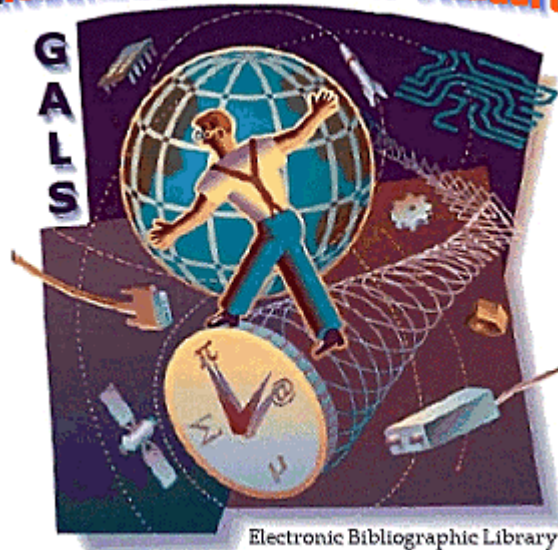


Globalization and Labor Standards



GALS Newsletter

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Alien Tort Claims Act (ATCA)

Collingsworth, Terry, "Work in the 21st Century – A Look at the Contemporary Labor Movement: Separating Fact from Fiction in the Debate Over Application of the Alien Tort Claims Act to Violations of Fundamental Human Rights by Corporations", *University of San Francisco Law Review* v. 37 no536 (Spring 2003)

Abstract:

In this article, the author discusses the negative reaction of the international business community to the use of the Alien Tort Claims Act to hold liable corporations that have knowingly participated in human rights violations. In Part I the author argues that the business community is

incorrect in its attack on the ATCA; that contrary to their claims, the ATCA clearly allows claims for violations of the law of nationals to be brought by aliens in federal court. The author also criticizes the Bush Administration for violating separation of powers by seeking to prevent the enforcement of the ATCA against offending corporations. Part II examines and rebuts the major arguments made by the business community as it seeks to undo the accumulated precedent of the ATCA. Part III summarizes several cases brought by the International Labor Rights Fund cases against corporations that knowingly participating in clear, well-accepted violations of the law of nations. In conclusion, the author argues that ACTA will provide redress for egregious conduct by corporations, and urges that the U.S. government refrain from subverting the judicial process in an attempt to prevent meritorious cases from going forward.

Subjects: [Alien Torts Claims Act](#)

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Country-Specific Case Studies

Bernier, Barbara, "Symposium: Global Human Rights: Panel Remarks: Sugar Cane Slavery: Bateyes in the Dominican Republic", *New England Journal of International and Comparative Law* v. 9 no17 (2003)

Abstract:

This article discusses the enslavement of Haitians on sugar cane plantations in the Dominican Republic and proposes that international human rights laws regarding the use of forced labor be used to prevent such abuses. Part I introduces the existence of the problem. Part II details the process of sugar cane slavery and describes how Haitians end up working on the plantations and the illegal conditions they face while there. Part III situates this modern day atrocity in its historical context, recounting a brief history of Haiti and the Dominican Republic to provide an understanding of present events. Part V details the legal status of Haitians in the Dominican Republic, while Part VI discusses the international covenants and conventions that could be invoked to protect the Haitians and asserts that there is a role for the U.S. in this process. Part VII concludes by summarizing various steps that must be taken to resolve the problem of Haitian enslavement in the Dominican Republic.

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

Full-text links: || [WWW](#) ||

Women's Rights

Abramson, Kara, "Beyond Consent, Toward Safeguarding Human Rights: Implementing the United Nations Trafficking Protocol", *Harvard International Law Journal* v. 44 no473 (2003)

Abstract:

In this note, the author discusses the U.N. Trafficking Protocol, focusing on the debate over the definition of trafficking in women for sex work, a debate that hinges on the issue of consent. Part I analyzes the Protocol and explores efforts to characterize and define trafficking. Part II dissects

the position of autonomy advocates who urge recognition of the ability of an individual to consent to trafficking in certain contexts. Part III offers a similar examination of “protectionist” viewpoints that claim consent is meaningless in trafficking law. Part IV examines alternatives to consent-focused legislation and offers a set of options to address the issue of trafficking in persons. It proposes a model of trafficking legislation that centers on the illicit movement of people and illegal or poorly regulated forms of labor as the defining factors of trafficking. This definition is coupled with a comprehensive set of preventative and assistance measures to form an anti-trafficking scheme that moves anti-trafficking efforts beyond the limitations of consent-centered debates.

Subjects: [United Nations \(UN\)](#), [Women’s Rights](#)

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Links to Related Projects

ETUI Labourline: <http://www.labourline.org/Etui>

ETUI Labourline is a database of European labor information resources covering European, international and comparative aspects of industrial relations and health and safety issues, developed by the Documentation Centres of the European Trade Union Institute and the European Trade Union Institute for Health and Safety (Brussels). The consolidated bibliographic database contains more than 20,000 references to documents focusing on industrial relations, and more than 15,000 references to documents on health and safety issues.

LabourWeb: <http://www.lex.unict.it/eurolabor/en/>

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/>

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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