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Are women not enslaved in Brazil? A data-driven analysis of gender dynamics in Brazilian antislavery efforts

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ABSTRACT

Globally, women and girls make up the majority of recorded and estimated victims of modern slavery and human trafficking. In Brazil, however, females represent only 5% of the more than 35,000 people rescued from forced and slave labour from 2003 to 2018. This paper interrogates data on antislavery efforts in Brazil, to identify and explain the gender dynamics of rescues. It evaluates legal, policy, and contextual factors that may help to explain discrepancies between Brazilian victim demographics and regional and international trends. In doing so, it identifies a key gap in antislavery efforts in Brazil that demands focus on investigating sexual exploitation, domestic work and forced marriage. Centralisation of human trafficking, minor sexual exploitation and forced labour is primordial to address all modern slavery aspects.

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Introduction

Brazil is often regarded as a world leader in the fight against modern slavery.¹ In 2005, the International Labour Organisation described the country as ‘taking the lead’ in addressing the problem through its 2003 National Action Plan for the Eradication of Slavery.² This messaging has been reiterated by a range of different actors in the years since this declaration.³ Unlike 47% of the world’s countries, Brazil has enacted the prohibition against slave labour and conditions analogous to slavery in its criminal law.⁴ Since 1995, inspections by the Ministry of Labour and Ministry of the Economy have led to the rescue of over 53,000 people working in conditions of ‘slave labour’.⁵ These rescued workers then have a legal entitlement to unemployment insurance from the government to help support their recovery and reintegration.⁶ From 2003 to 2017, over 35,000 people received this unemployment insurance as a result of being rescued from ‘slave labour’.⁷ Although antislavery efforts in any context always face significant challenges and obstacles, Brazil’s overall commitment to combatting the phenomenon is notable. Yet, a large group of potential victims of various forms of modern slavery are notably underrepresented in Brazil’s antislavery efforts: women and girls.

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Despite women and girls making up 71% of those estimated to be in modern slavery globally,⁸ only 5% of those identified and supported in Brazil's official efforts to address and redress 'slave labour' are female.⁹ This raises the question: are women simply not enslaved at the same rate as men in Brazil, or are Brazil's antislavery efforts failing to recognise and support females subjected to exploitation? This paper explores trends in the data and investigates whether the social perception of the slave profile could bias investigations targeting modern slavery. It considers Brazil's statistics in light of regional and global trends, and ultimately seeks to understand why women and girls are seldom the subjects of 'slave labour' rescue and support in the country.

In part, the deviation between gender ratios in Brazil compared to global and regional data can be explained by the different approach to antislavery evidenced in Brazil compared to other contexts. Where other countries tend to prioritise and focus on criminal justice mechanisms, Brazil places labour protections, inspections, and enforcement at the fore. This significantly changes the profile of exploitation being addressed, with implications for victim demographics.¹⁰ Because labour inspections in Brazil tend to focus on particular sectors more significantly than others, victims identified and supported are not necessarily representative of the labouring or exploited population as a whole. This impacts what kind of modern slavery victims are recognised in the country, and those that are overlooked. This is compounded by the specific approach to sexual exploitation taken in the country, and the *de facto* exclusion of such from the labour protection regime. Victims of sexual exploitation – generally characterised in modern slavery statistics as predominantly female – are therefore not included in the country's antislavery efforts.

However, even accounting for the shift to the labour paradigm, and the exclusion of sexual exploitation from efforts to address 'slave labour', females remain underrepresented in antislavery efforts. While it is possible that females are not enslaved at the same rates as males in Brazil, international datasets and qualitative research suggest that this does not explain the stark gender divide. This suggests that antislavery efforts are skewed towards the identification of males, influenced by social perceptions of the slave profile and unintended specialisation of antislavery actors and officials. Conversely, female victims in the country are overlooked, undermining Brazil's overall commitment to antislavery and to preventing and addressing violence against women.

About the study

This study presents exploratory quantitative research analysing the dynamics and demographics of modern slavery efforts in Brazil, drawing on a range of secondary datasets. To analyse modern slavery in Brazil, three primary datasets were utilised: SmartLab,¹¹ Pastoral Land Commission (CPT),¹² and National Household Sample Survey (PNAD).¹³ The SmartLab database captures cases of 'trabalho escravo' (slave labour), treating this as synonymous with 'trabalho forçado' (forced labour). A victim of slave labour in this dataset is someone receiving unemployment insurance as such from the Ministry of Economy according to Law No 10608 of 2002, amending Law No 7998 of 1990.¹⁴ The CPT data captures rural workers, who were victims of 'slave labour' and other labourers in precarious conditions that were not enslaved. Due to the fact that the CPT is an institution for land, its mission is to be a supportive presence in cooperating for collective

processes and social lobbying related to rights protections and the right to land, working mainly with the country's rural population. PNAD is a sample of Brazilian households that investigates various sociodemographic characteristics such as occupation and sex. Including this dataset allows for comparison of national works profiles and demographics in the same occupations as victims in CPT and SmartLab data.¹⁵

This article also includes qualitative research that used primary data collected by one of the authors. This descriptive analysis consisted of fourteen semi-structured interviews conducted from January – July 2021. with labour fiscal auditors, in which they reported rescue experiences, possible reasons for the low participation of women among survivors, environmental degradation, forms of health care for workers, vulnerabilities and sustainable socio-economic development in their native community.¹⁶

By combining a variety of global, regional, and national datasets in new ways, previously unidentified and unexplored trends, patterns, and relationships emerge. This examination reveals a surprising feature of Brazil's antislavery that belies regional and global trends: a particularly low representation of women and girls in those rescued from extreme exploitation.

Seeking to understand the lack of information about women and girls in Brazilian slavery, one of the hypotheses considered to justify this low identification is the decentralisation and fragmentation of data, particularly in relation to different forms of exploitation. Therefore, other sources were researched, such as the reports from Human Rights Helpline (DDH) on Human Trafficking,¹⁷ on sexual violence,¹⁸ and the general report¹⁹ along with the report from the Chamber of Deputies on violence against women²⁰ and the database of the state of São Paulo²¹ that tracks violence against women.

This quantitative inquiry is supported by doctrinal legal analysis and review of literature on slave labour in the national and international scenario, seeking to understand and explain trends identified in the data.

Limitations of the datasets

Before interrogating the data, it is important to take into consideration the nature of the crime of modern slavery and its effect on the quality of data available. All crimes have a 'dark figure'. That is, the difference between official records of a crime and its true extent – a number of cases not reported, identified, investigated, or prosecuted. This entails the existence of a 'hidden population' of victims not identified, rescued, or supported.²² While the 'dark figure' typically decreases as the severity of crimes under consideration increases (people generally being more likely to report more serious crimes), social, cultural, and institutional factors can drive deviation from this trend.

In the case of modern slavery and human trafficking, several factors are considered to exacerbate the 'dark figure': (a) crimes are hidden by their perpetrators;²³ (b) victims can be confused by criminals exercising psychological manipulation; (c) victims can face stigmatisation and psychological barriers to reporting, including being treated as perpetrators by officials; and (d) society and law enforcement are not always aware of the existence of slavery and may not be able to identify it when it occurs.²⁴ While some international metrics seek to estimate this 'dark figure' in relation to modern slavery,²⁵ most datasets related to modern slavery and human trafficking record only known cases. They therefore do not represent the scale of modern slavery overall. This is true of each of the datasets considered in this paper, creating potential for bias in the data.

The fact that existing datasets record only a subset of actual cases also entails another risk: that the data on cases identified is not representative of the entire population of cases. Biases in antislavery interventions in particular can have a significant skewing effect on the data, risking overrepresentation of particular populations that have been the focus of targeted efforts, and underrepresentation of those that have been overlooked in official responses. Notions of ‘ideal victimhood’ in particular have been noted to significantly shape anti-trafficking interventions globally.²⁶ Legislation and law enforcement often see human trafficking as a synonym for sexual exploitation and consider this to be a practice predominantly related to female victims.²⁷ Efforts to address trafficking often, therefore, focus on sexual exploitation to a greater extent, or even to the exclusion of, trafficking for other forms of exploitation.

The focus on sexual exploitation in anti-trafficking efforts is compounded by the fact that visibility of victims of trafficking into prostitution can make it easier to identify victims, since attracting clients often necessitates circulating in public spaces. On the other hand, trafficking for forced labour often occurs in hidden locations such as farms, mining fields, and factories. When combined with the prioritisation of trafficking for sexual exploitation as the dominant ‘evil’ that anti-trafficking efforts are designed to address, this visibility can skew identification. This results in a risk that international human trafficking databases and reports such as UNODC’s Global Trafficking in Persons Report (GLOTIP) and the Counter-Trafficking Data Collaborative (CTDC) database might be significantly over-representing women, as well as cases of sexual exploitation, and underrepresenting males and forced labour.²⁸

In contrast, Brazilian legislation, law enforcement, and society predominantly comprehend slavery as forced labour, *lato sensu*. Article 149 of the Penal Code speaks specifically to the labour context in a way that other countries’ provisions, as well as international definitions of slavery and practices similar to slavery, do not. The language of ‘conditions analogous to slavery’ mirrors the Portuguese text of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery – in which ‘practices analogous to slavery’ explicitly include practices related to the transfer of women in the context of marriage.²⁹ The international definition of slavery found in the 1926 Slavery Convention likewise encompasses forms of slavery not centred on labour exploitation,³⁰ and the International Labour Organisation includes forced marriage in its definition of modern slavery, as well as sexual exploitation.³¹ Article 149, on the other hand, limits the scope of ‘conditions analogous to slavery’ to labour conditions.

Practice and enforcement in Brazil carry out this focus on forced labour found in the legislation, prioritising anti-slavery efforts related to labour exploitation. At the same time, regulation governing labour and employment excludes those engaged in commercial sexual activity from its attention. Those exploited in sexual exploitation are therefore largely excluded from efforts to address slavery and forced labour. Further, the visibility of victims of trafficking into prostitution in Brazil is confused with sexual liberty. In this sense, those engaged in commercial sexual activity are often seen as free to sell their sexual services at a profitable price, rather than being perceived as victims, or potential victims, of trafficking. Victims of commercial sexual exploitation in Brazil may therefore be overlooked, hidden in plain sight. Victimisation in sexual exploitation is typically only considered in relation to those under the age of 18 – the age of majority in Brazil. As will

be observed in the forthcoming analysis, CPT (2019) and SmartLab (2019) not only reflect this specific focus on labour conditions, but also advance a profile of male forced labour.

Gender dynamics in global and regional modern slavery data

With growing international recognition of modern slavery, international organisations, governmental actors, and civil society organisations are increasingly seeking to track its manifestations and prevalence. This has resulted in increased emphasis on capturing and measuring the phenomenon of modern slavery in data. While adopting significantly different approaches to analyse the phenomenon, global datasets considering modern slavery and human trafficking cases and prevalence consistently report females as making up the majority of victims. Gender ratios are presented as particularly acute in relation to sexual exploitation, but females are also represented as the majority, or at minimum a significant proportion of, victims of labour exploitation in each of the relevant global and regional datasets.

The International Labour Organisation and Walk Free's global estimates of modern slavery (the only global data source seeking to estimate prevalence rather than reporting only on known cases) estimate that there were 40.3 million people living in conditions of modern slavery in 2016 – 54 victims for every ten thousand people in the world.³² Of these, women accounted for 71.1% of all estimated cases – 57.6% of victims of forced labour exploitation, 99.4% of sexual exploitation, 40.6% of victims of forced labour imposed by State authorities, and 84.2% of forced marriages. The majority of modern slavery victims were adults, representing 75.3% of the total estimated victim population, with one in four victims estimated to be under the age of 18. In these global estimates, the Americas demonstrate the lowest rate of modern slavery per capita, with an estimated 19 people in modern slavery in 2016 for every 10,000 in the population – 65.6% of whom were estimated to be in forced labour (including sexual exploitation) and 34.4% in forced marriages. Regional data, however, is not disaggregated by gender. Not only are these estimates the only global attempt to estimate modern slavery's dark figure, they also differ from other data sources considered below in considering modern slavery rather than trafficking in persons.

The United Nations Office on Drugs and Crime (UNODC) also collects and presents global data on prevalence in its biennial Global Reports on Trafficking in Persons (GLOTIP).³³ In this case, the data captures the specific crime of trafficking in persons and reflects cases actually reported and recorded in the States under consideration, rather than estimating the total number of cases or victims. The 2020 GLOTIP report includes data on 47,299 victims detected globally in 2018.³⁴ Of detected victims identified by gender, 65.2% were female, and 34.8% male. The gender disparity was more significant in adult victims detected (who represented a total 66.9% of victims detected identified by age) – with women making up 69.7% of adult victims detected identified by gender, while girls made up 56.0% of child victims identified by gender.

UNODC data also includes regionally disaggregated data for South America,³⁵ which likewise represents a majority of detected victims as women, with a higher proportion of detected victims in South America recorded as female than in the global data. Of the 3513 detected victims recorded in 2018, 74.5% of detected victims disaggregated by gender

were female, and 25.5% male. Gender disparities in South America were more acute in relation to child victims, with 80.8% of child victims identified by gender being girls, while 74.1% of adult victims identified by gender were women. However, children made up the minority of victims detected in South America, representing only 6.7% of the total population.

Although the methodology for GLOTIP reporting over time means that data recorded in the various iterations of the report is not directly comparable on previous reports, the majority representation of females in UNODC data has been consistent since the first report was produced in 2009 (see Figure 1). This is true of both global data and of regional data on South America, with a range of 65–82% of global detected victims being female across the six reports, and 67–82% in South America across the most recent four reports.

The Counter Trafficking Data Collaborative (CTDC) provides the final dataset considered in reviewing global and regional trends in modern slavery and human trafficking.³⁶ The CTDC database compiles reports and data on human trafficking from the International Office for Migration (IOM), Polaris, and Liberty Asia, updated constantly. Anonymised data for the period from 2002 to 2018 includes 55,434 cases across 79 countries. Given that records of cases are recorded based on programming of the contributing organisations, data may be skewed by the focus of relevant interventions on particular forms of exploitation, sectors, and geographies. The data does, however, reinforce the gender trends captured in the ILO and Walk Free and GLOTIP datasets: 73% of victims in the dataset are female. For the Americas, the proportion is higher. Females represent 90% of victims born in the Americas in cases that reported citizenship, and 94% of victims exploited in the Americas (Figure 2).

The ILO and Walk Free Global Estimates present forced labour exploitation as more prevalent than sexual exploitation – with 16 million people globally estimated in labour exploitation, and 4.1 million in state-imposed forced labour, compared to 4.8 million in forced sexual exploitation. Sexual exploitation therefore accounts for 19.4% of forced labour victims in the global estimates, and 12% of total modern slavery victims.³⁷

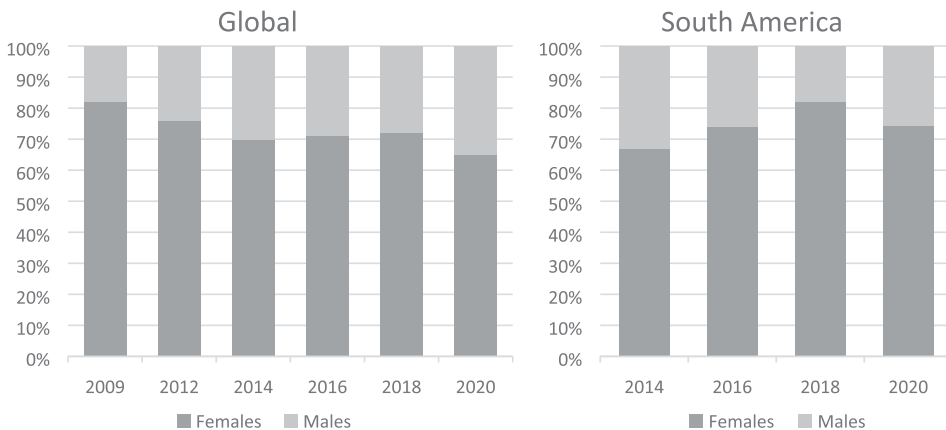


Figure 1. GLOTIP data on detected victims by gender globally and in South America.

Source: Chart created by authors with data from UNODC, see note 31. Regional data in the 2009 and 2012 reports considers South, Central, and North America as a single regional grouping, and is therefore not included.

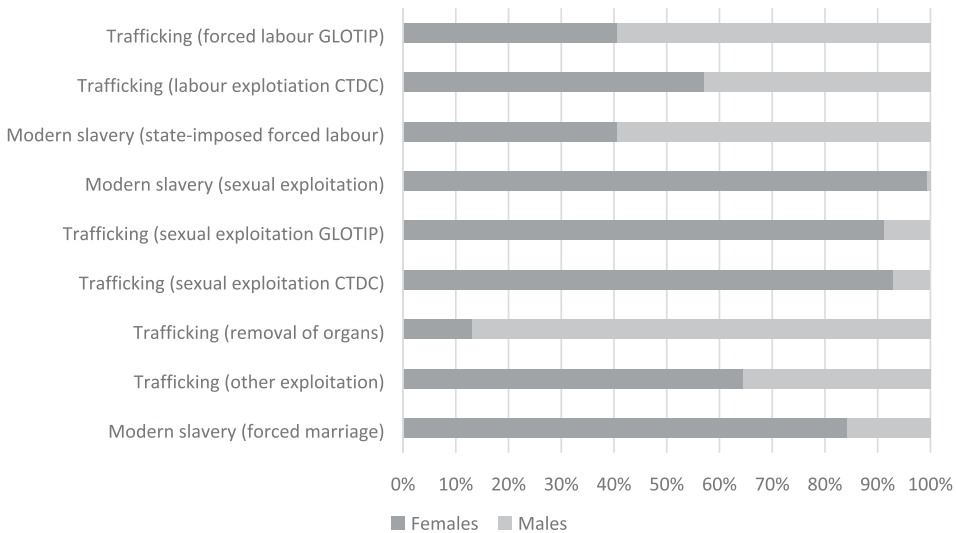


Figure 2. Modern slavery and human trafficking gender balance by exploitation type.

Source: International Labour Organisation and Walk Free, see note 8; UNODC, see note 31; CTDC, see note 26.

GLOTIP data, on the other hand identifies a higher proportion of victims as experiencing sexual exploitation, representing 47.5% of all detected victims in the 2020 report.³⁸ This is likely a feature of the different organising frames – modern slavery compared to human trafficking, the latter of which has historically been strongly focused on sexual exploitation.³⁹ Like in the Global Estimates, females make up the vast majority of detected victims of sexual exploitation in the GLOTIP reports, representing 91.3% of detected victims identified by gender.⁴⁰

Gender ratios differ significantly by exploitation type in each dataset. ILO and Walk Free estimate females to represent the vast majority of victims of sexual exploitation (99.4%) and forced marriage (84.2%), the majority of victims of forced labour (57.6%), and a minority of victims of state-imposed forced labour (40.6%).⁴¹ GLOTIP reports likewise identify females as the vast majority of detected victims of trafficking for sexual exploitation (91.3%), and the majority of detected victims trafficked for ‘other forms of exploitation’ (64.4%), but a minority of detected victims of trafficking for forced labour (40.6%) and removal of organs (13%). Although the majority of CTDC cases are not disaggregated by exploitation type, cases that are show similar trends: females made up 93% of sexual exploitation cases in 2017 and 57% of labour exploitation cases.

These global trends provide the backdrop against which the Brazilian data is considered, and a counterpoint and challenge to the representation of female victims in Brazil’s antislavery efforts discussed below. However, these comparisons must be tempered by recognition of the limitations of these datasets, as well as those of the Brazilian databases. GLOTIP and CTDC data are limited to reported cases, and do not capture the ‘dark figure’ of modern slavery crimes. Given the global tendency towards anti-trafficking interventions and programming focused on sexual exploitation, and on female victims,⁴² this creates a risk that females are overrepresented in databases representing detected victims. ILO and Walk Free Global Estimates do seek to calculate the dark figure, but

are also constrained by limitations in the methodology for estimating undetected cases, by the survey methods adopted and by the extrapolation of findings for countries surveyed to countries not surveyed based on assessments of vulnerability and government responses.

Gender dynamics in Brazil's 'slave labour' rescues

Modern slavery in Brazil is primarily addressed through Article 149 of the Penal Code, which articulates the offence of reducing a person to conditions analogous to slavery.⁴³ This includes subjecting people to forced labour, exhaustive journeys, or degrading conditions of work, and restricting their movement through a debt contracted with the employer or agent. Article 149A of the Penal Code further criminalises trafficking in persons, with exploitative purposes including work under conditions analogous to slavery, servitude, illegal adoption, and sexual exploitation. Brazil's basic legislative provisions therefore provide coverage for a range of practices related to slavery, expanding the concept of 'conditions analogous to slavery' to encompass a broader range of exploitative situations than seen in other States' legislation.⁴⁴

Despite positioning the offences in penal law, the response of the Brazilian Government in relation to Article 149 in particular centres on implementation and enforcement through labour governance. Government efforts to address and combat modern slavery include the establishment of a Special Mobile Control Unit that travels the country performing labour inspections and freeing people from slave labour, investigating infractions committed by employers, imposing fines and prosecuting perpetrators, as well as contributing to the establishment of national and state-level commissions for the eradication of slave labour and confrontation of trafficking in persons.⁴⁵ Significant emphasis is placed on ensuring workers are employed in the formal labour market to reduce risks of exploitation, and ensure access to labour rights. Workers are therefore registered in the Work and Social Security Portfolio as part of the labour inspection process.⁴⁶

As part of the rescue and support process, workers freed from slave and forced labour in Brazil (Article 149) are entitled to unemployment insurance under Law No 10,608 of 2002.⁴⁷ Workers receiving such support are recorded in Brazil's SmartLab database, which contains information on over 35,000 survivors of modern slavery that received unemployment benefits after being rescued from exploitation from 2003 to 2017.⁴⁸ The CPT database contains information about rural survivors and the sector of activity of the firms investigated, either by its member or by the Special Mobile Control Unit.⁴⁹ This section analyses SmartLab and CPT data from 2003 to 2017, to consider the dynamics and demographics of antislavery efforts. It should be noted, however, that as a result of the focus of the datasets, gender dynamics considered in this section relate specifically to labour exploitation as contained in Article 149.

Since 2003, male victims have represented the majority of victims identified and rescued by officials in Brazil by a significant margin (see [Figure 3](#)). SmartLab data reveals that from 2003 to 2017 women consistently represented below 10% of victims rescued, constituting as few as 3% of victims rescued in 2007. Representation of women reached its height in 2018, when 15% of victims rescued were women. This demonstrates a sharp departure from regional and global trends identifying women as the majority of victims of both forced labour and sexual exploitation. Notably, the

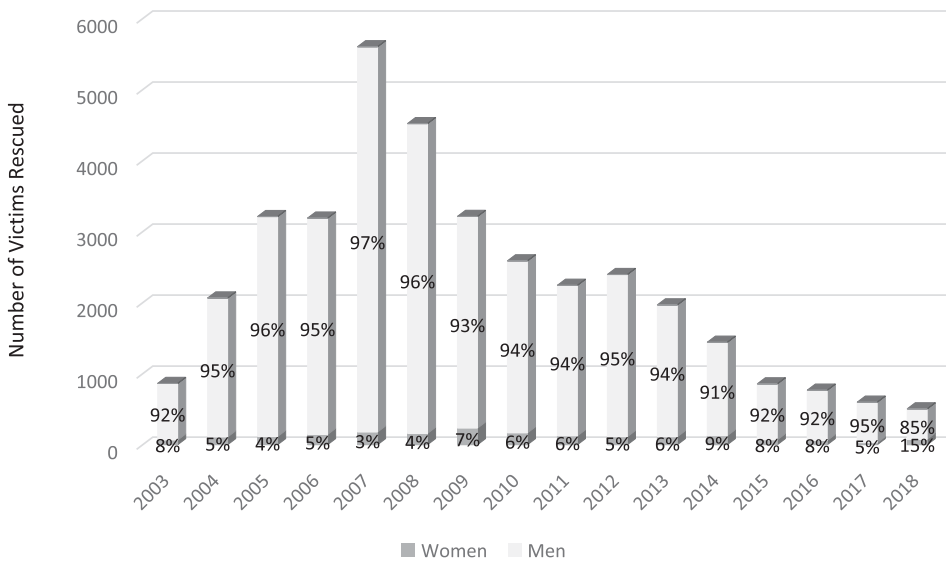


Figure 3. Victims rescued by gender (in percentage) and efficiency.

Source: SmartLab 2019, see note 7; CPT 2019, see note 5. The CPT dataset is used at various points as it contains information about the sector of activity of the investigated companies, which is not available in the SmartLab database.

proportion of women does not increase when the overall number of victims identified rises. In fact, the lowest proportion of women were rescued in the year with the highest total number of victims rescued (2007), and vice versa for the year with the lowest total number of victims rescued (2018). Despite this, overall there is no statistically significant correlation between the overall number of victims rescued, and the proportion of females.

The sectoral focus of investigations in Brazil helps to explain both the proportion of women identified in antislavery efforts, and the changes in overall rescues and efficiency of rescue operations over time. Inspections of slave labour are motivated both by labour inspectors themselves, and by civil society denunciation. Thus, perceptions of the population of slavery victims and what constitutes slavery can lead to more inspections in a single sector that identify male workers in forced labour.

Since the 1970s there has been evidence of modern slavery in Brazil – labelled ‘white slavery’, ‘semislavery’ and similar terms by the government at that time. Slavery from the 70’s has been characterised by activities in isolated estates to work in agriculture, cattle rising, deforestation to make pasture for the cattle and so on. The Government released loans to agrobusiness enterprises to develop the North, Northeast, and Centre-west regions of the country. News media and the Catholic church denounced some of these farms for using intermediaries – known as ‘gatos’ (cats) – to recruit workers to these isolated large farms. Far from their families and institutions that regulate work, they were enslaved.⁵⁰ These productive sectors that used slave labour 50 years ago, continue to be the main sectors employing labour today. These sectors were and are predominantly occupied by men.⁵¹ The historical characterisation of what is understood by modern slavery in Brazil, could therefore cause an unintended bias in social perception of what slavery is in the contemporary context. Denunciations made by the civil society and

operations organised by the intelligence sector of labour fiscal auditor emphasise what is historically understood as slavery.

The historical focus on exploitation in agriculture helps explain why inspection operations focused on addressing modern slavery in Brazil and rescuing victims have been overwhelmingly focused on the agriculture sector since their inception, accounting for 79% of all operations (see Figure 3). This is followed by other traditionally male, labour intensive industries, including construction (6%) and mining (4%). The construction workforce, for instance, is 99% male, while the mining sector is 97% male (PNAD 2015).⁵² Interviews with labour fiscal auditors supported this hypothesis – with interviewees reporting that investigations tending to focus on male-dominated activities where the prevalence of women was very low. However, many auditors noted that exploitation in urban sectors, domestic work, and sexual exploitation – considered more recent and insipient–must be addressed moving forward.

The focus of surveillance operations targeting modern slavery on sectors dominated by men may *prima facie* explain the significant underrepresentation of female victims in Brazil's modern slavery data. The underrepresentation of females rescued from modern slavery in the primary industries of focus for rescue operations (particularly agriculture) has been explained as a result of females not being employed in these industries. For instance, Prado notes that local women from rural in the State of Piauí said they did not migrate to farms as their husbands did, because they had less physical strength to work on farms than men did.⁵³ However, data on the gender ratios of workers in these industries indicate to the contrary, showing a relatively high proportion of females employed in agriculture (29%) and cattle-raising (50%), particularly compared against the low proportion of females rescued from modern slavery in these sectors (see Figure 4).

Females – who make up 43% of Brazil's workforce – are typically found in work in accommodation (66% female), and as assistants (75% female), teachers (83% females),

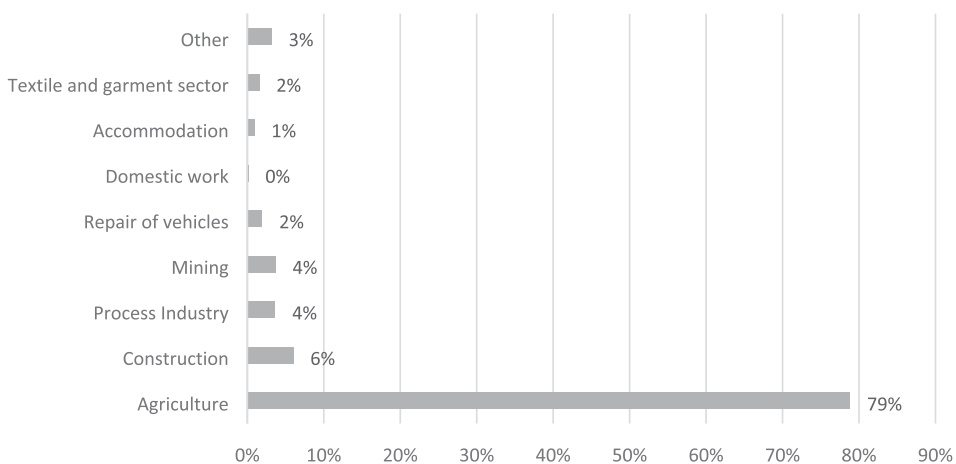


Figure 4. Rescue operations targeting modern slavery by sector (CPT 2003-2019).

Source: authors with CPT data (2003–2019), see note 5. The CPT dataset was used for these calculations because it disaggregates inspection data by activity sector of companies investigated – data points that are not included in the SmartLab database.

and secretaries (84% female). SmartLab and CPT data, as well as the global and regional data discussed above, indicate that modern slavery may be less prevalent in these sectors. However, given the focus in inspections on male-dominated industries, it is difficult to identify how extensive exploitation in these female-dominated roles might be (Figure 5).

If the gender demographics of modern slavery rescues in Brazil were to be explained as simply reflective of the gender dynamics of the sectors of focus for rescue operations, then alignment between the proportion of females rescued in those sectors and the gender balance of the industry would be reflected in the data. Figure 4 compares the proportion of women rescued from modern slavery with the overall proportion of women working in the relevant occupations. This shows significant disparity between the proportion of women working in the sector, and the proportion of women rescued from modern slavery in the same sector. For instance, women make up 29% of the agriculture workforce, but only 5% of the people rescued from modern slavery in agriculture. Likewise, women make up 50% of the cattle-raising labour force, but only 5% of people rescued from modern slavery in cattle-raising. The proportion of women employed in these occupations is 24 and 45 percentage points (respectively) higher than the proportion of women rescued from modern slavery in these same sectors.

There are two possible explanations for this divergence: either (a) males are more likely to be exploited in these industries than women (whether because perpetrators are more willing to exploit males, or because they are more likely to fill particular roles within the industry at higher risk of exploitation); or (b) women being exploited in these industries are less likely to be identified and rescued.

The former argument finds some basis in a 2017 ILO report, which estimated that women account for 32% of victims in agriculture. However, these estimates still demonstrate under-identification of women in antislavery operations in agriculture in Brazil, given that females make up only 5% of rescued victims in this sector (although in textile and garment manufacturing they make up a higher proportion at 39% of victims rescued in Brazil). Further, the ILO also estimated females to represent the

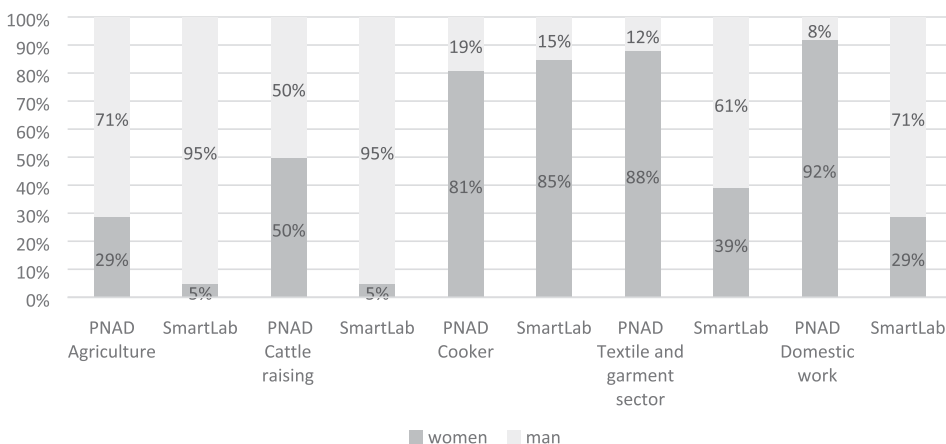


Figure 5. Proportion of females rescued from modern slavery and employed by occupation (SmartLab; PNAD 2015).

Source: authors with Smartlab 2018 data (2003–2017), see note 7 and PNAD data (2015), see note 13.

majority of persons in slave labour in accommodation and food services (at 92% of victims) and domestic work (at 61% of victims). The proportion of females rescued from these sectors in Brazil is lower than these estimates, by a significant margin for domestic workers, representing 29% of victims rescued from this sector in Brazil.

During the period from 2003 to 2017, only seven individuals were rescued from forced or slave labour in domestic work in Brazil – two women and five men. Two contextual points are relevant to understanding enslaved domestic work in Brazil. First, in rural activities dominated by men, it is common that one of them cooks for the others, instead of working in the field.⁵⁴ Therefore, the five men identified in domestic work may reflect this profile of a worker located in precarious housing in the field among the other persons in slave labour. Identification of enslaved domestic work in this context may therefore be a byproduct of the focus on agriculture, rather than the result of attention on exploitation within the domestic work sector more broadly. Second, the inviolability of the home, enshrined in the Brazilian Constitution, presents an obstacle to labour inspections in domestic contexts, and thus identification of slave labour exploitation in domestic work.⁵⁵

The gender dynamics of rescues from exploitation in domestic work may be explained by a combination of both of these factors, to varying degrees. These factors may also be contributing to official efforts overlooking female victims of slave labour in traditional domestic contexts, where evidence suggests females remain the primary victims.⁵⁶ However, some recent developments in Brazil have included rescues of women from slave labour in domestic work, which may signal a shift in these trends.⁵⁷ Labour auditors interviewed noted domestic work to be an important area for future investigations, signalling potential for increasing engagement in this sector.

In occupations traditionally and presently dominated by females (namely cooking, textile sector and domestic work), the former explanation for divergence – that men are more likely to face exploitation within the industry – appears more tenuous. In two of these three industries, the proportion of females rescued from modern slavery is significantly lower than the proportion of females in the workforce. Despite representing 88% of the clothing and textiles workforce, and 92% of the domestic workforce, females represented only 39% and 29% (respectively) of people rescued from modern slavery in these occupations. The level of divergence alone raises questions about the focus of interventions in these sectors, and the potential victims that may be overlooked. This also represents a significant departure from international evidence on these sectors, which consistently shows females to be at high risk of exploitation.⁵⁸

Only in cooking was female representation in those rescued from modern slavery higher than the overall proportion of women working in the industry. This was also the only occupation in which the gender ratios of people rescued from modern slavery was relatively closely aligned with the gender dynamics of the overall workforce. In all other cases, there was substantial deviation between the gender ratios of the workforce, and those rescued from modern slavery.

Emerging evidence related to anti-trafficking enforcement demonstrates that operations are heavily influenced by the perceptions of enforcement officials. Research in Bosnia and Herzegovina found that treatment of victims of human trafficking in the criminal justice system was heavily influenced by Border Police officers' adherence to 'prostitution myths' and their gender.⁵⁹ Likewise, research in the UK has shown

preconceptions about the role of consent to international migration result in the application of a narrow and legally dubious definition and prevent identification of victims.⁶⁰ A study in the United States demonstrated an increase in likelihood of police identifying cases of human trafficking of more than 351% where police commanders considered human trafficking to be prevalent in their communities.⁶¹

Interviews conducted with labour fiscal auditors in Brazil revealed the perception of these officials that women were not significantly represented in forced labour. They perceived prevalence of women in the activities they investigated as very low. At the national academic level, studies on women in slavery emphasise the female figure in the context of male slavery. Figueira et al.⁶² report a preference for hiring men was due to the physical effort required for the formation of pasture. The authors report the experiences of women who were relatives of the exploited worker, or prostitutes or owners of accommodation, but none of them were considered to be exploited themselves. These women appear as supporting characters in the Brazilian slavery scenario.

Further research is needed to understand the influence of officials' perceptions of modern slavery and victimhood on identification of victims in Brazil. However, the significant disparities between the percentage of female victims rescued in Brazil and the overall gender balance in the industries in question, ILO estimates of the proportion of females enslaved in these sectors, and global and regional data, might indicate that female victims are being overlooked in Brazil's slave labour rescues. Changing the perceptions and understandings of labour officials of the forms and dynamics of exploitation, as well as diversifying the sectoral focus of operations, may increase identification of female victims.

As antislavery operations in Brazil have shifted their sectoral foci over time, so too has the efficiency of these operations changed. The efficiency of operations can be measured as a ratio between the number of slaves rescued and the number of workers reached in the operations (see [Figure 6](#)). More efficient years saw a greater number of slaves rescued as a proportion of workers reached, while less efficient years resulted in proportionately fewer rescues. This measure speaks to the effectiveness of operations at identifying and rescuing those in slave and forced labour, but also to the proportion of workers experiencing slave and forced labour.⁶³ Trends in efficiency are not directly correlated to the gender ratios of victims rescued, but are connected to the sectoral focus of operations – indicating potential specialisation of enforcement officials in sectors where rescues are dominated by men.

Efficiency of antislavery operations in Brazil has varied significantly over time, reaching as high as 0.4 (with 40% of workers reached in operations in 2005 being identified as victims of slave labour and rescued) and as low as 0.05 (with 5% of workers reached in 2017 identified and rescued as slave labour victims). The most efficient years were those in which operations were concentrated in sectors such as agriculture, mining, and construction, implying that interventions in these sectors are more likely to result in identification of slave and forced labour. This may be because these sectors, in fact, have more slaves and, therefore, the efficiency of operations is greater. However, this might also be the result of unintentional specialisation of enforcement officials in these sectors, given the significantly higher level of enforcement efforts in these industries and the higher efficiency of operations in these sectors. In other words, the focus on operations in these sectors may be inhibiting official efforts to understand and identify females in conditions of slave and forced labour and resulting in the under-identification and rescue of female victims.

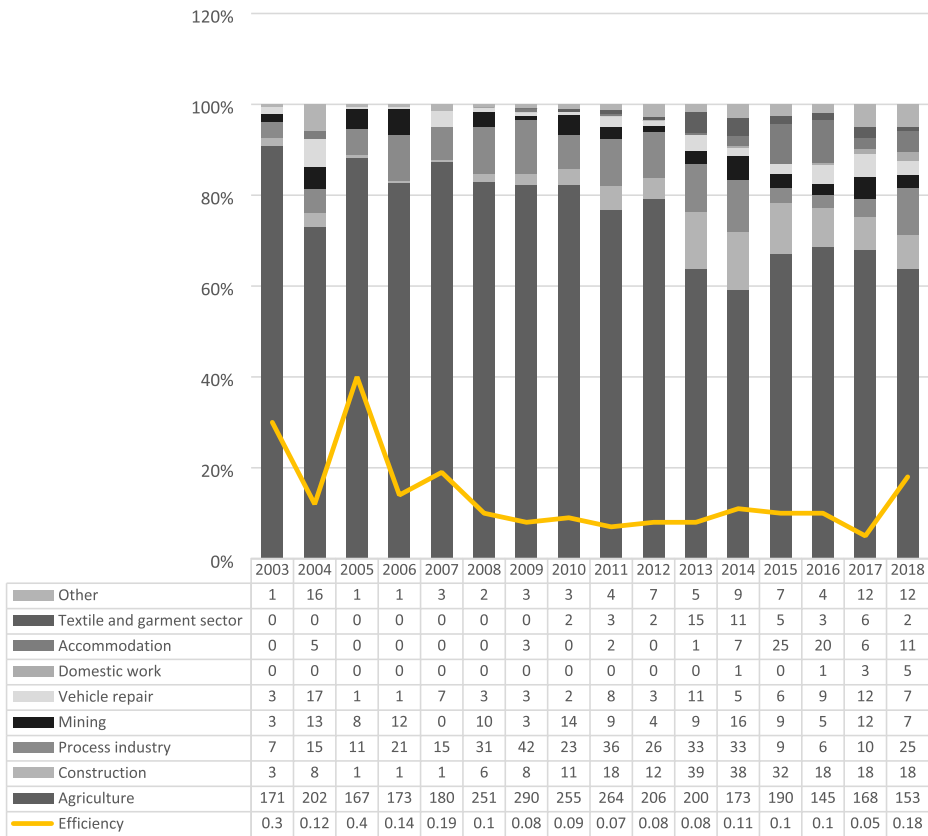


Figure 6. Rescue operations targeting modern slavery by sector.

Source: Chart created by the authors with CPT 2003–2018 data, see note 5.

Gender dynamics in criminal justice processes addressing modern slavery

Labour inspectors and labour prosecutors in Brazil are only empowered to apply civil penalties, facilitate access to unemployment insurance,⁶⁴ and have the names of slaveholders added to a ‘dirty list’ of slave labour perpetrators.⁶⁵ Labour inspectors cannot, however, pursue criminal accountability themselves. Serious cases identified by labour inspectors must be referred to the labour court and Public Ministry for criminal prosecution.⁶⁶ Reflecting global trends in which prosecution and conviction rates for trafficking and modern slavery offences remain low, particularly in light of the estimated prevalence of the phenomenon,⁶⁷ the number of trafficking and modern slavery cases pursued through criminal justice mechanisms in Brazil is significantly lower than the number of people identified and rescued in the country (see Table 1).

Data on criminal justice processes combatting modern slavery and trafficking in Brazil are not collected and publicised in a consistent manner or held in a centralised and publicly accessible location.⁶⁸ Some data points over time can be collated from annual US Department of State Trafficking in Persons Report (TIP Report) country narratives and GLOTIP country profiles. However, this data is limited and does not report consistently on the same data points. Further, demographic data is not systematically captured

Table 1. Criminal processes for combatting modern slavery in Brazil.

		Article 149 ^a	Article 149-A ^a	Articles 231 & 231-A ^a	Total
Investigations (new and ongoing)	2013	185	–	89	274
	2014	327	–	84	374
	2015	296*	–	374	670
	2016	42	22	103	167
	2017	171	19	–	190
	2018	133	39	–	172
Prosecutions (new and ongoing)	2013	101	–	24	125
	2014	105*	–	7*	112
	2015	65*	–	97	162
	2016	34	3	104	141
	2017	55	2	–	57
	2018	27	8	–	37**
Convictions	2013	–	–	–	–
	2014	4	–	–	4
	2015	9	–	12	21
	2016	–	–	–	23
	2017	75	6	–	81
	2018	121	7	–	128

Source: authors with data from US Department of State 2019. US Department of State 2015; 2016; 2017; 2018; 2019.

*New cases only.

**Additional prosecutions were pursued under another article criminalising complicity in trafficking.

^aSchwarz and Geng, see note 10.

in TIP or GLOTIP reporting on Brazil, and it is therefore difficult to determine whether the underrepresentation of female victims evident in slave labour operations carries through to criminal justice processes. However, the 2020 GLOTIP Report does reveal that in 2018 men made up the majority of detected trafficking victims (57%), with women representing 36%, and boys and girls representing 3.5% each.⁶⁹ The 2018 GLOTIP report on Brazil also appears to indicate that trafficking for the purposes of sexual exploitation makes up a particularly low proportion of identified trafficking cases (representing 8% of trafficking victims detected in 2015 and 7% in 2016).⁷⁰ All reported victims of trafficking for the purpose of sexual exploitation identified from 2014 to 2016 appear to have been female, with a relatively even distribution of adults and children.⁷¹

Despite the 2016 amendment to the Penal Code introducing article 149-A (criminalising trafficking in persons), and the overlap between articles 149 and 149-A, the majority of investigations and prosecutions into modern slavery continue to be pursued under article 149. From its passage in 2016 to 2018, only 13 prosecutions under article 149-A have been pursued, all of which appear to have resulted in convictions. While additional data is needed to understand gender dynamics in Brazil's criminal justice processes, the favouring of Article 149 in criminal justice process is likely to result in many of the gender dynamics that occur in modern slavery rescues carrying through to criminal justice processes (Table 2).

Where article 149 cases may be referred through the labour inspection processes discussed above in addition to the more traditional mechanisms of criminal law, observers have reported that trafficking cases are often under-reported and in some instances misclassified by police as other crimes. The data further indicates both that the vast majority of cases identified through labour processes (in which victims are given access to unemployment insurance) are not carried through to criminal justice processes, and that officials continue to focus more on article 149 labour offences than on article 149-A

Table 2. Breakdown of DDH reports 2011–2018.

	Total reports	Reports related to sexual exploitation		Female		Male		Not recorded	
2011	139,858	2471	2%	76,403	55%	55,498	40%	7957	6%
2012	218,593	8143	4%	108,373	50%	83,437	38%	26,783	12%
2013	209,710	7301	3%	99,894	48%	80,726	38%	29,090	14%
2014	151,854	5508	4%	70,674	47%	58,220	38%	22,960	15%
2015	130,979	3893	3%	58,995	45%	50,649	39%	21,335	16%
2016	120,308	3342	3%	53,344	44%	47,181	39%	19,783	16%
2017	130,224	3867	3%	62,318	48%	52,470	40%	15,436	12%
2018	116,947	2696	2%	56,327	48%	47,055	40%	13,565	12%

Source: Data from DDH was available from 2011, despite its governmental organisation in 2003.

trafficking offences. In light of the gender data available, and the low representation of cases of sexual exploitation in identified trafficking cases, these trends in criminal justice processes are also likely to reflect the trends in labour processes: namely, the under-representation of female victims in antislavery and anti-trafficking efforts.

The exclusion of sexual exploitation from antislavery efforts in Brazil

The exclusion of sexual exploitation from Brazil's slave labour rescues, combined with low representation of cases of sexual exploitation in criminal justice processes related to trafficking in persons, is a significant factor in considering the gender dynamics of antislavery in Brazil. As established in Section 2, global and regional data identify females as the primary victims of modern slavery and trafficking involving sexual exploitation (representing 99.4% of sexual exploitation victims in ILO and Walk Free data and 91.3% in GLOTIP data). Yet, Brazil's slave labour rescues (discussed in Section 3) have never identified a case of sexual exploitation according to the SmartLab database. Further, sexual exploitation cases make up only 7–8% of trafficking cases in the criminal justice system (as discussed in Section 4). This focus on forced labour (as slave labour) overlooks some elements of the conditions analogous to slavery framework as well as the broader modern slavery and human trafficking frames, excluding in practice some forms of exploitation that constitute slavery, institutions and practices similar to slavery, servitude, and/or forced labour under international law.

The approach to regulation of sexual exploitation in Brazilian law (and law enforcement) has contributed to the omission of sexual exploitation from antislavery efforts in the country. Brazilian law does not criminalise commercial sexual activity (CSA) for those over the age of 18. Rather, the ability to sell one's own sexual services is seen as an expression of their sexual liberty, guaranteed by article 5 of the Constitution.⁷² However, the Penal Code constrains CSA, criminalising 'inducing someone to satisfy another's lust' (article 277); inducing or attracting a person into prostitution or sexual exploitation, facilitating such, or preventing a person from abandoning it (article 228); maintaining an establishment in which sexual exploitation occurs (article 229); and taking advantage of the prostitution of others, or participating in their profits (article 230). The effect of these provisions on paper is to curb the activities of people engaged in exploiting the CSA of another, prohibit brothels, and require people engaging in CSA to work for themselves by criminalising pimping.

The Ministry of Labour and Employment includes commercial sexual activity in the Brazilian Occupation Classification, namely, sex professionals.⁷³ Despite classification as a legal occupation, criminalisation of certain activities associated with CSA, combined with a lack of regulatory oversight and enforcement, separates these activities from the protections of labour law granted in other industries.⁷⁴ Interviews with labour fiscal auditors in this study revealed the perceived exclusion of sexual exploitation from their remit by the majority of respondents. One auditor had a reaction of surprise, exclaiming that he had never paid attention to females in sexual exploitation. Others explained that auditors do not investigate sexual exploitation. One of the auditors interviewed did report investigating sexual exploitation, but highlighted difficulties in doing so. First, some auditors understand that sexual exploitation would be a police assignment because it deals with a violation of the Penal Code. While the occupation of a sex worker is recognised by labour legislation, profiting from the sexual service of a third party is criminalised.

This lack of consideration for sexual exploitation by labour auditors prevents effective oversight and identification of instances of exploitation within the framework of article 149 slave labour interventions. In order to distinguish between licit sexual activity and sexual exploitation, prior investigative actions are essential, which must be carried out by the auditor in conjunction with other agencies. If the majority of auditors consider sexual exploitation and CSA beyond their remit, they are unlikely to identify cases of exploitation of this kind.

Although CSA is permitted in law, it is prevented from operating in a legal business environment through restrictions on companies and intermediaries. Other regulatory regimes such as zoning ordinances and eminent domain law, as well as harassment by police and other officials, have been reported to be used by governments in Brazil to curb prostitution and channel it into geographic areas separated from tourism and 'middle-class life'.⁷⁵ Although designed to prevent against exploitation of people engaging in CSA,⁷⁶ critics argue that articles 227–230 of the Penal Code in fact make people engaging in CSA more vulnerable, denying them the security of a commercial premises and managerial and operational support.⁷⁷

Criminalisation does not in practice prevent those engaged in CSA from having working relationships with intermediaries or operating from brothels, bars and hotels.⁷⁸ The criminalisation of these practices, as well as the lack of regulatory and labour protections for those engaged in CSA, create risks that instances of exploitation by such actors will be overlooked, and ensure that such activities are carried out 'underground' away from the purview of officials that might enforce victims' rights to be free from exploitation. In practice, police are also noted to interpret the distinction between permitted commercial sexual activity, and 'sexual exploitation' in violation of articles 227–230 to protect a variety of interests, but rarely 'in accordance with concern over violations of prostitutes' rights'.⁷⁹ These trends in regulation and enforcement help to explain the lack of identification, recognition, rescue, and support for those sexually exploited in Brazil in both slave labour rescues and anti-trafficking efforts. The gaps in the intersecting regimes of criminal and labour regulation in relation to CSA in both principle and practice result in adult victims of sexual exploitation being overlooked in interventions.

While CSA is permitted (within certain limitations) for adults, it is prohibited entirely in relation to children. Children are deemed unable to consent to commercial sexual

activity under Brazilian law, and thus any commercial sexual activity of people under the age of 18 constitutes exploitation. Article 244-A of the Child and Adolescent Statute criminalises inducing a child to engage in sexual exploitation, without a requirement that force, fraud or coercion be utilised. Thus, while adult victims of sexual exploitation are situated in a contradictory and often overlooked space in Brazil's regulation and enforcement, sexual exploitation of children is squarely within the realm of sanction, and more consistently addressed in official efforts and represented in data. However, the requirements differ for minors under 14 for whom no element of coercion is required, and those aged 14–18 for whom sexual exploitation requires some form of coercion.

In an attempt to find information on the sexual exploitation of women over the age of 18, several different sources were analysed in this research, such as helpline 180 (designed to help women), the Police Report and Public Security. However, sexual exploitation of adults cannot be observed as a distinct variable in any database, whether related to violence against women or not. Among the relevant data found are the DDH helpline,⁸⁰ the map of violence against women organised by the Commission for the Defence of Women's Rights,⁸¹ and police reports in the State of São Paulo.⁸²

The São Paulo police reported 1,141,841 cases of violence against women between 2011 and 2019, but none of them are described as sexual exploitation.⁸³ The Map of Violence against Women is an official report organised by the Chamber of Deputies similarly to other official statistics, but does not include information on sexual exploitation against women over 18 years of age.⁸⁴ Among the reported occurrences, 68,811 cases of violence against women were identified, divided into five categories: sexual harassment, online violence (crimes against honour), rape, femicide, and domestic violence.

The national helpline *Disque Direitos Humanos* (DDH) was set up in 2003 to receive reports and provide assistance to victims of various types of violence, including sexual exploitation. Reports of sexual exploitation of children and adolescents represented an average of 2.5% of complaints made to the DDH from 2011 to 2019. The majority of cases (75%) reported to the DDH involved female victims, while 65% of victims were reported as aged 12–17 years old.⁸⁵ This represents one of the few Brazilian datasets in which females make up the majority of identified victims. However, this represents a lower proportion of female children than are identified in GLOTIP data, wherein 87.1% of detected minor victims of sexual exploitation identified by gender in the 2020 report are female. CTDC data for 2017 likewise shows females to be the majority of minor victims of sexual exploitation, representing 90.3% of cases identified by age and exploitation type.⁸⁶ The divergence between Brazilian and global data could be a result of global under-identification of male victims of sexual exploitation – a trend that has been noted by several commentators.⁸⁷ This is particularly relevant in the context of sexual exploitation of children, where emerging evidence suggests that gender divides may be less significant.⁸⁸ Further research and data is necessary to understand whether these differences reflect the same trends in identification of females as evidenced in the other data considered in this paper.

What this data does not capture are the gender dynamics (or existence) of adult victims of sexual exploitation.⁸⁹ Adult women make up the majority of victims of sexual exploitation in each of the global and regional datasets considered in this paper. In ILO and Walk Free estimates, 99.4% of victims of sexual exploitation were female,

and 78.7% were adults.⁹⁰ In GLOTIP 2020 data, women made up 66% of detected victims of sexual exploitation, and in CTDC data 65% of sexual exploitation cases. Despite the relatively high number of girls in these three international datasets, adult women represent the majority of victims of sexual exploitation. Yet no cases of sexual exploitation of adults, or women, can be identified in Brazil's antislavery, anti-trafficking, violence against women, or human rights datasets.

No cases involving the sexual exploitation of adults were recorded by the DDH from 2011 to 2019 for domestic victims. Helpline 180, on the other hand, is specifically for adult women, but does not include a variable of sexual exploitation. If one takes into account the Human Trafficking database of DDH,⁹¹ sexual exploitation is one of the subset of variables analysed, as well as illegal adoption, organ removal and forced labour. From 2007 to 2016, women accounted for 52% of human trafficking victims for sexual exploitation (a total of 147 people) and 7% were trafficked for the purpose of labour exploitation (a total of 99 people). The age group per type of exploitation was not reported.

The low numbers of identified victims of trafficking, including for sexual exploitation, speaks to the lack of engagement in official efforts with the issue of sexual exploitation of adults in Brazil, and to the neglect of this as a specific category of offending linked to both slavery and trafficking in articles 149 and 149-A of the Penal Code. The separation of reporting and responses to address trafficking and sexual exploitation from efforts to address forced labour (including the omission of these offences from the slave labour rescues recorded in the Smart Lab database) may have contributed to a relatively limited official response to this form of exploitation.

Cases of trafficking are addressed through criminal justice frameworks, unlike cases of forced and slave labour which are typically handled first through labour protection mechanisms. Trafficked victims have their cases handled criminally as a violation of article 149-A of the Penal Code. While forced and slave labour captured in the SmartLab data is also an offence under the Penal Code, the majority of cases are handled exclusively through labour mechanisms and are not referred into the criminal justice system for prosecution. The omission of victims of forced sexual exploitation from slave labour rescues also means that those experiencing this form of exploitation are not then provided with unemployment insurance upon rescue or exit. Overall, this analysis shows insufficient information on sexual exploitation for those over 18 years old, which corroborates the debate at the beginning of this section on sexual freedom and sexual exploitation. If regulatory institutions do not identify the sexual exploitation of people over the age of 18, there will be no reports, investigations, rescues and identified victims, and consequently limited support for victims.

There is a Brazilian expression that says 'quem não é visto, não é lembrado', those not seen, are not remembered. The invisibilisation of sexual exploitation of adults in particular in Brazil's antislavery interventions prevents identification of cases and support for victims, and results in these cases not being represented in official datasets. Merry warns that violence against women may be underreported due to aggregations in databases that hide information about the nature of violence. For example, assault can include many types of assault, such as domestic violence.⁹² Another problem is that victims of domestic violence do not report cases to the police, and hospital surveys may not address specific questions about whether the illness was caused by domestic

violence. The nature of reporting and aggregation in Brazilian datasets renders adult victims of sexual exploitation – predominantly female according to existing global data – invisible, and contributes to the lack of attention on these abuses in interventions.

The exclusion of forced marriage from antislavery efforts in Brazil

A final feature of Brazilian antislavery efforts of particular relevance to the consideration of gender dynamics is the exclusion of forced marriage from relevant legislation and enforcement measures. The language of ‘conditions analogous to slavery’ represented in Article 149 of the Penal Code derives from the 1956 United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. The official Portuguese text of the Convention translates institutions and practices similar to slavery as ‘Instituições e Práticas Análogas à Escravatura’, introducing the concept of situations analogous to slavery akin to the ‘conditions analogous to slavery’ captured in Article 149. The 1956 Supplementary Convention explicitly includes several practices involving the transfer of women in the context of marriage as institutions and practices similar to slavery. The International Labour Organisation and Walk Free similarly identify forced marriage as a form of modern slavery. Yet, the focus on labour in Article 149 pushes against consideration of exploitative marriage practices as conditions analogous to slavery within the Brazilian system, and such situations have never been investigated or considered within Brazil’s ‘slave labour’ response efforts.

Forced marriage is a practice that disproportionately affects women. The ILO estimates that 15.4 million people globally were living in situations of forced marriage in 2016, 84% of whom (13 million) were women and girls.⁹³ The Americas are estimated to have been home to 670,000 of these victims of forced marriage – seven persons in every 10,000 in the population. While data is not disaggregated by country, nor regional data disaggregated by gender, if proportions remained stable, this would signal a population of around 144,000 victims of forced marriage in Brazil, including 121,000 women and girls. Data available on child and early marriage in Brazil in fact indicates a higher number, with the most recent data indicating 26% of Brazilian girls married before the age of 18, and 6% married under the age of 15.⁹⁴ 2015 data further demonstrated the gender differential in early marriages, with 12.6% of girls aged 15–19 married, compared to 3.8% of boys in the same age group. Thus, the exclusion of forced marriage from Brazil’s antislavery efforts is likely to reduce the proportion of women found in conditions of modern slavery, when compared against datasets that include forced marriage.

While a minimum age for marriage of 18 years is established in Brazil’s Civil Code, minors can marry at 16 with consent of parents or legal representatives.⁹⁵ Further, there is no specific offence of forced marriage established in the Brazilian Penal Code, and the only outcome for a non-consensual or child marriage in the Civil Code is the marriage being declared void.⁹⁶ The absence of cases of forced marriage in Brazil’s antislavery efforts, and in relevant datasets, reflects the exclusion of this practice from serious legal and regulatory attention as a practice similar to slavery or as a crime in itself. This does not explain the low representation of women in Brazil’s antislavery and anti-trafficking efforts focused on other forms of exploitation. Rather, it further exacerbates the issue of female victims of severe exploitation being overlooked by policy and enforcement efforts in the country.

Conclusion

Efforts to address modern slavery and human trafficking typically demonstrate a hyper-focus on women and children. International frameworks, including the Palermo Protocol, single them out for special attention. The ‘ideal’ victim, and thus the subject of the majority of antislavery attention, is constructed as an innocent, young (often white) female subjected to sexual exploitation.⁹⁷ Anti-trafficking and anti-slavery efforts have historically focused on this archetype, often to the exclusion of male victims and those subjected to forms of labour exploitation. This approach builds from the conclusion that females are particularly vulnerable to human trafficking and modern slavery and make up the majority of victims. According to global data, females represent somewhere between 65% and 73% of victims of modern slavery and human trafficking. Likewise, cases of sexual exploitation have historically represented a significant proportion of total cases, although recent years have seen increased attention on labour abuses.

Brazil’s antislavery efforts and data flip this script, focusing exclusively on labour exploitation and overwhelmingly identifying and supporting male victims. Female victims represent only 5% of over 35,000 people supported out of modern slavery by the Brazilian government from 2003 to 2017. This begs the question: does modern slavery disproportionately affect males in Brazil, to the extent that they are nineteen times more likely to experience exploitation, or are Brazil’s antislavery efforts failing female victims?

Several features of Brazilian legislation and enforcement efforts help to explain the trends evidenced in the data, which favour identification of male victims over females. The exclusion of sexual exploitation and forced marriage from antislavery efforts divorce two of the most disproportionately female forms of exploitation from Brazilian slave labour data. These practices represent significant blindspots in Brazilian policy, resulting in lack of identification of individuals experiencing extreme forms of exploitation and abuse. Yet, this excision is not sufficient to explain the gender dynamics in Brazil’s ‘slave labour’ rescues. Nor is the sectoral focus of such rescues, which favour traditionally male industries over those typically dominated by women, sufficient explanation. This, in itself, is a matter of concern for identification of female victims, as it directs little attention to sectors in which they are commonly exploited. Yet, even in these sectors that receive substantial attention, the low rates of female victims identified cannot be explained by the dominance of male workers. Significant divergence between the proportion of females working in sectors investigated, and the proportion of female victims rescued in these same sectors, indicate something more at work.

These trends cannot be fully understood or explained on the basis of existing data and evidence considered in this paper. However, this analysis has unearthed an area of significant concern and oversight in Brazilian antislavery that demands both immediate attention and further research. The base statistic alone – that women make up only 5% of victims of slave and forced labour rescued and supported in Brazil – is cause for concern. This exploration of global and national data demonstrates that this statistic cannot be explained on the basis of underlying legislation, fragmentation of efforts related to different forms of exploitation, or the sectoral foci of antislavery attention. This suggests that antislavery interventions in practice are overlooking female victims. A commitment to ensuring antislavery, to protecting women and girls from violence, and to the fundamental principle of non-discrimination in human rights law therefore demands a serious reconsideration of antislavery interventions in Brazil.

Notes

1. The authors acknowledge contestation over the concept of ‘modern slavery’. In this paper, the term is used as an umbrella concept to describe a set of related forms of exploitation, including slavery itself, servitude, forced labour, forced marriage, and trafficking in persons. The term is presented throughout in inverted commas to recognise this specific and referential meaning.
2. International Labour Organisation, *Fighting Forced Labour in Latin America* (International Labour Organisation, May, 2005), https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_075511/lang--en/index.htm.
3. See Patrícia Trindade Maranhão Costa, *Fighting Forced Labour: The Example of Brazil* (International Labour Organisation, 2009), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_111297.pdf.
4. Katarina Schwarz and Jean Allain, ‘Antislavery in Domestic Legislation: An Empirical Analysis of National Prohibition Globally’, *Rights Lab and Castan Centre for Human Rights Law*, February, 2020, <https://antislaverylaw.ac.uk/resources/summary-of-findings/>.
5. Comissão Pastoral da Terra (CPT), 2019. Comissão Pastoral da Terra, <https://www.cptnacional.org.br/>.
6. Law No 10,608 2002.
7. Smartlab, *Digital Observatory of Slave Labour in Brazil*, 2018. <https://observatorioescravo.mpt.mp.br/>.
8. International Labour Organisation and Walk Free Foundation, *Global Estimates of Modern Slavery* (International Labour Organisation, 2017), https://www.ilo.org/global/publications/books/WCMS_575479/lang--en/index.htm.
9. SmartLab, note 7 above.
10. The term ‘victim’ in this paper is used to describe those falling within the legal classification of victim of particular offences, and is not intended to imply simple victimhood or deny agency. See further Katarina Schwarz and Jing Geng, ‘Reasserting Agency: Procedural Justice, Victim-Centricity, and the Right to Remedy for Survivors of Slavery and Related Exploitation’, *Journal of Modern Slavery* 4, no. 93 (2018).
11. See note 7 above.
12. CPT 2019, see note 5 above.
13. PNAD-IBGE, *Pesquisa nacional por amostra de domicílios*. (National household sample survey.) (Rio de Janeiro: IBGE, 2015).
14. Law No 7998 regulates the Unemployment Insurance Programme and created the Fund for Workers. Law No 10608 provided for payment of unemployment benefits to workers rescued from conditions analogous to slavery.
15. CPT 2019, see note 5 above; SmartLab (2019), see note 7 above.
16. Research was made in collaboration of Universidade Federal do Mato Grosso and University of Strathclyde.
17. Disque Direitos Humanos, *Annual Report on Human Trafficking*, 2019, <https://www.gov.br/mdh/pt-br/assuntos/noticias/2019/julho/disque-100-ministerio-registra-159-casos-de-trafficco-de-pessoas>.
18. Disque Direitos Humanos, *Annual Report on Sexual Violence*, 2020, https://www.mdh.gov.br/informacao-ao-cidadao/ouvidoria/Dados_2011_a_2019___violencia_sexual___crianca_e_adolescente.xlsx.
19. Disque Direitos Humanos, *Annual Report*, 2020, <https://www.mdh.gov.br/informacao-ao-cidadao/ouvidoria/balanco-disque-100>.
20. Câmara dos Deputados, *Map of Violence Against Women*, 2018, <https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/comissao-de-defesa-dosdireitos-da-mulher-cmulher/arquivos-de-audio-e-video/MapadaViolenciaatualizado200219.pdf>.
21. São Paulo Governo do Estado, *Violence against Women*, 2021, <https://www.ssp.sp.gov.br/Estatistica/ViolenciaMulher.aspx>.
22. Monti N. Datta and Kevin Bales, ‘Slavery in Europe: Part 1, Estimating the Dark Figure’, *Human Rights Quarterly* 35 (2013): 817–829.

23. Operations of organised criminal networks can make perpetrators' efforts to keep crimes hidden more significant, as a result of the sophistication of organised criminal operations and fragmentation of constituent activities across a network of perpetrators.
24. Fernanda Magalhães Dias Frinhani, 'Tráfico de pessoas e estruturas de poder econômico e social', *Espaço Jurídico: Journal Of Law* 12, no. 1 (2011): 95, 95–109. Kevin Bales, Laura T. Murphy, and Bernard W. Silverman, 'How Many Trafficked People are There in Greater New Orleans? Lessons in Measurement', *Journal of Human Trafficking* 6, no. 4 (2020): 375–87.
25. Multiple Systems Estimation (MSE) is a method often employed to estimate the hidden population of potential victims of modern slavery. The application of this method is subject to the availability of specific information on forced and degrading labour. Kevin Bales, Olivia Hesketh, and Bernard Silverman, 'Modern Slavery in the UK: How Many Victims?', *Significance* 12, no. 3 (2015): 16–21.
26. On ideal victimhood, see Schwarz and Geng, see note 10 above. See also Nils Christie, *From Crime Policy to Victim Policy: Reorienting the Justice System* (Macmillan, 1986), 18; Sandra Walklate, *Imagining the Victim of Crime* (Open University Press, 2007), 28; Edith Kinney, 'Victims, Villains and Valiant Rescuers: Unpacking Sociolegal Constructions of Human Trafficking and Crimmigration in Popular Culture', in *The Illegal Business of Human Trafficking* (Maria Guia ed., Springer, 2015); Gretchen Soderlund, 'Running from the Rescuers: New U.S. Crusades Against Sex Trafficking and the Rhetoric of Abolition', *NWSA Journal* 17 (2005): 64.
27. UNODC, *Global Report on Trafficking in Persons* (New York, 2009), 51; Schwarz and Geng, see note 10 above; Kinney, see note 24 above.
28. UNODC, *Global Report on Trafficking in Persons* (New York, 2018). CTDC, *Counter Trafficking Data Collaborative* (2019), <https://www.ctdatacollaborative.org/download-global-dataset>.
29. (adopted 7 September 1956, entered into force 30 April 1957) 266 UNTS 3 article 1(c).
30. (adopted 25 September 1926, entered into force 9 March 1927) 60 LNTS 253 article 1.
31. International Labour Organisation and Walk Free, see note 8 above.
32. *Ibid.*, Modern slavery in the report includes both forced marriage and forced labour, with the latter encompassing both labour and sexual exploitation.
33. United Nations Office on Drugs and Crime, *Detected Victims of Trafficking by Age and Sex, 2018 (or most recent)* (United Nations Office on Drugs and Crime, 2021), <https://www.unodc.org/unodc/data-and-analysis/glotip.html>. Although the first GLOTIP report was produced in 2009, the reports found official footing in the United Nations Global Plan of Action to Combat Trafficking in Persons adopted by the UN General Assembly in 2010 (A/RES/64/293) requiring biennial reporting beginning in 2012. For more details on GLOTIP methodology notes see 2012, 2014, 2016, 2018, and 2020 reports: United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (United Nations Office on Drugs and Crime, 2012), https://www.unodc.org/unodc/en/data-and-analysis/glotip_2012.html; United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (United Nations Office on Drugs and Crime, 2014), https://www.unodc.org/unodc/en/data-and-analysis/glotip_2014.html; United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (United Nations Office on Drugs and Crime, 2016), https://www.unodc.org/unodc/en/data-and-analysis/glotip_2016.html; United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (United Nations Office on Drugs and Crime, 2019), <https://www.unodc.org/unodc/en/data-and-analysis/glotip-2018.html>.
34. GLOTIP country data includes data on the year under consideration for each country, or the most recent year for which data was available.
35. South America in the dataset includes Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guayana, Paraguay, Peru, Suriname, Uruguay, and Venezuela.
36. See note 26 above.
37. International Labour Organisation and Walk Free, see note 8 above.

38. CTDC data does not disaggregate victims by exploitation type in the vast majority of cases – globally, exploitation type is not recorded in 92% of cases, and in the Americas in 70% of cases – and is therefore not considered here.
39. See Schwarz and Geng, see note 10 above.
40. UNODC, see note 33 above.
41. See note 8 above.
42. Schwarz and Geng, see note 10 above; Michael Wilson and Erin O’Brien, ‘Constructing the Ideal Victim in the United States of America’s Annual Trafficking in Persons Reports’, *Crime, Law and Social Change* 65 (2016): 29–45.
43. Brazil Penal Code, https://www.planalto.gov.br/ccivil_03/decreto-lei/del2848compilado.htm.
44. For comparative of all other UN Member States, see Katarina Schwarz and Jean Allain, ‘Antislavery in Domestic Legislation’, *The Rights Lab and Castan Centre for Human Rights Law*, February, 2020, <https://antislaverylaw.ac.uk/countries/>.
45. Brazil, ‘Combating slave labour in Brazil’, *Inter-American Human Rights Commission*, October 2006, https://reporterbrasil.org.br/documentos/oea_governo.pdf.
46. *Ibid.*
47. Process number 5000018-82.2017.4.03.6122 against the Federal Union stipulates that victims should receive unemployment insurance irrespective of which public authority carried out the rescue. <https://www.mpf.mp.br/sp/sala-de-imprensa/docs/sentenca-acp-trabalho-escravo>.
48. See note 7 above.
49. Comissão Pastoral da Terra (CPT), *Trabalho Escravo* (2021), <https://www.cptnacional.org.br/publicacao/category/12-trabalho-escravo>.
50. Figueira, Ricardo Rezende, and Neide Esterci. ‘Slavery in Today’s Brazil: Law and Public Policy’, *Latin American Perspectives* 44, no. 6 (2017): 77–89.
51. The designation ‘slave labour’ resulted from a fight of those involved in Brazil, to replace what the ILO calls forced labour. This semantic alteration has practical implications, since the new Article 149 of the Criminal Code, forced labour is one of the possibilities of characterising contemporary slavery. In addition to a violation in labour rights, slavery is a violation of human rights, which makes it possible for criminal charge. Patrícia Trindade Maranhão Costa, *Fighting Forced Labour: The Example of Brazil*, International Labour Organisation (2009), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaratio n/documents/publication/wcms_111297.pdf; Smartlab, *Digital Observatory of Slave Labour in Brazil*, 2018. <https://observatorioescravo.mpt.mp.br/>.
52. The National Household Sample Survey (PNAD) is a survey conducted by the Brazilian Institute of Geography and Statistics (IBGE) on a sample of Brazilian households. The survey has multiple purposes, including investigating various socioeconomic characteristics of society, such as population, education, formal and informal labour, income, housing, social security, migration, fertility, health, and nutrition.
53. Adonia Antunes Prado, ‘Entre lembranças e perdas: a memória que não se cala’, in *Trabalho Escravo Contemporâneo No Brasil: Contribuições Críticas Para Sua Análise e Denúncia*, ed. Alba Cavalcante Cerqueira et al. (Editora UFRJ, 2008).
54. Késia Rodrigues da Costa, and Ana Virgínia Moreira Gomes, ‘A fiscalização do trabalho doméstico: um possível conflito entre a inviolabilidade do domicílio do empregador e a proteção do trabalho’, *Revista de Direito do Trabalho, São Paulo* 168 (2016): 123–44.
55. Federal Constitution of Brazil. Art. 5 (XI) Brasília, DF: Senado Federal, 1988. ‘The house is the individual’s inviolable asylum, no one being able to enter it without the resident’s consent, except in the case of flagrante delicto or disaster, or to provide help, or, during the day, by determination judicial’.
56. da Costa and Moreira Gomes, see note 54 above.
57. Recently, rescues of women from domestic work have been reported in Brazil. This includes the rescue of Madalena, who was enslaved in domestic work for 38 years, Ines Eisele, ‘Brazilian Woman Held as a Slave for 38 Years’, *DW News*, January 9, 2021, <https://www.dw>.

- [com/en/brazilian-woman-held-as-a-slave-for-38-years/a-56177797](https://www.folha.uol.com.br/internacional/en/brazil/2015/05/1627385-company-imports-nannies-and-domestic-workers-from-the-philippines-to-brazil.shtml). Another iconic case related to persons trafficked from the Philippines to São Paulo, Patrícia Campos Mello, 'Company "Imports" Nannies and Domestic Workers from the Philippines to Brazil', *Folha de S. Paulo*, November 5, 2015, <https://www1.folha.uol.com.br/internacional/en/brazil/2015/05/1627385-company-imports-nannies-and-domestic-workers-from-the-philippines-to-brazil.shtml>, which may indicate a shift in this context.
58. See Section 2. See also, for instance, Sofija Voronova and Anja Radjenovic, 'The Gender Dimension of Human Trafficking', *European Parliament* (2016), [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI\(2016\)577950_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI(2016)577950_EN.pdf); Alessandra Mezzadri, 'Class, Gender and the Sweatshop: On the Nexus between Labour Commodification and Exploitation', *Third World Quarterly* 37 (2016): 20; Graham Cole, 'Worker Exploitation in Garment Manufacturing: Ascertaining Its Causes', *Annals in Social Responsibility* 6, no. 2 (2020): 51–3.
 59. Lisa R. Muftić, 'Attitudes Regarding Criminal Justice Responses to Sex Trafficking among Law Enforcement Officers in Bosnia and Herzegovina', *Journal of Criminal Justice and Security* 15, no. 2 (2013): 177–89. Attitudes towards commercial sexual activity are also noted to hamper identification of trafficking victims globally in Ronald Weitzer, 'Sex Trafficking and the Sex Industry: The Need for Evidence-Based Theory and Legislation', *The Journal of Criminal Law and Criminology* 101, no. 4 (2012): 1337. Jasmine Phillips further finds that racial stereotypes hamper identification and support, 'Black Girls and the (Im)Possibilities of a Victim Trope: The Intersectional Failures of Legal and Advocacy Interventions in the Commercial Sexual Exploitation of Minors in the United States', *UCLA Law Review* 62 (2015): 1642.
 60. Lorena Arocha, *Wrong Kind of Victim? One Year On: An Analysis of UK Measures to Protect Trafficked Persons* (Anti-Trafficking Monitoring Group, 2010).
 61. Farrell, McDevitt and Fahy (2010) – this study analyses a national sample of police commanders in the United States, of which less than 10% identified victims of human trafficking between 2000 and 2006.
 62. Figueira, Ricardo Rezende, Gelba Cavalcante de Cerqueira, and Maria Amália Silva Alves de Oliveira. 'Notas sobre mulheres do Mato Grosso e a escravidão por dívida', *Em Debate PUC-Rio* (2005).
 63. Without further research and data on prevalence and/or the quality of operations, it is not possible to determine the relative strength of each of these explanatory factors.
 64. Process number 5000018-82.2017.4.03.6122 against the Federal Union stipulates that regardless of which public authority carried out the rescue, victims will receive unemployment insurance. Prior to this, only labour inspectors could authorise this. Retrieved from: <http://www.mpf.mp.br/sp/sala-de-imprensa/docs/sentenca-acp-trabalho-escravo>.
 65. Retrieved from: https://sit.trabalho.gov.br/portal/images/CADASTRO_DE_EMPREGADO_RES/CADASTRO_DE_EMPREGADORES.pdf.
 66. US Department of State 2019, *Trafficking in Persons Report 2019*. US Department of State (2019), <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>, 108.
 67. The Global Slavery Index (2018) estimates a global prevalence of 55 slaves per 10,000 people. South America prevalence is approximately 21 persons. Walk Free, *Global Slavery Index 2018* (Walk Free, 2018), <https://www.globalslaveryindex.org/resources/downloads/>.
 68. The Dirty List is published every year and contains the name of persons and enterprises that enslave victims, but it includes only victims of forced labour, not sexual exploitation. It does not publish the quantity of investigations, prosecutions and convictions.
 69. UNODC, *Global Report on Trafficking in Persons 2020: Country Profile South America* (United Nations Office on Drugs and Crime, 2021), https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_CP_South_America.pdf.
 70. Data on overall cases and cases concerning sexual exploitation in this source are drawn from distinct sources, with no detail on scope and coverage provided. It is therefore unclear whether these measures are comparable.

71. Children (all females) represented 41% of cases of trafficking for the purpose of sexual exploitation in 2014, 50% in 2015, and 56% in 2016.
72. Law No 12.015/2009.
73. CBO 2002, number 5198-05. Brazil classifies formal labour by occupations, therefore the characterisation of the occupation of sex professional means that this activity is legally recognised, and therefore the professional has the same social benefits as any other properly formalised worker.
74. Thaddeus Gregory Blanchette and Ana Paula da Silva, 'Prostitution in Contemporary Rio de Janeiro', in *Policing Pleasure: Sex Work, Policy, and the State in Global Perspective*, ed. Susan Dewey and Patty Kelly (New York University Press, 2011), 136.
75. *Ibid.*, 143.
76. See note 69 above.
77. Eliane Pasini, 'Sexo para quase todos: a prostituição feminina na Vila Mimosa', *Cadernos Pagu* 25 (2005): 185–216.
78. See Blanchette and da Silva, see note 74 above, 136.
79. *Ibid.*
80. 2019.
81. Deputados, *Map of Violence Against Women*.
82. The State of São Paulo has a rule in which it maintains a database organised to disclose the rates of violence against women, in order to instrumentalize the formulation of public security policies in the State of São Paulo Law No. 14,545 of September 14, 2011.
83. Retrieved from: <https://www.ssp.sp.gov.br/Estatistica/ViolenciaMulher.aspx>.
84. 2018.
85. DDH 2019a.
86. See note 27 above.
87. See for instance Mariyana Radeva Berke, 'Labour Exploitation and Trafficking for Labour Exploitation – Trends and Challenges for Policy-Making', *Academy of European Law* (2015); Letizia Palumbo, 'Protection of Trafficked People in Italy: Policies, Limits and Challenges', *Journal of Money Laundering Control* 18, no. 1 (2015); Samantha Lyneham and Jacqueline Joudo Larsen, 'Exploitation of Indonesian Trafficked Men, Women and Children and Implications for Support', *Trends & Issues In Crime And Criminal Justice* 450 (2013); Schwarz and Geng, see note 10 above.
88. See for instance ICF Macro, *Respondent-Driven Sampling Study of Commercial Sexual Exploitation of Children (CSEC) in Kampala, Uganda* (Global Fund to End Modern Slavery, 2021), https://www.gfems.org/wp-content/uploads/2021/08/RDS-Kampala-Study_Final.pdf.
89. In 2017, a report of human trafficking from the Brazilian Ministry of Justice stated the scarcity of information about the age of the victims. It pointed that 39% of the victims were under 19, and the majority of them were man. <https://www.justica.gov.br/sua-protecao/trafico-de-pessoas/publicacoes/relatorio-de-dados.pdf>.
90. Data presented is not disaggregated by both age and gender.
91. Ministry of Justice, 'National Report on Trafficking in Persons: Data 2014 to 2016 Brasília', *Ministry of Justice*, December 2017, <https://www.justica.gov.br/sua-protecao/trafico-de-pessoas/publicacoes/relatorio-de-dados.pdf>.
92. S.E. Merry, *The Seductions of Quantification* (University of Chicago Press, 2021).
93. See notes 10, 41 above.
94. UNICEF, *UNICEF Data Warehouse* (UNICEF), https://data.unicef.org/resources/data-explorer/unicef_f?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=BRA.PT_F_20-24_MRD_U15+PT_M_20-24_MRD_U18+PT_F_20-24_MRD_U18+PT_M_15-19_MRD+PT_F_15-19_MRD.&startPeriod=2005&endPeriod=2021.
95. Exemptions to the Civil Code that permitted marriage of children under 16 in special circumstances (in case of pregnancy or to avoid a criminal charge of statutory rape – Article 1520) were repealed in 2019 through Law No. 13.811 (Lei No. 13.811, de 12 de Março de 2019) and marriage of minors under 16 prohibited in all circumstances.

96. Articles 1550, 1555, 1556 and 1558. The Civil Code also imposes time limits on the bringing of an annulment action, being 180 days in cases of child marriage, and four years in cases of coercion – article 1560.
97. Schwarz and Geng, see note 10 above.

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