actions

National Pact for Eradication of Slave Labor

The Pact encourages companies to join in fighting against forced labor by voluntarily committing to ten measures. At one point, there were 200 signatory companies.

Awareness-Raising Campaigns

National Campaign for the Prevention of Slave Labor and "Slaves, no way" informed the public on the presence of forced labor in Brazil and educated vulnerable workers on the nature of forced labor.



Maranhão, C.P.T. (2009). *Second Phase of the National Campaign to Combat Slave Labor* [Photograph]. Retrieved from ilo.org.

DISCUSSION AND CONCLUSIONS

The International Labor Organization views Brazil as a leader to follow in the fight against forced labor. Brazil's measures prevent employers from exploiting workers by employing criminal penalties, inspections, administrative fines, and accountability. Brazil's measures also attempt to reduce worker's vulnerability by providing compensation, unemployment benefits, and education. Despite the progress made, forced labor is still present. There are gaps in the law and policy as well as the measures taken. First, criminal penalties are too mild and do little to deter offenders. Second, GEFM lacks funds and personnel to conduct investigations. Third, employers are constantly undermining and weakening the Dirty List and other measures.

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