

LABOUR EXPLOITATION IN HUMAN TRAFFICKING LAW

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LABOUR EXPLOITATION IN HUMAN TRAFFICKING LAW

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Labour Exploitation in Human Trafficking Law

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FOREWORD

Until recently, labour exploitation has been the poor cousin of human trafficking. This is so, as up until the conclusion of the 2000 Palermo Protocol dealing with trafficking in persons, the regime of human trafficking was exclusively focused on sexual exploitation, with an emphasis on the prostitution of others.

By comparison, the types of labour exploitation making up part of the current regime of human trafficking flows from a different source, one older and more well-known, one predicated on addressing the worst forms of labour abuses known to humanity: forced labour, servitude and slavery. Adding further weight to the neglected relative metaphor is the fact that it is only in the last five to ten years that labour exploitation as species of human trafficking has gained any semblance of traction amongst policy-makers or within the very consciousness of the most-interested observers.

Dr Weatherburn's monograph, the product of her doctoral dissertation, in conceptualising labour exploitation within the context of human trafficking, has gone beyond the most serious forms of labour exploitation enumerated within the common definition of human trafficking as set out in the 2000 Palermo Protocol, as well as the regional 2005 European, and 2015 ASEAN, anti-trafficking instruments. Weatherburn goes further, in considering forced labour, servitude, and slavery, not as the end point of considerations related to labour exploitation; but rather as a starting point, recognising these as an upper-limit, manifesting for the worst forms of exploitation. Weatherburn's conceptualisation seeks to bring into the equation further forms and manifestation of labour exploitation which fall within a zone as between the upper-limit just noted, and a lower-limit predicated on the standard of Decent Work set by the International Labour Organization.

I will leave it to the reader to discover Weatherburn's articulation of her legal conception of labour exploitation as understood within the framework of human trafficking. That said, the engagement in mixed-methods of analysis, her engagement with theoretical issues flowing from different academic disciplines, and her consideration of case law from Belgium and the United Kingdom, means that Weatherburn has brought much to bear to her considerations. The mobilisation of material is, of course – dare I say: necessary, but not sufficient – to mark out a monograph worth considering. The judgments made and the approach taken speaks volumes in regard to Weatherburn's future arc of success. The firm foundation developed during her doctoral studies can only be understood, where Weatherburn is concerned, as a launching pad for things to come. With this monograph Weatherburn has positioned herself as a leading voice of her generation, who will be able to bring a critical eye to issues related to human trafficking for many years to come.

She joins but a handful of legal scholars who have a firm understanding of the regime of human trafficking.

On a personal note, I have known Amy since 2015, when we first met at a PhD conference hosted at the Wilberforce Institute, University of Hull, which transpired as a result of a grant I was a co-investigator on, provided by the UK Arts and Humanities Research Council, focused on ‘The Antislavery Usable Past’. Through the same grant scheme, Amy and I were able to meet once more in 2016, as part of a week-long PhD School hosted by Masaryk University, in Brno, Czech Republic, that afforded our group the possibility to not only travel to Vienna to visit the United Nations Office on Drugs and Crime, but to get to know each other better. Since then, I was involved in Amy’s PhD committee, having had the opportunity to visit Tilburg University for a ‘soft’, internal, defence and later appearing, via a web-based platform, at her public defence from all places: a cubical at the State Library of Western Australia, in Perth!

As an occasional passenger on Amy’s journey to Dr Weatherburn, I have seen growth in both the person and the scholar. I have witnessed the engagement in both academia and through research projects with policy-makers. I have seen the development of rigour and ever-higher standards being set; I have heard the development of both a unique voice and approach. All of this speaks to the monograph you have in hand as but the first salvo in what promises to be a career worth watching and a scholar worth listening to.

I commend Dr Weatherburn’s monograph and welcome the opportunity to be associated with her work through this Foreword.

Jean ALLAIN
Monash University, and
Wilberforce Institute, University of Hull

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LIST OF ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
BE	Belgium
COE	Council of Europe
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
ECOWAS	Economic Community of West African States
EU	European Union
EWCA	Court of Appeal of England and Wales
FRA	European Union Agency for Fundamental Rights
GRETA	Group of Experts on Action against Trafficking in Human Beings
HC	House of Commons
HL	House of Lords
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant of Economic, Social and Cultural Rights
ICTY	International Criminal Tribunal for the former Yugoslavia
ILO	International Labour Organization
IOM	International Organization for Migration
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNODC	United Nations Office on Drugs and Crime

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