



policy on the basis of very thin statutory authorization; 3) ATCA litigation appears to be in conflict with the Supreme Court's ruling in *Sabbatino*, which held that separation of powers militate against court involvement in foreign affairs; 4) application of ATCA remains inconsistent with the near-unanimous academic rejection of the Helms-Burton litigation, which appears to seek a remedy for property crimes similar to that which the expanded ATCA seeks for human rights abuses; and 5) expansive ATCA claims risk devolving foreign policymaking authority onto a multiplicity of local district and appellate judges.

Subjects: [Alien Torts Claims Act](#)

## Country-Specific Case Studies

**Mantei, Charles T. (note: student author), "It Takes a Village to Raise a Child: The Role of The Organization of American States in Eliminating the Worst Forms of Child Labor in Brazil", *University of Miami Inter-American Law Review* v. 32 no3 (Fall 2001) p. 469-522**

### **Abstract:**

This note examines Brazil's attempts to adopt a comprehensive model for eliminating child labor with the assistance of the United Nation's Children Fund and the International Labor Organization (ILO). Part II defines child labor and analyzes the inherent social and developmental effects on Brazilian children and society at large. Part III offers a historical survey of the socio-economic and political roots of child labor. Part IV evaluates the modern Brazilian model, its application to national laws and social programs, as well as its interplay with national and international human rights initiatives. Part V and VI propose a regional plan for the elimination of child labor in Brazil with a focus on the integration of the ILO's International Programme for the Elimination of Child Labor (IPEC) initiatives within the Organization of American States. Finally, the author calls for a flexible, persistent, and cooperative policy approach to transform the underlying social psychology that perpetuate child labor in Brazil, and elsewhere in Latin America.

Subjects: [Country-Specific Case Studies](#), [Child Labor](#), [International Labour Organization \(ILO\)](#), [Organisation for Economic Cooperation and Development \(OECD\)](#)

**Smith, Karen M., "Solving worker abuse problems in the Northern Mariana Islands", *Boston College International and Comparative Law Review* v. 24 no2 (Spring 2001) p. 381-407**

### **Abstract:**

The garment industry has long been criticized for treating workers poorly. Despite the attention that this problem has received in recent years, abuse continues to occur, extending even to the US territory of the Northern Mariana Islands. This Note argues that better control over immigration to the Northern Marianas may significantly reduce labor abuse. Part I presents a brief account of the history of the Northern Mariana Islands, its political relationship with the United States, and a synopsis of its present-day problems. Part II describes proposed federal legislation that attempts to remedy labor and

immigration issues, and explains why such legislation has consistently failed. Part III concludes that existing national US labor law, combined with local Mariana Island legislation, would supply adequate protection for garment workers if immigration to the islands were be more effectively controlled. To achieve this control, the author advocates that the federal Immigration and Nationality Act (INA) be extended to the Mariana Islands.

Subjects: [Country-Specific Case Studies](#)

## **Women's Rights**

**Charles J. Ogletree & Rangita de Silva-de Alwis, "When Gender Differences Become a Trap: The Impact of China's Labor Law on Women, A Study in International Labor Standards and Their Effect on Working Women", *Yale Journal of Law and Feminism* v. 14 no69 (2002)**

### **Abstract:**

This article examines the protectionist provisions of the Chinese labor laws, and compares these provisions to historic gender-based employment discrimination in the United States. Since 1978, China has steadily moved away from an employment system known as the "iron rice bowl" system in which the State guaranteed lifetime employment for every worker at the salary determined by the State. Instead, in the past two decades, a legal system protecting women's rights and interests has evolved which guarantees special, gender-specific rights to Chinese women under the Women's Rights and Interests Law. The article argues that by accommodating the reproductive roles of the women, the current law stereotypes Chinese women and reinforces traditional roles. Moreover, the added responsibility of employers to provide special treatment to women acts as a disincentive to hire women. The article concludes by suggesting that the Chinese state should foster the greater social good in a way that does not disadvantage women.

Subjects: [Country-Specific Case Studies](#), [Women's Rights](#)

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**LabourWeb:** [www.lex.unict.it/eurolabor/en/default.htm](http://www.lex.unict.it/eurolabor/en/default.htm)

The Labour Web is a comprehensive documentation center for information about European labor law, social law, industrial relations and the welfare state. It contains up-to-date versions of European Union law, directives, pending directives, EU news, press releases, economic statistics and decisions of the European Court of Justice. It also contains a Working Papers series and subject matter reports (dossiers) on issues concerning European integration. The site also provides links to other websites that contain working papers, statistical reports, and other information about social, economic and industrial relations affairs in the European context. It is run by the Massimo D'Antona Centre for the Study of European Labour Law, at the Faculty of Law of the University of Catania.

**Labor and Global Change Database:** <http://www.ilir.umich.edu/lagn/>

The Labor and Global Change Database provides bibliographies, citation information and (where available) web links to the full text of research exploring connections between labor and globalization. The database aims to provide researchers with an easy means to make the results of their work widely available to other scholars and the interested public. The database is run by and continually updated by the Labor and Global Change Program of the University of Michigan.

**Trade Unions and Labor Relations Database:**  
<http://www.polwiss.fu-berlin.de/tu/english/index.html>

The database, produced by the Institute of Labor Relations of the Otto-Suhr-Institute of the Freie University of Berlin, contains almost 7,000 citations of books, articles, working papers, brochures, proceedings etc. The bulk of the citations address aspects of labor relations in Germany, but there is a substantial body of literature in the database covering the EU and Eastern Europe.

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