**Submission to the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences**

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This submission aims to provide information and inputs to the United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Mr. Tomoya Obokata, regarding the thematic report to be presented at the 51st session of the Human Rights Council on the protection of minorities from contemporary forms of slavery.

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Brazil carries sequels historical slavery and exploitation that largely affect its current political, economic, and social life. The consequences of this reality significantly impact contemporary forms of slavery. The United Nations Development Program (UNDP) implemented an analysis of the Human Development Index of the country, which reveals an unsustainable social inequality, reaching 0,765 and attesting the lack of resources, such as health, education, and income, essential factors for achieving an existential minimum[1].

Currently, although the Brazilian Federal Constitution provides for the recognition and protection of human dignity and fundamental rights, as in art. 1, III and art. 5, III,[2], and in spite of efforts implemented by public/governmental entities, mostly by the Labor Prosecutor’s Office and by Labor Inspectors, and non-governmental organziations, Brazil still lacks effective public policies to put an end to contemporary forms of slavery.

Factors such as low education, socioeconomic vulnerability, and, consequently, the lack of political power of the working class drive the acceptance of degrading working conditions. It is important to emphasize, in this context, that there is a common belief that unsafe practices are acceptable and within the law. The inherent subalternity of a colonial past, the systemic inequality of the current economic system, and the unemployment conditions constitute a scenario conducive to abuses that resemble slavery.

Since 1995, more than 50 thousand individuals were rescued in extremely degrading work conditions or slavery conditions. With the growth of unemployment, inflation, hunger, and the adoption of laws promoting informal work, a favorable environment has been created for workers to accept precarious and often subhuman working conditions, with long journeys and low salaries[3].

The definition of forced or compulsory labor comes from the Forced Labor Convention no. 29 of 1930, which states that "Forced or compulsory labor is all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily." However, in the Brazilian context, the Federal Supreme Court in Inquiry 2131/DF emphasized that it is also objectively identified as forced labor, practiced on Saturdays and Sundays until noon, without any weekly day off, as well as in exhaustive working days (of up to twelve hours) and the restriction of locomotion by non-payment of salaries[4].

Among the most diverse types of profiles of slave labor victims, two have been dominant. First, the political and economic instability in countries like Venezuela, Peru, Bolivia, and Haiti attracts immigrants to Brazil aiming to pursue better living conditions. This situation of vulnerability places immigrant workers as one of the most susceptible groups to slave work[5].

In the metropolitan region of São Paulo itself, 898 workers have been found in slave conditions since 2010, most of them being foreigners, mainly Bolivians, and Peruvians[6]. The vast majority of them worked in the clothing manufacturing sector, but in 2013, 111 workers were also found in slave conditions in the construction of the Guarulhos Airport[7].

Recently, a Congolese man who worked for daily pay at a kiosk in Rio de Janeiro was killed while claiming two late daily payments. As a result of the brutal crime, the Public Prosecutor's Office of Labor opened an investigation to determine if his working conditions could be classified as forced labor.

Brito Filho emphasizes that:

In the cases in which the practice of slave labor is usually denounced, in Brazil, this is clear. They are migrant workers, as in the sugar plantations and cattle ranches, and sometimes immigrants, as is the case of Bolivians who work in the clothing manufacturing industry; recruited in places far from where the services will be performed; without the prospect of performing another activity that guarantees their survival; without the minimum level of knowledge that would allow them to question, even intimately, the terrible working conditions that are offered to them. In addition, because of all these conditions, they are highly influenced and, most of the time led to believe that everything that is required of them is also permitted by law. This leads to a state in which their wishes are overruled, "creating" a situation of subjection such that it is impossible, under any pretext, to speak of anything other than a clear violation of their freedom[8].

Besides immigrants, people in poverty and extreme poverty also suffer from slavery-like conditions. For example, at the end of 2021, the labor inspection succeeded in rescuing 130 workers under slavery conditions in the region of Patos de Minas - Minas Gerais. These workers worked in garlic fields and charcoal factories[9]. Another case that occurred in the same city was the case of Madalena Gordiano, enslaved for 38 years as a housemaid[10].

In 2011, the ILO released a report in which it traced a profile of slave labor victims in Brazil. According to the research results, the workers exposed to contemporary slavery in the country are men, black, functionally illiterate, and have an average age of 31.4 years, and 77% were born in the Northeast. It is important to point out that, of the workers interviewed, 92.6% started working before the age of 16, and 40% started even before the age of 11.4[11].

In addition, according to data from the agency that oversees the fight against labor analogous to slavery, in 2018, 45% of adult workers reported that they had never held a formal job. The data also shows that 87% of the rescued workers were men, 13% were women, 22% had only incomplete primary education, 18% completed primary education, and 11% were illiterate[12].

Informality is another characteristic present in 92% of the cases caught by the inspection agency. According to the data presented, 92% of the cases considered as slave labor in 2018 were placed in a context of informality that denies fundamental labor rights to workers, besides seriously affecting the worker's health, safety, and dignity.

Reducing someone to slavery conditions exacerbates, even more, their state of vulnerability. A person who cannot even afford to support their family ends up accepting a job offer in a degrading, hostile, and precarious situation. The vulnerability of these workers is so severe that it demands much deeper protection than just rescue since it is the social-economic reality that pushes them almost inevitably to this subjugation. The Brazilian reality of social inequality, unemployment, and economic instability, combined with the inheritance of slavery practiced in the country for almost four centuries, create conditions in which thousands of workers, every year, are subjected to this degrading situation[13].

According to IBGE data, unemployment affected 13.5% of the country's working population in 2020[14]. This number is the highest since the NSSH (National Sample Survey of Households) series began in 2012. The number of Brazilians working with a signed contract is the lowest since 2012[15]. The country occupies the 8th position among the unequal countries globally, having fallen five places in the United Nations Human Development Index (HDI)[16]. In pursuit of means of survival, this massive contingent of workers constitutes the perfect environment for the perpetuation of practices of submission to slave labor.

Regarding the confrontation of contemporary forms of slavery by the public sector, it is worth mentioning Law N° 13,344, which verifies aspects related to the prevention and repression of internal and international human trafficking and points out measures of attention to victims, as established in the Palermo Convention. In this sense, guidance is offered in a way that emphasizes the development of alternatives to prevent work analogous to slavery.

The principles inherent to the person are vehemently recalled, aiming the construction of a free, fair, and solidary society, the guarantee of national development, the eradication of poverty and marginalization and the reduction of social and regional inequalities, as well as the promotion of the good of all, without prejudice of origin, race, sex, color, age and any other forms of discrimination, as provided in article 2 of the Constitution of the Federative Republic of Brazil.

It is necessary to highlight the victim as a priority, considering the various forms of exploitation arising from contemporary slave labor in the Brazilian Penal Code, evidencing the intention to remove organs, tissues, or parts of the body, submission to any servitude, illegal adoption or sexual exploitation[17].

Furthermore, the National Plan to Combat Trafficking of Persons carried out through the National Committee to Combat Trafficking of Persons (CONATRAP) occupies a prominent position in acting to reduce the forms of exploitation through social assistance, public policies, protection of vulnerable people, and relocation of the victim as the epicenter, so that their history is not reduced to exploitation.

However, the post-rescue period presents immense challenges, since the economic, social, educational, and cultural aspects listed above have a destructive potential that often reiterates the violence suffered in a sudden and unsustainable way. Even in highly precarious conditions, the need to eat or live overrides the possibility of freedom when it is undermined by the absence of opportunities for adequate social inclusion.

Regarding faith-based organizations, they have been playing a trully important role in combating contemporary forms of slavery. They have the ability to unite and create dialogue between different social structures. Religious organizations work with the community in their day-to-day lives, being integrated into the local communities and having direct contact with vulnerable populations that are usually high-risk victims of human trafficking. The confidence that the population gives to religious institutions also plays an important part in combating local trafficking schemes. One of the most prominent examples is the work developed by the Pastoral Land Commission of the Catholic Church in Brazil[18].

Concerning the forms to report and fight forms of slavery as affecting members of minorities, in Brazil, the main report mechanisms are "Disque 100" and "Ligue 180", which are 24-hour call services made available by the Ministry of Women, Family, and Human Rights. The service is free of charge and the complaints are made anonymously for security reasons.

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1. The Brazilian Center of Studies in Law and Religion is a unique initiative in Brazil, which aims to study the relationship between law, state and religion from national and international perspectives, as well as to examine and promote the right to religious freedom or belief. It is a research group established at the Faculty of Law of the Federal University of Uberlandia and affiliated with The National Council for Scientific and Technological Development (CNPq). The group organizes scientific meetings and conferences to stimulate valuable discussions and interactions. Its websites and social media publish case law, national and international law, articles, reports, information on resources, and news related to freedom of religion and belief, and church-state relations (<https://www.direitoereligiao.org/sobre-nos/english>) [↑](#footnote-ref-1)