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## Consejo de Derechos Humanos

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**Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo**

## **Informe de la Relatora Especial sobre las formas contemporáneas de la esclavitud, incluidas sus causas y consecuencias, Gulnara Shaninian\***

**Adición**

### **Misión al Brasil\*\***

#### *Resumen*

La Relatora Especial sobre las formas contemporáneas de la esclavitud, incluidas sus causas y consecuencias, Sra. Gulnara Shaninian, realizó una misión oficial al Brasil entre el 17 y el 28 de mayo de 2010.

La Relatora Especial concluyó que el trabajo forzoso en las zonas rurales es más frecuente en el sector pecuario, seguido del sector agrícola. Las víctimas son fundamentalmente niños y hombres de 15 años en adelante. En los centros urbanos, el trabajo forzoso es característico del sector de la confección. Es preciso introducir urgentemente reformas en esos sectores para evitar que se utilicen prácticas análogas a la esclavitud. En todas estas situaciones, las víctimas de los trabajos forzados trabajan muchas horas al día y reciben poca o ninguna remuneración. Sufren amenazas o se les somete a violencia física, psicológica y a veces sexual.

La Relatora Especial elogia al Brasil por haber reconocido la existencia del trabajo forzoso en el país y por las políticas ejemplares que el Gobierno ha puesto en marcha para luchar contra las formas contemporáneas de esclavitud en el Brasil. No obstante, esas medidas ejemplares se ven amenazadas por la impunidad de que gozan los propietarios de las tierras, las empresas locales e internacionales y los intermediarios, como los llamados *gatos*.

\* Documento presentado con retraso.

\*\* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho se distribuye únicamente en el idioma en que se presentó.

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## I. Introduction

1. In accordance with the mandate described by the Human Rights Council in its resolution 6/14, and at the invitation of the Government of Brazil, the Special Rapporteur on contemporary forms of slavery, its causes and consequences, Gulnara Shahinian, conducted an official mission to Brazil from 17 to 28 May 2010. The main objective of the mission was to engage in a dialogue with the Government to discuss good practices undertaken to combat slavery, the challenges experienced in responding to the issue of slavery, to explore solutions and to strengthen partnerships among concerned parties. The Special Rapporteur focused on the issues of forced labour in rural areas and the garment industry. During her mission, the Special Rapporteur had extensive consultations with senior government representatives, civil society organizations, academic institutions, trade unions, the United Nations country team and the donor community. She also attended the Forced Labour Conference, organized by the Government and attended by various stakeholders working to combat forced labour in Brazil.

2. The Special Rapporteur obtained the views of victims of forced labour from São Paulo, Cuiabá, Imperatriz and Açailândia, through consultations, personal interviews and open discussion forums.

3. The Special Rapporteur takes this opportunity to thank the Government of Brazil for its invitation and for its assistance and cooperation prior to and during her mission. She greatly appreciated the assistance of the victims of forced labour who shared their stories with her, the numerous civil society organizations, government and business institutions, and the cooperation of the United Nations country team in Brazil.

4. The Special Rapporteur shared her preliminary findings with the Government at the conclusion of her visit. She highly valued the Government's openness and cooperation, and underscores her desire and intention to continue her dialogue with the Government.

## II. History of forced labour in Brazil

5. The history of forced labour in Brazil is linked to the slave trade. In 1531, King João III of Portugal sent the first settlers to Brazil. The Portuguese initially enslaved the indigenous population of Brazil, which was subsequently replaced by slaves from Africa. In the mid eighteenth century, when the sugar boom was at its height, around 40 per cent of the enslaved population in Brazil was involved in the cultivation of sugar cane.

6. The abolition of the transatlantic slave trade in 1850 strengthened the movement for the abolition of slavery. In 1888, slavery was legally abolished.

7. In 1850, soon after the end of the transatlantic slave trade, the Land Act (*Lei de Terras*) was approved in order to regulate access to land. The law established that unoccupied public land would be assigned to the State, which could then sell it (rather than give it away, as had previously been the case). The land came at a price that major landowners could afford, but which was too expensive for the poor, including former slaves; consequently, the owners of large estates were able to increase the size of their properties while the rest of the population was excluded from this new process of official landownership. The system whereby land was concentrated in the hands of a few individuals was strengthened. In order to survive, the poor and former slaves had to

continue to offer their labour to major agricultural producers.<sup>1</sup> This labour was often exploited and resulted in a system of forced labour.

### III. Normative and institutional framework

#### A. International and regional legal framework

8. Brazil is party to a number of international instruments that expressly prohibit contemporary forms of slavery, including the Slavery Convention and Protocol amending the Slavery Convention; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the International Covenant on Civil and Political Rights; the International Labour Organization (ILO) Convention concerning Forced or Compulsory Labour (Convention No. 29); the ILO Convention concerning the Abolition of Forced Labour (Convention No. 105); the ILO Convention concerning Minimum Age for Admission to Employment (Convention No. 138); the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182); and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

9. Brazil is also party to the following relevant international human rights instruments: the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

##### 1. Treaty bodies

10. Article 8 of the International Covenant on Civil and Political Rights prohibits all forms of slavery, which includes forced labour. In 1995, the Government acknowledged before the Human Rights Committee the existence of forced labour in Brazil.<sup>2</sup> In 2005, the Committee noted that forced labour persisted in Brazil and the lack of effective criminal sanctions against it.<sup>3</sup> The Committee urged the Government to reinforce its measures to combat practices of forced labour, create a clear criminal penalty for such practices, prosecute and punish perpetrators, and ensure that protection and redress are granted to victims. The Committee also recommended that the Government reinforce international cooperation mechanisms to fight trafficking in persons, prosecute perpetrators, provide protection and redress to all victims, protect witnesses and root out trafficking-related official corruption.<sup>4</sup>

11. Article 7 of the International Covenant on Economic, Social and Cultural Rights guarantees the right of everyone to enjoy just and favourable conditions of work. In 2009, the Committee on Economic, Social and Cultural Rights noted the continued existence of forced labour.<sup>5</sup> The Committee recommended that Brazil should take effective measures to

<sup>1</sup> Leonardo Sakamoto, "Por que a Lei Áurea não representou a abolição definitiva?", *Repórter Brasil*, May 2008, available at [www.reporterbrasil.com.br/exibe.php?id=1346](http://www.reporterbrasil.com.br/exibe.php?id=1346).

<sup>2</sup> CCPR/C/81/Add.6, paras. 132–139.

<sup>3</sup> CCPR/C/BRA/CO/2, para. 14.

<sup>4</sup> *Ibid.*, para. 15.

<sup>5</sup> E/C.12/BRA/CO/2, para. 15.

end all forms of exploitative labour, and ensure that violations concerning prohibited labour practices, such as forced labour, are stringently prosecuted.

## 2. Regional instruments

12. Brazil is party to the 1978 American Convention on Human Rights, which guarantees freedom from slavery and limits the use of forced labour.

13. Brazil accepted the compulsory jurisdiction of the Inter-American Court of Human Rights in December 1998. This decision was later enacted in national law in 2002 by decree 4453.

14. Brazil maintains a constant dialogue with the Court and the Inter-American Commission on Human Rights. In February 1994, the Pastoral Land Commission, the Centre for Justice and International Law and Human Rights Watch lodged a petition with the Inter-American Commission. The case involved José Pereira Ferreira, who, in 1989, at the age of 17 years, worked on a farm in the state of Para. He and his fellow workers worked without pay in what was described as “inhuman and illegal conditions”. José Pereira and his fellow worker, nicknamed “Paraná”, tried to escape but were attacked by gunmen employed by the landowner. Paraná was killed and José Pereira sustained injuries to his hand and face.

15. On 18 September 2003, the Government of Brazil signed an amicable settlement with the petitioners. The agreement established certain commitments to be made by the Government, divided into four types of action: (a) the public recognition of international responsibility in relation to the violation of rights in the case of José Pereira; (b) the payment of financial compensation for the damages suffered by the victim; (c) a commitment to prosecute and punish the individuals responsible; and (d) the institution of preventive measures, including legislative amendments, and measures to monitor and repress forced labour in Brazil, as well as measures to raise public awareness and disseminate information regarding the issue. The Inter-American Commission approved the amicable settlement.

## B. National legal framework

16. Article 7 of the Federal Constitution guarantees the rights of workers and prohibits “night, dangerous or unhealthy work for minors under 18 years of age, and any work for minors under 14 years of age, except when working as an apprentice”.

17. Law No. 10.803 of 11 December 2003 goes beyond the international definition of forced labour<sup>6</sup> to include internal trafficking, degrading conditions of work and debt bondage.<sup>7</sup> Article 149 of the Penal Code prohibits slave labour (*trabalho análogo ao de escravo*), the offence of reducing someone to conditions analogous to slavery by forcing them to work or by subjecting them to exhausting work days or degrading working

<sup>6</sup> The ILO Forced Labour Convention of 1930 defines forced labour 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 voluntarily”.

<sup>7</sup> The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 defines debt bondage as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”. Debt bondage is prohibited by articles 457 to 460 of the Brazilian Labour Code.

conditions. The penalty imposed is imprisonment for two to eight years. Forced labour in Brazil is therefore commonly referred to as slave labour.

18. Article 197 of the Penal Code punishes the use of violence or serious threats to constrain someone to work.

19. Articles 206 and 207 of the Penal Code penalize fraudulent recruitment or enticement of workers for the purposes of internal and international migration, respectively. The penalty is one to three years' imprisonment. Article 207 penalizes whosoever entices a worker in a location different from that at which the work is to be carried out (regardless of whether fraudulent means are employed or payments of any value are made) while failing to ensure that the worker will be returned to his or her place of origin. This detail is important, given that labourers are often abandoned by recruiters once they have completed their work.

20. In 1999, constitutional amendment bill 438/01 was proposed to allow the expropriation of estates, without compensation, where slave labour is used. Land so expropriated would, as part of the country's agrarian reform plan, be redistributed, with priority being given to those workers previously held on it in conditions analogous to slavery. This would also provide rescued workers with an alternative livelihood and prevent them from returning to work in slavery-like conditions. In order for the bill to be passed into law, two rounds of voting with three fifths of the votes in favour in both the Chamber of Deputies and in the Senate are required. The bill took two years to pass through the Federal Senate. It was eventually passed in 2001 after two rounds of voting, then sent to the Chamber of Deputies. In 2004, the Chamber approved the bill in its first round of voting. Six years hence, the bill is still awaiting the final round of voting by the Chamber. It would still need to go back to the Senate, because amendments such as the expropriation of urban properties where slave labour is found have been introduced to the original draft proposal. Some parliamentarians, senators and civil society organizations have come together to form the National Front against Slave Labour in support of the bill. Owing to strong pressure from the rural lobby on the Chamber, however, it remains to be adopted.

## **1. Legal instruments to prevent trafficking for forced labour in the textile industry**

21. In Brazil, the crime of national and international human trafficking is explicitly mentioned in articles 231 and 231-A of the Penal Code;<sup>8</sup> punishment ranges from two to eight years. If the victim is under the age of 18 years or mentally unstable, or if the minor is in the care of the trafficker, the penalty can be increased by 50 per cent. The trafficker is also fined if the crime is committed with the purpose of obtaining economic advantage.<sup>9</sup> When there is "violence, serious threat or fraud", the punishment can be increased from 5 to 12 years and a fine.<sup>10</sup>

22. Article 5 of the Federal Constitution guarantees that "all persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, liberty, equality, security and property". The Constitution does not differentiate between nationals and foreigners when it guarantees "the practice of any work, trade or profession".<sup>11</sup>

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<sup>8</sup> Amended by Law No. 12.015 of 2009.

<sup>9</sup> Title VI, chap. V on pimping and human trafficking, amended by Law No. 11.106.

<sup>10</sup> Law No. 11.106.

<sup>11</sup> Article 5 (13).

## IV. Contemporary forms of slavery in Brazil

### A. Slave labour in the rural sector

#### 1. Causes

23. Intricately associated with poverty, the issue of concentrated landownership, which affects Brazil as a whole and in particular the states of origin of enslaved rural workers, is also a structural cause of slave labour. Without land, a worker's income, normally low, becomes his or her mainstay for survival.

24. Landless, jobless and therefore unable to support themselves and their families, some workers submit to exploitation, accepting the risk of falling into situations of inhuman living and degrading working conditions, and seek work opportunities in the north and north-east parts of Brazil. Some workers leave the north of Brazil to migrate to the south in the hope of better working conditions, but also end up in slave labour.

25. Slave labour intensified in Brazil in the 1960s and 1970s owing to the expansion of modern farming techniques in the Brazilian Amazon, which required the recruitment of more labourers. The Brazilian Amazon is seven times the size of France and equal in size to Western Europe.

26. The Special Rapporteur received reports<sup>12</sup> that growth in cattle ranching, logging and soybean production has put a great deal of pressure on the Amazon's resources, leading to accelerated deforestation, which in some instances ultimately increases the demand for slave labour.

#### 2. Manifestations

27. In 2004, the Government estimated that 25,000 people were still subjected to rural slave labour in the country. In 2008, ILO estimated that there were up to 40,000 slave labourers in Brazil.<sup>13</sup> The three main reasons for the increased number of rescued workers were found to be effective government interventions to combat slave labour, successful awareness-raising campaigns and greater confidence in the system, leading more people to make complaints to the authorities and organizations.

28. Workers are generally recruited from a state characterized by extreme poverty, illiteracy and rural unemployment. According to the Ministry of Labour, three Brazilian states supply the largest number of slave labourers: Maranhão, Piauí and Tocantins. The states of Pará (48 per cent), Mato Grosso (15 per cent), Maranhão (8 per cent) and Tocantins (7 per cent) have the greatest demand for slave labour.

29. Reports from the Ministry of Labour indicate that the main activities employing slave labour are cattle ranching (38 per cent), large-scale agriculture production of crops, such as sugar cane (25 per cent), deforestation and forestry (14 per cent) and charcoal (3 per cent). These sectors only require the ability of workers to perform manual work, which attracts many slave labourers.

30. Those in slave labour usually live away from their families. The phenomenon of slave labour disproportionately affects males from 15 to 40 years of age from low-income families.

<sup>12</sup> "Brazil of Biofuels – Soybean and Castor Bean 2009", *Repórter Brasil*, 2009, pp. 12–14.

<sup>13</sup> "Forced labour in Brazil: 120 years after the abolition of slavery, the fight goes on", ILO, 13 May 2008.

31. The vast majority of workers in slave labour are in debt bondage. *Gatos* entice labourers from very poor areas of the Brazilian north-east to work in distant towns in return for an advance on their wages and promises of attractive salaries. The workers are recruited by verbal contract, and taken by bus to plantations and ranches, usually located in another state of Brazil. Once they arrive, they are told that they have to pay back any advance given and pay for their transport, food and accommodation. The attractive salaries promised to workers are reduced, and their salaries rarely cover their costs. Workers become indebted to their employers from the outset. They usually do not have any access to information about how their debt is calculated, nor do they receive their wages in cash. In some cases, the workers become more and more indebted, since they have to buy everything they need at inflated prices from the estate shop. Workers' debts increase to such an extent that they can never be paid off; the workers are thus forced to continue working.

32. The Special Rapporteur was informed that workers are often watched by armed guards; threats of violence against them and their families are frequent, making it impossible for them to escape. If they do try to escape, they are often hunted down, injured or even killed. In rare situations, even entire families have been found to be working on farms.

33. Some recruited workers endure physical, sexual and verbal abuse, besides having to work in inadequate, unhygienic and unsafe conditions. In November 2009, a large number of labourers in the sugar cane industry were found to be working in conditions akin to slavery. They had no potable water, nutritious food, place to sleep or adequate protective equipment.

34. Labour rights and safety regulations are routinely ignored. The workers risk their health, and many suffer from tropical diseases and work-related injuries, such as from operating machinery. The harshness of their situation often leads to alcohol and drug abuse. Once released, many workers find it extremely difficult to reintegrate into their communities.

35. In certain cases, workers who have previously endured physical and psychological violence are aware that they are likely to be exploited. However, because of their extreme poverty, vulnerable condition and desperation for work, they are forced to accept their situation.

### **3. Programmes for combating slave labour**

#### *(a) Government programmes*

36. In 1995, the Special Mobile Inspection Group, based in the Ministry of Labour, was set up to strengthen the labour inspection system and to ensure that charges of forced labour are systematically investigated. The Group consists of teams specially trained to perform inspections throughout the country. The teams comprise labour inspectors, federal police officers, labour prosecutors and, occasionally, federal highway police officers. In 1995, the Group inspected 77 farms, from which a total of 84 workers were released. As at May 2010, the Group had inspected over 2,500 farms and released more than 37,000 workers from slave labour.

37. In 2002, permanent and mobile courts were set up to support the Group. The mobile courts have been effective in negotiating the payment of outstanding wages to workers. They can impose immediate fines, freeze bank accounts and seize assets. In such a situation, it is more difficult for farm owners to refuse to cooperate and easier to get workers paid the money they are owed. The Ministry of Labour informed the Special Rapporteur that, since 1995, over R\$56 million has been paid directly to victims of slave labour.



38. In March 2003, President Luiz Inácio launched the first national plan for the eradication of slavery in Brazil, with the global aim of combating slave labour through prevention, prosecution and the monitoring of different interventions. Progress was made in raising the awareness of the social actors involved in the fight against slave labour and making workers aware of their rights. Unfortunately, less progress was made with regard to measures intended to reduce the impunity of employers convicted of practising slave labour and to guarantee employment and land reform in regions supplying slave labour.

39. In August 2003, the National Commission for the Eradication of Slave Labour was established, a permanent council bringing together representatives from the executive, judiciary and legislative arms of Government, United Nations agencies and civil society organizations. The National Commission aims to facilitate cooperation between these bodies, discuss practical solutions to the problem of slave labour, and enhance and implement the national plan for the eradication of slave labour.

40. In November 2003, the Government established a “dirty list” or register of companies caught using slave labour. These companies were subsequently prohibited from receiving public resources to finance their enterprises. Since its inception, the list, which is updated every six months, has registered 449 names of companies and employers; as at May 2010, the list had 165 names. Companies are kept on the list for two years, during which time they are barred from receiving public funds, from concluding or having access to international contracts, and even some private banks may refuse them credit. The companies automatically have their business dealings suspended by other companies that have signed the National Pact for the Eradication of Slave Labour. Companies are removed from the list only after two years and after having paid all necessary fines. These actions reinforce the Government’s position in the fight against employers that keep workers in conditions analogous to those of slavery. The Special Rapporteur believes that this is an effective tool for combating slave labour. Its success is highlighted by the fact that a significant number of companies, such as Walmart and Carrefour, have already signed the National Pact by which they commit to end all business relations, direct or indirect, that they may have with farms on the list.

41. Between 2003 and 2008, the National Commission for the Eradication of Slave Labour carried out national awareness-raising campaigns to combat slave labour.

42. In 2008, the second national plan for the eradication of slave labour was launched, with the objective of preventing rescued workers from returning to work in conditions similar to those of slavery. The plan concentrates efforts on the reduction of impunity, the creation of employment, and agrarian reform. It also prioritizes strengthening cooperation at all levels of Government and encourages all states to develop their own plans to combat slave labour. Currently, the states of Pará, Maranhão, Mato Grosso, Tocantins and Bahia have joined this initiative to establish their own commissions for the eradication of slave labour.

43. The Special Rapporteur met with the members of the Mato Grosso State Commission for the Eradication of Slave Labour which has established a well-resourced state plan with short-, medium- and long-term goals. The goals are based on three main objectives: suppression of slave labour through labour inspections; prevention by means of awareness-raising campaigns conducted in vulnerable communities; and rehabilitation of victims of slave labour whereby rescued workers are registered and offered vocational training and jobs. The Mato Grosso State Commission involves civil society organizations, the business community (such as cotton and soybean producers), labour judges and prosecutors, who all have clear and well-defined roles. The Special Rapporteur found that the body had strong leadership under the Mato Grosso State Defence Secretary and guidance from the Mato Grosso Regional Labour Superintendent.

44. The Special Rapporteur received information indicating that, although cattle ranches have the highest reported incidence of slave labour, the highest number of rescued slave labourers come from the sugar cane industry, because it demands a huge manual workforce during the harvesting season. Recognizing this problem, in June 2009, the Government launched the National Commitment to Improve Labour Standards in the Sugar cane Industry, a voluntary agreement between the Government, industry and trade unions on minimum standards. To date, 303 sugar cane mills have signed the Commitment.

(b) *Other programmes to combat slave labour*

45. In 1997, the Social Monitoring Institute was created to research and analyse how Brazilian corporations respect the rights of their workers. The Ethos Institute for Corporate Social Responsibility was created in 1998 to mobilize, sensitize and encourage businesses to be more socially responsible. In 2001, *Repórter Brasil* was set up to produce and disseminate information, provide training and advocacy to combat slave labour.

46. In 2005, ILO, Ethos and *Repórter Brasil* launched the National Pact for the Eradication of Slave Labour. A total of 217 companies have joined the Pact, committed to ensuring that slave labour is not used in their supply chains.

47. The Special Rapporteur received information that the Social Monitoring Institute is developing an online platform that will be used to monitor the companies that have signed the Pact. The platform will consist of a questionnaire, in which companies will give an overview of their overall economic situation, describe actions undertaken to prevent slave labour, and provide best practices and challenges. All companies will be required to complete the form once a year; those who do not participate in the monitoring exercise will be excluded from the Pact.

48. The Pastoral Land Commission is one of the most experienced non-governmental organizations in the fight against slave labour in Brazil. The organization has conducted awareness-raising campaigns, including by organizing cultural events and circulating leaflets to prevent vulnerable communities from being recruited into slave labour. Once victims are rescued, the organization provides them with access to basic needs, such as food and shelter. It also helps victims of slave labour file cases with the Ministry of Labour.

49. In 2004, *Repórter Brasil*, the Human Rights Secretariat and ILO launched the “Slavery, No Way” programme, which focuses on providing prevention programmes in over 30 cities to vulnerable communities. The programme advocates for local authorities to include slavery in their curricula, and also provides training to teachers and community leaders to promote human rights in their communities.

50. The Special Rapporteur met with members of the Mato Grosso Cotton Growers Association. Established in 2007, the Association requires its members to ensure that child or slave labour is not used throughout their supply chains. It also works with the Government to offer vocational training and jobs for workers rescued from slave labour.

51. The Special Rapporteur visited the centre for migrant workers in Mato Grosso, which provides food and shelter for workers rescued from slave labour. While at the centre, the Special Rapporteur met with rescued workers who were benefiting from the vocational training scheme of the Mato Grosso State Commission for the Eradication of Slave Labour. The workers were all men from the age of 18 to 27 years who had completed their primary education. The majority were Afro-descendants, some of whom had started work at the age of 16. Half of them had been hired by *gatos*, who had deceived them about the conditions of work. Many of them had been in debt bondage and could not leave their place of work. All but one had been rescued from farms (the other having been rescued from a bakery). Four fifths came from Mato Grosso, while the others came from other places in the north-east of Brazil, such as Bahia state. One in five was no longer in touch with his family.

52. The rescued workers were grateful for the training scheme, spoke highly of the centre, which they regarded as their home, and were motivated to continue to support it even after their departure. The rescued workers also reported that the judicial system had been slow to address their concerns.

53. The Special Rapporteur also met with the Citizens' Charcoal Institute in Imperatriz, Maranhão state. The Institute was created in 2004 to prevent slave labour in the pig iron industry (pig iron is used in the steel manufacturing industry). The Institute promotes corporate social responsibility by providing training for their members, whom it encourages to register their workers, allowing them to have better access to social protection. It also carries out impromptu inspections to ensure that producers do not use slave labour. In 2004, 2,500 producers were members, but this number has since dropped to 600. Since 2004, the Institute has carried out inspections in 116 municipalities. Labourers in the coal industry come from rural areas, and many have very limited education. The Institute conducts awareness-raising programmes to provide workers with information about their rights and the need for them to have personal protection equipment when performing their jobs. It also provides jobs for rescued workers from all industries. To date, more than 150 workers have been reintegrated into the workforce.

54. During the meeting with the Special Rapporteur, the Institute stated that one of its main rehabilitation challenges was ensuring that rescued workers stayed in their new jobs. The Institute reported a high turnover as a result of lack of satisfaction and discrimination that rescued workers felt while working with others; it therefore recognized the need to offer a broader range of jobs of interest to rescued workers and to involve more sectors. In addition, companies needed to do more work to combat discrimination in the workplace.

#### 4. Remaining challenges

##### (a) *Gaps in laws and policies*

55. The Special Rapporteur was informed by the Federal Police that, during mobile inspections, it was easier for labour inspectors to impose administrative sanctions, such as fines, than for the Federal Police to collect criminal evidence. The Federal Police stated that the current slave labour law was inadequate in providing clear criteria to criminally characterize slave labour. Better criteria would help the Federal Police to collect evidence and file cases more rapidly.

56. The Special Rapporteur was informed that, out of 26 states, only 6 had state-level programmes to combat slave labour. The Special Rapporteur also heard that local government officials were one of the biggest obstacles to combating forced labour. She believes that it should be mandatory for all states to have plans and programmes.

57. The Special Rapporteur noted that, although the states of Mato Grosso and Maranhão had both produced plans for combating slave labour, the impact in the two states was very different. The Mato Grosso plan was well-resourced, had political commitment and active members with clearly defined roles; consequently, it was better coordinated and more effective. In Maranhão, positive steps had been taken, such as the work of the Citizen's Charcoal Institute and the referral centre set up by the Maranhão State Secretary for Human Rights. However, there was no coordination between the different actions taken by various stakeholders in the State. The Special Rapporteur believes that this could hamper effectiveness and frustrate the positive initiatives taken within Maranhão.

58. The Special Rapporteur received information that some senior government officials were themselves sometimes involved in the practice of slave labour, explaining why the constitutional amendment bill (see paragraph 20 above) has not yet been passed.

59. During her visit, the Special Rapporteur also heard about the link between slave labour and environmental issues, such as the use of slave labour in illegal deforestation and the construction of hydroelectric power plants. She noted that initiatives such as the national commitment in the sugar cane industry, which focuses on combating slave labour in sugar cane processing for ethanol production, should be expanded to other renewable energy sectors. An increase in membership and across sectors would help to completely eradicate slave labour in renewable energy sectors.

(b) *Gaps in the implementation of the law*

60. Increased intimidation and violence against human rights defenders working to stop slave labour has been reported, especially in the states of Pará and Tocantins. In 2004, members of the Pastoral Land Commission from the Araguaína office in Tocantins state had to leave the area after receiving repeated threats. State officials, such as judges and federal prosecutors have also been targeted. On 28 January 2004, three officials from the Ministry of Labour and their driver were murdered while carrying out investigations on farms in Minas Gerais. The Special Rapporteur received reports that the murderers had been caught and charged. The defendants accused of ordering the crime are awaiting trial outside jail. However, six years since the murders, none of the defendants has been tried, and the families of the victims are yet to receive any redress for the crime. This state of affairs reflects a weakness in the implementation of protection mechanisms to investigate, prosecute and punish perpetrators of violence against human rights defenders.

61. With regard to administrative sanctions imposed, the Special Rapporteur heard that when a worker is rescued by the Special Mobile Inspection Group (see paragraph 35 above), the organizers of slave labour are required to pay the workers all accrued wages and personal compensation, as well as social compensation (namely, money used for community benefit, for example to build schools or hospitals). The Special Rapporteur was informed that the amount awarded for personal compensation was at the discretion of the judge, and that some judges can award anything between R\$27 and R\$27,000. The Special Rapporteur therefore noted the need for criteria or guidelines for judges when awarding compensation to ensure that the suffering of workers and the gravity of the crime are acknowledged.

62. In March 2009, in a landmark ruling, a federal judge in Pará state sentenced 27 people to prison sentences ranging from 3 years to 10 years for using slave labour. While cases such as these do exist, criminal prosecutions are not a systematic event.

63. Criminal prosecutions for the crime of slave labour remain rare for several reasons. Firstly, those who recruit and employ slave labourers have become more resourceful in avoiding capture. Workers are no longer employed for long periods of time, the number of labourers working on a farm at any one time has been reduced and the portion of work has been scaled down; for example, on cattle ranches where there used to be 60 to 100 workers, employers now only have 10 to 15 people required to work portions of the land for up to two months before a different group of people are recruited to replace them. This does not allow enough time for a worker to escape, file a report for investigation or for the Special Mobile Inspection Group to carry out an inspection.

64. Secondly, although since the inception of the “dirty list” approximately 300 companies have featured on it. Only about half of them have been subjected to criminal prosecution, and of those individuals prosecuted, only one has served a prison sentence. The Special Rapporteur was informed that, when cases are brought before the courts, many perpetrators successfully challenge rulings through the court or end up paying a fine only.

65. It is not clear whether slave labour cases fall under local state or federal jurisdiction. While the question of responsibility remains unresolved, cases get lost in the system or end

up in local state jurisdiction, where judicial officers are more likely to be intimidated and/or co-opted by powerful landowners. As a result, few prison sentences have been handed down to perpetrators. In 2005, the Human Rights Committee recognized that Brazil had put in place a constitutional amendment to shift the jurisdictional competence of state judiciaries to the federal judiciaries in order to address the issue of impunity, the failure of justice and the unjustified defeat of judicial suits involving human rights violations.<sup>14</sup> The Committee recommended that Brazil should ensure that the constitutional safeguard of the federalization of human rights crimes becomes an efficient and practical mechanism in order to ensure prompt, thorough, independent and impartial investigations and prosecution of serious human rights violations.<sup>15</sup> The Special Rapporteur considers slave labour to be a serious human rights violation and, as such, should come under federal jurisdiction.

66. Criminal penalties for slave labour are very mild, and therefore do little to deter perpetrators, allowing them to exploit legal loopholes. The crime of slavery is punishable by 2 to 8 years in prison; for such a light sentence, the statute of limitations on a crime in Brazil expires after 12 years. Thanks to the slow judicial system, those responsible for slave labour can merely go on challenging rulings until the statute expires. Moreover, if someone is convicted and sentenced to a prison term of less than four years, the sentence can be commuted to social services (for example, making food donations to the poor).<sup>16</sup> Although from a legal viewpoint such a concession is only to be used for “unintended crimes”, and not for malicious crimes such as slavery, this distinction is not always made by judges. Furthermore, first-time offenders sentenced to less than four years in prison and who meet other criteria set out by the Penal Code may serve their sentences under house arrest, which in practice allows them to live at home.<sup>17</sup>

67. The Special Rapporteur visited the Centre for the Defence of Human Rights in Maranhão state, where she met with victims of slave labour, many of whom belonged to *quilombos*.<sup>18</sup> The Special Rapporteur met with victims who had escaped and had lodged cases against landowners. The victims denounced the slowness of the judicial process; one reported having waited for over 10 years before receiving compensation. Many feared physical reprisals and were unable to work while awaiting their trials; none were in any witness protection programmes.

(c) *Gaps in government programmes*

68. The lack of any administrative system to ensure that individuals and companies that appear on the “dirty list” have all public financial assistance immediately withheld and are barred from access to new agricultural credits or other benefits is an ongoing cause for concern.

69. The work of the Special Mobile Inspection Group is still hampered by lack of resources, intimidation and the high degree of impunity that continues to exist for those who use slave labour. The Group’s work is also heavily undermined by political attacks and public criticism. The Special Rapporteur received reports that the average delay between a case being reported to the Group and the actual inspection remains lengthy, sometimes up to 40 days; moreover, inspections are frequently not carried out at all owing to lack of resources. The delay in inspections gives those using slave labour time to move workers,

<sup>14</sup> CCPR/C/BRA/CO/2/Add.1, para. 68.

<sup>15</sup> CCPR/C/BRA/CO/2, para. 13.

<sup>16</sup> Article 44, item I of the Penal Code.

<sup>17</sup> Article 44, items II and III of the Penal Code.

<sup>18</sup> Villages established by African slaves who had escaped from their masters, before slavery was legally abolished in Brazil.

thereby seriously undermining the chances of releasing the workers or securing prosecutions.

70. The continuing use of slave labour, as evidenced by the numbers of those freed, suggests that the fines (paid directly to the state) and criminal sanctions are not a sufficient deterrent. This may be because many of the fines imposed are either not heavy enough or are simply not paid. Figures regarding the number of fines levied and actually paid are not publicly available. Fines below a certain amount are often not followed up because the administrative costs are proportionally too high. When fines are not imposed, or imposed but not collected, a situation of impunity arises, and abuses are likely to persist.

71. Prevention programmes for the most vulnerable groups have a limited impact on the ground, as there is a lack of awareness about how these groups can gain access to social schemes such as Bolsa Familia, a cash transfer programme for poor families, and “Ground Zero”, intermediary employment agencies. In some cases, the programmes do not exist at the local level. The slow progress in agrarian reform means that workers vulnerable to slave labour or rescued workers cannot be guaranteed a sustainable alternative livelihood. The lack of alternatives and proper rehabilitation programmes for rescued workers often leads rescued workers to return to slave labour working conditions.

## **B. Slave labour in the garment industry**

### **1. Causes**

72. Trade in clothing and textiles for 2000 amounted to \$22 billion,<sup>19</sup> representing one of the strongest growth sectors of the Brazilian economy.

73. National and international clothing industries are extremely competitive, characterized by many companies producing similar products and with a labour force that is cheap and easy to recruit. There is constant pressure on prices, and costs are mainly cut by reducing wages and other labour costs.

74. Following the liberalization of the economies of Latin America in the 1980s, and the subsequent increase in unemployment, the number of Bolivians immigrating to neighbouring countries increased substantially. After the economic crisis in Argentina in the 1990s and early 2000s, the flow of Bolivian immigration was redirected from Argentina to Brazil.

75. Sweatshop bosses employ intermediaries to go to Bolivia (Plurinational State of) to recruit workers, in cities that draw poor, rural people looking for work. The workers are recruited through advertisements in newspapers and on the radio. If the recruiter is himself Bolivian, he will often have connections with the Andean communities, which he will exploit to gain the trust of the people.<sup>20</sup> Once recruited, the Bolivians are sent to Brazil.

76. The Pastoral Migrant Commission in São Paulo informed the Special Rapporteur that of the approximately 100,000 Bolivians living in São Paulo, more than half are irregular migrants.<sup>21</sup>

77. Bolivians have proved to be much easier to exploit than poor Brazilians for a number of reasons. Firstly, Brazilians are unionized. In the state of São Paulo, one of the

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<sup>19</sup> Anne Sobotta, *Brazil Fashion: A Survey of the Brazilian Clothing and Fashion Industry*, 1 November 2001.

<sup>20</sup> Flávio Antonio Gomes de Azevedo and Maria Cristina Cacciamali, “Entre o Tráfico Humano e a Opção da Mobilidade Social: a Situação dos Imigrantes Bolivianos na Cidade de São Paulo”, (unpublished research at Universidade de São Paulo), 2005, p. 1.

<sup>21</sup> *Ibid.*, p. 8.

key trade unions, the Seamstresses of São Paulo, focuses on the rights of Brazilians in the garment industry, while neglecting the rights of migrant workers. Secondly, Brazilians in urban areas have better access to information, alternative livelihoods and support, unlike their counterparts in rural areas, and are therefore unlikely to be found in slave labour in the garment industry. Thirdly, as many Bolivian migrants are trafficked and consequently enter Brazil irregularly, they are afraid of being caught and deported. Bolivians are therefore much easier to manipulate, because their employers can keep them under threat of losing their jobs, direct violence or violence to their families, or of being turned over to the police, after which they could face deportation.

78. There are many poor Bolivians who have few livelihood options. In many cases, slave labourers consider working in sweatshops better than life in their home country. Bolivian migrants are also unable to speak Portuguese and therefore find themselves totally dependent on their employers for food, accommodation, medical treatment and so on.

## 2. Manifestations

79. Once in São Paulo, Bolivians who discover the harsh working and living conditions that they are forced to endure are not allowed to leave their workshops, traffickers confiscate their identity papers and they are constantly threatened with being reported to the police or deported, given their irregular status in Brazil. They start working with a debt already established for their transportation and other costs. This debt can steadily mount as rent, food and other fees are charged to them.

80. The contracts between employers and workers are usually verbal. Workers are paid very little and work up to 18 hours a day. Besides paying for their personal expenses, they also have to pay for the machines and tools they use, which further increases their debt. All expenses are deducted before the worker is paid. Another control mechanism used by the employer is to delay payment of wages. Workers in sweatshops are also paid less than their daily expenses and therefore are never able to save any money to improve their situation.

81. The living conditions that workers endure are harsh. They are often locked in basements or rooms with no windows, and live in very cramped conditions, where they often also work sleeping on mattresses right next to their sewing machines. Often there is only one bathroom for all, and its use is restricted. Workers are often also subject to physical and verbal abuse.

## 3. Measures to combat slave labour

### (a) Government programmes

82. The second national plan to eradicate slave labour aims to develop judicial and social services for migrant workers in Brazil; review the statute for foreign nationals in order to guarantee normal work conditions for migrants; reinforce and support the action of the police; assist work inspectors; and monitor the recruitment conditions of workers.

83. The Government has issued a series of decrees to regularize migrants, the last of which in February 2009. Migrants were given 10 months to regularize themselves.

84. Brazil is a full member of the Common Market of the South (MERCOSUR), while Bolivia (Plurinational State of) has associate membership status. Since 2009, Brazil, under the Agreement on Residence in MERCOSUR States, Bolivia and Chile allows Bolivian citizens to apply for a residency permit for two years, after which they can then apply for permanent resident status. Bolivian citizens can apply for a temporary permit abroad, either from a Brazilian consulate or internally from the Federal Police. Applicants must provide documents attesting to identity, citizenship and good character. Many Bolivians are

unaware of these provisions, and therefore remain or believe that they are in an irregular situation.

85. The Special Rapporteur was informed by the Deputy Chief Inspector of Labour and Employment in São Paulo that the Government had conducted awareness-raising campaigns to inform migrants about their rights, providing information on how they could seek help if they find themselves in situations of slave labour.

86. The Deputy Chief Inspector also informed the Special Rapporteur about a joint project with *Repórter Brasil* to collect information on slave labour in the garment industry, which will be used to put pressure on that industry to stop the use of slave labour in its supply chains and to create awareness among the general public. Partners in this initiative include employers, workers and civil society organizations working to eradicate slave labour in São Paulo.

(b) *Other programmes*

87. The Special Rapporteur met with representatives of the Migrant Support Centre of São Paulo, which provides legal advice to Peruvian, Bolivian and Paraguayan migrants, and also with the Pastoral Migrant Commission, which provides shelter, clothing, food, accommodation and legal advice to migrants. The Commission shelters approximately 100 people at any given time. Approximately 80 per cent of migrants are men, and only 5 per cent of migrants arrive with their families. Most of the migrants housed by the Commission are of Bolivian origin.

**4. Remaining challenges**

(a) *Legal gaps*

88. Although the Trafficking Protocol (see paragraph 8 above) was ratified by the Government of Brazil on 28 February 2004, Brazilian legislation is not in full conformity with its provisions.

89. The Protocol applies to various forms of trafficking for sexual and economic exploitation. Currently, Brazilian legislation only recognizes trafficking for sexual exploitation; trafficking for other forms of sexual or work exploitation is not covered by the law.

90. The current law makes no reference to the use of force, coercion, deception or the abuse of power as constituent elements of trafficking. For example, in the Brazilian context, it is simply the agency of the third party facilitating the prostitution that is criminal; it is not important whether the prostitution is voluntary or forced.

91. The law also does not provide sufficient protection for victims of trafficking or support for their rehabilitation and reintegration into society.

(b) *Gaps in the implementation of the law*

92. Workers often do not speak Portuguese and are usually unaware of their rights and legal remedies. Employers exploit this ignorance to scare the workers into believing that the authorities would deport them immediately. This has also made it difficult for the Brazilian authorities to reach out to Bolivian workers. During the Special Rapporteur's meetings in São Paulo, she received information that, in 2009, when the Government put in place a regularization process for illegal migrants, most Bolivian workers remained unaware of the initiative, or were too scared to go to the police as they had been told not to trust them.

93. Those who escape or are rescued often fear reprisals, and are therefore unwilling to provide evidence for prosecution. Although the Special Rapporteur heard about initiatives



by the state of São Paulo to provide witness protection to victims of slave labour, there are no state policies to guarantee witness protection for workers rescued from slave labour in sweatshops.

94. While at the Pastoral Migrant Commission, the Special Rapporteur received information that, once rescued, Bolivian victims who apply to be regularized found that the bureaucracy of registering was long and complicated. The Commission also reported that it was sometimes subjected to harassment by the Federal Police for bribes. In addition, the Federal Police sometimes came to the shelter to threaten the migrants.

(c) *Gaps in government programmes*

95. Victims of slave labour are often isolated, and therefore it is difficult to inform them of their rights. They are also unaware of government initiatives and their rights within the context of MERCOSUR. Those who do become aware of their rights find the bureaucracy of becoming regularized exceedingly long and difficult.

96. It is difficult to prosecute perpetrators of slave labour because the victims fear reprisals against themselves or their families. In addition, those who escape have no shelter or means to support themselves. They also fear the police, as often they do not have their identification documents, and have entered and worked irregularly in Brazil.

97. Although the Government has conducted awareness-raising campaigns on migrants' rights, Bolivian victims of slave labour are not aware of these campaigns. This is because their employers do not allow them to listen to local Brazilian radio and the victims only socialize among themselves.

## V. Conclusions and recommendations

98. **The Special Rapporteur commends Brazil for recognizing that slave labour exists and for the exemplary programmes and policies that the Government has put in place to combat it. The Government should therefore share its examples with other countries beyond Latin America.**

99. **These exemplary actions threaten to be overshadowed if urgent action is not taken to stop the cycle of impunity enjoyed by landowners, local and international companies and some intermediaries, such as the *gatos*, who use slave labour. While civil penalties have been successfully applied, criminal penalties are yet to be enforced. Conflicts in jurisdiction and delays in the judiciary system often cause the statute of limitations to lapse and the perpetrators to enjoy impunity. Although slave labour is recognized in Brazilian law as a serious crime, first-time offenders might only face house arrest or community service.**

100. **The Special Rapporteur also noted that there are many valuable initiatives in place to combat slavery, at the federal level and within states; actions at the local level need, however, to be improved. Additionally, initiatives need to be better coordinated and complimentary in order to increase their effectiveness.**

101. **Those who defend the rights of victims in Brazil have been threatened, harmed and killed. There is an overall need to strengthen the police, with more staff and training, and protection measures that allow for effective investigation, prosecution and punishment. This would ensure that perpetrators of slave labour are held accountable and that effective measures are taken to combat impunity. Measures should be strengthened and enforced to guarantee the safety of human rights defenders so that they can carry out their activities. These measures should also include the protection of individuals working with civil society organizations, lawyers**

and government institutions who inform, rescue, release and reintegrate victims of contemporary forms of slavery. The Special Rapporteur encourages the Government of Brazil to honour its obligations under the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.<sup>22</sup>

## **A. Recommendations to combat slave labour in rural areas**

### **1. Legal framework**

102. The Government should adopt a clearer definition for the crime of slave labour, which would better assist the Federal Police to investigate and file criminal cases against perpetrators of slave labour.

103. To prevent repeat offences, legislative reforms need to be passed to ensure that the punishment is commensurate with the crime, securing appropriate prison sentences for those responsible; the minimum criminal penalty for slave labour should therefore be increased to five years. In addition, judges should be given guidance on the minimum administrative penalty to be handed down and the criteria that they need to use when awarding damages.

104. Slave labour offences, as serious human rights violations, should clearly fall under federal jurisdiction, and federal prosecutors should be given the necessary authority to bring criminal cases against persons who subject others to slave labour practices. Although the Federal Supreme Court issued an order on 30 November 2006<sup>23</sup> that stated that the competence for trying the crime of reducing another person to a situation analogous to slavery lies with the federal courts, it is important that legal certainty be given by incorporating this into law. The Government should confirm the decision made by the Supreme Court in 2006 on the competence of federal courts to try cases of slave labour. The Government should also comply fully with the recommendations made by the Human Rights Committee to bring all serious human rights violations under federal jurisdiction.

105. The Government should legislate special protection and integration mechanisms for victims of slave labour, and strengthen the system of individual compensation.

106. The Government should adopt constitutional amendment bill 438/2001; this would allow expropriation without compensation of farmlands where slave labour was found to be used, and the distribution of land to poor members of society, who are most vulnerable to slavery.

107. In order to guarantee the independence and sustainability of the Special Mobile Inspection Group, the Government should codify its existence.

108. The “dirty list” should be strengthened by incorporating it into law. Additionally, it should be extended to other sectors, such as the garment industry.

### **2. Programmes to combat slave labour in rural areas**

109. The National Commission for the Eradication of Slave Labour should provide for stronger coordination between the different key actors in the fight against slave labour. It should be made mandatory for states to set up plans to combat slave labour.

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<sup>22</sup> General Assembly resolution 53/144.

<sup>23</sup> Special appeal (RE) no. 398041.

Without state plans and political commitment, positive initiatives, such as the referral centre established by the Maranhão State Secretary for Human Rights, will be ineffective. These plans should compliment the national plan developed by the Commission. In addition, the Commission should have an executive body to implement its plans and conduct closer monitoring of state programmes to combat slave labour.

110. As in the case of the Mato Grosso State Commission for the Eradication of Slave Labour, state plans should be sufficiently resourced to cover all components of the plans, and have clearly set tasks and time frames. All State plans should establish a monitoring system to regularly evaluate effectiveness, especially at the local level. Civil society organizations should be included in the discussion, coordination and implementation of specific programmes within state plans. Organizations working on slave labour should also have access to state funds allocated to combating slave labour.

111. The Government should provide the Special Mobile Inspection Group with the necessary human, financial and technical resources. The Group should also continue to have adequate support from all government institutions, especially from the Federal Police and prosecutors during raids, to allow it to carry out its work effectively. Securing more staff and appropriate transport (for example helicopters) would facilitate faster reaction times and more visits to remote and isolated areas, where slave labour remains a lucrative business. The Group must also have adequate funds to cover witness protection expenses, including accommodation, food and transport. During mobile inspections, the Federal Police should not only provide protection but also collect evidence for criminal prosecution.

112. Information on the number of prosecutions initiated, convictions secured and punishment handed down for crimes relating to reducing someone to a condition analogous to slavery, as well as the number of fines imposed and collected for the use of slave labour, should be made publicly available.

113. More attention should be paid to the eradication of poverty among the most vulnerable groups in Brazil. Poverty is a root cause of slave labour. In this context, local development and land reform should be prioritized. Poverty reduction programmes, such as Bolsa Familia and “ground zero”, need to be further expanded in rural and urban areas.

114. There is also a need to go beyond providing social programmes like Bolsa Familia. Comprehensive, targeted and sustainable programmes should be implemented to ensure that those most vulnerable to slave labour enjoy basic human rights such as food, water, health and education, and to ensure the sustainable rehabilitation of victims and their integration into economic life and social protection networks. Education should include vocational training, adult literacy programmes and information on employment opportunities.

115. The Government should increase human rights education programmes that specifically address rescued workers and vulnerable communities whose members are likely to end up in slave labour. Such programmes should also provide practical information about the kind of social assistance provided by the Government, the business community and civil society organizations to individuals.

116. The National Commission for the Eradication of Slave Labour should compile a list of projects that meet the above-mentioned needs to be funded by damages arising from social compensation fines imposed by judges.

## **B. Recommendations with regard to slave labour in the garment industry**

### **1. Legal framework**

117. The Government should sign, ratify and comply fully with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

118. The Government should also comply fully with the Trafficking Protocol, for example, by criminalizing the trafficking for all forms of trafficking (including for economic exploitation) in its laws and all those involved in the trafficking process in line with the Protocol.

119. The Convention of the Council of Europe on actions against trafficking provides strong victim protection mechanisms and recognizes internal trafficking in humans for sexual and economic purposes. This important document is open for signature to States that are not members of the Council of Europe.

### **2. Programmes to combat slave labour**

120. With regard to the protection and rehabilitation of trafficked persons, the Government needs to invest in support services, such as shelters and access to legal advice. It should also provide financial support to help victims to recover from the experience of trafficking and to rebuild their lives. The Government should further provide for witness protection programmes for victims of slave labour.

121. The institutions involved in combating trafficking should be strengthened. For example, there is a clear need for comprehensive technical training for judiciary, police and immigration officials in the trafficking law, and their respective responsibilities for identifying and protecting victims trafficked for economic exploitation and prosecuting their traffickers. Training should also involve local, state and federal officials, civil society and the media so that they are able to identify slave labour in the garment industry.

122. Training should be combined with awareness-raising campaigns targeting victims of slave labour, so that they become more aware of their rights.

123. The National Pact for the Eradication of Slave Labour should be extended to the textile industry.

124. Trade unions focusing on the rights of workers in the garment industry should allow for the membership of non-Brazilian workers and advocate for the rights of all workers in Brazil.

## **C. Recommendations for the business community**

125. The Special Rapporteur would like to reiterate that, as a result of the collaboration of and the initiatives established by the Government, the private sector and civil society organizations, slave labour is not predominant in all sectors of the Brazilian economy, although some companies and estates still continue to use it. Businesses should include human rights principles, including provisions on the prevention of and protection against slave labour, in all contracts with joint venture partners, suppliers and subcontractors. The Special Rapporteur encourages businesses to join the National Pact, whose members are committed to not using slave labour. Members of the National Pact are also provided with information and training to help prevent slave labour. Businesses should also develop a code of conduct, which

would require that their suppliers do not use slave labour. Failure to observe this requirement would result in the termination of contract.

**D. Recommendation for the international community**

126. The Special Rapporteur noted the positive and substantial role that ILO has played in working with all stakeholders in Brazil to combat slave labour. She calls on the international community to continue to support its work, and that of notable and experienced non-government organizations in Brazil.

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