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The Student and Alumni subseries forms part of the Victoria University of Wellington Legal Research Paper Series (VUWLRPS). For more information about both VUWLRPS and the Student and Alumni subseries, see "About this eJournal" near the end of this issue.

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LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

"Protection Against Slavery in New Zealand"

Victoria University of Wellington Legal Research Paper Series, Student/Alumni Paper No. 11

KATJA HEESTERMAN, Victoria University of Wellington - Victoria University of Wellington, Students/Alumni
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The European Court of Human Rights decision in *CN v The United Kingdom* highlighted that slavery remains a modern problem. It may no longer resemble the traditional picture of slavery dramatically presented by Hollywood but it is no less on an issue. Modern slavery is less visible; it is hidden away within homes, normal workplaces or in overseas factories. This paper argues that New Zealand's current treatment of slavery is inadequate exemplified by the absence of prosecutions. Thorough protection of slavery requires clear definitions that courts can easily apply. This paper explores how the Bill of Rights could be used to remedy this situation. This paper argues for the application of the

Drittwirkung concept to give a horizontal effect to a right against slavery. Furthermore it is argued that New Zealand is under positive obligations to actively prevent rights violations, not merely avoid them. These positive obligations are a key component of modern human rights jurisprudence and can be read into the New Zealand Bill of Rights Act 1990. This paper speculates that one action courts could take is to undertake the development of a tort action against slavery.

"Euthanasia for Children?"

Victoria University of Wellington Legal Research Paper Series, Student/Alumni Paper No. 12

ANNA SLOAN, Victoria University of Wellington - Victoria University of Wellington, Students/Alumni
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Any thought of child euthanasia seems quite shocking on first instinct. However, Belgium forced a flow of international discussion through its extension of euthanasia laws to suffering patients of any age. This essay looks at its possible application in New Zealand, considering the competence of minors, the need for parental consent (or not) and issues of mental suffering. A final conclusion is drawn that euthanasia, if legalised, would be appropriate only for patients 16 years and over. This essay draws analogies with the law around consenting to other medical procedures, abortion, transgender treatment and contraception. For patients under the 16 age threshold, paediatric palliative care is convincingly the safest and most comprehensive option to assist young terminally ill children and their family through the final stages of life.

"Excluding Undeserving Claimants: New Zealand's Interpretation of Art 1F(C) Refugee Convention"

Victoria University of Wellington Legal Research Paper Series, Student/Alumni Paper No. 13

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This paper reviews New Zealand judicial interpretation of the "acts contrary to the purposes and principles of the United Nations" as stated in art 1F(c) Refugee Convention, in the light of subsequent foreign jurisprudence. Article 1F excludes claimants from gaining refugee status under the Convention if there are "serious reasons for considering" they have committed a proscribed act. The ambiguous ambit of art 1F(c) had attracted little jurisprudence before the New Zealand authority's 1995 decision in Refugee Appeal 2338/94. However, art 1F(c) jurisprudence has significantly increased in the face of new global issues such as terrorism, and an expanding United Nations mandate. This paper aims to aid future New Zealand courts in art 1F(c) cases, by assessing Refugee Appeal 2338/94 in light of the Canadian Supreme Court decision in *Pushpanathan v Canada* and the United Kingdom Supreme Court decision in *Al Sirri and DD v Secretary of State for the Home Department*.

"Investigating Extra-Territorial Human Rights Violations in Conflict: A Principled Disharmony"

Victoria University of Wellington Legal Research Paper Series, Student/Alumni Paper No. 14

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This paper discusses a sequence of litigation concerning attempts by Iraqi citizens to have the United Kingdom Government investigate their claims of ill-treatment and death by British soldiers during the six-year British occupation of Basra, Southern Iraq. This paper uses the litigation as a foil to examine broader issues arising from the extra-territorial application of the duty to effectively investigate rights violations under the European Convention on Human Rights, an unprecedented occurrence. Specifically, it compares the duty of effective investigation to comparative institutional responses to human rights violations in conflict. These mechanisms have developed a broader set of victim-oriented objectives in dealing with violations and this paper argues the duty of effective investigation is comparatively deficient. It then looks at the manner in which the domestic courts have applied the duty, arguing that the various factors have driven the High Court to adopt a limited model of investigation.

"Assessing New Zealand's Immigration Policy Towards Victims of Human Trafficking: A Human Rights Approach"

Victoria University of Wellington Legal Research Paper Series, Student/Alumni Paper No. 15

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This paper assesses New Zealand's immigration policy towards victims of human trafficking, adopting a human rights approach to determining best practice. Nine principles of a human rights approach are identified. In assessing New Zealand's immigration policy, a number of gaps are identified, which result in breaches of the nine principles. To remedy these defects, two changes are recommended.

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About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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