

Reimagining Regulatory Responses to Trafficking: Reflections on the South Asian Experience

In the past two decades, 'human trafficking' has been recognized as a global problem of epic proportions, leading various international and domestic legal regimes to enact ever-more stringent legislation on forced labour, practices similar to slavery, bonded labour, contract labour, child labour, migrant labour and coerced sex work. Since the adoption of the Palermo Protocol of 2000, laws governing trafficking across the world have focused narrowly and disproportionately on the criminal regulation of sexual trafficking of women and girls, rather than the structural forces governing labour-related migration more broadly. South Asia offers a striking example of these trends, evident in the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002), which conflated trafficking with voluntary sex work, and which was based on the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) rather than on the Palermo Protocol.

This webinar refocuses attention on the structural causes of trafficking in South Asia and interrogates the centrality of the criminal law to the state's response in the region. A carceral approach often leads to the conflation of trafficking with migration and of trafficking with trafficking for sex work. Instead, we recognize migration as an important livelihood strategy which occurs in varied work sectors, including construction, domestic work and the textiles and garment industries. Moreover, when migration is accompanied by deception and forced labour, as in the case of trafficking, it is not due to 'organised crime' but structural vulnerabilities including migrants' race, gender, caste and religion, weak regulatory frameworks, selective law enforcement, and gender-insensitive migration policies. The solution to trafficking thus lies in empowerment and education, fair recruitment, safe migration, decent work conditions and financial literacy, rather than an ultimately harmful carceral approach that misrecognizes economic migrants as either criminals or victims of trafficking. We feel that this discussion is urgently needed, particularly considering the coronavirus pandemic, which in India alone has pushed 230 million people below the poverty line.

The webinar convenes stakeholders from the UN, civil society, social movements, and academia. Speakers will examine unfree labour from a broader perspective that speaks to the predicament of large numbers of precarious workers in South Asia across various sectors. We will explore a range of regulatory possibilities beyond criminal law and a failed raid-rescue-rehabilitation model, proposing systemic approaches for redressing inequality and achieving the redistribution of wealth. In the process, we examine the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021 proposed to be introduced by the Ministry of Women and Child Development in the monsoon session of the Indian Parliament.

Saturday, July 17, 2021

12:00 –4:00 pm Indian Standard Time (7:30 – 11:30 am British Summer Time)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83544362908?pwd=RGerbUxIYTZJYm42OE1JMXI0Rk9VZz09>

Webinar ID: 835 4436 2908

Passcode: 803184

International numbers available: <https://us02web.zoom.us/j/83544362908>

The event will be recorded. For questions regarding this event please email shakhi.nataraj@kcl.ac.uk

Panel 1: Migration in and out of South Asia

12:00 – 1:45 pm IST (7:30 – 9:15 am BST)

Welcome and opening remarks: **Prabha Kotiswaran**, Professor of Law and Social Justice, King's College, London

Gautam Mody, General Secretary, New Trade Union Initiative (NTUI)

Bandana Pattanaik, International Coordinator, Global Alliance Against Traffic in Women

Igor Bosc, Chief Technical Advisor, Work in Freedom Programme, ILO

Binita Pandey, Lawyer, Women's Rehabilitation Center (WOREC), Nepal

Tripti Tandon, Lawyers Collective, India

Panel 2: Anti-Trafficking Law: the Indian Experience

2:00 – 4:00 pm IST (9:30 – 11:30 am BST)

Moderated by **Shakhi Nataraj**, Postdoctoral Research Associate, King's College, London

Zeba Sikora, Associate (Research), Project 39A

Dr. Sarasu Esther Thomas, Professor, National Law School of India University

Ayeesha Rai, Coordinator, National Network of Sex Workers

Rachana Mudraboyina, Founder, TransVision

Bhagyalaxmi, Secretary, Ashodaya Samiti, Board member, All India Network of Sex Workers

Bharati Dey, Mentor, Durbar Mahila Samanwaya Committee, Board member, All India Network of Sex Workers

This workshop is part of project entitled The Laws of Social Reproduction at King's College, London, and co-organized by the Global Alliance Against Traffic in Women. The Laws of Social Reproduction project seeks to study women's reproductive labour in five sectors bridging the marriage-market continuum: sex work, bar dancing, commercial surrogacy, paid domestic work and unpaid domestic work. The project is generously supported by the European Research Council.

