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

Angola, Armenia*, Austria, Belarus*, Belgium*, Benin, Bosnia and Herzegovina*, Botswana, Bulgaria*, Comoros*, Congo, Costa Rica, Côte d'Ivoire, Croatia*, Cyprus*, Czech Republic, Denmark*, Djibouti*, El Salvador*, Ethiopia, Finland*, France*, Georgia*, Germany, Greece*, Guatemala, Honduras*, Hungary*, Iceland*, Ireland, Italy, Kyrgyzstan*, Latvia*, Liechtenstein*, Lithuania*, Luxembourg*, Montenegro, Morocco*, Netherlands*, Norway*, Paraguay*, Peru, Philippines, Portugal*, Republic of Moldova, Romania, Serbia*, Sierra Leone, Slovakia*, Slovenia*, Somalia*, Spain, Sweden*, Switzerland, Tunisia*, United States of America: draft resolution

23/... Trafficking in persons, especially women and children: efforts to combat human trafficking in supply chains of businesses

The Human Rights Council,

Reaffirming all previous resolutions on trafficking in persons, especially women and children, in particular General Assembly resolutions 63/156 of 18 December 2008 and 64/178 of 18 December 2009, and Human Rights Council resolutions 8/12 of 18 June 2008, 11/3 of 17 June 2009, 14/2 of 23 June 2010 and 17/1 of 6 July 2011 and 20/1 of 5 July 2012,

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,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, 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

* Non-member State of the Human Rights Council.

Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling the Forced Labour Convention, 1930 (No. 29) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization, and welcoming the adoption by that Organization of the Domestic Workers Convention, 2011 (No. 189) and of the Domestic Workers Recommendation, 2011 (No. 201),

Taking note of the Recommended Principles and Guidelines on Human Rights and Human Trafficking¹ and the commentary thereon developed by the Office of the United Nations High Commissioner for Human Rights,

Affirming that trafficking in persons violates and impairs 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 cooperation among countries of origin, transit and destination for its eradication,

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

Recognizing also that human trafficking in supply chains has been identified as a serious problem and a challenge that needs to be addressed in various economic sectors, including those integrated into global markets,

Noting that some of the demand fostering sexual exploitation, exploitative labour and illegal removal of organs is met by trafficking in persons,

Noting also that the availability of regular labour migration opportunities can be a way to reduce the risk of people being trafficked,

Welcoming in particular the efforts of States, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children, including the Working Group on the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Global Plan of Action to Combat Trafficking, adopted by the General Assembly in its resolution 64/293 of 30 July 2010, the Global Initiative to Fight Human Trafficking, the Inter-Agency Coordination Group against Trafficking in Persons, and the United Nations Task Force on Transnational Organized Crime and Drug Trafficking,

Taking note of the *Global Report on Trafficking in Persons* of the United Nations Office on Drugs and Crime and the *Global Report on Forced Labour* of the International Labour Organization,

Taking note with appreciation of the reports of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the General Assembly² and the Human Rights Council,³

1. *Reiterates its concern* at:

(a) The high number of persons, especially women and children, who are victims of trafficking being trafficked within and between regions and States;

¹ E/2002/68/Add.1.

² A/67/261.

³ A/HRC/23/48.

(b) The increasing activities of transnational and national organized crime groups and others who profit from trafficking in persons, especially women and children, without regard for dangerous and inhumane conditions, in flagrant violation of domestic laws and international law and contrary to international standards;

(c) The use of new information technologies, including the Internet, for the purposes of exploitation that constitute trafficking, such as for trafficking in women and girls for forced marriages, for forced labour and services and for exploitation in sex tourism, as well as trafficking in children for, inter alia, child pornography, paedophilia, forced labour and services, and any other form of exploitation of children;

(d) The high level of impunity enjoyed by traffickers and their accomplices and the denial of rights and justice to victims of trafficking;

(e) The lack of effective remedies for trafficked persons globally, including the possibility of obtaining compensation for damage suffered;

2. *Calls upon* States to consider signing and ratifying, as a matter of priority, in the case of Governments that have not yet done so, and for States parties to implement relevant United Nations legal instruments, such as 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, and to take immediate steps to ensure domestic application of provisions of the Protocol;

3. *Urges* States to consider signing and ratifying the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization;

4. *Reiterates* that all States have the obligation, under international law, to exercise due diligence to prevent and combat trafficking in persons under international law, including by establishing comprehensive programmes to prevent trafficking, and enacting and enforcing legislation criminalizing trafficking, to investigate instances of trafficking and impose proportionate punishments on perpetrators, and to ensure full respect for and protection of the human rights of victims of trafficking;

5. *Urges* States to recognize trafficked persons as victims with specific protection needs from the moment they are trafficked, and to ensure the promotion, protection and fulfilment of their human rights, including the right to an effective remedy for breaches of these rights;

6. *Calls upon* States:

(a) To effectively enforce relevant laws on trafficking in persons by, inter alia, intensifying capacity-building and training, including human rights education and training, for all relevant stakeholders, including the police, immigration authorities, border patrol officials, labour inspectors, judges, prosecutors, lawyers and tax authorities, as well as health and child welfare professionals, within available means;

(b) To strengthen the enforcement of their labour laws and, in particular, to specifically train and increase awareness of labour inspectors and other competent authorities in addition to allocating adequate resources so that they have the capacity to identify victims of trafficking during labour inspections of establishments where trafficked persons are likely to be exploited, including in small or informal establishments;

(c) To take appropriate measures to promote and protect the human rights of trafficked persons in all categories of work;

(d) To develop and support programmes and initiatives that motivate businesses to proactively contribute to prevent and combat trafficking in persons, such as awareness-

raising initiatives, grievance mechanisms, risk assessment, product certification, labelling, monitoring and verification;

(e) To encourage increased transparency and due diligence in the recruitment practices of companies and suppliers within their supply chains;

(f) To undertake initiatives, including awareness-raising campaigns, to inform on the dangers of trafficking in persons, including trafficking in supply chains;

(g) To promote partnership and engage the business community and civil society, including non-governmental organizations, in developing and implementing sustainable initiatives to prevent and combat human trafficking in supply chains, taking into account the views and experiences of trafficked persons in designing, implementing, monitoring and evaluating such initiatives;

7. *Encourages* businesses, in order to contribute to prevent or mitigate any risks of trafficking in persons in their supply chains, to, inter alia:

(a) Become supporters of the Global Compact and the Athens Ethical Principles, which underscore the importance of respect for human rights by businesses and their participation in efforts to combat the scourge of human trafficking in all its forms, especially in the supply chain, in addition to committing themselves to implement the Guiding Principles on Business and Human Rights;

(b) Establish, as appropriate, an effective monitoring system, such as social audits, to scrutinize the risks of human trafficking at all levels of the supply chain;

(c) Conduct a risk assessment for their entire supply chain and, on that basis, develop and adopt high-level, company-wide policies or strategies to eliminate risks of trafficking in persons in their supply chains, which should be made applicable to all enterprises in a company's supply chain by adequate measures;

(d) Raise awareness among human resources and all other relevant staff of the risks of trafficking in persons and the rights of trafficked persons, and train them in the company's anti-trafficking policies so that they are able to identify and report potential cases of trafficking and take appropriate action, including measures to respect and protect the human rights of victims of trafficking;

8. *Encourages* all actors and stakeholders, including Governments at all levels, industry and business peers and trade unions, national human rights institutions, civil society and community-based organizations to, inter alia:

(a) Establish networks to communicate, exchange views and information, on a regular basis, on policies, programmes, performance and the impact of different measures with regard to efforts to combat human trafficking;

(b) Identify good and best practices in the prevention of trafficking in persons in supply chains, in identifying victims of trafficking and in cooperating to assist victims of trafficking in the protection of their human rights;

9. *Encourages* States to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the United Nations High Commissioner for Human Rights¹ as a useful tool in integrating a human rights-based approach into their responses to provide a full range of effective remedies to trafficked persons and, in the case of trafficked children, to uphold, at a minimum, the general principles of the Convention on the Rights of the Child;

10. *Urges* States, regional and subregional organizations to develop collective regional strategies and plans of actions to combat trafficking in persons and to involve, as

appropriate, representatives of business organizations and trade unions in the national coordination mechanisms on combating trafficking in persons;

11. *Invites* States and other interested parties to make further voluntary contributions to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, and the United Nations Trust Fund on Contemporary Forms of Slavery;

12. *Calls upon* all States to continue to cooperate with the Special Rapporteur on trafficking in persons, especially women and children, and to consider responding favourably to the mandate holder's requests to visit their countries and to provide all necessary information related to the mandate to enable the mandate holder to fulfil the duties of the mandate effectively;

13. *Requests* the Office of the High Commissioner to promote, at the regional and subregional levels, the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office;

14. *Requests* the Secretary-General to provide the Office of the High Commissioner with resources sufficient to fulfil its mandate in relation to combating trafficking in persons, especially women and children;

15. *Decides* to continue consideration of this matter under the same agenda item in accordance with its annual programme of work.
