

THE INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY

Review Meeting

Racism: Trends and Patterns in Discrimination

Geneva, 3-4 December 1999

RACIAL AND GENDER DISCRIMINATION IN THE GLOBAL
POLITICAL ECONOMY: SUPPRESSION OF TRAFFICKING
AND PROMOTION OF THE SEX INDUSTRY

Kinhide Mushakoji

© 1999, International Council on Human Rights Policy
ICHRP commissioned this document as a Working Paper.
ICHRP has not edited it and is not responsible for its accuracy or for the views and opinions expressed.
ICHRP welcomes the re-use, re-publication and re-distribution of this paper, appropriately cited.

INTRODUCTION

1. This paper attempts to study how racial and gender discrimination is surviving even when international criminality is institutionalised in the present global political economy, by taking the case of the recent deliberation at the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime on a Draft Protocol to Combat International Trafficking in Women and Children supplementary to the United Nations Convention on Transnational Organised Crimes.¹
2. We will identify the overall structure of the 'global sex industry' and determine the specific aspects of this industry, which are singled-out as an object of prevention, suppression and punishment by the international community. We will also study the means used by the transnational criminal organisations to avoid being suppressed and the capacity of the international community to develop an effective security regime using the international legislative means provided by the United Nations and other agencies available to the implementation of the hegemonic project for the security of neo-liberal economy.²

¹ Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime (First Session. Vienna, 19-29 January 1999, Item 4 of the Provisional Agenda, Consideration of the draft convention against transnational organised crime.) "Draft Protocol to Combat International Trafficking in Women and Children Supplementary to the United Nations Convention on Transnational Organised Crime. Proposal submitted by the United States of America" (A/AC.254/4/Add.3) Among the different texts proposing revisions, the basic document is this proposal submitted by the United States and in this sense can be considered to represent the hegemonic position on this issue.

² The hegemonic project regarding a global security regime at the service of the neo-liberal global economy is an integral part of the new constitutionalism. See Steven Gill, "New Constitutionalism, Democratisation and Global Political Economy," *Pacifica Review*, vol. 10, no. 1, 1998, pp. 23-38.

3. We believe that the international community operates in a political-economic setting where the international order is built and controlled by ‘neo-liberal hegemons,’ the State agents who serve the interests of maintaining and promoting neo-liberal global economy under the political, economic, military, and police power of the United States, with the support of a broad social support of the leading sectors of the international ‘civil society.’ The United Nations Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime is used as a key agency in giving a legislative background to the hegemonic project to combat ‘transnational organised crime’ expressed by the neo-liberal hegemons through different agencies including G7 or G8 Summits as well as the United Nations.
4. The basic assumption that criminality constitutes a closed field easily separable from the legally and morally legitimate activities of international and domestic agents, which is at the basis of this debate among the hegemonic agents on transnational organised crime will be put into question, and we will rather assume, unless the contrary is well established, that there are different hidden motivations which determine the hegemons and the international community in their definition of criminality. That criminality is a concept constructed in view of certain hidden motivations and calculations about the interests of the agents involved in the global economy and about the need to create and maintain the public legitimisation of the hegemonic activities in the field of security.
5. Our contention is that these hidden motivations and calculations are closely related to the values and interests sustaining the present hegemonic order which neo-liberalism affects its definitions, with their internal contradictions. The issue area of trafficking in women and children which constitutes an integral part of the global sex industry will shed lights on other less ‘criminal’ sectors of the global neo-liberal competition within and among industries, thanks to the especially ambiguous and ambivalent nature of this sector where double standards play an important role in maintaining gender and racist discrimination as a lucrative source of profit maximisation. We hope that this example will shed light on the criminal aspects of the neo-liberal hegemonic security regime.

THE GLOBAL SEX INDUSTRY

6. The Global Sex Industry (hereafter abridged as GSI) is defined as the sum-total of the activities of the transnational commercial operations of the various institutions selling sexual services and of the networks of agents providing women and children to work in these institutions. The globalisation of the world economy developing a global competition commodifying everything has not left out the leisure economy sector, including the sex industry, which compete in the commodification of women and children.
7. It is self-evident that the commodification of women and children is in itself an abuse of their fundamental rights, which forbids anybody to turn them into commodities depriving them of their human dignity. It is, however, equally evident that such a criminalisation would put into question the legality of the GSI which can not be denied to it as a bona fide agent engaged in the macro-competition of the neo-liberal global economy. Since this economy tends to commodify everything it touches, the commodification of women and children must be accepted as a legal practice.
8. This is why the Draft Protocol to Combat International Trafficking of Women and Children avoids discussing the criminality of the commodification of women and children as such. The criminality involved in the trafficking of women and children lies, according to the Draft Protocol in the recruitment, transportation, transfer, harbouring or receipt of persons: (a) By the threat or use of kidnapping, force, fraud, deception or coercion, or (b) By the giving or receiving

of unlawful payments or benefits to achieve the consent of a person having control over another person, for the purpose of prostitution or other sexual exploitation or forced labour.³

9. This definition which have been the object of many revisions, approaches the trafficking as an integral part of the global sex industry with its system of commodity replenishment. It does try to determine the criminality of the means it uses, without reference to the economic mechanism and its sexist and racist structure which violates the rights and dignity of the victims it exploits.
10. This mechanism maximises profits by a skilful combination of legality and illegality. The GSI determines the allocation of the 'legal' and 'illegal' profits to the transnational criminal organisations and to the different agents co-operating with them. The 'illegal payment' is the only concept which refers to a minimal part of this exploitative and discriminatory economic system of profiting and profit distribution which can not be criminalised by the neo-liberal hegemons who support such profit-making and distribution provided that they are 'fair' in terms of competition. Once this principle is observed, their legality can not be questioned by the State. The 'unfair' black market profits made by the GSI in the hidden 'informal' sector is from the beginning out of the reach of the State surveillance and control.⁴
11. The legal/illegal aspects of the GSI and the criminalisation of trafficking of women and children gives rise to an interesting contradiction. The neo-liberal hegemons need to promote the sex industry, which is one of the competitors engaged in the global macrocompetition. For reasons of public legitimacy and of human security maintenance, it should prevent, suppress and punish the 'criminal' activities of the sex industry. This 'industry' provides all forms of sexual services, to customers (mainly male). This includes both legally and illegally performed services such as prostitution but not limited to it. The globalisation of the economy has developed a global market for this industry commodifying women and children of the poorer regions and countries for the competitive satisfaction of the customers in the wealthier regions and countries.⁵
12. The GSI is different from the traditional local sex industry institutionalising prostitution within given countries. This industry has always been based on the exploitation of local women and children of poor localities, but this was never done on a global scale. Nowadays, the GSI organises the trafficking of women and children on a global scale, orienting the flow of human commodity across world regions. From Russia and East Europe to West Europe, from Africa to West Europe, from South-east Asia to West Europe and Japan, from South Asia to the Middle East, from Europe to the Middle East, from Central America to North America and Japan.
13. The flow of human merchandise is directed by the transnational criminal organisations controlling the GSI according to the shifts in risk and benefit in different parts of the global, regional, and national markets. The tightening of police control in North America in the 1990s was followed by the introduction of Colombian women on the Japanese sex industry market. The trafficking routes within each world region are conducted through local mafias using local-specific techniques. Therefore, the GSI is composed of quite different types of trafficking and exploitation mechanisms. There is, however, many common characteristics to the different regional and local manifestations of the GSI. It always maximises benefits by the skilful combination of legal and illegal means, and by a racist division of labour between national and expatriate women and children.

³ Cf. Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime, Op. Cit. Article 2,2.

⁴ On surveillance: Cf. Steven Gill, "The Global Panopticon? The neo-liberal state, economic life and democratic surveillance," *Alternatives*, 20, 6 (1995) pp. 1-49.

⁵ On the case of Southeast Asian women trafficked into Japan, see Seiko Hanochi, "The Fight Against Prostitution, Trafficking and Patriarchy in Japan," Urvashi Butalia, Neng Magno, Lau Kin Chi eds., *Resurgent Patriarchies: Challenges for Women's Movements in Asia*, Hong Kong, 1999, pp. 203-21.

14. The 'legal' aspects of the GSI differs from State to State, but has in common two factors, it puts the legal sex industry within the category of 'leisure industries' which prosperity contributes to the overall competitiveness of the State through the various spill-over effects on other economic sectors, from tourism to local transportation. The legal sex industry is also an important source of income through the taxation of legal services and of the remittance sent back home by the victims. This is why this taxable sector is made legal and exempt of criminalisation. This is natural for the neo-liberal hegemons and other States.
15. The illegal and criminalised sector of the GSI is always 'informal' in the sense that it involves different forms of informal transfer of money from the customers to the industry, and from the industry to the criminal organisation and to their different agents, which are conducted in the informal and black market sector because they all do not conform to the rules of the neo-liberal market or of the hegemonic security regime. Such informal and illegal transactions can not be controlled economically or politically and have to be the object of the prevention, suppression and punishment by the States through its different agencies for domestic and international security maintenance which compose the hegemonic security regime.
16. It is important to take note of the fact that the debate about the Draft Protocol does not define the criminality of the 'transnational criminal organisations' in terms of the economic and sexual exploitation of their victims. Although any observer can easily find the fact that the neo-liberal hegemonic concern about 'transnational organised crime' is caused by the increasing political-economic influence of the criminal organisation through their laundered money, on the financial market and on the political processes in certain Mafia-controlled countries, and by the increasingly influential feminist voices which can not be left ignored by the States, especially by the hegemons.
17. The Draft Protocol mentions two sources of concern.⁶ One is the access to adequate procedures and physical safety of the victims. The Protocol has been criticised for its lack of concern for the basic human rights of the victims. We will discuss later this point in more details. More important for the States' representatives involved in the preparation of the Draft Protocol is the combined effects of the different 'criminal' activities on the security of the industrial countries. This is why the proposed Draft Protocol is part of a Convention against Transnational Organised Crime, in close connection with another Draft Protocol against the Smuggling of Migrants by Land, Air and Sea. The criminality of both the trafficking in women and children and of the smuggling of migrants lies in their negative effects on the 'law and order' of the industrialised recipient States and on the 'human security' of its citizens.
18. The Draft Protocol is deploying praiseworthy efforts in defining the different criminal acts, which should be the object of inter-State surveillance and control. Each State Party is expected to criminalise all agents who were involved in the recruitment, transportation, transfer, harbouring or receipt of persons. In fact, this enumeration of the different roles corresponds well to the following system supporting and sustaining the GSI.
19. The GSI is a complex system of well defined roles performed by a chain of well connected groups of actors and supporters who support and sustain the GSI, and guarantee the replenishment of the victims it exploits. It uses, therefore, a complex system of money transfer from the rich countries where its major source of income lies, to the poorer countries from where the women and children are recruited.
20. Among the different categories of actors, we find generally the recruiters who 'recruit' the women and children through various means including forced abduction delusion as well as

⁶ Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime, op. Cit. Article 4.

seduction by arguments on the profit to be made. The recruiters often buy the support from village dignitaries, local élite or even of influential extended family members.

21. Then there are the transporters from the home village and town to the national sex industry centre. Some of the recruited women and children stay there, but others are sold to foreign sex markets. The GSI employ different illegal operators, those who facilitate transportation, for example, by forging the necessary documents and those who transport the victims whom are sold to the rich country sex markets across national borders. Different techniques are used by the latter, who sometimes buy the services of the immigration authorities, sometime act as 'husband' to the victims to pass through the immigration. Once brought into the national sex industry market, the women and children are distributed locally within the receiving/exploiting countries.
22. On the side of the exploiting countries, another group of criminal gangs receives the women and children, sees that their bondage is guaranteed, and distributes them into the different sex industry centres where they enter under the control of local exploiters; mama-sans, pimps, owners, and the criminal gangs supervising them, and receiving margins in exchange with protection.
23. The local exploiters, depending on the mix of legal and illegal means are used locally, receive often the support of local authorities in different forms. Even uncorrupted, the police need the support of the criminal gangs to get information on crimes that are more serious. In exchange they leak information on the dates and time of the roundups so that the sex industry complex can avoid being demolished. The survivors after having paid their 'debts' are often encouraged to join the GSI network as mama-san, or help the transnational transporters, or support the recruiters by their 'success' story. Thus there is a chain of well linked roles which operates in a cyclical manner, replenishing the ranks of the exploited women and children, and at least some of the survivors constitute an important link in it.
24. An embarrassing fact, which is often overlooked, is that several of the survivors, after having paid all their 'debts' start to receive remuneration and become part of the chain supporting the GSI. They continue to be exploited, but the remuneration they receive, after having supported bonded slave status for several years, is considerable in terms of the standard of their country of origin, although it represents only a small proportion of the money received from the customers. This permits the GSI to replenish its 'workforce,' and recruit new victims by the success story of their predecessors.
25. As we have already mentioned, the Draft Protocol defines the obligation to criminalise the conducts of recruitment, transportation, transfer, harbouring or receipt of persons and thus establishes the fact that the whole system which helps replenish the 'workforce' of the GSI is composed by criminal offences. This is an important progress on the legislative level. The problem, however, is that the GSI is not so easily prevented, suppressed, or punished even if the criminality of the activities of its agents are formally established. The question of the capacity to enforce the norms it has set up is, in fact, one important weak point of the global hegemonic security maintenance.
26. The global hegemonic security maintenance system is a highly developed system of surveillance, preventive measures, and suppression.⁷ It is effective under certain conditions, which include a systematisation of information gathering through advanced technological means, institutionalised surveillance and control through policing force concentration at strategic gate points, and the securing of public support to policing activities. Such capacities are most effective in highly industrialised and bureaucratised urban settings, but less adjusted to the less industrial

⁷ The Asia Foundation, Strategies to Interrupt the Trafficking Chain: Regional Workshop (Dhaka, Bangladesh, 23-27 August 1998) Dhaka, 1998.

communities, developing regions, village communities, slums, and urban leisure centres. The security of the global economy, of the upper-middle class servicing it, of the technocratic agencies and agents, are well protected by the hegemonic security institutions, from police to private guards, from computerised surveillance to private automatic alarm systems. The peripheral sectors of the societies, not only developing but also industrialised system an object of criminalisation, a system of global exploitation of the women and children, which must be criminalised from the point of view of human rights and of the elimination of sexism and racism.

27. Viewed from this angle, the GSI is characterised by the following three aspects. Firstly, it has a specific way to violate the fundamental rights and dignity of its victims. Secondly, it is a system that combines in a flexible manner its legal and illegal aspects. Thirdly, it is a transnational system composed by a diversity of local agents and collaborators.

THE VIOLATION OF THE RIGHTS OF THE VICTIMS OF THE GSI

28. Firstly, the GSI exploits its victims in a particular way, which has to be taken into consideration, if the international community wants to protect its victims. One point which is often overlooked is the following fact: The GSI exploits at different degrees women and children from different geographical origins, among whom those coming from poor countries are, in general, in a social, economic, and cultural situation where they do not possess any freedom of decision.
29. As a matter of fact their freedom of decision is violated at the time of their recruitment, sometime by brutal force or deceit, but even when they are told to decide whether to remain poor, or to keep in abject poverty their parents, or to obtain wealth even after supporting a period of bondage, such choice is in itself not free, in the sense that free decision can not be made between two unacceptable options, one to choose a inhumanly or socially abject state of poverty or a state of over-exploitation and slavery.
30. The victims are exploited by the transporters who are demanding an exorbitant 'reward,' often taking the form of 'debt,' in exchange for their 'smuggling' into the country of their exploitation. The victims are transported like merchandise, and are charged an enormous amount of money for their transportation as if they were criminals. Thus, the victims of the GSI are unjustly over-exploited by their transporters. Even when they 'know' what waits them in the country of destination, Their 'knowledge' is imprecise and the hardships awaiting them is under-represented or simply overlooked.
31. The rights of the victims of the transnational criminal organisations are not necessarily protected by the neo-liberal hegemonic security. Their rights to migrate, and their rights as migrants, are then violated by the immigration authorities who implement the policy of hegemonic security which wants to limit possible insecurity created by the 'illegal' migrants, especially women migrants. This is especially so, in view of the limited number of signatories to the Convention on the Rights of the Migrant Workers and of their Family. When the authorities become aware of their transportation, they are involved in their use of faked documents; they are interrogated and are also treated as culprits for their 'illegal' entry.
32. Their exploiters in the country of exploitation also treat them as bonded slaves as long as they have not paid their 'debt.' The owners and mama-sans make money, legally and illegally by the exploitation of the activities of their victims, both through their legal and illegal services, and they often use them as scapegoats, allowing them to be arrested by the police in their place. Again, the victims are not protected by the neo-liberal hegemonic security. The authorities, police, prosecutors, and even the Courts, often see in them 'prostitutes' who break the law and disturb the order, rather than as victims of the GSI and of the transnational criminal organisation who

have trafficked them and are over-exploiting them, combining legal and illegal means to extract a major proportion of the money paid by the customers.

THE COMBINATION OF ILLEGAL AND LEGAL OPERATIONS BY THE GSI

33. The GSI is, in more general terms, an industry in which profit is based on sexist and racist discrimination. It is racist in that it profits from the commodification of women and children of certain ethnic and national origin. It is different from the national sex industries that were exploiting women and children from a single country, in that it maximises its total income by a differential exploitation that is based on racial discrimination. In fact, a racist hierarchy of women and children is formed on top of which are the nationals who, generally, are not under bondage. Bonded women and children coming from poor countries (oftentimes 'illegal' migrants) form the bottom layers. This hierarchy of the 'commodity,' enables the GSI to push-up the price of the merchandise on the top, and to reduce, to the extreme, the cost to sustain the commodified victims at the bottom.
34. The GSI is a robust industry, which is capable of surviving, thanks to its combination of 'workforce' from different ethnic and national origin, under different regimes of prohibition, abolition and regulation. It is necessary to study concrete cases comparing the three approaches in order to arrive at a definite conclusion, but it is at least necessary to recognise the fact that the GSI profit from the clandestinity of sexual services to increase their price, under regulationist regimes they profit from the widening of the market. Under abolitionism, a judicious mix of legality and illegality can permit the GSI to optimise its price and number of clients.
35. The hierarchy of the women and children differently priced and exploited give to the GSI to survive under different regimes. For example, under a regulatory regime, the existence of a bottom layer of 'illegal' and unregulated women and children makes it possible for the GSI to continue to exploit its victims under bondage, and maintain a price hierarchy high enough to guarantee its profits.
36. This is why in practically all countries, irrespective of the anti-trafficking regime, the GSI continues to prosper, and prove its robustness by reorganising its market after all the police round-ups, however successful they may have appeared to be for a short while. This is why, it is crucial to find the weak points of the GSI under each regime and develop regulatory mechanisms appropriate in each of them.
37. The GSI profits from its double status of legality and illegality. The global mega-competition common to all global industries, demands that each units increase their competitive power by a combination of a reduction of the cost with a maximisation of unit price multiplied by the number of transactions. The GSI uses its illegal sector to minimise unit cost by using bonded slaves. It maximises its price by providing to its customers merchandise of different price. The legal sector helps in increasing the number of customers and the illegal to increase the price customer's pay to illegal goods.
38. The different legislation regarding prostitution, sex industry, women labour, immigration, etc. determines the modes of operation of the sex industry, which maximises its profits by a judicious combination of legal and illegal means. The GSI has a specific way to exploit its victims in such a way that it can get from the customers maximum profit. The clients are ready to pay an exorbitant sum in return to the sexual 'services' provided by women and children from their own country as well as from different 'exotic' countries. Wealthier customers pay generally more for women and children from their own country, and the less affluent clients pay less for the women and children trafficked from the poorer countries. To obtain more profit from the trafficked

victims, the GSI minimise expenses on them by exploiting them under bondage, avoiding paying them on the ground that they have to repay their debts.

THE GSI AND THE ADVANTAGE OF ITS LEGALITY

39. The legal aspects of the GSI makes it possible for the different 'legal' provision of sexual services to profit from different types of joint business with the other sectors of the global economy. The GSI uses all kinds of means to advertise the quality and low price of the services it provides. The different media industries, especially those with global reach, are their precious business partners.
40. The global tourism is also providing useful services, in terms of sex tourism, as well as in the transportation of trafficked victims. This industry is used even in terms of money laundering. The GSI, as we saw before, is part of the global leisure industry which is open to different kind of joint activities, legal industries involved in gambling, drinking and masculine body-care are good business partners to the GSI.
41. In this way, the legal aspects of the GSI help it to expand its range of 'legal' activities and strengthen its competitive power within the multi-sector mega-competition of the global economy. It is indispensable to develop a systematic approach to limit as much as possible such business co-operation by the different sectors of the global economy, especially with the different leisure industries. The legal sex industry is itself recognised by the States as a leisure industry that sells sexual services to mainly masculine customers. In the eyes of the neo-liberal hegemony, it does not require any justification other than its competitive profit-making capacity. It increases the national competitiveness and it contributes to state income through taxation.
42. The GSI as a commercial player engaged in the mega-competition of the global economy plays on the advantage given to it by a very simple demand and supply structure. If there were no rich customers ready to pay an exorbitant sum of money in return to sexual services, and if there were no poor women and children who are forced or incited to be trafficked and to affluent centres of the GSI where they offer these services to the rich clients, no GSI could survive.
43. The root of the problem lies in this combination of a political/economic factor, i.e. the wide gap between rich and poor regions, and a psychological/cultural factor, i.e. the customer's psychological readiness to buy sexual services and the cultural background motivating to accept the terms of the recruiter by the community and/or the family or the women and children themselves. This poses another set of issues of an extra-legal nature which is insignificant in terms of hegemonic security but becomes crucial once we base our judgement on the principles of human rights and human security of the victims themselves.⁸
44. The GSI must not profit from the masculinist psychology that sees no problem in commodifying women and children of poorer regions as part of the leisure industry. It should neither be permitted to traffic women and children because of a political/economic situation which creates a strong aspiration to migrate which is obstructed by the immigration regulations leaving to the women and children's relatives only one alternative, i.e. accepting to be trafficked. These issues need to be tackled legally by the revision of immigration laws. They should also lead to the modification of the development co-operation policies of the affluent countries exploiting the women and children of the developing countries in their GSI sector.
45. The problems of education, health (including the HIV/AIDS question, mass media, tourist industry and leisure industry have to be mobilised in order at least to reduce, if not eliminate, the

⁸ On the different factors sustaining prostitution and sex trade, see Lin Lean Lim ed. *The Sex Sector: The economic and social bases of prostitution in Southeast Asia*. Geneva, 1998. pp. 1-28.

clients and victims of the GSI exploitation of women and children. It is important that the concerned States and inter-State Bodies including the United Nations realise that these conditions, whether political-economic, psychological or cultural, constitute one of the most serious forms of institutional sexism and racism.

46. If we choose to prefer human rights and human security of the victims to the hegemonic security, the States will be asked to realise their responsibility in eliminating such sexism and racism, since it is only them that can create an institutional change sufficiently broad and co-ordinated to cope with the problem of the demands and supplies of the criminal exploitation of women and children by the GSI.
47. The proposed Draft Protocol is only very partially meeting such responsibility, since the criminalisation of the transnational criminal organisations as proposed in it does not have as its objective the protection of the fundamental rights and dignity of the exploited women and children, and that its proposed criminalisation lacks effectiveness as we have seen before.
48. Under these circumstances, it is extremely important to challenge the States receiving the victims to renounce to side with hegemonic security and agree to respect the human rights and human security of the victims exploited by the GSI. They should adopt a general strategy to fight against the GSI from a human rights point of view, putting before other concerns, the respect of the rights and dignity of the women and children exploited by the GSI and their empowerment. In this attempt to propose a strategy to fight the human rights violations of the GSI, we need to take into consideration the following three aspects of this 'global' industry.
49. It is feared that the general tendency to accept sex industry as a mainly masculine leisure industry while stigmatising and penalising the women exploited by this industry may be further enhanced by this new effort to fight the organised crimes supporting the GSI, unless a regime combining the criminalisation of the global criminals with the decriminalisation of their victims is established in full respect of the rights and dignity of the women and children concerned.
50. Even under hegemonic security, any attempt to criminalise transnational organised crime should not give an easy life to the bosses of these organisations by ignoring the defensive strategies of the criminal organisations. The GSI has developed a skilful technique to survive by using the women and children as a shield. They let the immigration authorities and the police arrest the victims in their place. Many campaigns against organised crime, national or transnational end up arresting the victims or at best some of the lesser actors and supporters like pimps and mamasans. The technique is simple. It consists of erasing any evidence linking what is happening on the site of operation/exploitation and the GSI bosses operating behind the scene.
51. In fighting with the criminals under these circumstances, a human rights and human security approach would take an entirely different position to the neo-liberal hegemonic security approach. It would stress the following principles. The investigation should not treat the victims as if they were the criminals. The investigation, which can not be conducted without the co-operation of the bosses of the security communities, should not be satisfied to arrest some recruiters and transporters, as a token given by the bosses of the security communities to the representatives of the public security, but should seek to get to the bosses of the criminal organisations who have hired them.
52. This involves not only an increase in the capacity of surveillance and investigation of the transnational police and of the immigration authorities, but also an effort on the part of the hegemonic security to build bridges with the local security communities which tend to be discriminated against by the neo-liberal security which is not interested in the low-productivity sectors composing these communities.

53. On a procedural level, the different procedures of surveillance and interrogation of the victims themselves which, under hegemonic security, tends to be conducted without any concern for their basic rights and dignity, should be radically reformulated. The victims, who are treated more as criminals or accomplices and as 'illegal' migrants, should be treated not only as victims to support but as citizens whose testimony constitute the base for a democratic security system.
54. For the hegemons, the "trafficking in women and children" is an object of criminalisation, just as the "smuggling of migrants by land, air and sea" is. The public security, law and order (which are the main concern of the hegemons) reject not only the smugglers but also the 'illegal' migrants. The law criminalises trafficking but protect the sex industry. It treats the victims as violators of immigration laws and regulations while tolerating their racist and sexist exploitation by the sex industry. In opposition to this approach, domestic legislation and the international conventions should focus their legislative efforts, to the protection of the rights of the victims and to their empowerment irrespective of the regime of prohibition, abolition, or regulation.
55. In all cases there is always a legal and an illegal aspect to any of the services, and a surplus of the profit obtained which transfer is based on bondage or other terms of excessive exploitation which needs to be the central object of surveillance, investigation and criminalisation. The legal efforts to control the GSI should have this objective clearly in mind to avoid violating the rights and dignity to the women and children concerned. On the administrative level, all the government officials have to be instructed and trained accordingly.

THE CRIMINALITY OF THE NEO-LIBERAL HEGEMONIC SECURITY

56. The above analysis has shown that the neo-liberal hegemonic security does not guarantee the human rights and the human security of the victims exploited by the GSI. The Draft Protocol refers to the need to protect the victims of the transnational organised crime. This can be interpreted as a logical consequence of the need of hegemony to be assured of a wide support from the leading sectors of the civil society that wants to protect the victims of any human rights violation.
57. This is important for the 'good conscience' of the civil society and for the legitimacy of hegemonic rule. The lack of genuine concern for the rights and dignity of the victims is clear, in the sense that when neo-liberal principles of competitiveness, and when the hegemonic arguments about public security are at stake, the rights and dignity of the victims are ignored, as it is the case of the rights to migrate, the rights of migrants, and the security of the women and children in bonded-slavery.
58. The efforts of the neo-liberal hegemony to prevent, suppress, and punish the transnational criminal organisations engaged in trafficking is simply a 'match/pump' attempt, to use a Japanese expression, which sets on fire and then pump water to extinguish the fire you yourself have set on. The exploitation and discrimination of women and children from poorer countries by the masculine citizens of richer countries is a consequence of the unregulated neo-liberal competition which motivates the women and children from the poorer countries to accept bonded slavery, and for the masculine population of mass consumption societies to want to exploit sexually the women and children from the poorer countries.
59. In opposing systematically the human rights violation committed by the various agents of the GSI, and in protecting the rights of the victims, the states, IGOs and the United Nations have to develop a systematic approach to the surveillance and control of the agents of the GSI at each points in the chain of agents linking the place of origin and of exploitation of the victims of the GSI. Such systematic efforts should combine legal measures with different administrative policies

of the states concerned. This should address not only the control of the GSI, but also the empowerment and the building of the capacity of the victims and potential victims, as well as survivors, to protect their own rights and denounce the agents of the GSI.

60. It is essential to develop a system of surveillance and control of the GSI which copes with its combined use of legal and illegal means to exploit its victims, and to convince the public authorities to respect the rights and the dignity of the victims in all their activities of surveillance and control of the GSI. The attempts of the GSI to penalise its victims and stay unhurt by the legal measures taken by the public authorities need to be officially recognised and counteracted efficiently by the concerned states, IGOs and the United Nations.
61. The replacement of the hegemonic security regime by a human rights and human security regime is impossible unless the civil society assumes its role in the democratisation of the security system. The difficulty faced by the civil society is considerable. Especially in relation to the issues relating prostitution and trafficking in women, the civil society is incapacitated by a debate between the feminist movements interested in this issue.
62. It deals with its human rights dimension where some demand the recognition of the 'rights to prostitution' where others stress the fact that prostitution is a sexual exploitation of women commodifying them. The two positions are justified in that they criticise the two sides of the hegemonic security double standard position, which stigmatises the women in prostitution but recognises the sex industry as a legal commercial practice. The former criticise the first standard and the latter the second one. Both agree that the women whose trafficking and prostitution are forced have to be the object of legal protection against those who coerce them.
63. The discussion on the victims' freedom of choice needs to be put into the actual context where the GSI traffics and exploits its victims. It is a fact that there is a considerable number of the victims of the GSI who accept bondage 'freely' in view of the lack of alternative ways to gain a comparable money as what they are told they may earn after their bondage has been removed. Several of the agents working for the GSI are survivors. This is a fact, again, which demands a special concern of the governments, especially of the country of exploitation, who should recognise its responsibility to remove, or reduce the incentives created by their restrictive immigration policy which gives no alternatives to the victims than to rely on the traffickers to obtain a "job" in the rich country.
64. Once the civil society has overcome the internal disagreement fomented by the double standard hegemonic security, it is necessary to develop a legal system for the criminalisation of the exploitative system behind the GSI. The exploitative nature of the GSI can not be eliminated unless an effective system of surveillance and control is developed against the agents in all parts of its global network. Such system should give priority to the protection of the rights and dignity of the victims on other concerns, and the regrettable tendency to incriminate the victims where the real violators of human rights can not be controlled, have to be eliminated by a judicious combination of legal measures and administrative policies of the governments, or the IGOs and of the United Nations. The system of surveillance and control of the FSI needs to be transparent, and the concerned NGO community has a special role to play in this respect.
65. The present exposition is just a brief sketch of the criminalisation of trafficking in women and children combined with the promotion of the GSI by the neo-liberal hegemonic security. It is hoped that further research will be made on the lack of sensitivity of this system to the human rights and human security of the victims and the survivors of the GSI. The democratisation of the global security system needs also an awareness building campaign of the world public opinion about its general problematicity and weakness. However, we can not wait the creation of a new global security system. In the meantime legal and extra-legal efforts have to be developed,

nationally, regionally (by SARC, ASEAN ASEM, etc.), and globally, through the human rights mechanisms of the United Nations, through its specialised Agencies like ILO, and through the regional and national human rights commissions where concern for human rights and human security prevails. We need a global plan of action co-ordinating all these efforts to tourist industries, which should be considered in accordance with the regional and national conditions. Any 'guideline' should take into consideration the fact that the GSI exploits women and children by making full use of the a-moral nature of the global economy. The present paper is but a small attempt to divulge the hidden criminality of the neo-liberal hegemony.