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Brazil Backtracks on Loosening Slave Labor Rules After International Outcry

by Gregory Scruggs

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Three months after the Brazilian Ministry of Labor loosened the definition of what constitutes slavery or slave-like working conditions, the federal government has formally rescinded the changes. The October decree prompted a national and international outcry from campaigners against modern slavery, including the UN Human Rights Council, and the new rules were promptly overturned by the Supreme Court. President Michel Temer (Partido do Movimento Democrático Brasileiro) had vowed to revise the labor law to conform to the judge's ruling, but at year's end decided to drop the issue entirely.

The 2016 Global Slavery Index estimates that 161,000 people live in slave-like conditions in Brazil, South America's largest country, mostly in the agricultural sector. A November 2017 report by the Institute for Agriculture and Trade Policy called slavery "endemic" in the poultry processing industry. Brazil is the world's largest exporter of chicken.

In November, UN slavery experts singled out Brazil in Geneva. "This order puts Brazil at risk of taking a step backward in the way it regulates businesses," said Urmila Bhoola, the UN special rapporteur on contemporary slavery. "It is essential that Brazil takes decisive action now to avoid undermining the anti-slavery measures that have been implemented over the last decade."

The Temer administration's actions are consistent with a pattern of shielding big agricultural companies from accusations of modern slavery. The government's "dirty list" of companies accused of such labor malpractices was established in 2003, but the Temer administration only published an updated version under court order in March 2017. Brazil was the last country in the Western Hemisphere to abolish slavery in the 19th century ([NotiSur, Sept. 17, 2004](#), and [March 18, 2016](#)).

Backlash

On Oct. 16, the Ministry of Labor issued new definitions of what constitutes slavery or slavery-like working conditions under the Brazilian labor code. The weakened definitions removed terms such as "consent" and references to existing legal standards. There was an immediate outcry from labor activists.

"Before, if a worker is sleeping with the pigs, has no water, and doesn't receive a wage, the labor inspector says this is slave labor, even though the worker can leave the farm," said Leonardo Sakamoto, a trustee of the UN Voluntary Trust Fund on Contemporary Forms of Slavery, which helps victims of slavery. "But today with this decree, this isn't slavery anymore."

Modern slavery does not resemble the 19th century version of whips, chains, and overseers. Rather, slavery manifests itself as an exploitative economic arrangement.

"It's a debt peonage system they are never able to extract themselves from," said James Early, a Brazil expert and former director of cultural heritage policy at the Smithsonian Institution and board member of the Institute for Policy Studies. He described the system as "recruit[ment] from urban

areas with the idea they will be able to sustain their lives when they get there, and instead, they find they are indebted for transportation, for clothing, for food.”

Legal challenge

A quick legal challenge to the new rules resulted in an Oct. 23, 2017, decision to suspend the new definitions as a violation of the Brazilian constitution. Judge Rosa Weber also argued that allowing slave-like conditions could violate international trade rules by giving Brazilian companies an unfair labor advantage.

The Temer administration vowed to revise the law, but momentum against the changes continued. On Nov. 8, 2017, a group of United Nations human rights experts in Geneva issued a statement warning Brazil against backsliding on the fight against modern slavery.

“Brazil has often played a leadership role in the fight against modern slavery, so it is surprising and disappointing to see measures that could see the country lose ground on this front,” said the experts in a joint statement.

Federal prosecutors and labor inspectors attribute the existing definitions of slavery and slave-like working conditions for the successful liberation of 50,000 workers since 1995. But the agricultural lobby, which is close to the Temer administration, sought to weaken such protections and investigations.

Opposition lawmakers saw the move as politically motivated.

“In exchange for support to escape a criminal trial, Temer promised the farm lobby goods he cannot deliver,” said Alessandro Molon, a federal deputy from the leftist Rede Sustentabilidade, which filed the lawsuit with the constitutional court.

Following the outcry, on the final working day of 2017, Temer’s labor minister, Ronaldo Nogueira, quietly published a revised version of the definitions, hewing much closer to the originals. He had submitted his letter of resignation the day prior.

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