

Human Rights, Sexual Exploitation And Confrontation With Human Trafficking In Brazil

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ABSTRACT

This essay regards the emergence of sexual rights as a form of human rights and contemporary processes of criminalization that are materialized through sexual exploitation, thinking about multiple ways of understanding. The aim is to visualize knowledge productions - always articulating power relations - to study the subjectivity processes of the analysis of the operation of bio-political power and its effects nowadays. This text indicates the need for further questioning - seeking interdisciplinary actions to combat human trafficking and a necessary care in the development of concepts for the construction of practices committed to the promotion of human rights. Specifically in this article human trafficking will be treated through sexual exploitation, analysing its multiple forms of understanding, to promote concepts that can serve as building tools and as an analysis of public policies in this field, in Brazil.

Keywords: human trafficking, human rights, sexual exploitation.

1. Introduction

The United Nations (UN) defines in the Palermo Protocol (2003) human trafficking as the recruitment, transportation, transfer, harboring or receipt of persons, by resorting to the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of vulnerability or of the giving or receiving of payments or benefits to achieve the person's consent having control over another person for the purpose of exploitation.

The International Labour Organization (ILO) estimates that about 2,4 million people per year are victims of human trafficking in the world, which is characterized by actions (recruitment, transportation, shelter, hosting), tactics (threat, use of force, coercion, kidnapping, false imprisonment, fraud, deception, abuse of power) and specific forms of exploitation (slave labor or similar situations, such as debt bondage, sexual exploitation, removal of organs, illegal adoption), according to the United Nation's Office on Drugs and Crime (UNODC).

According to the UN, human trafficking moves 32 billion dollars annually worldwide. Of this, 85% comes from sexual exploitation. The grooming for sexual exploitation through human trafficking defaults to false job offer and promises improvement in the quality of life for victims who for various vulnerabilities, believe they will have better opportunities as those experienced in their places of origin.

In Brazil, between 2005 and 2006, the National Policy to Combat Human Trafficking came into force, including a wide consultation of the civil society (Política Nacional de Enfrentamento ao Tráfico de Pessoas, 2007). The National Policy to Combat Human Trafficking (Decree n° 5948/2006) establishes a set of guidelines with principles and actions to be taken by public authorities, structured in three major strategic goals: 1. prevention; 2. suppress trafficking and generate liability of the perpetrator; 3. attention to the victim. The challenge is set: it is about to introduce this discussion in the context of human rights policies and ensure significant resources to the specific policies addressing human trafficking, ensuring the participation of civil society, so that the measures against trafficking do not continue having negative effects on people who are supposed to be protected.

2. Review of Literature

2.1. Gender, Sexuality and Power

Considering the historical mechanisms that operate in certain ways articulating power in the Western world, we highlight here- the XVIII and XIX centuries that are characterized by the birth of biopolitics.

Michel Foucault (1988) wrote about politics as a series of power technologies for government and control of people's lives, and this regime death is assured by the called state racism. The elimination of those considered different is not driven by hatred, but by the argument of biological strengthening of the species. Biopolitics is applied through the standard and, for individuals and groups who transgress, fit punishment. Sexuality as we know it and its norms operate as a powerful body control device for populations and modes of existence by producing an interface between individual bodies and the reproduction of the species. It is necessary to take well-defined contours to what is criminalized, leaning against the hegemonic identity to which politics eludes us that subjective contours are definitive, essential and immutable. And sexuality, to be taken as biopolitical run reference, has on gender relations its construction paradigm.

Gender and sexuality, to be taken as revealing the human essences, become control devices of the bodies of people and modes of existence, governing relationships where sexual and gender norms are fundamental in the construction of the power of technology in our society and deviants are produced by the same strategy that punishes them.

Foucault (2003) points to the moment of confinement when total institutions became an indispensable event in the formation of a surveillance network, control and correction that isolate the time, the body, knowledge and people's lives. But Foucault also reminds us of the power that is exercised on our lives, that are subtly controlled and monitored on the streets by the one exercising the power. The focus lies on the individual and its virtualities, its reproducing capture and control devices. The total institutions thus work not only to collect but to expunge. Or to collect in order to extinguish it. The hegemonic discourses on human trafficking,

simultaneously, make up one of these features. The cleanliness by the traffic, but also without it, the moral panic that it produces, especially when the topic is sexual exploitation. These feelings are used to protect the traffic by spreading fear that serves to operate political prejudice, discrimination and stigmas that constitute our society, and does not depend on the traffic to emerge. But trafficking is used as a necessary argument for the dissemination. In the name of protection and care, forms of exclusion are produced. Moral panics serve to criminalize in the name of protection. It serves to transform prostitution in exploitation, indiscriminately.

Sexuality - crossed by gender discussions - emerges, then, as a criteria of subjectification. Thus, to establish normal and abnormal sexuality and these, as "medical-psychiatric" (or criminal) category, are categorized and "treated", collected or expurgated. It opens space to tentatives to "rescue" sexuality through medical, criminal or even genocide techniques of these groups. For the development and maintenance of this device are convoked scientists, researchers, legal practitioners and other experts. Sexual rights are limited - stating that such rights correspond to "certain" sexualities - while sexual violence is reduced to a transgression of format, whose "habitual transgressors" are not by chance, "certain profiles".

2.2. The Scientific Positivism and the Etiology of Life

Throughout the XIX century, European positivism gained projection on a large scale and directly influenced the Western culture. Criminological theories that emerged and became part of the knowledge such as psychology, anthropology and statistics, were based on a human nature, the so called criminal essence. Scientists like Lombroso, precursor of Criminal Anthropology, or Ferri, advocating the idea that crime had social and environmental causes, were the references of the time (Rauter, 2003). Along with other theorists, biological determinism advocates present their contributions to make the criminal object of his crime, and in this way, make the penalty as a kind of punishment and correction tool - besides defending the society of those understood as "degenerated". It resorts to etiologies to protect life: causal relations that should be used to prevent and intervene. Or take action through prevention.

The deprivation of liberty, based on technical and theoretical frameworks makes it possible, or even idealistic, the idea of transformation of those deviated people. The prison unit builds three schemes as shown by Foucault: the cell, the workshop and the hospital. The margin by which the prison exceeds detention is made up by types of disciplinary techniques (Foucault, 2003). And at the heart of the new technologies of "to watch and to punish", some knowledge became fundamental: Criminology, Law, Psychology, Psychiatry, Education, Sociology, Social Work, Statistics. It is no accident that this knowledge uses as main tool the "examination", either through reports and interviews, or through advice and assessments. In these instruments the power is at the disposal of the expert who says who is normal or abnormal and defines the dangerous ones and who should be detained in a prison institution, that can be seen here as maximum security cells or desires "locked in closets". That is because the body of the sexual objects is also a target of

"scientific" interventions, in order to predict, control and correct the deviant sexuality (Fry & Macrae, 1993). Thus, at all times the technical corrections are used to decide over the lives of others, by establishing and reproducing normalizing and coercive practices (Rossotti & Campos, 2010).

Prison is not only a space designed to punish and correct, it is not only the place of execution of the sentence, but rather a place of observation of individuals who coexist there. And the aim of those observing is not only to watch, but to know and identify the behaviors of the "dangerous" objects, establishing prevention and highlighting progressive "improvements". The prison institution (and not only the "prison establishment"), then, becomes a place of formation of knowledge about the "prisoners". Prison, in this context here, is understood not only as an "anatomy" characterized by its structure, but by a "physiological" definition which regards the functions. "Function-prison" is understood, therefore, as a concept that transcends the arrests that nowadays make up the systems of prison administration. What other kind of prisons are used in scientific knowledge-power production and maintenance of certain "truth production game" as tools to produce control policies machines? How does the inclosure (prisons) or "outclosing" (of the human traffic) correspond to movements arisen from the same plane of immanence? Cloisters to hold, "outclose" to ban. Imprisonment and banishment: how is sexuality present in apparently contradictory (and antagonistic) concepts?

In the legal-formal field "all are equal before the law, without distinction of any kind (...). Men and women have equal rights and obligations under the Constitution" (Act. 5, heading and section II of the Brazilian Federal Constitution). The construction of male and female in a society, however, varies not only with its set of established standards, but mainly due to traditions, values and subjectivities, materialized by the existence of indicators that may reflect the inequalities experienced by the population, despite the pacts, treaties and resolutions built towards the promotion of equality.

3. Results and Discussion

3.1. Sexual Rights are also Human Rights

Human rights, in its universal proposition, began with the Universal Declaration of 1948 and were affirmed in the pact on civil and political rights and in the pact on social, economic and cultural rights; after, they were consolidated at the Second International Conference on Human Rights in Vienna in 1993.

The United Nations did various conferences that thematized the gender issue starting from the human rights discussions, claiming sexual and reproductive rights as human rights. We can mention the International Conference on Women, that took place in Nairobi in 1975, the Conference on Population in 1995, in Cairo, the Second International Conference on Women in Beijing (1996) and the Dublin Conference, in 2000, that was about the racial and ethnic issue and human rights. At all the aforementioned, Brazil was a signatory. The question that remains is: where are the public policies arising from such treaties?

According to Michel Foucault (1979), the production of truth is always transitory, political and associated with its effects.

There is no ultimate truth, a point of origin to be unveiled or a purpose in history, but the tactics of construction of power relations. In this sense, what we understand today as violence is the effect of a relation between power exercises and production of knowledge about the human being.

Here we understand violence as a device: a permanent reconstruction space, where there are lines of discourses, practices and subjectivity production. The device, for Foucault, means:

(...) A decidedly heterogeneous set that includes speeches, institutions, architectural organizations, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions. Thus, the said and the unsaid are the elements of the device. The device is the network that can be established between these elements (Foucault, 1979).

The devices operate in the invention and connection with other devices. So, to see violence as a device reveals a number of power relations. Power, in its tactical aspect, works in a network, an entanglement which the constructions and disputes are crossed and affect each other. Tensions about what is or not acceptable as violence give visibility to power lines and processes of subjectivity production.

Foucault presents the three figures that set up the field of the discourse on "abnormal": the human monster, the individual to be corrected and the masturbate child. The human monster, therefore, is that one who constitutes its own existence and in its form, not just a violation of the society laws, but a violation of the nature laws (Foucault, 2001). The human monster combines the impossible with the forbidden and, even though the principle of intelligibility of all anomaly forms, the monster is, in itself, unintelligible or provided with a tautological intelligibility. In this context, the abnormal is, at heart, an everyday monster, a trivialized monster.

The "individual to be corrected" lives with his family and has relations with other institutions. While the monster is always an exception and dates back to the field of teratology, the existence of the individual to be corrected is a normal phenomenon, it is spontaneously incorrigible, which requires the creation of technologies for rehabilitation, a form of "overcorrection" that allows himself a life in society. The figure of the "individual to be correct" paves the way to the germination of that which, in the late XIX century, will emerge among the disciplinary fields as the knowledge about the crime: the Criminology.

Finally, there is the figure of the "masturbating child" and it exclusively involves the bourgeois family understood as a power device responsible to watch over the masturbation: the universal secret, the secret shared by everyone, but no one communicates to anyone (Foucault, 2001). The "masturbating child", the "onanist" will be the figure that will eventually cover up the other and hold the essential part of problems that turn around the anomaly. Virtually any mental pathology, physical weakness or moral defect could be

triggered due to the practice of onanism according to the then bourgeois doctor's ideology.

Anyway, these three figures will remain clearly demarcated only until the mid XIX century. After the development of the concept of degeneracy by Morel, all sorts of abnormalities are assigned to a "diffuse organic source" that constitutively disturbs the mental functions and/or physical of certain individuals in an increasingly serious way of their biological inheritors. This theory of degeneration is the origin of all eugenic theories that will develop, especially evolutionary arguments that rely on Darwin and Spencer¹ to identify physical stigmata of abnormality as indicative of a criminality, as is the case of the Italian school of Lombroso and his disciples.

Not coincidentally, medicine takes the woman as the focal point of the power of intervention. She is responsible for the development and health of each member of the home (Matos, 2003). This format remains as there is a hegemonic model of how the individuals should exist. An existence that serves to support, through arguments and circulation of speeches, the perpetuation (and legitimization) of some forms of violence, and the non-recognition of these as such.

There were invented different strategies to face a perverse system of production based on exploitation and oppression. Intentionally or not, these are resistance's or life productions. But they are also practices of power, of domination. The power occurs in the relation oppressor-oppressed and for all those who transgress the norm, there are serious consequences: processes of "re-normalization", exclusion and elimination.

For Baptista (1999), many experts build theories, ideas and concepts on certain categories of individuals, widely disseminated in the media, and realized in different practices. Speeches that make the difference as a lack, something negative, that needs the tutelage and the punishment. Justified, thus, the elimination of the populations according to the ways of their existence that may not fit the standards.

The knife edge that butchers, or the accurate shot in the eye, has some allies, faceless agents preparing the soil for these sinister acts. Without a face or personality, they can be found in speeches, texts, statements, ways of living, ways of thinking moving between families, journalists, mayors, artists, priests, psychoanalysts. With a lack of apparent cruelty, such allies tease the knife and weaken the victim, reducing it to a poor man, act accomplice, poor of care, weak and weird to us, weird to a fully alive human condition" (Baptista, 1999).

The knives sharpeners, says the author, similarly to the cutters members, fragment the violence in everyday life, referring it to the particularities, to individuals cases (Baptista, 1999). Where will be, he asks, the knives sharpeners? He continues:

Since invisible in everyday life, the presence of these allies is difficult to detect. The action of this discourse is microscopic, compliant and careful. They do not follow the rules of the torturers that suppress and use the pain. Eager to create questions and answer them,

¹Social Darwinism, arising from evolutionary theories of Darwin and Spencer, believes that the dispute and the natural selection of the fittest are conditions of social progression. The principles of the struggle for life and survival of the best is applied to the social world, defending the evolutionary chain. The competition on the fight of the species extends, thus, in the social life, explaining the change and the evolution of the society itself.

to create problems and to solve them, they defend a humanism that fill the empty of a weak and without-man force, an anguished and perplexed man, in need of tutelage (Baptista, 1999).

After all, what have the knives sharpeners in common? It shows that prejudice would be a naive deduction, an analysis that justifies and feeds the authoritarian views, the relativism and the emphasis on good or bad conscience (Baptista, 1999). The "views" are based on what the knife sharpeners have in common: the hidden presence of the genocidal act. It is genocidal because it withdraws from life the sense of experimentation and collective creation. It withdraws from the act of living the full character of political struggle and the affirmation of singular modes to exist (Baptista, 1999).

Why is it important to bring the concept of knives sharpeners into the discussion about human trafficking, from the perspective of exploitation and sexual violence? Because apart from the question of criminalization there is another one: where are these practices that sharpes the knives? And in what sense the practice of sharpening knives are acts that go against human rights pratices? Who are the knife sharpeners? And yet, at what time do we sharpe knives? What to do to change the everyday situation of violence and the exclusion of the modes of existence? How to affirm sexual rights and to face sexual violence? How to set struggling policies to sexual violence (including human trafficking as a strategy) without reducing such placements to moral strategies of elimination? What weapons should be used?

4. Conclusions

4.1. What weapons should be used?

Reinventing the social relations that refer to sexuality does not mean creating a new governmental system. More than that, the potency of the transformation lies in the relations, in the practices and the experiences of the individuals with themselves and the others - in the micropolicy (Guattari & Rolnik, 1993).

Why are there such rigid criteria established about how we operate with our bodies, our desires, our relationships?

For Guattari and Rolnik (Guattari & Rolnik, 1993), there is a mass production process of subjectivities that composes and supports the capitalist system. According to the authors: representations are injected in mothers, children, as part of the subjective production process. (...) There is a kind of recycling and continuous education to return being a woman or a mother.

The subjectivation processes are hegemonically produced in normalized models; articulated by hierarchical systems of values and submission systems. In addition, subjectivity is internalized as something that needs to be "filled", opposed to a unique way of subjectivation, conceptualized by Guattari & Rolnik (1993) as singularization processes - refusing to pre-established manipulation modes.

We invest in the differentiation potency, and creation of new problems and with it in new possibilities, through that estrangements and breakdowns² related to experimentations of body and sexuality are considered abnormal. It is the difference as a possibility of construction of new modes of existence and reinvention of the social relations.

In the words of Bicalho (2005): the human is instituted while establishing practices, concepts and knowledge. Such processes are constantly engendered and, therefore momentary.

A clue is brought to us by Deleuze & Guattari (1995), pointing to rhizomatic³ dimension of subjective productions. They are all crossed by multiplicities in a constant motion process. As the grass, there is no single point of origin, a correct entry, not even a final point, guidance or destination. Foucault thinks the same way the construction of history by cartographers and archivists who think about the regimes of truth (Foucault, 1979; Deleuze & Parnet, 1988).

When we talk about violence and discrimination, what are we talking about? We can think of physical aggressions and quarrels, as well as in situations of exclusion of individuals in educational processes and restrictions in the guarantee of their rights. We may also think in human trafficking.

It is important to emphasize that violence does not occur by chance; it is part of a complex normative system that, once transgressed, causes punitive actions, which is called by Dornelles (1988) criminalization processes. For the Brazilian author, the rules of a society are embodied in a penal code, which establishes what a crime is, but it is not limited to this. These standards are criteria to define who is dangerous, and which practices are unacceptable to the social group.

The sexuality device, articulated by gender relations analyzes the ways that individuals produce themselves. Beyond the need to examine the individual, we can think what is collective in these situations that are more than isolated facts.

The violence and discrimination practices are the elimination of "an undisciplined body" that does not follow the rules of gender and sexual norms. But also the regulation of a population supposedly "healthy", free of those practices considered "undesirable", because those practices would endanger the whole society. In conclusion, the practices of violence produce the behavior within the rules.

To talk about sexual violence is not only to think of the aggressor and the victim, but how these processes pass through all of us. According to Batista (2003), the production of fear and insecurity through speeches and daily practices, justify and legitimize public policies of repression and extermination against certain populations. Fear becomes a very powerful crossing in the production of methods where the others - not hegemonic - are murdered, coldly eliminated and all that with the "best intentions" in order to protect the individual and in defense of the society. Naturalized tactics of the maintenance, taken as true.

²According to Kastrup (2007), the invention of new problems faces the limits of modern science in the incessant and impossible search to the absolute purity of its elements, which actually always occur in composition. According to Bicalho (2005), the breakdowns produced in the act problematize our instituted actions, illuminating the naturalized relations and, thereby, enables the invention of other possible ones.

³According to Deleuze & Guattari (1995), to make the multiple means to take away the centrality of a origin, genesis or foundational point of any production process. To subtract the unique from the multiplicity to be built; to write the n-1. Such system could be called a rhizome (Deleuze & Guattari, 1995).

4.2. What other places can we build then?

Louro (2004) points out that the visibility of differences in gender and sexuality questions the established norms. How Kastrup (2007) affirms, the differences potentiate the reinvention of the world when she analyzes the universalized constructions. Therefore, Louro (2004) believes that we can change the established models taking sexuality and gender as issues. The control strategies of bodies and population take sexuality as the founder of human subjectivity, and we are constantly crossed by this paradigm. So, it should not be ignored as a fantasy, but recognized as a construction, which may take other pathways. We are not exactly speaking of a demolition, but about a reinvention.

What other subjectivity production processes are possible, and how may we, professionals, empower them?

One of the possible ways is the collective debate on sexuality and gender, especially when they are combined with situations of violence. Why are some chosen? What do we say when we remain in silence? So, beyond the repression, discussion: the prohibition does not problematize the processes that create these situations.

Thus, treating sexual rights and confronting sexual violence is not to reduce prostitution to a exploitation model, in the universe here called human trafficking. Within our social organization, the ways we learn to exist and to relate with others, we routinely problematize gender and sexuality as the diversity that constitutes us. Thus, to bet on a work concerns a mode of operation such as a toolbox. It must work, and not for itself. It is necessary that the meetings work as war machines and publications work as fighting instruments. In order to continue believing in the power of collectivization and in the invention of other practices that may engender and potentialize new subjectivities, giving rise to much more powerful speeches and practices in order to challenge and to put under analysis contemporary violence.

The moral panic that dwells concepts and positions and that crosses sexual rights is often evidenced by discussions about the trafficking of women. This begins to create a situation of violation of women's rights (in the legal age) engaged as workers in the sex industry, in that their wishes are being summarily ignored under the justification of "protecting them against trafficking". (Silva *et al*, 2005). A powerful analyzer⁴ of this situation is the epistemological confusion fed by some actors who advocate fundamentalist positions as a synonym for human rights⁵. Among the speeches involved in the fight against trafficking in Brazil, numerous times, seems to prevail a vision that is sustained in adolescent image sexually enslaved.

When discussing the necessary repression of human trafficking in Brazil it is necessary to point to the need that this does not become a device to restrict the international displacement of workers and sex workers, without any reference to human rights violations or coercion. Also sexual tourism is not necessarily understood as exploitation. Thereby, concepts such as "consent", "victim" and "coercion"

should be problematized daily in order to combat human trafficking that does not serve for the potentiation of a sexual morality fed by laws based on fear and panic that, when operated politically, instead of guaranteeing rights, serve to deny them. In the name of protection and care, what forms of suffering and exclusion have been produced? This question should never cease to be made.

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⁴The analyzers are events since they produce breaks, catalyze flows, produce the analysis and decompose the object of analysis. (Passos & Barros, 2000).

⁵It makes clear reference, in Brazil, to the period when the Commission on Human Rights and Minorities of the Brazilian House of Representatives was presided by the shepherd-deputy Marco Antonio Feliciano, elected as federal deputy in 2000, by São Paulo state (Christian Social Party) with 212,000 votes (and re-elected in 2014 with 398,000 votes).