



doi 10.5020/2317-2150.2025.15551

## Brazil on Trial: What Has Changed Following Brazil's International Accountability Before the Inter-American Court of Human Rights in Cases of Slave-Like Labor?

*Brasil no Banco dos Réus: O que Mudou com as Responsabilizações Internacionais do Brasil na Corte Interamericana de Direitos Humanos nos Casos de Trabalho Análogo à Escravidão?*

*Brasil en el Banquillo: ¿Qué ha Cambiado con las Responsabilidades Internacionales de Brasil ante la Corte Interamericana de Derechos Humanos en Casos de Trabajo Análogo a la Esclavitud?*

Micheli Piucco \* , Universidade de Passo Fundo, Passo Fundo, Rio Grande do Sul, Brasil

Suzéte da Silva Reis \*\* , Universidade de Santa Cruz do Sul, Santa Cruz do Sul, Rio Grande do Sul, Brasil

### Editorial

#### Histórico do Artigo

Recebido: 25/10/2024

Aceito: 22/04/2025

Eixo Temático 1: Direito, Democracia e Justiça Social

#### Editores-chefes

Katherine de Macêdo Maciel Mihaliuc   
Universidade de Fortaleza, Fortaleza, Ceará, Brasil

katherine@unifor.br

Sidney Soares Filho

Universidade de Fortaleza, Fortaleza, Ceará, Brasil

sidney@unifor.br

#### Editor Responsável

Sidney Soares Filho   
Universidade de Fortaleza, Fortaleza, Ceará, Brasil

sidney@unifor.br

#### Autores

Micheli Piucco  
michelipiucco@upf.br  
Contribuição: Conceptualization,  
Methodology, Investigation,  
Writing - Original Draft.

Suzéte da Silva Reis  
sreis@unisc.br  
Contribuição: Writing - Review &  
Editing e Supervision.

#### Como citar:

PIUCCO, Micheli; REIS, Suzéte da Silva. Brasil no Banco dos Réus: o que mudou com as responsabilizações internacionais do Brasil na Corte Interamericana de Direitos Humanos nos casos de trabalho análogo à escravidão? *Pensar - Revista de Ciências Jurídicas*, Fortaleza, v. 30, e15551, 2025. DOI: <https://doi.org/10.5020/2317-2150.2025.15551>

#### Declaração de disponibilidade de dados

Pensar - Journal of Legal Sciences adopts Open Science practices and makes available, alongside this publication, the Data Availability Statement (Pensar Data Form) completed and signed by the authors, which contains information on the nature of the article and the possible existence of supplementary data. The document can be accessed as a supplementary file on this website.

### Abstract

As a member of the Organization of American States, Brazil is subject to the jurisdiction of the Inter-American Court of Human Rights (IACtHR) and is part of the Inter-American System for the Protection and Promotion of Human Rights. Having been held internationally accountable multiple times for violations of rights enshrined in the American Convention on Human Rights, it is essential to assess the effectiveness of Brazil's compliance with the Court's rulings — particularly in the 2 cases involving slave-like labor: Fazenda Brasil Verde and Fábrica de Fogos de Santo Antônio de Jesus. This research addresses the following question: "Has Brazil, when placed on trial before the IACtHR in cases of slave-like labor, complied with its international obligations and changed its domestic practices accordingly?" The main objective of this study is to analyze Brazil's performance in complying with judgments handed down by the IACtHR and to assess whether these decisions have led to concrete changes in the country's internal guarantees of the rights recognized both nationally and internationally. The findings suggest that Brazil still has significant progress to make in ensuring the effectiveness of such rulings. The research is based on the deductive method and employs a legal-bibliographic approach focused on international decisions.

**Keywords:** Brazil; Inter-American Court of Human Rights; compliance with judgments; slave-like labor.

### Resumo

*O Brasil, enquanto Estado Americano, faz parte do Sistema Interamericano de Proteção e Promoção dos Direitos Humanos e submete-se à jurisdição da Corte Interamericana de Direitos Humanos. Responsabilizado diversas vezes pela violação de direitos consagrados na Convenção Americana sobre Direitos Humanos, insta-se verificar a efetividade no cumprimento das determinações emanadas pelo tribunal em comento, que envolveram a condenação do Brasil pela violação de direitos nos dois casos envolvendo o trabalho análogo à escravidão, Caso Fazenda Brasil Verde e Caso Fábrica de Fogos de Santo Antônio de Jesus. O problema da presente pesquisa defere-se em: O Brasil ao ocupar o banco dos réus na Corte IDH nos casos de trabalho análogo à escravidão tem cumprido com sua responsabilização internacional e modificado sua atuação interna? Nesse sentido, o presente trabalho tem como objetivo central analisar a atuação do Brasil no cumprimento de sentenças proferidas pela Corte IDH e, conseqüentemente, de sua mudanças em termos de garantia dos direitos consagrados a nível interno e internacional. Como consequência, verifica-se que em termos de efetividade das decisões, o Estado brasileiro ainda possui muito a avançar. O presente trabalho utiliza o método dedutivo de procedimento e análise e a técnica de pesquisa legal-bibliográfica com enfoque em decisões internacionais.*

**Palavras-chave:** Brasil; Corte Interamericana de Direitos Humanos; cumprimento de sentença; trabalho análogo à escravidão.

\* Postdoctoral Researcher in Law at the University of Santa Cruz do Sul (UNISC). Holds a PhD in Law from UNISC, with a sandwich doctoral period at the University of Burgos – Spain (PDSE/CAPES). Master's and Bachelor's degrees in Law from the Universidade de Passo Fundo (UPF). Specialist in International Relations with an emphasis in International Law from Damásio Educacional. Law Professor at the UPF (RS). Coordinator of the Human Rights Education for Youth Extension Project. Former member of the Migrant and Refugee Desk Extension Project – Sérgio Vieira de Mello Chair/United Nations High Commissioner for Refugees (UNHCR). Collaborating professor in the Research Group "The Effectiveness of Human Rights at the International Level" and member of the Research Group "Citizenship in Brazil after the 1988 Constitution." Attorney at MVP Legal Advisory. Member of the Human Rights Committee of the OAB/Passo Fundo. Former Legal Advisor to the City Council of Muliterno (RS) and Social Project Manager at the Legislative School. Professional Visitor at the Inter-American Court of Human Rights – Costa Rica (2018). Contributor to the *Notitia Criminis* journal (Mexico). Her areas of expertise include Conventionality Control, Law of Treaties, Economic, Social, Cultural and Environmental Rights (ESCER), Human Rights, International Migration, Public Policy, and Regional Systems for the Protection and Promotion of Human Rights. E-mail: micheli.piucco@hotmail.com.

\*\* Ph.D. in Law from the Universidade de Santa Cruz do Sul (UNISC). Master's degree in Law with a concentration in Public Policies for Social Inclusion, funded by the Coordenação de Aperfeiçoamento de Pessoal de Nível Superior (CAPES), from UNISC. Professor in the Graduate Program in Law – Master's and Doctoral levels – at UNISC. Professor of Labor Law and Labor Procedure Law at UNISC. Coordinator of the Research Group "Labor Relations in Contemporary Times," linked to the Research Group on Contemporary Constitutionalism, within UNISC's Graduate Program in Law. Instructor in Lato Sensu specialization courses in Labor Law at various universities. Holds a degree in Pedagogy from the Integrated Colleges of Santa Cruz do Sul (1990).



## Resumen

*Brasil, como Estado Americano, forma parte del Sistema Interamericano de Protección y Promoción de los Derechos Humanos y se somete a la jurisdicción de la Corte Interamericana de Derechos Humanos. Al haber sido responsabilizado en varias ocasiones por la violación de derechos consagrados en la Convención Americana sobre Derechos Humanos, se impone verificar la efectividad en el cumplimiento de las determinaciones emanadas del tribunal en cuestión, en especial aquellas relacionadas con la condena de Brasil por violaciones de derechos en los dos casos de trabajo análogo a la esclavitud: Caso Hacienda Brasil Verde y Caso Fábrica de Fuegos de Santo Antônio de Jesus. El problema de la presente investigación se plantea de la siguiente manera: ¿Ha cumplido Brasil con sus obligaciones internacionales y modificado su actuación interna tras haber sido juzgado por la Corte IDH en casos de trabajo análogo a la esclavitud? En este sentido, el objetivo principal del presente trabajo es analizar la actuación de Brasil en el cumplimiento de las sentencias dictadas por la Corte IDH y, en consecuencia, los posibles cambios en términos de garantía de los derechos consagrados a nivel interno e internacional. Como consecuencia, se constata que, en términos de efectividad de las decisiones, el Estado brasileño aún tiene mucho por avanzar. Este trabajo adopta el método de análisis deductivo y la técnica de investigación jurídico-bibliográfica, con enfoque en decisiones internacionales.*

**Palabras clave:** Brasil; Corte Interamericana de Derechos Humanos; cumplimiento de sentencia; trabajo análogo a la esclavitud.

## 1 Introduction

The Inter-American System was established long before the creation of the Organization of American States (OAS) in 1948. Its foundations date back to the first regional meeting held in 1826, organized by Simón Bolívar, with the aim of bringing together the States of the region for the purposes of defense and cooperation.

The structure and terminology of the current Inter-American System as we know it today were consolidated in 1948 with the creation of the OAS. This organization is based on several pillars for the development of the American continent. However, the present study focuses specifically on one of its areas of action: the protection and promotion of human rights.

Within the Inter-American System for the Protection and Promotion of Human Rights, responsibility over human rights in the region is assigned to the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR). The IACHR has a more preventive and amicable role, while the IACtHR acts as a judicial body.

Since Brazil is part of the Inter-American System and subject to the jurisdiction of the IACtHR, this study aims to analyze whether Brazil, when brought before the Court in cases involving slave-like labor, has complied with its international obligations and changed its internal practices. The methodological approach used is deductive in nature, supported by legal-bibliographic research techniques.

The research problem stems from the importance of examining the international rulings issued by the IACtHR in the cases Fazenda Brasil Verde and Fábrica de Fogos de Santo Antônio de Jesus, both against Brazil. Specifically, the study investigates whether these rulings have been effective — i.e., whether Brazil has complied with the Court's determinations and consequently modified its domestic practices to strengthen and ensure the effectiveness of rights guaranteed both nationally and internationally.

To do so, the specific objectives of this study include: analyzing the organizational structure of the Inter-American System for the Protection and Promotion of Human Rights; examining the cases in which Brazil was found responsible for human rights violations in relation to slave-like labor conditions (Fazenda Brasil Verde and Fábrica de Fogos de Santo Antônio de Jesus); and, finally, assessing what actions the Brazilian State has taken — or is taking — to comply with the rulings of the IACtHR in these cases. This analysis will reveal the weaknesses in the domestic implementation of the Court's decisions, both in terms of enforcement and the internal adaptation of domestic law to the treaties ratified and the jurisprudence of the IACtHR.

The Court's rulings aim not only to provide reparations to the direct and indirect victims of human rights violations but also to compel States to adapt their internal legal systems and institutional practices — across the Executive, Legislative, and Judicial branches — to the standards set by the Court, in line with international law principles and the doctrine of conventionality control. These rulings have a dual purpose, and it is imperative that domestic change occur to ensure that similar violations do not recur and that proper reparations are made.

## 2 The Inter-American System for the Protection and Promotion of Human Rights

The protection and promotion of human rights is structured at both the universal and regional levels in pursuit of their effective implementation. At the international level, the United Nations plays a leading role. At the regional level, the European, Inter-American, and African systems operate to promote human rights, responding to the specific needs of each region.

This study focuses on the Inter-American System for the Protection and Promotion of Human Rights, whose institutional, regional, and political framework is structured around the OAS. In the area of human rights, the system's operation is entrusted to the IACHR and the IACtHR.

Throughout its history, the system has achieved significant progress through its proactive engagement in the region. As noted

The possibilities initially reserved solely for States or certain entities have gradually expanded to include a broader range of actors within the international framework. This has fostered a coalition between the jusphilosophical thought of modernity and the international commitments undertaken. As a result, distinct milestones have emerged across the European, African, and Latin American spheres, contributing to the real protection of human rights.

Accordingly, the role of the international framework in postmodern law is of great significance in advancing the defense of human rights. It has given rise to a unique system that combines judicial, political, and moral forces in pursuit of a common goal: the protection of human beings in all their essence and axiological worth (Gorczevski; Dias, 2012, p. 270, free translation).

Among the key instruments governing the Inter-American System are the Charter of the OAS, which establishes the structure and operation of the OAS; the American Declaration of the Rights and Duties of Man; and the American Convention on Human Rights (ACHR). The primary objective of the Inter-American System is to guarantee and enforce the human rights enshrined in its founding treaties through mechanisms of oversight, recommendations, and action directed toward the internal powers of Member States.

In this context, the principles of free consent and good faith, as well as the *pacta sunt servanda* rule — enshrined in the 1969 Vienna Convention on the Law of Treaties — require States to comply with the provisions they have ratified, in accordance with their internal autonomy and sovereignty (Brasil, 2009). Moreover, the ACHR itself addresses this obligation in Articles 1.1 (“Obligation to Respect Rights”) and 2 (“Domestic Legal Effects”), establishing the duty to harmonize domestic legal frameworks with ratified international treaties, thereby constituting a form of preventive conventionality control (Corte IDH, 1969).

The OAS was officially established in 1948 at a conference held in Bogotá, Colombia, where 23 States signed the instrument that structured the organization as it is known today: the Charter of the OAS. The second key instrument, the American Declaration of the Rights and Duties of Man, also adopted in 1948, enshrined rights and duties within the Inter-American System for the Member States. However, it was recognized as a non-binding recommendation and therefore lacks legal enforceability under the law of treaties in international law (Cantor; Anaya, 2008).

Regarding the direct protection and promotion of human rights in the region, particular emphasis must be placed on the role of the IACHR, established in 1959. The IACHR's mission is to promote respect for human rights in the region (Robles, 2022, p. 278), and it plays a foundational role within the Inter-American System, given its execution of highly relevant functions. It is especially noteworthy for its responsibility in receiving complaints of human rights violations submitted by individuals or groups of individuals. IACHR serves as the main support body for those who lack standing to bring cases directly before the IACtHR, which only accepts cases submitted by State Parties or the IACHR itself.

Among the instruments mentioned, one treaty stands out as fundamental within the Inter-American System: the ACHR, also known as the Pact of San José, Costa Rica. Signed on November 22, 1969, the ACHR restructured the IACHR and created the IACtHR during the Specialized Inter-American Conference on Human Rights, held in San José, Costa Rica — hence the name of the Convention (Corte IDH, 1969).

Thus, within the Inter-American System, States that become parties are automatically bound to the jurisdiction of the IACHR, whether by virtue of instruments predating the ACHR or through ratification or accession to the ACHR. However, for a State to be subject to the jurisdiction of the IACtHR, it must both ratify or accede to the ACHR and explicitly accept the Court's jurisdiction by means of a formal declaration.

By ratifying the ACHR, States undertake an international commitment to align their domestic legal systems with the standards of the Inter-American System and to apply its norms through their internal branches of government (Executive, Legislative, and Judiciary). If these obligations are not observed, States Parties to the Court may be held internationally accountable for human rights violations recognized under the Inter-American System (Article 62, ACHR) (Brasil, 1992). Therefore, there is no doubt that international treaties exist which establish supervisory bodies through which individuals, in the event of having their rights violated, may seek redress (Leão, 2022, p. 10).

Thus, particular attention must be given to the first 2 articles of the Convention, which establish the obligations to respect the rights recognized and ratified, as well as the duty to align domestic provisions accordingly:

**Article 1. Obligation to Respect Rights.**

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure their free and full exercise to all individuals subject to their jurisdiction, without any discrimination on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

2. For the purposes of this Convention, “person” means every human being.

**Article 2. Domestic Legal Effects.**

Where the exercise of the rights and freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights and freedoms (Brasil, 1992, online, free translation).

Regarding the ACHR, it is complemented by 2 Additional Protocols. The first is the Protocol to Abolish the Death Penalty, which does not grant the IACtHR jurisdiction over its provisions. The second is the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights — also known as the Protocol of San Salvador. This protocol allows for the justiciability of the rights enshrined in Articles 8 and 13 — namely, trade union rights and the right to education, respectively — in accordance with Article 19.6(1) of the Protocol, before the IACtHR. However, the Court may only adjudicate violations of rights under the Protocol of San Salvador if the respective State has ratified or acceded to it.

In recognition of the fundamental importance of the principles established in the 1969 Vienna Convention on the Law of Treaties, particularly those concerning *pacta sunt servanda*, good faith, and the free consent of States when ratifying international treaties — as well as Articles 1 and 2 previously discussed — in 2006, the IACtHR introduced the concept of “conventionality control” when adjudicating the case of *Almonacid Arellano v. Chile* (Corte IDH, 2006; Brasil, 2009).

The central aim of conventionality control as exercised by the IACtHR is to ensure the compatibility of domestic legislation with the international human rights treaties to which a State is party. This also encompasses the interpretive authority of the IACtHR over the ACHR, given that the Court is recognized as the final interpreter of the treaty. The goal is to establish a harmonized legal order in the region, both in terms of law and in the application and enforcement of human rights, thereby fostering a coherent system of norms.

In this context, it is essential to recall Peter Häberle’s theory of the Cooperative Constitutional State. Häberle proposes that the traditional premise of national sovereignty should give way to a more relativized approach, in which States are increasingly open to and integrated with the broader international community. He envisions a Constitutional State under International Law, characterized by greater harmony and shared responsibilities through growing cooperation (Häberle, 2007, p. 1-2).

Since the protection and promotion of human rights constitutes one of humanity’s foremost objectives, cooperation between States — and more broadly, between States and international organizations — must be actively pursued. Individuals must remain the central focus of action by both States and international bodies, in line with Häberle’s vision and the principles set forth in the United Nations 2030 Agenda for Sustainable Development.

Accordingly, regional systems for the protection and promotion of human rights are essential for advancing development across the region and play a crucial role in fostering cooperation between organizations and States. Mechanisms such as conventionality control, international accountability through the IACtHR, and monitoring by the IACHR operate within this framework to ensure that human rights are effectively realized throughout the region.

### **3 Brazilian Cases Tried Concerning Slave-Like Labor (Fábrica de Fogos and Fazenda Brasil Verde)**

Brazil has already stood in the dock of the IACtHR as a violator of human rights in 2 cases involving slave-like labor. The first, *Trabalhadores da Fazenda Brasil Verde*, was unprecedented for the entire Inter-American System. The second, the *Fábrica de Fogos de Santo Antônio de Jesus* case, also represents a paradigm on the subject, especially as it involved several spheres that either failed to act or contributed to the violation of human rights in Brazil.

The first case in which Brazil stood trial for slave labor was the *Trabalhadores da Fazenda Brasil Verde* case. It concerned the subjugation of 85 workers to slave-like labor conditions, who were rescued at the Fazenda Brasil

Verde, located in the state of Pará, in 2000. In March of that year, 2 young men managed to escape and report the situation, prompting the Brazilian Ministry of Labor to conduct an inspection at the site (Corte IDH, 2024c).

During the inspection, the workers expressed their desire to leave, and the report issued by the Ministry indicated that their situation amounted to slavery. Importantly, workers had been recruited from extremely poor regions of the country and traveled for days by bus, train, and truck to reach the site. Work permits were withheld, and blank documents were signed (Corte IDH, 2024c).

Workdays lasted 12 hours or more, with only a 30-minute lunch break and 1 day of rest per week. They slept in precarious conditions, without electricity, beds, or lockers. Food was insufficient, of poor quality, and deducted from their wages. Workers frequently fell ill and received no medical assistance. Tasks were carried out under orders, threats, and armed surveillance (Corte IDH, 2024c).

The case began before the IACHR in 1998, when it received a petition from the Pastoral Land Commission and the Center for Justice and International Law. The Admissibility and Merits Report was issued in 2011, containing a series of conclusions and recommendations to the Brazilian State. After being notified in 2012 and granted a 2-month period to report on compliance with the recommendations, during which 10 deadline extensions were granted, the IACHR submitted the case to the jurisdiction of the IACtHR in 2015, due to the lack of concrete progress by the Brazilian State in fulfilling the recommendations (Corte IDH, 2016, p. 5-6).

Upon review, the IACtHR unanimously found Brazil responsible for violating the right not to be subjected to slavery and human trafficking (Articles 6.1 as well as 1.1, 3, 5, 7, 11, and 22 of the ACHR) in relation to the 85 Fazenda Brasil Verde workers. In the case of 1 worker who was a minor at the time, a violation of Article 19 was also found. The Court also unanimously held that Brazil violated the right to judicial guarantees and the duty to act within a reasonable time (Article 8.1 in relation to Article 1.1 of the ACHR) with respect to 43 of the workers (Corte IDH, 2016, p. 122).

With the dissent of Judge Sierra Porto, the IACtHR further considered that Brazil had violated Article 6.1 in relation to Article 1.1 of the ACHR, emphasizing that the facts stemmed from a “[...] historical structural discrimination, based on the economic status of the 85 workers [...]”, as stated in the judgment. Following this dissent, and by 5 votes to 1, the IACtHR also found Brazil responsible for violating the right to judicial protection (Article 25 in relation to Articles 1.1 and 2 of the ACHR) to the detriment of the 43 workers found during the 1997 inspection and the 85 workers found during the 2000 inspection at Fazenda Brasil Verde (Corte IDH, 2016, p. 122).

Finally, the IACtHR unanimously held that Brazil was not responsible for violating the rights to legal personality, life, integrity, liberty, judicial guarantees, and judicial protection (Articles 3, 4, 5, 7, 8, and 25 in relation to Articles 1.1 and 19 of the ACHR) in relation to Luis Ferreira, Iron da Silva, and their families (Corte IDH, 2016, p. 123).

In turn, the *Fábrica de Fogos de Santo Antônio de Jesus and Family Members v. Brazil* case, decided on July 15, 2020, concerned the explosion of a fireworks factory in Santo Antônio de Jesus, Bahia, on December 11, 1998. The tragedy killed 64 people and injured 6 others, including 22 children (Corte IDH, 2020, p. 4).

The case was submitted to the IACtHR by the IACHR, following a petition filed by Justiça Global, Movimento 11 de Dezembro, the Human Rights Commission of the Brazilian Bar Association (Salvador subsection), the Human Rights Forum of Santo Antônio de Jesus, and individual petitioners Ailton José dos Santos, Yulo Oiticica Pereira, and Nelson Portela Pellegrino on behalf of the alleged victims, on December 3, 2001 (Corte IDH, 2020, p. 4).

During the IACHR public hearing, Brazil acknowledged its failure to enforce labor regulations, and the parties began a friendly settlement process in 2006. However, petitioners requested its suspension and asked IACHR to issue a Merits Report in 2010 and again in 2015. In 2018, the IACHR issued the Report, including various recommendations to the State. Brazil was given 2 years to comply but failed to report any implementation efforts. As a result, the IACHR submitted the case to the IACtHR later that same year (Corte IDH, 2020, p. 4-5).

In its ruling, the IACtHR unanimously rejected the preliminary objection concerning the admissibility of the case based on the publication of the Admissibility and Merits Report by the IACHR. It also unanimously rejected the preliminary objection regarding the failure to exhaust domestic remedies. By 5 votes to 2 — opposed by Judges Eduardo Vio Grossi and Humberto Sierra Porto — the IACtHR rejected the preliminary objection of *ratione materiae* incompetence regarding violations of labor rights (Corte IDH, 2020, p. 86-87).

The Court further unanimously found Brazil responsible for violations of the rights to life and to childhood (Articles 4.1 and 19 in conjunction with Article 1.1 of the ACHR), in relation to the 60 individuals who died in the explosion, including 20 children. It also unanimously found violations of the rights to personal integrity and to childhood (Articles 5.1 and 19 in conjunction with Article 1.1) in relation to the 6 survivors, including 3 children (Corte IDH, 2020, p. 87).

By 6 votes to 1 — Judge Eduardo Vio Grossi dissenting — the IACtHR found Brazil responsible for violations of the rights of the child, equal protection under the law, prohibition of discrimination, and labor rights (Articles 19, 24, and 26 in conjunction with Article 1.1), in relation to the 60 deceased victims and the 6 survivors. The Court also unanimously found violations of the rights to judicial guarantees and judicial protection (Articles 8 and 25 in conjunction with Article 1.1) concerning the 6 survivors as well as violations of the right to personal integrity (Article 5.1 in conjunction with Article 1.1) in relation to the victims' families and the survivors (Corte IDH, 2020, p. 87). The IACtHR concluded by ordering appropriate measures for the enforcement of the judgment.

It is important to emphasize the relevance of the rulings issued by the IACtHR. According to Leal and Hoffmann, “The transformation of Latin America’s political and social reality — through the strengthening of democracy, the rule of law, and human rights — receives significant support from the Inter-American Human Rights System.” Thus, when ruling on cases such as Fazenda Brasil Verde, in the view of the authors — and extended by the present authors to other cases — the IACtHR influences the entire system toward aligning domestic laws with international treaties and its interpretation of the ACHR (Leal; Hoffmann, 2020, p. 348-349, free translation). Moreover:

[...] without a doubt, international law institutions must be viewed as achievements of constitutional law, serving as effective judicial mechanisms for the protection of rights, punishment of perpetrators, provision of reparations, and establishment of measures aimed at preventing the recurrence of human rights violations, to ensure the rights recognized in the American Convention. From the perspective of preventing ongoing violations, the Court’s structural rulings constitute “macro-rulings” with effects that go beyond the parties involved in the main litigation. Their impact reaches society as a whole by giving effect and normative force to constitutional commands aimed at preventing state-sponsored violations and protecting human rights. This has been shaping the corpus iuris, while simultaneously contributing to the formation of the *Lus Constitutionale Commune* in the Latin American region (Leal; Hoffmann, 2020, p. 348-349, free translation).

Thus, the inestimable value of the IACtHR’s rulings in promoting the effectiveness of human rights across the region is undeniable. Brazil’s presence “in the dock” in 2 cases involving slave-like labor conditions highlights the State’s weakness in addressing such abuses. On the other hand, international accountability demands that the State take direct, effective action to remedy human rights violations within its territory. Therefore, even when found to be a violator of human rights, the State is given the opportunity to bring its conduct into alignment in order to ensure that rights are protected and guaranteed to all individuals.

#### **4 Compliance with Judgments in Brazilian Cases: Has Anything Changed?**

In the Fazenda Brasil Verde case, the IACtHR declared some of the measures ordered in the international ruling as fulfilled, while others remain under supervision. The first to be highlighted are the publication of the ruling and the payment of costs and expenses, both of which have been fully complied with (Corte IDH, 2024a, p. 1).

The payment of compensation for non-material damages was only partially fulfilled. The IACtHR positively assessed the efforts made by the State to locate and compensate the victims. As of the last update, 72 victims had been compensated, and progress had been made toward compensating the remaining individuals, demonstrating the State’s commitment to fulfilling this aspect of the ruling (Corte IDH, 2024a, p. 1).

In the same vein, the reopening of investigations and criminal proceedings related to the events of March 2000 — which aim to hold those responsible accountable, including through the reinstatement of a criminal case as determined by the ruling (2001.39.01.000270-.0) — was also partially fulfilled. The Court stated:

Considering that the criminal proceedings progressed to the issuance of a judgment, in which the owner and the manager of Fazenda Brasil Verde were convicted, but that decision is not final because appeals filed against it have not yet been resolved, the Court considers that the State has partially fulfilled its obligation to investigate, prosecute, and, if applicable, punish those responsible, as ordered in the ninth operative paragraph of the Judgment. In order to assess full compliance with this measure, the Court considers it necessary for Brazil to provide up-to-date information regarding the resolution of the appeals filed against the conviction (Corte IDH, 2024a, p. 1, free translation).

Regarding Brazil’s compliance with reparations, the most recent submissions on the case are dated July 13, 2023, when the victims, following the State, submitted their comments on the judgment’s implementation (Corte IDH, 2024b).

In contrast, the second case involving Brazil before the Inter-American System of Human Rights and the IACtHR on the issue of slave-like labor concerns the *Fábrica de Fogos de Santo Antônio de Jesus* and its victims' families. In this case, nearly all reparation measures ordered by the Court remain pending. Notably, considering the more recent date of the judgment, there are even more instances of non-compliance compared to the *Fazenda Brasil Verde* case.

In the case of the *Fábrica de Fogos de Santo Antônio de Jesus*, the following reparation measures remain pending: the continuation of the criminal proceedings to hold those responsible for the explosion accountable, which must be conducted within the domestic legal system. Similarly, civil proceedings for compensation for material and non-material damages, as well as labor claims, are still pending. These cases must be processed within a reasonable time, and their judgments must be enforced (Corte IDH, 2024d, p. 1).

The provision of immediate, free medical, psychological, and psychiatric treatment, as requested by the victims, also remains unfulfilled. Additional measures that have not yet been satisfied include the publication of the Court's judgment; the production and dissemination of information about the case through radio and television; the organization of a public act acknowledging the State's international responsibility; the systematic, periodic inspection of fireworks production facilities in the country; and updates on the progress of Senate Bill PLS 7433/2017 (Corte IDH, 2024d, p. 1).

Moreover, other pending measures include the design and implementation of a socioeconomic development program — developed in consultation with the victims and their families — aimed at promoting the reintegration of fireworks workers into other labor markets and offering alternative economic opportunities; a report on the effectiveness of the Brazilian National Guidelines on Business and Human Rights; the payment of compensation for material and non-material damages as ordered by the Court; and, finally, the payment of costs and expenses as determined in the ruling (Corte IDH, 2024d, p. 1).

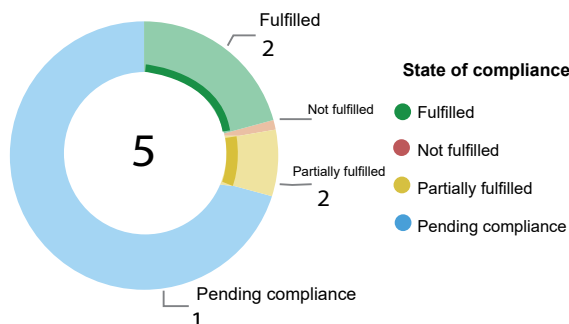
In this case as well, the most recent updates are dated July 14, 2023, when the victims' legal representatives submitted their observations, while the State had previously submitted its response on June 2, 2023 (Corte IDH, 2024e).

In Brazil, as a means of monitoring and overseeing compliance with decisions such as these, the National Council of Justice (CNJ) enacted Resolution No. 364 of January 12, 2021, which established the Unit for Monitoring and Oversight (UMF) of decisions of the Inter-American Human Rights System within the CNJ. According to the resolution, "The main objective of the UMF/CNJ is to take the necessary measures to monitor and oversee the actions adopted by public authorities to comply with the judgments, provisional measures, and advisory opinions [...] issued by the IACtHR in relation to Brazil (CNJ, 2024a, free translation).

In this regard, the CNJ's UMF of decisions of the IACtHR, in its most recent update on Brazil's international responsibilities under the Inter-American System, noted that out of 147 reparation measures ordered against the State, 112 remain pending, 11 are partially fulfilled, 1 has not been fulfilled, and only 23 have been fully implemented. Thus, in terms of implementation, most of the measures ordered by the IACtHR remain outstanding (CNJ, 2025).

Within the current system, the case *Trabalhadores da Fazenda Brasil Verde v. Brazil* is recorded as follows with respect to the reparation measures required for full compliance with the IACtHR's ruling, as tracked by the CNJ:

**Image 1 – Reparation measures by state of compliance**

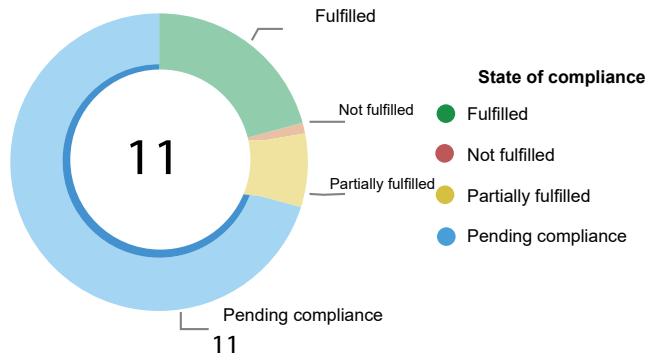


Regarding the court's decision, according to Brazil's monitoring system, the obligation to reopen the procedural investigations of the case is marked as partially fulfilled. Listed as pending compliance are the adoption of measures to prevent the statute of limitations from applying to the international crime of slavery and analogous practices, and

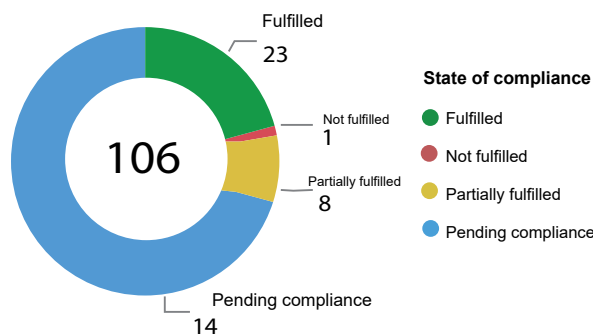
the payment of the amounts established in the ruling for non-pecuniary damages and reimbursement of costs and expenses. Marked as fulfilled are the publication of the judgment and the reimbursement of costs and expenses, as established in the ruling (CNJ, 2024b).

As for the case *Employees of the Fábrica de Fogos de Santo Antônio de Jesus and their Families vs. Brazil*, the following results are shown graphically in relation to compliance with the ruling, according to the CNJ:

**Image 2 – Reparation measures by state of compliance**



**Image 3 – Reparation measures by state of compliance**



By analyzing the presented charts, it becomes evident that, in general, across all cases as well as the specific cases under review, the State has not fully complied with the measures ordered by the IACtHR.

In this regard, Cambi and Andreassa (2024) observe that the disputes involving Brazil's international accountability share common characteristics, even though there is no unanimous definition. They emphasize the need to impose measures aimed at preventing recurrence by the State, noting that some of them involve structural issues and demands. Moreover, they highlight that the path to promoting and protecting human rights in the country lies in the control of conventionality, asserting that "[...] it is essential to improve the qualifications of all actors within the justice system, starting with the inclusion of these topics in undergraduate law courses, in bar examinations held by the Brazilian Bar Association, and in public service entrance exams [...]" in addition to training and continuing education programs (Cambi; Andreassa, 2024, p. 19, free translation).

Brazil has taken steps to implement the international ruling at the domestic level, but much still needs to be done to ensure that accountability is achieved satisfactorily. This conclusion stems not only from the national monitoring system maintained by the CNJ, but also from the information recorded in the proceedings before the IACtHR.

## 5 Final Considerations

The strengthening of human rights arises from multiple spheres. Whether at the national or international level, cooperation for their protection, promotion, and guarantee must occur through dialogue and commitment — particularly to the human being. Ensuring that human rights and the treaties that establish them in international law are effectively implemented is a complementary yet challenging task, especially when one of the actors fails to fulfill its role.

Addressing the issue of slave-like labor in Brazil and the international accountability cases in which the State has been a party demonstrates how much progress is still needed in a country that was the last on the continent to abolish slavery and that continues to perpetuate discriminatory practices that directly violate human dignity through a structural system of violence and abuse.

In this regard, one must recall the complementarity of the Regional Systems for the Protection and Promotion of Human Rights. By joining the system and submitting to the jurisdiction of the IACtHR, Brazil assumes international responsibility to fully ensure the effectiveness of the rights enshrined in the ACHR and to carry out the so-called control of conventionality of its laws, also considering the IACtHR's interpretation of the ACHR and, importantly, of the ratified additional protocols that enable direct action by the Court.

In the cases analyzed — Fazenda Brasil Verde and Fábrica de Fogos de Santo Antônio de Jesus — both involving slave-like labor in different contexts but with similarities, particularly the lack of government oversight, it is clear that Brazil must remain engaged in the fight to end slavery and its modern-day forms. Following the rulings and international accountability, the country must comply with the IACtHR's decisions and pursue the full protection of human rights in this area, which calls for the implementation of public policies tailored to the situations that led to international condemnation. These policies are vital tools for spreading information, knowledge, and fostering social empowerment.

The analysis of Brazil's compliance shows that most of the reparatory measures remain in the implementation phase (pending compliance), reflecting a failure to observe international mandates — whether from ratified international treaties or binding international rulings. Specifically, regarding the cases at hand, much remains to be done to implement the IACtHR's determinations as set out in the rulings, highlighting a partial lack of effectiveness of the decisions and enforcement of human rights at the national level.

Nonetheless, the creation of the UFM for Inter-American Human Rights System decisions by the CNJ demonstrates the State's concern in tracking these cases and ensuring compliance with rulings by the various branches of government (Executive, Legislative, and Judiciary), marking an important step toward the guarantee and reparation resulting from IACtHR decisions.

Some noticeable changes are occurring, even with the partial implementation of the rulings and the establishment of the CNJ's UFM. However, much more remains to be done to ensure full implementation of IACtHR determinations and to guarantee reparations for human rights violations in situations of slave-like labor, ultimately aiming for a structural system in the country based on effective, direct oversight, alongside national development policies targeting individuals in socially vulnerable situations.

## References

BRASIL. **Decreto nº 7.030, de 14 de dezembro de 2009**. Promulga a Convenção de Viena sobre o Direito dos Tratados, concluída em 23 de maio de 1969, com reserva aos Artigos 25 e 66. Brasília, DF: Presidência da República, 2009. Disponível em: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2009/decreto/d7030.htm](http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/decreto/d7030.htm). Acesso em: 16 jun. 2025.

BRASIL. **Decreto nº 3.321, de 30 de dezembro de 1999**. Promulga o Protocolo Adicional à Convenção Americana sobre Direitos Humanos em Matéria de Direitos Econômicos, Sociais e Culturais “Protocolo de São Salvador”, concluído em 17 de novembro de 1988, em São Salvador, El Salvador. Brasília, DF: Presidência da República, 1999. Disponível em: [https://www.planalto.gov.br/ccivil\\_03/decreto/d3321.htm](https://www.planalto.gov.br/ccivil_03/decreto/d3321.htm). Acesso em: 16 jun. 2025.

BRASIL. **Decreto nº 678, de 6 de novembro de 1992**. Promulga a Convenção Americana sobre Direitos Humanos (Pacto de São José da Costa Rica), de 22 de novembro de 1969. Brasília, DF: Presidência da República, 1992. Disponível em: [https://www.planalto.gov.br/ccivil\\_03/decreto/d0678.htm](https://www.planalto.gov.br/ccivil_03/decreto/d0678.htm). Acesso em: 16 jun. 2025.

CAMBI, Eduardo Augusto Salomão; ANDREASSA, João Victor Nardo. Análise da Efetivação das Medidas de Não-Repetição de Caráter Estrutural nas Condenações do Brasil na Corte Interamericana de Direitos Humanos. **Revista de Direitos Humanos em Perspectiva**, Florianópolis, v. 10, n. 1, 2024. Disponível em: <https://indexlaw.org/index.php/direitoshumanos/article/view/10407>. Acesso em: 16 jun. 2025.

CANTOR, Ernesto Rey; ANAYA, Ángela Margarita Rey. **Medidas provisionales y medidas cautelares em el Sistema Interamericano de Derechos Humanos**. 2. ed. Bogotá: Editorial Temis, 2008.

COMISSÃO INTERAMERICANA DE DIREITOS HUMANOS. Convenção Americana sobre Direitos Humanos. **CIDH**, San José, Costa Rica, 22 nov. 1969. Disponível em: [https://www.cidh.oas.org/basicos/portugues/c.convencao\\_america.htm](https://www.cidh.oas.org/basicos/portugues/c.convencao_america.htm). Acesso em: 08 ago. 2025.

CONSELHO NACIONAL DE JUSTIÇA. Casos Contenciosos brasileiros. **CNJ**, Brasília, DF, 21 fev. 2025. Disponível em: <https://www.cnj.jus.br/poder-judiciario/relacoes-internacionais/monitoramento-e-fiscalizacao-das-decisoes-da-corte-idh/casos-contenciosos-brasileiros/>. Acesso em: 12 jun. 2025.

CONSELHO NACIONAL DE JUSTIÇA. Monitoramento e Fiscalização das Decisões do Sistema IDH. **CNJ**, Brasília, DF, 2024a. Disponível em: <https://www.cnj.jus.br/poder-judiciario/relacoes-internacionais/monitoramento-e-fiscalizacao-das-decisoes-da-corte-idh/>. Acesso em: 02 out. 2024.

CONSELHO NACIONAL DE JUSTIÇA. Casos Contenciosos Brasileiros. Casos Trabalhadores da Fazenda Brasil Verde Vs. Brasil. **CNJ**, Brasília, DF, 2024b. Disponível em: <https://www.cnj.jus.br/poder-judiciario/relacoes-internacionais/monitoramento-e-fiscalizacao-das-decisoes-da-corte-idh/casos-contenciosos-brasileiros/>. Acesso em: 02 out. 2024.

CONSELHO NACIONAL DE JUSTIÇA. Caso Empregados da Fábrica de Fogos de Santo Antônio de Jesus e seus Familiares Vs. Brasil. **CNJ**, Brasília, DF, 2024c. Disponível em: <https://www.cnj.jus.br/poder-judiciario/relacoes-internacionais/monitoramento-e-fiscalizacao-das-decisoes-da-corte-idh/casos-contenciosos-brasileiros/>. Acesso em: 02 out. 2024.

CONSELHO NACIONAL DE JUSTIÇA. Casos Contenciosos Brasileiros. Casos Trabalhadores da Fazenda Brasil Verde Vs. Brasil. **CNJ**, Brasília, DF, 2024d. Disponível em: <https://www.cnj.jus.br/poder-judiciario/relacoes-internacionais/monitoramento-e-fiscalizacao-das-decisoes-da-corte-idh/casos-contenciosos-brasileiros/>. Acesso em: 02 out. 2024.

CORTE INTERAMERICANA DE DIREITOS HUMANOS. Caso Trabalhadores da Fazenda Brasil Verde Vs. Brasil: Sentença de 20 de outubro de 2016: (Exceções Preliminares, Mérito, Reparações e Custas). **Corte IDH**, San José, Costa Rica, 2016. Disponível em: [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_318\\_por.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_318_por.pdf). Acesso em: 27 set. 2024.

CORTE INTERAMERICANA DE DIREITOS HUMANOS. Caso Empregados da Fábrica de Fogos de Santo Antônio de Jesus e seus Familiares Vs. Brasil: Sentença de 15 de julho de 2020: Exceções Preliminares, Mérito, Reparações e Custas. **Corte IDH**, San José, Costa Rica, 2020. Disponível em: [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_407\\_por.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_407_por.pdf). Acesso em: 02 out. 2024.

CORTE INTERAMERICANA DE DIREITOS HUMANOS. Caso Trabajadores de la Hacienda Brasil Verde Vs. Brasil: reparaciones declaradas cumplidas. **Corte IDH**, San José, Costa Rica, 2024a. Disponível em: <https://www.corteidh.or.cr/docs/supervisiones/SCS/brasil/haciendabrasil/haciendabrasilc.pdf>. Acesso em: 27 ago. 2024.

CORTE INTERAMERICANA DE DIREITOS HUMANOS. Supervisión de Cumplimiento. Caso Trabajadores de la Hacienda Brasil Verde Vs. Brasil. **Corte IDH**, San José, Costa Rica, 2024b. Disponível em: [https://www.corteidh.or.cr/ver\\_supervision\\_escritos.cfm?nld\\_expediente=209&lang=es](https://www.corteidh.or.cr/ver_supervision_escritos.cfm?nld_expediente=209&lang=es). Acesso em: 27 ago. 2024.

CORTE INTERAMERICANA DE DIREITOS HUMANOS. Ficha Técnica: Trabajadores de la Hacienda Brasil verde Vs. Brasil. **Corte IDH**, San José, Costa Rica, 2024c. Disponível em: [https://www.corteidh.or.cr/ver\\_ficha\\_tecnica.cfm?nld\\_Ficha=449&lang=es](https://www.corteidh.or.cr/ver_ficha_tecnica.cfm?nld_Ficha=449&lang=es). Acesso em: 27 ago. 2024.

CORTE INTERAMERICANA DE DIREITOS HUMANOS. Caso Empleados de la Fábrica de Fuegos en Santo Antônio de Jesus y sus familiares Vs. Brasil: reparaciones pendientes de cumplimiento. **Corte IDH**, San José, Costa Rica, 2024d. Disponível em: <https://www.corteidh.or.cr/docs/supervisiones/SCS/brasil/fabricafuegos/fabricafuegosp.pdf>. Acesso em: 27 ago. 2024.

CORTE INTERAMERICANA DE DIREITOS HUMANOS. Supervisión de cumplimiento. Caso Empleados de la Fábrica de Fuegos en Santo Antônio de Jesus y sus familiares Vs. Brasil. **Corte IDH**, San José, Costa Rica,

2024e. Disponível em: [https://www.corteidh.or.cr/ver\\_supervision\\_escritos.cfm?nId\\_expediente=298&lang=es](https://www.corteidh.or.cr/ver_supervision_escritos.cfm?nId_expediente=298&lang=es). Acesso em: 27 ago. 2024.

GORCZEVSKI, Clóvis; DIAS, Felipe da Veiga. A imprescindível contribuição dos Tratados e Corte Internacionais para os Direitos Humanos e Fundamentais. **Revista Sequência**, Florianópolis, v. 33, n. 65, p. 241-272, dez. 2012. Disponível em: <https://www.scielo.br/j/seq/a/SzwpMb3jJVYkQsFJpZ7HxCQ/?format=pdf&lang=pt>. Acesso em: 08 out. 2024.

CORTE INTERAMERICANA DE DIREITOS HUMANOS. Caso Almonacid Arellano y otros Vs. Chile. Sentencia de 26 de septiembre de 2006. **Corte IDH**, San José, Costa Rica, 2006. Disponível em: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_154\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_154_esp.pdf). Acesso em: 06 agost. 2025.

HÄBERLE, Peter. Estado Constitucional Cooperativo. Tradução Marcos Maliska e Elisete Antoniuk. Rio de Janeiro: Renovar, 2007.

LEAL, Mônia Clarissa Henning; Hoffmann, Grégora Beatriz. Análise do Caso “Fazenda Brasil Verde Vs. Brasil”: a atuação da Corte Interamericana de Direitos Humanos como mecanismo judicial efetivo para a proteção de direitos. **Revista Húmus**, [s. l.], v. 10, n. 29, 2020. Disponível em: <http://www.periodicoseletronicos.ufma.br/index.php/revistahumus/article/view/13878>. Acesso em: 08 out. 2024.

LEÃO, Renato Zerbini Ribeiro. A afirmação dos princípios gerais e os sujeitos do direito internacional público no século XXI. **Pensar Revista de Ciências Jurídicas**, [s. l.], v. 27, p. 1-13, abri./jun. 2022. Disponível em: <https://ojs.unifor.br/rpen/article/view/11408/8496>. Acesso em: 20 maio 2025.