



## **ANAMATRA'S PROMISE - TO INCLUDE THE RELATIONSHIP BETWEEN CHILD LABOR, SLAVE LABOR AND RACISM IN THE 2018 LABOR, JUSTICE AND CITIZENSHIP PROGRAM**

The National Association of Labor Magistrates - ANAMATRA, a representative entity of more than 4,000 Labor Judges from all corners of Brazil, with intense action in the fight against child labor and the eradication of all kinds of exploitation of labor, considering the upcoming **IV World Conference on the Sustained Eradication of Child Labor** to be held on November 14-16, 2017 in Buenos Aires, Argentina, **PRESENTS THE FOLLOWING PROMISE IN THE FORM OF A CONCRETE PROPOSAL FOR THE FIGHT AGAINST CHILD LABOR AND SLAVE LABOR IN BRAZIL:**

- To include the following theme in the 2018 Labor, Justice and Citizenship Program<sup>1</sup>: **RELATIONSHIPS BETWEEN CHILD LABOR, SLAVE LABOR AND RACISM IN BRAZIL**

### **PRESENTATION OF THE LABOR, JUSTICE AND CITIZENSHIP PROGRAM**

ANAMATRA has an important instrument for the eradication of child labor: The Labor, Justice and Citizenship Program - a.k.a. the TJC. The program, created by ANAMATRA in 2005, has already reached more than 80,000 children and adolescents and is applied in public schools and other public and private educational institutions throughout the country. The goal of the program is to contribute to the integral formation of citizens, raising awareness of teachers and students regarding child labor and the instruments available for the protection of fundamental and human rights. The Labor Judges who help implement the program emphasize the importance of children and adolescents staying in school to ensure their full physical, cultural, psychological and social development. The TJC also seeks to bring the Judiciary closer to society. As such, the Labor, Justice and Citizenship Program was included in the Good Practices to Combat Child Labor in the World report, published in 2015 by the Brazilian Ministry of Social Development and Fight Against Hunger and by the International Labor Organization on the occasion of the Third Global Conference on Child Labor.<sup>2</sup>

<sup>1</sup> The Labor, Justice and Citizenship Program (also known as TJC, its Portuguese acronym) was created by ANAMATRA and is applied in Brazil's states by the AMATRAS (Regional Associations of Labor Judges).

<sup>2</sup> Available at: [http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---ilo-brasilia/documents/publication/wcms\\_398908.pdf](http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---ilo-brasilia/documents/publication/wcms_398908.pdf) Accessed on September 25, 2017 (link in Portuguese). On the occasion of the Third Global Conference on Child Labor, held in Brasilia, Brazil on October 08-11, 2013, the Brazilian Labor Judges, based on the experiences presented, proposed that the ILO Member States create national and international fora to foster cooperation on, the dissemination of and training on the culture of eradication of child labor, including the exchange of information and experiences between the justice systems of the ILO's various member countries and the exchange of institutional experiences in dialogue with civil society, effected through intersectoral and global programs to combat the exploitation of child labor.<sup>2</sup>



Booklets were created with informational material on civil and social rights for public distribution, such as the Worker's Guide, the International Labor Law Guide and the Safe and Healthy Work Guide. ANAMATRA also signed a Memorandum of Understanding with the International Labor Standards Department of the International Labor Organization (ILO) on April 26, 2012 for the establishment of cooperation and information exchanges on international labor standards. As a result of this instrument, the International Labor Law Booklet was translated into the three official languages of the ILO (English, French and Spanish).

In view of the current political and economic context, ANAMATRA considered it both timely and fundamental to present this proposal at the IV World Conference for the Sustainable Eradication of Child Labor. We will continue to foster further debate in the area and act both nationally and internationally to further promote these issues, be it through cooperation with the ILO or in partnership with other countries, international organizations and civil society representatives, if so desired.

ANAMATRA is a member of the Collegiate Coordination of the National Forum for the Prevention and Eradication of Child Labor - FNPETI, where it represents the Brazilian judiciary.

The UN Agenda 2030 for Sustainable Development places decent work and social justice for all at the heart of its policies for the growth and sustainable and inclusive development of countries. Brazil is facing a profound reformulation of its internal regulations on sensitive issues such as outsourcing<sup>3</sup> and a broad labor reform that was recently approved by the National Congress<sup>4</sup>, both of which challenge the Decent Work Agenda and call for an urgent strengthening of the human rights culture among legal operators. We believe that a salutary aspect of this new scenario is the imminent need to apply international standards on labor and human rights in labor relations under the rules of Brazilian law.

ANAMATRA also acts internationally, holding International Congresses and taking its members to debate Labor Law with jurists and judges from abroad, thus contributing to mutual exchanges of knowledge between national justice systems. In 2017, for example, ANAMATRA held its latest International Congress in Paris and Lyon (France). The organization has already held events in the United States, Portugal, Italy, Germany, Spain, Switzerland and other countries.

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<sup>3</sup> Law no. 13429, 31 March 2017, amends provisions of Law 6019, 3 January 1974 on temporary work, further providing on the labor relations of companies that provide services to third parties. Available at: <[http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2017/lei/L13429.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/L13429.htm)> Accessed on: May 07, 2017 (link in Portuguese)

<sup>4</sup> Law 13467, 13 July 2017. Available at: <[http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2017/lei/L13467.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/L13467.htm)> Accessed on: September 25, 2017 (link in Portuguese).



## JUSTIFICATION OF THE PROPOSAL

In light of the proximity of Black Awareness Day in Brazil,<sup>5</sup> and given the high prevalence of child labor and slave labor among African-descendants and the absence of specific public policies to alert and sensitize society about the relationship between child labor, slave labor and racism, ANAMATRA has decided to propose the inclusion of this theme into its Labor, Justice and Citizenship Program for 2018. The core goals of the proposal are to strengthen social dialogue in an area of obvious importance - i.e. the fight against all kinds of discrimination - and to bring labor courts closer to society.

ANAMATRA has under its purview the defense of the interests of society, particularly among which the protection of humane work, respect for citizenship and the implementation of social justice (Article 5 of its Bylaws). As such, it considers educational institutions to be priority spaces for the full formation of citizens, as well as the ideal setting to promote a culture of tolerance and respect for the fundamental rights of all and to help heal the deepest wounds of our society.

Researchers have pointed out that ideas such that "work educates" and that "working is better than stealing" are deeply rooted in the formation of Brazilian society, and that it is still common to naturalize the idea of black children working; to see them as workforce, not as citizens. Brazil's slave-owning inheritance carries almost 400 years of slavery. Four centuries without any public policies that could afford opportunities for black men and women. Four centuries that still make the idea that black people must serve white people pervasive in Brazilian society. Racism was a fundamental element in the organization of life in Brazil, even after the end of slavery. The dehumanization and denial of the rights of Afrodescendants were common.<sup>6</sup> Despite the above, there is little discussion of the interrelationships between child labor, slave labor and racism.

Therefore, we consider it relevant to include these themes in the Labor, Justice and Citizenship Program for 2018. The goal is to help the fight against child labor and slave labor in the country, especially as it relates to black children and adolescents, by raising awareness on these issues and highlighting the strong presence of racism in our society.

### Child labor in the world and in Brazil

Data released by the ILO and the *Walk Free* Foundation in partnership with the International

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<sup>5</sup> Black Awareness Day (November 20) was created in Brazil by the Law 10639, 9 January 2003, which also makes it compulsory to include African-Brazilian and African History and Culture in Brazilian school curricula. The date was created in honor of Zumbi dos Palmares, who died in 1695 fighting for the culture and freedom of his enslaved people.

<sup>6</sup> The Relationship Between Child Labor and Racism, interview with Dennis Oliveira and Douglas Belchior on Black Awareness Day. Available at: <http://www.chegadetrabalhoinfantil.org.br/noticias/materias/dia-da-consciencia-negra-relacao-entre-trabalho-infantil-e-racismo/> Accessed on: Nov 03, 2017 (link in Portuguese).



Organization for Migration (IOM) indicates that there are about 152 million children between the ages of 5 and 17 who were victims of child labor in 2016.<sup>7</sup>

Global estimates underscore the importance of undertaking joint efforts in the fight against forced labor, modern slavery, trafficking in persons and child labor. Governments from around the world, United Nations organizations, the private sector, employers' and workers' organizations and civil society have all rallied around the achievement of Goal 8.7 of the United Nations Sustainable Development Agenda 2030.<sup>8</sup>

In Brazil, despite decreases in recent years, estimates from the 2015 PNAD (National Household Sample Survey) point to 2.5 million children and adolescents (ages 5 to 17) who were still working.<sup>9</sup>

Fully aware of the seriousness of the issue, Brazilian Labor Judges are strongly involved in the fight to eradicate this practice. ANAMATRA has been closely monitoring the progress of legislation and (especially) of judicial systems in these matters, and further seeks to collaborate with initiatives to combat any setbacks. In the judicial sphere, ANAMATRA has been vocal and incisive in the debate regarding authorizations for child labor. It has also been encouraging the Judiciary to act proactively beyond its jurisdictional function, urging our Labor Judges to reach those places where there is child and slave labor not only as authorities, but also as citizens and opinion makers, which is where the Labor, Justice and Citizenship Program has an important role to play.

### **Child labor and slave labor have a color in Brazil**

Child labor and slave labor are significantly more prevalent among black men and women in Brazil. With regard to domestic child labor, for example, in 2011 60% (2.2 million) of all children and adolescents involved were black.<sup>10</sup>

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<sup>7</sup> Available at: <<http://www.fnpeti.org.br/noticia/1786-mundo-tem-152-milhoes-de-criancas-no-trabalho-infantil.html>> Accessed on September 25, 2017 (link in Portuguese)

<sup>8</sup> Goal 8.7 of the UN Agenda 2030 for sustainable development: "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" Available at: <<https://nacoesunidas.org/pos2015/agenda2030/>> Accessed on November 6, 2017 (link in Portuguese).

<sup>9</sup> Available at: <<http://www.chegadetrabalho infantil.org.br/trabalho-infantil/estatisticas/>> Accessed on November 6, 2017 (link in Portuguese).

<sup>10</sup> **Domestic Child Labor in Brazil:** evaluation from the microdata in the PNAD/IBGE (National Household Sample Survey of the Brazilian Institute of Geography and Statistic), 2008-2011. FNPETI: Brasília, 2013, p. 14.



Most of the people rescued from working conditions analogous to slavery by the Ministry of Labor between October 2006 and July 2007 in rural areas were either black or mixed-race, and overwhelmingly declared that they had been victims of child labor.<sup>11</sup>

Data from the Digital Observatory of Slave Labor in Brazil also shows a predominance of persons considered to be mixed-race (48.37%) or black (13.61%) victimized by the practice; white people account for 32.71% of all slave labor, and indigenous peoples for 5.29% of the enslaved.<sup>12</sup>

As was said by the United Nations representative for minorities after a visit to Brazil in 2016, violence, criminalization and poverty "continue to have a color," disproportionately affecting the country's black population. According to the report presented after the visit, black people account for 75% of the prison population and 70.8% of the 16.2 million Brazilians living in extreme poverty. As the expert points out, Brazil "still fails to combat discrimination", considering the country's historically entrenched exclusion and misery. She goes on to state that:

[...] the 'myth of racial democracy' has long permeated the Brazilian imaginary, creating obstacles to the explicit approach of issues such as racism and prejudice and leading to assumptions that the marginalized situation of black people would be caused only by class factors, not racial aspects as well.<sup>13</sup>

Black children come from poor families, and racism is an indicator of social vulnerability. The increase in unemployment rates and the precariousness of labor relations, with the consequent lower income, forces all family members to take up work, including children and adolescents. Due to this, school dropout rates are high, with a greater proportion of black children and adolescents out of school.

According to "Children Out of School 2012", a report issued by the United Nations Children's Fund (Unicef), the average child and adolescent worker of today is urban, black and male, and comes from the lower classes of the population. The study indicates that more than one million children and adolescents between the ages of six and 14 are working in Brazil, or almost 8% of all children in this age range in the country. A total 64.78% (706,160) of these children are black, while white children accounted for 34.60% (377,167). In this age group, child labor is an important cause of school dropout, and those who carry out some professional activity in parallel to their studies are also at risk.<sup>14</sup>

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<sup>11</sup> **Profile of the Stakeholders Involved in Rural Slave Labor in Brazil.** International Labor Organization: Brasília, 2011. Available at:

[http://www.oitbrasil.org.br/sites/default/files/topic/gender/pub/perfil\\_atores\\_trabalho\\_escravo\\_rural\\_632.pdf](http://www.oitbrasil.org.br/sites/default/files/topic/gender/pub/perfil_atores_trabalho_escravo_rural_632.pdf)  
Accessed on: November 6, 2017 (link in Portuguese).

<sup>12</sup> Available at: <<https://observatorioescravo.mpt.mp.br/>> Accessed on: June 19, 2017 (link in Portuguese)

<sup>13</sup> Available at: <<https://nacoesunidas.org/brasil-violencia-pobreza-e-criminalizacao-ainda-tem-cor-diz-relatora-da-on-sobre-minorias/>> Accessed on Oct 01, 2017 (link in Portuguese).

<sup>14</sup> Available at: <<http://fundacaotelefonica.org.br/promenino/trabalho infantil/noticia/com-opportunidades-desiguais-negros-sofrem-mais-com-violencia-evasao-escolar-e-sao-maioria-no-trabalho-infantil/>> Accessed on November 6, 2017 (link in Portuguese).

The picture of social exclusion that affects millions of Brazilians, concentrating wealth in the hands of a very small portion of the population (6%)<sup>15</sup>, the high rate of unemployment (which reached more than 14 million people in the quarter ended April 2017)<sup>16</sup>, and the lack of job vacancies (only in 2016, more than 1 million formal jobs were extinguished)<sup>17</sup> should all be weighed in the assessment of judicial claims involving child labor and work analogous to slavery. Similarly, the greater vulnerability of black people, considering that they are more numerous among the unemployed and, consequently, among those rescued from slave labor, cannot be ignored in the analysis of these issues, especially in Brazil, where the majority of these people also fell victim to child labor.

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<sup>15</sup> Available at: <<http://www.carosamigos.com.br/index.php/columnistas/207-clemente-ganz-lucio/7252-a-desigualdade-no-brasil>> Accessed on: July 23, 2017 (link in Portuguese).

<sup>16</sup> Available at: <<http://m.folha.uol.com.br/mercado/2017/05/1888928-taxa-de-desemprego-no-brasil-chega-a-136-segundo-ibge.shtml>> Accessed on July 23, 2017 (link in Portuguese).

<sup>17</sup> Available at: <<http://g1.globo.com/economia/noticia/brasil-inicia-2017-com-fechamento-408-mil-vagas-de-emprego-formal-em-janeiro.ghtml>> Accessed on July 23, 2017 (link in Portuguese).