



# General Assembly

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## Human Rights Council

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### Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

**Albania,\* Argentina, Armenia,\* Australia,\* Austria,\* Belgium, Bosnia and Herzegovina,\* Bulgaria,\* Canada,\* Chile, Costa Rica, Croatia,\* Cyprus,\* Ecuador,\* Estonia,\* Finland, France, Georgia, Germany, Greece,\* Guatemala,\* Honduras, Iceland,\* Ireland,\* Israel,\* Jordan,\* Latvia,\* Lithuania, Luxembourg, Malta,\* Marshall Islands,\* Montenegro, Netherlands (Kingdom of the),\* North Macedonia,\* Norway,\* Paraguay, Peru,\* Philippines,\* Portugal,\* Romania, Slovakia,\* Spain,\* Sweden,\* Switzerland,\* Thailand,\* Ukraine and Uruguay\*:** draft resolution

### 53/... Trafficking in persons, especially women and children

*The Human Rights Council,*

*Guided by the Charter of the United Nations,*

*Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,*

*Reiterating its strong condemnation of trafficking in persons, especially women and children, which constitutes an offence and a serious threat to human dignity and physical integrity, human rights and sustainable development,*

*Recalling all relevant United Nations resolutions, in particular those of the General Assembly and the Human Rights Council, relating to trafficking in persons, especially women and children,*

*Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocols thereto on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,*

*Reaffirming also the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,*

*Reaffirming further the Forced Labour Convention, 1930 (No. 29), and the Protocol of 2014 thereto, the Worst Forms of Child Labour Convention, 1999 (No. 182), the Forced*

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\* State not a member of the Human Rights Council.



Labour (Supplementary Measures) Recommendation, 2014 (No. 203), and the Declaration on Fundamental Principles and Rights at Work of the International Labour Organization,

*Recalling* the Domestic Workers Convention, 2011 (No. 189), and the Domestic Workers Recommendation, 2011 (No. 201), of the International Labour Organization,

*Recalling also* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,<sup>1</sup> and in particular targets 5.2, 8.7 and 16.2 of the Sustainable Development Goals, on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; taking immediate and effective measures to eradicate forced labour, end modern slavery and trafficking in persons and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; and ending abuse, exploitation, trafficking in persons and all forms of violence against and torture of children,

*Noting* that supporting development, including in rural areas, and addressing social, economic, political and other factors that make people vulnerable to trafficking can contribute to minimizing the risk of trafficking for labour exploitation, and recalling the Durban Call to Action on the Elimination of Child Labour,

*Recalling* the decision of the General Assembly, in its resolution 68/192 of 18 December 2013, to declare 30 July World Day against Trafficking in Persons,

*Recalling also* the Recommended Principles and Guidelines on Human Rights and Human Trafficking<sup>2</sup> and the commentary thereon, developed by the Office of the United Nations High Commissioner for Human Rights,

*Reaffirming* that trafficking in persons violates and impairs or nullifies the enjoyment of human rights and fundamental freedoms, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral, regional and bilateral cooperation among countries of origin, transit and destination for its eradication,

*Recognizing* that victims of trafficking in persons are often subject to multiple and intersecting forms of discrimination and violence, including on the grounds of gender, age, race, disability, ethnicity, culture and religion, as well as national or social origin or other status, including migration status, and that these forms of discrimination may themselves fuel trafficking in persons,

*Recognizing also* that gender inequality, poverty, forced displacement, unemployment, lack of socioeconomic opportunities, lack of access to education, gender-based violence, discrimination and marginalization are some, but not all, of the contributing factors that put persons, especially women and children, at an increased risk of trafficking,

*Recalling* the Global Compact for Safe, Orderly and Regular Migration, which addresses, inter alia, the issue of trafficking in persons in the context of international migration,

*Recognizing* the importance of exploring the link between migration and trafficking in persons, and noting that the availability of regular migration opportunities can be one way to reduce the risk of persons being trafficked,

*Noting with concern* that some of the demand fostering sexual exploitation, labour exploitation and the illegal removal of organs is met by trafficking in persons, and recognizing that trafficking in persons is fuelled by high profits for traffickers and demand that fosters all forms of exploitation,

*Welcoming in particular* the efforts of States, United Nations bodies and agencies and intergovernmental and non-governmental organizations, as well as of regional and subregional initiatives, to address the problem of trafficking in persons, especially women and children, including the Working Group on Trafficking in Persons established by the

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<sup>1</sup> General Assembly resolution 70/1.

<sup>2</sup> E/2002/68/Add.1.

Conference of the Parties to the United Nations Convention against Transnational Organized Crime, the United Nations Global Plan of Action to Combat Trafficking in Persons<sup>3</sup> and the 2021 Political Declaration on the Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons,<sup>4</sup> and the Inter-Agency Coordination Group against Trafficking in Persons,

*Recalling* the Guiding Principles on Business and Human Rights and the duties of States and the responsibilities of businesses stipulated therein,

*Bearing in mind* that businesses have a responsibility to respect human rights and should act with due diligence to prevent trafficking, to establish effective procedures to identify cases of trafficking and forced labour, including forced child labour, in their operations, including their supply chains, to ensure that cases are referred to the proper services and to provide redress to workers in exploitative situations,

*Bearing in mind also* that all States should exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and to punish perpetrators, to support and empower victims, including survivors, and to provide for their protection and access to remedies, and that not doing so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms,

*Recognizing* that the agricultural sector is a high-risk sector for trafficking in persons, including women and girls living in rural and remote areas and agricultural workers in seasonal, temporary and circular migration,

*Taking into account* the adverse effects of climate change on agriculture and food security, which place farming communities and persons in rural and remote areas at risk of trafficking in persons,

*Welcoming* the work of the United Nations High Commissioner for Human Rights on improving accountability and access to remedies for victims of business-related human rights abuse,

*Convinced* of the need to protect and assist all victims of trafficking, with full respect for the human rights and dignity of the victims,

1. *Urges* States to protect, respect and fulfil the human rights of victims of trafficking through enhanced protection and empowerment of and support and assistance for victims, including survivors, of trafficking in persons, especially women and children, including in high-risk sectors for trafficking in persons such as the agriculture sector, by:

(a) Providing protection and effective and adequate gender-responsive, child-sensitive, disability-responsive, victim-centred, trauma-informed and multidisciplinary assistance to victims of trafficking and considering also their direct dependants, on the basis of the specific needs of those persons, including child-appropriate measures, which must not be made conditional on their cooperation with law enforcement authorities;

(b) Considering enhancing early identification of potential victims of trafficking upon the identification of vulnerabilities, for example by establishing procedures in places of first arrival of migrants, refugees and asylum-seekers for the identification of indicators of migrants' vulnerability, including to trafficking and exploitation, and providing early support and assistance also to persons at risk of being trafficked;

(c) Fully recognizing victims' rights and implementing the non-punishment principle, in accordance with respective national legal systems, by taking all appropriate measures, including through policies and legislation, to ensure that victims of trafficking are protected from prosecution or punishment for acts that they have been compelled to commit as a direct consequence of having been trafficked, and that victims, including survivors, do not suffer from revictimization as a result of actions taken by government authorities;

(d) Considering developing, through multi-stakeholder partnerships with civil society, businesses and relevant stakeholders, long-term inclusion strategies based on

<sup>3</sup> General Assembly resolution 64/293.

<sup>4</sup> General Assembly resolution 76/7, annex.

innovative skill-acquisition schemes to empower victims of trafficking and facilitate their access to the labour market, in line with domestic legal frameworks;

(e) Combating racism, xenophobia and all forms of discrimination and related intolerance based on race, colour, descent, national or ethnic origin or religion or belief, which increases the vulnerability of persons affected by trafficking;

(f) Promoting gender-responsive measures to combat and eliminate all forms of trafficking in women and children, including for sexual exploitation and forced labour, and taking into account the specific needs of women and girls and their participation and leadership in and contribution to all phases of preventing and responding to trafficking, especially in addressing sexual exploitation;

(g) Adopting appropriate measures to address, especially in the field of education and awareness-raising, discriminatory approaches and social norms that increase women's and girls' vulnerabilities to trafficking, including by addressing all forms of violence, including sexual and gender-based violence, and discrimination in access to resources, education and job opportunities;

(h) Promoting greater synergy between anti-trafficking efforts and those made under the women, peace and security agenda, especially by addressing the issue of trafficking in persons and its link with conflict-related sexual violence, and by stressing the key role of women's agency and participation;

(i) Addressing the heightened risk of trafficking in humanitarian crisis situations, including in armed conflict, and in post-conflict environments, natural disasters and other emergency environments, and calling upon States and the United Nations to take measures to prevent and combat trafficking in persons and to end the recruitment and use of child soldiers;

(j) Addressing the specific needs and vulnerability to trafficking of children by considering the best interests of the child in all measures and decisions affecting children and by promoting education and preventing and combating child labour and trafficking in children, online and offline;

(k) Calling upon States to address the challenges, including for law enforcement, presented by new methods of recruiting victims of trafficking in persons, such as the misuse of the Internet, social media and online platform service providers by criminals, while fully recognizing the potential of the Internet and other information and communications technologies to prevent and combat trafficking in persons and to assist victims;

(l) Ensuring victims' right to privacy;

(m) Further developing ways to protect victims of trafficking in persons for the purpose of organ removal and to address their vulnerability, including by providing medical and psychosocial care and services to victims and by adopting the measures necessary to protect the rights and interests of victims in all phases of criminal prosecution and judicial proceedings, and to ensure accountability;

(n) Ensuring effective access to social protection and health care, including for agricultural workers and their families, as appropriate;

(o) Addressing the root causes of forced displacement, including human rights violations and discriminatory practices, and thus reducing vulnerability to trafficking in persons;

(p) Enhancing data collection and disaggregation on trafficking in persons, including in the agricultural sector, in line with data protection and data privacy principles;

2. *Also urges* States to prevent and to fight trafficking in persons, especially women and children, for the purpose of all forms of exploitation, and to address labour exploitation, including by:

(a) Promoting just and decent work conditions and the effective implementation of international labour standards and of comprehensive policies, programmes and other

measures protecting agricultural workers and consistently aligning immigration law, social and labour protection and human rights in this area;

(b) Promoting consistent, whole-of-society action involving civil society, the private sector, employers, trade unions and other relevant stakeholders in the field of economic and social development, as well as the labour market;

(c) Ensuring that agricultural workers are provided with information on terms and conditions of work and protection services during the whole cycle of work and migration;

(d) Strengthening identification and referral procedures for agricultural workers at risk of trafficking and providing training for and capacity-building of relevant authorities;

(e) Considering obligations for employers to ensure that they practise ethical recruitment and identify, analyse and prevent or mitigate the risks of trafficking resulting from business activities and from the activities of subcontractors and suppliers, and to incentivize human rights due diligence;

(f) Enhancing the availability and flexibility of safe and regular pathways for the movement of agricultural workers, including through the conclusion of bilateral labour migration agreements, and respecting and ensuring the rights of migrant workers;

(g) Considering adopting procedures or models regarding good practices in transparency in supply chains with a view to disrupting and dismantling criminal business models;

(h) Taking concrete measures to fully understand, comprehensively address, prevent and fight against all types of trafficking in persons;

3. *Calls upon* States to further prevent and to fight trafficking in persons, to address the root causes of trafficking and to promote the social inclusion of victims of trafficking by ensuring their right to an effective remedy, by, inter alia:

(a) Ensuring access to effective remedies, including in the context of business activities and supply chains, and coordination between operational grievance mechanisms and State-based grievance and assistance mechanisms and remedies;

(b) Implementing measures to provide direct assistance to victims of trafficking in persons;

(c) Promoting and making available adequate, effective and appropriate remedies, including reparation, for victims of trafficking, as provided for under international law;

(d) Promoting the protection of victims and witnesses of trafficking in persons and the establishment of mechanisms to facilitate, where appropriate, the participation of victims in judicial proceedings;

(e) Ensuring, for victims and their family members, access to justice and safe reporting, and providing trafficked persons with appropriate, relevant and understandable information on their rights, including the right to an effective remedy, the mechanisms and procedures available to exercise these rights, and how and where to obtain legal and other necessary assistance;

4. *Also calls upon* States to intensify their efforts to address, with a view to eliminating, the demand that fosters trafficking in women and children for all forms of exploitation, and in this regard to take or to enhance preventive measures, including legislative and punitive measures, to deter exploiters of trafficked persons, and to ensure their accountability;

5. *Further calls upon* States to adopt measures to prevent trafficking in persons and to protect victims of trafficking, especially women and children, in their responses to global health crises, with a view to ensuring, inter alia, access to health care and services, adequate water and sanitation services, adequate and safe accommodation and access to information, and to ensuring the continuity and extension of existing support programmes for victims of trafficking;

6. *Strongly encourages* States to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking as a useful tool in integrating a human rights-based approach into their responses to prevent and fight trafficking in persons;

7. *Urges* States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in order to encourage Governments to adopt an integrated strategy to better address the complex and very often interrelated components of these modalities of organized crime, namely trafficking in persons and smuggling of migrants, taking into consideration the central role of those instruments in the fight against trafficking in persons, and urges States parties to those instruments to implement them fully and effectively;

8. *Urges* States, the United Nations and other international, regional and subregional organizations, as well as civil society, including non-governmental organizations, the private sector and the media, to implement fully and effectively the relevant provisions of the United Nations Global Plan of Action to Combat Trafficking in Persons and to carry out the activities outlined therein;

9. *Encourages* States to enhance bilateral, multilateral and/or regional forms of cooperation between States of origin, transit and reception that are effective in preventing and fighting trafficking in persons, and to devise regional communication strategies against trafficking in persons by building on existing cooperation mechanisms through which information and good practices in matters of prevention are shared;

10. *Also encourages* States to carry out information and awareness-raising campaigns to alert potential victims, both national and foreign, to the risks of falling into the hands of human trafficking criminal organizations and to inform potential or actual victims of trafficking of existing support programmes;

11. *Invites* States and other interested parties to make further voluntary contributions to the United Nations voluntary trust fund on contemporary forms of slavery and the United Nations voluntary trust fund for victims of trafficking in persons, especially women and children;

12. *Welcomes* the work of the Special Rapporteur on trafficking in persons, especially women and children, and recognizes the importance of this work in the prevention of trafficking in persons and the promotion of the global fight against trafficking in persons and in promoting awareness of and upholding the human rights of victims of trafficking in persons;

13. *Takes note with appreciation* of the thematic reports of the Special Rapporteur;

14. *Decides* to extend the mandate of Special Rapporteur on trafficking in persons, especially women and children, for a period of three years;

15. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to requests to visit their countries, to provide the mandate holder with all necessary information related to the mandate and to react promptly to communications and urgent appeals in order to enable the effective fulfilment of the mandate;

16. *Underlines* the importance of the Special Rapporteur continuing to consult with relevant stakeholders and participating in relevant international and regional forums and events, including on migration, with a view to combating trafficking and to upholding the human rights of victims of trafficking in persons, especially women and children;

17. *Requests* the Special Rapporteur to cooperate closely with the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, including its Working Group on Trafficking in Persons, and to attend and participate in the annual and biennial sessions thereof, upon invitation;

18. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the resources necessary to enable the mandate holder to discharge the mandate fully;

19. *Decides* to continue its consideration of the issue of trafficking in persons, especially women and children.

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