LAW OF TRADE IN HUMAN RIGHTS: A LEGAL ANALYSIS OF THE INTERSECTION OF THE GENERAL TRADE AGREEMENT OF TARIFF’S ARTICLE XX(b) AND LABOR RIGHTS OF CHILDREN.

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I. INTRODUCTION

Wang Wei, an owner of a private company in Luacheng County, Shijazhuang City, illegally employed a number of child laborers. Five were adolescent girls, ranging in age from fourteen to seventeen. The five girls were found unconscious from inhaling carbon monoxide. Instead of getting the girls medical help, the factory owner attempted to have the girls cremated. He put the bodies into a coffin for cremation. An autopsy later discovered that two of the girls were still alive at that point. They died from asphyxiation. (Even the cremator refused to incinerate the bodies, as the girls still felt warm and the factory owner had no medical certificate authorizing the cremations.) When the girls’ families heard of the matter, they insisted on viewing their daughters’ corpses. Mr. Wang refused. Mr. Wang, instead, offered them compensation of 15,000 RMB roughly the value of $1,875 USD. As a result of offering the payment, he insisted on making no further inquiry into the girls’ deaths. Shortly after they died, seventy child factory workers held a candle light vigil on their behalf. Around 11:00 pm that night, 100 local public security guards and police officers broke up the vigil. One police officer assaulted a father, who insisted on an investigation.¹

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¹University of California, Los Angeles, B.A. English Literature & B.S. in Marine Biology 2000; Victoria University MSS 2012; University of California, Los Angeles, J.D. 2012. I wish to express my appreciation to the editors of the American University Labor and Employment Law Forum. Their diligence ensured the integrity of the piece. Richard Steinberg was particularly helpful in giving crucial guidance in drafting this piece. Thank you to Asli Ü. Bâli for believing in me and criticizing the manuscript, which improved the soundness and accuracy of it. Thank you to Guy Scoffoni and his class for inviting me to present this manuscript at the Faculty Seminar on Globalization, International Trade and Human Rights at The School of Law of the University Paul Cezanne, Aix-Marseille, France. And finally to Rick Yamamoto, thank you for always encouraging me to publish and being there for me during my law school journey.

¹Id.