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Combatting Forced Labor in the Cattle Ranching Sector in Pará, Brazil

Mapping Barriers to Adjudication

Assessment of court rulings and violation notices involving forced labor in the cattle ranching production chain in the State of Pará, Brazil, between 2016 and 2021.

Belém - Pará

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Program to End Modern Slavery (PEMS)

Office to Monitor and Combat Trafficking in Persons

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LIST OF ABBREVIATIONS AND ACRONYMS

AC - Civil Appeal

ACP - Public Civil Action

ACR - Criminal Appeal

AGU - Office of the General Counsel for the Federal Government

CDTR - Notice of Dismissal of the Rescued Worker

CESUPA - University Center of the State of Pará

CF88- Federal Constitution of 1988

IACHR - Inter-American Court of Human Rights

CLT - Consolidation of Labor Laws

CNJ - National Council of Justice

COETRAE - State Commission for the Eradication of Slave Labor

CONATRAE – National Commission for the Eradication of Slave Labor

CP – Brazilian Penal Code

CPC - Code of Civil Procedure

CPI - Common Performance Indicator

CPT – Pastoral Land Commission

CTPS - Work and Social Security Card

DETRAE - Division of Inspection for the Eradication of Slave Labor

DPE - State Public Defender’s Office

DPF – Federal Police Department

DPU - Federal Public Defender's Office

EC - Constitutional Amendment

EDACR - Motion for Clarification in Criminal Appeal

FABEL - Belem College



FGTS - Guarantee Fund for Length of Service
GEFM - Special Mobile Inspection Group
ICMBio - Chico Mendes Institute for Biodiversity Conservation
IN - Normative Instruction
IP - Police investigation
IPEA - Institute of Applied Economic Research
MPF - Federal Prosecution Office
MPT - Public Labor Prosecution Office
MTP – Ministry of Labor and Social Security
NDDH - Center for the Defense of Human Rights and Strategic Actions
NPJ - Legal Practice Center
OAB - Brazilian Bar Association
ILO – International Labor Organization
PADF – Pan American Development Foundation
PIA - Activities Implementation Program
RAICE - Integrated Action Network to Combat Slavery
RFB - Federal Revenue of Brazil
RPM - Results Performance Monitoring Plan
SDDH - Pará Society for the Defense of Human Rights
SER - Strict Appeal
SIT- Labor Inspection System
STF - Federal Supreme Court
STTR - Regional Labor Superintendence for the State of Pará
SUAS - Universal Social Assistance System
TAC - Consent Decree
TE - Slave Labor
TRF - Regional Federal Appellate Court
TST - Superior Labor Court



UFOPA - Federal University of Western Pará

UFPA - Federal University of Pará

UNAMA - University of the Amazon

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EXECUTIVE SUMMARY

This report is the result of study findings of court decisions and infraction notices related to forced labor crimes in the cattle ranching production chain in the State of Pará, Brazil, from 2016 to 2021. It aims to identify barriers that appear throughout the stages of processing forced labor crimes in the Brazilian judicial courts in Pará. The objective of the report is to inform PADF’s activities for the Combatting Forced Labor in the Cattle Ranching Sector program in the state of Pará and those of its partners.

The first stage of the study consisted of meetings with local actors in the accountability network to identify barriers to properly adjudicate forced labor cases, to track existing cases and to identify why cases were not advancing through the Brazilian judicial system. During the second stage, a consultant was hired to identify and present the main solutions for greater effectiveness of the judicial system in Pará with prosecution of forced labor perpetrators in the livestock production chain. The third and final stage of the study consisted of analyzing the completeness of the infraction notices contents and in the judicial processes involving forced labor identified in the cattle ranching supply chain in Pará

1. INTRODUCTION

This report is an assessment of court rulings and notices of violation pertaining to forced labor in the cattle ranching production chain in the State of Pará, Brazil, between 2016 and 2021. The assessment is an outcome of activity 1.2 - Mapping Barriers to Adjudication - in the project Combating Forced Labor in the Cattle Ranching Industry in Pará.

The Assessment had three stages.

During the first stage, PADF met with people in the prosecution chain to identify barriers to proper prosecution of forced labor cases, to track existing cases, and to determine why these cases are not moving forward in the Brazilian judicial system. Moreover, during these meetings, the organization identified a need to map the barriers to prosecution not only regarding criminal activity, but throughout the entire procedural chain, including the labor and administrative spheres.



An initial diagnosis was put together to inform dialogue with the justice system, particularly with the judiciary, and to guide the strengthening actions carried out by the advocacy organizations defending the rights of survivors rescued from forced labor.

In the second stage, PADF hired a consultant to identify and introduce the main solutions that would allow the justice system to be more effective when prosecuting people responsible for modern slavery within the cattle ranching production chain in the State of Pará.

The activity used a methodology that analyses court rulings, from trial and appellate Labor Courts, and from appellate Federal Courts hearing criminal cases, as well as violation notices filed by the Inspection Division for the Eradication of Slave Labor of the Labor Inspection Department of the Ministry of Labor and Social Security (DETRAE/SIT/MTP).

The consultant's first product was a work plan and methodology which would be used during the investigation and barrier mapping activity, and an analysis of the corresponding courts appellate decisions and notices of violation issued by inspection officers during inspections within the analyzed period.

The consultant's second product identified barriers to conviction and served as a database for the third and final product's analysis and recommendations.

The third stage of the assessment was a full content analysis of violation notices and legal proceedings involving forced labor in the cattle ranching supply chain in the Pará state. This analysis considered the project indicators and meetings with the local network in Pará.

PADF correlated the findings of the context diagnosis, the legal loophole analysis and the results of the consultancy through questions to gain an understanding of the whole prosecution process from inspection to judicialization, such as: identifying who is responsible for inspection, which agencies were responsible for the institutional security of the inspection (GEFM), and what was the role played by the Federal Public Defender's Office (DPU) in inspection operations, among other elements included in the notices of violation. PADF also reviewed the judicial proceedings, from the complaint to the appellate decision rendered by the court, to determine what was the evidence and the grounds for the decisions.

Finally, to correlate the data from the consultancy survey and the information obtained from the local network, the content analysis of the documents was purposefully carried out according to a set of guiding questions.

2. PREMISES

The Assessment of court rulings and notices of violations involving forced labor in the cattle ranching production chain in the State of Pará, Brazil, between 2016 and 2021 is included to map barriers to adjudicate and legal solutions that seek to implement the theory of change in the legal claims



processing system pertaining to workers in forced labor. The change sought is to improve the measures used in proceedings against crimes classified as forced labor in Pará's cattle ranching industry.

PADF's project aimed at Combatting Forced Labor in the Cattle Ranching Industry in the State of Pará is part of PADF's strategic objective - "Advancing Rights and Justice" - for the period between 2022 and 2024, with a focus on the development of actions aimed at strengthening rule of law, access to justice, governance, democratic processes, human rights, and bolstering competencies and promoting technical assistance to government, public institutions, civil society and the private sector.

3. OBJECTIVES

3.1 General

- Identify and map barriers to conviction of perpetrators of forced labor or work conditions analogous to slavery in the state of Pará's cattle ranching industry

3.2 Specific

- Identify the violation notices, and labor and criminal proceedings, related to forced labor and/or work conditions analogous to slavery in the Pará State cattle ranching industry between 2016 and 2021;
- Analyze the violation notices issued by the labor inspector between 2016 and 2021 in the State of Pará;
- Analyze, by sampling, court rulings on forced labor and/or work conditions analogous to slavery, within the period between 2016 and 2021, and within the scope of the Circuit Labor Courts and 8th Regional Labor Courts and of the 1st Federal Regional Court, to identify barriers to accessing judicial prosecution measures;
- Recommend legal solutions focused on the protection of forced labor survivors in the state of Pará's cattle ranching industry aiming at improving access to protection services and legal representation.

4. CONTEXTUAL ANALYSIS

Unlike an exclusively academic assessment, this document includes a socio-political context, based on the acknowledgement of the actions carried out by local actors and the information



gathered by PADF's technical team to improve the strategic actions proposed in alignment with the objectives of this ongoing project.

Understanding the local reality, consulting with the parties involved and understanding all the actions already undertaken is important to strengthening technical assistance activities. This will assist with improving and promoting strategies that are already part of the response of local actors or are the strategies local actors wish they could implement, but are not implemented due to socioeconomic and political hardships. Therefore, this assessment took into consideration the local context and the need to strengthen actions already in place.

4.1 Concept of Work Conditions Analogous to Slavery

To understand the context of work analogous to slavery in Brazil, it is necessary to understand the legal concept and its impact on public management. Brazilian legal doctrine understands that the labor law category referred to as "slavery" has been officially revoked since 1888, pursuant to the Lei Áurea (Brazil Law abolished slavery, which made it illegal for human beings to be seen as the property of others and criminalized the practice of slavery, which, pursuant to its first classification, held only the idea of imprisonment, a crime against personal freedom according to the Penal Code (CP) in 1940.

The association between the concept of work analogous to slavery and the notion of forced labor, pursuant to the provisions of the Federal Constitution of 1988 - CF88 (art. 5, XLVII, prohibition of forced labor sentences) and conventions 29 and 105 of the International Labor Organization (ILO) incorporated into the national constitution in 1957 and currently consolidated by Decree No. 10.088/2019 should also be highlighted. This association is the reason why Brazilian doctrine has stressed the need to expand these definitions to cover all forms of exploitation. Brazilian legal specialists concluded that definitions of forced labor and work analogous to slavery should be expanded under the interpretation of CF88 and ILO Conventions n. 29 and 105 as varieties of exploitation. The forced labor category is one of the types of slave labor defined as a crime by art. 149 of the CP.

In the first inspection efforts undertaken in the 1990s, particularly in the south and southeast of the State of Pará, work conditions analogous to slavery became evident in different ways, as explained by José Claudio Monteiro de Brito Filho (2020). During inspections, the concepts of debt bondage and degrading conditions became the main elements identified.

Due to this apparent "dissemination" of what would be work analogous to slavery the Public Labor Prosecution Office – MPT, through special groups organized with labor inspectors, later called "mobile groups", started to characterize the existence or non-existence of work analogous to slavery on the spot, within the inspected locations, ensuring that a minimum amount in labor payments would be immediately made available to workers (BRITO FILHO, 2020). Law No. 7.998/1990 is a provision ensuring access to Unemployment Insurance with the purpose of providing temporary financial assistance to workers who have been proven to be rescued from forced labor or from modern slavery.



Of the actions proposed by the MPT, we highlight the instruments provided by Public Civil Actions (Law 7.347/85) whose goal is protecting the interests of the community, such as holding accountable those who have caused moral or material damage to the environment, consumers, to the honor and dignity of racial, ethnic or religious groups, etc. We also highlight Collective Civil Actions (Law 8078/1990), which specifically provide a monetary compensation for workers and is a faster procedure.

Thus, the dimension of labor rights violation was established, concentrating on the Labor Courts the task of judging what reparations and accountability the employer should assume for the practice of forced labor. This explains why jurisprudence history and convictions refer to groups, to the collective, and why there is acknowledgement of collective moral damages, while labor law enforcement officers^[1] have the authority to issue notices of violation and to define actions as criminal or otherwise. Hence, the notice of violation issued by the labor law enforcement officer becomes the main, and often the single proof of existence of forced labor.

The dimension of criminal liability in art. 149 (CP) becomes virtually non-existent in regular justice. This liability is absorbed by more serious crimes, such as homicide. Therefore, for a long time the Brazilian justice system ignored the human rights violation dimension to which slave labor was associated with, treating it as a labor violation (BRITO FILHO, 2020). It was only until 2001 that the Federal Supreme Court (STF) - in a decision rendered by Criminal Case No. 635, filed by the Minas Gerais State Public Prosecutors' Office of Minas Gerais - defined the crime of reducing someone to forced labor, pursuant to art. 109, VI, of CF88 for crimes against labor organization, and determined it was the jurisdiction of the Federal Courts.

In 2003, Law 10.803 was enacted, amending art. 149 of the CP to include the four non-cumulative cases of work conditions analogous to slavery: forced labor, exhausting working hours, debt bondage and degrading conditions. Law 10.803 consolidated the double dimension of wrongdoing which can fall under the jurisdictions of both the federal criminal and labor courts in Brazilian legislation, expanding the spheres of accountability (labor, federal, and secondarily regular courts) to enable prosecution and accountability of perpetrators. In addition to this amendment, other normative instruments were created with a similar purpose, such as:

- Register of Employers who have kept workers in conditions analogous to slavery, called the "Dirty List", created by Inter ministerial Administrative Rule No. 1,234, of November 17, 2003 and regulated by Inter ministerial Administrative Rule No. 4/2016: The list identifies the name and data of employers who use labor in conditions analogous to slavery in their production chains;
- Brazilian Central Bank Resolution No. 3876/2010: Forbids the granting of rural credit to individuals or legal entities that are included in the Register of Employers who kept workers in conditions analogous to slavery, as established by the Ministry of Labor and Social Security;
- Constitutional Amendment No. 81, of 2014, with the addition of Art. 243 in the Federal Constitution CF/88: Inclusion in the cases of confiscatory expropriation of rural and urban properties where the exploitation of labor analogous to slavery was located.



However, despite the vast and solid legal framework, the identification of these criminal conditions ends up making it impossible for rescued workers to access their rights. One of the most recurrent themes in court rulings is how to differentiate conditions analogous to slavery from mere labor irregularity, local context and poverty, so the topic has become the subject of General Repercussion No. 1,323,708 in the Federal Supreme Court (STF), which defines the interpretation for the provision on degrading conditions characterized as a crime.

The appeal was filed by the Federal Public Prosecutor's Office (MPF) after a decision from the 4th Panel of the 1st Regional Federal Appellate Court (TRF-1) which acquitted a ranch owner in Pará of the crime of reducing 43 workers to conditions analogous to slavery (STF, 2021). TRF-1 considered that the conditions of the workers to be "common in the Brazilian primitive and rural reality", including collective housing with structural precariousness, lack of drinking water, basic sanitation, and first-aid equipment, which was therefore ruled to not be degrading conditions. For the court to characterize conditions as degrading they need to be situations of evident downgrading to the human condition, with unacceptable economic, personal and moral constraints:

"On the merits, it argues that, although the judgment under appeal recognized precarious housing, adverse housing situations, the absence of sanitary facilities and drinking water, the consumption and use of river water, lack of personal protection and indebtedness of workers, faced the constitutional provisions mentioned in concluding that, because they are part of the Brazilian rustic reality, such circumstances would not be sufficient to the point of criminal punishment"¹ (SUPREMO TRIBUNAL FEDERAL. REPERCUSSÃO GERAL NO RECURSO EXTRAORDINÁRIO 1.323.708 PARÁ. 06/08/2021)

Given the aforementioned, the lack of infrastructure for rural activities is inherent to the social reality of areas that are far from municipal offices and commercial centers where there is difficulty accessing certain services. In addition, the Federal Public Prosecutor's Office (MPF) has demonstrated that this is the reality of work analogous to slavery in rural areas, and that under this interpretation, many situations of exploitation would be considered misfortunes due to local poverty and not the responsibility of rural enterprises.

According to data presented by Repórter Brasil, the Public Labor Prosecution Office (MPT) and the ILO, workers, mostly rural, live under social coercion that forces them to believe that the only means of work they can perform is in degrading and exploitative conditions. The notion of "Precisão"² (Dire Need), a term used by workers, object of the documentary of the same name produced by the

¹ On the original: "*No mérito, argumenta que, embora o acórdão recorrido tenha reconhecido os alojamentos precários, as situações adversas de moradia, a ausência de instalações sanitárias e água potável, o consumo e uso de água de rio, ausência de proteção pessoal e endividamento dos trabalhadores afrontou os dispositivos constitucionais mencionados ao concluir que, por fazerem parte da realidade rústica brasileira, tais circunstâncias não seriam suficientes a ponto de ensejar punição penal*".



MPT and ILO in 2019, illustrates this “social coercion” to which the workers are subjected and the need to raise awareness that no reality justifies the absence of labor rights.

Thus, the workers rescued in Brazil are mostly internal migrants who left their place of origin in search of better living conditions and support for their families, 95% are men, between the ages of 18 and 44, 72% have minimal schooling (33% are illiterate), 53% are black (among self-declared blacks and browns) and most of them come from the state of Maranhão (22%) (data from 2003 to 2018) (REPORTER BRASIL, 2021). Brazilian data also identifies that, in 2021, 89% of the workers rescued worked in rural activities, such as coffee crops (310), garlic crops (215), charcoal production (173), land preparation services, planting and harvesting (151), sugarcane crops (142) and ranching cattle (106) (SIT, 2021).

At the international level, the definition of trafficking in persons for the purposes of exploitation, provided in the Additional Protocol to the United Nations Convention against Transnational Organized Crime on the Prevention, Suppression and Punishment of Trafficking in Persons, particularly regarding Women and Children, included via Decree-Law no. 5,017, of March 12, 2004, includes, in addition to sexual exploitation, forced labor or services analogous to slavery.

In Brazil, Law No. 13,344, of October 6, 2016 - which provides for the prevention and repression of internal and international trafficking in persons -, saw the inclusion of art. 149-A in the Penal Code (CP), aiming at breaking with the previous idea of trafficking in persons solely for the purposes of sexual exploitation. From the passing of the new law, in association with the international concept, the international and internal trafficking in persons is now considered to be “the agency, luring, recruiting, transporting, transferring, purchasing, housing or sheltering of a person for the purpose of removing organs, tissues or parts of the human body, subjecting said person to work in conditions analogous to slavery or any type of servitude, illegal adoption and sexual exploitation” (BRASIL, 2016). The definition of internal human trafficking for the purposes of work analogous to slavery as a crime increase opportunities for criminal prosecution since the acts described are mixed and any of the alternatives already qualifies as the perpetration of the crime.

For prosecution purposes, we see that both criminal definitions depend on: 1) establishing the basis described in the penal code (forced labor, exhausting working hours, degrading conditions and/or debt bondage); 2) the claim defined by the Labor law enforcement officers in the notice of violation, according to MTP Normative Instruction No. 2 of 11/08/2021^[3], from SIT.

Finally, it is important to highlight that there is, at the international and national level, a demand for overcoming the notion of the person as a “victim” of work analogous to slavery and/trafficking in persons, with a view to expanding the recognition of the violated subjects. In the Brazilian context, the idea of being a survivor, a concept used in international organizations’ documents, is used to identify those who are not rescued and who survived these conditions. Generally, it refers to those who access health and assistance services, and act as whistleblowers/informants of the facts, and/or who have suffered threats on their lives and have fled exploitation. This worker, most of the time, does not have access to legal rights provided, as Brazilian labor inspectors need to find him/her in conditions analogous to slavery to provide documentation for accessing services and funds.



In the international context, the Global Slavery Index created and published by the *Walk Free Foundation* in 2013, 2014, 2016 and 2018^[4], considers “survivors” to be a broader category than victims to scale the problem of modern slavery in different countries, and also includes the analysis of the vulnerability of the population (repressive governments, social conditions, internal conflicts, etc.), highlighting the importance of listening to the experiences of survivors in a more substantial way to ensure international action (WALK FREE, 2018).

The aforementioned Normative Instruction No. 2 (MTE) sets forth the procedures to be observed by the Labor Law Enforcement Agency in inspection situations and the procedures that must be adopted if conditions analogous to slavery are identified. The worker who is found in such a position during the inspection, and the ensuing notice of violation, receives the Notice of Dismissal of Rescued Worker - CDTR issued by the Labor law enforcement officer, a document that enables access to policies that prioritize education, health, social assistance, among others, in addition to compensation for damages.

The National Pact for the Eradication of Slave Labor (2005) with approximately 185 signatories became an international reference, as a good practice to be followed by member states in the promotion of decent work and was incorporated into the National Plan, with the second revision published in 2008 (REPORTER BRAZIL, 2011).

The National Assistance Roadmap for Victims of Slave Labor launched by the National Commission for the Eradication of Slave Labor (CONATRAE/2021) of the Ministry of Women, Family and Human Rights, is the guiding document for the protection of rescued workers, monitoring and coordination of actions among the federative states.

It is the result of a joint drafting process, with the support of the International Labor Organization (ILO), and it coordinates the path and responsibilities of public authorities and civil society in the functioning and articulation of reference networks regarding the actions that are part of the policy to fight slave labor in Brazil.

The National Assistance Roadmap for Victims of Slave Labor was regulated through Administrative Rule No. 3.484/2021^[5], and is structured to work in a coordinated and articulated fashion between the federative states and different levels of power, through 3 stages of action, ranging from receiving the claim, through operation planning, rescuing, servicing, sheltering, providing assistance to victims and ensuring their return to their place of origin, to preventive measures so that they don't return to modern slavery.

4.2 State of Pará, Brazil

The State of Pará stands out in the national scenario of forced labor due to the number of inspections, and rescued workers, carried out in the territory since the beginning of the historical record in 1995. In 2021, there were 39 inspections, with 122 workers rescued, 58 workers in rural areas and 64 in urban areas, according to data from the Secretary of Labor Inspection (SIT), through the Radar



SIT system (SIT, 2022)¹. Moreover, the number of migrants rescued from the state was about 8% of workers from 2003 to 2018 (Repórter Brasil, 2021).

Pará was featured in two cases of forced labor that reached the Inter-American Court of Human Rights (IACHR). The first case, the “José Pereira” case, was reported to the court in 1989 because of violations perpetrated by individuals against José Pereira Ferreira, who at the age of 17 was subjected to child and forced labor, tried to escape and was shot in the head, only to survive because he played dead next to the body of the criminals’ victims. In 2003, Brazil signed an agreement pledging to push preventive measures and legislative changes to hold those responsible accountable through the criminal and the labor courts.

The second was the “Fazenda Brasil Verde” case, which resulted in Brazil’s first conviction for not guaranteeing the protection of 85 workers from forced labor and human trafficking, in addition to not ensuring that justice was carried out for an additional 43 workers rescued, both cases took place in the city of Sapucaia, in the south of the state of Pará (IACHR, 2016).

The Pastoral Land Commission (CPT) publishes an annual report that includes the monitoring of compliance with IACHR decisions and provisional remedies. The reports indicate that there are weaknesses in the Brazilian legal system regarding accountability in both the criminal and labor courts, and the assurance of labor rights and this is reflected in the rise of cases. In 2021, there were 1,726 rescued people from slave labor and 169 cases in Brazil²- the highest number since 2013.

4.3 Public Legal Assistance Network and Legal Advisory Services

In Brazil, full and free legal assistance, is provided by art. 5, item LXXIV and art. 8, 2, “e”, of the American Convention on Human Rights, which attributes to the Public Defender’s Office the “legal advisory, promotion of human rights and the full and free defense, at all levels, in and out of court, of individual and collective rights, to the needy” (Art. 134 of the Federal Constitution, amended by Constitutional Amendment (EC) No. 80/2012. However, the structure of the defenders’ offices and the number of defenders does not match the reality of the demands of the most vulnerable Brazilian populations.

Within the scope of Labor Justice, despite Supplementary Law No. 80/1994, the Public Defender’s Office Organic Law, which article 14 establishes that the Federal Public Defender’s Office (DPU) has jurisdiction to act for Federal Courts, including the Federal, Labor, Electoral, Military and Superior Courts and federal administrative bodies, we still see an incipient or practically non-existent performance of the DPU in some states.

² CPT Annual Report of 2021. Available:

<https://www.cptnacional.org.br/downlods?task=download.send&id=14260&catid=12&m=0>



Since the DPU was established in 1994, it is considered to as a novice participant among the justice system players. The DPU has a presence deficit of 71% in judicial subsections and a deficit of nearly 48% from its workforce.^[6] Previously, Constitutional Amendment (EC) 80/2014 had determined a period of eight years for all jurisdictional units in the country to have a public defender, but the passing of Constitutional Amendment (EC) 95/2016 compromised the DPU expansion plan, considering that the new amendment established a ceiling for public spending and determined that there will only be readjustments to offset the accrued inflation, which is why there is currently no way to expand the DPU's performance and its presence in all its jurisdictions.

In most cases, the workers themselves file with private lawyers, which generates retainer fees, or alternatively they choose to file without legal support exercising *jus postulandi* (Precedent 425 from the Superior Labor Court (TST)^[7] and art. 791 of the Consolidated Labor Law (CLT). The fact that this is the case has created a scenario in which cases are often reaching Federal, Military and Electoral Courts, where DPU is housed, and the non-establishment of procedures and centers specific to labor rights (PACHECO, 2020). Within the National Assistance Roadmap for Victims of Slave Labor the DPU is responsible for filing individual actions, through there is no instrument that indicates flow and/or prioritization of this assistance at the local level.

The DPU structure in the State of Pará is comprised of three regional units that serve 144 municipalities and are located in the capital city of Belém, Altamira and Santarém. A Regional Unit for Human Rights also serves states of Pará and Amapá^[8], and this entity has acted in the criminal defense of workers rescued from forced labor^[9]. Furthermore, the DPU in Pará is under jurisdiction of the 1st Regional Federal Appellate Court, and Appellate Panels. Through national working groups, the Federal Public Defender's Office (DPU) has issued violation notices in inter-institutional operations and actions.^[10]

At the federal level, there are other free legal assistance service networks such as the Legal Counseling Clinic. Here there is a list with five of these services, namely: the University of Amazon (UNAMA), the University Center of the State of Pará (CESUPA), Belem College (FABEL), the Federal University of Pará (UFPA) and the Federal University of Western Pará (UFOPA).

The work of the Brazilian Bar Association of Pará Chapter (OAB/PA) involves the strengthening of professionals training and a technical cooperation agreement with the Legal Counseling Clinic (NPJs), the OAB Human Rights Commission and CESUPA Human Rights Clinic have a partnership to refer cases of forced displacement of people, so that the cases dealt with by the OAB/PA are referred for filing with the courts by the aforementioned NPJ^[11].

The State Public Defender's Office (DPE)^[12] doesn't have jurisdiction to act in the federal and labor courts but is responsible for the other associated demands in the state of Pará. It has a Unit for the Defense of Human Rights and Strategic Action (NDDH) with jurisdiction to file actions defending the individual and the collective interests of vulnerable social groups and the agrarian demands involving traditional communities and indigenous peoples^[13], in addition to participating as members of the State Commission for the Eradication of Slave Labor in the State of Pará (COETRAE-PA).

Other human rights protection networks that provide legal assistance are developed within the scope of organized civil society, through the Integrated Action Network to Combat Slavery (RAICE) of



the Pastoral Land Commission, in the municipalities of Itupiranga, Novo Repartimento and Tucuruí (PA). These have the support from the Public Labor Prosecution Office, Labor Courts of the 8th Regional Labor Court and the Pará Society for the Defense of Human Rights (SDDH), which do not work specifically with labor demands, but provide education on worker's human rights and carrying out projects for the protection of human rights defenders.

5 ASSESSMENT METHODOLOGY

To achieve the results encompassed by the activity of mapping barriers to adjudication, PADF hired an expert lawyer, Fernanda Brandão Caçado³ Ms. Brandão Caçado qualifications include a graduate degree in Law from the Federal University of Mato Grosso, an undergraduate degree in Management, Business, Labor Law and Labor Procedures. Ms. Brandão Caçado is an attorney, Sectional Councilor of OAB-MT (2022-2024), researcher in the Research Group "New Forms of Work, Old Slave Labor Practices" (PPGD/UFPA) and Secretary of the Brazilian International Delegation Society for Labour and Social Security Law (ISLSSL), at the Young Scholar Section. Her first report included the work plan and methodology for data gathering and organizational analysis. Using this initial analysis, PADF's technical team carried out the content analysis based on the objectives and activities targeted by the project, as described below.

a. Data gathering

The external consultancy established its own methodology for data gathering, which consisted of identifying the primary data of workers rescued in Pará from the Observatory for the Eradication of Slave Labor and Trafficking in Persons (SMARTLAB) platform, which identified 69 municipalities (out of the total number of 144 municipalities in the state of Pará) which had workers rescued in conditions of work analogous to slavery in the period between 1995 and 2020. This initial analysis identified 13,225 cases. To better understand the conditions, the methodology applied considered cities with 500 or more incidents concentrating on the largest number of cases and rescues, which represented a total of 44% of the cases. The consultant applied a search method to identify documents and processes.

Survey of cases through the 8th Regional Labor Court System - Pará and Amapá (TRT-8), consulting judgments, in the time frame between 2016 and 2021, using the word "slave" as a filter with the choice of "appellate decisions" and "decisions" as the basis for the research.

Regarding the proceedings referring to appellate decisions that are decided collectively by justices that sit at TRT-8, the research carried out on the court's website identified 1,079 cases pertaining to the decisions rendered in the appellate court. All actions were gathered and organized



digitally through web scraping using a software developed in Python language (Thomas and Mathur, 2019)[14].

After the actions were organized, it was identified that 6 actions were appeals of actions already gathered, so they were discarded, leaving 1073 actions. Considering the sample size, the consultant applied the random sampling methodology with a 95% confidence margin to determine a sample size of 313 decisions to be analyzed.

Still within the same TRT-8 system that gathers the decisions of the labor courts, that is, lower court decisions applying the same period and methodology, the research identified 1,499 proceedings that required a decision which analyzed sample was 337 judgments.

Within the scope of the 1st Federal Regional Court - TRF-1, jurisprudential locus on appellate court decisions from criminal proceedings resulting from Pará appeals, the decisions were gathered from the institution's website. The website consultation was based on the choice of "appellate decisions" in the researched base, for the period between 01/01/2016 and 12/31/2021, totaling 6 years. Also, the term "slave" was included in the query and then the search was run, returning a total of 345 actions, excluding inconsistencies and duplications. Applying the same sampling methodology, 202 actions were analyzed.

In the context of inspections by Labor Law enforcement officers, the consultancy requested a copy of the notices of violation for the period included in the assessment through the Transparency Portal backed by the Access to Information Law No. 12.527/2011, having a result of 39 notices of violation issued since summary 0017272 *"Keep an employee working under conditions contrary to labor protection provisions, whether subjected to a forced labor regime or reduced to a condition analogous to slavery"*. Given the number and wealth of information contained in the infraction notices, a decision was made to analyze all documents.

In view of the survey and sample selection, the aim was to treat the research data considering answering the guiding questions as will be described in the next section.

b. Data treatment and analysis guiding questions

To analyze the data obtained in the survey, the consultancy listed several guiding questions aimed at analyzing the rulings and appellate decisions rendered by the Labor Court, and as general questions, established:

1. Does the worker claim any of the events provided for by art. 149 of the Penal Code?
2. Does the ruling acknowledge any of the events provided for by art. 149 of the Penal Code?
3. Did the case take place within the beef production chain?

For the cases where contemporary slave labor was acknowledged in the ruling:



1. What is the legal criminal definition (art. 149 of the Penal Code) of the claim described in the complaint?
2. What is the legal criminal definition (art. 149 of the Penal Code) in the ruling that acknowledged contemporary slave labor?
3. In what year did the crime take place?
4. How many employees were involved?
5. Were the employers naturalized or legal migrants?
6. Were there any indications of child labor?
7. Was there an award for moral damages? if so, what was the amount?
8. Was an alternative sanction offered to the defendants?
9. Is there any indication of defendant recidivism?
10. Is there any indication of criminal charges filed against the defendants?
11. Is there any indication of a consent decree?
12. What panel had jurisdiction over the trial?
13. What was the specific position of each judge?

For the analysis of the notices of violation, the following questions were listed:

1. What kind of conditions analogous to slavery were found?
2. Did the case take place within the beef production chain?
3. What economic activity was involved?
4. What kind of condition analogous to slavery was found?
5. What was the location?
6. When did the inspection action start?
7. How many employees were involved?
8. Were there any indications of child labor?
9. Were there any indications of indigenous peoples labor?

For the analysis of the appellate decisions rendered by the 1st Circuit Federal Regional Court, the following questions were listed:

1. Does the charge claim any of the events provided for by art. 149 of the Penal Code?
2. Does the ruling acknowledge any of the events provided for by art. 149 of the Penal Code?
3. Did the case take place within the beef production chain?

For cases where the event took place within in the beef production chain:

1. What is the legal crime definition (art. 149 of the Penal Code) of the claim described in the complaint?
2. Was there a conviction? If yes, what was the punishment applied? If not, what is the reason for the acquittal?



3. What is the legal crime definition (art. 149 of the Penal Code) in the ruling that acknowledged contemporary slave labor?
4. What is the year of the proceeding?
5. Is there any indication of defendant recidivism?
6. What panel had jurisdiction for the trial?
7. What was the specific position of each judgment?

c. PADF technical team complementary analysis

With the inputs provided by the products and reports delivered by the third-party consultant, the PADF team carried out an analysis of documents, proceedings, technical reports and other documents to complement the 3rd phase of the assessment, with an emphasis on the number of cases that affected the cattle ranching production chain, as shown in the table below.

TABLE 1 – NUMBER OF DOCUMENTS ANALYZED

TABLE 1 - NUMBER OF DOCUMENTS ANALYZED

Document	Total No.	Sample Analyzed	Number of cases in the Beef Production Chain
Notices of violation	39	39	24
TRT-8 Appellate Decisions	1,079	322	4
TRT-8 Rulings	1,499	336	3
TRF-1 Appellate Decisions	347	207	6

Source: PADF (2022)

The content analysis methodology as proposed by Laurence Bardin, consisting of a pre-analysis, material exploration and results processing stages, was used to identify the information that will guide the project activities, especially those linked to objectives 2 and 3, protection and processing, respectively.

In order to analyze the information contained in the notices of violation, the following indicators were included: a) Who was responsible for the Inspection; b) Institutional and Public Security; c) Detention in *flagrante delicto*; d) DPU Participation; e) Participation of other agencies; f) Type of Audit; g) Elements for conviction; h) Elements indicative of environmental damage/crime; i) Geographical coordinates (Farm Headquarters).

However, regarding the rulings and appellate decisions analyzed, the team looked at the documents referring to the complaint/charge, opinions of the prosecution office, decisions, appeals and appellate decisions, to organize the cattle ranching production chain cases according to incidence profile. This is the data that will be presented in the next topic.



6 DATA PRESENTATION

The project's third-party consultancy provided inputs for PADF to analyze the content of selected documents according to the objectives' bias as listed in the project's actions, particularly the promotion of protection and the processing of cases. To that end, the data presented here refers to the content analysis and the organization of the analysis, along with the empirical assumptions offered by the local network and as carried out by the project's technical team.

6.1 Data from the Notices of Violation on Slave Labor

The notice of violation and the administrative procedures to be observed by the Labor law enforcement officers regarding working conditions analogous to slavery are regulated by Normative Instruction (IN) MTP No. 2 of 11/08/2021. The IN establishes what is recognized as the requirements for identifying work in a condition analogous to slavery, based on the technical diagnosis of the events as provided in the regulation with the determination and qualitative analysis of violations, the presence of exemplary indicators subject to verification, as listed in exhibit 02 of the aforementioned instruction.

Furthermore, the IN emphasizes that when the work of children or adolescents is verified, the impacts of any violations that may come to be verified in their physical and psychosocial development should be taken into consideration, given their special condition as a person who is still developing. Whenever elements capable of characterizing work in a condition analogous to slavery are found, the Labor law enforcement officer will declare his/her finding, expressly indicating the reasons that supported the conclusion (Art. 25, paragraphs 1 and 2, of Normative Instruction (IN) No. 02/2021).

Additionally, the IN provides that all inspection actions aimed at verifying the matter will be planned and coordinated by the SIT of the Ministry of Labor and Social Security, who will carry them out directly, through the GEFM Special Mobile Inspection Group teams, and through the decentralized labor inspection units, through inspection groups or teams organized into activities or projects^[15]. To that end, we mention that inspection actions are not carried out only by the Special Mobile Inspection Group (GEFM), this being the ideal scenario, since they have multiple competences team to cover the demands of workers.

Also, the IN further establishes that the Federal Police, Federal Highway Police, Environmental Military Police, Military Police, Civil Police, or other police authority representatives should participate in all actions, aiming to ensure the safety of all members involved in the inspection or joint interinstitutional action. The management of the inspection and the notification of all agencies that are part of the action is carried out by official notification, either to the police authority or to others such as the MPT, the MPF and the DPU, so that these institutions may evaluate forming part of the inspection. In case of risk, this notification may be waived, and if there is additional need, it is possible to notify other organizations (public agencies, networks of the Universal Social Assistance System - SUAS, etc.).



It is up to the Inspection Officer to adopt the following measures at the site when finding work in conditions analogous to slavery (Art. 33 and 34, IN No. 02/2021 - MTP):

- a) immediate cessation of workers' activities and of their circumstances or conducts regarding them;
- b) settlement and termination of employment contracts, with the determination of the outstanding rights due;
- c) payment of compensation for labor;
- d) payment of the Guarantee Fund for Length of Service - FGTS amounts and the corresponding Social Contribution;
- e) returning the workers recruited outside the location where the services are provided to their places of origin;
- f) the fulfillment of any additional obligations pursuant to the employment contract, until all measures are taken to settle and pay all workers' rights; and
- g) provide, manually or electronically, the Work and Social Security Card - CTPS to the rescued worker who is not in possession of this document, whenever the referral to the Ministry of Labor and Social Security decentralized units may imply the impairment to the effectiveness of the victim's care^[16].

In addition to these rights, the IN establishes what information must be included in the notice of violation, ensuring the right to adversarial proceedings and full defense in all administrative litigation (art. 41, paragraph 1 IN No. 02/2021 - MTP)^[17] and the inspection report should contain a detailed description of the workers, the situation found, the procedures adopted, and the notices of violation issued (pursuant to Art. 45, paragraph 2 of IN No. 02/2021 - MTP).

The inspection report is filed with the regional unit and sent to DETRAE, and within 90 (ninety days) to other agencies such as: MPT; MPF; DPU; Federal Police Department (DPF); Office of the General Counsel for the Federal Government (AGU); and the Brazilian Federal Revenue Service (RFB).

An inspection generates a report, which can be supported by several notices of violation and this, in turn, has the objective of making wrongdoing by the company official, with the application of a fine and the identification of the violated workers. This record must be prepared according to the information provided in the notice of violation, identifying the indicators of conditions analogous to slavery, ranging from the identification of a worker who is a victim, to the withholding of payments, funds and personal items, all used as examples.

a. General inspection data



The analysis of the total number of notices of violation received identified that:

- 37 (thirty-seven) infraction notes were the result of inspections by the Labor Inspection Sub-secretariat (SIP) Special Mobile Inspection Group (GEFM) and;
- 2 (two) resulted from inspections by the Inspection Team for Combatting Work in Conditions Analogous to Slavery of the Para State Regional Labor Superintendence (STTR).

Of these inspections, we highlight that DPU participated in 31 inspections carried out by the GEFM, that is, there is greater national coordination between GEFM players and lower adherence at the local level, as shown in the chart below.

CHART 1 - PARTICIPATION OF THE FEDERAL PUBLIC DEFENDER'S OFFICE IN INSPECTIONS

Source: PADF Compilation (2022)

Another analysis assessed the participation of Institutional and Public Security agencies in inspections, aiming at identifying the frequency of Federal Police participation in the role of judicial (investigative) police responsible for gathering evidence and filing for criminal investigations regarding the placing of workers in forced labor (Art. 149 CP).

It was identified that in eighteen (18) of these inspections, the monitoring was carried out by the Federal Highway Police, followed by the Pará Military Environmental Police in 8 (eight) inspections. The participation of the Public Labor Prosecution Office (MPT) and the Federal Prosecution Office (MPF) security agents met the needs for personal protection in six (6) inspections, which is justified by the prosecutor's protection authority.

TABLE 2 - PUBLIC AND INSTITUTIONAL SECURITY DURING INSPECTIONS

Type of Public and Institutional Security	No. of Infraction notices
Federal Prosecution Office and Federal Police Security Agents	1
Federal Prosecution Office Security Agents, Public Labor Prosecution Office Security Agents and Pará Military Police	1
Pará Military Police and Civil Police	1
Federal Prosecution Office Security Agents and Federal Highway Police	2
Pará Military Police	2
Public Labor Prosecution Office Security Agents and Pará Military Police	3
Federal Police	3
Pará Environmental Police	8
Federal Highway Police	18



TOTAL	39
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*Count by notice of violation received.

Source: PADF Compilation (2022)

In the chart, we highlight the percentage of public security agencies present in the inspections, with the Federal Highway Police participating in 50% of the actions, followed by the Pará Environmental Police in 20%, the Pará Military Police in 18%, the Federal Police in 10% and the Civil Police in 3% of the actions.

It is noteworthy that the Brazilian Federal Police participated in the lowest percentage of inspections. Therefore, the Federal Police's lack of participation directly affects the possibility of obtaining qualified evidence for the police's criminal investigation infraction notices.

CHART 2 - PERCENTAGE INCIDENCE OF PUBLIC SECURITY IN INSPECTIONS

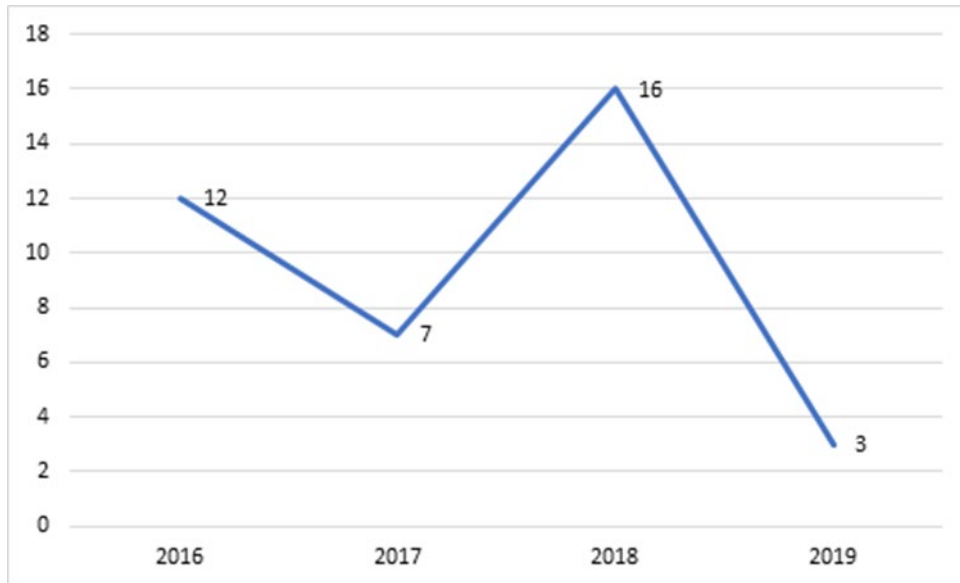
Source: PADF Compilation (2022)

Of the 39 inspections, twenty-five (25) were mixed mode, which consists of inspections carried out directly in the environment where the work activities are carried out, as well as indirectly through the analysis of labor documents in a different location (local and documentary inspection) and fourteen (14) inspections were carried out exclusively face-to-face (inspection at the site), pursuant to Art. 30 of Decree No. 4,552/2002.

The infraction notices received included inspections carried out only within the period between 2016 and 2019, although the data request was for the entire period from 2016 to 2021. The absence of notices of violation in the period between 2020 and 2021, and the low number of notices in the 2019 period, can be justified by the need to conclude the administrative proceedings initiated in the respective period.

CHART 3 – START YEAR OF INSPECTION NOTICES OF VIOLATIONS RECEIVED





Source: PADF Compilation (2022)

It is assumed that the procedures that were not completed were not sent to PADF's third-party consultant. One of the reasons we present as an explanation for this hypothesis stems from the fact that, according to DETRAE/SIT's own public data, made available on the Radar SIT platform, inspections and notices of violation were registered in Pará in the above-mentioned periods.

When accessing the database, if the items "slave labor found", "all scenarios – rural and urban", and "per year" are selected in the search, the data that supposedly indicates the number of inspections carried out by municipalities between the years 2016 and 2021 is consolidated. We have consolidated the data in the chart below to illustrate that the notices of violation received do not represent the totality of the information resulting from the inspections carried out by the agencies as they are available in Radar SIT on the MTP's public database.

CHART 4 - RADAR SIT DATA ON FORCED LABOR IN PARÁ

Source: PADF compilation (2022), RADAR/SIT data

It is noteworthy that the platform does not clearly show whether the numbers listed comprise the actual number of violation notices, outstanding administrative procedures or only the number of inspections carried out. Hence, in the charts below, after surveying the incidence of data by municipalities, we chose to present an overview table of the inspection data from Radar SIT (2016 to 2021) and another for the notices of violation received.



CHART 5 - NOTICES OF VIOLATION RECEIVED BY MUNICIPALITY (2016 TO 2019)

Source: PADF Compilation (2022)

CHART 6 - RADAR SIT DATA ON FORCED LABOR INSPECTIONS BY MUNICIPALITY (2016 TO 2021)

Source: PADF compilation (2022), RADAR/SIT data

Data analysis must be put into context considering the governmental programmatic changes that took place in the period between 2019 and 2021, such as the existence of the Ministry of Labor and Employment on 01/01/2019, when it became a special secretariat attached to the Ministry of Economy, which brought changes in the structural organization of the agency, its policy, resources and the Labor Inspection area.

Furthermore, as a result of the COVID-19 pandemic, Brazil declared a public calamity status on 03/20/2022, which may have affected the management of information and the availability of data provided by the agencies.

Considering the overview gathered from the information identified in the notices of violation, the following sections will present an analysis of the incidence of inspections in the cattle ranching production chain.

b. Cattle Ranching Production Chain Data

Of the thirty-nine (39) infraction notices reviewed, twenty-four (24) happened in the cattle ranching industry, thirteen (13) happened in other production chains with four (4) in artisanal mining and (4) in wood extraction, while two cases did not have a specified industry, as shown in the chart below.

GRAPHIC 7 - ECONOMIC ACTIVITY INVOLVED

Source: PADF Compilation (2022)



In the cattle ranching industry, we highlight the economic activities involved, emphasizing cases involving cattle ranching for beef production, the cleaning of pastures and the building on ranches as described in Table 3.

TABLE 3 - ACTIVITIES INCLUDED IN CATTLE RAISING

ECONOMIC ACTIVITY	NO. OF INFRACTION NOTICES
Cattle breeding for beef; pasture clearing	1
Cattle breeding for dairy	1
Cattle breeding for calf production	1
Cattle breeding; farm handling; wrangling*	1
Cattle breeding; deforestation; land clearing; fence making	1
Cattle breeding; açai extraction	1
Cattle breeding; pasture clearing	1
Cattle breeding; Soy	1
Beef breeding ranch, fence building	1
Cattle breeding	3
Cattle breeding for beef	12
Grand Total	24

*Also referred to as cattle handling.

Source: PADF Compilation (2022)

Another analysis refers to the number of workers involved in the rescues carried out within this economic activity. One hundred and ninety-eight (198) workers were rescued from the beef production chain (61%), one hundred and nineteen (119) from other economic activities (37%) and six (6) from economic activities not specified (2%), totaling two hundred and twenty-three workers rescued according to the violation notices received.

CHART 8 - PERCENTAGE OF WORKERS RESCUED FROM THE LIVESTOCK PRODUCTION CHAIN

Source: PADF Compilation (2022)



Other relevant data referring to information about the incidence of identification of detention in *flagrante delicto* and environmental damage were also identified. In eight (8) inspections, notices of violation were issued pertaining to economic activities related to cattle ranching, activities that could potentially damage the environment were reported, such as the application of pesticides without authorization, removal of trees from native forests using chainsaws, use of tractors, chains and other clearing undergrowth (roço de juquira) activities.

It should be underlined that, at the time of the issuing of one of these notices, the inspection operation was being carried out together with employees from the Chico Mendes Institute for Biodiversity Conservation/ICMbio within the legal reservation area of the beef cattle raising enterprise. In the same infraction notices, we identified the only instance of detention *in flagrante delicto* of the individual responsible for the enterprise. The arrest was for the crime of forced labor.

6.2 Labor Courts Data - Labor Courts and 8th Regional Labor Court - TRT8

As described in the assessment methodology, this topic will present the main data gathered regarding the Labor Courts, both referring to the rulings rendered within the scope of the trial courts, concerning the Labor Courts decisions, and referring to the collegiate judgments rendered by justices, concerning the TRT-8 appellate decisions.

Outlining the processing context in the face of the demands arising from forced labor is paramount.

Notwithstanding the administrative responsibilities from the labor violation notification, it is up to the Public Labor Prosecution Office (MPT) to carry out different actions geared towards defending the collective and public interests:

- **INSTITUTING A CIVIL INVESTIGATION:** The civil investigation is a duty of an inquiring nature exclusive to the Public Labor Prosecution Office and it is aimed at gathering elements of conviction for the eventual filing of a public civil action. Although it is not a conditional element to the filing of an action, it allows for the qualification of evidence, also being useful in getting commitment to a consent decree, holding hearings, and issuing recommendations among other things.
- **PUBLIC CIVIL ACTION:** Public Civil Action (ACP), pursuant to the jurisdiction established by the Federal Constitution of 1988, art. 83, it is within the scope of the Labor Courts to file a Public Civil Action to defend collective interests, whenever constitutionally guaranteed social rights are violated;
- **CLASS ACTION:** A Class Action suit can be filed by the Public Labor Prosecution Office (MPT) or union, to defend the rights of a certain group, when facts or damages common to a group of workers are identified. According to art. 6, XII of LC No. 75, the class action, falls under the protection of homogeneous individual interests, and the MPT can propose a liability action for damages individually caused to workers, access to material and moral damages.



- **CONSENT DECREE:** The Consent Decree (TAC) is another tool that has been used to hold those involved in wrongdoing responsible for violations related to forced labor. Provided by art. 14 of the Public Civil Action Law (Law No. 7,347/1985), which establishes that the MPT may sign a consent decree with the person responsible for threatening or damaging interests or rights, aiming at redress, conduct and legal requirements adjustment and getting compensation or damages.

Individual workers, when not contemplated by the MPT's actions to protect collective rights, can access the labor courts through a direct Labor Claim, which according to art. 840 of the Consolidated Labor Laws (CLT), can be done verbally, directly at the Labor Court, through the assistance of the legal secretaries who comprise the center and who put the worker's demands in writing indicating the rights that are due (a lawyer's presence is not compulsory in the labor courts). Alternatively, it can be done in writing through legal assistance, which is regularly promoted by lawyers from the unions that represent each industry, by legal practice centers linked to universities (NPJ's), labor lawyers on a volunteer basis, and eventually by the Federal Public Defender's Office (DPU). Considering this information, we now move onto the analysis of the rulings.

6.2.1 TRT-8 Appellate Decisions

The 8th Regional Labor Court is the competent appellate court to judge appeals from decisions handed down by labor judges within the scope of the state of Pará and Amapá.

The judgments analyzed were obtained from the TRT-8 website. The website consultation was based on the choice of "appellate decisions" in the researched database, between 01/01/2016 and 12/31/2021, totaling 6 years. Notice that pursuant to article 204 of the Civil Procedure Code (CPC), an appellate decision is the collegiate judgment rendered by the courts. In this case, all or the majority of the judges must reach an agreement in order for the decision to be approved.

In the search performed, as described in the methodology section, the term "slave" was included in the query and then the search was run, returning 108 pages with approximately 10 proceedings each, totaling 1,079 actions.

After the document analysis of the situations that involved a repetition of the same action, a total of one thousand and seventy-three (1,073) appellate decisions was reached. Applying the parameter set forth in the methodology for selecting the pertinent sample number, the figure of three hundred and twenty-two (322) actions was defined as the sample, of which three hundred and twelve (312) actions were eligible for analysis because they corresponded to a fact that took place in the state of Pará and their contents were legible. Considering the eligible cases, two hundred and ninety-five (295) were identified as cases where the workers claimed to be in forced labor conditions.

Of the 295 cases claiming forced labor, only eighty-seven (87) appellate decisions acknowledged forced labor as established in Art. 149, of the Penal Code (CP). Forced labor was not acknowledged in 208 cases.



**CHART 9 - Percentage of acknowledgement of the events provided in Art. 149, CP
(appellate decisions)**

Source: PADF Compilation (2022)

From the sample selected, considering the two hundred and ninety-five (295) cases where forced labor, as provided by art. 149 of the CP, was claimed, we observed four (04) appellate decisions that dealt with forced labor in cattle ranching, in two cases the ruling acknowledged the crime and in two other cases it did not.

**CHART 9 - ACTIONS IDENTIFIED IN THE CATTLE RANCHING PRODUCTION CHAIN
(APPELLATE DECISIONS)**

Source: PADF Compilation (2022)

Through content analysis, a summary table of the actions was built to illustrate the incidence of cases in the cattle ranching industry.

CHART 1 - SUMMARY OF ACTIONS (APPELLATE DECISIONS)

Appellate Decision No.	0000484-62.2015.5.08.0124	0000745-72.2016.5.08.0130	0000244-97.2019.5.08.0103	0001486-84.2016.5.08.0107
The Decision acknowledged the provisions of art. 149	No	No	Yes	Yes
Year of start of the legal action	2015	2016	2019	2016
Type of Action	Labor Claim	Public Civil Action - notice of violation	Public Civil Action – Federal Police Fact Notice	Public Civil Action - notice of violation
Labor Court	Xinguara Labor Court	Parauapebas 3rd Labor Court	Altamira's Labor Court	Maraba's 1st Labor Court
Complaint	Individual worker - Private Lawyer	Marabá - Public Labor Prosecution Office	Collective - Public Labor Prosecution Office	Public Labor Prosecution Office



Location of the Fact	São Felix do Xingu	Eldorado dos Carajás	Altamira	Marabá
Defendant (natural or legal person)	Natural person - rancher	Natural person - rancher	Natural person - rancher	Natural person - rancher
MPT Action	Wasn't involved	Plaintiff	Plaintiff	Plaintiff
Complaint Motion	Acknowledgement of labor relationship + compensation forced labor not directly mentioned in the motion	Compliance with safety standards in the work place and collective moral damages pursuant to the consent decree. Although the inspection concluded that there was no forced labor on the inspected farm, several irregularities related to the working environment need to be remedied.	Payment of compensation, obligations and payment of damages for collective moral damages	Payment of compensation, obligations and payment of damages for collective moral damages
Decision	Insufficient grounds, non-acknowledgement of the labor relationship due to lack of evidence.	Partially granted. It ordered the defendant to comply with some of the injunctions; as well as to a payment established at BRL 15,000.00 (fifteen thousand reais), for collective pain and suffering, based on art. 944 of the CC, to be reverted in favor of some reputable entity dedicated to the professionalization sector to be appointed by the	Granted. Established BRL 60,000.00 (sixty thousand reais) as compensation for collective pain and suffering. The amount of the damages must be reverted to the public or private entity to be indicated in due course by the MPT, pursuant to art. 13, of Law No. 7,347/85.	Fully granted for fulfillment of obligations, payment of compensation for collective and individual pain and suffering. "considering the circumstances of the case (contemporary slave labor), the serious nature of the damage (degrading conditions, violation of human rights and the fundamental rights of the rescued



		<p>court in case of non-compliance with the judicial obligation.</p>		<p>workers), the recidivism of the defendant, the economic situation of the perpetrator (owner of 1000 animals, of the Curral Velho farm that encompasses 19 acres and of the property now inspected that encompasses 289 acres), the status of the injured workers (most of them illiterate), the principles of reasonableness and proportionality, I grant the petition for conviction of the defendant to payment of damages for individual and collective pain and suffering and consider it to be justified. Individual damages 35,000. Collective pain and suffering 700,000.00. The individual moral damages will be shared as follows: BRL 3,000.00 to each single worker; BRL 6,000.00 to each worker who</p>
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				was accompanied by their families; and BRL 8,000.00 to the working couple with minor children.
Object of the Appeal	The plaintiff appealed the decision. He claimed the absence of intervention by the Public Labor Prosecution Office (MPT), despite the request to carry out an inspection at the entrepreneur's location to verify the occurrence of forced labor. Directly mentions forced labor in the appeal.	Both appealed, the obligations imposed and the award of moral damages.	MPT appealed the amount of moral damages awarded in the trial court decision.	It appealed the decision not to acknowledge the motion for resettlement in the writ of execution over income.
Appellate Decision	The employment relationship between the parties is not acknowledged, since the factual evidence was insufficient to prove the facts alleged by the claimant.	Decision upheld. Article 13 of Law 5889/79 states that in rural workplaces, the safety and hygiene norms established by a decree from the Minister of Labor and Social Security will be observed.	The Court reversed the decision to increase the award. Therefore, the decision is reversed to arbitrate the amount of BRL 200,000.00 (two hundred thousand reais) as compensation for collective pain and suffering, since it is in accordance with the principles of equity and proportionality	Not granted. Proceeded with attachment of real estate (ranches)



			and is capable of fulfilling the educational purpose for which it is intended.	
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Slave labor (Work in conditions analogous to slavery)

Source: PADF Compilation (2022)

The summary table presents three (3) different types of judicialized cases, namely:

- a) the un-rescued worker who seeks his rights in the labor courts;
- b) Public Civil Action (PCA) filed by the MPT for compliance with Consent Decree resulting from a Notice of Violation; and
- c) PCA filed by the MPT to guarantee labor rights, as a result of an investigation carried out directly by the Federal Police, without inspection by the inspection officers.

6.2.2 Labor Courts Rulings

To better understand the difference between the procedural rulings from the lower and appellate courts, which were the object of this assessment, we detail the difference between the ruling that will be analyzed in this section and the appellate decision that was analyzed in the previous section.

The judge ends the proceeding in the lower courts through the court act of sentencing. Through the ruling, the judge decides, as a single judge, the issue brought to his attention and puts an end to the process in the lower court. The ruling can be issued with or without a judgment on the case merits, that is, whether or not the case brought by the party is granted.^[18] After the conclusion of the case trial in the lower court, the parties involved can appeal to collegiate bodies in the higher courts, who will analyze the fact and render a decision. In these cases, a reporting justice will be appointed to prepare an opinion that may or may not be followed by the other members of the group. The decision of the collegiate body is called an appellate decision.

The search for all court rulings followed the same process adopted as the search for the appellate decisions, and the search for the judgments was also carried out through the system for consulting the judgments of the 8th Regional Labor Court. The query on the website was run by choosing "judgment" in the search data base, for the period between 01/01/2016 and 12/31/2021, using the term "slave" as a filter. The survey obtained 1,499 lawsuits as a result.

Out of those, a sample of 336 actions was examined, of which 299 are eligible, since they correspond to an event that took place in the State of Pará and their content is legible. Considering the



eligible cases, two hundred and seventy-six (276) were identified as cases where the workers claimed to be in forced labor conditions. Of the two hundred and seventy-six (276) cases claiming forced labor conditions, one hundred and twelve (112) judgments acknowledged an event of forced labor as established in Art. 149, of the Penal Code (CP). The condition was not acknowledged in 164 cases.

Chart 10 - Percentage of acknowledgement of the events provided in Art. 149, CP (judgments)

Source: PADF Compilation (2022)

From the selected sample, considering the two hundred and seventy-six (276) lawsuits mentioned, we found three (03) rulings that dealt with forced labor in the cattle ranching production chain, in two cases the decision acknowledged the crime and in one, it did not.

Chart 11 - Actions identified in the Livestock Production Chain (rulings)

Source: PADF Compilation (2022)

As in the previous topic, in the analysis of the rulings of the actions with an incidence of forced labor in the production chain, the same indicators were applied for the understanding of the cases.

TABLE2 – SUMMARY OF ACTIONS (RULINGS)

Proceeding No.	0000261-12.2020.5.08.0132	0000177-77.2015.5.08.0005	0000461-09.2020.5.08.0103
Acknowledged the events provided in art. 149	No	Yes	Yes
Year of start of the legal action	2020	2015	2020
Type of Action	Labor Claim - individual	Labor Claim - individual	Public Civil Action
Labor Court	São Félix do Xingu Labor Court	Belém 5th Labor Court	Altamira's Labor Court



Complaint	Private Lawyer	Private Lawyer	MPT
Location of the Fact	São Felix do Xingu	Moju	Altamira
Defendant (natural or legal person)	Natural person	Legal person	Natural person
MPT Action	Wasn't involved	Wasn't involved	Plaintiff
Complaint Motion	Acknowledgement of labor relationship + compensation	Acknowledgement of labor relationship + compensation + obligations	Plaintiff established TAC with the Public Labor Prosecution Office (MPT) and the Federal Public Defender's Office (DPU), but there was no agreement on the payment of compensation for collective pain and suffering.
Ruling	No acknowledgement. Lack of evidence of employment relationship and subordination. Not granted.	Pain and suffering resulting from Forced labor was acknowledged. Labor compensation and damages for pain and suffering in the amount of BRL 50,000.00; forwarded the case files to the MPT and MPF, for measures to be taken regarding correlated crimes.	Granted the payment of collective pain and suffering damages, in the amount of BRL 100,000.00 (one hundred thousand reais, adjustment for inflation and other charges.

Source: PADF Compilation (2022)

Considering the content analysis, the profile of the case resulted from the claim of a non-rescued worker, in search of acknowledgement of his labor rights, one case being acknowledged for pain and suffering damages due to forced labor conditions. The other claim was not acknowledged and the MPT's action was through a Public Civil Action for the fulfillment of the obligations foreseen in the consent decree and the payment of Collective pain and suffering.

6.3 Data from the 1st Circuit Regional Federal Appellate Court - TRF1

The Federal Court is tasked with the processing of criminal liability arising from the crime of forced labor pursuant to art. 149 of the CP, as well as the related crime of trafficking in persons for



the purpose of exploiting the workforce pursuant to art. 150 of the CP. Once the inspection report is carried out to identify forced labor conditions and an investigation has started through the police inquiry (IP) within the scope of the federal police, it is up to the Federal Prosecution Office to file the complaint to initiate the criminal action.

Similarly, for a better understanding of the federal courts organization, the Brazilian Federal Justice is divided into judiciary sections available in all Brazilian states and the federal district where the lower court or instance of jurisdiction proceedings are prosecuted. The regional federal appellate courts, called TRF are distributed throughout the five regions of the country, it is in the regional courts that the appeals and appellate proceedings or instance of jurisdiction are filed.

In this context, the consultant focused on the appellate decisions processed under the TRF1, to understand the dynamics in the acknowledgement of criminal responsibility.

The judgments were obtained on the website of the aforementioned court and the consultation on the website was run by choosing the judgments in the researched database, for the same period between 01/01/2016 to 12/31/2021. Through a search in the TRF1 jurisprudence system, 347 appellate decisions were located and a sample of 205 cases was selected. Of these cases, 126 were dismissed because they did not take place in the State of Pará, and 79 cases were effectively analyzed.

In 59 of these cases, some of the events provided in art. 149 of the CP were claimed in the complaint, but the collegiate decision of the TRF1 acknowledged the incidence of forced labor in only 20 of these cases.

TABLE 4 - PROCEDURAL CLASS

Procedural class	No. of Appellate decisions
Civil Appeal (AC)	1
Strict Appeal (RSE)	1
Motion for Clarification in Criminal Appeal (EDACR)	2
Criminal Appeal (ACR)	55
Grand Total	59

Source: PADF Compilation (2022)

CHART 12 - PERCENTAGE OF ACKNOWLEDGEMENT OF THE EVENTS PROVIDED IN ART. 149, CP (TRF1 APPELLATE DECISIONS)

Source: PADF Compilation (2022)



Considering this data, there were 6 lawsuits involving the livestock production chain, in 40 cases the production chain was not involved, and 13 actions involved other economic activities, it is noteworthy that in general in these cases the main claim in the complaint fell on the allegation of degrading working conditions.

CHART 13 - INCIDENCE OF EVENTS PROVIDED IN ART. 149 CP

Source: PADF Compilation (2022)

Regarding the cases that occurred within the cattle ranching production chain, it is worth mentioning that the two cases where forced labor were acknowledged, the core claim was concerning the existence of degrading conditions. Regarding the cases not acknowledged by the appellate decision, it was observed that 1 case included a claim of forced labor, and 3 cases claimed degrading conditions. Considering this information, we move on to the summary table of the respective lawsuits.

TABLE 3 - SUMMARY OF THE DECISION (TRF1 APPELLATE DECISIONS)

APPELLATE DECISION No.	DECISION SUMMARY
0000205-77.2009.4.01.3903	Since there is evidence of materiality and authorship, and the causes established in article 397 of the CPP do not exist, the summary acquittal of the defendants for the crime provided in article 149 of the Criminal Code must be ruled out. I partially grant the appeal, in order to reverse the appealed sentence and order the case to be processed.
0000970-54.2009.4.01.3901	Considering the case herein, as pointed out in the sentence, the evidence gathered, in relation to the other workers, demonstrates a less than ideal picture regarding the general working conditions, but insufficient to configure the crime of reducing workers to forced labor with respect, above all, to the core degrading working conditions (...)"
0002038-39.2009.4.01.3901	It is possible to verify in the infraction notices that the rural activity performed by the defendants - cattle raising - is small and the general facilities of the farm are humble. Furthermore, as the single judge correctly stated, the activity carried out - the clearing of undergrowth (pasture clearing) - in the circumstances described in the complaint, unfortunately constitutes the reality of the region where the facts took place. It is impossible to



	<p>conclude, therefore, that the defendants intended to subject the rural workers to forced labor. In this case, the imbalance in labor relations can be efficiently restored by the application of labor laws.</p> <p>Thus, I understand that the evidence in this proceeding is not sufficient to conclude, with the necessary certainty, the presence of malice in the defendants' conduct, reason why I uphold the acquittal of the defendants in relation to the violation of art. 149 of the Penal Code based on the <i>in dubio pro reo principle</i>."</p>
0002983-43.2011.4.01.3905	<p>this Panel has removed the need to prove physical coercion or restriction of freedom of movement in order to establish the crime characterized in art. 149 of the CP, being sufficient to verify the submission of the victim to forced services or exhaustive work hours, or to degrading conditions. Alternative conduct, therefore. (Panel precedents). [...] Although the materiality has been demonstrated regarding authorship, it was not possible to produce evidence under the scrutiny of the adversary system, that demonstrates the accused was aware of the situation of the workers, it is necessary to acquit the defendant for insufficient evidence (art. 385, VII, of the CPP), in view of the <i>in dubio pro reo principle</i>.</p>
0000275-91.2009.4.01.3904	<p>the circumstances of the crime are serious because it was perpetrated against workers with little education and the consequences were serious given the number of workers reduced to forced labor.</p> <p>Thus, I fix the base sentence at three (3) years and six (06) months of detention and 36 (thirty-six) days fine, in the daily amount of 1/30 (one-thirtieth) of the minimum wage in effect at the time of the facts, making it final due to the lack of extenuating or aggravating circumstances or causes for increasing or decreasing the sentence.</p>
0008345-72.2010.4.01.3901	<p>The defendant not only subjected the workers to degrading working conditions, but also contributed to the denial of numerous labor rights. The workers, if they contributed to the occurrence of the violation, did so out of a need for subsistence.</p> <p>Therefore, I set the base sentence at three (3) years and six (6) months of detention. Considering that the severance payment was made, I reduce the sentence to nine (9) months, by virtue of the</p>



	attenuating circumstance set forth in art. 66 of the Penal Code
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Source: PADF Compilation (2022)

By analyzing TRF1 appellate decisions, we found that there are discrepancies regarding the value put on the evidence produced in the scope of the inspection by mobile groups, with arguments regarding the identification of robust elements and the incidence of malice (intention to do) as elements for characterizing the crime provided in art. 149 of the CP. Based on these elements, the judges argue the absence of elements that distinguish degrading conditions from local precariousness and lead to the production of evidence beyond the testimony of inspection officers, such as the need to hear the rescued workers themselves.

In Criminal Appeal N. 2009.39.00.005996-5/PA, regarding a case of degrading conditions that took place in the charcoal industry (admittedly an extremely degrading activity and subject to physical violations), the court mentioned the following:

"if even in the most developed Brazilian cities it is not difficult to find problems of inadequate work structure and unfavorable conditions of hygiene and personal health for employees, what should we say about the remote corners of the nation". While it is desirable that workers can exercise their activity within minimum standards of care, supported by strict legislation, it is necessary to pay attention to the reality experienced in the Brazilian countryside. (RE 398.041/PA - Reporting Justice Gilmar Mendes)".

Considering these elements, we have built paths and recommendations that serve to guide other assessments, consultancy, mentoring and training proposals within the fulfillment of project activities.

7 CONCLUSIONS

The assessment proposed in this document took place in three stages. The initial stage, the diagnostic and gap analysis phase, conducted dialogues with national and local strategic players, and identified gaps, needs and opportunities faced during the project's implementation. The second stage was a diagnosis and data gathering stage with consultancy support. The third stage identified barriers for survivors when applying notices of violation, and judgments in the lower and higher courts within TRT-8 and TRF-1.

As a result of the assessment, through the analysis of the infraction notes of the period of 2016 to 2019, it is noted that 61% of them referred to the cattle ranching sector. Furthermore, from



the three hundred and twenty-three (323) survivors of slave labor, one hundred and ninety-eight (198) of them were rescued on the cattle ranching sector. It must be highlighted that infraction notes from the period between 2020 and 2021 were not sent.

The infraction notes of slave labor have information that allows the identification of other correlated infractions related to environmental damages such as deforestation and use of pesticides without environmental licensing.

In addition, it was identified that thirty-seven (37) of them were the result of the inspections of the Special Group of Mobile Inspection (GEFM) of the Subsecretariat of Labor Inspection (SIT) and two (2) of the Team of Supervision and Combating Work in Slave Conditions of the Regional Superintendence of Labor in the State of Pará (STTR Pará). Of these inspections, we highlight that the Public Defender's Office (DPU) participated in 31 inspections carried out by GEFM.

As for the judicial proceedings in the Labor Court of the 8th Region - TRT8, we have reached different prosecution profiles of cases of work analogous to slavery, which are:

- a) The victim who seeks his or her labor rights in the judiciary, reporting submission to work analogous to slavery, usually accompanied by a private lawyer;
- b) Public Civil Action filed by the Public Ministry of Labor (MPT) whose purpose is compliance with the obligations already established in the Conduct Adjustment Term (TAC), arising from the drawing up of a notice of infraction in an inspection operation;
- c) Public Civil Action filed as a result of a complaint and a police inquiry carried out by the Federal Police for the occurrence of work analogous to slavery - not resulting from an inspection operation by the labor inspector.

In the analysis of the criminal processing in the Federal Regional Court of the 1st Region, it was verified that there are divergences regarding the valuation of the evidence produced in the scope of the inspection of mobile groups, with arguments in the sense of the need to clearly identify robust criminal elements, such as a criminal organization, coercion allied to the incidence of fraud as elements for the characterization of the crime of art. 149 of CP.

Due to these elements, there are arguments that reject the complaint offered by the MPF due to the lack of distinction between degrading conditions (from a criminal point of view) and local precariousness (related to the local reality or the type of economic activity carried out), raising production of evidence beyond the testimony of tax auditors, such as the need to list the survivors themselves.

PADF also designed the project implementation plan (AIP), that offers legal solutions and recommendations to be considered when performing the listed tasks, especially the protection and processing activities.

7.1 Legal solutions



The external consultancy's final product was legal solutions to implement the Combatting Forced Labor in the Cattle Ranching Sector in Pará program activities. These activities seek to improve institutional mechanisms that reduce forced labor violation incidence and align with objectives 2 and 3 of the project (increase access to comprehensive and survivor-centered protection mechanisms and improve prosecution of forced labor crimes in the cattle ranching sector in Pará).

The legal solutions below aid the project's technical team activity planning and can reduce barriers found by workers. The solutions are based on data from legal processes and notifications.

1. **Support the review of the flowchart.** The flowchart covers the stages that begin in rescue operations and end in effective filing of actions in the labor and criminal spheres by the competent bodies (MPT, MPF and DPU). The flowchart review improves the effectiveness of forced labor findings and filing actions against the defendants.
2. **Sensitize and train members of the Public Prosecutor's Office and Public Defender's Office** about the importance of requesting alternative sanctions in lawsuits, such as the obligation of publishing convictions in newspapers.
3. **Strengthen inspection groups** that have autonomy and independence from the Federal Executive Branch.
4. **Support for creation of the Legal Clinic by UFPA** to promote access to justice for survivors of forced labor.
5. **Support competent agencies** to increase the amount of inspection operations.
6. **Raise awareness and strengthen survivors** to take legal measures against offenders.
7. **Follow-up on forced labor survivors**, especially children.
8. **Manage awareness-raising activities** in regions with the highest number of forced labor crimes.
9. **Train judiciary members on forced labor characteristics**, based on art. 149 of the Penal Code.
10. **Train justice and protection systems members** of the differences between the beef production chain and other production chains (for example, palm oil extraction), as relates to forced labor.
11. **Train justice system members of the need to clarify**, preferably in the summaries, the production chain to which cases judged belong.
12. **Disseminate the legal definition of conditions analogous to slavery provided for in article 149 of the Penal Code**, given proposals that call for its legislative amendment and judgment. These amendments and judgements would have repercussions on the reach of the Federal Supreme Court (STF) regarding conditions analogous to slavery crimes.

7.2 Implementation Guidelines



PADF has established a theory of change based on an Activities Implementation Program (AIP), structured according to the “three P’s methodology”: Prevention, Protection and Processing.

For its intervention model strategies, PADF relates the activities from each “P” according to asymmetry with the strategic objectives and designs a set of sub-activities aligned with the performance and results indicators (RPM). The sub-activities are broken down into tasks to achieve the results and the established goals (CPI). Activities, sub-activities, comments, and recommendations are summarized in Figure 4.

The AIP legal solutions proposed must align with the PADF project implementation document and the results of this study, as was agreed with the local and national strategic actors.

The AIP is a guiding tool to overcome protection shortcomings, such as the lack of qualified technical defense for rescued workers. The AIP also improves training, mentoring, and capacity building for the actors of the judicial accountability system. Judicial actors will be able to improve investigations and apply behavioral changes to officials involved with labor violations and criminal offenses.

PADF’s recommendations for the AIP are: The results of the mapping assessment of the barriers to adjudication strengthen the AIP, which include the following guidelines/observations that need to be met for the respective activities, as shown in the table below.

The project activities must improve evidence gathering and employer accountability mechanisms, to avoid recurring forced labor criminal activity. Finally, the considerations and observations should be updated, and must align with the Prevalence Study and the needs survey conducted with the local network that gives special attention to survivors.

TABLE 4 - SUMMARY OF RECOMMENDATIONS

ACTIVITIES	SUB-ACTIVITIES/TASKS	REMARKS	RECOMMENDATIONS
Activity 1.2: Mapping Barriers to Judicialization and Accountability	Designing of strategies for the implementation of the legal solutions proposed with the local players in the justice system	Consider obstacles to filing lawsuits, especially for non-rescued workers.	Build strategies with OAB-PA, DPU and MPT to validate the barriers and data identified
Activity 1.3: Information Sharing (including sharing the Prevalence Study and Barrier Mapping)	Disclosure of results	Hold a joint event to exchange information and delimit aspects of the intervention	Consider the relevance of the information contained in the notices of violation and inspection reports, including the inspection officers to



			evaluate the information.
Activity 1.5: Improve State and National Coordination	Organize a meeting between the players of the local justice system network	The survey points out that the operations are mostly carried out by the GEFM, there is a need for more actors in the local network to better coordinate with national actors.	Establish focal points within agencies to provide interagency data that can be used in procedural instruction. I.e., Send factual news to the MPF, DPU and MPT as a Federal Police routine. Send inspection report to the DPU-Pará Human Rights Center for coordination of local demands.
Activity 1.6: Awareness Campaign	Campaign Building	Consider the lack of information on labor rights and documents that may be useful for use in future actions.	Organize materials that guide workers to document evidence and elements that can be used, in the event of labor exploitation, in a practical way that is consistent with the local reality. I.e., Photos on WhatsApp, location, written WhatsApp message with job proposal, etc.
Activity 1.7: Community Outreach	Establishment of the community protection program "Know Your Rights" in the predominant municipalities	Consider the absence of tools about labor law and access to the justice network. Where to go or to refer someone who needs legal support?	Create a practical and friendly guide to understand rights, documents and other information that can help workers protect themselves. I.e., Documents that prove the employment relationship.
Activity 2.1: Victim Support Service Reference Networks in predominant Municipalities	Establish reference flows and/or protocols between protection services and legal services	Consider, pursuant to the survey, the need for rapid and constant dialogue between care services to gather information for accountability	Check the possibility of including SUS and SUAS technicians as a network that will be able to produce bio-psycho-social



			reports to demonstrate evidence regarding the bio-psycho-social injuries sustained by workers for the purpose of evidence instruction.
Activity 2.3: Legal Assistance Support	Support Legal Protection Centers and facilitate other legal assistance services for survivors	Consider the profile of the non-rescued worker who seeks justice to access labor rights in general but does not know they are victim of forced labor due to ignorance/non-recognition.	Train areas of specific nuclei to meet the demands of un-rescued workers, who are forced labor survivors.
Activity 3.2: Training for civil servants	Creation of a Training Program for civil servants, aimed at law enforcement	Consider the role of the environmental military police, the federal highway police, federal police, and labor court employees in the identification of forced labor survivors to improve registration, gathering of proof, evidence and allegations in labor and criminal proceedings.	Design training programs that create a link between the inspection officer and the production of reports from the labor point of view and possible reports from the criminal point of view, within the competence of the public security agency that follows the action.
Activity 3.3: Training of Labor law enforcement officers and support for inspections	Conducting workshops and training workshops WITH labor inspection officers	Consider the large amount of information produced by the agencies in labor inspections and how to better forward this information so they reach lawyers, public defenders and federal and state prosecutors	Creation of a training module for lawyers, defenders and prosecutors with inspection officers to present the administrative elements and procedures headed by these players.
Activity 3.4: Training of players in the justice system	Improved processing of forced labor cases	Consider the difficulty in recognizing degrading working conditions.	Create a mentoring project for judges based on the theory of the capabilities of the judiciary, so that they create resolutions/guiding paths for requesting evidence and requesting information,



			technical opinion from a specialized agency that can certify whether or not it is a degrading condition within the local reality, considering national and international standards.
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Source: PADF Compilation (2022)

In addition to these guidelines, the project activities must bring improvement to evidence gathering and employer accountability mechanisms, to avoid repetition of the wrongdoing, which can be achieved both through accountability for the forced labor violation, or through violation activities related to environmental damage and illegal exploitation of land. Finally, the considerations and observations can/should be updated and organized together with the Prevalence Study and survey of the needs of the network for special attention to survivors at the local level.

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^[1] It is incumbent upon the labor law enforcement officers to prevent and maintain labor rights, as provided for in art. 626 and the Consolidated Labor Laws – CLT.

^[2] “Precisão” (Dire Need) is the word used by the people of Maranhão to define the dire need to fight for their survival. Socially and economically vulnerable, it is out of dire need that Brazilians end up being subjected to these working conditions analogous to slavery (ILO, 2019).

^[3] Article 23. It is considered that a worker submitted to work analogous to slavery is a worker who is subjected, individually or jointly, to: I - forced labor; II - exhaustive working days; III - degrading working conditions; IV - restricted movement, by any means, due to a debt contracted with an employer or agent, at the time of hiring or during the course of the employment contract; or V - confinement to the workplace due to: a) restriction on the use of any means of transport; b) keeping of ostensible surveillance; or c) holding of documents or personal effects.

Article 24. For the purposes set forth in this Chapter:

I - forced labor is that demanded under the threat of physical or psychological sanction and for which the worker has not offered himself or in which he does not wish to remain spontaneously;

II - exhaustive workday is any form of work, of a physical or mental nature that, due to its length or intensity, entails a violation of the worker's fundamental right, notably those related to safety, health, rest and family and social life;

III - degrading working condition is any form of denial of human dignity by violating the worker's fundamental right, notably those provided for in the labor protection and safety, hygiene and health at work standards;

IV - restriction, by any means, of the worker's movement due to debt is the limitation of the fundamental right to come and go or to terminate the performance of work, due to a debt ascribed by the employer or agent or the persuasion of indebtedness to third parties;



V - restriction of the use of any means of transport means any form of limitation to the use of existing means of transport, private or public, which can be used by the worker to leave a place of work or accommodation;

VI - ostensible surveillance in the workplace is any direct or indirect form of control or inspection by the employer or agent, over the worker's person that prevents him from leaving the workplace or accommodation; and

VII - holding of documents or personal effects is any form of illicit possession by the employer or agent of documents or personal objects of the worker.

^[4] The Walk Free Foundation's 2018 report states that apparel, beef and wood products are the main products to create a risk for forced labor activities. Furthermore, in 2017 they highlighted the conviction of Fazenda Brasil Verde, in Pará, whose main economic activity was cattle raising, and the withdrawal of its products from the UK processing company "The Waitrose", after it was revealed that the company bought meat from a farm that was fined and charged for work analogous to slavery in Brazil. The farm in question, owned by Antônio José Junqueira Vilela Filho, or AJ Vilela, is headquartered in the state of Pará, at Curuá farm in Altamira, which has also been reported for illegal deforestation.

^[5] Administrative Rule issued by the Ministry of Women, Families and Human Rights, available at <https://www.in.gov.br/en/web/dou/-/portaria-n-3.484-de-6-de-outubro-de-2021-350935539>

^[6] Data extracted from the DPU's Management Report presented to the Federal Accounting Court is available at https://www.dpu.def.br/images/2022/tcu/Relatorio-Gestao-TCU-2021_compressed.pdf

^[7] Precedent No. 425 from the Superior Labor Court (TST), the parties *jus postulandi*, established in art. 791 of the CLT, is limited to the Labor Courts and the Regional Labor Courts, unable to get relief from judgment, provisional remedy, writ of mandamus and the resources that are the jurisdiction of the Superior Labor Court. (TST, 2,010).

^[8] DPU Structure in the State of Pará. Available at: < <https://www.dpu.def.br/endereco-para> >. Accessed on 10/05/2022.

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^[13] Administrative Rule from the DPU Pará. Available at: < [http://defensoria.pa.def.br/portal/anexos/File/portarias/2020/Portaria%20N%C2%BA%20177.2020%](http://defensoria.pa.def.br/portal/anexos/File/portarias/2020/Portaria%20N%C2%BA%20177.2020%20) >



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[14] D. M. Thomas and S. Mathur, "Data Analysis by Web Scraping using Python," 2019 3rd International conference on Electronics, Communication and Aerospace Technology (ICECA), 2019, pp. 450-454, doi: 10.1109/ICECA.2019.8822022. Cochran W.G. (1,977). Sampling techniques, 3rd Edition, John Wiley & Sons, New York.

[15] All inspections must be included in the Federal System of Labor Inspection – SFITWEB, with the identification of the matter at hand (work in a condition analogous to slavery).

[16] It should be stressed that, although the Normative Instruction acknowledges the right to shelter for vulnerable workers, it is up to the current regulation to establish how psychosocial monitoring and access to public policies can take place. In the case of foreign migrant workers who have irregular migratory status and who have been victims of human trafficking, work analogous to slavery or violation of rights aggravated by their migratory status, they must be referred for the granting of a residence permit in the country.

[17] Article 45. In any inspection where work analogous to slavery is found, or which has been motivated by a report or investigation of this wrongdoing, even if the submission of workers to this condition is not confirmed, a detailed inspection report must be drafted within five working days, from the date of the end of the inspection, and it should provide a detailed description of the conditions found and it shall be conclusive regarding the finding, or not, of work analogous to slavery.

[18] Definition by the National Council of Justice – CNJ available at <https://www.cnj.jus.br/cnj-servico-saiba-quanto-a-decisao-final-e-dada-por-sentenca-ou-em-acordao/>

