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# Research Report

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Topic 2: Introduction a legal framework to address accountability regarding the exploitation of labour.



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# Introduction

Labour exploitation remains one of the most persistent violations of human dignity within the modern global economy. Even though international law prohibits forced labour, slavery-like practices and human trafficking, millions of individuals continue to experience coercive working conditions, wage withholding, restricted movement, intimidation, and hazardous labour environments. These realities often emerge where poverty, weak governance, corruption, and limited labour enforcement reduce the capacity of states to uphold protections, while private actors may benefit from low-cost production and insufficient oversight in supply chains.<sup>1</sup>

For GA6 Legal, the central challenge is accountability: labour exploitation frequently occurs through complex recruitment networks, subcontracting chains, and cross-border labour migration, which makes legal responsibility difficult to assign and enforce. As a result, many perpetrators avoid prosecution, and victims face limited access to remedies. Effective international action therefore requires not only condemnation of exploitation but also stronger legal mechanisms that clarify jurisdiction, strengthen enforcement, raise consequences, and ensure victim-centred protection.<sup>2</sup>

## Key Terms

### **Legal Frameworks:**

Legal frameworks are the set of rules, institutions, and enforcement mechanisms that regulate conduct and create accountability. They include legislation, regulations, constitutional provisions, judicial enforcement, criminal penalties, labour inspections, and civil liability systems. A functioning framework must be consistent, enforceable, transparent, and accessible to victims.<sup>3</sup>

### **Exploitation of Labour / Forced Labour:**

Forced labour is defined as “all work or service which is exacted from any person under the

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<sup>1</sup> International Labour Organization (ILO), *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva: ILO, 2022).

<sup>2</sup> United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons 2022* (Vienna: UNODC, 2022).

<sup>3</sup> International Labour Organization (ILO), *International Labour Standards on Forced Labour* (Geneva: ILO, n.d.).

menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>4</sup>

Labour exploitation can include forced overtime, threats, debt bondage, confiscation of identity documents, unsafe accommodation, restricted communication, and wage deductions or non-payment.<sup>5</sup>

### **Child Labour:**

Child labour refers to work that deprives children of education, harms their development, or exposes them to dangerous conditions. International law particularly focuses on eliminating the “worst forms of child labour”, including slavery, trafficking, and hazardous labour.<sup>6</sup>

### **Human Trafficking:**

Human trafficking is the recruitment, transportation, transfer, harbouring, or receipt of persons through force, coercion, deception, or abuse of power for the purpose of exploitation, including forced labour.<sup>7</sup>

### **Human Rights Due Diligence (HRDD):**

Human Rights Due Diligence describes the process through which businesses identify, prevent, mitigate, and account for adverse human rights impacts connected to their operations or supply chains.<sup>8</sup>

## **Background Information**

Modern labour exploitation developed alongside industrialisation, when rapid economic expansion produced severe inequalities and unsafe working conditions, especially for low-skilled workers. Over time, these issues contributed to the creation of international labour standards. The International Labour Organization (ILO) was founded in 1919 with the

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<sup>4</sup> International Labour Organization (ILO), *Forced Labour Convention, 1930 (No. 29)* (Geneva: ILO, 1930), Article 2.

<sup>5</sup> International Labour Organization (ILO), *Forced Labour Convention, 1930 (No. 29)* (Geneva: ILO, 1930), Articles 1 and 25.

<sup>6</sup> International Labour Organization (ILO), *Worst Forms of Child Labour Convention, 1999 (No. 182)* (Geneva: ILO, 1999).

<sup>7</sup> United Nations Office on Drugs and Crime (UNODC), *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Palermo Protocol) (United Nations, 2000), Article 3.

<sup>8</sup> United Nations, *Guiding Principles on Business and Human Rights* (New York and Geneva: United Nations, 2011).

goal of advancing social justice and labour protections, establishing conventions that remain central to the international legal framework against forced labour.<sup>9</sup>

A key foundation is the ILO Forced Labour Convention (1930, No. 29). Article 2 contains the internationally accepted definition of forced labour, while Article 1 obliges states to suppress forced labour and Article 25 demands that illegal forced labour is punishable as a penal offence.<sup>10</sup> The Abolition of Forced Labour Convention (1957, No. 105) later strengthened protections by prohibiting forced labour used for political coercion, punishment, discrimination, or labour discipline.<sup>11</sup>

After the Second World War, the protection of labour rights became increasingly embedded in human rights law. The Universal Declaration of Human Rights (1948) prohibits slavery and servitude in Article 4, while Articles 23 and 24 provide core labour protections including fair remuneration, decent working conditions, and the right to rest.<sup>12</sup>

In recent decades, globalisation and the rise of complex supply chains have expanded the risk of exploitation. Exploitation can be embedded in recruitment fees, illegal subcontracting, undocumented labour dependency, and state systems that restrict minority groups. At the same time, improved reporting, technology, and international monitoring have increased global awareness of the scale and persistence of forced labour.<sup>13</sup> Current global estimates indicate that tens of millions of people worldwide experience conditions that meet the definition of modern slavery, including forced labour.<sup>14</sup>

## Major Countries and Organisations Involved

### European Union:

The European Union is involved through regulatory development and monitoring

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<sup>9</sup> International Labour Organization (ILO), “History of the ILO” (institutional overview), Geneva: ILO, n.d.

<sup>10</sup> International Labour Organization (ILO), *Forced Labour Convention, 1930 (No. 29)* (Geneva: ILO, 1930), Articles 1–2 and 25.

<sup>11</sup> International Labour Organization (ILO), *Abolition of Forced Labour Convention, 1957 (No. 105)* (Geneva: ILO, 1957).

<sup>12</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), *Universal Declaration of Human Rights* (United Nations, 1948), Articles 4, 23, and 24.

<sup>13</sup> International Organization for Migration (IOM), *Glossary on Migration* (Geneva: IOM, 2019).

<sup>14</sup> Walk Free, *Global Slavery Index 2023* (Perth: Walk Free, 2023).

institutions. The EU Agency for Fundamental Rights (FRA) provides evidence-based analysis of exploitation risks and labour-related trafficking patterns, supporting stronger policy responses and legislative development.<sup>15</sup>

### **India:**

India is commonly identified as a country with a high estimated number of individuals in modern slavery and forced labour conditions. Vulnerability is increased by poverty, high informality, weak enforcement in unregulated sectors, and patterns such as debt bondage. Migrant workers can face coercive recruitment, withheld wages, and unsafe working environments.<sup>16</sup>

### **Bangladesh:**

Bangladesh is strongly linked to global garment production. Exploitation risks remain in supply chains due to cost pressure, poor workplace safety conditions, and limited enforcement capacity. The Rana Plaza disaster (24 April 2013) refers to the collapse of an eight-storey building in Dhaka housing garment factories, killing more than 1,100 workers and exposing systemic safety failures and exploitative labour practices.<sup>17</sup>

### **China:**

China's scale of industrial production and reports on forced labour programmes have made it central to debates on supply-chain accountability. In particular, international monitoring organisations and government reports have raised concerns about forced labour risks affecting ethnic and religious minority communities in certain regions and industries.<sup>18</sup>

### **International Labour Organization (ILO):**

The ILO is the primary international institution responsible for labour standards. It sets

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<sup>15</sup> European Union Agency for Fundamental Rights (FRA), *Trafficking in Human Beings and Labour Exploitation* (Luxembourg: Publications Office of the European Union, n.d.).

<sup>16</sup> Walk Free, *Global Slavery Index 2023: India* (country dataset and analysis) (Perth: Walk Free, 2023).

<sup>17</sup> International Labour Organization (ILO), "Rana Plaza: Lessons for Worker Safety and Labour Rights" (background briefing), Geneva: ILO, n.d.

<sup>18</sup> United States Department of Labor, Bureau of International Labor Affairs (ILAB), *Against Their Will: The Situation in Xinjiang* (Washington, DC: U.S. Department of Labor, n.d.).

binding conventions and protocols, monitors compliance, and supports states in implementing protective frameworks and enforcement models against exploitation.<sup>19</sup>

**Office of the United Nations High Commissioner for Human Rights (OHCHR):**

OHCHR plays a leading role in monitoring human rights violations and supporting international human rights standards, including freedom from slavery, forced labour, and trafficking.<sup>20</sup>

**Anti-Slavery International:**

Anti-Slavery International is one of the longest-standing NGOs working to eliminate slavery and forced labour, supporting advocacy and victim protection programmes across various regions.<sup>21</sup>

## Relevant International Legal Frameworks

**Universal Declaration of Human Rights (1948):**

Article 4 prohibits slavery and servitude, while Articles 23–24 include labour protections such as fair conditions of work, equal pay for equal work, and the right to rest and leisure.<sup>22</sup>

**ILO Forced Labour Convention (1930, No. 29):**

Article 2 defines forced labour; Article 1 obliges suppression; and Article 25 requires states to treat illegal forced labour as a penal offence.<sup>23</sup>

**Protocol of 2014 to the Forced Labour Convention (P029):**

This protocol strengthens enforcement by requiring prevention strategies, victim protection,

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<sup>19</sup> International Labour Organization (ILO), *ILO Standards and Supervisory System on Forced Labour* (Geneva: ILO, n.d.).

<sup>20</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), “OHCHR Mandate and Human Rights Work” (United Nations, n.d.).

<sup>21</sup> Anti-Slavery International, “About Us” (London: Anti-Slavery International, n.d.).

<sup>22</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), *Universal Declaration of Human Rights* (United Nations, 1948), Articles 4, 23, and 24.

<sup>23</sup> International Labour Organization (ILO), *Forced Labour Convention, 1930 (No. 29)* (Geneva: ILO, 1930), Articles 1–2 and 25.

and access to remedies. Article 1 requires a national policy and plan of action, while Articles 2–3 emphasise protection and compensation mechanisms for victims.<sup>24</sup>

### **ILO Worst Forms of Child Labour Convention (1999, No. 182):**

Article 3 defines the “worst forms” as slavery-like practices, trafficking, hazardous labour, and work likely to harm health, safety, or morals.<sup>25</sup>

### **UN General Assembly Resolution 78/228 (Agenda Item 107):**

This resolution addresses trafficking in persons, especially women and children, and calls for strengthened prevention, victim protection, international cooperation, and prosecution efforts.<sup>26</sup>

## **Previous Attempts to Solve the Issue**

Previous attempts to address labour exploitation have focused on criminalisation of trafficking and forced labour, stronger labour inspection structures, regulation of recruitment practices, and international awareness campaigns. Some progress has been achieved where legal definitions are clear and enforcement bodies have sufficient funding and independence.<sup>27</sup>

However, enforcement remains uneven. In many contexts, victims avoid reporting due to fear of retaliation, deportation, or loss of income. Exploitation also persists through subcontracting chains and informal work sectors where legal oversight is limited. Furthermore, corporate accountability mechanisms often fail when parent companies deny responsibility for abuses occurring within complex supply networks.<sup>28</sup>

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<sup>24</sup> International Labour Organization (ILO), *Protocol of 2014 to the Forced Labour Convention, 1930 (P029)* (Geneva: ILO, 2014), Articles 1–3.

<sup>25</sup> International Labour Organization (ILO), *Worst Forms of Child Labour Convention, 1999 (No. 182)* (Geneva: ILO, 1999), Article 3.

<sup>26</sup> United Nations General Assembly, Resolution A/RES/78/228: *Improving the Coordination of Efforts against Trafficking in Persons* (United Nations, 2023).

<sup>27</sup> International Labour Organization (ILO), *Combating Forced Labour: A Handbook for Employers and Business* (Geneva: ILO, 2008).

<sup>28</sup> United Nations, *Guiding Principles on Business and Human Rights* (New York and Geneva: United Nations, 2011).



## Possible Solutions

### **Strengthening enforcement and labour inspection capacity:**

States should invest in well-trained labour inspectorates, specialised prosecution units, and accessible reporting channels for victims. Enforcement is most effective when legal definitions of forced labour match international standards and penalties are applied consistently.<sup>29</sup>

### **Corporate accountability through due diligence frameworks:**

Governments may require mandatory human rights due diligence obligations for companies operating across supply chains. This includes risk mapping, public reporting, remediation mechanisms, and clear consequences for companies that ignore or conceal exploitation.<sup>30</sup>

### **Increasing penalties and consequences:**

To ensure exploitation is not economically rational, states can introduce proportionate penalties such as higher criminal sanctions, significant corporate fines, public procurement exclusion, confiscation of profits linked to forced labour, and mandatory compensation mechanisms for victims.<sup>31</sup>

### **Improving international cooperation and data sharing:**

Since trafficking and labour exploitation often operate across borders, international cooperation through mutual legal assistance and coordinated investigations is essential to disrupt networks and prosecute perpetrators.<sup>32</sup>

### **Victim-centred protection and remedies:**

Victims should receive legal aid, protection from retaliation, access to compensation (including unpaid wages), and safe mechanisms to report exploitation. Where exploitation is

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<sup>29</sup> International Labour Organization (ILO), *Forced Labour Convention, 1930 (No. 29)* (Geneva: ILO, 1930), Article 25.

<sup>30</sup> European Union, *Corporate Sustainability Due Diligence Directive (CSDDD)* (directive text), European Union, 2024.

<sup>31</sup> International Labour Organization (ILO), *Forced Labour Convention, 1930 (No. 29)* (Geneva: ILO, 1930), Article 25.

<sup>32</sup> United Nations Office on Drugs and Crime (UNODC), *Toolkit to Combat Trafficking in Persons* (Vienna: UNODC, 2008).

linked to trafficking, survivors may require temporary residency protection and support services to access justice.<sup>33</sup>

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<sup>33</sup> International Labour Organization (ILO), *Protocol of 2014 to the Forced Labour Convention, 1930 (P029)* (Geneva: ILO, 2014), Articles 2–3.

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