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HUMAN RIGHTS AND DECENT WORK: ANALYSIS OF CONTEMPORARY CHALLENGES TO ENDING FORCED LABOUR

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Abstract

This manuscript aims to analyse the inclusion of human rights in the context of decent work. To this end, the current challenges to achieving the end of all forms of forced or compulsory labour were analysed. The Federal Constitution has human dignity as one of its pillars, considering work to be a social and fundamental right of all. The research was developed using qualitative methods, based on theoretical and methodological approaches of an exploratory, bibliographic and documentary nature. However, data analysis was carried out using the socio-legal method, as it sought to analyse international human rights treaties at work, in view of the current challenges to their implementation in the Brazilian socio-economic context. The results show that Brazil has recently implemented public policies to eradicate all forms of contemporary forced or compulsory labour. In this sense, the approval of Decree No. 12,857/2026, which internalised Protocol 2014 relating to ILO Convention No. 29, demonstrates the Brazilian government's commitment to the eradication and prevention of all forms of forced or compulsory labour, in particular slave and child labour, providing for the reparation of damages suffered by victims and the conviction of those responsible. It can be concluded that, although international instruments have been internalised, the United Nations still faces complex challenges in eradicating all forms of forced or compulsory labour, and it is incumbent upon the public authorities and society in general to ensure the effectiveness of humane and dignified work and, in accordance with SDG 8, to

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promote full and decent employment and sustained and sustainable economic growth for all.

Keywords: Federal Constitution, Sustainable Development, Dignity of the human person, International Human Rights, Social Rights.

1. Introdução

Brazil had several federal constitutions that dealt only with the organisation of the State and the system of government. However, with the advent of general constitutionalism, it began to regulate its provisions in areas such as labour law, social security, etc. With the promulgation of the Federal Constitution of 1824, the abolition of trade guilds was determined, valuing freedom in the exercise of trades and professions, culminating in the approval of the Lei do Ventre Livre (Law of Free Birth), declaring that all children born to slaves would be free (Martins, 2012).

In this sense, social transformations also occurred in Europe, mainly as a result of the emergence of the International Labour Organisation (ILO), which encouraged the creation of labour laws that, through many immigrants, demanded better working conditions and wages in the national territory. Later, this would provide the basis for the labour policy conceived by Getúlio Vargas in 1930 (Martins, 2012).

According to the Superior Labour Court (2026), Brazil's first republic lasted from 15 November 1889 – the date of the proclamation – until mid-1930, when the Revolution of 1930 took place, a period in which there was no labour policy dealing with labour relations, nor were there any legal instruments regulating this coercive trend contrary to trade unionism and labour social movements.

With the advent of the Revolution of 1930 – Getúlio Vargas Government, the Ministry of Labour, Industry and Commerce was created, which sought to regulate certain categories of workers and professions, such as women's work, the guarantee of a minimum wage and the creation of specialised labour courts, regulated by Federal Government decrees. Subsequently, new laws were enacted, prohibiting child labour and providing for the organisation of urban and rural workers' unions and the recognition of the right to paid holidays, which was important for the protection of the rights of certain categories of workers (Martins, 2012; Superior Labour Court, 2026).

In the 19th century, the first labour courts were also established in Europe, but in Brazil, the first initiative by the Federal Government was the creation of the National Labour Council in mid-1923. The Revolution of 1930 was an initial step towards ending the influence of the coffee sector in Brazil, resulting in transformations that would ultimately affect socio-economic sectors in the coming decades, as the process of industrialisation and urbanisation intensified. In this sense, national public policies were aimed at diversifying regional and industrial economic sectors. With the advent of the Federal Constitution of 1934, women gained broad voting

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rights, and urban workers gained broad and diverse labour and protective legislation with respect to living and working conditions in the industrial, service, and financial sectors of the economy (Superior Labour Court, 2026).

According to the Superior Labour Court (2026), the material sources for the transformation of labour law in Brazil stemmed from the Weimar Constitution of Germany and the founding of the International Labour Organisation (ILO) in 2019, marking the phase of institutionalisation of labour law in countries with central economies, giving rise to social constitutionalism, which included the protection of human labour and social security rights.

In this sense, Brazil underwent a series of social and legislative transformations that dealt with workers' rights, both in terms of labour and social security. The Federal Constitution of 1988 reaffirmed the commitment of the Public Power and the Community to the social and individual rights of workers, treating sovereignty, citizenship, human dignity, the social values of work and free enterprise, and political pluralism as the foundations of the Democratic Rule of Law. In addition, it considered work and social security as social rights, guaranteeing equal treatment for urban and rural workers (Brazil, 1988).

This led to the emergence of the Fundamental Right to Work, as it stems from international treaties, agreements and conventions on human rights, conventions and other treaties on the fundamental principles and rights at work, endorsed by the International Labour Organisation (ILO) and the United Nations (UN), included in the list of social rights and recognised by legal doctrine as a second-generation fundamental right, since it is present in Articles 6 and 7 of the Federal Constitution of 1988 (Brazil, 1988).

That said, given the global context and the eminent force of the Universal Declaration of Human Rights (UDHR), in addition to the Declaration issued by the ILO, which since 1988 has recognised fundamental principles and rights at work, with the commitment of governments, employers' organisations and workers to defend basic human values, establishing as fundamental principles and rights freedom of association and the recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation; a safe and healthy working environment; the latter being adopted by the Assembly in 2022. (Anamt, 2022).

Recently, Decree No. 12.857/2026 was approved, which promulgates the 2014 Protocol to Convention No. 29 of the International Labour Organisation, which deals with Forced or Compulsory Labour, reaffirming the commitment of the United Nations and the ILO to the elimination of forced or compulsory labour in all its forms and manifestations (Brazil, 2026).

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In this regard, the Fundamental Right to Work is strongly linked to the Human Rights Charter, with the Declaration of Fundamental Principles and Rights at Work promoted by the UN/ILO, and recently added as one of the United Nations Sustainable Development Goals.

This paper aims to analyse the inclusion of human rights at work and the implementation of work carried out in dignified and humane conditions in the Brazilian legal system. To this end, the current challenges to achieving the end of forced labour, slave labour, child labour, human trafficking and the protection of migrant workers were analysed.

2. Literature Review

2.1 Fundamental Right to Work

The recognition of certain fundamental rights did not happen overnight, but rather was the result of a long and painful struggle by humanity. As stated by Luca Amaral (2017), the fundamental right to work was achieved throughout history through many struggles and social demands by various classes of workers, who suffered to acquire the most basic and fundamental rights of human beings.

Unlike human rights standards, which have greater scope and recognition at the international level, fundamental rights need to be enshrined in a legal system in order to be enforced within a nation or under the rule of law. In this sense, legal doctrine agrees that fundamental rights originate from human rights, but are recognised and enshrined within a legal system.

In this sense, as a result of the influence of international human rights law and the numerous conventions on human rights and conferences organised by the International Labour Organisation (ILO), an entity belonging to the United Nations (UN), of which Brazil is a member, the branch of fundamental right to work emerged, endorsed by numerous laws that would later become the Consolidation of Labour Laws (CLT), and in a way influenced the promulgation of the Federal Constitution of the Republic of 1988, known as the Constitution of Welfare and Solidarity.

With the advent of the Federal Constitution of 1988, the fundamental rights and guarantees inherent to all human beings were inserted, divided into five chapters, as set out in Title II: individual and collective rights, social rights, political rights, and political parties. Thus, labour law is closely linked to labour, slavery, servitude, work in corporations, and even with the industrial revolution, man continued to perform his activities in inhumane conditions (Luca; Amaral, 2017).

With the influence of the industrial revolution in the 19th century, capitalism was strengthened and there was a need to enshrine labour law as an essential condition for human beings, since, as a result of the phenomenon of social constitutionalism, other countries had enshrined labour law in their federal constitutions (Martins apud Luca; Amaral, 2017). In Brazil, labour rights were established in 1930, in the face of

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major strikes, when the Vargas Government established labour standards and compiled them with existing ones, resulting in the first consolidation of labour laws.

The Vargas government created the Ministry of Labour, Industry and Commerce, as referred to in Decree No. 19,433/1930, which would later become known as the Ministry of Labour and Employment and the Ministry of Labour and Social Security. In this sense, in 1932, the Joint Conciliation Commissions were created, followed by the Conciliation and Judgement Commission (CCJ), whose National Labour Council (CNT) is the highest body (Superior Labour Court, 2026).

Subsequently, the Federal Constitution of 1934, inspired by the Weimar Constitution of Germany, included a legal provision referring to social and economic order, establishing labour justice to settle labour issues between employees and their employers. In 1939, with the advent of Decree No. 1237, specialised labour justice was organised, which would be implemented throughout the national territory through Decree-Law No. 3,229/1941, dividing labour justice into eight major regions. Although the Vargas government was authoritarian and populist, it was responsible for creating several legal institutions in popular social sectors. In this sense, individual labour law was considered unique legislation, leading to the consolidation of labour laws, promulgated in 1943 (Superior Labour Court, 2026).

It was only with the enactment of the Federal Constitution of 1946 that the specialised labour justice system was regulated and integrated into the Judiciary, as well as the creation of the Superior Labour Court, the Regional Labour Courts and the Conciliation and Judgement Boards, whose functions and powers were provided for in the constitutional provision (Superior Labour Court, 2026).

With the advent of the Federal Constitution of 1988, the right to work was duly enforced, considered by legal doctrine as a second-generation fundamental right, since, in accordance with Article 6 of the Federal Constitution, the constituent power sought to attribute not only to work, but also to other rights such as education, health, food, housing, transport, leisure, security, social security, maternity and childhood, and assistance to the destitute the status of social rights, which must be enforced by the Public Power and the community.

Education, health, food, work, housing, transport, leisure, security, social security, maternity and child protection, and assistance to the destitute came to be seen as second-generation social and fundamental rights, since they are included in the chapter on Fundamental Rights and Guarantees, in accordance with the 1988 Federal Constitution. However, in principle, they were viewed logically and treated within the economic and social order. It is an instrument for the realisation of human dignity, aiming to protect against social risks and the violation of these rights (Teles, Pestana, Pinto, apud Weirich; Neres, 2026).

The Federal Constitution of 1988, in its Article 7, innovated by treating urban and rural workers equally, providing a list of workers' social rights. According to the provision, the following are considered fundamental rights and guarantees of workers: the primacy of employment protection, unemployment insurance, the length of service guarantee fund, the guarantee of a minimum wage for workers, the

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irreducibility of wages and the guarantee of a minimum wage proportional to work, the thirteenth salary, higher pay for night work than for day work, wage protection that guarantees its unseizability, working hours not exceeding eight hours per day, paid weekly rest, retirement, additional pay for arduous, unhealthy or dangerous activities, recognition of collective agreements and conventions, insurance against accidents at work, etc. (Brazil, 1988).

That said, although there are a number of fundamental guarantees and social rights for workers provided for in the constitutional text, the effectiveness of the social right to work is constantly threatened, since in Brazil there are still countless cases of violations of the fundamental right to work and the human dignity of workers. When we mention the effectiveness of the social and fundamental right to work, it is necessary to eradicate the issues of unemployment, workers who labour in precarious conditions or conditions analogous to slave labour, eliminate all forms of forced labour, child labour, gender inequalities in the workplace, as well as other conditions that compromise the human dignity of workers (Reis apud Weirich; Neres, 2026).

2.2. International Labour Organisation (ILO)

The International Labour Organisation (ILO) was founded in mid-1919 to promote social justice. It is the only United Nations agency with triple representation, including governments, employers' organisations and workers' organisations from the 187 Member States, which participate on an equal footing (International Labour Organisation, 2026).

The ILO's mission is to promote opportunities for men and women to have access to decent and productive work in conditions of freedom, equity, security and dignity. Decent work is a fundamental condition for overcoming poverty, reducing social inequalities, ensuring democratic governance, and achieving the sustainable development goals of nations (International Labour Organisation, 2026).

The ILO has an agenda that aims to promote decent work, enabling its member states to achieve economic and working conditions for all workers, employers and governments, with a view to lasting peace, prosperity and progress. Currently, the ILO has four strategic objectives: to define and promote standards and fundamental principles and rights at work; to create greater employment opportunities and decent income for women and men; improving the coverage and effectiveness of social protection for all; strengthening tripartism and social dialogue (International Labour Organisation, 2026).

Brazil is one of the founding member states of the ILO and has had representation in the country since the 1950s, aiming to implement programmes and activities that reflect the organisation's objectives. In addition, it aims to permanently promote international labour and employment standards and improve working conditions, with a view to expanding social protection for workers, promoting decent work, combating forced labour, child labour, and human trafficking, as well as promoting

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decent work for young people and migrants, ensuring equal opportunities and treatment for all (International Labour Organisation, 2026).

In mid-2006, Brazil created the National Agency for Decent Work (ANTD), the result of a joint effort between the federal government and the Director-General of the ILO. Since then, priority has been given to generating jobs in quantity and quality, equal opportunities and treatment, eradicating slave labour and child labour, especially in its worst forms, and strengthening tripartite actors and social dialogue as an instrument of democratic governance (International Labour Organisation, 2026).

In this regard, Brazil has proven to be a pioneer in the implementation of subnational agendas aimed at promoting Decent Work, since the first one was launched in the state of Bahia in 2007. In 2010, the National Plan for Employment and Decent Work was launched, aiming at indicators on the progress of policies. In subsequent years, the nation has continued to promote decent work and sustainable development, demonstrating a wide range of opportunities and challenges for the promotion of decent work throughout the country, highlighting the strengthening of national public policies aimed at territories. It has also supported the Ministry of the Environment in the development of policies to protect resources and sustainable sources of employment and income for the population (International Labour Organisation, 2026).

Finally, Brazil aims to promote equal conditions and treatment in the workplace, working with socially vulnerable groups such as workers excluded as a result of discrimination, such as LGBT people, transgender men and women, and people with disabilities (International Labour Organisation, 2026).

2.3. The 8th Sustainable Development Goal

In light of global environmental and ecological emergencies, the United Nations met to establish a global plan for the Sustainable Development of Nations, known as the 2030 Agenda for Sustainable Development. The United Nations Conference on Sustainable Development (UNCSD), known as Rio+20, was attended by 88 heads of state, in addition to the 191 UN member countries, which sent their representatives to the event.

Within the 2030 agenda, 17 Sustainable Development Goals (SDGs) and 169 targets were established, representing a global call by the United Nations to eradicate poverty, protect the environment and climate, and ensure that people everywhere can achieve peace and prosperity, aiming at the development and progress of nations in the social, environmental and economic spheres (Psico de Luz (2025); United Nations, 2026).

That said, the fundamental right to work and the promotion of full employment have also gained support in the SDGs. This is the 8th Sustainable Development Goal of the Nations, whose motto is ‘Decent Work and Economic Growth’, aiming to

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promote inclusive and sustainable economic growth, full and productive employment and decent work for all people in the world (United Nations, 2026).

In this regard, 10 targets have been set to achieve SDG 8:

> 8.1 Sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7 per cent annual growth in gross domestic product [GDP] in the least developed countries
> 8.2 Achieve higher levels of productivity in economies through diversification, technological upgrading and innovation, including through a focus on high value-added and labour-intensive sectors
> 8.3 Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalisation and growth of micro, small and medium-sized enterprises, including through access to financial services
> 8.4 By 2030, progressively improve global resource efficiency in consumption and production and endeavour to decouple economic growth from environmental degradation, in accordance with the 10-year framework of programmes on sustainable consumption and production, with developed countries taking the lead.
> 8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value
> 8.6 By 2020, substantially reduce the proportion of youth not in employment, education or training
> 8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms
> 8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular migrant women, and those in precarious employment
> 8.9 By 2030, develop and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products
> 8.10 Strengthen the capacity of domestic financial institutions to encourage the expansion of access to banking, insurance and financial services for all
> 8.a Increase support for the Aid for Trade Initiative for developing countries, particularly least developed countries, including through the Enhanced Integrated Framework for Trade-Related Technical Assistance to Least Developed Countries
> 8.b By 2020, develop and operationalise a global strategy for youth employment and implement the International Labour Organisation [ILO] Global Jobs Pact

That said, the main goals are to promote public policies for the development of productive activities, decent job creation, entrepreneurship, creativity and innovation, encourage the formalisation and growth of micro, small and medium-sized enterprises, and facilitate access to financial services (United Nations, 2026).

Due to the challenges faced by Brazil and other emerging countries, the United Nations has committed to achieving full and productive employment and decent work for all people, including young people and people with disabilities, with the aim

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of reducing the proportion of young people without employment, education or training by 2020 (United Nations, 2026).

In this sense, the objective is to address situations that threaten the effectiveness of the fundamental and social right to work, as nations have committed to eradicating forced labour, modern slavery and human trafficking by 2025, ensuring the prohibition and elimination of the worst forms of child labour, including the recruitment and use of child soldiers. Nations have committed to eliminating child labour in all its forms (United Nations, 2026).

There has also been the promotion of labour rights and a safe and secure working environment for all workers, including migrant workers, women and people in precarious or inhumane conditions (United Nations, 2026).

3. Methodology

This article was developed using qualitative methods, based on theoretical and methodological approaches of an exploratory nature, as well as bibliographic and documentary reviews. The socio-legal method was used for data analysis, as the aim was to analyse the implementation of international human rights treaties at work in the national context and the effectiveness of public policies and legislation in light of the current challenges faced by the Brazilian State in enforcing the fundamental right to work in the national socioeconomic context.

In addition, the recorded rates of slave, forced or compulsory labour were analysed by official public labour justice bodies, and the effectiveness of legal norms and national public policies was analysed in order to achieve the objectives proposed by ILO Convention No. 29 and reaffirmed by the SDGs, which aim to eradicate forced or compulsory labour, slave labour, child labour, human trafficking, and promote the protection of migrant workers.

As for the documentary research, it is justified because, in addition to scientific articles, published dissertations and theses, law manuals, legal briefs, and repealed and current legislation, international documents were analysed, such as human rights treaties and conventions, and others dealing with the right to work, in addition to the 2030 Agenda for Sustainable Development booklet.

4. Results and Discussions

4.1. Introduction of Decree No. 12,857/2026

Decree No. 12,857, enacted on 24 February 2026, introduced the 2014 Protocol, signed on 11 June 2014 in Geneva and applicable to Convention No. 29 of the International Labour Organisation (ILO), a convention that deals with forced or compulsory labour. This protocol aims to complement ILO Convention No. 29. It is

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the United Nations' official commitment to tackle modern forms of forced labour, such as human trafficking and debt bondage (Superior Labour Court, 2026b).

The 2014 ILO protocol adopted in Geneva recognises the prohibition of forced or compulsory labour as a fundamental human right, viewing forced or compulsory labour as a serious violation of human rights and human dignity, a violation that ultimately contributes to poverty and prevents decent work for all (Brazil, 2026).

The document refers to the important Convention No. 29 on Forced or Compulsory Labour of 1930 and Convention No. 105 on the Abolition of Forced Labour of 1957, which aim to combat all forms of forced or compulsory labour. However, given the existing gaps in their application, it was necessary to adopt additional measures (Brazil, 2026).

Regarding the objective of the protocol, an excerpt from the document is mentioned:

> Recalling that the definition of forced or compulsory labour in Article 2 of the Convention covers forced or compulsory labour in all its forms and manifestations and applies to all human beings without distinction;
>
> Emphasising the urgency of eliminating forced or compulsory labour in all its forms and manifestations;
>
> Recalling that Members who have ratified the Convention have an obligation to criminalise forced or compulsory labour and to ensure that the penalties imposed by law are truly effective and strictly enforced;
>
> Recognising that the context and forms of forced or compulsory labour have changed and that trafficking in persons for the purpose of forced or compulsory labour, which may include sexual exploitation, is a matter of growing international concern and that its effective elimination requires urgent action;
>
> Noting that a growing number of workers are in situations of forced or compulsory labour in the private economy, that certain sectors of the economy are particularly vulnerable, and that certain groups of workers are at greater risk of being subjected to forced or compulsory labour, especially migrants;
>
> Noting that the effective and sustained suppression of forced or compulsory labour contributes to ensuring fair competition among employers and the protection of workers;
>
> Having decided to adopt several proposals to remedy the shortcomings in the application of the Convention and reaffirmed that preventive and protective measures and legal remedies and redress, such as compensation and rehabilitation, are necessary to achieve the effective and sustained suppression of forced or compulsory labour, in accordance with the fourth item on the agenda of the meeting, and
>
> Having decided that these proposals should take the form of a protocol to the Convention, adopts, on this eleventh day of June two thousand and fourteen, the following Protocol, which may be cited as the Protocol of 2014 to the Forced Labour Convention, 1930.

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> (Preamble P029 – Protocol of 2014 to the Forced Labour Convention, 1930; Brazil, 2026)

In this regard, the ILO member states have recognised the prohibition of forced or compulsory labour as a fundamental right of workers, since forced or compulsory labour ultimately leads to the violation of human rights, undermining the dignity of millions of men, women and children, perpetuating poverty and preventing the realisation of decent work for all, one of the objectives of the ILO and SDG 8.

According to Article 2 of Convention No. 29, 'forced or compulsory labour' means any work or service required of an individual under threat of any penalty and for which he has not offered himself voluntarily (Brazil, 1956). Under the terms of the 2014 protocol resolution, the fundamental role of the 1930 Convention on Forced or Compulsory Labour – No. 29, and the 1957 Convention on the Abolition of Forced Labour – No. 105, in combating all forms of forced or compulsory labour, requiring exceptional measures to eliminate any gaps in their application (Brazil, 2026).

With a view to effectively eradicating forced or compulsory labour and promoting decent and free labour, the 2014 protocol relating to ILO Convention No. 29 determined that the United Nations should create a national policy and/or action plan aimed at achieving the effective and sustained suppression of forced or compulsory labour through the adoption of systematic measures by the competent authorities, in coordination with employers' and workers' organisations (Brazil, 2026).

The measures adopted to prevent forced or compulsory labour should include: education and information for vulnerable groups, in order to prevent them from becoming victims of forced or compulsory labour; education and information for employers; control and enforcement of preventive labour legislation; labour inspection and other services; protection of persons, especially migrant workers, against possible abusive and fraudulent practices, from the recruitment and placement process onwards; support for the public and private sectors to act with due diligence in order to prevent forced or compulsory labour and the risks it entails; actions to address root causes and risk factors. It also determined that States should take measures to identify, free and protect all victims, allowing for their recovery and rehabilitation, as well as support and assistance (Brazil, 2026).

Thus, the aforementioned protocol established in its Article 4 that member states should adopt, in accordance with the fundamental principles of their legal system, measures to ensure that the competent authorities may decide not to prosecute or impose penalties on victims of forced or compulsory labour in connection with unlawful activities, provided that they were forced to commit such offences as a result of being victims of forced or compulsory labour (Brazil, 2026).

In this sense, we can understand that the aforementioned protocol is intended to fill regulatory gaps that were not previously addressed by ILO Convention No. 29. It is a recognition of the governmental autonomy of ILO member states to establish standards, actions, and public policies in their territories, with a view to completely

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eradicating all forms of forced or compulsory labour. Furthermore, member states are expressly authorised to promote the acquittal of crimes committed by victims of forced or compulsory labour.

However, the provision leaves open a possible value judgement in relation to the fundamental principles of each member state, which could lead to legal uncertainty, since in certain countries, victims of forced or compulsory labour may be convicted for any crimes committed.

4.2. Contemporary Slave Labour in Brazil

Contemporary slave labour remains a huge challenge for the Brazilian state, even 138 years after the enactment of the Golden Law (No. 3,353/1888), which abolished slavery. However, the criminalisation of work carried out in conditions analogous to slave labour only occurred in the mid-1940s with the enactment of the Brazilian Penal Code – Decree-Law No. 2,848, which classified slave labour in its Article 149, defining the conduct merely as: 'reducing someone to a condition analogous to slavery', determining a prison sentence of two to eight years (Brazil, 1940).

Brazil, as a member state and founder of the International Labour Organisation, acceded to Conventions No. 29 and No. 105, which aim to abolish compulsory or forced labour. In this regard, Law No. 10,803/2003 amended the provisions of Article 149 of the Brazilian Penal Code to broaden the scope of the criminal offence and provide for grounds for increasing the penalty, as follows:

> "Art. 149. Reducing someone to a condition analogous to slavery, whether by subjecting them to forced labour or exhausting working hours, subjecting them to degrading working conditions, or restricting their movement by any means due to a debt contracted with the employer or representative:
>
> Penalty - imprisonment for two to eight years and a fine, in addition to the penalty corresponding to the violence.
>
> § 1 The same penalties shall apply to anyone who:
>
> I - restricts the use of any means of transport by the worker, with the aim of retaining them at the workplace;
>
> II - maintains overt surveillance at the workplace or seizes the worker's documents or personal belongings, with the aim of retaining them at the workplace.
>
> § 2 The penalty shall be increased by half if the crime is committed:
>
> I – against a child or adolescent;
>
> II – on the grounds of prejudice based on race, colour, ethnicity, religion or origin."
> Wording included by Law No. 11,106 of 2005; (Brazil 2005)

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That said, the amendment to the legal text retained the use of the expression 'conditions analogous to slavery,' adopted by the League of Nations Convention in mid-1926, whose purpose was to prohibit the practice of slavery and the slave trade (United Nations Human Rights, 2026).

Cazetta, apud Siqueira (2010), demonstrates the existence of criticism of the current wording of Article 149 of the Brazilian Penal Code, since the amendment made through Law No. 10,803/2003 did not include in its provisions what was provided for in international treaties and conventions on workers' human rights, stating that, although there are omissions, the legislative changes did not take into account the current reality during the legislative process, leading to a reduction in the scope of repression and punishment provided for in international treaties.

Furthermore, according to the legal doctrine of criminology, Article 149 of the Penal Code presupposes the existence of the crime of slave labour in four situations: the subjection of the victim to forced labour; the subjection of the victim to exhausting working hours; subjecting the victim to degrading working conditions; and restricting, by any means, the victim's movement due to debts incurred with the employer or company representative, even if chains or armed surveillance are not used (Brazil, 2003; Siqueira, 2010; Superior Labour Court, 2026).

The decisions of the STF settled the understanding regarding the jurisdiction of the federal courts to judge and prosecute the crime of labour performed in conditions analogous to slavery, provided for in Article 149 of the Brazilian Penal Code, since the jurisprudence of the Superior Court of Justice (STJ) was divergent, understanding that the state courts – common courts – had jurisdiction over the matter. In this sense, the Supreme Court recognised that slave labour is not only a violation of individual labour rights, but an affront to all human beings, both in terms of freedom and human dignity, a fundamental principle of the Constitution.

Contemporary slavery originated with the gatos, a kind of agent hired by farmers to attract and transport rural workers to their farms. These workers, mostly poor and from the northeast of the country, were looking for better living and subsistence conditions for themselves and their families. Most of the workers were men between the ages of 18 and 40, although there were cases of minors and women, who were hired to cook and do domestic work for the farmhands (Siqueira, 2010).

In 1995, Brazil publicly acknowledged before the International Labour Organisation (ILO) the existence of slave labour in Brazilian territory, but reaffirmed its commitment to eradicating forced labour. According to Folha de São Paulo (1995), President Fernando Henrique Cardoso (FHC) declared that modern slaves still existed in Brazil and that more than 80% of the complaints received by the Ministry of Labour came from the southern region of the state of Paraná, Minas Gerais, Mato Grosso do Sul and Alagoas.

In the current context, Brazil has not managed to eliminate all forms of forced or compulsory labour within its national territory. As reported by the Superior Labour Court (2026), last year alone, Brazil had 4,515 reports of labour performed in

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situations analogous to slavery, which demonstrates the persistence of a serious violation of human rights in the national territory. In this regard, the Superior Labour Court, as the highest court specialising in labour matters, has observed ILO Conventions No. 29 and No. 105 in its judgements, recognising the right to compensation for moral and material damages suffered by victims of compulsory or forced labour.

4.3. The Role Of Brazil's High Courts:

Currently, the Federal Court is responsible for prosecuting and judging crimes analogous to slavery, since it is understood that the crime of slave labor contained in Article 149 of the Brazilian Penal Code is a serious and unjust violation not only against workers but also against the labor organization system. Therefore, lawsuits must address forced labor, exhausting working hours, degrading or inhumane conditions, and restrictions on workers' freedom of movement in cases of debt, and must be filed in federal court.

In this regard, the Federal Supreme Court has ruled as follows: Brazil (2006):

> It was understood that any conduct that violates not only the system of bodies and institutions that collectively preserve the rights and duties of workers, affecting them in areas where the Constitution grants them maximum protection, falls under the category of crimes against labor organization, if committed in the context of labor relations. It was concluded that, in this context, which is influenced by the constitutional principle of human dignity, which informs the entire legal-constitutional system, the crime in question is characterized as a crime against labor organization, under the jurisdiction of federal courts (CF, art. 109, VI). (RE 398.014, rel.min. Joaquim Barbosa, DJ 11/30/2006)

According to the understanding of Minister Joaquim Barbosa of the Federal Supreme Court, Brazil (2006):

> 'man, understood in its broadest sense, encompassing aspects related to his freedom, self-determination and dignity.' Thus, 'any conduct that may be considered a violation not only of the system of bodies and institutions with responsibilities for protecting the rights and duties of workers, but also of working men, affecting them in the areas that are most dear to them and to which the Federal Constitution confers maximum protection, does indeed fall within the category of crimes against the organisation of labour and committed in the context of labour relations' (Supreme Federal Court, 2006).

According to the settled case law of the Federal Supreme Court (STF), any conduct that may be considered a violation not only of bodies and institutions with powers to protect the rights and duties of workers, but also of the workers themselves, affecting them in areas that are most dear to them, in which the Federal Constitution grants them maximum protection, are classified as crimes against the organisation of labour, provided that they are committed in the context of labour relations. In this sense, the supreme court has understood that Article 149 of the Brazilian Penal

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Code is characterised as a crime against labour organisation, attracting the jurisdiction for prosecution and trial by the Federal Court, in accordance with Article 109, item VI, of the Federal Constitution of 1988 (Brazil, 2016).

The STF's decisions settled the understanding regarding the jurisdiction of the federal courts to judge and prosecute the crime of labour performed in conditions analogous to slavery, provided for in Article 149 of the Brazilian Penal Code, since the jurisprudence of the Superior Court of Justice (STJ) was divergent, understanding that the state courts – common courts – had jurisdiction over the matter. In this sense, the Supreme Court recognised that slave labour is not only a violation of individual labour rights, but an affront to all human beings, both in terms of freedom and human dignity, a fundamental principle of the Constitution.

Contemporary slavery originated with the gatos, a type of agent hired by farmers to attract and transport rural workers to their farms. These workers, mostly poor and from the north-east of the country, were seeking better living conditions and livelihoods for themselves and their families. Most of the workers were men between the ages of 18 and 40, although there were cases of minors and women, who were hired to cook and do domestic work for the labourers (Siqueira, 2010).

In 1995, Brazil publicly acknowledged before the International Labour Organisation (ILO) the existence of slave labour in Brazilian territory, but reaffirmed its commitment to eradicating forced labour. According to Folha de São Paulo (1995), President Fernando Henrique Cardoso (FHC) declared that modern slaves still existed in Brazil and that more than 80% of the complaints received by the Ministry of Labour came from the southern region of the state of Paraná, Minas Gerais, Mato Grosso do Sul and Alagoas.

That said, Brazil has not yet managed to eliminate all forms of forced or compulsory labour within its national territory. According to the Superior Labour Court (2026), last year alone, Brazil received 4,515 complaints of labour in situations analogous to slavery, which demonstrates the persistence of a serious violation of human rights within the national territory. In this regard, the Superior Labour Court, as the highest court specialising in labour matters, has observed ILO Conventions No. 29 and No. 105 in its judgements, recognising the right to compensation for moral and material damages suffered by victims of compulsory or forced labour.

Recently, the Superior Labour Court (2026) launched a public campaign aimed at addressing the main warning signs and forms of exploitation in the workplace and encouraging people to report cases. The campaign is linked to the ‘National Day to Combat Slave Labour’, celebrated on 28 January. As stated on the TST's official website, ‘slave labour is not a thing of the past, it is a crime and can be found anywhere’. It also stated that, although slave labour is often associated with rural areas or old practices, labour analogous to slavery continues to exist in diverse economic sectors, including urban and residential environments (Superior Labour Court, 2026).

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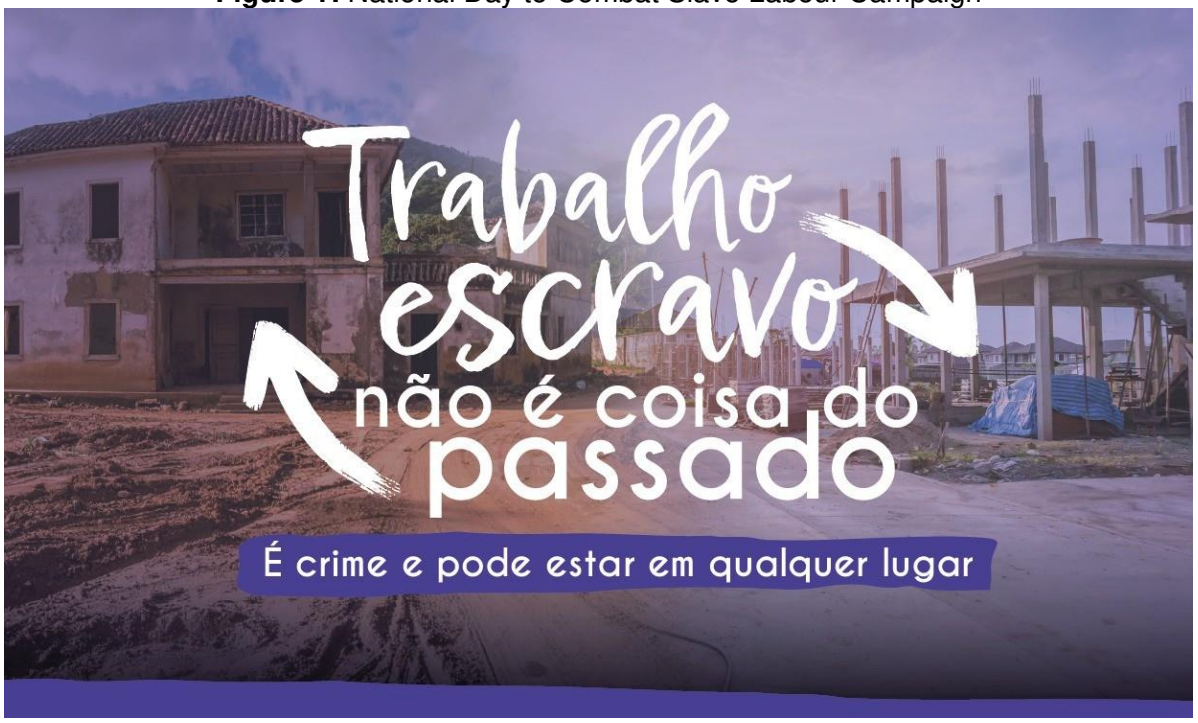
Figure 1: National Day to Combat Slave Labour Campaign



Source: TST (2026); Reproduced in full by the Authors (2026).

In this sense, cases of contemporary labour are identified in both urban and rural areas, but the highest numbers have been recorded in the agricultural, construction, textile, commercial and domestic sectors. With regard to domestic work, it is more difficult to monitor violations of individual and fundamental rights, since these occur in residential environments and often go unnoticed, as domestic workers feel indebted to their employers and often form an emotional and paternal bond with them (Superior Labour Court, 2026).

The issue of invisibility in domestic employment relationships converges with the observation made by Maria Isabel Castro (TST, 2026). Informality is an important indicator of exploitation, since there are a considerable number of workers without formal contracts and low wages in comparison to the work they do, which indicates the precariousness and exploitation of the domestic sector. In addition, she states that many workers suffer physical, moral, and sexual abuse in the workplace. According to data from the National Household Sample Survey (PNAD), the domestic sector employs an average of 6 million people, about 90% of whom are women, 66% of whom are black, and only 25% of whom have formal employment contracts (Superior Labour Court, 2026).

This is a cultural and historical legacy, as Brazil was the last country in the Americas to abolish black slavery. Although we have a set of laws and a social protection system rooted in the 1988 Federal Constitution, some specific legislation, such as that concerning domestic workers (Constitutional Amendment No. 72/2013; Complementary Law No. 150/2015), has not yet been put into practice.

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Currently, according to the Observatory for the Eradication of Slave Labour and Human Trafficking in Brazil (2026), it is estimated that between 1995 and 2024, approximately 65,598 people were rescued from conditions analogous to slavery, with an average of 2,104.5 people rescued per year. It should also be noted that more cases were recorded in regions where there has been recent economic growth, but where there is intermittent work and occupations that pay low wages and require little or no professional qualification or formal education, combined with factors such as poverty, low education levels, social inequality and violence. According to the data recorded, the states of Pará (13,479 cases), Minas Gerais (7,598), Mato Grosso (6,153), Goiás (5,580), Bahia (3,810), Maranhão (3,792), and Mato Grosso do Sul (3,215) were the Brazilian states with the highest number of cases of slave, forced, or compulsory labour.

In this regard, the specialised labour courts have adopted a qualified approach to the processing and adjudication of cases involving compulsory or forced labour, since, since August 2024, protocols have been adopted that guide magistrates to consider the socioeconomic and cultural vulnerabilities of workers. These are protocols for action and judgement with a view to combating contemporary slave labour (Superior Labour Court, 2026).

Therefore, the human rights approach at work is crucial to emphasise the prohibition of child labour and the eradication of slave-like labour, since, although there is a formal guarantee through current legislation, there are factual situations that demonstrate that violations of individuals' fundamental and human rights still occur. Human rights emerge as a set of rights and freedoms guaranteed to all human beings, regardless of race, colour, sex, religion or political ideology.

In Brazil, there are government platforms such as Disque 100 – Human Rights, the Public Ministry of Labour (MPT), and the Ministry of Labour and Employment's Ipê Slave Labour System, which allow anonymous reports of violations of workers' fundamental rights, both individual and collective, as well as cases of slave labour that must be reported. The Dial Human Rights – Dial 100 programme was established by the Ministry of Human Rights and Citizenship through Decree No. 10,174/2019, whose purpose is to receive complaints regarding human rights violations, especially those involving individuals in situations of social vulnerability.

Also noteworthy is the work of the National Council of Justice (CNJ), the body responsible for managing the Brazilian judiciary in accordance with Article 103-B of the 1988 Constitution, whose duties include the planning and strategic management of the judiciary, working to create projects, programmes and public policies. In this regard, the CNJ has distinguished itself in guaranteeing fundamental rights and protecting individuals in situations of social vulnerability, susceptible to material and moral, physical or age-related harm, while also demonstrating its assistance in combating slave labour and human trafficking through the implementation of public justice policies promoting human rights, exercising public security and combating crime, using the tools available to the Judiciary (National Council of Justice, 2026).

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With the aim of combating slave labour and human trafficking, CNJ Decree No. 212/2015 established the "National Forum of the Judiciary for the Monitoring and Effectiveness of Claims Related to Labour Exploitation in Conditions Analogous to Slavery and Human Trafficking (Fontet), whose objective is to promote the collection of statistical data on the number of cases, sanctions imposed, and other relevant data from investigations and legal actions dealing with the exploitation of persons in conditions analogous to slave labour and human trafficking, seeking greater effectiveness in judicial rulings (CNJ, 2015).

4.4. Overall Estimate

According to Girardi et al. (2022), contemporary slave labour is not exclusive to Brazil, but occurs across the globe. As mentioned by the authors, the report presented in 'The Global Slavery Index 2018', a report presented by the Walk Free Foundation in 2016, there were 24.9 million people in forced labour, another 15.4 million were subjected to forced marriages, and the total of 40.3 million constitutes what is called modern slavery. In Brazil, the total number of people in modern slavery is 369,000, without dividing them into subcategories.

According to the Walk Free organisation (2026), the global slavery index in 2023 was estimated at 59 million people still experiencing modern slavery, an increase of 10 million people since 2016. In a more concise analysis, modern slavery is closely linked to the most complex global challenges, such as climate degradation, gender inequality, the COVID-19 pandemic, and conflicts and wars.

With regard to conflicts, every year thousands of people living in war zones or who have migrated from these regions end up being subjected to terrible violence and abuse. The challenges faced by these people are particularly striking, such as forced recruitment and use by armed groups, abductions and kidnappings for ransom, forced marriages and forced labour (Walk Free, 2026). In this regard, since 2012, the United Nations has committed to taking immediate and effective measures to eradicate forced labour, end modern slavery, ensure the prohibition and elimination of the worst forms of child labour, including the use of child soldiers, and end all forms of child labour by 2025 (Target 8.7; United Nations Brazil, 2026).

Another important global challenge that exacerbates modern slavery is climate change and its impacts, which ultimately increase the difficulties associated with displacement, loss of livelihoods, food insecurity, poverty, lack of access to drinking water and basic sanitation, as well as other resources considered essential to human life, resulting in forced migration and exposing these people to social conditions of vulnerability and modern slavery. These challenges converge directly with all 169 targets and 17 goals for the Sustainable Development of nations, in particular SDGs 1, 2, 3, 6, 7, 8, 10, 13 and 16, insofar as they aim to promote the eradication of poverty, the reduction of social inequalities, fostering actions and plans against global climate change, and ensuring access to essential resources for a dignified human life (Walk Free, 2026; United Nations Brazil, 2026).

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As mentioned, the global COVID-19 pandemic, armed conflicts, and climate emergencies have diverted important resources and attention away from modern slavery, which has weakened eradication efforts. That said, although modern slavery is prevalent in low-income countries, it is closely linked to demand from industrialised countries. Thus, all commodity production chains, from raw material extraction to manufacturing, packaging, and transport, end up creating complex and opaque supply chains involving forced labour (Walk Free, 2026).

According to the Walk Free organisation (2026): "Human beings who seek to escape conflict, natural disasters, or the repression of their fundamental rights, or who move in search of job opportunities, are especially vulnerable to exploitation, subjecting themselves to precarious or inhumane working conditions, since in the current global scenario, there are more people migrating than in the last five decades. In this sense, there is a deterioration of individual and political rights, as these challenges pose greater risks to women, children, and migrants, making them vulnerable to modern slavery.

In this sense, as a result of international human rights treaties and the United Nations' pursuit of Sustainable Development, almost all governments worldwide have committed to eradicating modern slavery through their legislation and the implementation of national policies. However, progress has practically stagnated since mid-2018. Thus, although it is the responsibility of the community and the government to combat modern slavery, nations have a fundamental role to play through laws, social protection networks for the population, and the prosecution of the perpetrators of these heinous crimes (Walk Free, 2026).

6. Final Considerations

Finally, it is concluded that forced or compulsory labour constitutes a practice that violates human rights, the principle of human dignity, declarations on fundamental rights and principles at work, and ultimately contributes to social inequalities.

In this sense, the 2014 protocol on the eradication and combating of forced or compulsory labour aims to fill any gaps in ILO Convention No. 29. It is a fair measure that aims to provide compensation and rehabilitation for victimised workers. Furthermore, it seeks to reaffirm the commitment of ILO member states to the elimination of all forms of forced or compulsory labour, being one of the main international instruments for combating modern forms of forced labour, such as human trafficking and debt bondage.

The Brazilian State has implemented the fundamental and social right to work as an inherent right of the human person, with a view to eradicating all forms of exploitation, including child labour, slave labour, forced labour, or labour performed in undignified and precarious conditions.

The 2014 Protocol was designed to strengthen and eliminate any obstacles to the practical application of the 1930 Convention on Forced or Compulsory Labour – No. 29, and also the 1957 Convention on the Abolition of Forced Labour – No. 105. It is

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a public international instrument for the consolidation of human rights, strengthening specialised labour justice and the social protection system for workers, included in the 1988 Federal Constitution. In this sense, the provisions of the 2014 Protocol closely converge with the United Nations' 8th Sustainable Development Goal (SDG), which aims to promote sustained, inclusive and sustainable economic growth, ensure full and productive employment and decent work for all people.

Even before the protocol was internalised through Decree No. 12,857/2026, the specialised labour courts applied the provisions of ILO Convention No. 29 in their judgements, adopting parameters for action and judgement in combating contemporary slave labour.

Although there is a new legal instrument reaffirming the commitment of nations to the eradication of forced or compulsory labour, we still face complex challenges in overcoming contemporary slave labour, including low/ineffective enforcement in remote and domestic areas, impunity for exploitative employers, the social isolation of victims and, finally, the lack of reporting by victims. In this sense, it is hoped that the new protocol will contribute to addressing these issues, as it authorises nation states to adopt more assertive public policies and national actions aimed at preventing and eradicating forced or compulsory labour and providing support to victims.

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