



UNIVERSITY OF TORONTO
FACULTY OF LAW

CRITICAL ANALYSIS OF LAW WORKSHOP SERIES

presents

Prabha Kotiswaran
The Dickson Poon School of Law
King's College London

***Beyond Sexual Humanitarianism: A Postcolonial Approach to
Anti-Trafficking Law***

Tuesday, March 24, 2015

12:30 - 2:00

**Solarium (room FA2), Falconer Hall
84 Queen's Park**

This Article examines from a postcolonial perspective a deep paradox in contemporary anti-trafficking law and discourse. The inordinate attention on trafficking in Western industrialized economies is disproportionate to the extent of the problem. Only 7% of the world's 20.9 million forced laborers are in developed economies and the EU while 56% are in Asia Pacific. Yet in BRIC countries like India with a substantial majority of the world's trafficked victims and where 90% of all trafficking is domestic, trafficking has little policy resonance. Trafficking was only recently criminalized as part of India's extensive rape law reforms. India, however, remains an active site for sexual humanitarianism as American evangelical groups and local police dramatically raid and rescue 'female sex slaves' from gritty big-city brothels. As developing countries increasingly shape international anti-trafficking law and policy, this Article proposes two ways whereby the postcolony could be far more than a site of sexual humanitarianism. First, I offer India's bonded, contract and migrant labor laws as a robust labor law model against trafficking that could inform international legal developments. This is in contrast to the criminal justice model propagated by the UN Trafficking Protocol worldwide. Second, through a case study of Indian sex workers' mobilization against trafficking through self-regulatory boards in a red-light area, I show how sex workers are not simply passive victims and that community-based initiatives that make sparing use of criminal law could prove more effective than conventional anti-trafficking strategies.

Dr. Prabha Kotiswaran is Senior Lecturer at the Dickson Poon School of Law at King's College London. She has a B.A. LLB degree from the National Law School of India University, Bangalore and LLM and SJD degrees from Harvard Law School. Before coming to King's she taught at the School of Oriental and African Studies, London and practiced law at Debevoise and Plimpton, New York. She teaches and researches in the areas of Criminal Law, Transnational Criminal Law, Sociology of Law and Feminist Legal Theory. Recent books include *Dangerous Sex*, *Invisible Labor: Sex Work and the Law in India* (Princeton, 2011, winner of the 2012 SLSA-Hart Prize for Early Career Academics) and *Sex Work* (Series on Issues in Contemporary Indian Feminism, Women Unlimited New Delhi 2011). She has co-edited Special Issues of the *Journal of Law and Society* and the *Northern Ireland Legal Quarterly* on Economic Sociology of Law. Current book projects include an edited volume *Unsettling Paradigms, Revisiting the Law on Trafficking: Palermo at 15*; a co-authored book *Governance Feminism: An Introduction* and a co-edited volume, *Governance Feminism: An Handbook*. She was recently awarded a Philip Leverhulme Prize.

A light lunch will be provided.

For more workshop information, please contact Nadia Gulezko at n.gulezko@utoronto.ca