



Childhood in slavery

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SUMMARY

The work of children and adolescents as a source of income for needy families is the focus of discussion in the present study, aiming to draw the limits between the dignity of the work carried out by them and the situation of total exploitation of these minors, especially those under 14 years of age. The need for these children to contribute to household expenses, distorting the principle that parents should raise and educate their children, providing them with the necessary conditions for healthy development and keeping them away from risky situations justifies this study, since the Exploitation of child labor is generally linked to poverty. The general objective of this study is to draw a parallel between child labor and slave labor, analyzing the socioeconomic conditions of families who end up taking their children to the job market when they are still young, even if informal and prohibited by our legal system; which leads them to explore the work of these children. And the specific objectives include: identifying other forms of child slavery. As a methodology, a bibliographical research was used in books, magazines, articles and websites specializing in the subject, and also in current legislation.

Key words:Child labor. Exploration. Slavery.

ABSTRACT

The work of children and adolescents as a source of income for needy families is the focus of discussion in the present study, aiming to draw the limits between the dignity of work developed by it and the situation of total exploitation of these minors, especially those under 14 years of age. The need for these children to contribute to household expenses distorting the principle that parents should raise and educate their children, providing them with the necessary conditions for healthy development and moving them away from risky situations justifies this study, since the exploitation of child labor is usually tied to poverty. The general objective of this study is to draw a parallel between child labor and slave labor to analyze the socioeconomic conditions of families that end up leading their children to the labor market, although informal and prohibited by our legal system, which leads them to explore the work of these children. And the specific goals in identifying other forms of child slavery. As methodology, we used bibliographical research in books, magazines, articles, and sites specialized in the subject, and in the current legislation.

Keywords:Child labor. Exploitation. Slavery.

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1. INTRODUCTION

The exploitation of child labor in the context of slavery is a recurring theme throughout history, however, it was considered as a common practice, so that the problems were later perceived



caused by work for the development of these children and adolescents and, as a result, legislation was drawn up to protect them.

Child labor is responsible for violating the principle of human dignity, often causing children and adolescents to abandon their studies, not having leisure time, in short, failing to experience their childhood, a fundamental phase for their development. citizen training.

Therefore, the general objective of this study is to draw a parallel between child labor and slave labor. The specific objectives are: to analyze situations in which parents take their children to the job market when they are still young; what leads them to explore the work of these children; identify other forms of child slavery.

As a methodology, a bibliographical research was used in books, magazines, articles, documents and websites specialized in the subject studied, and also in current legislation.

1.1 METHODOLOGICAL ASPECTS

A bibliographical research was carried out to develop this study, which will be carried out in books, articles and websites related to the subject, as well as in magazines.

According to Gil (2007), bibliographic research involves the analysis of different positions regarding a problem. Thus, a bibliographical research was carried out, considering that based on existing research and documents it will be possible to evolve with more quality and efficiency in the study proposed here.

As for the objectives, it is a descriptive and explanatory research, in which, according to Gil (2007), the first describes the characteristics of certain populations or phenomena and the second identifies the factors that determine or contribute to the occurrence of phenomena.

2 THEORETICAL FRAMEWORK

2.1 CHILD LABOR IN A HISTORICAL CONTEXT

The exploitation of child labor has always existed. In the past, children worked in domestic services and crafts, in the middle ages, in the feudal system, children worked in exchange for military protection (MINHARRO, 2003).

At the time of the Industrial Revolution, child labor was called half-strength, as wages were much lower than adults and, in addition, children required fewer working conditions.

Children worked in factories without adequate food and were most often physically punished when they did not produce enough. At this time there was no type of state protection for children and adolescents.

Only in 1802 in England did the first laws to protect child labor begin to emerge, in which Minister Robert Peel prohibited child labor exceeding ten hours a day. But only **two** With the advent of the Elementary Education Act, which required children and adolescents to study for at least half a day, the exploitation of child labor reduced.

In France, in 1841 hiring children under 8 years of age was prohibited, and for those between 8 and 12 years of age, the working period was limited to eight hours a day. Between the 12th and 16th the working day was 12 hours (FALEIROS, 1995).

In 1891, Germany banned child labor after 8:30 pm and before 5:30 am. Us

United States black slavery lasted until the end of the civil war. In 1916, a law was passed in the country that allowed a minimum age of 14 for child labor, but this law was considered unconstitutional.

In 1924, an Amendment only allowed people over 18 years of age to work. In Brazil, the exploitation of child labor took place as early as 1530, at the beginning of the country's discovery, including mistreatment, food deprivation, sexual abuse, among others.

In Brazil, taking into account that the fact that the majority of the Brazilian black population was in terrible living conditions in the 20th century originates with the end of the slave trade in 1850, with the end of slavery in 1888 and with the attempt to replacing slave labor with immigrant labor, which did not reach the entire Brazilian territory.

We also cannot ignore the importance of laws against slavery in improving the lives of the black population. What we can reflect is that the State did not create policies to assist slaves, which would insert them into the job market. The laws only legally freed them, but black people remained slaves, exploited beings, under the eyes of the bourgeois class (FALEIROS, 1995).

The attempt to replace black people with immigrants began in the 19th century, mainly with capitalist expansion. Thus, the problem arose of how to face the lack of labor for coffee plantations.

Most large landowners did not want to hire slaves; the solution found was to launch false proposals and promises of jobs abroad for the immigrants who began to arrive, taking up vacancies on farms and in small industries, taking the place of starving slaves, forced to beg and isolate themselves in slums or peripheral regions. .

Beginning during the monarchical period in Brazil, practices of assistance to abandoned children initially used the Roda de Expostos, which served to collect these abandoned individuals in a rotating wooden device in which the children were placed.

This mechanism, which was a type of rotating wooden device that served to leave children anonymously, was used by the most different social classes, from the poorest, who did not have conditions to take care of their children, as well as slave owners, who used the Wheels to place the children of their captives, separating them from their mothers so that they could be used as wet nurses.

There were also cases of children born from illicit relationships, which parents saw as a way out of solve their problems (RIZZINI; RIZZINI, 2004). According to Faleiros (1995), the Roda de Expostos "was one of the social initiatives to guide the poor population towards transforming them into working class and remove it from the dangerous layer of prostitution and vagrancy" (p. 235).

With the promulgation of the Free Womb Law in 1871, it became the milestone in which public authorities began to become aware of the problems experienced by poor children and adolescents, in this case, children of slaves.

The law decreed that all those born to enslaved women, from the date it came into force, were conditioned to free status. However, the children benefiting from the law had nowhere to go, so they continued to act as servants, just like their parents.

Another common situation was living on the street or dealing with abandonment by their families in the so-called Rodas dos Expostos das Santas Casas. With the law of abolition of slaves, which occurs nine years later, the number of abandoned minors and/or who started living on the streets for the same reason increases even further.
reason: lack of housing and income.

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The first truly effective attitudes in association with childhood and poverty in the country emerged with the creation of decree nº 1,331A of 1854, which determined the collection of children who roamed the streets. With the beginning of the first Republic, the first steps of public assistance are evidenced as a form of official charity (RIZZINI; ARGO, 1995).

The rural exodus appeared in a special way in Brazil, the alarming proportion of migrants filled the urban centers so that in some places cases of emergency were declared. The available jobs were the activity that, according to Silva (2010), denotes underemployment, that is, domestic services and civil construction. Still according to the author, these workers were subjected to terrible working conditions, in a way that resembled slavery conditions for the maintenance and support of their families, however, they were gradually replaced by machines due to the lack of specialization for the work.

Men, women and children who fled from the interior gathered on the outskirts of the city and, in order to survive with dignity, sold their labor for manufacturing activities and in the first industries.

This fact deals with the phenomenon that was later classified by Karl Marx as “primitive accumulation” of capital, a situation in which not even the slavery of men and children was frowned upon, both in European countries and in their colonies (LOPES, 2008).

2.2 SLAVE CHILD AND YOUTH LABOR

Child and youth slave labor is a crime provided for in art. 149, §2º, I, of the Penal Code. The creation of Law 10,803/2003 changed this article, which understands as exploitation of child labor the submission of forced labor, the subjection of degrading working conditions, prohibition of movement of the worker due to some type of debt contracted with the employer (CAPEZ, 2006).

It is stated in art. 149 the following wording:

Art. 149. Reducing someone to a condition similar to that of a slave, whether by subjecting them to forced labor or exhausting working hours, or by subjecting them to degrading working conditions, or by restricting, by any means, their movement due to debt contracted with the employer or agent:

Penalty – imprisonment, from two to eight years, and fine, in addition to the penalty corresponding to violence. § 1. Anyone who:

I – Restricts the use of any means of transport by the worker, in order to retain him at the workplace;

II – Maintains overt surveillance at the workplace or seizes documents or personal objects from the worker, with the aim of retaining them at the workplace.

§ 2. The penalty is increased by half if the crime is committed: I – Against children or adolescents

II – Due to prejudice based on race, color, ethnicity, religion or origin.

In general, child slave labor begins within the family, with parents taking their children to the workplace, which is most often in rural areas. Accommodations for these types of work are in precarious conditions without offering the minimum comfort and hygiene conditions for employees (SILVA, 2010).

Several cases of farms with slave child labor have been reported over the years. In 2010, 162 slave workers were discovered, including children and teenagers, at Fazenda Buriti in Pirenópolis - Goiás.

It was reported that most of the work regime that these people underwent was similar to what slaves lived in slave quarters at the time in the colonial period.

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They worked barefoot from 6:30 in the morning until 8 pm and often this work continued until the early hours of the morning. Payment was made through goods sold at a high price in the grocery store on the farm maintained by Odilon Garcia's father-in-law (SILVA, 2010).

The owners of this farm were ordered to pay compensation for moral and collective damages, which requires registration in the Work and Social Security Card and payment of severance pay, in addition to moral damages in the amount of R\$5,000 for each rescued worker.

Furthermore, payment for collective damages in the amount of R\$80 thousand reais was determined in favor of the Workers Support Fund – FAT. After this conviction, the owners of the aforementioned farm were prohibited from hiring people under any type of regime, whether direct or indirect (RBA, 2012).

In 2011, the use of slave labor was discovered in clothing production for the international brand Zara, owned by Inditex. In one of the Ministry of Labor's operations that was inspecting subcontracted weaving mills from one of the network's suppliers, 15 people who worked there, coming from Bolivia and Peru, including a young man of just 14 years old, were released from where they were working in similar situations. that of slavery in two workshops in São Paulo.

In addition to this situation, what was found and monitored by Repórter Brasil was illegal hiring, child labor, 16-hour days of deprivation of liberty, where the victims could not leave the place under any circumstances (HASHIZUME, 2011).

2.3 RIGHTS AND DUTIES: STATUS OF CHILDREN AND ADOLESCENTS

Law No. 8,069, of July 13, 1990 provides in its Articles 1 and 2 on the full protection of children and adolescents. For the purposes of this law, a child is considered to be a person up to twelve years of age, and adolescents are those between twelve and eighteen years of age (BRASIL, 2010 p. 11).

The Child and Adolescent Statute (ECA) was created with the aim of protecting children under 18 years of age, guaranteeing them physical, mental, moral and social development in accordance with the constitutional principles of freedom and dignity, so that they can live in society as adults (ISHIDA, 2001, p. 41).

From the Child and Adolescent Statute (ECA), children and adolescents to be recognized as subjects of rights and duties, considered as developing people to whom the State owes absolute priority.

In this sense, it is everyone's duty to ensure that rights relating to life, health, nutrition, education, sport, leisure, professionalization, culture, dignity, respect, the Liberty and family and community life, without distinction of race, color or social class (ELIAS, 2008, p. 2).

According to Cury (2005, p. 298), protective measures have as purpose of safeguarding the natural family. It also aims to safeguard the foster family with regard to custody, guardianship or adoption.

The Guardianship Council's mission is to monitor and ensure that the Rights and Duties of Children and Adolescents are ensured.

Article 7 of Law 8,069/90 says that children and adolescents have the right to the protection of life and health, through the implementation of public social policies that allow birth and healthy and harmonious development, in conditions worthy of existence. The rights consist of: to life and health; freedom, respect and dignity; family and community coexistence; education, culture, sport and leisure and professionalization and labor protection (ISHIDA, 2001, p. 42).

Regarding duties, children and adolescents must: Comply with rules and regulations; obey orders from parents, family members and teachers; participate in family and community life; study and attend school; respect all people regardless of race, color, sex, religion or social class; practice good customs; know the values of school, family, and society; preserve public spaces and environments and seek guardianship advice whenever you have doubts about rights and duties to be fulfilled.

Still according to articles 58 and 59 of the Child and Adolescent Statute, the Municipalities with support from the States and the Union, stimulated and will facilitate the allocation of resources and spaces for cultural, sports and leisure programs aimed at children and youth.

Article 226 of the 1988 Federal Constitution conceptualizes the family as an essential institution for social formation. It is worth mentioning that young people who are part of a dysfunctional family, live in a hostile, violent environment and the father generally uses drugs, the greater probability, although it is not a rule, is that they will also have a disorderly life (ISHIDA, 2001, p. 43).

2.4 FROM SLAVERY TO HUMAN TRAFFICKING

Records of international human trafficking present extraordinary numbers: 5,800 people were trafficked in South America between 2012 and 2014, more than half of which were for sexual exploitation and around a third for forced labor. There are 2 million victims per year worldwide.

This could be an account from 20 or 30 years ago or even be part of a synopsis of a series reporting on the times of slavery; Being considered modern slavery, Human Trafficking grows every day and the number of cases, while in 2003 less than 20 thousand cases were registered, the number rose to more than 25 thousand in 2016 (CASAROTTO, 2016).

It is one of the most profitable types of organized crime in the world, generating 32 billion dollars worldwide according to data from the UNDC (United Nations Office on Drugs and Crime), second only to drug and weapons trafficking.

The aforementioned problematization raises several questions, but two main ones concern the origin of this evil and how individuals can still be traded and enslaved today.

With exorbitant rates growing over time, it can be said that human trafficking comes as an evolution of what was said to be slavery; Many consider the problem to be the beginning of Greece and Rome, when war soldiers were trapped in opposing territory and treated like slaves, exposed to various humiliations in addition to forced labor.

After a few years, more or less in the 14th century and lasting for a few more decades, it was then that human trafficking began to take on a characteristic that it still has to this day, being mercantilist, treating human beings as commodities to be sold around the world, as in slave ships that lasted for more than 300 years transporting people around the world, serving as labor, which until then was the main focus, always aiming for the traffickers' profit (CAVALCANTE, 2014).

A crucial difference with human trafficking that occurs today and human trafficking on slave ships, which in this case, in the latter case, this practice was not illegal at the time.

Slavery was part of the productive system of the time, black people at birth were predestined to this fact and many white masters bought and sold slaves as a form of investment at the time.

A case that makes it very clear what was a fact at the time was that of the slave Honorata being notorious nationwide and becoming emblematic for the way she ended up "solving it", even with proof that she was raped at the age of 12 by her master, there was no no form of punishment for him.

The Olinda judge decided to sentence the defendant, based on what was reported by the Public Prosecutor's Office, but when appealing the order, Judge Freitas Henriques annulled the case, claiming that it was forbidden for the slave to give her testimony without being represented by her master and that There could not be a crime of rape in this case because the criminal type required two free people, clearly a decision based on and interpreting the legislation in force at the time of slavery.

As already mentioned, the focus was on the labor of those who were trafficked, but as the years went by, towards the end of the 19th century, the recruiters began to see other possibilities of earning from exploitation.

from others, it was then that the “exchange of white slaves” began, becoming considered the first time that the topic of trafficking was dealt with.

At that time, many women were trafficked from different parts of the world by international trafficking networks for the purpose of prostitution, women who came without knowing for sure what life would await them, many even knew about prostitution, but not about the mistreatment that they would suffer and the detained life they would lead.

Brazil was the last Western country to promote the abolition of compulsory work, in 1888, not without having resisted for decades. For 300 years, slave ships transported millions of people, including women, men and children, to agricultural work (CAVALCANTI, 2014).

Work was the basis of exploitation, which also applied to domestic servitude, sexual exploitation, and physical violence. *“Slavery reverberated the logic of the slave's uncircumscribed body, at the beginning of a century, another continuous flow of people began, now coming from Europe”* (DAMÁSIO DE JESUS, 2003, p. 71).

Thousands of people, entire families, moved from Europe to the countries of the New World, fleeing hunger and persecution, in search of realizing their dreams.

Brazil has not ratified the 1968 Convention regarding the imprescriptibility of crimes against humanity and war crimes. The reason for this episode was that ratification would end the retroactive effect of the Convention's provisions.

This standard was created by the UN Human Rights Commission (United Nations) with the ambition of reaching the crimes that occurred during World War II.

Among the violations of human rights are those of a sexual nature, as clarified in the Rome Statute art. 7th, §1st paragraph g: Sexual assault sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of violence in the sexual field of comparable severity.

The imprescriptibility of crimes against humanity is added to the internal legal system by the treaties ratified by Brazil, such as the Rome Statute or other treaties that impose on States the position of prosecuting or extraditing the perpetrators of this type of crime, as is the case with the Convention of the UN against torture.

CONCLUSION

The pace of reduction in child labor is, without a doubt, slow, given that the large number of minors working is noticeable, including in dangerous activities prohibited by law. However, several actions have been carried out aiming at the desired end, namely the eradication of child labor.

As a form of child labor, domestic work can be cited, which, disguised as an agreement with parents, often depends on complaints from neighbors, given the difficulty for authorities to gain access to the interior of homes.

In this regard, it is worth mentioning the countless cases of mistreatment to which girls who carry out this service are subjected, often working in exchange for housing and food and excluded from school, even characterizing private imprisonment.

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Children are seen in large numbers in landfills, collecting something that can be converted into money, work that, in addition to being degrading, is unhealthy. At traffic lights in big cities, it is common for children to sell trinkets. In agriculture, generally family farming, the work is strenuous and generally unpaid.

The artistic work also deserves to be highlighted, since, although it may seem like a joke to children, exploitation is evident, as they are subjected to an extensive journey, leaving no time for leisure activities or even quality study. The early inclusion of children in productive work ultimately reflects the process of social exclusion.

Analyzing child labor in Brazil, at the end of this study it can be seen that the peculiar development condition of children and adolescents was recognized not only in the ECA, but also in the CF/88, since the latter, by adhering to the doctrine of integral protection, giving absolute priority to ensuring the rights of these subjects, it did so based on the principle of human dignity and the principle of equality, understanding that these beings, due to the special phase of development in which they find themselves, deserve different legal treatment.

Furthermore, exploitation was found in mining regions and closed brothels, where prostitution is related to local extractive practices in which children and adolescents are used as slaves, kept in private prison, sometimes sold by their own parents, prostituted in local commerce and in border regions, they are also used by drug trafficking.

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