

# Brazil's fight against slave labour<sup>1</sup>

*What is Brazil doing to tackle slave labour and what challenges still remain?*



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In 1995, Brazil recognised the existence of slave labour in its territory, after civil society organisations and unions persistently denounced several cases for more than four decades. Since then, more than 63,000 workers have been found exploited under demeaning work conditions, and rescued from this violation in the country. Despite the formal abolition in 1888, vulnerable groups – such as black, indigenous and riverside people – remained as a legacy of structural racism and poverty that kept them as outsiders in society, devoid of social policies. Nowadays, they are the most susceptible individuals to be exploited in labour activities.

To face this reality, Brazil created tools and mechanisms that structured a national policy to fight slave labour, beginning with the creation of the Special Mobile Inspection Groups by the Labour Inspection, which provided a specialised workforce to tackle slave labour, through the inspection of private properties, especially those located in hard-to-reach places in the Amazonia region, to rescue workers under slave labour.

One of the key achievements in this process was the recognition of this practice as a crime in the Penal Code. In 2003, Article 149<sup>2</sup> was revised by

the Congress to include forced labour, debt bondage, degrading conditions and exhausting journeys, as the elements that characterise slave labour in Brazil. The insertion of these elements was commended by the United Nations and the International Labour Organisation as an international legislative reference<sup>3</sup>. By enabling the protection of human dignity at the core of the legislation (not only freedom of movement), Brazil introduced an advanced concept that synthesises the phenomenon in line with its modern manifestation.

The law was the starting point to build and develop other

measures to hold the guilty parties accountable, claiming their responsibility for the infraction in the criminal, labour and administrative spheres, such as the “Dirty List”. This innovative mechanism of transparency, enacted by the government, discloses the names of employers and companies that were proven to have enslaved workers, after facing an administrative process conducted by the Ministry of Labour.

The list is maintained by this Ministry and published semesterly with the updated information. Within the country’s ecosystem to fight slave labour, the List is being used by companies and financial institutions to monitor suppliers’ and clients’ potential involvement with this human rights violation. As a consequence, in many cases, contracts are suspended or terminated due to a supplier disclosure in the ‘Dirty List’.

Brazil also developed national plans for the eradication of slave labour, which consolidated its commitment to

the cause and designated roles and responsibilities for multiple stakeholders (from government, legislators, academia, and private sector to civil society) and created a permanent National Commission for the Eradication of Slave Labour, composed by State institutions and civil society entities. Embraced by the Ministry of Human Rights, the commission assures the participation of civil society in the formulation, implementation and evaluation of the public policy dedicated to eradicating slave labour in the country.

Besides those important Brazilian practices, challenges remain to overcome the structural and underlying conditions that lead to slave labour. There is an imperative need to rethink productive models that contribute to the existence of such practice and affects different supply chains. In this sense, besides enforcement actions, the State must create conditions to change this dynamic. However, at the same time, it must enhance prevention and offer correct and appropriate

remediation to survivors. Urgent structural changes are needed, but while they are on course, we cannot leave a generation of workers subjected to exploitation behind.

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1. Slave labour is the literal translation for “trabalho escravo”, which is the term used in Brazil to designate situations in which workers have their freedom and dignity affected by degrading conditions and extreme labor exploitation. The concept is a category used historically by civil society and social movements. It is also compatible with the ILO’s indicators of forced labor.
2. <https://www.anz.com.au/content/dam/anzcomau/documents/pdf/aboutus/anz-grievance-mechanism-framework-nov2021.pdf>
3. <https://rspo.my.site.com/Complaint/s/case/50090000028Es0aAAC/detail>