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INTRODUCTION

On 21 October 2020, the Modern Slavery Programme’s Delta 8.7 hosted its inaugural Delta 8.7 Country Policy Research Workshop. This first workshop focused on Brazil, bringing together policymakers from the Federal Labour Prosecution Office, the Public Prosecutor’s Office, the Ministry of the Economy and the International Labour Organization as well as members of civil society and researchers from Brazil and elsewhere for a closed-door discussion of “what works” to combat modern slavery in Brazil.¹ The workshop was comprised of five sessions—the themes for which were identified following in-depth interviews with workshop participants:

1. Slave Labour in Supply Chains
2. Prevention and Reinsertion
3. Child Labour
4. Human Trafficking and Slave Labour
5. Data, Research and Monitoring & Evaluation

The identified themes were points of departure for rich discussions throughout the sessions that spanned community-led initiatives to combat modern slavery to possible alignment between efforts to combat slave labour and child labour. The discussions aimed to identify what is known to be most effective to combat modern slavery in Brazil and to facilitate exchange between policy actors and researchers. This briefing outlines the most pertinent recommendations and questions that arose in the discussion.

Three broad themes emerged from the workshop, which include policy recommendations, programme and project proposals as well as questions for further discussion and research. The three themes are:

1. Survivor Support and Prevention
2. Synergies/Areas of Alignment
3. Research Gaps

Figure 1: Food conditions of gold mining workers (2018). Photo: Lilo Clareto/Repórter Brasil

¹ In Brazil, the term “contemporary slavery” is more commonly used than “modern slavery”. For the purposes of this briefing, the two terms are synonymous, and “modern slavery” will be used. Consult the Glossary for definitions.
Given the structural drivers, namely poverty and inadequate access to schooling and other social and health services, undergirding vulnerability to slavery in Brazil, it is imperative to develop and implement robust and effective prevention and survivor support policies and programmes. As part of the extant recovery process, survivors are entitled to three months of unemployment insurance and are given preferential access to a number of social services. Nevertheless, these measures do not sufficiently address the needs of survivors nor do they make them resilient to the possibility of re-exploitation. The discussions throughout the workshop therefore highlighted

Figure 2: Profile of male workers found in slave labour in Brazil. Source: ”Trabalho escravo e gênero: Quem são as trabalhadoras escravizadas no Brasil?”, Repórter Brasil (2020)

Figure 3: Sewing workshop in São Paulo. Photo: Fernando Martinho/Repórter Brasil

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3 The data presented in the publication are from the Labour Inspection Secretariat of the Ministry of Economy (January 2003 to June 2018) and were systematized by Repórter Brasil. The profile of the female workers found in slave labour is covered in depth throughout the publication, and could not be fully reproduced here. Natália Suzuki, Thiago Casteli and Maíra Costa, ”Trabalho escravo e gênero: Quem são as trabalhadoras escravizadas no Brasil?” (São Paulo: Repórter Brasil, 2020), http://escravonempensar.org.br/wp-content/uploads/2020/09/GENERO_EscravoNemPensar_WEB.pdf
the necessity of centering prevention and survivor support measures to address modern slavery at the root.

Similarly, the discussion highlighted potential synergies between different areas of focus and action. Limited resources—which are further diminishing in the wake of the COVID-19 pandemic—require creative strategies to maximize their potential utility. Measures geared towards combating child labour may, for instance, serve as preventive mechanisms for slave labour impacting adults. Participants also underscored the importance of collaboration and sharing of best practices across issue areas. Modern slavery is a multi-causal problem that of necessity requires multi-institutional and intersectoral engagement and cooperation.

Finally, the discussions identified research and evidence lacunae that need to be addressed. Brazil is well ahead of other nations on the question of publicly available data that illustrates the nature and extent of modern slavery with initiatives such as the Labour Inspection Secretariat’s Radar and the Brazilian Digital Observatory of Slave Labour (SmartLab). Still, the path from data to evidence-based policymaking is not linear and requires the commitment of policy actors as well as the attentiveness of researchers to contextual realities and challenges.

In what follows, below each of the three broad themes identified above, the briefing outlines the most pertinent recommendations, proposals and questions raised in the discussions.
1. SURVIVOR SUPPORT AND PREVENTION

- The idea of “reinsertion” must be questioned because it implies reacclimating survivors to a normal that is itself problematic. The pandemic has unequivocally exposed the fractures in the system and has highlighted the need to reimagine and to rebuild public policies aimed at vulnerable communities by provisioning a universal basic income and strengthening social protection programmes, namely the Unified System for Social Assistance (SUAS).

- While from a legal and policing standpoint it might not make much difference whether the term victim or survivor is used, in prevention and reintegration programmes and policies it is imperative that the term “victim” is replaced with one that acknowledges that individuals who have endured exploitation are in possession of the agency to make choices and participate in decision-making. This is not merely a question of semantics. Rather, it highlights the role that should be accorded to survivors in anti-slavery efforts. In fact, inspections and rescue operations often take place directly or indirectly in response to denunciations of slave-like conditions made by the individuals subject to them. Survivors thus demonstrate their agency from the onset of the exit and integration process.

- Survivors must be consulted in the design of prevention and reintegration programmes. Often, survivors are treated as an object that can be adjusted to an existing project or programme and are not asked what their needs and goals are. Meaningful and sustainable support requires long-term engagement and trust-building. Currently in Brazil, there exists no infrastructure to accompany survivors after they have exited slave-like conditions. Civil society, as far as possible, has been providing this support over the past years. This is changing, however, as the Ministry of Citizenship, in collaboration with other organizations, released guidelines this year for the Unified System for Social Assistance (SUAS) to better assist to survivors of slave labour and human trafficking.\(^4\) Needless to say, this makes reintegration efforts fragile, with no long-term mechanism to ensure survivors have become resilient to re-exploitation.

- Anti-slavery programmes and policies must be “municipalized” in coordination with federal and state institutions to ensure that municipalities throughout Brazil are resilient and capable of addressing the incidence of modern slavery as well as of offering adequate protection and survivor support. Slave labour and human trafficking violations often take place and/or begin in the place of origin that is characterized by extreme poverty, without adequate schooling or infrastructure.

- Engaging and involving vulnerable communities in policymaking is crucial. The development of norms to address climate change often includes indigenous communities and other frontline communities. Similarly, the innovative work and voices of vulnerable communities must be brought into the development of anti-slavery public policies and legal norms both on the national and international level.

- Survivors must be provided with emotional and mental health services, which are often not included in reintegration policies and programmes.

• Vulnerable communities are not monolithic. Their needs differ, and without targeted and sustained engagement, prevention and reintegration efforts will fail. For example, prevention campaigns that mount billboards in Spanish warning Latin American migrants in São Paulo of the risks of exploitation and human trafficking in the garment sector are ineffective when many of the migrants who are at risk of trafficking and exploitation in the sector are not Spanish speakers. For instance, many Bolivians speak Aymara or Quechua.

• Agrarian reform to break up large landholdings is necessary and long overdue—the majority of survivors come from rural areas and do not have access to land to cultivate.

• Access to education, specifically full-time schooling, is fundamental to combat child labour. Child labour is prevalent among adolescents aged 14 to 17, which coincides with the age group most likely to skip school. Therefore, it is important to couple schooling with professional training and apprenticeship to ensure adolescents acquire competitive skills in legitimate apprenticeship programmes. However, professional skills training should be a complement to regular schooling and not a substitute.

• Removing children from child labour requires ensuring that their families and communities are resilient and a locus of protection for the child against child labour. Access to daycare centers is also important to ensure the protection and well-being of children. Initiatives such as the Child Labour Eradication Program (PETI) must be strengthened.

• The National Commission for the Erradication of Child Labour (CONAETI), which is the body that brings together all actors and organization working to combat

Figure 4: Land profile in cocoa production. Source: Boletim Monitor #6 “Slave Labour in Brazilian Cocoa”, Repórter Brasil, 2020.

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child labour, must be reinstituted. Without a national commission for the combat of child labour, efforts will be fragmented and thus, weakened.6

- The support and collaboration of multilateral organizations is necessary to ensure Brazil does not regress in its anti-slavery laws and commitments, and to guarantee fundamental human rights.

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Figure 5: Sleeping arrangements of workers exploited in the illegal logging industry. Photo: Lunaé Parracho/Repórter Brasil

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2. SYNERGIES/AREAS OF ALIGNMENT

- Slave labour should not be addressed in isolation. The wider landscape of labour regulations matters. Therefore, efforts to combat slave labour should also seek to improve broader labour rights and conditions.

- France’s Corporate Duty of Vigilance Law can serve as a model for robust legislation to hold corporations accountable for labour violations because it is more comprehensive and proactive than similar legislation in other countries. The law requires companies to identify risks rather than just respond retroactively and provides avenues for remedy for affected individuals and communities.

- When companies establish their monitoring programmes, they must take into consideration the existence of and establish connections with labour unions, which already have mechanisms and tools to ensure that workers’ labour rights are upheld.

- Child labour and adult slave labour have similar underlying causes: poverty, inequality, social exclusion, structural racism and inadequate access to education. Both are therefore intrinsically related. In a household, if there’s an incidence of slave labour, there’s a high likelihood there will also be incidence of child labour. Similarly, experiencing child labour makes it likely

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Figure 6: Labour violations identified in the coffee sector. Source: Boletim Monitor #5 “Certified coffee, rightless workers”, Repórter Brasil, 2016.

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that the individual will be exploited as an adult labourer because they did not have access to education and other basic rights. And so, policies targeting both issues must be coordinated.

- Child labour and slave labour can both be combated by breaking the cycle of vulnerability through, among many things, inclusion of survivors in social programmes, professional training, education, guaranteeing a basic income and prosecution of perpetrators.

- The participation of the private sector in efforts to combat slave and child labour is imperative, especially at the bottom of supply chains. The private sector has an important role to play in awareness-raising campaigns in both urban and rural settings, which have thus far been exclusively led by civil society.

- The Labour Inspectorate, the Federal Labour Prosecution Office and their partner institutions should develop methodologies to properly hold to account companies at the top of the supply chain for violations that take place upstream at the very base of supply chains. There have been cases where an entire family, including children, might work to produce or harvest material sold to middlepersons who, in turn, ultimately sell it to the companies at the top of the supply chain.

- Child labour and slave labour should be considered in national plans to deal with the economic and social crises brought on by the COVID-19 pandemic. The choices made now for recovery must include measures to eradicate slave and child labour. Some measures recommended by UNICEF and the International Labour Organization include: provisioning income and food support for individuals who lost their employment in whole or in part; providing access to credit; establishing adequate minimum wages; and ensuring all children return safely to school.

- In all the official plans to open and uplift the economy after the pandemic, there is not a sufficient focus on social policies, which have to always be intertwined with economic policies. The informal sector should also be the target of recovery interventions because it is where most child labour and many slave labour cases take place.

- Specific legislation to hold companies responsible for child labour in their supply chain should be developed and adopted. Similarly, the creation of a “dirty list” for child labour would be an important development, as child labour is prevalent in the cacao, açai and tobacco sectors.

- While there is a historical and conceptual difference in how slave labour and human trafficking are approached in Brazil, it is imperative to conceive of and address them conjointly because they are often part of the same cycle of exploitation that begins at the workers’ place of origin. They also have similar underlying causes.

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• Having criminal prosecutors specialized in litigating cases of slave labour and human trafficking will allow them to develop expertise in the nuances of these problems and to perceive and confront these two issues conjointly.

Figure 7: Child labourer rolling straw cigarettes. Photo: Daniel Camargos/Repórter Brasil

3. RESEARCH GAPS

- There are no silver bullets to combat modern slavery in supply chains. Addressing the issue requires regulatory mechanisms, social protection programmes and private sector initiatives. Sociolegal research that compares these options as well as assesses industry dynamics along with legal regimes and sociopolitical context is important to more pointedly ascertain the most effective combination of interventions.

- Current child labour policies and programmes are based on the National Household Sample Survey (PNAD) data from 2015/2016 and census data from 2010. Gathering updated data is urgent to formulate the knowledge base about child labour, including the pandemic’s impact on the scale of the problem in Brazil.

- The knowledge base with regards to the worst forms of child labour must be amplified. The Labour Inspection Secretariat conducted a preliminary evaluation which found that approximately 70 per cent of child labour cases might involve the worst forms of child labour. Therefore, an in-depth study of the extent of the worst forms of child labour, such as sexual exploitation and child labour in drug trafficking, is crucial.

Figure 8: Debt bondage still occurs in the extractive sector. Photo: Fernando Martinho/Repórter Brasil

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15 The census takes place every ten years. It was scheduled to take place in 2020, but was postponed due to the pandemic. Agência de Notícias – IBGE, “Censo é adiado para 2021; coleta presencial de pesquisas é suspensa”, IBGE, 27 May 2020, https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/27160-censo-e-adiado-para-2021-coleta-presencial-de-pesquisas-e-suspensa

• There are challenges to identifying child labour in supply chains. Rigorous research can provide evidence and guidance on the best methods for inspection teams to address child labour in supply chains.

• Data shows that only 5 per cent of women are victims of slave labour in Brazil.¹⁷ This low percentage reveals the invisibility both of the types of slave-like conditions women and girls face as well as of their presence in slave-like situations where inspection teams find men. More research will be necessary to illuminate this glaring data gap that impacts policy and programming.

• A systematized repository of data, including criminal and labour justice processes, for all cases of modern slavery in Brazil will facilitate a proactive approach to investigations as well as allow policymakers to devise more effective plans to combat child labour, slave labour and human trafficking.

• Survivors must form an integral part of the research process. Without their expertise, researchers cannot grasp an accurate understanding of the problem. Meaningful inclusion of survivors requires trust-building and long-term engagement to ascertain “what works” to effectively address modern slavery. This, in turn, necessitates support and funding for longitudinal research.

• Technical expertise is insufficient without local support and knowledge. Coupling academic and technical knowhow with practical and contextual knowledge is imperative to formulate more pointed research questions that are relevant to a specific context.

• Fostering a culture of evidence-based policymaking requires conceiving of secondary incentives that drive policymakers to make decisions based on data. Secondary incentives can include fiscal motivations or questions of national security.

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GLOSSARY

Child Labour: Work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Child labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling. The minimum age for work in Brazil is 16.\(^{18}\)

Human Trafficking: 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 exploitation.\(^{19}\)

Modern Slavery: An umbrella term used to refer to a range of exploitative practices including human trafficking, slavery, forced labour, child labour, removal of organs and slavery-like practices.\(^{20}\)

Sex Trafficking: The use of violence, threats, lies, debt bondage, and other forms of coercion to compel adults and children to engage in commercial sex acts against their will.\(^{21}\)

Slave Labour: According to Article 149 of the Brazilian Penal Code, slave labour entails: “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, [their] mobility by reason of a debt contracted in respect of the employer or a representative of that employer.”\(^{22}\)

Survivor: A person who has experienced modern slavery, human trafficking, forced labour or another form of exploitation.\(^{23}\) The term used in Portuguese is “resgatado(s)”.

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Social Protection Coverage (59.8% of population is covered under at least one as of 2016):
- Pension: 78.3% (2016)
- Unemployed: 7.8% (2016)
- Poor: 100%
- Vulnerable: 42% (2016)
- Disabled: 100% (2016)
- Children: 96.8% (2016)

MEASUREMENT
Using prevalence data providing the widest temporal coverage of the most complete and comparable measures available by ICLS standards, child labour between 2002 and 2015 decreased by 59%. The data visualization below displays yearly child labour statistics based on a variety of nationally-representative household surveys. All years of data hold up to standards set by interagency collaboration between ILO, UNICEF and World Bank, though, in some cases are not perfectly comparable between years.

Data Availability
- Child labour data from ILO/UNICEF is available
- Forced labour data from the Undersecretary of Labour Inspection is available
- Human trafficking data from the Undersecretary of Labour Inspection is available

Best SDG Target 8.7 Data: Child Labour Rate

GOVERNMENT EFFORTS
Key Ratifications
- ILO Worst Forms of Child Labour Convention, C182: Ratified 2000

National Strategies
- III Plano Nacional de Enfrentamento ao Tráfico de Pessoas, 2018-
- 2º Plano Nacional para a Erradicação do Trabalho Escravo or the II PNETE, 2008-
- National Plan to Combat Sexual Violence Against Children and Adolescents, 2013–2020

Social Protection Coverage

VISIT http://www.delta87.org/Dashboards/Brazil/
CHILDREN IN ECONOMIC ACTIVITY BY SECTOR, AGED 5-14: TOTAL (Source: ILO)

Identifying the sectors in which the most child labour exists can help policy actors and practitioners target efforts toward those industries.

The latest data available on child labour by sector for Brazil is from 2014. By the 2014 estimate, the Agriculture sector had the most child labourers, followed by the Commerce, Hotels and Restaurants sector and the Other Services sector.

The chart to the right displays child labour prevalence in each sector for all children.

REGIONAL COMPARISON OF SOCIAL PROTECTIONS: AMERICAS (Source: ILO)

The seminal ILO paper on the economics of forced labour, Profits and Poverty, explains the hypothesis that social protection can mitigate the risks that arise when a household is vulnerable to sudden income shocks, helping to prevent labour exploitation. It also suggests that access to education and skills training can enhance the bargaining power of workers and prevent children in particular from becoming victims of forced labour. Measures to promote social inclusion and address discrimination against women and girls may go a long way towards preventing forced labour.

Bars coloured gold indicate that a country has committed to the UK Government’s 2017 Call to Action to end forced labour, modern slavery and human trafficking. If a country does not appear on a chart, this indicates that there is no recent data available for the particular social protection visualized.