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**After “Freedom”  
The Right to Effective Remedy Through the Voices  
of Workers Subjected to Slave Labor in Brazil**

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## **Declaration Form**

*The work I have submitted is my own effort. I certify that all the material in the Dissertation, which is not my own work, has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.*

Regiane C. de Oliveira

Date: 28 May 2016

*“Nobody knows nothing. Nobody knows everything. We all know something.  
We all ignore something. That is why we are always learning”  
Paulo Freire*

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## Abstract

In the past two decades, the word slavery jumped out of the history books to the pages of the newspapers. Stories about women, children and men being kept in captivity have put in check the belief that modern society, enlightened by the spirit of capitalism, abolished slavery. In the legal terms, slavery was indeed abolished. However, the enforcement of the regulations that was supposed to guarantee the end of this gross violation of human rights has failed. In 1995, Brazil became one of the first countries to recognize the existence of contemporary slavery, in an attempt to overcome the shameful record of being the last one in the Western world to abolish slavery, in 1888. The country established a framework to combat the new face of slavery that targets mostly black and brown men living in vulnerable conditions. When workers are rescued by government's agents from slave labor, however, the remedy measures seem inadequate to guarantee that they will overcome vulnerabilities. To understand the challenges preventing the effectiveness of the remedy system, this research worked with the narrative of workers subjected to slave labor in rural areas, collected through oral history interviews. Following Boaventura de Sousa Santos' theory, it was possible to reveal absences, defined as a lack of practice of rights, related to what is missing and why it is missing in the policy of remedy. The intended result is to go beyond the assumption of workers' "wants and needs" in order to transform absences (lack of practice of rights) in emergencies (possibilities of future) capable to propose collective alternatives to break the cycle of slavery and to promote social emancipation.

Key words: Contemporary slavery, remedy, rural workers, absences, social emancipation

## Abbreviation

ACHR	American Convention on Human Rights
CAT	Convention against Torture
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CEJIL	Centre for Justice and International Law
CPT	Pastoral Land Commission
CRC	Convention on the Rights of the Child
ECHR	European Convention on Human Rights
GEFM	Special Mobile Inspection Group
HDI	Human Development Index
ICHR	Inter-American Court of Human Rights
IACHR	Inter-American Commission on Human Rights
ILO	International Labor Organization
INCRA	National Institute for Settlement and Agrarian Reform
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICERD	International Convention on the Elimination of Racial Discrimination
NGO	Non-governmental organization
PRONAF	Nation Program of Strengthening Family Farming
UNDP	United Nations Development Programme
UDHR	Universal Declaration of Human Rights
UN	United Nations
TAC	Terms of Adjustment of Conduct

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## Chapter One

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### 1. Introduction

Luiz Doca: *Have I told you about the “gato” (cat in English)?*

Regiane: *Gato?*

Luiz Doca: *It is not an animal. This is a man who lives here who is paid to take people to the farms.*

Diogo: *It is the way he is saying. The guy comes here to take us to the farm (...), and then goes deceives someone else. The farm owner goes [to the farm] once in a year. There is no way out.*

Luiz Doca: *[In the farm] we do not have rights, and nobody has money to return.*

Diogo: *If the guy escaped, he would die, [the farm owner] would have him killed. If he fled through the woods, there would be a jaguar. He has to endure.*

Luiz Doca: *You have to suffer; you are a slave. I did not understand that before, but then I got it. Everything that I have done in my life has been slave work<sup>1</sup>.*

### 1.1 Contextualization

In the past two decades, the word slavery jumped out of the history books to the pages of the newspapers. Stories about women, children and men who were held in captivity by forced labor, debt bondage, sexual exploitation have put in check the belief which is still taught in schools all around the world that modern society, enlightened by the spirit of capitalism, managed to abolish slavery. It is true that in legal terms, slavery was indeed abolished. Since Slavery Convention of 1926, there has been under way a consensus that no one should be held in slavery or servitude and that the slavery and slave trade must be prohibited in all their forms (United Nations, 1948).

However, recent key figures show that the enforcement of these regulations has failed. Firstly, there is not even a clear answer about the number of people living under different forms of slavery nowadays. While the International Labor Organization (ILO, 2016) projects that almost 21 million people are victims of forced labour, the U.S. State Department believes that every year more than 820 million people are victims of international trafficking (Brysk and Choi-Fitzpatrick, 2012). The non-government organization (NGO) Free the Slaves (2016), on the other hand, considers that slavery affects between 21 to 36 million worldwide, generating US\$ 150 billion each year in illicit profits. The sad outcome is that the freedom long ago celebrated by the Slavery Convention seems not enough to guarantee human dignity.

### 1.2 Motivation of the study: historical problem of the remedy

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<sup>1</sup> This is a fragment of one of the interviews I did with the workers in Barras.

This research has begun with my interest in an important chapter in the Brazilian history that I believe is still influencing the present. On May 13, 1888, Brazil became the last nation in the Western world to abolish slavery. After that process, there was an expectation that the former slaves would be integrated into the free work market. However, the destiny of this group as a public policy was no longer a priority. Nobody assumed responsibility for including those people in the free market. At the same time, landowners turned to their own interests, which meant trying to get indemnity for financial losses with the abolition of their once valuable property, arguing that it had provoked a crisis in the farming business. They did not have success in their claims (Fernandes, 2013; Costa, 2010). However, remedy<sup>2</sup> for the former slaves, such as access to education, justice, health, employment or land, and financial compensation, was supposed to be an aspect of the abolition that did not happen in the past, and, in different ways, it is not happening in the present either.

The echoes of May 13, 1888, regarding what happened after the freedom of slaves, are still visible in the Brazilian society. Although 53% of Brazilians are black or brown (PNAD, 2015), this population is more likely to be exposed to a systemic violence<sup>3</sup>, poverty<sup>4</sup>, lack of quality in education, poor access to health, lower income and job opportunities<sup>5</sup>.

Brazil has been trying to overcome past mistakes. The country was one of the first to recognize the existence of contemporary forms of slavery in 1995, and to establish a system to combat contemporary slavery, based on a series of initiatives such as social programs to combat starvation<sup>6</sup>, the National Plans for the Eradication of Slave Labor and the Dirty List, an instrument to disclose the name of companies involved in slave labor. Another important initiative was the creation of the Special Mobile Inspection Group (GEFM). Combining efforts of labor inspectors, prosecutors and police officers, the GEFM investigates complaints of slave labor even in remote areas. The group has the responsibility to release the workers, establishing reparations and prosecuting the owners of enterprises that violated human rights (Repórter Brasil, 2015; ILO, 2011). Over 20 years, the special group has held 1.928 operations in 4.302 commercial enterprises and has released 50.363 people. The government

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<sup>2</sup> Remedy (redress, relief) is defined by the Oxford Dictionary of Law as “any of the methods available at law for the enforcement, protection, or recovery of rights or for obtaining redress for their infringement” (Law, 2016).

<sup>3</sup> In 2012, 56.000 people were murdered in Brazil. Among the dead are 30.000 young people between 15 and 16 years old. The African Brazilians represent 77% of this population (Amnesty International, 2015).

<sup>4</sup> Brazilian Census 2010 shows 16.2 million people living in extreme poverty (about 8.5% of the country’s population). Among this population, 70.8% are black (Spuldar, 2011)

<sup>5</sup> The Census 2010 shows that the percentage of illiterate between black (14.4%) and brown (13.0%) was in 2010 almost triple the whites (5.9%) (IBGE, 2013). Researches also show that blacks and browns people are concentrated in the most poorly paid occupations and lower education tracks in Brazil (Ciência Hoje, 2009)

<sup>6</sup> The cash transfer programme Bolsa Família ,established in 2003, manage to take out of extreme poverty 36 million people in Brazil (Portal Brasil, 2013)

also paid R\$ 95,8 million (€ 12,975<sup>7</sup>) in indemnity to the workers (Brazil, 1995-2015).

A lot has been done in a short period of time and Brazil has become world reference in the combat of contemporary slavery (Costa, 2009; Albuquerque, 2014). However, there is a gap between policy and practice. After the rescue, the reparation under the labor rights compensation, provided by public officials, seems not to be enough to break the cycle of contemporary slavery. The government inspection frees people from slave labor but the social and economic vulnerabilities that causes slavery do not end there and people end up in vulnerable conditions again. This reality raises some questions: is it possible to go beyond the regulation to promote the emancipation of the workers from slave labor? Who has this responsibility? These questions will be discussed in the Chapter 4.

### **1.3 Relevance for the human rights discipline**

The fight against the transatlantic slave trade in the nineteenth-century has been considered one of the most successful episodes in the history of international human rights law, as it has put slavery and the slave trade among the few acknowledged crimes against humanity (Martinez, 2012). Nowadays, the awareness that slavery did not disappear with abolition has brought back discussions about dichotomies and tensions that were left unresolved in the context of the abolition (Martinez, 2012). Remedy is among these unresolved issues, a mistake we cannot afford to make again. This dissertation intends to contribute to the current debate on reparation and contemporary slavery that is an important subject of human rights discipline.

### **1.4 Aim and research questions**

This research is based on the following premise: despite Brazil having an international recognized system to combat contemporary slavery, after the freedom of people that are subjected to slavery work, remedy measures seem inadequate to guarantee the restoration of the worker's dignity. The aim is to understand the challenges that prevent the effectiveness of the remedy system in Brazil in light of the narratives of workers that have been liberated from slave labor in rural areas. The main research questions are:

1. What are the difficulties associated with pursuing remedy according to the workers that were subjected to contemporary slavery?

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<sup>7</sup> All the exchanges in this dissertation are purely illustrative, based on rates of May 2016.

2. What is the extent of worker's awareness about their rights to reparation?
3. What do the workers perceive as adequate reparation?

### **1.5 Chapters outline**

In Chapter One, I will introduce the problem of the contemporary slavery and remedy, following a historical perspective, and also delimit the main questions of this research. Chapter Two presents a literature review of the main theoretical debates relating the concept of slavery; and also the theoretical debates on “wants and needs” of victims of human rights violations in cases of remedy. Further, it presents some studies on remedy and contemporary slavery in Germany, Korea and Brazil.

In Chapter Three, I propose to use the workers' narratives as an instrument connecting the theory and the practice of the remedy process. In order to do that, I follow a model of investigation proposed by Boaventura de Sousa Santos, the sociology of absence and emergencies. In Chapter Four, the research design explains the reasons for using oral history as the main method to collect data, and also how the narrative analysis was designed to connect the empirical knowledge of workers with the theory.

In Chapter Five, I will present the narrative of workers enrolled in three cases of remedy: financial reparation, *Brasil Verde Farm Workers v. Brazil* in the Inter-American Court on Human Rights (ICHR); land as reparation, *Nova Conquista Settlement*; and education as reparation, *Ação Integrada Project*. The aim is to identify the “absences” in the practice of rights that affect the workers that search for remedy. As Conclusion, I intend to make a discussion in how to transform these absences in emergencies, to understand which challenges are preventing the effectiveness of the remedy system in Brazil. Furthermore, concerning Policy Recommendation, I propose collective alternatives, which will have the workers as protagonist, as new paths towards social emancipation.

### 2. Literature review

There is a shortage of theoretical studies focused on contemporary slavery and remedy, especially presenting the workers' perception. Therefore, this literature review intends to delimitate, firstly, the main debates in the fields of contemporary slavery and remedy. Secondly, to present studies relating cases of remedy and contemporary slavery.

#### 2.1 Theoretical studies on contemporary slavery

A new interdisciplinary field of studies in contemporary slavery has emerged in the past 20 years with the task to build a broad understanding of the new system of enslavement, and also to make a connection among the voices of victims, human rights activists, policy makers and academics (Choi-Fitzpatrick, 2012). It is a huge task since the complex phenomena of contemporary slavery cannot fit into one single perspective. It covers different aspects of exploitation, such as sexual and labor trafficking, hereditary slavery, chattel slavery, children slavery, forced labor, temple servitude, debt bondage, war slavery, religion-based slavery, among others (Choi-Fitzpatrick, 2012; Bales, 2012).

A wave of publications supported by an advocacy strategy are focusing on helping to increase public awareness and promote debates in different theoretical perspectives such as the historical and sociological dimensions of contemporary slavery (Bales, 2012; Quirk, 2012; Martins, 2014; Scott, 2013; Campos, 2011); slavery and the global capitalist system (Sakamoto, 2011; Anker 2004); migration and slavery (Alves and Novaes, 2011; Rocha, 2015); law and slave labor (Martins, 2014; Andrade and Barros, 2013; Mendes, 2013).

One specific topic plays an important role among all these theoretical dimensions: the conceptualization of contemporary slavery. Opponents of legal recognition of the modern enslavement as crime have been accusing researchers and human rights activists of anachronism by the use of the word slavery in the present days (Scott, 2013). In Brazil, for example, it is common the argument that there is an ideological bias towards an agrarian reform in the use of slavery in cases of "irregular conditions of work", which would be a strategy to combat the agribusiness industry (Resende, 2009). Opponents<sup>8</sup> of the existence of

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<sup>8</sup> There are also researchers that consider that the word "slavery" should be reserved to discussions related to the Atlantic slave trade (Anker, 2004, p. 19). This position is related to the ongoing struggle of African communities for recognition of the historical violation they have suffered, and also the search for reparation for victims' heirs (Van Bueren, 2003).

contemporary slavery have been using a literal interpretation of the term “slave work”, related specific to the modus operandi of black slave trade to try to influence public policies<sup>9</sup>.

It is crucial to define the differences between irregular working conditions and contemporary slavery. While the first is related to economical enterprises that take advantages of people in vulnerable situation to violate their labor rights; the later, despite also having elements of irregular working conditions, are based on “physical and moral coercion of the worker, subjected to violence, repression, punishments, humiliation and intimidation” (Martins, 2014, p. 208). However, different national legislation can have different interpretation over this matter. One aspect of slavery, the trafficking of a person, for example, is seeing by some governments as immigration issue (Anker, 2004).

It is also important to understand the characteristics that differs the “new” (contemporary) and “old” (black) slavery. Kevin Bales has the most widely spread research in this subject (Appendices A, Table 1). He explains that after the Second Great War several factors affected traditional societies way of living, such as the demography explosion, from two billion people to more than six billion, and social and economic changes brought by modernity and globalization. No work opportunities, lack of resources, and the increasingly search for profit made people desperate and life cheap (Bales, 2012).

Nowadays, to buy a person is no longer a major investment as in old times. In the historic slavery, profits were related to the guarantee of the slave’s survival, which means that, besides the large investment to buy the slave, it was also necessary to maintain the “property”. Nowadays, once the ethnic difference based on racism seems not to be as relevant as it was in the past, there is an abundance of poor and vulnerable people to be exploited by the modern slaveholders. The common denominator for Bales is poverty, not color (Bales, 2012). However, in Brazil, due to the historical lack of remedy after abolition, the black population is in the most vulnerable position to be exploited.

Bales’ sociological perspective is not a consensus. While using a more historical approach to understand the phenomena of contemporary slavery, Joel Quirk criticizes the separation between “new” and “old”. He believes that most “contemporary forms of slavery can be understood as an extension and/or reconfiguration of the enduring historical themes rather than distinctively modern development” (Quirk, 2012, p. 41). He argues that, although recent macro and micro transformations are affecting the character and the modus

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<sup>9</sup> In Brazil, for example, the rural caucus proposed the Law Project 3842/2012 to try change the definition of contemporary slavery in the national law. The project is under evaluation in the Brazilian Congress, where the caucus has almost 40% of the deputies.

operandi of slavery, the chattel slavery found in Mauritania, human bondage in Ghana, and even slavery in the chocolate plantations in West Africa have colonial roots.

Marxist researchers also take a different route to explain the endurance of slavery and its concept over time. Martins (2014) defends that slavery is an anomaly in relation to the social achievements and values of the modern societies that was conceived through a vast process of primitive accumulation in modern societies based on historical slavery. Following the same path, Sakamoto (2011) explains slavery as an instrument of capitalism to increase companies' competitiveness, seeking the logic of accumulation.

Regardless contemporary slavery being related to the colonial roots (Quirk, 2012), poverty (Bales, 2012), anomaly of the capitalist system (Martins, 2014) or an incomplete modernization (Sakamoto, 2011), nowadays the lack of practice of rights can also lead a person to slavery. A testimony of Marcelo Campos, a labor inspector and human rights activist can help to understand this perspective. Campos (2011) explained that the new slave is a citizen deprived of the rights that would guarantee fundamental dignity.

### **2.1.1 Legal perspective of human rights and contemporary slavery**

In legal perspective, some researchers defend that, once slavery is not legal anymore, it is only possible to talk about conditions analogous to slavery. The Brazilian law follows this principle. According to the Article 149 of the Brazilian Penal Code (Brazil, 1940), condition analogous to slavery means that the worker has been subjected to an exhausting workday or degrading conditions<sup>10</sup>, restriction of movement, debt bondage, confiscation of documents and strict surveillance with the goal of detaining the workers. The penalty for the exploitation of slave work is between two to eight years of reclusion<sup>11</sup>.

This definition has been criticized for being too vague, allowing different interpretations, which has made it harder for the police to investigate, and easier for individuals and companies to escape. These concerns were brought to the UN Special Rapporteur on contemporary forms of slavery, Gulnara Shahinian. While visiting Brazil in 2010, she suggested “the Government should adopt a clearer definition for the crime of slave labor, which would better assist the Federal Police to investigate and file criminal cases

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<sup>10</sup> The degrading conditions are characterized by a combination of factors related to: precarious lodging; susceptibility to diseases; inappropriate sanitation conditions; lack of health conditions; non supply of drinking water; inadequate compensation; child violence and violence; environmental degradation, among others (Rivero de Araújo and Maduro, 2010, p. 16)

<sup>11</sup> Penal Code also determines (Article 203 and 207) (Brazil, 1940) the punishment for theft by fraud or violence of the workers rights, and also the grooming of workers. However, there is no case of individuals being arrested because of exploiting slaver labor.

against perpetrators of slave labor” (United Nations, 2010). However, she also congratulated the country because of the degrading condition’s concept, which brings a perspective of human rights for the legislation (Angelo and Magalhães, 2012).

The United Nations framework does not have a definition of contemporary slavery, only condemn its practices (Appendices A, Table 2). The ILO (1930) defines forced labor 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”.

## **2.2 Theoretical studies on remedy**

One important ongoing debate on remedy is related to the discourse of victim’s “wants and needs”. Victimology’s studies identify some characteristics of victim’s “needs”: to be able to tell their truth about the violation, to acknowledge the wrongful act to legitimate their feelings; experience real and symbolic restitution; and to be empowered (Cullinan and Bruce-Mitford, 2001). However, not much work has been done in the field of victim’s “wants”<sup>12</sup>. For instance, “presumptions that victims need or demand punitive justice are no more reliable than are the claims that victims are willing to forgive perpetrators who confess” (Simpson, 1998, cited in in Cullinan and Bruce-Mitford, 2001, p. 20).

Critics on this approach say that assumptions on victim’s “wants and needs” have been influencing public policies without appropriate discussion. Van Boven (1993, cited in Cullinan and Bruce-Mitford, 2001, p. 49), for example, “speculates that many authorities may consider it [to seek victim’s perspective] ‘a complication, an inconvenience and a marginal phenomenon’”. It seems that the potential results of gathering information from victims’ perspectives is not considered relevant enough to justify the effort.

Assumptions on victims “wants and needs” have influenced different kinds of remedy, such as the most common one, the compensatory model, which aims to rectify the harm done to a person. “Rectification and compensation in the framework of basic rights served to restore the individuals to the extent possible of their capacity to achieve the ends that they personally value” (Shelton, 2005, p. 11). One could argue, however, how “personal value” should be defined, and who should do it, the victim or the state agent responsible for the redress? The question can sound a trick, but in practice the answer is quite easy: according to the international law, the state are the one responsible for promoting remedy measures. What

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<sup>12</sup> The Rome Statue (Art. 1975) requires the establishment of “principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation” based on the participation of victims in all “stages of the proceedings determined to be appropriate by the Court” (United Nations, 1998).

is interesting here is to reflect on how effective states measures can be in trying to remedy human rights violations without the participation of the victims.

For instance, when the justice system considers that only compensation is not enough to rehabilitate the victim, other forms of reparation might be put in practice. It is the case of the deterrence approach, focused on trying to prevent a wrong behavior to be happened in the future. One example is the reintegrative shaming theory, designed to express community disapproval by naming and shaming the offenders that will be later reintegrated into the community<sup>13</sup>. According to Shelton (2005, p.14), there is a “correlation between the certainty of consequences and the reduction of offences, but little correlation between the severity of punishment and reduced incidence of wrongdoing”.

There are other approaches focusing on trying to overcome the assumption of “needs” towards a practice of victims’ “wants”. It is the case of the restorative perspective, where perpetrators and those affected by the harm are putting together in a process that aims atonement, reconciliation and forgiveness. It emphasizes not in punishing the perpetrator, but redressing and reintegrating the offender into society (Shelton, 2005). However, it is also important to remember that ideas of peace and conciliation have ambiguous meaning as political strategy, once can be influenced by one side’s agenda. Aligned with this perspective, Painter (2011) suggests a feminist process-based approach that sees reparation as a public policy to promote social and economical development.

### **2.2.1 Legal perspective on human rights and remedy**

Legal studies on remedy have been following the developed of the human rights framework in the aftermath of the Second Great War. The Nuremberg Trials put rights of individual at the center of the debate towards reparation and accountability within a larger global justice framework (Van Bueren, 2013). This choice influenced the development of a dominant approach on remedy in the transnational field, which can be defined by two meanings: a broad juridical one, covering all forms of redress for harms suffered as a consequence of certain crimes, and a narrower one, focused on describing administrative programs, which attempts to provide benefits directly to the victims (De Greiff, 2006, cited in Painter, 2011). This approach is based on the state responsibility to provide reparation to the harm that has been done, which is assured by human rights treaties.

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<sup>13</sup> That is the case of the Brazilian Dirty List, a government instrument of naming and shaming companies caught by subjecting people to slavery labor.

The Universal Declaration of Human Rights (UDHR, Art. 8) stipulates “everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law”. Remedy can also be found in the International Covenant on Civil and Political Rights (ICCPR, Art. 2), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, Art. 14); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, Art. 2), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, Art. 6); and the Optional Protocol to the Convention on the Rights of the Child (CRC, Art. 8).

Critics of the state-to-state remedy approach affirm that it fails in creating a right that can be invoked in the international level by any individual. “Obligations under international law are obligations between states (...) and reparations are paid to the injured state not to the individual”. (Cassese, 2001, cited in Painter, 2011, p. 3). However, there are alternatives to this approach. The European Convention on Human Rights (ECHR, Art. 13) and in the American Convention on Human Rights (ACHR, Art. 25) embrace the possibility that an international court decides that the state should make reparation directly to the individual. The ICHR has applied the principle of repairing the damage to the life plan<sup>14</sup>, when individual’s choices are frustrated/violated by third party actions<sup>15</sup> (Schäfer, 2013). The Brazilian system also follows an alternative approach, focused on repairing individual and collective damage (São Pedro, 2012). While the individual action is focused on the remedial aspect of the law, the collective moral damage aims to restitute the society as well.

Non-judicial instruments also provide standards that take a broad understanding on effective remedies. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations includes equal access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning the violation (United Nations, 2006). The Guiding Principles on Business and Human Rights also ask for the participation of companies in developing remedy strategies, such as grievance mechanisms<sup>16</sup> to protect against abuses and facilitate the remedy process (United Nations, 2011).

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<sup>14</sup> The court has already defined compensation for immaterial in the cases *Benavides v. Peru* (2001), *Cabrera v. Mexico* (2010), *Gelman v. Uruguay* (2011), *Atala Riffó and Daughter v. Chile* (2012), (Schäfer, 2013).

<sup>15</sup> The International Criminal Tribunals for Yugoslavia (since 1991) and Ruanda (since 1994) recognized the right of repairing people. However, limited to the restitution of unlawfully taken property (Painter, 2011).

<sup>16</sup> Grievance is understood as “a perceived injustice evoking an individual’s or a group’s sense of entitlement, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness of aggrieved communities” (United Nations, 2011, p.27).

### 2.3 Empirical studies on remedy and contemporary slavery

Research relating cases of remedy and contemporary slavery are still scarce in the literature. However, there are empirical studies on reparation programs following historical cases of slave labor. For instance, the broad program of moral and material restitution in the case of forced and slave labor<sup>17</sup> during the World War II, in Germany. In 2001, an agreement between Germany's federal government and a group of companies created a € 5.2 billion fund to attend the victims (Authers, 2006, EVZ, 2016). Besides the monetary reparation, to emphasize the symbolic and moral intention, a note of apology attached every check to a former slave laborer signed by Johannes Rau, Germany's President at that time (Authers, 2006). The program did not escape critics because of confusions with eligibility standards and inadequacy of amount paid. For many people, the restitutions did not guarantee satisfaction.

Another example is the case of the 20,000 Korean "Comfort Women", which were used as sex slaves for the Japanese Imperial Army during World War II. In 1988, the survivors started to seek redressing for the harm they suffered (Cullinan and Bruce-Mitford, 2001). Their aim was to make Japan to admit the existence of Korean comfort women, to make a public apology; and to compensate victims and their families. In an attempt to redress, Japan created the "Asian Women's Fund", provided by donation from civilians and private organizations, which has a focus on community rehabilitation not in individual reparation. Most of the victims did not accept this approach and asked for personal compensation along with an apology. This case shows that ignoring the wishes of victims, by denying personal compensation in favor of community measures, is not be the best strategy to reach remedy.

The both cases related to historical events have in common the fact that the victims were visible to the society. Either because they were organized as a group to search for their rights, the case of the "Comfort Women", or because they were part of a specific group that was targeted, the Jewish, in Germany. It is different from cases of contemporary slavery, where the victims are "invisible" to the public awareness. That is the case of José Pereira v. Brazil, the first claim on remedy in a case of slavery work in the IACHR (Scaff, 2010).

José Pereira was 17 years old when he fled from slave work conditions in the farm in Espírito Santo, located in Sapucaia, South of Pará. He had been lured to work in the farm with false promises of good payment, and ended up being forced to work under inhumane condition, along with another 60 people (Sakamoto, 2004). After exhausting the pledge for reparation in the domestic law, the Human Rights Watch and the Center Rights for Justice

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<sup>17</sup> Here, the definition of 'slave labor' is: "work performed by force in a concentration camp (...) or a ghetto or another place of confinement under comparable conditions of hardship" (Authers, 2006, p.435).

and International Law (CEJIL) brought the case to the IACHR. The petitioners alleged that Brazil failed to respond adequately to the complaints regarding slave labor. In 2003, a friendly agreement was signed. Even though the violations were not attributed to state agents, Brazil had to recognize its international responsibility in relation to the case, and to provide a payment of R\$ 52,000 [€ 12,975] to the victim (Scaff, 2010), among other measures.

This literature review shows that there is a common figure among the different approaches of remedy, the premise that it is in the best interest of the victims to have restored the original situation they had before the human rights violation had occurred. Most frequently, however, it is not possible to provide this kind of restitution or it is not enough to repair the harm caused by the violation. In the case of contemporary slavery, it is possible to restore someone's freedom. But does it mean that the principle of restoration was reached? The case of *José Pereira v. Brazil* shows that the answer is no. After freedom, to restore the workers to the original situation before the violation occurred means to lead them into the same vulnerable conditions that started the problem. Therefore, it is necessary to go beyond assumptions of victims "wants and needs" towards public policies prepared to work with victims' perspectives. In the next chapter, I will discuss a theoretical framework that, I believe, is capable to deal with the complex features of remedy in cases of contemporary slavery, in order to think new alternatives to social emancipation of workers.

### 3. Theoretical framework

As a theoretical framework capable to deal with the complex reality of remedy in cases of contemporary slavery, I propose to follow the critical sociology of Boaventura de Sousa Santos. While trying to understand why is so difficult to build a critical theory – defined by him as any theory that does not reduce the reality to what it is, but as a field of possibilities –, the author After the 16<sup>th</sup> century, the project of the Western modernity (colonialist and capitalist) emerged as the dominant social and cultural paradigm. It was based in the dialectic tension between social regulation (represented by the European States), and social emancipation (represented by revolutionary movements and proposals of social reforms). This paradigm followed a distinction between the individual and the object, and between the scientific knowledge (the only valid one) and other forms (Santos, 2014).

After the 19<sup>th</sup> century, this modern paradigm was redefined as universal. However, the promises of liberty, equality and solidarity of the modern society were never entirely fulfilled; and even in cases where it were, the results did not favor everyone. The endurance of different forms of slave labor in the capitalist system, that motivates this research, is an example.

This paradigm was supposed to be balanced by the principles of social regulation and social emancipation. However, due to the increasing rationalization of social life and institutions, and the influence of market forces into the process of regulation, this balance became unequal. There was a reduction of the force of the emancipation process that, eventually, ended up as being regulated inside the capitalist system.

Santos (2010) points out that polices of human rights also played an important role in keeping balanced the tension between regulation and emancipation. Since the end of the Cold War, with the crisis of the socialist projects, progressive forces that had lost their revolutionary ideal, appealed to human rights to rebuild the language of emancipation. However, human rights potential for promoting social emancipation was jeopardized, once it ended up being regulated as an instrument used to guarantee State's agenda. One example is the debates on the validity of the social and economic rights as “real” human rights. Santos explains that the role of human rights shift in the 1990, when Southern social movements started to confront the neoliberal globalization, redefining the language of human rights to support their claims for counter-hegemonic alternatives to globalization. It is the case of the World Social Forum that started in 2001, in Brazil.

Santos' understands that the modern paradigm cannot offer any (social, political or epistemological) solution to deal with the complexity of the contemporary problems, and therefore, must be overcome. In order to do that, he proposes to reinvent the social emancipation, beyond the Northern critical theory, following a new paradigm created by experiences of the South<sup>18</sup> (Santos, 2014). In the next section, I will describe how this new paradigm helps in seeking the workers perspective on remedy in case of slave labor.

### **3.1 Seeking workers' perspective: remedy towards social emancipation**

Following the assumption that there is no global social justice without cognitive global justice, Santos proposes the development of new epistemologies of the South, in opposition to the dominant ones. His goal is to validate the knowledge borne in struggles by those who are resisting the systematic oppression cause by capitalism, colonialism and patriarchy (Santos, 2014). To seek workers' perspective means to search for a knowledge that includes suppressed, silenced or marginalized realities product of subjectivity, including all the characteristics that gives personal touch to the personality (Santos, 1991).

The option for seeking workers' perspective is aligned with the assumption that no one have the receipt for social emancipation, which have to be constructed as a collective alternative. Therefore, I propose to combat the waste of the workers' experience, making their voices as an instrument to confront theory and practice of the remedy process. The idea is to encourage the creation of rebel subjectivities "against conformist, routinized, repetitive social practice" (Santos, 2014, p. 160), in order to challenge dominant power relations.

One could argue that this approach could undermine the reliability of the research, as it is a product of the subjectivity of memories. On this matter, it is important to make a reflection. First, the Southern epistemologies have the premise that the social practice and the personal experience are practices of knowledge, and although it is not related to science, they cannot be disqualified and wasted. Second, the Western culture has a wide historical experience of contacting other cultures, however, it was based on "colonial contact", where the "others" knowledge was treated with contempt.

To conclude, the decision on working with epistemology of the South is related to the understanding that the Northern modern paradigm cannot provide solutions to the complex

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<sup>18</sup> Santos (2010b, p. 12) designed the concept of South as "a metaphor of a field of epistemic challenges, seeking to repair the damage and impacts historically caused by capitalism in its colonial relationship with the world". The concept overlaps in part its geographic meaning, related to the countries and regions that were subjected to the European colonialism, once in the North geographic there are also groups (women, workers, indigenous, afro-descendants) exploited by capitalism and colonialism.

problems of the contemporary world, represented in this research as the endurance of the slave labor in the capitalist system. Seeking the workers experience, their subjectivity and suppressed realities, aims to challenge the dominant approach of social regulation towards the construction of collective alternatives of social emancipation. In the next section, I will present the concepts created by Santos, in order to go further in the development of the Southern epistemology, that will be used in this dissertation.

### **3.2 Sociology of absence and emergency**

To overcome the waste of experience, Santos proposed a model of investigation based on the sociology of absence and emergency. As I have mentioned before, when workers are rescued from slavery by government's agents, they have restored the same vulnerable conditions that led them to slave labor. Having this scenario in mind, I intend to identify absences, defined as the lack of practice of rights, that prevent the workers to reach effective remedy. The aim is to demonstrate that "what does not exist [the practice of human rights] is actively produced as non-existent, as a non-believable alternative, a disposable alternative, invisible to the hegemonic reality of the world" (Santos, 2002, p. 246).

Santos (2010) explains that absences are produced every time an entity or a person is disqualified as invisible, unintelligible or disposable to the mainstream reality. It represents a point of inflexion of the new paradigm that intends to work with a multicultural knowledge, based on the idea of knowledge-emancipation, build upon a path from ignorance (represented by colonialism) to wisdom (represented by solidarity). The sociology of absence works by replacing ecologies of knowledge – sustainable diversity based on complex realities (Santos, 2014) – for monocultures. By revealing the absences, I intend to identify which human rights could not fully be restored after the rescue and give a step further in understanding what are the challenges preventing the effectiveness of the remedy system in Brazil. Santos (2014) defined five ways of producing absences:

- a) monoculture of knowledge, where the non-existence appears in form of ignorance or lack of culture;
- b) monoculture of linear time, which produces non-existence by describing time as 'backward', such as pre-modern and under-developed;
- c) monoculture of classification, which consists in distributing populations according to categories that naturalize hierarchies such as race and sexual orientation;
- d) monoculture of the universal and the global, where the non-existence is produced under the form of the particular and the local;

e) monoculture of criteria of capitalist productivity and efficiency, which privileges growth through market forces, where the non-existence is produced in the form of non-productiveness.

Following Santos' theory, once revealed, it is possible to confront the absences with ecologies (multicultural forms of knowledge), in an exercise focused on producing emergencies, or new possibilities of future. Santos (2014) defines the sociology of emergency in a way to replace the void of the future, represented by the social regulation of the emancipation, for a future of plural and concrete possibilities. This future, however, must be constructed in the field of social and collective experiences, where people that were oppressed have the central role. This exercise must follow a process of "translation" of knowledge, which means to perform an argumentative work, based in an epistemological exercise of imagination, to build new and plural conceptions of social emancipation from the ruins of the modern project (Santos, 2002). The goal is not to propose a solution, but new paths towards different possibilities of transformation.

In conclusion, I intend to work with the concepts of the sociology of absences to reveal what is missing in the practice of human rights law, according to the workers' perspective. Once revealing the absences, I propose an exercise of translation in order to transform them into emergencies, or alternatives possibilities of futures. The idea is to point out new paths to a process of social emancipation, represented by the full enjoyment of human rights, capable to reduce or, why not, eliminate, the workers' social vulnerabilities. The application of this theory will be explained in the narrative analysis, in the next section.

## Chapter Four

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### 4. Research design

This dissertation is a qualitative research project, designed to bring to light the perception on remedy of workers that were rescued from work analogous to slavery. I choose to prioritize interviews as the main source of data because of the premise that there is a lack of studies based on the victims' participation in the remedy process.

#### 4.1 Scope and delimitations

Due to the diversity of sectors that exploit slave labor in Brazil, I choose to work with remedy process related to the agribusiness, which represented 68% (479 workers rescued) of slave labor's cases in 2015<sup>19</sup>. Agribusiness encompasses deforestation (1% of the cases), reforestation (6%), cattle farming (29%), vegetal extraction (5%), sugarcane (1%), charcoal (7%), among other types of farming (19%) (Plassat, 2015). In order to understand the challenges of getting remedy, I interviewed workers (Appendices A, Table 3) that were subjected to contemporary slavery and are now enrolled in remedy processes of financial reparation, land as reparation, and education as reparation. Their narratives are being understood as examples of experiences related to slave labor and remedy. Due the particularities and the subjectivity of life histories, these examples cannot be generalized to the overall group of people that were subject to slavery work in Brazil. However, the interviews can provide a valuable understanding of the perspective of workers while actively participating to achieve their rights in order to answer the research questions.

#### 4.2 Data collection and fieldwork

An important challenge in the data collection process was to find the workers that were subjected to contemporary slavery. The problem is that after the rescue by government's agents, most of them return to their cities, which, due to the continental dimensions of Brazil, can be very difficult to track. In order to reach the workers, I relied on "gatekeepers", human rights activists that work in different areas related to slave labor, that helped me create a network to contact the workers (Appendices A.1).

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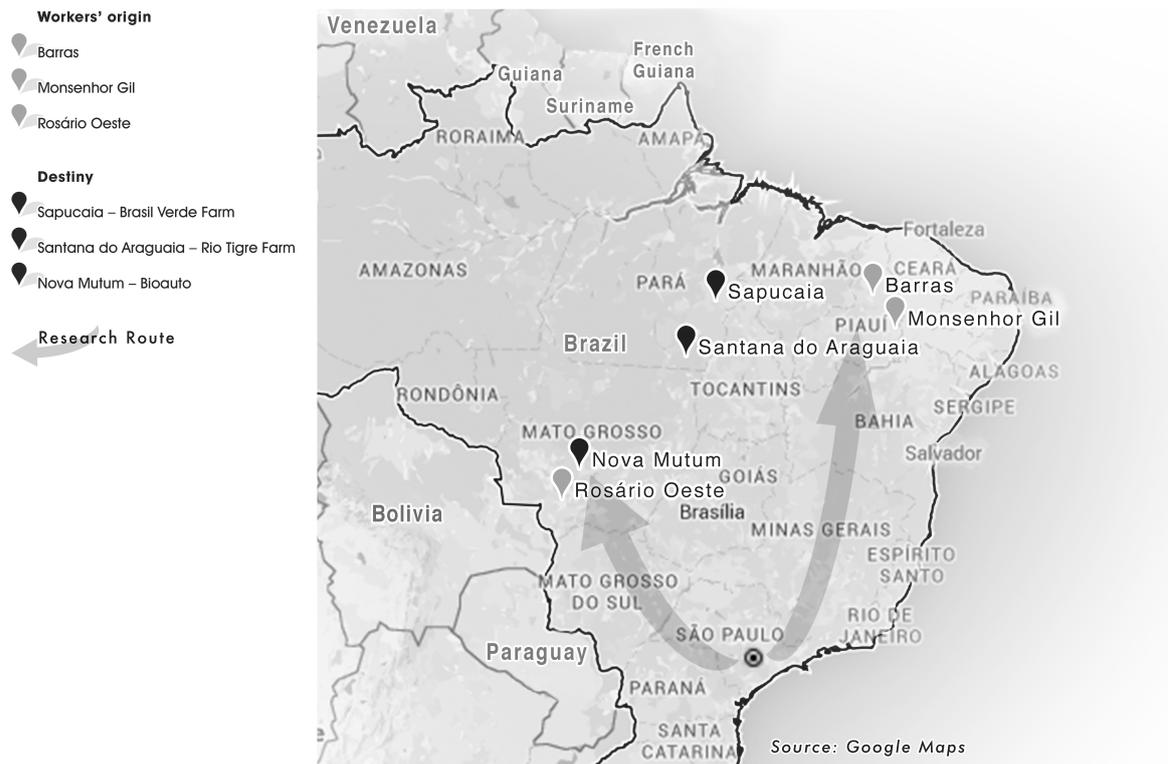
<sup>19</sup> In addition to agribusiness, the construction industry hold 13% of the cases in 2015, followed by the garment industry (4%) and the mineral extraction (3%). The difference is represented by other minors industries (Plassat, 2015)

I made two field trips inside Brazil: one to Piauí, on 26 March 2016, to meet workers that live in the cities Barras and Monsenhor Gil (Map 1), and another one to Mato Grosso, to visit Rosário Oeste, on 30 April 2016. Both states are far from São Paulo, where I was living, which brought some financial and logistic challenges. The first trip was organized after a contact with Pastoral Commission of Land (CPT), which has an important work in regions where the State fails to fulfill their obligations, fighting for the promotion of human rights of vulnerable rural workers and also to eradicate slavery labor. I was invited to participate in a meeting where CPT would present to the workers a summary of the first hearing in the IACHR, and also introduce me. I was able to record seven interviews with six workers and one of their wives, with approximately one hour each of them.

CPT also helped me get in touch with the workers from Monsenhor Gil. The city became famous as a rare case of “happy ending” in case of contemporary slavery. I visited the Settlement Nova Conquista in March 7, after making contact with one of the leaders of the local workers’ association. When I arrived in city, I had to take a “mototaxi” and walk for 30 minutes in an unpaved road to reach the settlement. When I arrived, however, my contact did not show up. Luckily, the workers I met were aware of academic research and decided to help me. It was a short visit, but rich as well. I made interviews with five workers, representing half of the families that live in the settlement. They gave up their lunch time, approximately two hours, to talk to me. Differently from the interviews in Barras, that were mostly all individual, in Monsenhor Gil, the workers choose to have a different dynamic, a collective interview, in a circle. It was an interesting process since their memories were not only challenged by me, but also by each other.

The second trip, to Mato Grosso, was made on April 29, after a contact with the Project Ação Integrada, an initiative that combines efforts to promote education for people that were rescued from slave labor and/or are in vulnerable situation. Initially, they found three workers interested in participating, however, due to logistic limitation, I managed to reach one worker who lives in Rosário Oeste. He received me in his house, where we talked for approximately one hour about the remedy process.

## Map 1 - Fieldwork



### 4.3 Methods

#### 4.3.1 Oral history interviews

Following Meihy and Ribeiro's (2011) Guide of Oral History, the reason that motivates me to work with oral history is the revolutionary character of working with human experience. In my experience as a journalist and historian, I have learned that regular deductive open-ended interview (based on a existent theory, problem or hypothesis), works better when it is possible to balance the power dynamic researcher/interviewee. When the power dynamic is unequal, the oral history's method seems more appropriate to break down possible barriers between the interviewee and interviewer (Thompson, 2002). This is because oral history allows both actors to be active individuals, united by the purpose of a project result that demands collaboration and connivance. In addition, recording people's experiences recognizes them as social actors, which can produce self-esteem (Meihy and Ribeiro, 2011).

This dissertation was built upon the narrative genre of thematic oral history, which is different from the life story genre. While in the first one, the narrator is conducted to answer specificities related to events in his/her life, in the later one, the interviewer avoids conducting in favor of the encouragement of a freer expression of memory (Meihy and Ribeiro, 2011).

I developed a script based on an inductive and open-ended model to conduct the interview, which follows three life events: (1) the search for the job; (2) the experience while engaged into the slavery condition; and (3) the experience after the rescue. These events were chosen as markers of the chain of slavery, which begins in the grooming of workers. I also kept a fieldwork journal, in which I wrote about the different stages of the research. The journal helped me to produce early inferences related to the interviews.

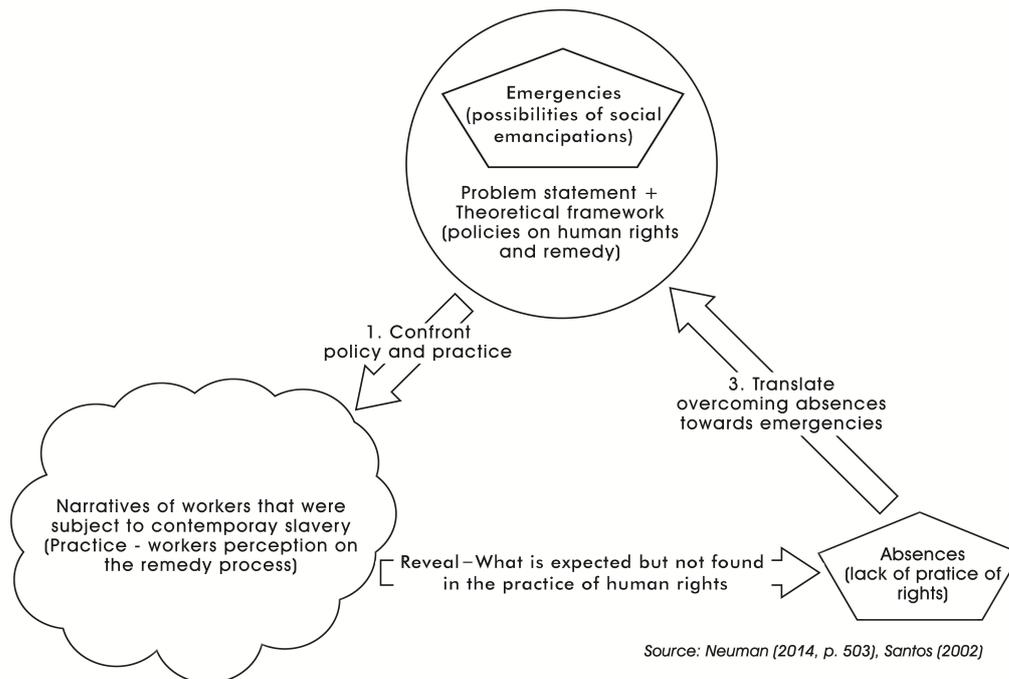
It is important to emphasize also that, although interviews provide enough information to make an analysis about the challenges of the remedy process, there are some facts related to more accurate dates and places that cannot rely only on the narratives. In order to fill these gaps, I am also using documents such as IACHR statements, articles from the NGO Repórter Brasil, related to the rescue of workers in the farms in Pará and Mato Grosso, information on the Ação Integrada Project and CPT reports.

In addition, I faced some technical problems to get the validation of the work: in Barras, Piauí, due to the lawsuit, the workers could not sign any paper. The solution was that I signed a term of commitment informing that this dissertation would not be published before the result of the lawsuit in the IACHR. In Monsenhor Gil and Rosário Oeste, due to the logistical challenges, all the workers agreed to sign the consent form in advance. Further, I called the workers to confirm information and validate the work. Yet, not all of them could be contacted by phone.

#### **4.3.2 Narrative analysis**

The narrative analysis will be built upon an adaptation of Boaventura de Sousa Santos' theory to the Neuman's framework of a negative case method, a qualitative data analysis created to examine the absence of what was expected" (Neuman, 2014). The negative case method is focused on "what it is not there", which can include different types of evidences: silences, absences, and omissions. The idea is to use detailed knowledge for a particular case, represented here by the workers' perspective in the remedy in case of contemporary slavery, to confront it with what would be expected in terms of human rights protection that can guarantee dignity, such as right to life, remedy, access to justice, housing, education, among others. The aim of this confrontation is to reveal the absences, in the form of lack of practice of these human rights. After revealed these absences, an exercise of translation will be used in order to propose collective alternatives to social emancipation. This process of analysis is demonstrated in Figure 1.

**Fig. 1 – Applied Neuman’s model of negative case method**



In summary, after having listened to the voices of the workers and collected data through interviews, I intend to use the narratives as an instrument to:

- 1) confront human rights and remedy policies with the worker’s interviews (practice);
- 2) reveal absences in the lack of practice of rights through the workers’ perception;
- 3) translate absences into emergencies to propose alternatives to social emancipation.

#### **4.4 Ethical concerns and self-reflection**

In the beginning of this research, my main concern was how to work with “victims” of human rights violation. I proposed to follow the principles of honesty, accountability, professional courtesy and fairness of the Singapore Statement on Research Integrity (2011). However, while knocking on people’s doors, I felt my research integrity was being challenged. Despite my promises of good intentions, I was received with a mix of suspicion and curiosity. Suspicion because although I am Brazilian, I am from São Paulo, the South, doing interviews in the North, with people that have different customs and costumes. Being a Southern researcher not related to any NGO or university the workers knew, made me someone not to trust. There was also curiosity. I have Northwestern roots, which mean that

I look like the people I interviewed (brown skin, curly hair), differently from the white Southern researchers they are used to receive.

I realized that while I was observing and talking and asking about other people's lives, I was also being observed and analyzed and challenged. Sometimes I felt that the workers were tired of people like me (researchers, journalists, lawyers), which made me very uncomfortable. Did it prevent the research to be done? No. It just made it more challenging and, I believe, richer as well. The most challenging task of this research was not to find the workers that were subjected to slave labor, as I thought, but to convince them that my research was worth their time. I managed to overcome these challenges by relying on another principle: the humility to admit that I earn much more than my collaborators with this research. In my persuasion talks, I explained that in short-term, their collaboration would help me to achieve a Master in Human Rights. However, in long-term, by challenging the dominant approach based on the assumption on peoples' "needs", my goal is that this dissertation will be a step forward to a better understanding of the remedy process and, why not, to the development of new public policies where the workers' voices have the main role.

## Chapter Five

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### 5. Findings

The policy of law is well settled in the Brazilian system with regards to contemporary slavery and reparation. As I mentioned before, the country not only recognized the existence of slavery but also developed a framework of laws to fight against slave labor. In this chapter, by presenting the workers' voices as an instrument, I intend to confront these policies with their practice in three different cases of remedy: *Brasil Verde Farm workers v. Brazil*; *Nova Conquista Settlement*; and *Ação Integrada Project*. The aim is to reveal absences, in the form of lack of practices of law, which are preventing the effectiveness of remedy measures.

#### 5.1 The case “*Brasil Verde Farm Workers v. Brazil*” in the ICHR

In March 2015, IACHR filed an application with the Inter-American Court regarding the Case 12.066, “*Brasil Verde farm Workers v. Brazil*. The claim was that since 1989 Brazilian agents have conducted inspections of the Brasil Verde farm to check on workers' conditions, however, despite the irregularities and even slave labor found in the farm, the State failed to guarantee that these crimes would not occur again (Organization of American States, 2015). Located in Sapucaia, South of Pará State, the Brasil Verde farm belongs to the Irmãos Quagliato Group, a large livestock company that owns eight farms in that region with approximately 200,000 cattle (OAS, 2015; Salomão, 2015).

The slave work in the farm affected mainly men of African descent between the ages of 15 and 40, who came from the country's poorest states, where there is few work prospects. Workers who managed to escape from the farm reported the existence of death threats, among other violations such as debt bondage system, lack of decent housing, food, and health care. Although the State did many investigations, which resulted in rescues of the workers and the payment of indemnity, the violations continued occurring over the years.

The IACHR released a report, in 2011, asking Brazil to comply with the law providing adequate reparation, both material and moral, for the violations; investigating claims of workers that disappear; and developing actions to avoid this situation to be repeated. After considering that Brazil had not complied with the recommendations, the IACHR submitted the case to the ICHR. It was the first time that a case of slave labor reached the Court.

I contacted CPT, which is leading the lawsuit together with CEJIL, to check the possibility of interviewing the workers. CPT was very receptive and put me in contact with an

agent who worked in Teresina, Piauí's capital. I was invited to participate in a meeting in Barras, with the workers, where CPT would present a summary of the first hearing in the ICHR, and also introduce my project to seek for collaboration. Located 130 km from the state's capital, Barras has 46 thousands people, and a low Human Development Index<sup>20</sup> (HDI) of 0,595 (UNDP, 2016). The city's economy is based on subsistence farming, government's activities and elderly's pensions.

In the meeting, just a few workers appeared to hear the news. I could observe that they were very anxious with the possibility that the process would be over soon. Most of them have worked in Brasil Verde in the beginning of 2000. I was introduced the Luiz Doca, Diogo, Careca and José Pitanga<sup>21</sup>, who had been working at the same time in the Brasil Verde farm. Later, by intermediation of the workers, I would meet Gonçalo and Conrado.

I visited the workers in a very sensitive moment for the process of concluding the reparation. In the meeting, the CPT agent explained that there was no guarantee that the Court would decide if the Brazilian State would have to pay any monetary reparation to the workers. However, the agent said they were optimistic since from their point of view, Brazil failed to present a plausible defense. Luiz Doca (2016), 58 years old, took the floor to argue: "Why the State decided to rescue the workers then, if there was no slave labor? Following his statement, the next section will confront the workers' experience with the public policy.

### **5.1.1 Remembering the past in the search for reparation**

Luiz Doca is a retired "peão de trecho" (literally "pawn in transit"), a rural worker that spent his life from farm to farm cutting up "juquira", the different types of bushes that are preventing the expansion of the plantation fields. Before Brasil Verde, he had spent 12 years on the road. The lawsuit against Brazil has seemed to change his life and also the life of the other workers I had the opportunity to talk to in Barras. After 15 years of the rescue, they have been reviving the past as a strategy to search for their rights. Luiz Doca and his companions seemed to be used to repeating their histories in order to support their claim for reparation. I had to be very careful in explaining that my purpose was strictly academic.

While examining the past, the workers' narratives showed converging realities marked by oppressions and silences that seemed to have been normalized. They described their life on the road, the hard work, the difficulties to be paid, the humiliations, and the fear as a "normal"

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<sup>20</sup> HDI is a measure of achievements of human development related to a longevity, education and income (UNDP, 2016).

<sup>21</sup> I order to respect workers' individuality, I will write only their social names. Their complete names are referenced in the Appendices A – Table 3, and in the Bibliography.

working day practice of the agribusiness. However, the business they know are not the one used to illustrate the Brazilian propaganda worldwide. It is the one that works in the shadows with their own recruiters, the “gatos”, agents of the farms that traveled to poor areas in search for cheap manpower, with false promises of good payments for temporary positions. When the workers realize that all the promises were lies, it was too late. They were already far from home, without money and vulnerable to all sorts of abuses.

To be efficient, the “gato” is usually someone known by the workers. He needs to show some credibility, since it is in the moment of grooming that the workers formed a non-written contract based, most of the time, only on promises and words. This practice does not seem to be fading away in Barras. All the workers I interviewed affirmed that every week groups of young men are still being groomed to work in areas of agriculture and civil construction. The older workers are used to give tips to the new ones concerning precautions they must have. Diogo (2016), 70 years old, frequently shares his experience as someone that used to go on the road with only promises and dreams of a better life.

Nowadays, the one who wants to leave home has to know with whom he is dealing with; and to where he is going to. A person cannot leave by chance. Sometimes you think you are going to the right place and end up in the wrong one. You have to check everything very carefully (...) verify the name of the place, who is going by whom, to inform the justice accordingly.

Although it did not mean that they were all in danger, the narratives of the workers show that the grooming for slave labor purpose is still common in their reality. Having this normalization of the recruiting practices in mind, it is possible to infer that there is an absence in the lack of practice of labor rights in the search for work. But how these absences are created? Is it only product of Brazil’s negligence? I would say no. It is not a matter of policy or regulation. The labor rights exist (in the national and international framework) and the workers are entitled to them. Moreover, the access to these rights can be made in the moment of rescue, as I will discuss later. It is necessary to go deep and examine this absence as a product of the monoculture of capitalist productivity, proposed by the sociology of absences.

The un-skilled rural worker seems to be a problem to this model of productivity that disqualifies him as the ignorant, the residual, the inferior, the local, the nonproductive, in the opposite of the productivity, the literacy, and the superiority of the global capitalist citizen of rights. There is a way of including this worker into this model as a disposable asset. But in order to do that, he has to be deprived of the human rights that would guarantee him fundamental dignity. Santos (2010) explains that the logic of “appropriation” of rights is raised behind the tensions between regulation and emancipation outside the mainstream

societies. This logic just recognizes the rights of things, human or not human, as a tool to raise profits. Therefore, it was possible to infer that companies rely on State's negligence towards labor rights to operate the contemporary slave market. It is important to notice that the State that neglects workers' rights functions as a double agent, also promoting these rights, as will be shown in the next section.

### **5.1.2 Facing slavery, restoring dignity**

The workers described that there was a mix of fear and excitement involved in the experience of being rescued. Luiz Doca said he was surprised when the police arrived, since it was the first time, after he had been working in farms for 12 years, that something like that had happened. When he saw the guns, he thought that everybody was going to die, but then the police explained that they were there to verify a complaint and the ones that wanted to leave could go, but they also could choose to stay. Luiz Doca (2016) explained their decision: "Who would want stay in a place like that? Everybody left".

Luiz Doca recognized that the rescue was only possible because of the action of one worker, José Pitanga, who had escaped. José Pitanga, 45 years old, who has a disability that prevents him to bend one of his knee, complained that the payment for the day worked, approximately R\$ 0,75 (€ 0,2), was far from the good salary promised by the "gato". The work conditions were not as good as well. This perception, however, is not the same for all workers. Gonçalo, 58 years old, for example, said the problem was only the low payment. Before going to Brasil Verde, he had worked twice in the sugarcane plantation in the South of Brazil. When I asked about the work conditions, he said: "Nothing unusual. It was good" (Souza, 2016). He recognized there were threats, but he was used to it.

José Pitanga, however, after nine days working under these conditions, decided to stop, and call other workers to protest. After being threat with violence, Pitanga (2016a) decided to run away from the farm with another worker:

(...) the other workers were afraid. When it was five in the morning we fled. Around eleven thirty (or noon), we manage to reach the road. But after a while, we saw the farm's car. We decided to walk into the woods until reaching the city. We had only our body clothes. Through the woods we walked, and walked, and walked, always afraid of jaguars. There were a lot of jaguars in that area. But I do not worst to die. The trees in Pará are tall and thick. We climbed [when there was a sign of jaguar]. We slept in a tree that had a hole where a person could fit stand. One had to be brave. We spent three days and three nights until we reached Marabá (Pará capital, where he could find the police).

Important to notice that José Pitanga used the word "flee" (fugir, in Portuguese) to

explain how he left the farm. Nowadays, nobody “flees” or “escapes” work, people are fired from, quit, or at the most, abandon work. The word “flee” has a historical connotation. In the 19<sup>th</sup> century, it was common cases of “fugitive slaves” that fled from the farms. Among the workers, people that escape are seen with some contempt, as the ones that do not want to pay their debts or simple do not want to work. Luiz Doca, for example, is proud to say that he has never escaped. He sees the work as a matter of honor, despite the bad experience it is providing. The other workers I have interviewed also seem to share his perspective. It shows a naturalization of the oppression. One could wonder if it is possible to overcome ideas that are so internalized in the workers mind. I cannot guarantee it is, but also would not dare to say it is not. The case of Pitanga will explain why I rather follow a more optimistic approach.

José Pitanga showed some characteristics that Boaventura dos Santos Souza (2014) call rebel subjectivity, which made him challenge situations, against conformist, routinized behavior, that others would comply with. Differently from other workers, that were used to live on the road, it was his first time in a farm so far from Barras. In front of what Pitanga believed was a death threat to him and to his co-workers, he decided to escape and ask for help. The climax of his action was the rescue by government’s agents.

Careca, 58 years old, celebrated the rescue. He was the farm cook, and travelled to Brasil Verde with his wife and a four-year-old daughter. He said that the work conditions for him and his family were not so bad. They had their own tent and a signed contract. The problem was the frequent humiliations that he saw other workers suffer. He also said that when the police arrived it was a scary moment. “Imagine a person you do not know arriving and holding guns. Some people run to the woods afraid” (Silva, 2016).

This narrative is common among the workers. The police, as the agent who enforces the law seems not to be trusted, not entirely anyway. It is not clear, however, if the workers are afraid of the police acting on behalf of the State or the farm owners. In all interviews, relatives of workers contested me about my motives for doing this research. They seemed afraid. I was even accused of being a spy, due to a problem of communication between the CPT and CEJIL that misled some workers to believe that I could be representing the farm. Careca (2016) explained the situation: “The one who was threatened before has fear”.

It seems like all the workers and their relatives know someone that disappeared while on the road. It is the case of Dona Moça, Luiz Doca’s wife. She lost her first husband and her older son to “farms”. She does not know what really happened. They just left for a job opportunity and never returned. Dona Moça never went to the police, but she still has hope to see her son again. She explained that it is not an isolated case (Souza, 2016b): “There are

many, many people who disappear like that and never return”.

The moment of fear was replaced with joy when the workers understood that the police was there to rescue them. This is how Diogo (2016) defined his experience: “When the police arrived, I got courage. I got a new soul”. Diogo’s “new soul” can be represented by the moment of the workers’ dignity was restored by the enforcement of the law. They were no longer disposable people, they were citizens of rights. However, this was also the moment were many workers have to faced the concept of slavery labor for the first time. José Pitanga (2016a) said that in the rescue he understood the things he had heard in the farm.

When we arrived in the farm, some people said: ‘the slaves just arrived’. [I thought] what are they talking about? Slave labor. Who are the slaves? I do not have an iron chain in my feet. [Later] a manager swore to tide us with a chain to make us work. There was a guy from Maranhão that said: ‘You can put a chain in the others, but if you try to put it on me, I will take your head off with this sickle. I will kill you’. The manager laughed. He was walking around with a car full of guns.

It is interesting to notice the case of another worker, Conrado, 50 years old. He heard that there was someone interviewing about Brasil Verde farm and decided he wanted to give his testimony. He worked in the farm in the late 1980, and would like to know if he could be enrolled in the process. After I explained that he should talk to someone from CPT, he told me that the work in Brazil Verde farm was not bad. Conrado spent nine months in the farm and despite the humiliations, it was good for him. “These farms are all the same. Some of them are good, others bad. But none of them are really good” (Cruz, 2016). He only felt like doing slave work in his last job. The company Arthur Emilio de Carvalho Oliveira, from Maranhão, hired him in 2011 as a rural worker for a minimum salary a month. After six years and a serious accident that almost cost his life – a house’s wall that was being demolished fall off his head –, he felt that the indemnity he received after being fired was not enough. He wants reparation from the company that treated him as “slave”. This shows there is a thin line between the perception about slave labor and irregular works.

After these narratives, it is possible to infer that there is a paradox in the moment the workers are rescued by the government: they have to be recognized as slaves to have their rights guaranteed by the law. Before that, they were invisible for justice, working in a system that operated in the shadow of the State’s negligence and companies’ greed. However, this process of restoration of rights seems not to be enough to guarantee the dignity once lost.

Labeling the workers as a victim of slave labor can free them of the exploitation of the body; however, it also reveals another form of domination that can lead to the naturalization of differences, created by the monoculture of classification. Here the absence in the lack of practice of rights is produced under the form of an insuperable, because natural, inferiority of

the worker. In other words, after being classified as a slave, the worker seems not to completely overcome this inferiority. The lack of justice to the perpetrators and solution of cases of enforced disappearance just seem to support this idea.

The echoes of this absence affect not only the worker, but also their family. Although it has been 15 years of the rescue, they are still living in fear of death, represented by what seems to be an “insuperable” lack of security (social, economical and physical) brought by the ghosts of all the unresolved issues of the period they were under the slave system. This shows a lack of practice of several human rights, starting to the right to life and right to security of a person that jeopardize the worker’s dignity even after the rescue.

### **5.1.3 After freedom: perception on workers’ “wants” and “needs”**

The workers I interviewed confirmed they have received an indemnity related to their labor rights after the rescue. However, the value was considered by them as a token, something to please them instead of their labor rights. There is no consensus among the workers about the exact value they have received, some of them talked about a minimum salary, which by the time they were released was R\$ 151,00 (€ 37) (TRT18, 2016). Luiz Doca (2016) explained his situation:

I do not have one sandal I bought with the money I earned in the farms. What I have today, thanks to God, I got in here [Barras] working on my own [subsistence] crop. This thing that people believe – to go around the world to make money – is a tale. It does not exist. It is just a tale that the men have.

After freedom, some workers returned to the “gato” system; others found daily low paid jobs in the small farms in Barras. In both cases the workers still struggle to overcome vulnerabilities. That is why the lawsuit against Brazil is seen as a possibility to improve their life conditions. José Pitanga, Gonçalo and Careca expected to earn some money with the process. While the two first dream to build a house with the reparation money; the later wants to use the money to pay for his health treatment. They explained that there was an attempt of agreement made by the government, such as the one in the case José Pereira, in the IACHR. However, the amount was considered not enough. Some workers talked about R\$ 5,000 (€ 1,247), other in R\$ 10,000 (€ 2,495). José Pitanga wants R\$ 15,000 (€ 3,742).

Diogo and Luiz Doca, on the other hand, told me that if someone had asked them, they would prefer to receive land, and the subsidies to produce, instead of the money. Diogo wants to buy some land and abandon the model of leased areas that he uses to make his small crop.

Luiz Doca (2016) also has ambition: “Today I have a small area, but it is not enough. I want 20 hectares to work and raise my animals. If you have a land, you have something to grab into in times of need. If I won R\$ 5,000, R\$ 10,000, I would spend it.”

The only one that brought different aspects of reparation was Dona Moça. She hopes that winning the process could help the workers to restore their self-esteem. Dona Moça seems preoccupied with a different aspect of workers “wants and needs: the possibility to “empower” them to heal. It seems that her goal is to challenge her own reality: “The destiny of the poor is to be afraid of everything, afraid that something could be complicated, afraid to denounce a person and to be in danger because of it” (Souza, 2016b).

Dona Moça believes she is fighting for justice. However, it is interesting to notice that the concept of justice is focused only on the omission of the government. I asked the workers what they think about the company’s role and the answer was always the same: they do not think about it, mostly because they are afraid of the farm owner. In the perception of the workers, the relationship between justice and punishment is focused only on the “gato’s” (and other farm workers’) responsibility for the exploitation.

One could wonder if there is something more to do, beyond the juridical sphere, in order to fulfill the workers “wants” concerning the reparation process. It seems that the workers have a subaltern role in the process of getting remedy, which is related to a characteristic of the justice system. Their access to justice is made by intermediaries able to pursue the law in the name of the “victims”. It shows an absence in the lack of the practice of the right to participate. This non-existence appears in the form of ignorance and lack of culture of the workers to have the central role in the decision regarding to their lives. Their “needs” are discussed in different spheres, where their voices not always can be heard. For example, in the first hearing in the ICHR, there were specialists in contemporary slavery in Brazil making the technical assessment on behalf the workers<sup>22</sup>. The lack of participation can reveal that the workers “wants” are not priority, on the contrary, it is an assumption of “needs” that are guiding the process of remedy. In the next Chapter, I will introduce a different case, where the workers “wants” were priority in the reparation.

## **5.2 Nova Conquista Settlement: land as a “way out” of slave labor**

The case the workers of the Association Nova Conquista Settlement, located in Monsenhor Gil, 56 km of Piauí’s capital, Teresina, caught the public attention in 2014, when

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<sup>22</sup> According to CPT, there was the intention to take some workers to the hearing, but the Court said it was not necessary.

they received the Brazilian Human Rights Prize for Eradication of Slave Labor from the hands of the president Dilma Rousseff. It was the first time in Brazil that a group of workers that were subjected to slave labor conquered a “right” to land as a reparation.

The fight for their rights started in June 2004, when 78 workers were rescued by the Special Group in the Rio Tigre Farm, located in Santana do Araguaia, Pará. The owner of the farm, Roserval Alves dos Santos, is a doctor in Goiânia. Among the workers, 15 were from Piauí, all from Monsenhor Gil (Plassat, 2014). As well as Barras, Monsenhor Gil is a pole of exportation of non-qualified and vulnerable workers for other regions. The city has 10 thousands inhabitants and a medium HDI of 0,615 (UNDP, 2016).

The workers organized themselves in a group of “migrant workers” to discuss their rights. In 2006, they got financial reparation from the owner of the farm, which had been enrolled in a civil process. The amount, however, was not enough to change their life conditions (Pyl and Hashizume, 2009). They wanted their own land. It was a long process. They had to be registered in the National Institute for Settlement and Agrarian Reform (INCRA) to be provided the ownership of the land that they helped choosing: an area of 2,260 hectares, 25 km from Monsenhor Gil’s center, which could receive 52 families. They received the land in 2009. However, the construction of the basic infrastructure – houses, street illumination, and artesian well –, came only in 2012.

I visited the settlement in March 2016. I was hoping to find a prosper, even though small, settlement. But it was quite the opposite. Only ten, from the 41 families that got the ownership, were actually living there. The structure of production, that was supposed to be based on financial resources from the National Program of Strengthening Family Farming (Pronaf), was not finished yet. The families were living mostly from small production of rice, corn and cassava, which they sold in the local markets. Without proper structure of irrigation, they could not produce the entire year. The lack of conditions made people leave to search for jobs in the city. In the next section, I will present the story of the three brothers Souza do Nascimento, which decided to stay in the settlement despite the hard conditions of life.

### **5.2.1 The brothers’ Souza do Nascimento**

The story of Francivaldo, 40 years old, Franciano, 32 years old, and Francinaldo, 30 are not that different from the workers in Barras. They were groomed by a “gato” with fake promises of wealth to work in the cattle farm Rio Tigre. They realized there was something wrong with the payment, but they never thought it was related to slave work. The poor

conditions of labor they faced were “normal”. They got surprised when the police arrived after someone – they do not know who –, complained about the farm. The rescue was a very exciting moment. The farm manager realized an inspection that was going to be in course the next day, and decided to release the workers. They resisted and stayed. If they had not done that, the police would not have found anything. After the rescue, only Francivaldo went back to the road for three more years to work in a sugarcane plantation in São Paulo, before settling in Nova Conquista, with his brothers and father, Francisco, who is also a rural worker.

Differently from Barras, the brothers did not seem interested in repeating their story over and over again. “It has been a long time all of this”, told me Francinaldo (2016c). They do not seem to want to revive the past anymore. They have been in the process of getting reparation and they won what they wanted: land. The brother’s told me that journalists and researchers from Germany, Canada, Switzerland, Angola and United States visited the settlement to know about their stories and how they earned the land. It was time of excitement, but that is all past now. They want to talk about the present: the lack of resources that makes other people leave the settlement; the production; the structure; the government.

Together with other families that live in the settlement, they are trying to obtain the credit that was promised by the government to make the settlement competitive. It is the case of Jorge, one of the rural workers that share the ownership of the land in the settlement. He is the president of the workers association, but he was never enrolled in cases of contemporary slavery. He lived in São Paulo during the 1990’s working as an electrician and as a plumber for construction companies. He explained that the system of grooming in construction is similar to the one of rural workers: big companies outsource their services to small companies that hire the “gato” to find workers. He said that every Friday buses from Monsenhor Gil go to São Paulo with people to sugarcane plantation and construction sites. However, he would never return to his life in São Paulo, even believing that he could earn much more money there. As Souza do Nascimento brother, Jorge believes his future is working in the settlement.

The workers told me that they earned, initially, R\$ 3,200 (€ 800) from government subsidy, plus R\$ 600,00 (€ 150) to buy food and equipment. However, without irrigation system, they cannot produce during the entire year. For example, this year the brothers were expecting to produce 230 bags of rice. However, due to the large dry period, they think they will get at most 110 bags of rice. Their focus now is to get the irrigation well, which will allow them to produce during the summer. The settlement has one well, that attends the houses, which cost R\$ 153.782,82 (€ 38,373), number that Jorge knows by heart. He thinks it was overpriced, and they could have had three wells with this amount of money.

While the production is not working properly, the workers in the Nova Conquista have been living with the support of the Bolsa Família program<sup>23</sup>. Despite the difficulties, however, the workers emphasize that nobody in the settlement is suffering from starvation. This is a criticism to the ones that decided to leave. They believe their capacity to pressure the government is reduced nowadays, since a lot of people have abandoned the settlement.

Although it is visible the conflict recreated by the lack of government's investments, which was expected in the process of agrarian reform, the workers seem to blame their peers for the situation. Francisco (2016), the father of the brother's Souza do Nascimento, believes that the solution is to give the land for people who "want to work", like them. Jorge (2016c) explained the problem: "If INCRA arrives here to an inspection, the resources will be canceled. They will say: 'how can we make a project for you, if you are not even living in the land'". These difficulties are making the workers fear the destiny of the settlement.

Following their narratives, it is possible to infer that the Nova Conquista Settlement is the product of an incomplete remedy process. If on the one hand, the "wants" of the workers was priority for the public policy, since the process started because of their initiative; on the other hand, the worker's "needs" to create a productive settlement was not fulfilled by the State. The settlement's "success", celebrated by the government, hides the production of absences that have deep-roots in the fight for land in Brazil.

There is a relation between the lack of right to land and contemporary slavery. Brazil is one of the biggest food producers in the world; however, its economy is based on a large-scale farm. It is an agriculture business without the agriculturist, as defined by the Argentinian economist, Miguel Teubal (cited in Porto-Gonçalves, 2015). This system does not only produce and export commodities, but also landless people<sup>24</sup>, such as the rural workers<sup>25</sup>, which displaced from their land by drought, deforestation, lack of job opportunities, and violence, are more likely to become victims of slave labor.

To break the circle of exploitation, the Nova Conquista's workers demand land as remedy, which helped to avoid the debate on the interpretations of the right to land<sup>26</sup>. However, without resources promised by the government to produce, the workers cannot compete in the commercial market with big agribusiness companies that have money,

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<sup>23</sup> The average amount of benefit in 2016 is R\$ 176 (€ 43) (Zero Hora, 2016)

<sup>24</sup> According to CPT, between 2000 and 2015 it was registered 5,782 locations in conflict involving an average of 97,399 families a year in rural areas in Brazil (Porto-Gonçalves, 2015).

<sup>25</sup> The agribusiness also affects indigenous people, quilombolas (black rural communities), and fishermen, among others.

<sup>26</sup> There is no mention to a right to land in the human rights framework, only related to right to land of indigenous (Convention 169) and women (CEDAW). But the human rights framework refers to other rights that can be tied up to the right to land, such as adequate standard of living, property rights and housing.

technology and access to public and private fund. In this scenario, the Nova Conquista Settlement was meant to fail, in order to reinforce the non-productiveness, the inferior condition of the workers in front of the monoculture capitalist productivity, represented by the agribusiness system (Santos, 2014). Other forces also influence in the creation of absences, such as the monoculture of the linear time, that locates the settlement in the condition of under-developed; and the monoculture of the universal and global, created in opposition to the particular and local represented by the workers initiative. These absences are created by the justification that once the settlement cannot be competitive since it is under-developed, in the global market; there is no reason for a “right to land” for the workers.

Again, here the government acts as double agents, on the one hand allowing the settlement to exist, and on the other, pushing its failure by the lack of investments. The critics of the agrarian reform use the argument of non-productiveness of the settlements very often to justify their position. Indeed, Nova Conquista Settlement is only one among other examples of why the agrarian reform in Brazil is meant to not promote social emancipation.

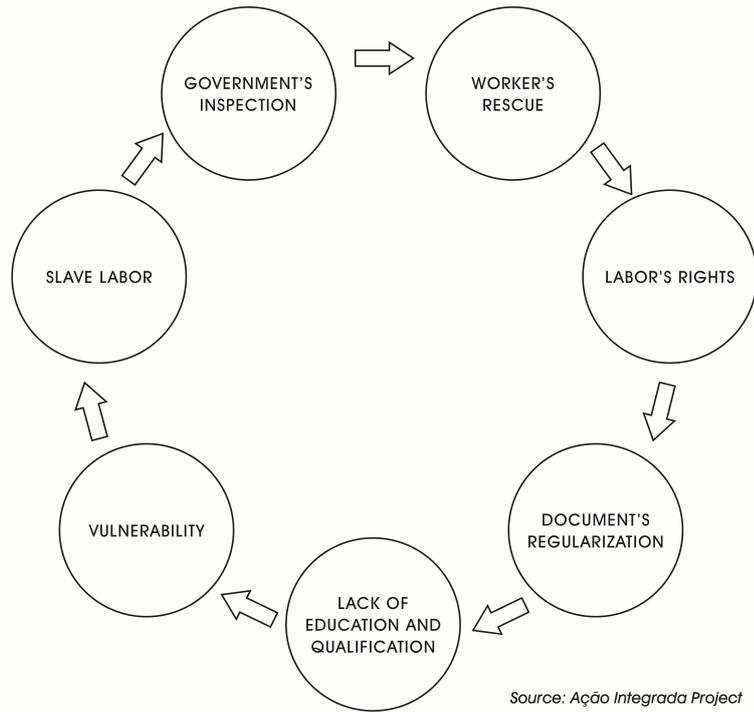
In the next section, I will present a different type of remedy initiative, related to professional capacitation and education.

### **5.3 Education as remedy: The Ação Integrada Project**

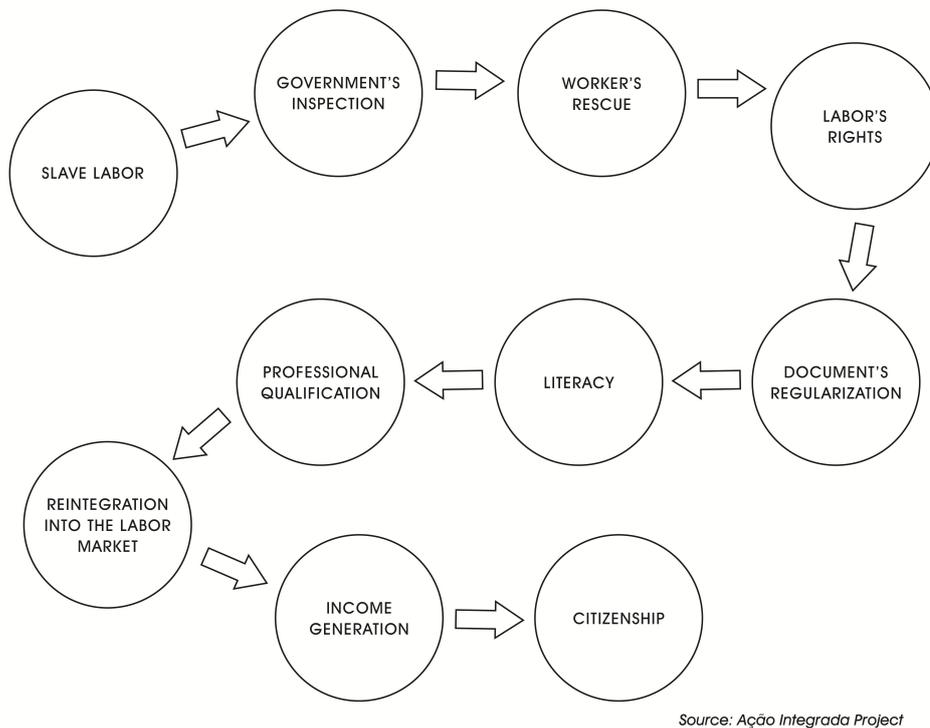
The Ação Integrada Project was created in 2009 in a partnership between the Ministry of Labour and Work and the ILO. The project targets male adults living in vulnerable rural or urban areas, with low level of schooling. The project is based on the premise that there is a correlation between the qualification of workers with their permanence in the labor market and with the promotion of employment and income. The scope of the project is the integration of a qualification policy with other public policies and the private sector to promote employment, education and regional development (MTE, 2010). The aim is to break the circle of slave labor (Fig.2) by promoting social emancipation of individuals that were rescued or are in vulnerable situation towards full and equal citizenship (Fig.3).

In order to do that, the project follows five pillars: (1) continuous psychosocial support of workers; (2) labor and human rights education; (3) improvement of educational level; (4); professional qualification; and (5) reintegration into public policies of employment or direct with companies. Mato Grosso, Brazil’s leader in soy and cotton production, hold the pilot of the program that now reached the states of Bahia and Rio de Janeiro. Between 2009 and 2015, the program approached 1,828 workers (547 rescued and 1,281 vulnerable). It helped to improve the qualification and literacy of 643 people (Ação Integrada, 2016).

**Fig. 2 – Contemporary Slavery Vicious Cycle**



**Fig. 3 – Breaking Contemporary Slavery Vicious Cycle**



I contacted the Ação Integrada to ask for the contacts of workers that have been enrolled in the project. Despite their effort – many workers have changed their phone number or said they did not want to participate –, the Project’s social workers manage to give me three names. However, due to logistic difficulties, I only could reach Joecil, 34 years old, who lives in Rosário Oeste, a city of 17 thousand inhabitants, located 90 km from Cuiabá. The city has an medium HDI of 0,650, and it is not much different from Barras and Monsenhor Gil in lack of job opportunities. Joecil shared his experience and perspectives related to have education as remedy for contemporary slavery.

### **5.3.1 Joecil’s chance for a change**

In 2008, a friend told Joecil that he found a job opportunity in the company Bioauto, located in the city Nova Mutum, 269 km from Cuiabá. The farm produced “pinhão-manso”, a species used to make biodiesel. Joecil took the opportunity. But as he realized a little bit late, the position was not what he expected. Joecil had to work without a labor contract for the first time. When the inspection from the government arrived, they asked the workers to stop immediately, and only returned if the company regularized their labor rights. Although he was working in the farm for only one month, he preferred to leave. He was afraid that the company could do something to them in terms of retaliation. There was no menace, though. However, after working in farms for six years, he preferred not to take the risk.

Despite Joecil’s perception that the issue of the labor contract was enough to legitimize slave labor, the inspection encountered people who were being subject to degrading conditions of work – no clean water, no sanitation, no proper place for eating, among other things. The company signed a Terms of Adjustment of Conduct (TAC) with the compromise of not to disrespect labor rights and had to pay indemnity to the workers (Pyl, 2009). According to Joecil, the government’s agents promised that he would be also enrolled in an educational program: “They said we would receive one year of scholarship, but it never happened”. It was only in 2015, that he received a call offering the course in Cuiabá.

Joecil liked the opportunity. He was struggling to find job in Rosário Oeste and decided that the capacitation was a chance for changing his situation. Once he has the guardianship of his 10 year-old son, Joecil had to move the boy from the school, to another one, near his sister’s house, so she could take care of him during the two months of the classes. Joecil (2016a) said the effort paid off:

We did a two month course of agricultural machines – theoretical and practical classes -, basic computing and EJA [literacy for adults]. I had studied until the fifth grade, but reached the first grade of the high school [after the two months course]. We stayed in the Migrant Pastoral, in Cuiabá. All the 20 students earned two months of minimum salary and everything we needed – toothpaste, bath towel, bus ticket and food. I left with a diploma. If it was not the course, I would not find the job.

Even with the course, he admits it was not easy to find a job. He spent four months searching for an opportunity, until a construction company selected him as tractor driver: “That is what I wanted, I work near my house, not a job that you have to leave your family, because you do not have another option. Here is great. I am home everyday” (Silva, 2016a). The educational and professional program fit with Joecil’s expectation. Now, he wants to finish high school, so he can apply for jobs in the city hall. However, he also mentioned that his dream is to have a “piece of land”, a guarantee for difficult times.

It is possible to infer that the program attended Joecil’s “needs” and “wants” related to professional capacitation. However, Joecil seems not immune from the absences in the lack of practice of rights that affects the other workers I talked. It seems that the lack of participation in the decision of his remedy process – he had to wait seven years for a phone call offering an opportunity –, and lack of right to land – wich make the possibility of having his own land only a distant dream –, also shorten Joecil’s opportunities.

In a short term, it seems that the initiative of offering education as remedy can provide important tools to workers avoid being exploited. However, it is important to remember that these workers are being trained for positions at the agribusiness and construction sector, which rely on the system of temporary positions. The fight against unemployment with education must also be seen very carefully, since the competition among workers is one important features of the capitalist system, in order to keeps salaries low.

In long term, however, one could wonder if education will be capable of transforming Joecil’s life; and also which kind of education is that to promote alternatives of social emancipation? These are important reflections, but they go beyond Joecil’s perception on the reparation he received. It needs more time and resources to follow up the workers that were enrolled in the project, which is a matter of further researches.

### 6. Conclusion

Brazil was the last country in the Western world to abolish slavery, in 1888. The echoes of the lack of reparation for the free ones are still visible in its society. Being either Black or Brown in Brazil mean to be more likely to suffer with violence, poverty, lack of quality in education, poor access to health, lower income and job opportunities. Therefore, it does not surprise that this population is the target of the contemporary forms of slavery. In order to overcome past mistakes, Brazil created a system to protect people from this new face of exploitation. However, the country's remedy measures seem not to be enough to guarantee that people will overcome the vulnerabilities that are leading them to slavery.

In order to understand what the challenges are that are preventing the effectiveness of the remedy system in Brazil, this research relied on the narratives of people that were subject to slave labor in rural areas. There reason for choosing the workers narratives as the main source of information is that contemporary slavery is a complex phenomenon that does not fit into one perspective, and although studies on remedy and slave labor are still scarce, one feature stands out: the lack of the victims' point of view.

Having this in mind, I choose to work with Boaventura de Sousa Santos sociology of absence, in order to think new alternatives to social emancipation where the victims have central role. The narratives of workers from Barras, Monsenhor Gil and Rosário Oeste showed that the main difficulty associated with pursuing reparation are related to the existence of public policies based only on the assumption of "wants and needs", regarding mostly on labor rights, without the workers participation. Through their voices, it was possible to reveal absences – defined as a lack of practice of rights –, which prevent the remedy policy to succeed.

These absences are related to monocultures, such as the capitalist productivity criteria, which see the rural worker as a non-productive asset that can only be included into the market as a disposable resource. The moment of rescue is where the workers have restored their labor rights. However, the remedy (labor indemnity) offered by the government seems to follow a literal interpretation of the principle of restoration, only good enough to restore the workers to the same vulnerable conditions that lead them to the slave labor.

The workers I had the opportunity to talk to seem to be aware of the limitation of the indemnity, no wonder they call the it a token, something to please them instead of their labor rights. However the extent of worker's awareness about their rights to remedy is very limited.

I noticed that there are misunderstandings regarding the difference between condition analogous of slavery and irregular work. This lack of information about their rights is an obstacle to pursue remedy. Despite the government's action to release the workers, their access to justice relies on NGOs and local Unions information. This shortage on worker's participation reveals absences produced by the assumption of workers' lack of culture or ignorance about their own "needs".

There is no spaces for the worker's voices to be heard, which raises a question about who should be responsible for creating these spaces: the State, the perpetrator, the NGOs, the community, the workers? In addition, once created, is the State read to respect the victims' "wants"? For example, although the workers from Barras seem happy with the possibility to earn some money, it is unlikely that the amount will promote any significant change of their vulnerable situation. When I asked what would be effective reparation in their opinion, some of them said they would prefer to receive land. It is also the case of Joecil, the worker who attended a course in the Ação Integrada. The workers associate land with the possibility to remain in their own city, near their families and also, as a guarantee for the moments of difficulties. However, the example of Monsenhor Gil showed a project that was meant to fail and legitimize the assumption of "natural inferiority" of the workers, incapable to compete in the capitalist market. It seems that not only the State is not read to comply with the worker's wishes but also will not make any effort in order to do so.

To conclude, the absences that prevent the effectiveness of the remedy process go beyond the lack of practice of labor rights, Therefore, any reparation measure that intend to promote social emancipation have to deal with the absences of right to participate, to security, to adequate standards of living, to health, to adequate housing, to education, and also right to land. These absences hide behind policies that show Brazil promoting human rights, such as the proposals to offer professional education, and even agrarian reform to facilitate the reintegration of the workers that can be found in the National Plans to Eradicate Slave Labor.

These proposals have been effective only in the paper and I wonder if they have any chance to succeed without the workers participation anyway. I believe further investigations would be appropriate in order to understand the effectiveness of remedy policies in broader cases of study, reflecting not only the male rural workers' perspective but also the one of their families, women, indigenous people, children, immigrants, refugees, among others, that were enslaved in different industries. There is an entire field relating perspectives of victims on remedy measures in cases of slave labor to be explored. However, by now, it is already possible to do an argumentative exercise showing that the workers narratives pointed out

opportunities to transform absences (lack of practice of rights) in emergencies (possibilities of future) to reach social emancipation, which will be developed in the next section.

### **6.1 Policy recommendations**

Taking in consideration the finding of this dissertation regarding the lack of practice of rights that challenges the remedy system, the following recommendation are given to Brazil to improve the existent policies of remedy in order to make some steps towards the promote social emancipation of workers that were subject to contemporary slavery.

1. It is of critical importance that police makers avoid assumptions on victims' "wants and needs" towards the creation of remedy measures that include people that were subject to slave labor in the core of the decision-making process. The lack of participation, pointed by the workers interviewed in this dissertation, can jeopardize the efficiency of the measures. A way of putting the victim in the center of policy decisions is to create spaces of dialogues, that could follow the model of the CPT's "migrant houses", in areas of exportation of workers, where the consultation could be made during the policy development and implementation.

2. Although most of the workers I have talked to demonstrated fear of the farmer owner, they do not seem to seek revenge, which shows an opportunity to create spaces of conciliation between companies and the communities. This approach could help reduce the worker's feeling of lack of security. The idea is to go beyond the monetary aspects of reparation, to emphasize the symbolic and moral intent. Despite companies names are displaced in the Dirty List, they do not have to recognize the violation, just to pay for it. Public apologizes can be an important action to restore people's dignity. The spaces of conciliation could be funded with public and private in the cities enrolled in slave labor. It could offer regular human rights courses, besides of sheltering a library on slave labor, and also a museum of the person, where the workers could to keep their histories to the future generation.

3. In order to finance the actions mentioned above, Brazilian states could use the money of the Fund to Eradicate the Slave Labor, an initiative that already exists in some states, such as Mato Grosso. The idea is that the fund will receive the money from collective damage actions paid by companies in agreements with the federal government. Nowadays, decision on how this resources should be used rely mostly on the experience of judges and public prosecutors,

with no guarantee that projects related to contemporary slavery will be the ones contemplated.

4. There is a relation between the concentration of land and the contemporary slavery. The people I had the opportunity to interview are mostly landless rural workers obliged to find job in different areas of Brazil. Although it is not possible to affirm that all workers search for land as remedy, it is true that some of them see a relation between land and security. Reparation for slave labor focused on the agrarian reform can be an option to break with the cycle of slave work. However, the police must be consistent and not only based on land transfer, as the case of Monsenhor Gil. In order to do that, it is urgent the approval for the Project of Constitutional Amendment 57A/1999 (PEC of Slave Labor; Repórter Brasil, 2016) that provides the rules for the confiscation of properties of companies and individuals that exploited slave labor. This instrument would discourage farms to use slave labor, sending a message that Brazil does not tolerate this gross violation of human rights.

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## Appendices A

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**Table 1 - Differences between the historical and the contemporary slavery**

	<b>Historic Slavery</b>	<b>Contemporary Slavery</b>
Legal ownership	Allowed: the governments guarantee by law the right to possess slaves, that were seeing as a product	Prohibited: since the Slavery Conventions it is illegal to keep property of another person
Purchase cost	High: peoples wealth could be measured by the number of slaves	Very low: the slaves are not bought but enticed with promises and most of the times, the “employer” only spend with transport
Profits	Low: the owner had to spend with maintenance of the slaves	High: If someone gets sick they are just replaced
Workforce	Scarce: it would depends of the trafficking of people, prison of indigenous or the birth of babies in captivity conditions	Disposable: there are a lot of people unemployed in vulnerable conditions that are easily enticed with fake promises
Relationship with the owner	Long-term: people could live their entire lives in captivity and also their descendants	Short-term: very often people are enticed for works between 3 months and 3 years, after the work is done, there is no point keeping the person
Ethnic differences	Very important: the slavery system was based on Black African workers	Not important: the slaves are poor people, despite their skin color. Although in Brazil, most part of the people being enslaved are African-Brazilian
Maintenance of order	Menaces, physical punishment and even murder to serve as example for others slaves	Menaces, physical punishment and even murder to serve as example for others slaves

Source: Bales (2012), Brasil (2009)

**Table 2. Terminologies on slavery**

<b>Authority</b>	<b>Denomination</b>	<b>Norm</b>	<b>Definition</b>
League of Nations 1926	Slavery	Slavery Convention	“The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” s
ILO 1929 and 1957	Forced or compulsory labor	Convention 29 Convention 105	“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”
UN 1948	Slavery or servitude	UDHR	Do not specify a definition of slavery only that “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”
Brazil 1940 and 2003	Condition analogous to slavery	Brazilian Penal Code	“...subjecting to forced labor or the exhausting journey, or subjecting to degrading working conditions or restricting, by any means, their locomotion in debt ratio contracted with the employer or agent”
UN 1966	Slavery and Servitude	ICESCR and ICCPR	Do not specify a definition, but determine that no one should be subjected to degrading working, forced or compulsory labor. However, as the Convention 29, has provision to allow “forced or compulsory labor” in certain cases
OAE 1969	Slavery, servitude, forced or compulsory labor	American Convention on Human Rights	Do not specify a definition, but stats that no one shall be subject to slavery or to involuntary servitude, as well as forced or compulsory labor however, as the Convention 29, also allows it in certain cases
International Criminal Court 2002	Enslavement, sexual slavery	Rome Statue	Defines enslavement as a crime against humanity. “Enslavement means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children”
United Kingdom Secretary of State 2015	Slavery, servitude and forced or compulsory labour, and human trafficking	Modern Act	Defines that the a person commits an offence if “...holds another person in slavery or servitude (...); requires another person to perform forced or compulsory labour...”

Source: Andrade and Barros (in Prado and Galvão, 2013, p. 145), United Kingdom (2015)

**Table 3. Basic information on the workers interviewed in this dissertation**

Name	Age	Company	Currently address	How I meet the collaborator	Data of the interview
Luiz Cicinato de Meneses (Luiz Doca)	62	Brasil Verde Farm, Sapucaia (Pará)	Barras, Piauí	In a CPT meeting	29 February
Maria do Rosário Souza* (Dona Moça)	-	-	Barras, Piauí	In a CPT meeting	29 February
Francisco Mariano da Silva (Careca)	58	Brasil Verde Farm, Sapucaia (Pará)	Barras, Piauí	In a CPT meeting	1 March
Francisco das Chagas Diogo (Diogo)	70	Brasil Verde Farm, Sapucaia (Pará)	Barras, Piauí	In a CPT meeting	1 March
José Francisco Furtado de Souza (José Pitanga)	45	Brasil Verde Farm, Sapucaia (Pará)	Barras, Piauí	In a CPT meeting	2 March
Gonçalo Firmin de Souza (Gonçalo)	58	Brasil Verde Farm, Sapucaia (Pará)	Barras, Piauí	Indicated by José Pitanga	3 March
José Conrado da Cruz (Conrado)	50	Brasil Verde Farm, Sapucaia (Pará)	Barras, Piauí	Indicated by Luiz Doca	4 March
Jorge Luiz N. Souza* (Jorge)	49	-	Monsenhor Gil, Piauí	Knocked on his door	7 March
Franciano de Souza Nascimento	32	Rio Tigre Farm, Santana do Araguaia (Pará)	Monsenhor Gil, Piauí	Indicated by Jorge Luiz N. Souza	7 March
Francivaldo Souza do Nascimento	40	Rio Tigre Farm, Santana do Araguaia (Pará)	Monsenhor Gil, Piauí	Indicated by Jorge Luiz N. Souza	7 March
Francinaldo Souza do Nascimento	30	Rio Tigre Farm, Santana do Araguaia (Pará)	Monsenhor Gil, Piauí	Indicated by Jorge Luiz N. Souza	7 March
Joecil Benedito da Silva	34	Bioauto, Nova Mutum (Mato Grosso)	Rosário Oeste	Indicated by Ação Integrada Project	30 April
Francisco das Chagas do Nascimento*	59	-	Monsenhor Gil, Piauí	Indicated by Jorge Luiz N. Souza	7 March

\*These are rural workers in vulnerable conditions that were also also affected by the echoes of slave labor. Dona Moça is Luiz Doca's wife; Francisco is the father of the Souza do Nascimento brothers; and Jorge is the president of the Nova Conquista workers association.

### 1. Informal talks, meetings and interviews with “gatekeepers”

- Anália Ribeiro, human rights activist specialist in trafficking and sex slavery.
- Leonardo Sakamoto, founder of the NGO Repórter Brasil and advisor to the United Nations Fund on Contemporary Forms of Slavery.
- Marcus Menezes Barberino Mendes, Brazilian judge in the 15 Labour Court.
- Xavier Plassat, coordinator of the Campaign to Eradicate Slavery Labor of The Pastoral Comission of Land (CPT).