

Master Thesis

Compliance with Labor Standards: Measuring the Effectiveness of Policies against Child Labor and
Modern Slavery in Brazil



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“Like apartheid and poverty, slavery is not natural. It is man-made and it can be overcome and eradicated by the actions of human beings.”

Nelson Mandela¹

¹ Nelson Mandela Foundation, speech delivered by Nelson Mandela for the “Make Poverty History” campaign. Trafalgar Square, London, United Kingdom, February, 3th, 2005.

Abstract

The aim of the present research is to determine whether the Brazilian policies and strategies to eradicate child labor and modern slavery are effective. To achieve that, this research assesses the measures and policies used in Brazil to combat child labor and modern slavery.

The incentives of actors related to child labor and modern slavery are studied in order to understand their role in this illegal practice, and to assess whether the policies confront their incentives. In order to do that, policies and measures from government, NGOs and companies are analyzed in terms of these incentives. In addition to the analysis, interviews were conducted with actors related to child labor and modern slavery to provide insights and specific information about the current situation in Brazil. Thus, the strategy used in this research to answer the research question was to first identify the causes of child labor and modern slavery, and ergo identify which factors and incentives led to them. Hence, these incentives and factors must be changed.

After the analysis, some gaps and flaws could be found and consequently, recommendations for the future have been provided. It was also found out that the relationship between public and private sectors is of utmost importance to eradicate child labor and modern slavery. Thus, not only governmental policies are important, but also civil society seems to be important in eradicating child labor and modern slavery.

Key words: Child labor, modern slavery, policy, effectiveness, incentives, Brazil, PETI, national plan to eradicate modern slavery.

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I also would like to thank my parents and my brother that have always supported me and encouraged me to keep studying and giving me the strength I needed. Many people have helped me throughout this process, especially Charles, Regiane, and Alba believing in my potential and always reminding me of that. Also, I would like to thank Radboud University and the Orange Tulip Scholarship for giving me the opportunity to study in an amazing university with great teachers.

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Chapter 1. Introduction

“Slavery and civilization cannot coexist, because they are an inherent contradiction – it’s intolerable, it’s unacceptable and it’s not negotiable. We have to act now.”

Kailash Satyarthi, Nobel Peace Prize winner, 2014

In this chapter an introduction to the problems of child labor and modern slavery in Brazil will be presented. They will be provided in order to offer definitions and a background about this topic. First, a general introduction will be presented, followed by a detailed explanation and definition about modern slavery and its characteristics in Brazil. Further, the relevance, both scientific and social, will be presented. Finally, the outline of the research is presented.

1.1 General Introduction

The research problem studied in the present work is the effectiveness (or not) of the policies against child labor and modern slavery in Brazil. However, prior to discovering whether the policies are effective or not, definitions and background about child labor and modern slavery in Brazil will be presented below.

Although Brazil has abolished slavery on May, 13th, 1888 and ratified the International Labor Organization (ILO) in 1947, nowadays noncompliance can still be observed such as child labor, insufficient wages, forced and bounded labor, unhealthy conditions of work, etc. Through the 1998 Declaration on Fundamental Principles and Rights at Work, the ILO has established four core labor standards, namely: (1) freedom of association and the right to collective bargaining; (2) elimination of all forms of forced labor or compulsory labor; (3) effective abolition of child labor; and (4) elimination of discrimination in respect to employment and occupation. Besides these four core labor standards, in general terms, the aim of the Declaration is to stimulate national efforts to ensure social progress in a scenario of “fair globalization”. (Lerche, p. 427) (ILO 1998).

This research is focused on the second and third items, modern slavery and child labor. They were chosen due to their current importance in Brazil and the presence of specific policies to tackle these problems. These policies are: Program to Eradicate Child Labor, the National Plan for the Prevention and Eradication of Child Labor, National Plans to Eradicate Modern Slavery, and the

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National Pact to Eradicate Slavery. They will be further analyzed and assessed, together with other strategies and tools that help in the eradication of child labor and modern slavery.

This research's aim is to discover whether the policies against child labor and modern slavery in Brazil are effective or not. Having answered that, it will be possible to determine whether other countries that face the same problems could also use these policies, strategies and tools.

1.2 What is Modern Slavery?

According to the Convention of Human Rights, we all have the same rights as per Article 1: "All human beings are born free and equal in dignity and rights" and also Article 4: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms". Following the same principles, in the Brazilian Penal Code, modern slavery entails for (1) forced labor², (2) bonded labor³ (3) bad conditions of work⁴, and (4) child labor. (United Nations, 1948; Brazilian Penal Code, 2005).

That broad definition of modern slavery - specially the conditions of the workplace - adopted by the Brazilian penal code is considered by the ILO an advanced definition that should be an example to other countries, as expressed by the Director of the ILO in Brazil, Laís Abramo (ILO, 2012).

The term is "modern slavery" because formally slavery has ended in 1888 in Brazil. However, it is still a topic of discussion that can be observed in today's society. That term is broader than what the historic term suggests because it does not entail only lack of liberty, but also lack of dignity. There are complementary definitions of modern slavery such as "loss of free will, violence and economic exploitation" (Bales, 2005, p. 91), "form of degrading and non-contractual exploitation in which there is curtailment of the individual's freedom" (Sakamoto, 2007, p. 7), "restrictions on workers' freedoms" that change the power relations and workers have a weaker bargaining position (McGrath, p.1015).

Besides the historical roots of modern slavery, there are some factors that increase the chances of modern slavery. For instance, poverty and lack of formal employment can result in modern slavery

² Labor against the worker's will.

³ One borrows money that cannot be repaid and is obliged to work in degradant conditions in order to pay the debt. The employer keep the salaries to pay off this debts.

⁴ Precarious work place, lack of medical assistance, food and drinkable water, basic sanitation, mistreatment and violence, working more than legal working hours per day, and excessive effort that can jeopardize a person's healthy conditions.

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due to an increase in the vulnerability of these people. According to Kevin Bales (2006), the vulnerability is increased even more in the absence of the rule of the law, giving place to corruption, where violence is dealt with impunity and people are left with no protection of their rights (Bales, 2006). As per Cockayne (2015) has pointed out, “slavery exists where the costs of slavery are externalized onto victims, families and communities (and their environment), who cannot protect themselves, because governance is weak and the rule of law diluted”. (Cockayne, p. 4, 2015).

1.2.1 Prevalence of modern slavery in Brazil

According to the Global Slavery Index, Brazil has 161.100 people in slavery conditions, taking the 41th place in a global comparison for absolute numbers and the 51th for the estimated portion of the population. Regarding the government response to modern slavery, Brazil is rated as a BB⁵ country, which means that the government has introduced policies to combat modern slavery but there are still gaps and flaws (Global Slavery Index, 2016).

Brazil has recognized the existence of modern slavery to the ILO in 1995. From that time until 2015, more than 49 thousands⁶ of workers were freed from slavery. Many examples can be pointed out, especially in the rural area, such as coffee, sugar cane, soy production. Also, it can be encountered in big urban centers for the garment sector and construction, for instance. A recent example⁷ in the garment sector is from a clothing store called M. Officer that is accused of slavery, specifically the crimes of precarious work places and exhaustive and exceeding the legal working hours per day. The company was convicted and will have to pay a fine of 6 million Brazilian reais (approximately 1.634.877 euros⁸).

⁵ The Global Slavery Index has developed a methodology with 98 indicators of good practice, and according to the positive answers given to each indicators, more points is attributed to that country. The rate is from AAA (the best, ranging from positive answers to the indicators between 90% and 100%), followed by AA, A, BBB, BB (Brazil is rates as BB, which ranges from 50% to 59,9% of positive answers), B, CCC, CC, C, and D (the worst, ranging from 9,9 % and 0% of positive answers to the indicators). Retrieved from: <https://www.globalslaveryindex.org/methodology/>

⁶ Information from the ILO, retrieved from: <http://www.ilo.org/brasil/temas/trabalho-escravo/lang--pt/index.htm>

⁷ Information retrieved from the website of the Ministry of Labor. Retrieved from: http://portal.mpt.mp.br/wps/portal/portal_mpt/mpt/sala-imprensa/mpt-noticias/ac92d706-1087-4a87-b1ca-605cb08b2703!/ut/p/z0/jYzLDoIwFER_BRcsyb1FpLhEYggSou6wG3MpiFUor8bH34s_YNxMMpMzBwTkIDQ9VE1GdZqauZ-Ef2Yxeslmj2mcHjiGR5Ztk5i5EXLYfgfNzAZ3zKKsBtGTuTpKXzrISa7dkqPvMAy449EcBZPk-LiSBQaFy3H5varbMIgQhOy0qV4G8rY3Nk7UkFVWlmr7sdIT2TjPlu6MkoomG_-y93dRvJ_h4gM-10_2/

⁸ The exchange rate used is 1 euro = 3,67 Brazilian reais, most recent rate from August, 7th, 2017.

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1.3 Relevance

The relevance of this study will be presented below from two perspectives: scientific and social relevance.

1.3.1 Scientific

1.3.1.1 General scientific relevance

Modern slavery is a mainstream issue that is not anymore left to the margins of society or the academia. This topic started to be considered more firmly by academics after the empirical work provided by Fröbel, Heinrichs, and Kreye's, which showed the transformations of the world market and the labor division, introducing the new international division of labor (Charnock & Starosta, p.3, 2016). With the knowledge provided by this study, academics could analyze labor and policies at the same time. Hence, scientific studies could help policy makers create better policies against child labor and modern slavery by offering knowledge, insights, analysis and different perspectives.

According to Colander (2004), economics is moving from a traditional trinity to an eclectic one of 'purposeful behavior, enlightened self-interest, and sustainability' (Colander, p. 1, 2004). Hence, the selected topic is important to be studied by economists because economists have the ability to inquire larger societal questions with a different and broader view, understanding the scenario as a whole, including people's behavior and their motivation. In the case of this study, policies, theories and perceptions from different actors are analyzed in order to discover why would an employer/company comply or not with labor standards.

Henceforth, scientific research is of absolute importance because it is possible to analyze both sides (literature and policies) and create a mixed result, culminating in a solution that is the best fitting for the situation. Moreover, analyzing public policies from outside the government and having in mind the perspective of other actors, gaps can be found in the process and recommendations can be formulated. Also, in addition to the policies, literature are of utmost importance because theories, previous cases and empirical research about the topic helps to deeply and further understand them.

1.3.1.2 Specific scientific relevance

The scientific relevance of this research is to analytically assess the policies used in Brazil to eradicate child labor and modern slavery in terms of the incentives from parents and employers. This

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is the first time, as far as I have found, that such work is done in a comprehensive way using qualitative work and analysis of policies about child labor and modern slavery in Brazil.

The model used in this research (analysis of literature and comparison between theories and current policies used) seems suitable to empirically assess theory and policy because both literature in policy effectiveness, and documents and interviews about specific policies are studied together. Hence, this strategy could be used by other scientists that aim to research and compare theory and empirical cases. Moreover, this model enables finding flaws and gaps in the policies and measure, hence it is possible to formulate recommendations, which could be added into the literature as empirical findings.

Therefore, my scientific contribution is related to the knowledge on how to assess policies based on theory and include different perspectives from different actors on the analysis. Furthermore, this research also presents the theoretical definitions in terms of the empirical research, hence, the combination of both provides a comprehensive research.

Besides these contributions, the present research can also contribute for future new policies and policy makers when formulating policies against child labor and modern slavery due to the ample analysis of theory compared to policies and measures current being used.

1.3.2 Social

The social relevance of this topic is to create awareness to the problem of child labor and modern slavery. As mentioned above, according to the Global Slavery Index, the government response to modern slavery in Brazil is considered BB, thus it is important to research it in order to raise awareness about it and pressure the involved actors (including the government) to act in accordance with the policies and measures. Additionally, the recommendations resulting from this research can be used in the future by policy makers to improve future policies.

1.4 Outline of the Master Thesis

Following the introduction, the research problem is presented below including the research question and its sub questions. Next, the theoretical framework is presented, with sub divisions: First, the government's motivations to create policies against child labor and modern slavery will be presented. Second, theory about child labor, it causes, the incentives of the actors to use (or not) child labor, and the policies will be presented. Third, following the same structure, the details about modern

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slavery will be explained. Lastly from this section, theory about governmental policies and their effectiveness will be studied.

Subsequently, the methodology used will be presented with motivation and explanation why the qualitative research was selected. Following, the empirical research chapter is presented, also divided by child labor and modern slavery, presenting the policies and measures and their details, results and analysis.

Next, is the discussion chapter, which the relationship between the theory presented and the empirical research collected will be presented and explained. Finally, the conclusion will be presented with the main findings and recommendations for the future.

Chapter 2. Research Problem

The research problem studied in the present work is the effectiveness (or not) of the policies against child labor and modern slavery in Brazil. Below, the research question is presented.

2.1 Research Question

The research question is “To what extent are the PETI (Program to Eradicate Child Labor), the National Plan for the Prevention and Eradication of Child Labor, National Plans for the Eradication of Modern Slavery and the National Pact to Eradicate Slavery and its institution InPACTO effective in banning child labor and modern slavery?”

In order to answer the Research Question in a cohesive and complete way, the following sub questions were formulated in order to be answered along the research:

- What are the goals of the PETI (Program to Eradicate Child Labor)?
- What are the rules, norms and practices within the PETI (Program to Eradicate Child Labor)?
- What are the measures used by PETI (Program to Eradicate Child Labor)?
- How is the effectiveness of PETI (Program to Eradicate Child Labor) measured and evaluated?
- Is there a follow up measure of the PETI (Program to Eradicate Child Labor) in order to control and analyze a possible progress?
- What are the goals of the National Plans for the Eradication of Modern Slavery and the National Pact to Eradicate Slavery?
- What are the rules, norms and practices within the National Plans for the Eradication of Modern Slavery and the National Pact to Eradicate Slavery?
- What are the measures used by InPACTO?
- How is the effectiveness of the National Plans for the Eradication of Modern Slavery and the National Pact to Eradicate Slavery measured and evaluated?
- Is there a follow up measure of the National Plans for the Eradication of Modern Slavery and the National Pact to Eradicate Slavery in order to control and analyze a possible progress?

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- To what extent are the National Plans for the Eradication of Modern Slavery and the National Pact to Eradicate Slavery goals attained until 2016 and to what extent was slavery reduced?
- Are there other pacts and policies that assist in the eradication of child labor and modern slavery?
- Are there other tools used in order to assist the PETI, the National Plans for the Eradication of Modern Slavery, and the National Pact to Eradicate Slavery? Are they effective?
- What are the incentives that companies have in order to comply accordingly with the policies and not use child labor or modern slavery?
- To what extent are the National Plan for the Prevention and Eradication of Child Labor and PETI's goals attained until 2016 and to what extent was child labor reduced?

2.2 Variables of study

2.2.1 Dependent Variable

The dependent variable is the reduction of modern slavery and child labor through the effectiveness of the policies and measures used in Brazil.

2.2.2 Independent Variables

In order to investigate the effectiveness of the policies⁹, the independent variables studied are: the policies themselves and the tools and strategies that are used to help eradicate child labor and modern slavery, for instance, the actions and monitoring done by NGOs and companies, the dirty list, the special group for mobile inspections.

⁹ PETI, National Plan for the Prevention and Eradication of Child Labor, National Plans to Eradicate Modern Slavery, National Pact to Eradicate Modern Slavery, and InPACTO.

Chapter 3. Theoretical Framework

In this chapter the theoretical framework will be presented, divided in four sub topics: (1) government's motivations to create policies to combat child labor and modern slavery, (2) the causes of child labor, (3) the causes of modern slavery and (4) governmental policies and their success. The theoretical framework section is of utmost importance to create background and be able to answer the research question. Moreover, the sub-questions of the research question will be answered based on this theoretical framework, especially to answer what are the incentives of parents and companies in order to comply with governmental policies, and how these policies change the incentives of them. In contrast, it will also be showed what are the incentives, motivations and reasons for a company to use child labor and slavery and maybe, not comply with the policies. Furthermore, theory will be used to analyze the policies against child labor and modern slavery and how they can be effective.

The underlying aim of this section is to understand how policies can constrain the incentives and behavior of different actors, such as companies (employers) and families (parents). In order to understand that, a prior concept to be in mind is that slavery (and in this case, child labor as well) is a "relation of power" that drives the incentives of parents and employers (Manzo, p. 532, 2005). For instance, in child labor, children have less bargaining power when compared to parents and employers. In parallel, in modern slavery, slave workers have limited or no power.

In the subsequent section the government's motivations to create policies to combat child labor and modern slavery will be presented, followed by theories in child labor and modern slavery. Finally, theory about governmental policies and their effectiveness will be presented.

3.1 Government's motivations to create policies to combat child labor and modern slavery

The aim of this research is to understand and evaluate if the policies to combat child labor and modern slavery are effective or not, but prior to that, an analysis of the government's motivations in formulating and enforcing these policies is needed. The importance to acknowledge the government's motivations is to understand why the government makes efforts against child labor and modern slavery. According to Camila Zelezoglo from ABIT (personal communication, April, 18th 2017), previously to the acknowledgment from the Brazilian government of the existence of modern slavery in the country, this topic was considered a taboo by many actors such as companies, civil society and even the government. However, after the recognition of the problem, the issue started to be broadly addressed and better actions and measurements could be formulated.

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The Brazilian government implements anti-child labor and anti-slavery policies due to pressure exercised by different non-governmental actors in society, both nationally and internationally. First, I will go into the (inter)national pressures from other actors for anti-slavery policies, followed by the national interest of the Brazilian government in anti-slavery policies.

Nationally, the pressure to comply with labor standards and create policies to protect them comes from NGOs and companies. Internationally, the Brazilian government has also been motivated over the years by international pressure, through the ILO, for example. The Brazilian motivation and response has always been positive to new conventions¹⁰, ratifying it and pursuing the ILO's principles (ILO, 2010; ILO Country Profile, 2010). Thus, international organizations such as the ILO have the power to change behavior, create pressure and possibly drive a systemic change guided by its influence and knowledge (Bales, 2008, p. 139; Cockayne, 2015, p. 26-27).

Besides the national and international pressures being exercised upon the government in order to create policies to combat child labor and modern slavery, the Brazilian government is also motivated to implement these policies for development reasons. Poverty is agreed among many scholars to be one of the main root causes of modern slavery, creating vulnerability to people in this condition (Crane, 2013, p. 55; Quirk, 2008, p.114). Thus, policies against slavery are “smart development policy” (Cockayne, 2015, p. 23) and play a central role in providing public goods and correcting market failures. For instance, one of the tools used to correct these poverty related issues is the direct redistribution of resources to poor households, with clear conditions that are able to shape and constrain behavior (Fiszbein; Schady; Ferreira; Grosh; Keleher; Olinto; Skoufias, 2009, p. 8).

Thus, two main drivers can be distinguished behind the anti-child labor and anti-slavery policies from the Brazilian government: pressure from many actors in society, both nationally and internationally; and the development of the country by eradicating poverty. Below, child labor and modern slavery will be further studied, focusing on the incentives for the named policies.

3.2 Child Labor

In this section the actors related to child labor and their incentives will be further studied. The actors related to child labor are the children (who are the victims) the parents (that due to lack of alternatives to fight poverty send their children to work), and employers (that hire children in order to have less costs in their production). This section is structured as follows: first, the causes will be

¹⁰ For instance, Brazil has ratified 7 out of 8 Fundamental Conventions from the ILO. (ILO Ratifications, 2010)

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presented, followed by the change in parent's incentives, and change in employer's incentives. Subsequently, theory about policy making against child labor will be presented, with specific focus on the so called "conditional cash transfer".

3.2.1 Causes

In order to answer the research question and find out if the governmental policies from Brazil are effective, the root causes of child labor should be studied in order to define if the policies are tackling the causes of child labor. Policies are effective when the root causes are tackled (Fors, 2012, p.587), and because of that, the cause of child labor will be presented below.

One of the main causes of child labor is poverty (Ahmed, 1999; Gruffydd Jones, 2003; Brown, Deardorff, and Stern, 2003; van den Anker, 2004; Manzo, 2005; Robson, 2005; ILO, 2014), and according to Krueger (1997), lower GDP is related to more cases of child labor (Krueger, 1997).

Many scholars (Grootaert & Kanbur, 1995; Basu and Tzannatos, 2003; Yapa, Sedlacek and Orazemc, 2009; Fors, 2012; Rosati, 2011, p. 16; DeGraff, 2016) have presented empirical evidence that parents will only send their children to work if their wages are not enough to support their household, and extra income is needed. Basu & Van (1998) present the concept of the "Luxury Axiom", in which a family will only send their children to work in case the family's income drops drastically (Basu & Van, 1998, p. 416). Thus, child labor is a response to poverty (van den Anker, 2004, p. 142; 219; Edmonds, 2010, p. 5; Fors, 2012, p. 573). According to Neumayer & De Soysa (2005), this response to poverty works as a "mechanism for consumption smoothing" (Neumayer & De Soysa, 2005, p. 44). Therefore, the incentive of parents to send their children to work is poverty within the household.

Poverty works as a determinant in the decision of the family to send their children either to school or to work. If the family faces extremely high levels of poverty and send their children to work, it affects the education and consequent wages of the children in the future, decreasing their human capital. That can be the start of a vicious cycle of poverty and child labor, because then the next generation will also be sent to work (Basu and Tzannatos, 2003; van den Anker, 2004). According to Edmonds (2010), "low educational attainment leads to lower educational investments in the next generation" (Edmonds, 2010, p. 5, 33).

Low level of parents' education and economic vulnerability increase the likelihood of children being sent to work. In contrast, more years of parents' education represent higher likelihood that they will keep their children at school due to an informational externality affecting the decision making with higher appreciation to education (Brown, Deardorff, and Stern, 2003, p. 14, 22; Neumayer & De

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Soysa, 2005, p. 44; ILO, 2014, p. 35). Also, the school attendance is higher for children who do not work in comparison with those who work (DeGraff, 2016, p.449, 455, 463; Edmonds, 2010, p. 24).

3.2.2 Changing the incentives of the parents

As explained above, the motivation of the parents to send their children to work is poverty in the household. Thus, to overcome this problem, a policy should decrease the incentives and benefits of parents sending their children to work and create an alternative to recoup the income that child labor would bring into the household.

However, changing incentives of parents seems to be difficult because parents fail to internalize the negative effects of child labor because they decide to benefit and maximize the household income as a whole. Consequently, children are not thought of individually and parents do not reflect their decision to send children to work as a trade-off between work and school (Baland, J.M. & Robinson, J.A., 2000, p. 663-664, 670).

This decision of sending children to work instead of school has consequences. Emerson and Souza (Basue & Tzannatos, 2003) in their empirical research from 2003 using the household survey from Brazil (PNAD), stress the negative consequences that lack of education of parents have in the decision to send their children to work. They have ascertained that people that have worked as a child will perpetuate child labor with their own children because “It may be that having been a child laborer affects one’s social norms and attitudes toward child labor (Basu 1999a; Lopez-Calva 2003), making one more prone to send one’s child to work” (Basu & Tzannatos, 2003, p. 154 & 162). Hence, although less strong than poverty, having worked as a child may be an incentive that parents have to send their children to work.

As can be analyzed, education is of extreme importance when combating child labor and its cause. Hence, governmental policies focusing in education seem viable to fight child labor. Such policy should also increase the incentives of parents to send their children to school instead of work.

3.2.3 Incentives of employers

The incentive employers have in using child labor is the reduced cost related in hiring children. Consequently, employers have higher profit as a result of low wages and lack of non-wage benefits (Brass, 1999, p.164). The low costs associated with the illegality of child labor may be due to the fact that children and their families have no alternative source of income, thus becoming vulnerable and unable to complain about bad working conditions (Silva, M.I., 2001, p. 112).

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According to Basu & Tzannatos (2003), another incentive that employers have is the assumption that for some tasks, children are better than adults (the so called “nimble fingers”). Several authors are skeptical about the validity of this argument. For instance, Levinson (1998) confirms from a technic point of view that the work done by adult or children are substitutes, hence both are able to do the same tasks with the same ability (Levinson, 1998 in Basu and Tzannatos, p. 149, 2003).

Other authors doubt whether such arguments are only used to justify the use of child labor and hide the true motives of hiring children (the low costs of production). They argue that if children and adults would be paid equally, children would not be employed. Moreover, they affirm that children are more attractive due to their lower awareness of their own rights, and the lack of non-wage benefits (Brown, Deardorff, & Stern, 2003, p. 21; Neumayer & De Soysa, 2005, p. 45).

After presenting the incentives that both parents and employers have regarding child labor, details about policies to combat child labor will be presented below, focusing on a specific type of policy that is currently being used in Brazil: the conditional cash transfer.

3.2.4 Policy Making to combat Child Labor

In order to eradicate child labor, the policies against it must tackle its root causes. As showed above, one of the root causes of child labor is poverty. Therefore, if parents have a higher income, their children will not need to work and will be able to attend school (Fors, 2012, p. 587). Knowledge and education are important tools to eradicate child labor because educated persons are less susceptible to such vulnerable situation when compared to non-educated persons.

However, structural changes (like fighting poverty) take a long time to show effects. Thus, for the short run a good way to overcome the problem of child labor and stimulate schooling is through conditional cash transfers (that will be explained in details below). These strategies financially help poor families and send children to school. Moreover, the behavior of parents is changed (children are sent to school instead of work), at the same time that there is a reduction of poverty in the household (Handa and Davis, 2006, p. 4). According to Grootaert & Kanbur (1995), governmental policies and economic incentives (in this case, the conditional cash transfer) are the main tools to combat child labor (Grootaert & Kanbur, 1995, p. 200). The next section will explain further the mechanism of conditional cash transfers.

3.2.4.1 Conditional Cash Transfer

The Brazilian policy to fight child labor is the Program for Eradication of Child Labor (PETI), which provides conditional cash transfers to poor families. The condition for the family to receive the

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financial help is to send their children to school. The aim of this condition is to enhance human capital by constraining parents' behavior.

The combat against child labor works as a consequence of the mandatory school attendance, because "child's presence in school is easier to monitor (and thus ensure) than a child's absence from work." (Basu, 1999, p. 1090). Moreover, education is considered by many scholars to be a great tool to combat child labor with many positive externalities such as higher wage in adulthood due to higher human capital (Basu, 1999; Basu and Tzannatos, 2003; Brysk & Choi-Fitzpatrick, 2012, 2012).

The conditional cash transfers (CCT) has been long studied by many scholars (Rawlings, Rubio, & Gloria, 2003; Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto, & Skoufias, 2009; Rosati, 2011). The CCT is presented as a poverty reduction measure through a social contract acting on the demand side between government and the beneficiaries of the CCT, which are poor families that send their children to work instead of school as a result of poverty in the household (Fiszbein; Schady; Ferreira; Grosh; Keleher; Olinto; Skoufias, 2009, p. 10-22).

3.3 Modern Slavery

In this section, modern slavery will be further studied. Due to the broad context in which modern slavery is encountered, first the causes will be presented in order to acknowledge which factors should be changed and tackled by policies aiming to eradicate modern slavery. Following, the incentives to comply with labor standards are presented, focusing on the role played by companies and showing that they are accountable to the problem. Next, theory about policy making to combat modern slavery will be presented, focusing on Quirk's (2008) three dimensions: education, information and awareness; effective enforcement; and release, rehabilitation and restitution. These dimensions are important to be presented in this research because the policies should encompass them in order to have effective results (Quirk, 2008).

Moreover, presenting the incentives and the above mentioned dimensions, the actors related to combat modern slavery through policies can be identified. The actors involved in modern slavery are the victims of modern slavery and the employers that put them in this situation. Modern slavery is not an exogenous problem of companies, but it is an "endemic feature of the socio-economic systems", which means that the problem of modern slavery is also constituted by non-complier employers (New, 2015, p. 697).

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3.3.1 Causes

The causes of modern slavery will be presented, first from a broader¹¹ viewpoint, then followed by the Brazilian case.

Globalization is the result of the universalization of neo-liberal and global capitalism principles, including economic and political processes. Economic processes around the world such as the increase in international trade and flow of investments tend to produce negative externalities to modern slavery, as poverty and vulnerability. In contrast, political processes such as the growth and internationalization of the civil society and active role of NGOs around the world, can help tackle modern slavery through an extensive approach and range (van den Anker, 2004, p. 21-22)

All in all, globalization play an important role in modern slavery because it has a positive and a negative side in modern slavery. At the same time that globalization has promoted a rapid economic growth around the world, it has pressured for lower wages and higher demands as the production chain can be located anywhere in the world, creating more competitiveness. Thus, globalization might contribute to increase poverty, leaving people more vulnerable to modern slavery (van den Anker, 2004, p. 15; Androff, 2011. p. 210).

Lower levels of GDP per capita can represent a higher portion of a country's population being in modern slavery. That is so due to the vulnerability that is created by poverty and consequently, creates a "fertile context for labor exploitation" (Crane, 2013, p. 55). Another factor that can result in modern slavery is unemployment. As in poverty, unemployment also makes people vulnerable and due to lack of alternatives, people fall into traps of modern slavery (Crane, 2013). Hence, poverty and vulnerability are important causes of modern slavery.

Kevin Bales (2006) points out that the roots of slavery can be explained by three factors: population explosion, change in the global economy and impoverishment of some countries, and the absence of the rule of the law that allows employers to maintain modern slavery and make use of violence, especially due to corruption, leading to impunity and lack of enforcement (Bales, 2006, p. 3-5). All these factors together, make people vulnerable: "When extreme economic, social and political vulnerability in one part of the population is matched by the ability of another part of the population to mobilize the means of violence and the "right" to exercise it with impunity, the result can be slavery" (Bales, 2005, p.4). Thus, some factors can be considered as facilitators of modern

¹¹ It is necessary to point out globally the causes of modern slavery because the reasons are connected to global issues.

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slavery such as lack of: political stability, control of corruption, voice and accountability to the citizens, and absence of the rule of law (Crane, 2013, p. 54, 57).

Therefore, the causes of modern slavery are many. However, the main cause of modern slavery in Brazil is poverty, as pointed out by the ILO. As a result, people that suffer from poverty are more vulnerable to be trapped in modern slavery (ILO, 2010, p. 112). Poverty, as in child labor, is a root cause for modern slavery and families in that situation are usually in a vicious cycle and more vulnerable to forced labor (van den Anker, 2004, p. 20; 221; ILO, 2014, p. 45).

3.3.2 Incentives of employers

The incentive employers have to use modern slavery is the cheaper or inexistent cost, enabling them to segment the labor market (Brass, 1999, p.164). Therefore, if the costs of modern slavery are increased by higher enforcement (for instance, with payment of fines by non-compliers), the incentives to maintain modern slavery will be lower due to the increased costs. Hence, a policy to combat modern slavery should decrease the incentive of using modern slavery by increasing the costs of using this illegal form of labor.

The use of modern slavery by employers/companies is explained by the theory of modern slavery as a management practice, presented by Crane (2013). The “institutional deflection of companies” determines how companies make use of illegal labor in order to have higher profit and lower costs through their management capabilities. Companies that are employing illegal laborers have “exploiting and operational capabilities”, which is the advantage that these companies have to create and shape the context for slavery. In order to maintain the illegal work, sustaining and shaping capabilities are needed: routines are developed to maintain slavery in a determined context, accompanied by activities to secure it (Crane, 2013, p. 50-52).

The motivations for modern slavery can be explained in an economic rationality way: make higher profits with reduced costs, despite the risks of getting caught. It occurs especially for small scale companies that lack technological advances and have extensive use of unskilled laborers. However, small companies are usually suppliers of bigger ones, hence bigger companies must ascertain that their suppliers do not use such illegal labor (Crane, 2013; New, 2015).

Small companies tend to be more susceptible to use modern slavery due to the high competitiveness among small producers driven by low market prices and crescent demands. Their solution to make profit under such conditions is to lower the costs by using modern slavery. Thus,

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the small producers' incentive to use modern slavery is to make profits with lower costs and be able to compete in the market (Crane, 2013, p. 53).

In contrast, an incentive that companies have in complying with policies to eradicate modern slavery is to avoid unfair competition from companies that use modern slavery and consequently are able to offer more competitive prices to the market. Hence, if all companies comply, unfair competition (related to modern slavery) would be inexistent (ILO, 2014, p. 45).

3.3.3 Policy making to combat modern slavery

As previously identified, there is modern slavery where the costs are externalized to third parties that are not able to protect themselves (victims of modern slavery) due to lack of good governance and presence of the rule of law. Modern slavery is encountered around the world and it is a "complex global collective action problem" whose challenge is to identify the payoffs related to different actors in a way to convince those with vested interests to acquire short term costs. (Cockayne, 2015, p. 24). That means that companies would have to acquire more costs in the present in order to eradicate modern slavery. Hence, the incentives of companies must be changed in order to achieve that.

To tackle the problem of modern slavery, many strategies and perspectives have to be considered. Modern slavery is a legal problem (since modern slavery is illegal), but creating laws is not the only answer to combat the problem because this problem is related to many fields. Therefore, the solution should encompass economic, political, social and cultural matters (Brysk & Choi-Fitzpatrick, 2012, p. 201; 213). An example to that is the National Pact for the Eradication of Modern Slavery, which arranges the relationship between government, civil society, companies, and the ILO in order to change the incentives of employers that use modern slavery (Cockayne, 2015, p. 25).

In addition to this relationship between different actors to tackle modern slavery, Quirk presents four core dimensions to combat modern slavery from a public policy perspective: (1) education, information and awareness; (2) legal reform; (3) effective enforcement; (4) release, rehabilitation and restitution (Quirk, p. 114, 2008). In this study all the items will be fully explored, except item 2 (legal reform) due to my limited knowledge in the legal area and the lack of current legal reform in Brazil regarding modern slavery.

These dimensions can be exercised by both public and private sectors and also by both of them together. Considering the magnitude of the problem, neither public nor private efforts are able to

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eradicate modern slavery by their own, thus, together it is easier to mobilize resources, gain knowledge, and change incentives to eradicate modern slavery.

Below, the core dimensions presented by Quirk will be explained in terms of change of incentives, who should be responsible and how it should be done.

3.3.3.1 Effective Enforcement

Effective enforcement refers to enforcing a policy correctly and strictly, guaranteeing compliance. The enforcement is primarily designed and carried out by the government, but companies also play an important role in it. Companies can, for instance, have strict codes of conduct for their suppliers, demanding transparency on the origins of their products (New, 2015, p. 73).

Enforcement against modern slavery is extremely important to show that non-compliers are punished with financial and legal penalties and that there is no impunity. Strong enforcement has the power to decrease the incentives of being a non-complier due to the higher chances of getting caught and the consequent increased costs related to it (Androff, 2011, p. 219; Feasley, 2015, p.10; Quirk, 2008, p. 117-118; Brysk & Choi-Fitzpatrick, 2012, p. 200).

3.3.3.2 Release, Rehabilitation and Restitution

After the enforcement of the policies and laws, victims can be freed. However, releasing former slaves is not the last step to freedom, because freedom is not an onetime event, it is instead, a complex process. As pointed out by Appiah & Bunzl (2007), “emancipation is only the beginning of freedom” (Appiah & Bunzl, 2007, p. 258). According to Bales (2010), what usually occurs to victims of modern slavery is a botched emancipation in which there is not a sustainable recovery. The recovery of the victims should be based in assisting them to build a new life with dignity, stability, economic autonomy and knowledge (Kevin Bales in TED Talks 2010). This reinsertion into society represents that these people will become producers and consumers and active economic agents in society, participating in the local economy. The incentives of employers may change when vulnerable people (freed slave workers) become indeed part of the society and become producers and consumers. In that case, the vulnerability would decrease and the likelihood to be trapped in modern slavery would also decrease.

That reinsertion into society should be done by the government in providing assistance and support to former victims of modern slavery (van den Anker, 2004, p. 35; ILO, 2014, p. 45). For example, it could be done through access to paid work and reinsertion into the job market in order to

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generate income and relocation in society with autonomy; support family agriculture; provide professional and specialized trainings; and enable the access to conditional cash transfers (van den Anker, 2004; Quirk, 2008, p. 119; ILO, 2009, p. 100; Brysk & Choi-Fitzpatrick, 2012, p. 198). One example of reinsertion of former slaves is the action done by the Citizens' Charcoal Institute (ICC), in which victims are hired with guaranteed labor rights (ILO, 2009, p. 109).

3.3.3.3 Education, Information and Awareness

Awareness is important because it is related to the fact that consumers have power and can use their knowledge and information to buy in an ethical way by consuming products that do not use modern slavery. Information can be widespread by the government and NGOs that have the power to name and shame non-compliers by media exposures, resulting in negative consequences, including financial consequences. (Berik & Rodgers, 2010, p. 60; New, 2015, p. 700). Hence, employers have less incentives to use modern slavery because it can harm the company's name, they can receive fines and be imprisoned. Thus, awareness increases the costs of modern slavery. With increased information and awareness, the pressure that a community and society can exercise is higher (Androff, 2011, p. 219; Feasley, 2015, p. 10; Quirk, 2008, p. 117-118; ILO, 2010; Brysk & Choi-Fitzpatrick, 2012, p. 200), being easier to employers getting caught, hence discouraging the use of modern slavery.

In sum, the costs of child labor and modern slavery are almost inexistent, thus, in order to eradicate them, policies should increase their costs. That would affect directly the incentives parents have to send their children to work; and employers to hire children or to make use of modern slavery.

3.4 Governmental policies and their effectiveness

The policies used in Brazil will be analyzed and their costs and benefits will be assessed in order to clarify the connection between the theory presented about child labor and modern slavery and the current governmental policies used in Brazil. Subsequently, the theoretical background about governmental policies and their effectiveness will be provided in order to identify and recognize in which situations a policy can be considered effective. This will help define whether the policies used by Brazil can be considered effective or not.

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3.4.1 Governmental policies in Brazil

The previous sections have analyzed the incentives of parents and employers to make use of child labor and modern slavery. In this section, the incentives will be analyzed in terms of benefits and costs to each policy used in Brazil. Policies aim to change the motivation and incentives that both parents and employers have to use child labor and modern slavery. Policies change behavior and increase the costs of not complying. With increased costs, parents and employers face less benefits to use child labor and modern slavery and have less incentives to be a non-complier.

3.4.1.1 Policy to tackle the incentives of the parents

In order to eradicate child labor, a policy should focus in changing the incentives of parents in sending their children to work. As previously detailed, poverty in the household is the main cause that parents send their children to work, consequently, a policy that increase the welfare of the household will decrease the incentive of parents choosing child labor. This policy is the conditional cash transfer.

In Brazil, the CCT currently working is the PETI that offers financial help to parents in order to remove their children from work and keep them at school. This financial help represents an increase in the household welfare, hence, the incentive and motivation to send children to work is confronted. This policy changes the incentives of parents because it works directly on the main cause of child labor (poverty in the household) and gives a rapid solution to constrain and shape the behavior of parents. With this policy, parents that receive the conditional cash transfer have their behavior guided to remove children from work. Consequently, child labor decreases due to an increase in the household welfare through a constraint in parent's incentives.

3.4.1.2 Policy to tackle the incentives of the employers

For both child labor and modern slavery, the incentives of employers have to be on focus in order to change them and enable the eradication of child labor and modern slavery. Employers have a financial incentive to make use of child labor and modern slavery due to their low or inexistent costs. In order to change the incentives of employers, the costs of child labor and modern slavery have to be increased. The costs can be augmented by the increase of the financial burdens related to being a non-complier and enhance the chances of a non-complier of getting caught. That can be done by enhancing the enforcement measures of policies and laws in practice; implementing fines to non-complier employers; and creating measures to strict the control of companies upon their suppliers.

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Below, policies that fit this description of increasing the costs of using child labor and modern slavery will be presented.

A way to increase the costs of child labor and modern slavery is to use the mechanism of name and shame, which in Brazil is called the dirty list. Besides the fines that have to be paid, a company that is in the dirty list loses its value and its image is denigrated. As a result of the public characteristic of the list, the companies suffer financial losses not only through the fines from the government, but also losing contracts and partnerships with other institutions that do not want to be associated with a company that uses child labor and modern slavery. Hence, this policy highly increases the costs of child labor and modern slavery by exposing companies that use them.

As a complement of the dirty list, the Special Group of Mobile Inspections strengthens the inspections and increase the chances of a non-complier getting caught. When an employer is caught by the special group, the punishments are: payment of fines, inclusion of the name of the employer/company in the dirty list, and imprisonment. Thus, the special group lowers the incentive of using child labor and modern slavery due to the high risk of getting caught and the enhanced costs involved in it.

Moving from the governmental policies, another measure that helps to decrease the incentive of employers in using child labor and modern slavery is offered by an initiative from the relationship between public and private sectors, the InPACTO. Government, companies and civil society are embedded in this institution that aims to bring together these actors in order to eradicate modern slavery by monitoring the signatory companies. This is important because as a member, companies must keep their production chain and suppliers free of modern slavery. Thus, considering that many companies have a long list of suppliers in their supply and production chain, the monitoring of them is of extreme importance.

Therefore, these policies change the incentives and motivation of employers using child labor and modern slavery by offering less benefits and increased costs to them, including increasing the risk, chance and cost of getting caught.

The next section will provide the elements necessary for the effectiveness of a policy. This is an important tool to analyze and classify the empirical research and the policies studied.

3.4.2 Effectiveness of a policy

Policy is a way of “pursuit of objectives (“goal-driven”)” (Ugyel and O’Flynn, p. 116, 2017). According to Kerr (1976), a successful policy is “normatively justifiable to the relevant public” (Kerr

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1976, p. 361 in Newman, 2014, p. 195). Policies are constructed by individuals and organizations with the assistance of resources, rules, laws, institutions and government. The policy is derived by a defined problem and it seeks a clear goal. In this research, the policies studied seek the solution to the problems of child labor and modern slavery, and the clear goal is the eradication of them.

Kerr (1976) presents a method of policy effectiveness in which it is divided in three dimensions: “goal attainment, implementation, and normative justification“. If a policy is successful in all the three dimensions (the goal is achieved, implemented and it is justifiable), then the policy is successful; and if not, the policy is a failure (Kerr 1976: 361 in Newman, p. 195, 2014). Following the same assumption, Marsh & McConnell (2010) present the “goal model” in which the success of a policy is assessed in terms of achieving its goals (Marsh and McConnell, 2010, p. 566)

Another perspective of policy effectiveness is presented by Koski & Lee (2014) by their model of “policy by doing”, in which is shown the importance and influence represented by the government in shaping behavior and acting as an example to other society’s members (Koski & Lee, 2014, p. 30). According to them, “the ultimate function of public policy is to achieve some goal by encouraging behavioral change (Stone, 2001)” (Koski & Lee, 2014, p. 34). Moreover, the government is highly supported by different actors, each exercising a function, for instance, in enforcement, compliance, awareness, etc (May, Sapotichne, & Workman, 2006, p. 399).

There is no agreement among scholars in what is an effective policy, because there is no one size fits all regarding policies. Each case shall be analyzed separately. The dimensions of policy effectiveness selected for this research are the “goal attainment”, by Kerr and the “policy by doing” by Koski and Lee. These two perspectives were selected due to the variety of measures and different approaches and actors presented in each policy studied in this research. Moreover, the aim of this research is to evaluate the effectiveness of the policies, hence, the goal attainment fits better this purpose. Furthermore, considering that the government plays an important role in eradicating child labor and modern slavery, it is wise to also use the model of “policy by doing” considering the importance played by the government.

Chapter 4. Research Method

The present research have an empirical characteristic through analysis of literature about the incentives of child labor, modern slavery and policy effectiveness in reducing them. Besides the analysis of documents, policies, statistics and reports, interviews were conducted¹² with different actors from the civil society, such as NGOs and companies. These interviews have the aim to enrich this research with the perspective from people that are related in eradicating child labor and modern slavery. These interviews have the aim to enlarge the knowledge and perception about the policies assessed and their effectiveness. Having two sources of analysis is a good strategy because according to McConnell (2010), policies outcomes are not always clear and added judgement in it is necessary to completely understand the effect of a policy (McConnell, 2010, p. 357).

The qualitative research method was selected because of its in-depth studies, presenting descriptive parts but also with insights and insightful results. In addition to the perceptions provided by the interviews, another reason why the qualitative method was chosen is because of the unreliability of the data about child labor and modern slavery, resulting in measurement problems. Due to the illegality of child labor and modern slavery, it is hard to estimate and predict how many people are confined in them. Consequently, there is not enough data for a consistent analysis over the years. For instance, for both child labor and modern slavery, there is no data prior to the establishment of the policies against them, thus it is not possible to make a comparison between the period before the policies and during the policies. Hence, for a complete analysis, the present work analyzes documents, policies, interviews and for the sake of comparison, some statistics about education and child labor with the available data, and a comparison between the number of inspections, complaints and freed workers also with the available data. Below, more details about the interviews and the measurement problems are provided.

4.1 Interviews

Personal interviews were conducted in order to present a variety of overviews regarding the policies against child labor and modern slavery. The interviews were semi structured¹³, in-depth

¹² Part of the interviews were also used in my previous work: "Case study: Brazilian government's policy against child labor and modern slavery". The analysis from that work was based in international relations theories of liberalism and constructivism. The main aim of that work was to explain through these theories the actions of the Brazilian government and explain why would the government choose to eradicate child labor and modern slavery. In contrast, the interviews in the present work are being used as tools to explain the effectiveness of the policies in Brazil from different perspectives as an addition to the assessment of other documents and policies.

¹³ The questions and structure of the semi structures interviews can be found on the Appendix. Also on the Appendix, the details about the interviewees, date and location of the interview can be found.

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interviews with the aim to “pursue interesting angles and examples [...] with a flexible approach” with the main interest in “rich, in depth answers which tap deeply into the respondents own experiences, feelings, and opinions.”. According to Lee & Lings (2008), a semi structured interview is “guided by a more detailed topic guide”, comprehending specific questions that were asked to every interviewee (Lee & Lings, 2008, p. 218).

Although the interviews were not allowed to be recorded, I have compromised to deliver the best data possible and write the most important and relevant parts of the interviews. Moreover, after the interviews, the interviewees were contacted and have shown no reservations regarding the notes, expressing their agreement towards its usage in this research. In addition, the advantage of not recording an interview is that interviewees were probably less reluctant to show their true opinion about the policies and measures taken to combat child labor and modern slavery.

The aim of the interviews is to have insights behind the policies, figures, statistics, and documents and analyze how different actors can perceive them in a different way. The interviews are needed as a tool for a broader and deeper understanding and to evaluate the effectiveness of the policies and measures used. Furthermore, the interviews are necessary for this research due to the lack of consistent data available.

The interviewees were selected because they are all related to child labor and modern slavery, but in different ways. The selection was a “purposive sampling” with the “necessity to generate rich information” (Lee & Lings, 2008, p. 213) with a defined plan on who would be interviewed and why they were selected. The purposive selection is a sampling with a purpose, hence the interviewees are relevant to the subject studied in this research due to their vast knowledge in child labor and modern slavery, their relationship and proximity to the policies, and their experience in the field (Creswell, 2011). Moreover, these actors are responsible for the maintenance and enforcement of the policies that will be studied and their actions help constrain behavior towards a slavery free society.

The interviews were conducted on the period of April, 11th and April, 18th 2017, in Sao Paulo, Brazil; and one interview was conducted in The Hague, Netherlands on June, 12th. NGOs, company, foundation and associations were interviewed¹⁴. The differences between them will be presented below because each of them have a different characteristic regarding their aim, their members, their regulation, and if they can be profitable or not.

¹⁴ The details about each of the interviewee can be found on the Appendix.

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An NGO is a non-governmental organization that is constituted by a group of people within the civil society aiming to support social causes, pressure and monitor governments and companies, and create awareness. An NGO is an organizer of the civil society, it is non-profitable and usually it is less bureaucratic than other organizations. Also not profitable is the association. Association is the union of people that organize themselves for a specific purpose with non-economic ends and cannot generate profit to its members.

Foundation is constituted only for assistance, cultural, moral or religious purposes. It is constituted by someone's (or company's) patrimony in order to benefit the society or for public utility. The aim of a foundation is usually beneficent or charity driven. Institute is the creation of an association with a defined purpose, usually encompassing different fields such as economic, religious, educational, and cultural. The difference from an association is that an institute can be profitable.

4.2 Measurement Problems

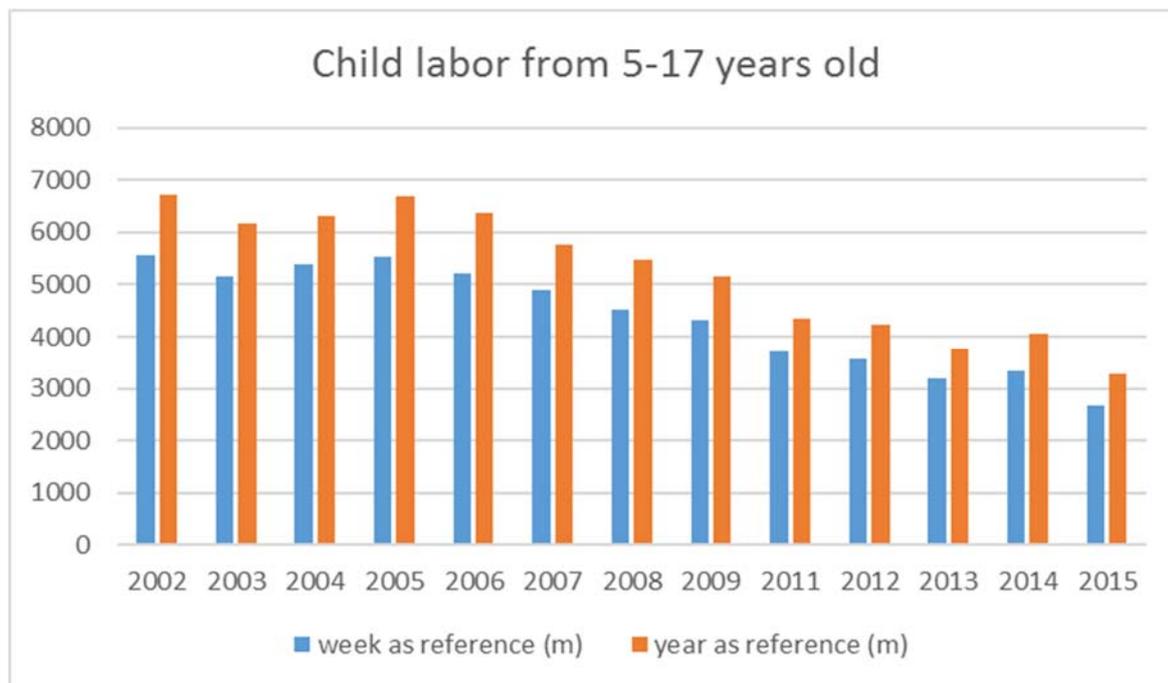
Child labor and modern slavery in general present a measurement problem. It is very difficult to measure with accuracy the quantity of children in child labor and people in modern slavery due to their illegality. According to Manzo (2005), besides that problem, employers can also hide this kind of employment "behind fraudulent labor contracts or false claims to kinship relations between adults and child laborers." (Manzo, 2005, 2005).

Besides the illegality, there is also the problem of seasonal working. It hinders the reliability of data because, for instance, if a survey asking about child labor is done off season, the number of children working is lower than it would be on season (Basu Tzannatos, 2003, p. 155). This problem can be illustrated by the below graph¹⁵ showing different results from the same survey (PNAD), depending on the reference date. The left bar for each year measures child labor using the week of the survey as reference. In contrast, the right bar for each year measures child labor using the year of the survey as reference. Thus, comparing the results from both of them, there is an average variation of 16, 51% between child labor using the week and the year of reference from 2002 to 2015 and the highest variation was on 2015, with 18.59%.

¹⁵ The table with all the values from the graph can be found on the Appendix.

Graph 1:

Child Labor from 5-17 years old



Note: Data adapted from the PNAD (2015). Retrieved from: IBGE website: <https://sidra.ibge.gov.br/tabela/984#resultado>

A similar problem of measurement is also faced regarding modern slavery. There are both the problem of under estimation and the problem of over estimation. Under estimation is usually presented by governments guided by political motivations in order to reduce domestic problems and their consequent and expected responsibility to address the issue. On the other hand, over estimation is usually encountered with NGOs measurements in order to attract bigger attention and support to the cause (Androff, 2011, p. 215-216).

Although the measurement problems could not be solved due to the lack of data on previous years, recommendations for the future about the data will be provided in the conclusion. Thus, considering the above mentioned measurement problems and the impossibility to solve them at the present time, the statistics analyzed in this research are used as a method of comparison with the findings from the analysis of the policies and the interviews. The documents studied¹⁶ were: the policies (PETI, national plans to eradicate modern slavery, and national pact to eradicate modern slavery), the measures from the dirty list and the special group for mobile inspections, and the measures from the NGOs.

¹⁶ The list of the documents studied and their online version link can be found in the Appendix.

Chapter 5. Empirical Research

The following chapter presents the empirical research, entailing the analysis of policies and information provided by the government, interviews, statistics and strategies used in Brazil to eradicate child labor and modern slavery. The chapter is organized as follows: first, the main policies against child labor in Brazil will be presented in detail, followed by the results and analysis of the policies and measures, and their outcomes. Next, the main policies and tools against modern slavery will be presented and analyzed, followed by their results.

5.1 Policies against Child Labor

5.1.1 PETI – Program for the Eradication of Child Labor

In this section an analysis of the policies and measures against child labor will be analyzed. First, policies against child labor will be explained (the PETI - Program for the Eradication of Child Labor and the National Plan to Prevent and Eradicate Child Labor), followed by the consequent punishment to non-compliers and finally, the measures that are taken by NGOs to help eradicate child labor.

Until 1980, in order to justify the use of child labor, there was a consensus in the Brazilian society that work was a positive factor for children, especially for poor children. The underlying idea was that work would prevent children to be associated with drugs and crimes. The government has legitimized this thought by establishing the age of 12 as the minimum working age at the time. The idea of education instead of work was not in the society's mind. Only in 1990 the Statute of the Children and Adolescent was created and established the age of 18 as the minimum working age due to efforts from the civil society and the government. These actors played an important role to create the social and legal conditions for the introduction of a new paradigm about child labor in the country (ILO, 2001; ILO, 2003; National Plan to Prevent and Eradicate Child Labor, 2011).

Thus, a change in paradigms and the way that government and society perceived child labor have started. As a result, the importance to protect children and support knowledge and schooling have grown. That was the first step that enabled the further creation of policies against child labor. Thereafter, on the 1990's onwards, child labor has occupied a place in the national agenda, focusing in education as a way to avoid child labor.

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One of the actions from the government that translates this shift on how child labor is perceived is the Program for the Eradication of Child Labor (PETI)¹⁷. The Program has started in 1996, created by the federal government in order to protect children against any kind of employment, especially dangerous and unhealthy work. In order to remove children from work, poor families with the income per capita of half the official minimum wage (R\$ 468 Brazilian Reais, approximately 127 euros) receive a financial assistance per children in the household. This aid is of 25 reais (approximately 7 euros) for rural families and 40 reais (approximately 11 euros) per child in the household.

This assistance is a conditional cash transfer, therefore, in order to receive the aid, the family has to remove the child from work and instead send her/him to school. School attendance is also part of the condition, in which the child must attend full time¹⁸, at least 85% of the school days during the year. In addition, it is also part of the program's aim to provide assistance to the families, offering orientation about child labor and projects for the creation of jobs for the parents.

5.1.2 CONAETI and the National Plan to Prevent and Eradicate Child Labor

In order to assist the PETI and as a response to two ILO Conventions¹⁹, a National Commission for the Eradication of Child Labor (CONAETI) was created in 2002 by the Ministry of Labor. The aim of the commission is to prioritize the eradication of child labor by recommending mechanisms of enforcement, monitoring and awareness.

As a result of the creation of the CONAETI, a National Plan to Prevent and Eradicate Child Labor²⁰ was designed. The aim of the plan is to eradicate child labor, and it works as an important tool to control and pressure for governmental actions and also to coordinate and monitor the interventions done by NGOs and companies regarding child labor. Prior to the XVI Regional American Meeting from the ILO in 2006, the plan did not have specific deadlines. However, after the meeting, the document "Decent work in the Americas: a hemispherical agenda, 2006-2015" was signed and a specific deadline was added to the plan and to other policies such as the PETI. The

¹⁷ The information about PETI is available at the official website and the official document from the program. <http://mds.gov.br/assuntos/cadastro-unico/o-que-e-e-para-que-serve/programa-de-erradicacao-do-trabalho-infantil-peti>

¹⁸ Besides the regular classes, after school programs are offered with socio-educational activities such as cultural, sport, artistic, and leisure time. According to the ILO, reduction in child labor is more efficient when the cash transfer is associated with additional program after school (ILO, 2014, p. 13).

¹⁹ Convention 138 (Minimum Age Convention) and convention 182 (Worst Forms of Child Labor) declare that the signatory countries must elaborate and follow a national policy to ensure the effective abolishment of child labor and prioritize the eradication of worst forms of child labor.

²⁰ The National Plan to Prevent and Eradicate Child Labor can be found on the following link: http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---ilo-brasil/documents/publication/wcms_233716.pdf

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specific goal set was to eradicate the worst forms of child labor by 2015 and to completely eradicate child labor by 2020. Although the first deadline was missed and the goal to eradicate the worst forms of child labor was not attained, there is not a new plan for the subsequent years.

5.1.3 Measures from NGOs and companies

Moving from the governmental policies, other important actors can be pointed out as vital in eradicating child labor. For instance, there are projects from NGOs and other institutions and companies that help tackle this problem in different ways and from different perspectives. The projects and measures will be explained below based on the division presented by Edmonds (2010). According to him, policies against child labor can be grouped into categories named, (1) information campaigns, (2) income replacement programs, (3) flexible schooling programs, (4) reintegration projects, (5) restrictions on employment, and (6) conditional cash transfers (Edmonds, 2010, p. 61). Most of these categories²¹ can be identified in the Brazilian case, except the flexible schooling programs. The categories will be presented below with an explanation and illustration of the program or project done in this field and by whom it is done.

Information Campaigns: Information campaigns have the aim to educate parents, employers and children about child labor through education, and awareness programs. Awareness increases the costs of child labor because if parents, children and the community as a whole are aware of the illegality of child labor, the chances of them complaining or filling a report to the police are higher. Thus, it increases the risks of the employer getting caught, pay fines and be imprisoned, consequently increasing the costs of child labor. Furthermore, without information, parents fail to distinguish the negative effects of sending a child to work instead of to school (Baland, J.M. & Robinson, J.A., 2000, p. 663-664, 670). Instead, when parents are aware about this trade-off and the negative consequences of child labor, they might not choose to send their children to work and find other alternatives.

The foundation Abrinq plays an important role regarding prevention and awareness of child labor through social actions, providing pamphlets, booklets, parades - different ways to alert the society. For example, according to Andreia Lavelli (personal communication, April, 11th, 2017), before and during the Olympic Games in Brazil, Abrinq has developed a booklet of easy understanding with images to be straightforwardly assimilated and create awareness to a possible problem of child labor. The booklet was distributed at many places, and it included important public telephone numbers for complaints if child labor was recognized. Also, another important action carried out by them and that increases the knowledge and awareness about child labor are the actions

²¹ The income replacement program is considered in this research together with the conditional cash transfer because in the PETI, there is income replacement by the conditional cash transfer.

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done on the day against child labor (June, 12th). According to her, in order to raise more attention to the campaigns and the cause, national celebrities are invited to help in community mobilization all over the country with media coverage.

Besides the actions and campaigns from NGOs, companies can also play an important role regarding information and awareness. For instance, the company Odebrecht has many important social activities for the employees, suppliers and also communities. The main aim of them is to create awareness and knowledge about child labor and modern slavery. One of these activities are the mandatory workshops about child labor and modern slavery, which are important not only for the employees themselves, but also to their families and friends outside of work, because they share the information they have learned with people in the community, thus, spreading the information and knowledge. According to Paqueta Brandao (personal communication, April, 12th, 2017), one of the great results from the workshops about information and awareness about illegal forms of work is the spillover effect to the community as a whole. According to her, that is extremely important because some workshops are in remote locations, where education and information about illegal forms of work might be unknown. In addition, according to Sergio Leao (personal communication, April, 12th, 2017), another tool that is helpful to monitor child labor and modern slavery is a phone number created by the company in which anyone can call to report irregularities. In the case of a complaint, an investigation is carried out and the people involved are taken to the authorities.

Income replacement programs/ Conditional cash transfer: The PETI is the governmental policy established to combat child labor and guarantee schooling through the mechanism of conditional cash transfer. It changes the incentives of parents by increasing the household income.

Reintegration Projects: The reintegration projects should assist the families and the children after they are removed from child labor to give options and alternatives to the family. Whereas very important, Brazil is currently lacking on this category.

Restrictions on employment: The actions regarding restrictions on employment of children consist of a different measures and controls with the same aim: ban illegal forms of work from the production chain, both inside the company and from suppliers.

The Foundation Abrinq develops a combined work with companies called “Companies friends with Children”, in which a company can become an affiliate and receive technical support, assistance and a stamp proving that the company is friendly with children and does not make use of child labor. According to Lilyan Regina Somazz Reis Amorim (personal communication, April, 12th, 2017), being an affiliate gives higher value to the company because a code of conduct have to be

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fulfilled to receive the stamp. The code of conduct entails not using child labor in the whole production chain, promote social activities in the community and promote the professional formation and access to employment (under the laws and Brazilian legislation) for adolescents. Through this code of conduct, the behavior of these companies is shaped and the incentives to comply are higher.

Also shaping the behavior of companies, the Ethos Institute is organized as a chain of companies that sign a commitment letter, covering a set of principles to guarantee that there are no irregularities along the production chain. The aim of these principles is to guide the companies to manage their business in a social responsible way. In order to verify if the companies that have signed the commitment letter are following the principles, there is an annually audit with all the companies. Every year, the principles are revised and more commitments and goals are added to improve the compromise of companies. According to Marina Ferro (personal communication, April, 13th, 2017), this collective action is essential for the eradication of illegal forms of work because it directly entangles the companies, requiring them to change their behavior and practices, acting in a socially responsible manner. Instead of acting purely for profit, other factors are also taken into account. According to her, this is only possible because the way society perceive child labor and modern slavery has changed and consequently, companies had to change as well.

Another method to constrain the incentives of companies to be a complier is presented by the association ABVTEX. The difference from a standard code of conduct is that the employees of the associated companies receive a monthly questionnaire related to the day to day activities with the aim to verify any irregularities from the employee perspective. In addition, there are two audits annually, one scheduled and one by surprise in order to check the work conditions regularly. Moreover, there is an online platform in order to manage the requirements that the companies and their suppliers have to follow, including reports, photos of the workplace and action plans to improve the work conditions, which are controlled by the association. According to Edmundo Lima (personal communication, April, 17th, 2017), all these tools help improve quality and productivity of the companies and that the companies value these measures because it establishes that all companies have to follow the same procedures, avoiding unfair competition.

All in all, the work of non-governmental organizations and companies are of utmost importance to create awareness in society and guarantee that companies comply with labor standards. Hence, one could say that these actions help in the effectiveness of the governmental policies to combat child labor because they act as tools and helpers to the policies. For instance, the awareness campaigns and connection between companies and NGOs surpasses the policies and increase even more the costs of being a non-complier. Companies within this scenario are committed to eradicate

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child labor and are aware of the possible damages that not complying can bring to the company's reputation, thus, increasing the costs of child labor (Neumayer & De Soysa, 2005, p. 47).

5.1.4 Punishment to non-compliers

The punishment to non-compliers in child labor are both financial and legal. The non-complier can be imprisoned for 2 to 8 years, and pay a fine. The fine is of a minimum wage of the current year (R\$ 937 Brazilian reais, approximately 255 euros) per children hired (Senate, 2006). These measures increase the costs of hiring children, thus discouraging the use of child labor.

After analyzing the governmental policies and also the projects and measures taken by other actors in the society, the next section will further discuss the results and evolution of child labor considering the above mentioned strategies.

5.1.5 Results and Analysis

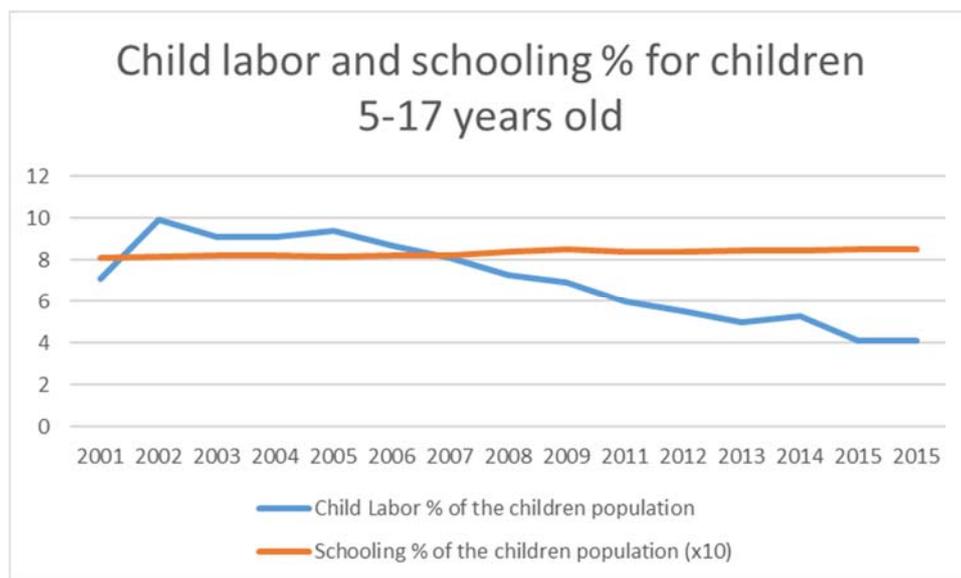
As pointed out in the chapter about research methods, analyzing numbers and data about child labor and modern slavery is very hard due to measurement problems such as illegality, seasoning, the many interests from different parts to under or super estimate the results, and mainly, the lack of consistency of the data (not all of the years have information). Albeit that, it is relevant for the purpose of comparison to show how the numbers of child labor has been decreasing over the years.

The below graph²² shows the percentage of children from 5 to 17 years old working compared to the percentage of children from 5 to 17 years old at school. It can be observed a decrease in the percentage of child labor and an increase in schooling.

²² For a better visual comparison and to be possible to observe the decrease in child labor, the data for schooling was divided by 10. The table with all the values from the graph can be found on the Appendix.

Graph 2:

Child labor and schooling % for children 5-17 years old



Note: The data are adapted from PNAD (2015). Retrieved from: IBGE website: <https://sidra.ibge.gov.br/tabela/984#resultado>

This decrease in child labor could mean the effectiveness of PETI, however, it is not possible to affirm if the decrease is exclusively because of the program due to three reasons. First, there is no available data before 2001 (although PETI has started in 1996), therefore it is not possible to compare the evolution and development of child labor before and during the program. Second, notwithstanding the data was available for that previous period, it would be hard as well to confirm if the development was due to the policy itself or to other external factors or anti-child labor campaigns, specially due to the important role played by other actors. Third, although PETI has started in 1996, only by the end of 2016 a measure to control the actions and developments of it was created. So far, the effectiveness coming strictly from this policy had no measure or assessment from the government. For the future, the actions as from 2016 will be possible to be analyzed and assessed. In contrast, by the present time it is not possible to affirm whether the improvements are exclusively from the policies. Summing up, it is not possible to attribute the decrease in child labor exclusively to PETI due to the lack of comparison before the start of the program, the important role played by other actors in society and the lack of assessment of this policy by the government.

The PETI and the national plan to prevent and eradicate child labor, although good, have not reached their first goal to eradicate the worst forms of child labor by 2015 and will not reach the goal to eradicate it completely by 2020. According to the PNAD (National Household Survey; IBGE),

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there were still 3.282.000²³ children working in 2015 (Fundacao Abrinq, 2015). Moreover, according to Isa Oliveira, executive secretary of the national forum of prevention and eradication of child labor (FNPETI), in an interview given to Fundacao Abrinq on mid-2015, said that the goal to eradicate child labor by 2020 will also not be achieved. She affirmed that the intention of the national plan was to make the prevention and eradication of child labor a priority in the social and political agenda, nonetheless that was not done by the government on the past years. Equally important, she points out that the investments reserved to that are not enough in order to have an effective measure against child labor, consequently, services to support the children and their families after the children is removed from child labor are lacking. (Fundacao Abrinq (interviewer); Isa Oliveira (interviewee), June, 2015) (Fundacao Abrinq, 2015; IBGE).

In conclusion, analyzing the governmental policies and the work that is being done by non-governmental institutions and companies, one could say that this relationship between public and private sectors is a comprehensive way to eradicate child labor. That is so because it demands the compromise and compliance of (1) companies, target of the policies and measures that change the incentives to not use child labor, (2) NGOs, that pressure the government to strength the policies and enforcement, and (3) government, that enforces the policies and punish non-compliers.

Next, the policies against modern slavery will be explored.

5.2 Policies against Modern Slavery

In this section an analysis of the policies against modern slavery will be presented. First, an overview of the National Plans to Eradicate Slavery will be presented, followed by the details of the Dirty List, the National Pact to Eradicate Slavery, InPACTO, and the Special Group for Mobile Inspections. Following, the measures by NGOs and companies will be presented. Finally, the results and analysis of them all will be presented.

5.2.1 National Plan to Eradicate Slavery

The first National Plan to Eradicate Slavery was established in 2003 with 75 goals, divided as per below:

- 15 general goals;

²³ It represents 5,47% of the children population on 2015 in Brazil.

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- 13 goals regarding an improvement on the administrative structure of the special group for mobile inspections;
- 13 goals regarding an improvement in the administrative structure of the police action to combat modern slavery;
- 10 goals regarding an improvement in the administrative structure of the Ministry of Labor;
- 15 specific actions to promote citizenship and combat impunity to non-compliers;
- 9 specific actions regarding awareness in modern slavery.

The main aim of the first plan was to assert the renewed importance of eradicating modern slavery. Also, it stated improvements that should be done both by the government and the civil society.

Although the plan is well structured with many subsections and specific goals, there is no deadline or expectation to achieve them. The only mention of time is through expressions such as “short/ medium/ long term”, but without any specification on how many years corresponds to each period of time. According to an analysis done by the ILO (2005), at the time, 68.45% of the goals of this first plan has been achieved totally or partially. The plan resulted in great attention to monitoring and inspection by the special group for mobile inspection, and awareness. However, not many actions were taken regarding impunity (ILO, 2005).

In 2008 a new plan was arranged with the aim to cover the goals that were not so far achieved. Special attention was given to recidivism and reinsertion of former slaves in society. The second plan had 66 goals, divided in five main groups, as per below. The main aim of this second national plan is to maintain the agenda for the eradication of modern slavery as a priority.

- 15 general goals;
- 16 goals regarding monitoring and inspection;
- 16 goals regarding prevention of modern slavery and reinsertion of former slaves into society;
- 9 goals related to awareness on modern slavery;
- 10 goals regarding economic pressure through the dirty list, for example.

Both national plans have the target to measure the effectiveness (or not) of the governmental measures for each goal, however, none of them have done it so far. Although the national plans are

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very broad and cover many important points, there are no measures to control and assess the improvements and actions that are being conducted. There are no documents or reports informing the development of the goals and measures taken.

5.2.2 Dirty List

With the national plan, Brazil has developed important tools to help eradicate modern slavery, one of them is called dirty list, which establishes a public database²⁴ with the companies that were investigated and evidenced to use modern slavery (including child labor). The dirty list works in a name and shame basis, with consequent pressure from NGOs and civil society. Due to that characteristic, consumers can choose and be aware of which companies use slave workers and decide whether to buy from a company that uses illegal work or not. Thus, the dirty list decreases the benefits of modern slavery by increasing its costs. Also, it creates a negative externality to non-compliers through an increase on the costs of modern slavery by damaging the company's reputation and sales.

The dirty list constitutes of a long process of investigation and relationship between public, private and civil society sectors. When a complaint is received by either the public sector or NGOs, the special group for mobile inspection visits confidentially the workplace related to the complaint in order to investigate the work conditions. The confidentiality is important to avoid that the employer changes the conditions or move the production and victims to another place. If there is indication of modern slavery, the employer are prosecuted and may have to pay fines. When the case is concluded and if it is proven that the employer was a non-complier, his/her name (or the company's name) will go to the dirty list. Once the name is in the list, the employer will be monitored for two years and if there is no recidivism in modern slavery, the fines were paid, and the compensation to the victims were also paid, the name of the employer can be removed from the dirty list.

5.2.3 National Pact to Eradicate Slavery

The importance of the dirty list was great and a National Pact to Eradicate Slavery was established in 2005, turning public the commitment of the companies to solve this problem through a code of conduct to hamper the use of suppliers that use slavery workers. That was the first time that public and private sectors were working together in this topic and sharing responsibilities and

²⁴ The Dirty list is made publicly available through the website from the Ministry of Labor and at the website from the NGO Reporter Brasil, with semester updates. Also, the information from the Dirty List and its process was studied from the official website. The latest available (March, 2017) can be found on the following link, with 250 employers on the dirty list: http://reporterbrasil.org.br/wp-content/uploads/2017/03/Lista-de-Transparência_-dez2014-2016.pdf

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commitments. The management of the National Pact and the monitoring of the private sector is conducted by the Ethos Institute, Social Observer Institute, ILO and the NGO Reporter Brasil.

Powerful companies have signed the pact, posing commercial restrictions to suppliers that use modern slavery. Complementary to the efforts from the companies, the government has also created a decree (number 1.150) that recommends banks to not grant loans to companies that are listed in the dirty list. This is not mandatory, it is a recommendation, but the fact that an employer/ company is in the dirty list, indicates higher risks to the bank, both of default and bad reputation of being associated with modern slavery. Moreover, employers/ companies that are in the dirty list are unable to receive loans from the National Bank for Economic and Social Development (BNDES). That is a very effective measure because it leaves companies that uses slave workers out of the business and bolsters the impact of it, constraining and shaping their behavior towards the eradication of modern slavery.

As a way to monitor the companies that have signed the pact, the Management Committee to Monitor the National Pact was created with groups from the civil society. The Committee²⁵ have the power to suspend or exclude companies from the pact in case companies become non-compliers.

5.2.3.1 InPACTO

By the beginning of 2014, more than 400 companies have signed the pact. Together they represented 35% of the Brazilian GDP. Due to that magnitude and crescent growth, an institution called InPACTO (Institution of the National Pact to Eradicate Slavery) was created in order to provide support. InPACTO has the help and assistance of the ILO Brazil and some NGOs²⁶. According to Mercia Consolacao Silva (personal communication, June, 12th, 2017), the InPACTO works as a bridge between companies and government, enabling the dialogue and negotiation between them in order to eradicate modern slavery.

The companies that are member of the InPACTO have to follow ten principles to avoid illegal forms of work in their production chain, which are monitored annually by the institute. In case of irregularities, a company can be suspended or excluded by the Pact.

²⁵ Some member of the committee are: NGO Reporter Brasil, the Ethos Institute and the ILO.

²⁶ Reporter Brasil is one of the NGOs that assists InPACTO with the aim to spread the word about slavery and bad work conditions via 3 main actions: 1) shape and formation of educators and popular leaders; 2) production and distribution of didactic material; and 3) support projects, feasts and community contests.

5.2.4 Special Group for Mobile Inspection

Another very important measure against modern slavery that increases the probability of non-compliers to get caught is the Special Group for Mobile Inspection, which is an enforcement group to guarantee the eradication of modern slavery. They consist of audit inspectors of work conditions, federal police and employers from the Ministry of Labor with the aim to verify compliance with labor standards and monitor modern slavery and child labor through investigations and unscheduled visits. As above mentioned, this group is an important tool for the maintenance of the dirty list and to investigate the complaints, prosecute the employers and free the victims.

Since its creation in 1995, they have freed 50.000 slave workers²⁷. The group is located in Brasilia (capital of Brazil) in order to avoid local groups that might be inclined to corruption and know the employers and turn this effort into an ineffective practice. However, it makes the transit time of the group higher when the occurrence is elsewhere or in remote locations.

Due to the good conduct and results provided by the special group, change in behavior of both non-compliers and victims can be observed. For the non-compliers, the stigma of corruptive policies, their relationship with employers and impunity has changed; In contrast, for victims it is shown a positive side: the reliance on a non-corruptive police with actual results. The positive outcomes can also be attributed to the civil society that sometimes are the first contact with victims of modern slavery and represent great pressure for better actions to eradicate modern slavery. Thus, there is a crescent necessity to maintain a good relationship between public and private sectors in order to have good results. This relationship is also encouraged by the ILO in which support is provided and knowledge is shared (ILO, 2009, p.79; 83; ILO, 2010, p. 129).

In addition to the inspections, awareness programs are very important to avoid the incidence of modern slavery. The government has developed national awareness campaigns to alert about the problem of modern slavery, starting in 2002. It was organized in three phases by voluntary contributions from communication agencies in order to spread information and knowledge about modern slavery in Brazil. The first phase was about recognition and awareness of the problem through advertisements in newspapers, magazines, billboards and also short films that were transmitted in the television, cinemas and at subways. The second phase started in 2005 with informative booklets designated to possible victims of modern slavery and people who were vulnerable, using easier language for a broader access of the information and understanding of the worker's rights. Also, the booklet offered information encouraging victims to complain about their situation and instructing

²⁷ According to the Ministry of Labor.

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them how to do it. In 2007, the third phase consisted of advertisements in magazines and newspapers with a reminder to society of the current and persistent problem of modern slavery. (ILO, 2009, p. 100-106). However, after that no other awareness campaigns from the government to alert and avoid modern slavery has been launched.

5.2.5 Measures from NGOs and companies

The government has not launched any other awareness campaigns, however NGOs have. The dimensions presented in the theoretical framework (based on Quirk, 2008), will be presented below in order to present their actions in a logical way (Quirk, 2008, p. 114).

Education, information and awareness: The program “Slave, no way!” designed by the NGO Reporter Brasil, aims to create awareness and prevent vulnerable people to become victims of modern slavery by informing them their rights. This program is in line with the goals of the national plan to eradicate slavery. According to Natalia Suzuki (personal communication, April, 11th, 2017), the project focuses on remote areas with trainings to local teachers about modern slavery. It is expected that teachers spread the information to students at school, to parents and to the community as a whole (ILO, 2010, p. 173).

Effective Enforcement: Although effective enforcement is usually related to government enforcement, it is worth mentioning the enforcement played by other actors that also control and monitor the production chain of companies in order to guarantee that modern slavery does not occur. As already mentioned in the section about child labor, the company Odebrecht has a strict code of conduct to guarantee that modern slavery doesn’t occur within the company and also among suppliers. In order to verify if companies indeed maintain the production chain free of modern slavery, the Ethos Institute helps companies manage their business in a socially responsible way also through a Code of Conduct to guarantee compliance. All this actions are forms of enforcement of the ideas of the governmental policies, but from the perspective of the companies. From the government side, the special group for mobile inspections play an important role.

Release, Rehabilitation and Restitution: The release of victims of modern slavery is done by the special group for mobile inspections. However, rehabilitation and restitution to society of former slave workers is lacking both from the governments, companies and NGOs. According to Natalia Suzuki from Reporter Brasil (personal communication, April, 11th, 2017), there is lack of assistance to victims after they are freed from modern slavery. Moreover, she affirmed that there is no project dedicated to reintegration in society, rehabilitation or a social monitoring of the victims for preventing

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them to fall into modern slavery again. According to her, such project is expected to be created by future governmental policies and measures.

Regarding recidivism, Mercia Consolacao Silva from InPACTO (personal communication, June 12th, 2017), has informed that there is no evaluation to check if the same employers/companies that were once punished, are caught repeatedly in modern slavery. According to her, there is a necessity to further assess that information in order to evaluate if these actions work as a lesson to other employers/companies in the region or not.

Summing up, the governmental policies and actions are many, but still the actions of companies and NGOs are essential. The necessity of a relationship between public and private sectors is translated by the creation of the InPACTO, which enables the coordination of actions. However, despite the policies and collective action of many actors, still measures for rehabilitation, and relocation of former slave workers in society are lacking. Also, other aspects regarding policies and measures to eradicate modern slavery have some flaws. They will be presented in the following section.

5.2.6 Results and Analysis

A common concern presented from all the interviewees was that the numbers of freed workers is decreasing, which could mean that the number of victims trapped in modern slavery is decreasing. However, it was stressed that this might not be the case.

The below graph²⁸ presents a comparison between the number of inspections done by the special group for mobile inspections, the number of complaints and the number of freed workers.

²⁸ There is no information available for the complaints on 1995 and from 2006-2010. The table with all the values from the graph can be found on the Appendix.

Graph 3:

Comparison between Inspection, Complaints and Freed workers.



Note: Data adapted from PNAD and official information provided by the Ministry of Labor (Retrieved from IBGE website: <https://sidra.ibge.gov.br/tabela/1960#resultado> and document provided by the Ministry of Labor, can be found on Appendix).

As can be observed, the number of freed workers is decreasing since 2007. The first interpretation to it could be that there are less complaints and less people in modern slavery. However, according to Frei Xavier Plassat, coordinator of the campaign to prevent and combat modern slavery from the NGO CPT, the decrease in the number of freed slaves is related to the decrease in the inspections by the special group for mobile inspections. This decrease can be ascribed to the lack of inspectors to carry out the inspections from the complaints received. Also, he points out the problem of lack of staff, since the special group for mobile inspection is small and not representative²⁹ and effective for the whole country. They are of utmost importance since they are the main source of inspection and to rescue workers in the condition of modern slavery or child labor.

Thus, analyzing the decrease as a positive outcome and rapidly assuming that modern slavery is decreasing, is incorrect. According to Frei Xavier, the analysis of these numbers should be cautious since modern slavery is an “invisible crime” and numbers may not show the reality since the visibility of the special group is lower due to its lack of personnel and decreased inspections (Globo News (interviewer) & Plassat, F.X. (interviewee) Jan, 2017. Retrieved from:

²⁹ According to the Brazilian legislation, the adequate number of inspectors of are 3.640 inspectors. However there are only 2.500 general inspectors.

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<http://g1.globo.com/to/tocantins/noticia/2017/01/crime-invisivel-diz-pastoral-da-terra-sobre-reducao-do-trabalho-escravo.html>)

According to the Ministry of Labor³⁰ (personal communication, Jun, 2017), there is not a fixed or minimum number of employees for the special group for mobile inspections. Currently, there are four groups with 2 permanent auditors in each group, and for each inspection other public servants are called to join the inspection (including the police and others). The quantity of the other servants invited for the inspections depends on the type of the inspection and also on the availability of the servants. Consequently, only 8 employees are solely dedicated to the special group for mobile inspections against modern slavery. This quantity is very low for the proportions of the country and the problem. In order to conclude if the inspections and the number of freed workers are decreasing due to the low number of inspectors, it is necessary to compare the number of employees on previous years. However, there is no such record for this comparison.

This problem of few inspectors dedicated to eradicate modern slavery was also a topic concerning the interviewees. For instance, Mrs. Natalia Suzuki from Reporter Brasil, Mr. Sergio Leao from Odebrecht, Mrs. Marina Ferro from Ethos Institute, and Mrs. Mercia Consolacao Silva from InPACTO (personal communication, April & June, 2017) affirmed that the lower the number of inspectors fully dedicated to the special group, less inspections will be carried out and consequently, less workers will be freed. Thus, the numbers of freed workers will keep lowering, although not for the right reasons and not as a consequence of less people in modern slavery.

Another factor that can also reflect the lack of dedicated people to the special group is the budget reserved to that. According to the National Union of the Inspectors of Labor (Sinait) (personal communication, May, 15th, 2017), the designated budget for inspections since 2013³¹ are as following. However, the budget for 2017 will be cut in 53% due to lack of resources. Thus, it can be expected that even less inspections will be carried out at the present year.

³⁰ Official documents were sent by the Ministry of Labor as a response to my questions regarding the special group and the inspections. The document can be found on the Appendix.

³¹ The only data available from Sinait. All the available data provided by Sinait can be found on the Appendix.

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Table 1. Budget for the special group from 2013-2017

Year	Budget (Brazilian reais)	Budget (euro)
2013	BRL 3.062.073,50	€ 834.352,45
2014	BRL 2.502.938,41	€ 681.999,57
2015	BRL 3.308.000,00	€ 901.362,40
2016	BRL 2.765.184,00	€ 753.456,13
2017	BRL 3.116.810,00	€ 849.267,03

(Source: personal communication with Sinait)

Thus, the resources reserved to combat modern slavery are scarce and are getting smaller. The special group should not receive less investment because they play an important role in eradicating modern slavery: the enforcement. If the enforcement is not effective and representative to the whole country, the inspections cannot reach the non-compliers, then the costs of being a non-complier will start to decrease again, as the chances of getting caught will be lower. That means that the incentives of being a non-complier will start to increase again.

According to Andre Walter, coordinator of the Ministry of Labor's Special Mobile Unit operation, in an interview given to CNN (part of the Freedom Project – Ending Modern Day Slavery), their method is good, but there are few inspectors, leading to a delay in the inspections: "When the complaints are received at our headquarters in Brasilia, we can't go immediately. The delays mean the conditions might have changed. The delays are often of five or six months."

He also pointed out the problem of recidivism of people in modern slavery, that depending on the conditions (age, usually limited professional qualifications, and necessity), former slave workers can still be potential victims of modern slavery. That happens specially because there is no assistance or monitoring to them. For instance, there is lack of a structured system to help these people to be reinserted in the society as formal workers and be part of the local economy. Moreover, according to Andre Walter "slavery is a system and it has several roots: impunity, greed, vulnerability, misery. If you don't address all of it at the same time you will probably have the same persons coming back to the same cycle of enslavement." (Darlington, S. (interviewer) & Walter, A. (interviewee), May, 11th, 2017. Retrieved from: <http://edition.cnn.com/2017/04/26/americas/brazil-amazon-slavery-freedom-project/index.html>).

In conclusion, although there are many positive outcomes, the goals of the national plans were not fully attained and another plan is being formulated to overcome the flaws of the previous ones. Both national plans did not measure their own effectiveness nor the effectiveness of the other policies and measures from the government and from NGOs and companies. Therefore, it is harder to define

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if the improvements can be attributed to the policies exclusively or also to the other measures and strategies from other actors.

Another conclusion is that although the numbers of freed workers are decreasing, it is possibly not because of the effectiveness of the policies, but possibly due to the low number of inspectors. Moreover, it would be hard to attribute one actor responsible for this decrease due to the importance that many actors have in this process thanks to the relationship between public and private sectors.

Chapter 6. Discussion

In this section the relationship between the above mentioned theories and policies will be analyzed. First, the policies about child labor will be presented, followed by the ones about modern slavery and subsequently, all the policies will be assessed in terms of their effectiveness.

Poverty was vastly explained to be the main cause of child labor and modern slavery. Driven by poverty, parents put their children to work in order to bring higher income to the household. Consequently, a policy to combat child labor should act in changing the incentives of parents driven by poverty. This is done by the conditional cash transfer, in which financial aid is given to poor families in order to remove their children from work and the condition is to put them in school. In Brazil, this policy is the PETI. Therefore, the policy changes the relative benefits of parents sending their children to school instead of to work, consequently changing and constraining the parents' behavior to remove their children from work.

This change in parents' incentives was also researched by Rosati (2011), in which he found out that although the after school program was available to all children, mainly children that were part of families receiving the cash transfer would participate in the program. According to him, this behavior indicates that the demand incentives plays an important role in the behavioral change of the parents (Rosati, 2011, p. 28). Thus, it is shown that the incentives of parents are indeed related to an increase in the household income. Conversely, if the incentive of increasing the household income is not fulfilled, they will not send their children to school or to the after program. That is a short term measure that has positive consequences in the medium and long term. Moreover, in the short term, it helps the families to improve the living standards of the household and "shift incentives structures in favor of schooling". In the long term, they will be a more educated generation of parents, with more opportunities and will not need to put their children to work (Rosati, 2011, p. 80).

Another characteristic that policy to tackle child labor and modern slavery should focus on is the employer. The incentive employers have to use child labor is the low cost involved in hiring a child, and to modern slavery is the inexistent cost. In order to shift these incentives, a policy should increase the costs of child labor and modern slavery. One of the ways to do it, is through the dirty list, that besides the fines that have to be paid and imprisonment, the company in the dirty list loses its value and its image is denigrated. Another way is to increase the chances of non-compliers of getting caught, for instance, by the special group for mobile inspections. These policies increase the costs of child labor and modern slavery, making it harder and costly for non-compliers to use these illegal types of work.

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Although InPACTO is not a governmental policy (instead it is a facilitator of policies and for the relationship between public and private sector), the institute also changes the incentives of employers to not use child labor and modern slavery. Companies are monitored, increasing the risk of getting caught, and also increasing the costs of illegality.

Next, analyzing the policies in terms of “goal attainment” from Kerr (1976), none of the policies presented could be defined as completely goal attained, because all presented either flaws or lack of sufficient data to be determined as the only factor influencing child labor and modern slavery. For instance, for child labor, the goal was to eradicate the worst forms of child labor by 2015 and to eradicate child labor completely by 2020. However, none of this goals has been attained. Although this may be true, it does not mean that the policies are ineffective. The policies to eradicate modern slavery cannot be evaluated through this perspective because, as mentioned previously, the plans and pact does not set a specific deadline to attain the goals.

In contrast, by analyzing the policies from the perspective of Koski & Lee (2014) and the concept of “policy by doing” in which the government is also a tool in the behavioral change of other actors, then, one could say that the policies are effective. Indeed the policies analyzed aim to change the incentives from the parents and employers. For instance, in the dirty list, the costs of being a non-complier are increased and the incentives (and benefits) of using child labor and modern slavery decrease.

Still using the perspective provided by Koski & Lee (2014), the government, in the context of the presented policies, is supported by the main actors involved in child labor and modern slavery. These actors are the NGOs and companies, which had their behavior changed due to the governmental policies. Thus, it is possible to affirm that from this viewpoint, the policies, measures and actions herewith studied can be considered effective, even though both child labor and modern slavery have not been eradicated.

Chapter 7. Conclusion

The shift on the concept that not only the government is responsible and accountable for problems such as child labor and modern slavery represents a big step in fighting them. The eradication of child labor and modern slavery requires efforts from all the involved actors in that relationship in order to tackle all the incentives originated from them (Brysk & Choi-Fitzpatrick, 2012, p. 201; 213; ILO, 2009, p.79; 83; ILO, 2010, p. 125; 129). This research has studied the policies based on the incentives of those who promote child labor and modern slavery. That is an effective way of doing and analyzing policies due to the direct influence of the main actors involved in that relationship.

7.1 Conclusions

Brazil could not attain the goal of eradication of the worst forms of child labor by 2015 and neither will attain the goal of completely eradicate child labor by 2020. There were no specific dates for the eradication of modern slavery on the policies studied, yet Brazil is far from eradicating it completely as well. Great efforts have been done, but the government needs to continue acting against child labor and modern slavery, and the importance and priority of this topic should endure. Efforts shall continue from all the spheres: government, companies and civil society and the relationship between them is the answer to continue this process that is the eradication of child labor and modern slavery.

As has been shown, the apparent decrease of child labor and modern slavery cannot be solely attributed to the effectiveness of the policies against child labor and modern slavery. That is so because the actions to eradicate these problems are overarching and include both assistance from the government, such as the special group for mobile inspections, and from the civil society, for instance, the dirty list and the InPACTO, that both have the participation of NGOs.

Another motive why the apparent decrease in child labor and modern slavery cannot be attributed to the policies is the lack of data to prove that. As previously acknowledged, there is no data before the establishment of the policies, hence, it is not possible to compare the outcomes before and during the policies in terms of the effects coming exclusively from the policies.

On the other hand, from the perspective of behavioral change (Koski & Lee, 2014), the incentives of the parents and employers could be changed through the measures and policies. Thus, to some extent and from this perspective, the policies could be considered effective.

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Thus, one could say that the policies and actions used in Brazil and studied in this research could be a model to other countries that also fight against child labor and modern slavery. However, with reservations. First, because there is no one size fits all when it comes to policy, nonetheless, the strategies used in Brazil could reflect positive outcomes elsewhere. Second, the flaws and gaps herewith pointed out (such as the lack of specific deadlines and the lack of monitoring and assessment of the policies) could be already improved when used for future policy making. Finally, it is of utmost importance that the relevant actors to eradicate child labor and modern slavery are identified and that they are willing to put effort into finding solutions. Consequently, a structured relationship between the relevant members can be assembled, as the case of Brazil with InPACTO.

After extensive research and interviews with different players, it can be concluded that different actors play an important role in eradicating child labor and modern slavery. Government, NGOs, and companies play complementary roles in order to cover the many dimensions related to the two illegal forms of work studied. As it may be, there is still lack of attention to relocation of former slave workers into society and their consequent recidivism into modern slavery. Recidivism occurs due to vulnerability, lack of alternative jobs and economic and food security (van den Anker, 2004, p. 35; Brysk & Choi-Fitzpatrick, 2012, p. 215-216; ILO, 2014, p. 45). When a freed slave returns to slavery, a vicious cycle occurs. Instead, the cycle should end when there is relocation in society. Summing up, the below Figure 2 represents the cycle of child labor and modern slavery.

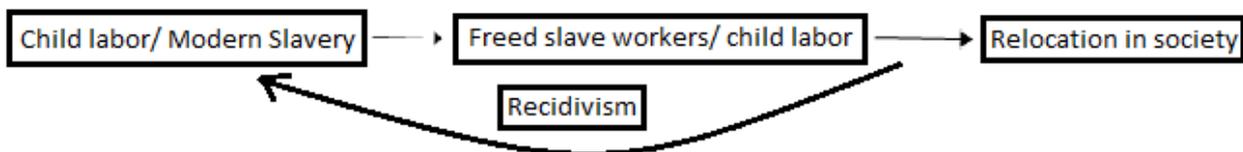


Figure 2. The cycle of child labor and modern slavery. This figure illustrate the cycle of child labor and modern slavery. The arrows pointing right represent a cycle that ends when there is relocation in society. The arrow pointing left represents the vicious cycle when there is not relocation in society, but recidivism occurs and the former free slave workers/ child labor are back in modern slavery.

New measures to reinsert former victims of modern slavery into society and the labor market should be developed, following the goals of the national plans to eradicate modern slavery. A way to do that could be if both NGOs, government and companies could focus also on that part. For instance, companies that are part of the InPACTO could be open to receive former slave workers into the formal labor with the assistance and knowhow from NGOs.

7.2 Further Research and Recommendations

Considering the political, social, economic, and cultural importance of the eradication of child labor and modern slavery, the topic brought by this research needs further attention of the Brazilian government and other countries that seek to combat the problems of child labor and modern slavery. Lessons and improvements can result from this research. Policy makers could rely on research of this kind in order to learn and improve for future policies by studying this kind of research and applying improvements and recommendations into future policies. Moreover, scientific research should focus on this topic and use this research as a model to the evaluation of other policies.

For future research, it would be interesting to research other countries for instance, from Africa or Asia, to investigate whether the same policies would apply in their case and if the same strategies (such as the CCT, name and shame, awareness campaign, enforcement) used in Brazil are also used elsewhere.

Below, the recommendations that can be concluded from this research will be presented.

Law: Although I have not commented it throughout the research³², it is of utmost importance to point out the amendment in the article 243 of the Federal Constitution. This amendment is a project establishing that properties that are caught with modern slavery will be confiscated and redistributed to rural reform and urban habitation. This change could be very effective because it would increase the costs of illegal forms of work even more, therefore, the incentives of employers in hiring children or using modern slavery would be much lower. That would be very effective in fighting child labor and modern slavery due to its strong punishment. However, at the present time this amendment was still not approved.

Policies: Most of the policies studied do not have specific deadlines with precise dates, thus precluding the possibility to do follow ups, analysis and assessments of the measures taken and the goals attained. Hence, it would be necessary to set specific deadlines for all the policies. Moreover, another recommendation would be to do a report half way the final deadline in order to scrutinize the progress of the actions taken and the possible improvements achieved.

In addition to precise deadlines and scrutiny of the development, another recommendation would be to create new measures and plan of action when a deadline could not be met. For instance,

³² The amendment was not assessed in the research due to the incompleteness and lack of current negotiations to approve it.

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the goal to eradicate the worst forms of child labor has not been attained and yet, there is not a new plan or new deadline set.

InPACTO: Although there are ten principles to be followed by the signatory companies, a stricter control and monitoring could be established. For instance, it could be improved by using the control and monitoring ³³done by ABVTEX, which is comprehensive and have the participation of employees.

Data: For the sake of future research and also assessment of the governmental policies by the government, data and information about child labor and modern slavery and their policies should be centralized. Besides the benefits for research, analyzing the information from a constant and reliable source also have benefits for policy makers to understand future needs, analyze the progress of determined policy and be able to empirically determine the effectiveness of the policies. In addition, with a centralized source of information, all the main actors involved in the eradication of child labor and modern slavery would be informed about the national progress and could present more pressure to the government in the topics that were not progressing. Moreover, with data available, it would be easier to spread information about this topic to the society as a whole and in a broader manner. In addition, with reliable and constant data, studies and reports could be done in order to deeply understand the effectiveness of the policies and whether the punishments have a spillover effect to other non-compliers.

³³ The control is comprehensive due to the monthly questionnaire answered by employees, the surprise audits, and the online platform that have not only the companies, but also their suppliers. The online platform have photos of the workplace, reports and action plans to improve the conditions and is constantly monitored.

8. Appendix

8.1 Semi Structured Interviews

The semi structured interviews were based on the following questions:

- 1) Is child labor/ modern slavery controlled and measured? If so, how are they controlled and measured?
- 2) Which public policies help in eradicating child labor and modern slavery? Are they helpful?
- 3) Is the governmental participation good in these topics?
- 4) What is missing in order to have effective measures to eradicate child labor and modern slavery?
- 5) Are there other tools besides the governmental policies that help tackling child labor and modern slavery? If so, which?
- 6) How is the data about the development of child labor/ modern slavery perceived? Are they trustworthy?
- 7) Are there specific codes of conduct from the company/ association in order to avoid child labor/ modern slavery? If so, how is this measured? Are there inspections? How often?

(After the problem of the number of auditors being mentioned in all the interviews, the following question was added)

- 8) Is there a problem with the number of auditors currently dedicated to child labor/ modern slavery?

(The following question was asked only to InPACTO)

- 9) The National Pact to Eradicate Slavery does not offer specific deadlines, it is only mentioned “short/ medium term” deadlines. How is the follow done? How often they are done? How is the pact measured?

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8.2 Interviews

In order to organize the ideas and insights provided by the interviewees, the below coding was done in the notes from the interviews:

- (1) Measurement problems
- (2) Lack of auditors and inspectors
- (3) Budget restriction dedicated to eradicate child labor and modern slavery
- (4) Recidivism
- (5) Awareness
- (6) Projects with companies

NGO Reporter Brasil: The interview was conducted with Mrs. Natalia Suzuki. The NGO she represents aims to identify and publish public incidents and situations in conflict with labor rights. It also aims to mobilize social, political and economic leadership towards these problems in order to construct a better society, respecting human rights. It is currently considered the main source of information against modern slavery in Brazil through the work “Escravo, nem pensar!” (Slavery, no way!).

Interviewee: Natalia Suzuki, coordinator of the projects against modern slavery.

Date: 11-04-2017 from 9:30 a.m until 10:30 a.m.

Location: Reporter Brasil office - Rua Bruxelas, 169, Sao Paulo, Brazil.

Type: In person.

The number of rescues are lower because the number of complaints are also lower. Moreover, the inspections have also reduced. The numbers are relative because of that - it shows a decrease on slavery, but that is because no one is searching and verifying it. (1) That is because the importance and relevance of the actual government (national and local) are not the priority on this topic.

Another problem cited was that there is a lack of auditors and they cannot work on all the cases (2), and together with budget restriction (3), they seek only the big operations.

There is repression when is discovered about modern slavery, but what is missing is the further assistance to the victim person that was found in that situation to avoid repeated infringements. There is no social monitoring of them and neither for the prevention and awareness. Moreover, she affirmed that there is no project dedicated to relocation of former slaves in society and that she expect such project to be designed with future policies. (4)

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A current work carried by Reporter Brasil is of education and qualification of teachers and consequently of children and adolescents in order to establish awareness on this topic, called Slave, no way. Natalia mentioned the importance of the program due to the location (remote places), where information about modern slavery is not spread. Hence, the training is provided to teachers that will spread the information to the community as a whole.

Foundation Abrinq (Foundation for the Rights of Children and Adolescents): Abrinq is the Foundation for the Rights of Children and Adolescents. I have interviewed Mrs. Andreia Lavelli and Mrs. Lilyan Regina Somazz Reis Amorim from Abrinq. The foundation aims to promote the defense of rights of children and adolescents. It provides stimulus and pressure for implementation of public actions, strengthening of non-governmental and governmental organizations to provide services or defense of rights, a stimulus for social responsibility, political and social articulation in the construction and defense of rights and knowledge of Brazilian reality about the rights of children and adolescents. The central idea is that not only the public sector plays an important role in this topic, but also the civil society and it creates socially responsible companies.

Interviewee: Andreia Lavelli, specialist on the protection of the children; and Lilyan Regina Somazz Reis Amorim, specialist on the program “Companies friends with children”.

Date: 11-04-2017 from 15:00 until 16:20.

Location: Abrinq office - Avenida Santo Amaro, 1386, Sao Paulo, Brazil.

Type: In person.

There are two main parts from this Foundation: social awareness and the project “Companies friends with Children”. The first one is related to the society and the second one, for the companies: both important actors to eradicate the problem of child labor.

(5) On the social awareness side (Andreia Lavelli), there are projects of social actions in order to spread the information with pamphlet, such as with easy examples about the Olympics to avoid child labor and sexual exploration with images that can be easily assimilated by the society. Moreover, important telephone numbers in case of complaint if child labor is seen. Also booklets informing about the situations of children and adolescents in Brazil. They were distributed in famous and crowded places around the country in order to achieve more people. It was also created the day against the child labor, which many actions are done in that day, including the distribution of booklets and pamphlets around the country in order to catch the attention of people and bring awareness to the topic. The central idea of these campaigns is awareness.

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Regarding the companies side to (Lilyan Regina Somazz Reis Amorim), companies can be affiliated (6) and receive technical support, assistance and a stamp proving that the company is friendly to children and does not make use of child labor. It gives higher value to the company since there is a Code of Conduct to be followed, for example not use child labor in its production and in its production chain, promote social activities in the community and promote the professional formation and access to employment (under the laws and Brazilian legislation) for adolescents (16 years old). The governmental policies are perceived as a tool of utmost importance in order to eradicate child labor and promote education and professional formation of children.

Odebrecht: I have interviewed Mr. Sergio Leao and Mrs. Paquiza Brandao from the civil construction company Odebrecht, both from the sustainability department.

Interviewees: Sergio Leao and Paquiza Brandao, executive managers.

Date: 12-04-2017 from 15:30 until 17:00.

Location: Odebrecht office - Av. Nações Unidas, 8501, 9th floor, Sao Paulo, Brazil.

Type: In person.

The company is affiliated with the Ethos Institute and value the principles of it and to protect workers in the whole production chain. Besides the social value and image of the company and the respect towards the civil society, there is also the power that it has on the market and on investment banks. For example, it is a market protocol and a requirement of the International Finance Corporation (part of the World Bank Group) that the companies that will receive a loan are compliers to Human Rights and follow performance standards regarding it. The financial market maintain this procedure in order to protect their image and to avoid risk and not be caught and related to a company that harms the human rights. Hence, there is a demand of best practices from their clients and related companies. The company was also part of the Global Compact, part of the UN, that encourage companies to be social responsible and sustainable. It is a public and voluntary commitment towards the 10 principles on for example, human rights and labor.

In order to keep that, (6) there is a strict code of conduct with internal policies of sustainability with inspection through internal and external audits. This code of conduct is not only for the employers but also for the chain of production. Besides that, the company has many important social activities which the main aim is the education and awareness towards critical topics such as modern slavery and child labor. That is important not only for the employees but also their families and

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colleagues outside of work, creating social cohesion and avoiding and reducing risks for the community. For example, (6) there is a phone number (called the line of ethics) to report any irregularities or non-conformities found. If there is a complaint, an investigation is carried out and people involved are punished through corrective measures. If the occurrence is illegal, also the authorities are informed for a legal procedure. However, here the problem of ineffectiveness and impunity arises: it is a national problem of lack of police and real punishment for offenders. This problem can negatively shape people's behavior because if it is thought that there is no punishment, then people would complain less and not fill formal complaints, which is a problem to find out cases of modern slavery and child labor. Due to that, (6) many social activities for awareness are offered, not only for employees but also communities in order to assure that people are aware of these problems and would complain if that situation was encountered. It was mentioned by Paqueta that the spillover effect is of utmost importance due to the remote location of some constructions and lack of information about child labor and modern that people have.

The public policies are perceived as a mechanism of supervision and that the government needs to impose sanctions on the non-compliers. The problem of lack of auditors was also mentioned by Sergio. (2)

Ethos Institute: I have interviewed Mrs. Marina Ferro, from the Ethos Institute. Their mission is to mobilize, sensitize and help companies manage their business in a socially responsible way, bringing them to be part of the construction of a sustainable society. Their central idea is that companies that are socially responsible are important players of the promotion of economic development and have influence on society, together with the State and the civil society. Being socially responsible, companies conquer respect from people and communities that are impacted by them and as a result, society recognizes its attitudes.

Interviewee: Marina Ferro, executive manager.

Date: 13-04-2017 from 15:00 until 15:50.

Location: Instituto Ethos office - Rua Bela Cintra, 952, 9th floor, Sao Paulo, Brazil.

Type: In person.

The InPACTO and the National Pact to Eradicate Slavery is perceived as a change in the governance, including both the civil society and institutions into the topic of modern slavery. It has brought the problem closer to society and hence it has sensitized all different actors, such as the

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government, organizations, companies and society. Due to that, companies are more keen to be social responsible and show that to the community and society. The Institute has a consultee status and it is a chain of companies that sign a (6) Code of Conduct (called “Carta Compromisso” = Commitment Letter), containing a set of principles that have to be followed. Due to that, there is change in the practices of the companies and in order to control it and guarantee that the companies are complying with the principles, an audit is carried out annually. Moreover, every year the principles are revised and more commitments are added to the existing companies in order to improve the compromise in being social responsible.

The governmental policies are seen as a great tool capable of changing behavior of different actors in the society, such as the government itself, but mainly the civil society, companies and organizations. Public policies are seen as an inductive of action and compliance. Civil society plays an important role as it puts pressure in the policy makers and companies that do not comply.

The solution (or at least a way to lower modern slavery and child labor) is a 3 way process, involving a collective action between government, civil society and (6) companies through monitoring. Hence, it is about a public-private solution in order to transform relationships and change behavior. This change would lead to a change of paradigms, being able to change people’s ideas and culture.

She also mentioned the problem of lack of inspectors at the special group and that it has consequences, such as less inspections and less people being freed from modern slavery. (2)

ABVTEX: I have interviewed Mr. Edmundo Lima from ABVTEX (Brazilian Association of Textile Retail), which represents the main national retail chains which commercialize clothing, bags and fashion accessories aiming the formalization of jobs, combat fraudulent competition and also supports actions focused on social responsibility. They are the speaker and representative of retail chains along with industry manufacturers, government agencies and other entities and associations involved in the activity, providing analysis and experience exchanges concerning foreign trade, tributary issues and social responsibility.

Interviewee: Edmundo Lima, executive director.

Date: 17-04-2017 from 14:30 until 15:25.

Location: ABVTEX office - Rua Cayowaá, 1071, room 54, Sao Paulo, Brazil.

Type: In person.

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The public policies are perceived as a strong toll in combating modern slavery and child labor. They work as an important instrument and are of utmost importance in order to shape behavior and induce higher compliance of companies. Without public policies and enforcement, companies might act against the law and create unfair competition with companies that work along the rules and laws. Hence, it is very important to have enforcement and supervision on the policies and laws. A current problem presented was the lack of auditors to supervise and audit cases.

Other important tool mentioned was the Dirty List, created by the InPACTO by a collective action between public and private sectors, working in the basis of a name and shame structure. It is very effective because it hurts the company's image to be in that list, harming investments, image in the society and towards consumers.

The association has a system of monitoring the companies (6) in the textile industry that are part of the association. There is a monthly questionnaire related to the day to day activities that is answered by the employees in order to verify if the daily activities are line with the legislation and best practices defended by the association and annually there are two audits, one scheduled and one by surprise in order to check the conditions of the industry and conditions of work. If irregularities are caught, there is a suspension of the company from the association for six months and another audit is carried out to check if the procedures have changed. On top of the audits, there is an online platform in order to manage the requirements to be followed by the companies, including reports, photos of the workplace and action plans to improve the conditions, which are controlled by the association. All this tools helps improve quality and productivity of the companies and the whole industry, showing fully commitment of those in part. It was also mentioned that companies are interested in those measures and they value them because they establish that all companies have to follow the same procedures, avoiding unfair competition.

ABIT: I have interviewed Mrs. Camila Zelezoglo from ABIT (Brazilian Textile and Apparel Industry Association) that represents a production force of 30,000 companies, aiming to support and guide members to a sustainable development in the sector. It also defends its interests at government agencies and national and international entities.

Interviewee: Camila Zelezoglo, superintendent of the economic and political policies.

Date: 18-04-2017 from 9:30 a.m until 10:35 a.m.

Location: ABIT office - Rua Marquês de Itu, 698, Sao Paulo, Brazil.

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Type: In person.

Public policies and efforts are perceived as great tools and productive of compliance - they increase the efforts and will of companies to comply with the rules. But they must be supervised and controlled. Nowadays there is a lack of auditors and the structure of their work should be improved, since there is no minimum budgets or planned goals. Besides the supervision and monitoring, there should be other work fronts such as prevention and further follow up to avoid recurrence.

For the association, labor practices are not only rules and laws, but also to guarantee good conditions of work and maintain the human dignity of the workers. In order to avoid unfair competition globally, this dignity of workers should be respected globally, with global standards, but unfortunately we have not achieved this step yet. But Brazil is considered a global reference regarding efforts to eradicate modern slavery and child labor, with for example the Dirty List, that include the non-complier companies in it in a basis of name and shame and expose the companies that use modern slavery and child labor. However, according to her, not always have been that way. Previously, modern slavery was considered a taboo by the government and other actors in society, such as companies.

InPACTO: I have interviewed Mercia Consolacao Silva, executive director of InPACTO.

The measurement problems (1) were mentioned as a big step back in controlling modern slavery due to the lack of official data. Moreover, it was mentioned that data is not available for every year, harming the analysis and a possible conclusion about the development and possible reduction of modern slavery. Besides that, it was also mentioned that there is no control in order to measure the development of the policies and their effects in reducing modern slavery. For instance, the deadlines are based on “short/ medium” term, without specific deadlines, hence there is no follow up to check if the policy is reducing child labor/ modern slavery.

Another problem mentioned is that besides the lack of control, there is lack of deep analysis on recidivism, for instance. There is no control if the same employer is using again modern slavery after getting caught. She mentioned that it is of extreme importance to further assess that information in order to evaluate if these actions work as a lesson to other employers/companies in the region or not.

The problem of lack of data should be amended by concentrating all the relevant data under one platform in order to be easier and accessible to check the improvements and developments on child labor/ modern slavery.

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The number of auditors was also mentioned as a downturn in reducing modern slavery as the number of auditors are decreasing every year. (2)

Interviewee: Mercia Consolacao Silva, executive director.

Date: 12-06-2017 from 14:30 until 15:15.

Location: Institute of Social Sciences, The Hague, Netherlands.

Type: In person.

8.3 Documents assessed

PETI - Program for the Eradication of Child Labor, retrieved from the below web links:

http://www.planalto.gov.br/ccivil_03/leis/L8742.htm

http://www.portaldatransparencia.gov.br/aprendaMais/documentos/curso_PETI.pdf

National Plan for the Eradication of Modern Slavery

http://reporterbrasil.org.br/documentos/plano_nacional.pdf

<http://reporterbrasil.org.br/documentos/novoplanonacional.pdf>

National Pact for the Eradication of Modern Slavery

http://reporterbrasil.org.br/documentos/pacto_erradicacao_trabalho_escravo.pdf

Documents from the Ministry of Labor are presented below:



MINISTÉRIO DO TRABALHO
SECRETARIA DE INSPEÇÃO DO TRABALHO

Trata-se de resposta à mensagem nº **1136523**, apresentada por intermédio do Serviço de Informação ao Cidadão – SIC do Ministério do Trabalho – MTb por **Milena Pinguel Cubeiro Rodrigues**, CPF **415.397.598-22**, em que o(a) interessado(a) solicita:

“dados sobre as fiscalizações do Grupo Especial de Fiscalização Móvel (GEFM): - número de empregados do GEFM ao longo dos anos, por ano (1995-2017) - número de fiscalizações realizadas por ano (1995-2017) - número de pessoas resgatadas por ano (1995-2017) - número de denúncias recebidas por ano (1995-2017) - orçamento dedicado ao combate ao trabalho escravo por ano”

Em primeiro lugar, cumpre observar que a publicidade é um macroprincípio da Administração Pública, inscrito de forma expressa no art. 5º, XXXIII, e no art. 37, §3º, II, da Constituição da República, e, portanto, em termos de processos administrativos, a publicidade é a regra e o sigilo, a exceção. Isso fundamentalmente significa que, ressalvado o caso de sigilo imposto por lei ou por circunstâncias especiais previstas na lei, a regra geral é a publicidade dos atos administrativos. O direito previsto nos referidos dispositivos constitucionais de solicitar e receber informações dos órgãos e entidades públicos, de todos os entes e Poderes, foi regulado pela Lei de Acesso à Informação - LAI, Lei nº 12.527, de 18 de novembro de 2011, e esta, por sua vez, regulamentada pelo Decreto nº 7.724, de 16 de maio de 2012.

O Ministério do Trabalho subordina-se aos termos da LAI e do Decreto que a regulamentou, de modo que, com fundamento nesses diplomas, fornecemos os dados abaixo, conforme registros disponíveis no banco de dados deste órgão:

“Número de empregados do GEFM ao longo dos anos, por ano (1995-2017)”:

Historicamente, o GEFM tem sido dividido em equipes, cuja composição variou bastante ao longo do tempo. A composição das equipes que desenvolveram as mais de 2700 fiscalizações do GEFM é informada no correspondente relatório da ação fiscal, porém a Divisão de Fiscalização para Erradicação do Trabalho Escravo - DETRAE não mantém banco de dados sistematizado de seus integrantes ao longo dos anos.

Atualmente, o GEFM é composto por quatro equipes. Em cada uma dessas equipes, há três Auditores-Fiscais do Trabalho dedicados exclusivamente à atuação no GEFM. Além destes, cada equipe agrega participantes eventuais, isto é, Auditores-Fiscais do Trabalho em exercício nas unidades regionais do MTb, convocados para atuar em uma determinada operação do GEFM. O número de membros eventuais em cada equipe é variável, dependendo de fatores diversos, como a complexidade e os objetivos da ação fiscal, a disponibilidade de Auditores-Fiscais do Trabalho, entre outros.

Também participam das operações do GEFM membros de outras instituições, como Procuradores do Trabalho (Ministério Público do Trabalho), Policiais Rodoviários Federais (Departamento de Polícia Rodoviária Federal), Agentes e Delegados de Polícia Federal (Departamento de Polícia Federal), Defensores Públicos Federais (Defensoria Pública da União), Procuradores da República (Ministério Público Federal), entre outros. A participação dessas instituições também é variável, mas, pode-se dizer que a maior parte das operações do GEFM vem contando com a participação, pelo menos, de um Procurador do Trabalho e de membros da força policial (Polícia Rodoviária Federal ou Polícia Federal).

Por fim, cumpre observar que, no âmbito do MTb, o combate ao trabalho análogo ao de escravo não tem sido realizado apenas pelo GEFM, mas também pelas unidades regionais do órgão – as Superintendências Regionais do Trabalho e Emprego em cada Estado da Federação. À medida que o trabalho do GEFM foi sendo cada vez mais reconhecido, reforçado na sua estrutura e lapidado nos



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seus procedimentos, foi possível promover a desconcentração de boa parte das ações para execução pelas regionais. Afinal, o fato de o Grupo privilegiar o intercâmbio e a agregação de Auditores-Fiscais oriundos das mais diversas regionais, propiciou a capacitação de agentes aptos a replicar o aprendizado em sua própria regional. De 1995 a 2002, o GEFM exercia a totalidade de ações de combate ao trabalho escravo. Entretanto, a formatação de uma rede de atores, a transferência de expertise da equipe aos Auditores-Fiscais do Trabalho que integravam o Grupo eventualmente, fomentaram e viabilizaram a – útil e necessária – assunção de protagonismo pelas superintendências regionais, que passaram a igualmente enfrentar o problema em suas unidades. Assim, atualmente, o equivalente à metade dos resultados anuais é decorrente de ações realizadas em âmbito regional, cuja capilaridade e resposta imediata são bem mais presentes e possíveis que a capacidade de resposta instantânea do GEFM, que pode, assim, concentrar-se em ocorrências cujo risco, dificuldade de alcance, e necessidade de articulação e planejamento sejam pressupostos.

“Número de fiscalizações realizadas por ano (1995-2017)”:

Ano	Número de estabelecimentos inspecionados
1995	77
1996	219
1997	95
1998	47
1999	56
2000	88
2001	149
2002	85
2003	130
2004	236
2005	117
2006	119
2007	108
2008	150
2009	197
2010	153
2011	148
2012	119
2013	141
2014	106
2015	119
2016	105
2017	30
Total Geral	2794



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Os quantitativos acima informados referem-se a ações fiscais realizadas pelo GEFM, conforme solicitação da requerente. Para os quantitativos gerais, incluindo também as unidades regionais do MTb, acesse: <http://trabalho.gov.br/fiscalizacao-combate-trabalho-escravo/resultados-das-operacoes-de-fiscalizacao-para-erradicacao-do-trabalho-escravo>

“Número de pessoas resgatadas por ano (1995-2017)”:

Ano	Número de trabalhadores resgatados
1995	84
1996	425
1997	394
1998	159
1999	725
2000	516
2001	1305
2002	2285
2003	3849
2004	2266
2005	3021
2006	2242
2007	4052
2008	2456
2009	1360
2010	1069
2011	917
2012	831
2013	300
2014	319
2015	194
2016	176
2017	26
Total Geral	28971

Os quantitativos acima informados referem-se a ações fiscais realizadas pelo GEFM, conforme solicitação da requerente. Para os quantitativos gerais, incluindo também as unidades regionais do MTb, acesse: <http://trabalho.gov.br/fiscalizacao-combate-trabalho-escravo/resultados-das-operacoes-de-fiscalizacao-para-erradicacao-do-trabalho-escravo>

“Número de denúncias recebidas por ano (1995-2017)”

O quantitativo de denúncias encaminhadas à DETRAE está disponível apenas a partir de 2011. Os dados apresentados abaixo não contemplam denúncias dirigidas às unidades regionais do MTb (salvo nos casos em que as regionais reencaminharam a denúncia à DETRAE):

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Information provided from Sinait:

Sra.Milena, bom dia!

De ordem do Sr.Diretor, encaminho-lhe as respostas abaixo, e aproveito a oportunidade para indicar-lhe o **canal oficial para demanda por informações**, para onde as demais dúvidas, que eventualmente persistam, poderão ser enviadas, consistente no 'Serviço de Informações ao Cidadão', através do link: <http://trabalho.gov.br/servico-de-informacao-ao-cidadao-sic>

Este serviço garante o controle de prazos pela Administração e o registro do pedido e da resposta.

As respostas seguem na sequência de suas questões formuladas:

1) dados e números de resgates e denúncias recentes;

Resultados de inspeções estão disponíveis no site do MTB: <http://trabalho.gov.br/fiscalizacao-combate-trabalho-escravo/resultados-das-operacoes-de-fiscalizacao-para-erradicacao-do-trabalho-escravo>

Sobre denúncias:

Ano	Qte de denúncias recebidas
2017	80 (parcial até abril/2017)
2016	369
2015	204
2014	263
2013	300
2012	209

2) budget reservado para as fiscalizações;

Suponho que budget se refira, em português, ao orçamento.

	Dotação atualizada (orçamento)
2017	R\$ 3.116.810,00 (há um anúncio – ainda não implementado, de que este valor sofrerá uma redução em razão de contingenciamento , na ordem de 53%)
2016	R\$ 2.765.184,00
2015	R\$ 3.308.000,00
2014	R\$ 2.502.938,41
2013	R\$ 3.062.073,50

3) metas dos grupos moveis de fiscalização.

Realização de 4 operações por mês.

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8.4 Tables referring to the graphs 1, 2 and 3

Table I referring to Graph 1 (Child Labor from 5-17 years old)

	2002	2003	2004	2005	2006	2007	2008	2009	2011	2012	2013	2014	2015	
week as reference (m)	5547	5169	5374	5533	5203	4892	4520	4318	3724	3567	3188	3331	2672	
year as reference (m)	6726	6180	6300	6675	6359	5760	5472	5168	4339	4240	3774	4046	3282	
Gap	17,53%	16,36%	14,70%	17,11%	18,18%	15,07%	17,40%	16,45%	14,17%	15,87%	15,53%	17,67%	18,59%	
Average Gap														16,51%

Table II referring to Graph 2 (Child labor and schooling % for children between 5-17 years old)

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2011	2012	2013	2014	2015	2015
Child Labor % of the children population	7,1	9,9	9,1	9,1	9,4	8,7	8,1	7,3	6,9	6	5,5	5	5,3	4,1	4,1
Schooling % of the children population	81,1	81,5	82,4	81,9	81,7	82,2	82,1	84,1	85,2	83,7	84,2	84,3	84,3	85	85

Table III referring to Graph 3 (Comparison between Inspections, Complaints and Freed workers)

Year	Operations from the Special Group	Freed Workers	Complaints
1995	11	84	
1996	26	425	2487
1997	20	394	817
1998	18	159	577
1999	19	725	966
2000	25	516	799
2001	29	1305	1823
2002	30	2285	5840
2003	67	5223	8306
2004	72	2887	5407
2005	83	4273	7516
2006	103	3308	
2007	114	5963	
2008	158	5016	
2009	156	3769	
2010	142	2628	
2011	164	2428	116
2012	120	2354	209
2013	185	2063	300
2014	172	1590	263
2015	119	1010	204
2016	105	885	369
2017	30	26	90

*The missing information were nowhere available, including information provided by representatives from the Ministry of Labor.

9. List of Abbreviations

ABIT..... Brazilian Textile and Apparel Industry Association
ABVTEX..... Brazilian Association of Textile Retail
CCT..... Conditional Cash Transfers
CONAETI..... National Council for the Eradication of Child Labor
CONANDA..... National Council for Children’s and Young Person’s Rights
CONATRAE..... National Commission for the Eradication of Slavery
FNPETI..... National Forum of Prevention and Eradication of Child Labor
GDP.....Gross Domestic Product
ILO..... International Labor Organization
INPACTO..... Institution for the National Pact to Eradicate Slavery
NGO..... Non-Governmental Organization
OECD..... Organization for Economic Cooperation and Development
PEC..... Constitutional Amendment
PETI..... Program for the Eradication of Child Labor
PNAD..... National Household Survey
SIMPETI..... System for Monitoring the Program for Eradication of Child Labor
UN..... United Nations
FNPETI..... National Forum of Prevention and Eradication of Child Labor

10. List of Graphs

Graph 1..... Child Labor from 5-17 years old, using week and year as reference
Graph 2..... Child Labor and schooling % for children 5-17 years old
Graph 3.....Comparison between Inspections, Complaints and Freed workers

11. List of Figures

Figure 1.....The cycle of child labor and modern slavery

12. List of Tables

Table 1.....Budget for the special group from 2013-2017

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