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“Slave Labor” in Brazil

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In the twenty-first century, Brazil has demonstrated global leadership in the struggle against modern forced labor. This was internationally acknowledged in the ILO’s 2005 global report, *A Global Alliance Against Forced Labour* (2005a). Unfortunately, all the efforts have so far remained insufficient to solve the problem. “Slave labor” continues to be used to deforest the Amazon and prepare the land for cattle breeding or agriculture.

Victims are recruited in poor regions of Brazil by labor contractors, who promise good jobs and transport voluntary workers in buses over long distances. Upon arrival, workers are surprised to find that the reality differs from the promises. Workers are informed that they already have a debt for the cost of transportation and for the food they received. They are also told that they will be charged for the tools, boots, hats, and clothes that are necessary to carry out the job, as well as for the rental of their beds. The cost of their food is also retained from their salaries. Workers who complain are told that they cannot leave until they have paid their debt. Those who still do not submit are retained by violence.

This chapter provides an overview of this internal trafficking of workers into rural slave labor. The first section offers some important background information on the definition of *slave labor* and on the existing legislation and the policies adopted in Brazil to combat this problem. This section also includes a presentation of the Mobile Inspection Unit, which has provided much of the information used in this study. The second section presents the methodology, which relies heavily on the quantitative and qualitative analysis of the administrative databases maintained by the Mobile Inspection Group within the Ministry of Labour and Employment. In the third section, I discuss the results. I show that most slave labor occurs in places that are affected by violence and deforestation. I also construct a profile of the enslaved laborers and identify

the areas where they are recruited, which appear to be the states characterized by high levels of poverty and illiteracy. Finally, I document how “slave workers” are exploited through the manipulation of debts and the nonpayment of wages and show in which economic sectors this occurs most frequently. I also describe the extremely poor working and living conditions of these workers, often sleeping under a roof of leaves, with no health and safety measures. The last section concludes with some recommendations on how the fight against slave labor can be strengthened even further in the future.

From Official Recognition to the Development of a National Policy

Brazil is a large and diverse country, with an economically active population of about 83 million people. In the early 1990s, Brazil’s development model changed from an inward-looking model to a more open and liberalized economy. There have also been some relatively minor reforms that have made the labor market more flexible (Berg, Ernst, and Auer 2006). Despite these changes, the Brazilian labor market remains characterized by large inequalities that are typical of countries with dual economies and dual labor markets: on the one hand a modern economy employing a relatively small number of highly skilled workers, and on the other hand a large informal economy with many low-paid workers striving to lead a decent life (see Ernst 2007). It is in the latter type of economy that forced labor has flourished.

In Brazil, the offense of forced labor is known as “slave labor” and is covered under Article 149 of the Penal Code, which since 2003 has provided sanctions for the crime of subjecting a person to a condition “analogous to that of a slave.” This is defined as subjecting a person to forced labor, to arduous working days, or to degrading working conditions or as restricting the person’s mobility by reason of a debt contracted in respect of the employer or representative. Any person who retains workers at the workplace by preventing them from using means of transportation, by retaining their personal documents or property, or by maintaining manifest surveillance is also liable to the same prison sentence. In practice, the term *slave labor* refers to a situation of degrading work combined with some deprivation of freedom.

The first denunciations of slave labor in Brazil were made in 1971 by the Catholic bishop in Amazonia, Pedro Casaldáliga. A few years later, the Pastoral Land Commission (CPT), an NGO linked to the Catholic Church, started to denounce estates linked to multinationals that were committing such crimes. The CPT collected testimonies from farmworkers who managed to escape on foot from these properties and gave international exposure to the problem. Denunciations of slavery started being sent to the ILO as of 1985.

The federal government of Brazil acknowledged the existence of slave labor before the Brazilian public and to the ILO in 1995, via a declaration by the then president of the republic, Fernando Henrique Cardoso. In doing so, Brazil became one of the first nations in the world to officially recognize modern slavery. On June 27 of that year, decree number 11538 was issued, creating the first government structures to combat this crime, in particular the Executive Group for the Suppression of Forced Labour (GERTRAF) and the Mobile Inspection Group, coordinated by the Ministry of Labour and Employment. Almost one decade later, in March 2003, the president, Luiz Inácio Lula da Silva, launched the National Plan for the Eradication of Slavery.

New institutions were created, such as the National Commission for the Eradication of Slavery (CONATRAE), in replacement of previous institutions, and the Mobile Inspection Group was kept in place and strengthened. Altogether, the National Plan comprises a total of 76 measures. These measures revolve around several general objectives: the improvement of statistical data, the enactment of legal reforms, the implementation of prevention and repression projects, and the consistent involvement of all main stakeholders. But perhaps most important is the political priority given to the combat against forced labor. The introduction to the National Plan expresses this commitment in unambiguous terms: “Conscious that the elimination of slave labor is a basic prerequisite to ensure a democratic state of law, the new Government has chosen as one of its main priorities the elimination of all forms of contemporary slavery.” One of the key institutions that had been created in 1995 was a Mobile Inspection Unit (MIU) composed of labor inspectors, labor attorneys, and the federal police. The MIU investigates allegations of forced labor and inspects workplaces in remote rural areas—often under extremely dangerous conditions. It has greatly contributed to the increase in the numbers of released workers and the conviction of offenders (see Chapter 6).

In addition, since the end of 2003, the government has published a so-called Dirty List, which is a list of employers who were found to have maintained workers in conditions of slave labor. This list is updated every six months and includes employers who are barred for a period of two years from public procurement, public subsidies and credits, or fiscal benefits. The name of an offender is included in the list after the procedures activated by the labor inspection services are concluded. In turn, removal of a name is dependent upon monitoring the violator for a period of two years. If the crime is not committed again during this time, and all of the penalties arising from the inspection and all workers and welfare benefit debts have been paid, the name will be removed.

As a result of this mechanism, the Bank of Brazil, the Bank of Northeast Brazil, the Bank of the Amazon, and the National Bank for Economic and Social Development (BNDES) have all suspended their credits to those named on the Dirty List. Since 2003, the National Institute for Colonization and Agrarian

Reform (INCRA) has also investigated whether listed employers have been engaged in any illegal land grabbing. According to the Ministry of Agrarian Development, to whom INCRA is responsible, in cases where the irregular occupation of public lands is identified, the property will be reclaimed by the federal government and given priority for agrarian reform.

In addition to the Dirty List, there exist some positive initiatives by the business sector itself. In the first half of 2005, socially responsible enterprises—coordinated by the Ethos Institute for Corporate Social Responsibility—launched a National Pact for the Eradication of Forced Labour. This pact was signed by more than 80 national retailers, wholesalers, exporters, and other companies that committed to terminating subcontracting arrangements with enterprises that were on the Dirty List. In a letter to the president of Brazil in June 2005, the Ethos Institute recognized that slave labor begins on the rural estates named on the Dirty List, but then it passes through their direct and intermediate buyers and ends in the final consumer market. Following the publication of a study on the slave labor supply chains, representatives of large retail enterprises, exporters, industry, and professional associations became aware that they had unwittingly been buying products from estates that were using slave labor. Disturbed by the existence of this problem, the private sector established this broad National Pact as a further incentive against the use of slave labor.

Methodology

The main part of this chapter, however, focuses on the analysis of the information and data stored in administrative databases, including mainly the database updated by labor inspection services after each operation of the Mobile Inspection Unit as well as the records held by the CPT and the Dirty List updated by the Ministry of Labour and Employment. The quantitative analysis and some key summary statistics presented in this chapter are always accompanied by a qualitative interpretation based on extensive discussion with key informants. This means that the statistical analysis of the database from labor inspection services was always complemented with a qualitative analysis of the reports filed by Mobile Inspection Units as well as open interviews with the inspectors themselves. Interviews were also held with the most informed individuals within different institutions engaged in the combat against slave labor, such as the Pastoral Land Commission, Regional Labour Offices, or the Human Rights Commission.

When labor inspectors return from a mobile inspection—investigating denunciations, imposing fines, rescuing people found in slave labor, and initiating legal actions against rural landowners—they also provide information necessary to update the Ministry of Labour and Employment's database on slave labor. Whereas in the past not all of the information on rescued workers was systematically recorded by the inspection teams, the quality of this database

has improved over time. Columns 2 and 3 of Table 1.1 use this database. Column 2 shows the total number of rescued workers from 1995, when the Mobile Inspection Group was created, to mid-2007. We see that the group rescued 25,064 workers. Column 3 indicates that, overall, these workers were rescued as a result of inspections carried out in no less than 1,789 farms. Column 4 in Table 1.1 shows the total number of complaints related to slave labor as collected in CPT offices and included in their database. These can be complaints made to the CPT directly or to any other institution. We can see that the number of complaints systematically exceeds the number of rescues.

Of course, the figures in Table 1.1 represent only a fraction of all cases of slave labor. How large is this fraction? This is difficult to answer at the present stage and would require further statistical work. In 2004, when Brazil recognized before the United Nations the existence of slave labor, it estimated that at least 25,000 people were held in slavlike conditions in the country each year. The statement was based on an estimate by the Pastoral Land Commission and represents about 10 times the number of persons rescued by Mobile Inspection Units during that same year and about five times more than the highest annual number of rescued victims.

Also, we do not claim that these databases are significant statistical samples. Indeed, the databases only include available information collected from

Table 1.1 Summary Statistics

Year	Number of Rescued Workers	Number of Farms Inspected	Total Number of Complaints
2007 ^a	3,296	112	4,325
2006	3,417	209	7,120
2005	4,348	189	7,612
2004	2,887	275	5,812
2003	5,223	188	8,306
2002	2,285	85	5,840
2001	1,305	149	1,823
2000	516	88	799
1999	725	56	966
1998	159	47	n.a.
1997	394	95	n.a.
1996	425	219	n.a.
1995	84	77	n.a.
Total	25,064	1,789	31,158

Sources: Columns 2 and 3: Secretariat of Labour Inspections and Ministry of Labour and Employment; Column 4: Pastoral Land Commission.

Note: a. First six months.

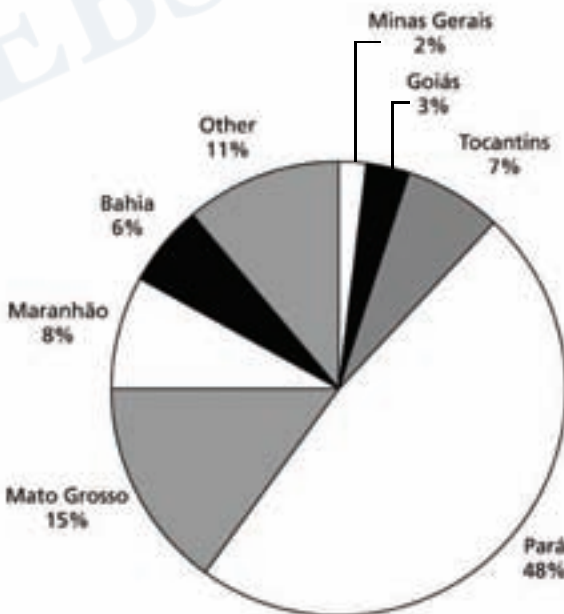
rescued workers or from workers who made complaints. This may induce some statistical bias, with less data coming from places where the Mobile Inspection Group lacks representatives of civil society to both collect denunciations and direct them to the proper channels. Furthermore, the Mobile Inspection Units and the CPT are essentially engaged in the combat against rural slave labor and do not really deal with urban slave labor. There now exist indications of this type of exploitation in the municipality of São Paulo, involving illegal immigrants from neighboring countries in Latin America. Hence, the databases are not representative of all the forms of slave labor that may exist in Brazil. Despite these shortcomings, these databases remain the principal and most reliable source of information to understand the trafficking of people into rural slave labor.

Findings

The Geography of Slave Labor, Violence, and Deforestation

Both the labor inspections and the CPT databases indicate that slave labor occurs most frequently in the state of Pará. Figure 1.1 uses the statistics from the CPT on the total number of complaints. We see that almost half of all complaints

Figure 1.1 Slave Labor by State



originate from the state of Pará. According to other CPT data (not shown here), the state of Pará is also the state with the highest number of rescued slave laborers: 6,000 people were rescued between 1995 and December 2005, representing 37.5 percent of the total persons rescued during that period. Other states with high incidence of complaints include Mato Grosso, Maranhão, Tocantins, and Bahia.

This observation suggests that regions with a high incidence of slave labor are the same regions that also have a high incidence of overall violence as well as a high incidence of deforestation. This can be verified in Table 1.2, in which Brazil is divided into 21 macroregions (which do not necessarily correspond to any existing administrative or political territorial divisions). The table provides data for the regional share of all successful mobile inspections, the regional share of all murders related to land conflict, and the regional share of

Table 1.2 Slave Labor, Violence, and Deforestation (in percentage)

Macroregion	Share of Successful Inspections	Share of Total Murders in Brazil	Share of Amazon Deforestation
Southern/Southeastern Pará	35.29	16.67	29.34
Agricultural frontier/Pará	13.6	27.45	9.17
Araguaína/Bico-do-Papagaio	10.29	0	1.2
Southern Maranhão	9.93	0	3.48
Northern Mato Grosso	6.25	1.96	15.54
Araguaína/Mato Grosso	4.04	1.96	9.06
Southern Rondônia	3.31	0	2.19
Southern Mato Grosso	2.94	6.86	5.05
Western Bahia	2.57	0	0
Rio de Janeiro and Espírito Santo	1.84	4.9	0
Guará/Tocantins	1.84	0	0
Goiás	1.47	0	0
Flatlands of Maranhão	1.47	1.96	3.86
Minas Gerais	1.47	0	0
Northeastern Pará	1.1	3.92	8.07
Gurguéia/Piauí	0.74	0	0
Northwestern Maranhão	0.37	0	0
Mato Grosso do Sul	0.37	0	0
Marajó/Pará	0.37	2.94	0
Rio Grande do Norte	0.37	0	0
Interior of São Paulo	0.37	1.96	0
Share of national total	100	70.6	87.0

Sources: Author compilation of data from labor inspection services, Pastoral Land Commission, and the INPE.

Note: Some totals have been rounded.

all Amazonian deforestation. The data on the number of rescued slave laborers were provided by the labor inspection services for the period between January 2002 and November 2004. Numbers of murders in the context of land conflicts include the period between 2001 and July 2004 and were provided by the Pastoral Land Commission (only those municipalities with two or more murders are included). The data on deforestation take into account the 60 municipalities with the highest rates of deforestation in the Legal Amazon according to the National Institute for Space Research (INPE). We see clearly that the two macroregions with the highest levels of slave labor (southern and southeastern Pará and the agricultural frontier in Pará, which together account for 48.89 percent of the total number of rescue operations) are also those with the highest numbers of murders related to land conflicts (44.12 percent) and the highest contribution to deforestation (38.51 percent).

The correlation between slave labor and the number of land-related murders does not mean that the deaths are necessarily related to slave labor, but rather that these areas are dangerous for workers and have been the arenas for rural conflicts. Violence in these areas has a historical origin. During the military dictatorship, the federal government granted a series of subsidies to companies to establish themselves in the Amazon region, in order to open the area to agricultural, extractive, and industrial development. This was done, however, without ordinances regulating land demarcation or the establishment of services necessary to guarantee an effective state presence and security for small tenant farmers and settlers. As a result, many places in the Amazon became lawless, and conflicts over landownership were settled by the individual use of force. This gave rise to what we may call a “culture of violence,” which continues to this day. The sad state of affairs is that leaders of workers’ unions continue to be murdered at regular intervals. One recent casualty, in February 2005, was the former president of the Parauapebas rural workers union, Daniel Soares da Costa Filho.

The relationship between identified cases of slavery and deforestation has been observed during inspections carried out by the mobile groups. As discussed in more detail below, much of the slave labor is used to increase agricultural activity in the Amazonian region. A refined analysis of the available data shows that the municipalities where cultivation is expanding most rapidly are the same ones where most slave workers have been freed. In fact, the rural properties that use slave labor are concentrated exactly in the arched strip of land clearances that goes from Rondônia to Maranhão.

According to a report by the World Bank, *Causas do desmatamento na Amazônia Brasileira* (Causes of Deforestation in the Brazilian Amazon) (Margulis 2003), the expansion of cattle ranching is the principal reason for the deforestation of the Amazon, occupying around 75 percent of the cleared areas. This deforestation and growth in cattle herds are concentrated in the so-called

Deforestation Arc located in southern and southeastern regions of Amazonia, mostly in the states of Pará, Mato Grosso, and Rondônia. Cattle ranchers are attracted by the rate of return on investment, up to four times greater than in the south-central area of the country. These high profits are due to favorable geoeological conditions, as the region experiences shorter dry periods than in the southeast and has high levels of rainfall, high temperatures, and high humidity relative to the climate, all of which reduce the costs of the dry period.

This attractiveness has resulted in a number of problems, including the constant opening of new forest areas, carried out at low cost by landless peasants and sometimes slave workers, who prepare the land for more profitable investment. This is often done illegally. Since the rights to the property are best ensured through the physical occupation of the land rather than through any legal ownership documents, lumber and land concerns often recruit landless peasants to occupy lands and ensure that they are held until their possession is eventually legalized. It is not surprising, therefore, that it is the large and medium-sized owners who are principally responsible for deforestation. According to the INPE, in 1997, 10.1 percent of the area deforested in the Legal Amazon was occupied by properties of less than 15 hectares, and 38.8 percent was occupied by properties larger than 200 hectares.

Recruitment into Slave Labor

Workers in slave labor are usually contracted by so-called *gatos* (or cats), who act as labor contractors for estate owners. They come looking for workers in buses or trucks, or, in order to escape inspection by the Highway Patrol, they may travel on regular buses or trains. These contractors “hook” the workers with duplicitous promises. They offer work on rural plantations and ranches, with guaranteed salaries, lodging, and food. To seduce the worker, they offer “advance payments” for the family and free transport to the work site. Some migrant workers are also recruited by *gatos* from “farm workers’ hostels” by the sides of the road, where they are put up while they wait for work. The *gatos* then “buy” their unpaid bills and take them off to the estates. At that point, the workers become indebted. It is only upon arrival that workers realize that they have been deceived and trapped into a situation of slave labor.

Who is recruited into slave labor? This section provides a profile of the people who were trapped into situations of slave labor. The places of origin of these people are taken from the forms filled out for the payment of unemployment benefits—a right that has been extended to all rescued workers. Instituted in 2003, this scheme began to fully cover rescued workers in 2004, owing to difficulties in institutionalizing the procedure. In 2005, it covered almost all rescued workers, and coverage has continued to increase since then. This means that in a few years’ time, the database on unemployment benefits will become

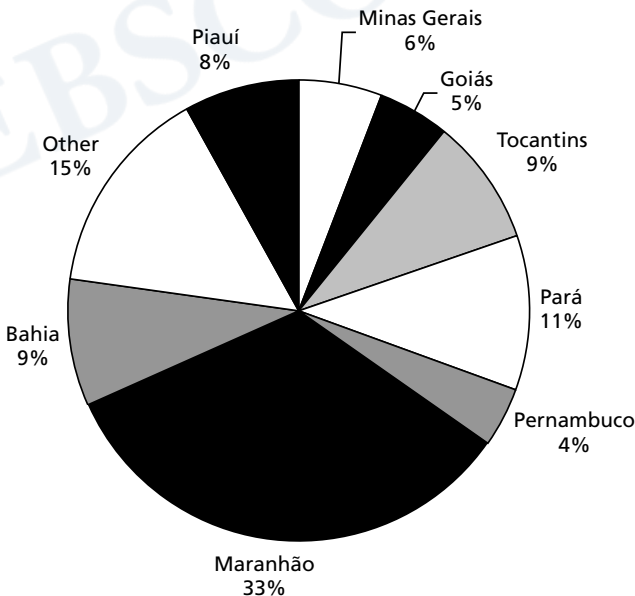
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an even more effective tool for identifying trends in the profile of the groups affected.

Figure 1.2 shows where rescued workers were born. During the period between 2003 and April 2007, 9,762 persons were registered to receive unemployment allowances. This represents about 59 percent of the 16,431 workers who were rescued during the same period. The data indicate that victims are born far away from the Amazon, in states located in the agricultural frontier zones of the Amazon and the Cerrado, such as Maranhão, Pará, Tocantins, Bahia, and Piauí. According to the available data, Maranhão is the main state of birth of slave workers, accounting for 34 percent of the total, and its municipalities also head the list as regards towns where freed slaves were born. These areas in the north-east region of Brazil are characterized by high levels of poverty, high unemployment, and low indexes of human development. These conditions trigger large flows of people who have to leave their homes and go elsewhere in search of work, rendering them vulnerable to the dirty tricks of labor contractors.

The overwhelming majority of slave labor concerns young adult male workers with low levels of education. Indeed, the same data source on unemployment

Figure 1.2 State of Origin of Victims Rescued from Slave Labor



Source: Ministry of Labour and Employment, slave labor database.

Note: Percentages do not add to 100 due to rounding.

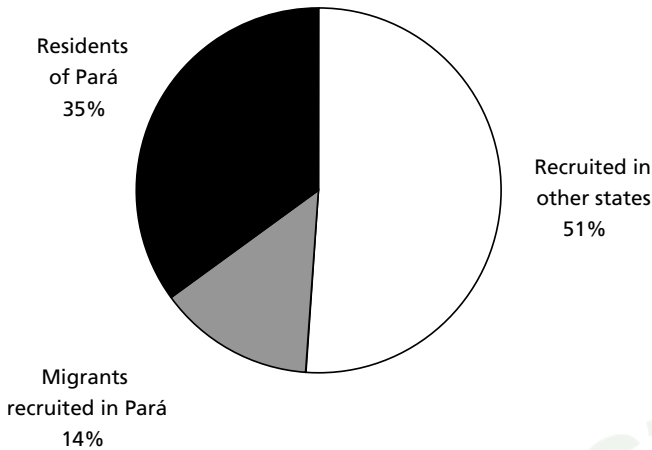
benefits shows that 95 percent of rescued workers are male, a majority of whom are between the ages of 18 and 34. This can be explained by the stamina and physical strength required for the work. Children under 18 years of age represent less than 4 percent of the victims. The few women who were found in situations of slave labor worked as cooks, responsible for preparing the food for the farmworkers, and were normally wives of the workers or the contractors. Sometimes they brought young children with them who helped prepare and distribute food and water to the workers. In terms of education, the data show that no less than 75 percent of slave laborers are either illiterate or have not completed primary school. Hence, slave labor seems to affect a vulnerable workforce with few alternatives and few qualifications beyond their own physical labor capacity.

A Case Study on Recruitment in Pará

Where are people recruited? This is a fundamental question, for one of the biggest challenges for policymakers is the lack of systematic data on the places from which the workers were recruited. Such data have been dependent upon the information collected by the Mobile Inspection Group—which only recently initiated procedures aimed at standardizing the collection of information during operations. I use the state of Pará, which has the highest number of rescued workers, to illustrate.

The places of recruitment were obtained from all 16 available reports from mobile inspections operations carried out between 1997 and 2002 in the south and southeast of the state of Pará. It was not possible to have access to all reports of operations carried out in the area, and some reports were excluded as they did not include demographic data on the workers. Whenever information on the area of recruitment was available, it was entered into a database. Overall, this information was available in 763 cases.

Figure 1.3 shows that a majority of rescued workers (51 percent) were recruited outside the state of Pará. Of the workers that came from other states, almost half (42.5 percent) were from Maranhão. The others were from Piauí, Tocantins, or other northeastern states. These workers typically are contracted in their place of origin by *gatos*. These workers are preferred, as the estate owners and contractors consider them to be “harder working” and “less demanding.” Some groups are especially “ordered” and go directly to a specific estate. Generally, these workers are acting on vague impressions from relatives or friends who have already been to Pará and who, upon returning home, tell them that “Pará is a good place to earn money.” Often these workers are poor. They become easy prey to the estate owners and *gatos* offering work along the roads or in the hostels. The fact that they do not know the area leaves these workers vulnerable, as they have trouble orienting themselves. Often they do not even know where they are, having been taken directly to the estate.

Figure 1.3 Rescued Workers by Area of Recruitment, 1997–2002

Source: Ministry of Labour and Employment, slave labor database.

Neither do they know whom to turn to if they have problems, and the *gato* himself is in some cases the only person they know in the area.

Another group, making up 14 percent, is migrant workers recruited in the state of Pará. These people often live by migration and roam back and forth between cities, estates, and states. They constitute a very vulnerable group that does not aim to settle and has no place to which to return. They live on their own, putting up in hostels, with no permanent social contact group. They have casual friends but go their separate ways after a time. Those who eventually do earn some money from working end up spending it for immediate gratification. The majority left their places of origin many years before and no longer have contact with their families.

Among the young people who have not been on the road for very long, two types can be identified. The first are those who decided to “go out into the world,” in order to escape the limitations of their place of origin and their family, and normally maintain some kind of links with their family. The second type is those that definitively cut off any ties with their origin. They have nowhere to which to return. The sole asset of the migrant worker is his *ca-chorra*, the pouch in which he carries his personal belongings. This, with its contents of new clothing and any valuable possessions, is what he has to leave as security at a hostel when he owes money for his lodgings. The debt to the hostel is often paid by the *gato* who contracts him and who brings him, already in debt, to the estate where he is going to work.

As can be seen in Figure 1.3, only a minority (35 percent) of the rescued workers actually had residence in Pará when they were recruited. Among those who lived in Pará, a large majority (73.6 percent) lived on the outskirts of the region's largest cities. In fact, among these people only some 8.5 percent were born in Pará, most of them young people born in the region to families who had migrated to Pará during the 1970s and 1980s. The others were recent migrants, who had come to work on an estate and then bring their families. In the majority of cases, the situation of such people in the area is precarious. Most live with their families but own no land and live in the city. Dependency on work on the estates for their daily survival is, however, common to all. Even though they know the area better than workers who arrive from other states to do temporary work (and therefore are in a better position to assess the methods used by local estates and contractors), local workers do not always manage to avoid exploitation. It is striking, also, that 80.7 percent of local workers in the state are working in municipalities other than those in which they live—often in remote areas where agricultural exploitation is currently expanding. Thus, many are migrant workers within their own state.

Coercion and Economic Exploitation

Debt and the nonpayment of wages. Once workers are recruited (or “hooked”), the labor contractors transport workers via buses in very poor states of repair or in makeshift and unsafe trucks. Arriving at the work site, many workers are surprised to find situations completely different from those promised. First, the *gatos* inform them that they already owe the *gatos* money. The advance, the transportation, and the meal expenses during the trip have already been listed in a “debts notebook” that remains in the possession of the *gato*. In addition, the worker finds that the costs of all of the tools or implements needed for the work—scythes, knives, power saws, among others—are also noted in the debts notebook, along with boots, protective gloves, hats, and other clothing. Finally, expenses for the accommodations (lacking basic hygiene facilities) and the unreliable food are also noted down, all at prices much higher than their normal sale prices.¹ Often, the *gato* does not tell the worker how much he owes but just notes it down.

This debt contracted on the estates is understood by the majority of workers as an obligation that must be cleared. To pay it is seen as a question of honor. If the worker nonetheless thinks about leaving, he will be prevented from doing so on the pretext that he is in debt and cannot leave as long as he has not paid what he owes. Many times, those that complain about their conditions or try to escape are subjected to beatings. Rescued workers emphasize the public humiliation and threats, which maintain workers in a state of fear. When laborers complain about their situations or want to leave the estate, armed overseers make

them change their minds. Armed people sometimes watch the workers. It is not rare that Mobile Inspection Units come across revolvers, rifles, and a great deal of ammunition. Psychological threats, physical force, and arms are also used to keep victims working.

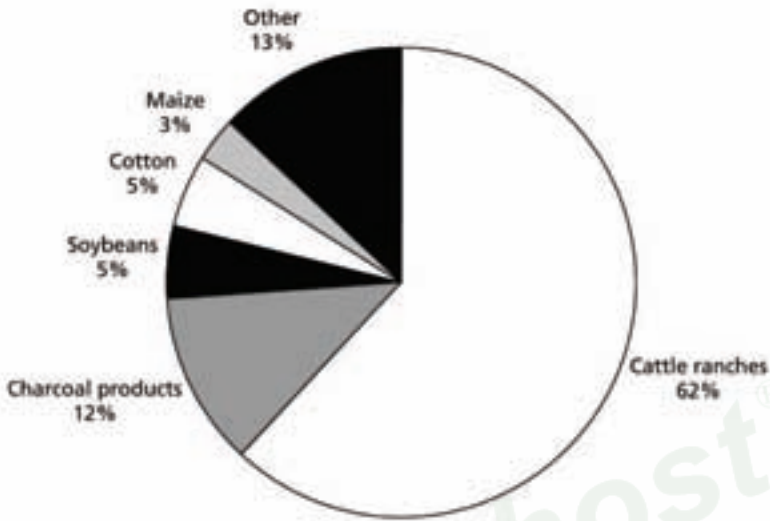
In extreme cases, workers in slave labor may be killed. In fact, it was one such extreme case that led to a series of policy responses in Brazil. José Pereira Ferreira had been held in slavery-like conditions on the Espírito Santo estate, city of Sapucaia, in southern Pará. In September 1989, at the age of 17, he fled the maltreatment and was ambushed by armed employees from the property, who shot him in the face. José Pereira Ferreira miraculously survived, but his case was ignored by the executive branch of government and hence was later taken to the Organization of American States (OAS). This then triggered a policy response in which Brazil assumed a series of obligations to combat slave labor.

Nonpayment or reduced payment of wages is also characteristic of slave labor. In some cases, workers are simply told that their debt exceeds the pay that they were promised or are paid much less than the sum initially agreed upon. In other instances, estate owners simply discount the cost of food and other items bought by workers from the estate's company store at inflated prices. In still other instances, the economic exploitation of workers occurs through a number of more creative ways. In one case, workers received their payments by check, which the workers were unable to cash (because the bank used by the owner was not located in the same municipality as the estate) and which could be used in the company store only at a discounted rate. These more creative ways seem to arise sometimes as a strategy to hide their practices from labor inspectors.

Overall, data from Mobile Inspection Units indicate that the amount of the wages and labor benefits due to the rescued people between the year 2000 and mid-2007 was 32.7 million Brazilian reals, equivalent to almost US\$18 million. This represents on average of more than US\$400 for each of the 43,277 rescued workers during this period. This may not seem like much, but it represents almost four months of the 2003 minimum wage.

Economic activities. Figure 1.4 identifies the principal areas of activity of the rural properties appearing on the register compiled by the Ministry of Labour and Employment, known as the Dirty List, which records those employers found using slave workers. The list referred to is that updated on January 25, 2007. To develop the chart below, I took into account the primary activities of farms using slave workers that appeared on the Ministry of Labour and Employment's register. Of course, in reality some properties use slave labor for more than one activity at the same time, for example, both for raising livestock and for producing charcoal.

Figure 1.4 Main Products of Farms on the Dirty List



Source: Ministry of Labour and Employment, slave labor database.

Cattle farms are the main offenders. Of the employers listed on the government's Dirty List, about 62 percent of the estates raise cattle, 12 percent produce coal for the iron and steel industry, 5.2 percent soybeans, 4.7 percent cotton, and 3.1 percent maize. Production of sugarcane, a raw material for the production of sugar and ethanol, does not appear among the primary economic activities if we consider the number of properties where this crime occurs. If the number of workers is the point of reference, cultivation of this crop would become one of the leading activities, as a lot of manpower is required to harvest sugarcane. Overall, however, only a few sugarcane plantations are involved in cases of slave labor. The incidence has been higher as regards cases of labor overexploitation and degrading work—which are also serious problems.

Additional statistics show that on the farms, the majority of freed rural workers had been working either to clear land or look after pastures. In the case of cattle ranching, workers are often used for opening tracks through virgin forests (to clear the way to bring in electric saws), felling trees, then using the timber to enclose the land, and pulling out tree stumps and roots in order to prepare the land intended for use as pastures. Soybean and cotton farms also clear lands, but the more frequent pattern is the purchase of already existing pasture lands and their conversion to crop cultivation.

It must be emphasized here that only a small number of rural Brazilian properties were found using slave labor—about 1,800 from a total of more than four million enterprises. Estates found using slave labor tend not to be small properties, however, but rather large landholdings, producing only one crop on thousands of acres, often for the needs of national industry or the external market.

Living and working conditions. In all these activities, workers in situations of slave labor suffer not only from coercion and economic exploitation but also from substandard living and working conditions. This section highlights the areas of lodging, health, sanitation, and nutrition.

The type of lodging depends upon the type of work for which the workers were contracted. The worst conditions are normally associated with clearing lands of native vegetation, owing to the inaccessibility of the areas and the long distances separating them from urban centers. As there is a complete absence of infrastructure, and the landowner offers no lodging, much less transport to enable the worker to sleep near the estate headquarters, the solution is usually to put up tents made of tarpaulin or palm leaves in the middle of the forest, jungle, or other vegetation that is to be cut down. Rural workers are left exposed to the sun and the rain. Rescued workers emphasize how they suffered the cold, drenched by the Amazonian thunderstorms beneath tents made of yellow tarpaulin. Workers on cattle farms have also been found living in a corral, sleeping with the cattle at night.

Rescued workers are often found in poor health. In areas newly put under cultivation, tropical diseases such as malaria and yellow fever are endemic, and these areas also have a high incidence of diseases such as tuberculosis that are disappearing in other areas. When they are ill, the slave laborers are often abandoned to their fate by the *gatos* and the estate owners. Those that can walk will travel for kilometers until they arrive at a health post. There, in the most serious cases, they remain for months, in ill health, until they either recover, someone comes who can take them to the city, or in the worst-case scenarios, they end up dying. It is not unusual to hear stories of people who were simply sent away immediately after suffering an accident at work.

There are also important occupational risks. As we have seen, cattle rearing is one of the main enterprises that use slave labor, for tasks such as cutting down native growth to create or enlarge pasturelands and pulling up bushes, noxious weeds, and other undesirable plants. For the latter, as well as manual labor, poison is also used. But those applying the poison are not provided with the safety equipment recommended by legislation, such as face masks, goggles, protective gloves, and special clothing. After a few weeks, the workers' skin may be eaten away by the chemicals, leaving sores that never heal, and the workers also suffer dizziness, nausea, and other symptoms of poisoning. Furthermore, there are generally no wells to ensure provision of good-quality drinking water, much

less toilet facilities for the workers. The stream from which they draw water for cooking or drinking is often also the same one where they bathe and where they wash their clothing, cooking utensils, and work implements. It should also be remembered that runoff from the rains carries the poison used on the fields to these same streams.

The quality of the food is also deplorable. Food is usually limited to beans and rice. *Mistura* (meat) is rarely provided by the owners. On one estate in Goianésia, Pará, people freed in November 2003 were obliged to hunt armadillos, paca (a guinea pig–like rodent), and monkeys if they wanted meat. Meanwhile, more than 3,000 head of cattle were grazing on the estate, which extended over some 7.5 million hectares. “There were times when people would go more than a month without meat,” remembers Gonçalves, a peasant who worked on the estate (interview with author). On many estates, the only time that workers eat meat is when a steer dies. At the estate from which Luís was freed in February 2004, the only *mistura* available to the workers was rotten meat, riddled with worms.

Future Challenges

The impressive progress made in the fight against slave labor has contributed to an increase in Brazilian awareness about the existence of such slave labor in Brazil. According to an unpublished survey carried out by the ILO, the number of articles in the printed media about modern slavery leaped from 77 in 2001, to 260 in 2002, and reached 1,541 in 2003, maintaining nearly the same level in 2004: 1,518. The increase in the number of actions carried out by the government and civil society to combat slavery and the awareness-raising campaigns on the issue were reflected in the media, which for their part, became important partners in the consciousness-raising campaigns. Slavery became a topic for public discussion and an item on the agenda of national concerns. Despite the impressive progress made in the fight against slave labor, however, many challenges remain.

First, despite all the labor inspections, there are still very few convictions under Article 149 of the Penal Code, which provides for two to eight years’ imprisonment. None of those convicted have actually served a prison term. There were a larger number of court decisions that found against the defendants. Nevertheless, given the lengthy period taken by the courts to handle proceedings, the period during which they can be punished lapses, the sentences are annulled, and the rural landowner remains the prime culprit. So, for example, if the proceedings take four years and the judge imposes a minimum penalty of two years, the crime and punishment are “prescribed” and are no longer legally actionable. Of course, increasing the minimum penalty of sentences for slavery would lessen the chances of sentences of slave labor being prescribed.

Many jurists who are arguing for a change in Article 149 of the Penal Code, which deals with the crime of holding people in slavery-like conditions, consider that four years would be an appropriate term.

Second, there is the issue of the seizure of lands and expropriation. In 2004, a court decision calling for the seizure of an estate for having used slave labor set an important precedent in terms of rendering effective the social function of property in Brazil and as regards the agrarian reform itself. According to the Ministry for Agrarian Development, for the first time in history, the failure by the owner to fulfill the social, environmental, and labor functions of property was invoked for the purposes of dispossession. Article 186 of the federal constitution states that the social function of property is fulfilled when the rural owner simultaneously complies with the following requirements: (1) rational and appropriate use, (2) appropriate use of available natural resources and conservation of the environment, (3) observation of regulations governing labor relations, and (4) production processes that contribute to the well-being of owners and workers. The landowner, however, filed an appeal and obtained a temporary restraining order on implementation of the decision.² Now, government and nongovernmental entities that work for the eradication of slavery support approval of a proposed constitutional amendment to allow the expropriation (confiscation without indemnity) of lands on which slave labor is found. This proposed amendment has come to be considered a key symbol of the struggle against modern slavery.

Finally, there is a need for implementing preventive policies. Repression alone is insufficient. It is also necessary to institute effective prevention policies in the municipalities where the workers are recruited. As will be clear from this chapter, most victims of slave labor originate in the municipalities of the north and northeast of Brazil, where poverty is highest and where human development indices are lowest. Agrarian reform in particular can be considered as one of the most effective means to prevent this modern slavery. In May 2005, based on consultations with the Ministry of Labour and Employment and the Federal Department of Justice, the Ministry of Agrarian Development and INCRA launched the Plan for the Eradication of Slave Labour, which is oriented toward two major themes: the prevention of illegal practices and the reintegration of rescued workers into society. At the same time, there is a need to encourage alternative employment opportunities for poor workers. All these measures will be fundamental for the success of eradicating forced labor in Brazil.

Notes

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1. It should also be remembered that the plantations and ranches are far from commercial centers, making it impossible for the worker to avoid becoming completely dependent on this “company store” system imposed by the *gato* at the estate owner’s orders or directly by the estate owner.

2. As of this writing, the federal Supreme Court had not issued a decision on the matter.

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