

Regional approaches to trafficking in women in South-East Asia: the role of national human rights institutions and the new ASEAN human rights body

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This article examines historical efforts that have been made to address the issue of trafficking in women in South-East Asia, with a focus on regional approaches to the problem. In light of recent political developments in the subregion, the article will also assess what impact, if any, the introduction of a new ASEAN human rights body late in 2009 will have on the human rights of trafficked persons. The article argues that, in the absence of established regional mechanisms, national human rights institutions continue to remain key bodies for the promotion and protection of trafficked women in ASEAN.

Introduction

As national human rights institutions (NHRIs) continue to be established and gain profile throughout Asia, some political and critical attention has begun to turn to the role of regional networks, such as the Asia Pacific Forum (APF), and other regional mechanisms, such as the proposed Association of South East Asian Nations (ASEAN) human rights body (AHRB), in dealing with areas of shared political and societal concern.¹ Although significant efforts have been made internationally to deal with the problem of human trafficking, it is in the area of cross-border cooperation that regional networks and bodies can play the most important role. This article examines the role that regional mechanisms can take in combating trafficking in women within, from, and throughout South-East Asia. It will outline the ways in which NHRIs in South-East Asia have made efforts to form cooperative networks and alliances to address this important area of shared concern for the region. This cooperation is especially imperative when the mandates and functions of individual NHRIs do not necessarily allow for a comprehensive response to trafficking in women.

While trafficking in women is the focus of this article, the purpose is not to exclude a consideration of trafficking in men and children, but rather to highlight some of

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1 See, for example, Byrnes, Durbach and Renshaw 2008; 2009. See also Joint Standing Committee on Foreign Affairs, Defence and Trade (Australia) 2008.

the specific strategies that have been employed towards this particularly vulnerable group. As Kemala Kempadoo notes, women are disproportionately represented among the exploited working poor (Kempadoo 2005, ix). It is the trafficking of women for sex work that has been the most visible aspect of human trafficking, and hence where a majority of political and criminal efforts have been directed (Segrave, Milivojevi and Pickering 2009, 10).

Despite a concentration of efforts on the trafficking of women, the lack of a clear and unambiguous definition of 'trafficking in women' is still apparent in national legislations, in international conventions, and in policy and scholarly interventions (Wijers and Lap-Chew 1997, 19). This lack of consistency also means that accurate statistics are almost impossible to obtain (Kempadoo 2005, xix; Wijers and Lap-Chew 1997, 15). As Marie Segrave (2009a) has recently argued in this journal, the framework deployed to understand trafficking is critical to a consideration of which human rights instruments could be considered relevant beyond the trafficking-specific United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime. A more detailed consideration of the protocol and alternative instruments will be discussed later; for now, a working definition of trafficking in women that will be employed throughout this article is the movement of women, within and across borders, under conditions of coercion or deception, for the purpose of (sexual) exploitation involving a situation of forced labour or slavery-like practices. This definition draws from the UN protocol (Art 3) and from the arguments made by a number of leading scholars in the field (Kempadoo 2005, viii; Segrave, Milivojevi and Pickering 2009, 29; Segrave 2009a, 72; Wijers and Lap-Chew 1997, 36).² It emphasises the trafficking of women for sex work, but is not limited to this. I do not intend to rehearse competing arguments concerning trafficking and prostitution or sex work, except to note that these ideological battles inevitably inform the definitions and frameworks that will be elaborated on throughout the article.³ As Marie Segrave and Sanja Milivojević (2006, 12) note, both of these viewpoints support the criminal justice system's central role in combating

2 Trafficking is defined in Art 3 of the UN Protocol as:

... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

3 For a more detailed discussion of the debate between the neo-abolitionists and the pro-sex work advocates, see Doezema 2001; Segrave and Milivojevi 2006, 11; and Segrave, Milivojevi and Pickering 2009, 5.

trafficking, and it is this emphasis on the criminal justice aspect, regardless of the ideology underpinning it, which requires critique.

The ASEAN subregion is not free from an investment in law-and-order approaches in the fight against trafficking in women. A major reason for this is that in addition to the international framework set out in the UN Protocol, ASEAN nations are also subject to political pressure from the United States in the form of the Trafficking Victims Protection Act of 2000 and the annual *Trafficking in Persons Report*, which assigns responsibility for trafficking according to three tiers.⁴ The US can issue sanctions against countries which do not comply with minimum (US-based) definitions of trafficking. Rob Marshall and Susu Thatun (2005) and Ratna Kapur (2005) have, for different reasons, criticised this regime where the emphasis is on developing elaborate complying plans (which do not always take into account women's rights), thereby deflecting attention away from the more serious issues behind trafficking, such as social and economic factors. The reliance of South-East Asian nations on the US for aid and for the funding of national trafficking efforts is an important factor to bear in mind in terms of the kinds of anti-trafficking laws and policies that are prioritised.

Between the dominant international framework of the UN and US political pressure, nations in South-East Asia are also uniquely answerable to their domestic and regional constituencies (this is sometimes framed within the so-called 'Asian values' discourse). One aspect of this which has been a significant impasse to the further development of human rights in the region is the principle of non-interference in domestic affairs, which I will later elaborate upon. Using the working definition of trafficking outlined above, this article will explore how ASEAN has so far emphasised the criminal justice aspect in its approaches but will also examine the potential for the subregion to move towards a consideration of labour and migration rights in the fight against trafficking, through either the existing NHRIs or the proposed AHRB.

Trafficking and the NHRI mandate

The Asia Pacific is currently the only region in the world that does not have a regional human rights protection mechanism, although this will change with the inception of an ASEAN subregional mechanism for human rights late in 2009. Until the AHRB becomes fully functional, NHRIs continue to remain key bodies for the promotion and protection of trafficked persons in the region.

4 Tier One countries are in full compliance with US standards and Tier Three countries face sanctions.

There are many approaches to tackling a problem as multifaceted as trafficking. These range from the responses of governments in the areas of migration and visa policy, to law enforcement and criminal justice approaches targeting the traffickers, to public health, labour, gender discrimination and economic development models. Encompassing aspects of all of these approaches is a 'human rights approach' to trafficking. Anne Gallagher (2005) notes that human rights violations are implicated in all aspects of trafficking, from the factors that contribute to vulnerability to trafficking, to the loss of civil and political rights (such as loss of liberty) during the trafficking process, to the sometimes inadequate response of state parties in addressing the problem (for example, returning victims home to a situation where they are likely to be re-trafficked (see Segrave 2009b)). In particular, it is the socioeconomic factors (poverty, lack of employment opportunities, poor working conditions, and other forms of vulnerability) at the root of the trafficking problem that, although falling under the purview of the International Covenant on Economic, Social and Cultural Rights, often remain the least attended to by governments that have ratified the instrument, which includes several ASEAN countries (Chuang 2006, 147–48; Segrave 2009a).⁵ These rights have tended to fall behind the development of civil and political rights and, because they are not regarded as justiciable, are often considered merely 'aspirational' (Chuang 2006, 161–62).

Arguably, NHRIs are uniquely placed to address the multiple human rights violations that attend the trafficking process. However, of the 10 ASEAN member countries, only four currently have national human rights institutions (Thailand, the Philippines, Malaysia and Indonesia).⁶ All of these are considered to fully comply with the UN's Paris Principles, which relate to the status and functioning of NHRIs, and have been admitted to the Asia Pacific Forum of National Human Rights Institutions (APF) on that basis.⁷ Although the Paris Principles contain no specific reference to economic, social and cultural rights, they do state that 'a national institution shall be vested with competence to promote and protect human rights' and 'shall be given as broad a mandate possible' (Paris Principles, Arts 2 and 3). A wide interpretation of the mandate will include the social, economic and cultural rights of women, including labour and migration rights (Sneh Aurora, 2005). This is especially important, as states

5 Of the ASEAN countries, Cambodia, Indonesia, Lao PDR, the Philippines, Thailand and Vietnam have ratified the ICESCR (status as of 22 April 2008).

6 The 10 ASEAN member states are Brunei Darussalam, Cambodia, Indonesia, Laos PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

7 All four ASEAN member states' national commissions are full members of the APF, which requires compliance with the Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights, adopted by G/A/RES 48/134 of 20 December 1993 (Paris Principles).

have often been reluctant to deal with trafficking beyond treating it as a criminal justice issue, as mentioned earlier (Chuang 2006, 155; Segrave 2009b). Janie Chuang finds this unsurprising, since '[t]reating trafficking as a criminal justice issue is far less resource-intensive and politically risky than developing long-term strategies to address the labor migration [and other social, economic and cultural] aspects of the problem' (Chuang 2006, 155). Law enforcement on its own is not having a noticeable impact in reducing trafficking internationally; there have been few investigations and even fewer prosecutions (UNODC 2009).

While several scholars have criticised the dominance of state-centred responses to trafficking, which are usually focused narrowly on the prosecution-repatriation cycle (Segrave 2009b; Segrave, Milivojevi and Pickering 2009; Kapur, 2005), I want to again emphasise the importance of a state-centred approach in the case of ASEAN. The significance of state participation to an advancement of human rights in the region cannot be understated, and this is particularly the case regarding the development of NHRIs in ASEAN and the establishment of the new AHRB. Although NHRIs are not strictly speaking government bodies, but rather occupy a unique status between the state and civil society (Byrnes, Durbach and Renshaw 2008, 68), the reality is that in Asia, and particularly in South-East Asia, NHRIs would not function without some level of state support. The dominance of the state sovereignty model to the region requires a (re)consideration of the state within any major existing or proposed human rights agenda. Building on this assumption, my aim is to evaluate whether regional collaborations *between* states in ASEAN might allow for a more comprehensive model than has hitherto been deployed in purely state-centred approaches. The next section of the article will outline some of the existing international approaches that have been taken towards trafficking in women, before moving to look at what is being done from a regional perspective within ASEAN.

Recent developments in international cooperation

There are a number of international treaties and conventions that are relevant to trafficking in women. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is significant, since women arguably encounter the most severe deprivations in the area of economic, social and cultural life (Kempadoo 2005, ix). All ASEAN member countries have ratified CEDAW and the Convention on the Rights of the Child (CRC).

A more specific international instrument that has become crucial to how trafficking has been dealt with cooperatively in recent years is the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized

Crime. Much has been written, both in praise and in critique, of the Protocol. Anne Gallagher (2001, 1004) notes that the protocol allows state parties to build '[c]ommon definitions [of trafficking which will] ... assist in the much needed development of indicators and uniform data collection procedures'. Criticising the *lack* of definitional clarity in the protocol itself, Bernadette McSherry and Susan Kneebone (2008, 71) note that although the protocol applies to forced labour other than sex work (Art 3) and is ostensibly non-gendered, it still centralises women and perpetuates the historical link between trafficking and prostitution. Ratna Kapur (2005, 144) also argues that because the protocol fails to distinguish trafficking from voluntary or consensual migration, the result is that female migration equals trafficking. Because the protocol supplements the Convention Against Transnational Organized Crime, trafficking is also framed predominantly as a border and crime control issue, imbricating the victimisation and criminality discourses and ignoring the social and economic root causes of trafficking (Segrave 2009a, 77; Kempadoo 2005, xiv; Kapur 2005, 145). The measures in the protocol that are aimed at preventing trafficking and protecting trafficked persons 'are mostly framed in programmatic, aspirational terms' — unlike the criminal justice measures, which are presented as firm obligations (Chuang 2006, 148–49). As Catherine Renshaw (2008, 4) observes, '[t]he principal deficiencies of the Protocol are that it contains few mandatory obligations, provides for no monitoring regime and conflates issues of crime prevention and victim protection. The Protocol does not provide a prescription for concerted state action'.

I do not intend to spend too much time debating the pros and cons of the protocol, primarily because to date only Myanmar, Cambodia, Laos PDR and the Philippines have both signed and ratified it. Indonesia and Thailand have signed but not ratified the protocol, while Brunei, Malaysia, Singapore and Vietnam have neither signed nor ratified it.⁸ There is therefore no unified ASEAN commitment to this framework. More interesting are the arguments for and against having a trafficking-specific instrument such as the protocol.

Marie Segrave has argued convincingly for going beyond the UN trafficking-specific protocol to consider the International Covenant on Economic, Social and Cultural Rights (ICESCR) as a 'solid existing framework' that nations can call to account to consider the labour exploitation involved in the trafficking of women (2009a, 81). The next section of this article will consider whether a regional approach, utilising the ICESCR and other relevant instruments, might prove more effective for ASEAN than a symbolic ratification of the trafficking-specific UN protocol or the establishment

8 UNODC 2008.

of individual National Plans of Action.⁹ The current global (legal and policy) frameworks are not working well enough to produce significant change in the region. Similarly, the limitations of *national* human rights frameworks of individual countries across the region have become apparent when dealing with a complex cross-border issue such as trafficking. Arguably, the time has come for more direct pressure on the region as a whole, and a dedicated monitoring body for human rights in Asia as currently exists in Europe, Latin America and Africa (Phan 2008).

Regional mechanisms in South-East Asia

Unlike the European Union, the vast and diverse region of Asia has no regional human rights commission, charter or court. Subregional mechanisms in Asia have not as yet produced a dedicated body with the coherence, powers and structure of the European Court of Justice, for instance. Similar to Europe, Africa and the Americas have their own regional networks of national human rights institutions that have sought to address the issue of human trafficking to varying degrees, again usually from a migrational and border-control perspective.¹⁰ For example, the Network of National Institutions for the Promotion and Protection for Human Rights in the Americas met in Campeche, Mexico on 10–11 March 2005 for a seminar on ‘Illicit trafficking of migrants, human rights and national institutions’. This followed the Zacatecas Declaration, adopted on 15 October 2004, which stressed the need to increase cooperation among national institutions on migration issues and, in particular, with regard to the smuggling of migrant workers and trafficking in persons, especially women and children. The Campeche conclusions acknowledged, among other things, ‘the need to increase cooperation among national institutions, strengthening regional approaches to address the issue and exchanging common experiences, especially between neighbouring countries, whose land is used for the transit of migrants’ (Network of National Institutions for the Promotion and Protection of Human Rights in the Americas 2005).

9 Five member countries of ASEAN have recently passed anti-trafficking laws: the Philippines in 2003, Brunei in 2004, Myanmar in 2005, and Indonesia and Cambodia in 2007. Vietnam, Indonesia, Cambodia, Myanmar, Thailand and the Philippines have also enacted National Plans of Action (Rossy 2008).

10 Inter-American Commission on Human Rights (IACHR); African Commission on Human and People’s Rights (ACHPR); European Convention on Human Rights; and Council of Europe. A regional initiative for data collection on trafficking is currently in place within the Economic Community of West African states (ECOWAS).

The Asia Pacific also has a network of NHRIs, the Asia Pacific Forum (APF), of which only four ASEAN nations are currently members.¹¹ The work of the Asia Pacific Forum of National Human Rights Institutions in addressing the issue of trafficking is significant, although this article will not aim to provide a comprehensive examination of the APF's functions and effectiveness in this area.¹² In summary, since the late 1990s, the APF has taken an interest in trafficking in the region; in the Concluding Statement of the APF's Fourth Annual Meeting in Manila in 1999, the APF recognised 'the need for a coordinated regional approach that would facilitate practical responses to entrenched forms of discrimination against women' (APF 1999, 3). The theme was also considered at the APF's Sixth Annual Meeting in Colombo in September 2001, and again the following year at the Seventh Annual Meeting in New Delhi on 11–13 November 2002 under the heading 'the role of national human rights institutions in the prevention of the trafficking of women and children'. Three years after the meeting in New Delhi, the APF and the Australian Human Rights and Equal Opportunity Commission held a regional workshop on 'Trafficking and national human rights institutions: cooperating to end impunity for traffickers and secure justice for victims' in Sydney on 20–23 November 2005. The APF has not significantly addressed the issue of trafficking again since 2005 — despite its remaining a key issue, as stated on the APF's website, and with work still needed to be done in this area. There is much scope for ASEAN to continue this work at the subregional level as its new human rights mechanism continues to evolve.

In terms of other relevant regional or subregional processes in South-East Asia and the Asia Pacific, the Bali Process operates on a large scale, involving more than 50 countries dedicated to combating not only trafficking in persons, but also people smuggling and related transnational crimes in the Asia Pacific.¹³ Involvement in the Bali Process is voluntary and non-binding, and activities undertaken are 'targeted and focused on capacity building of operational level officials representing justice, law enforcement, foreign affairs and other key agencies' (<www.baliprocess.net>).

- 11 The APF was established in 1996 at the first Asia-Pacific regional workshop of national human rights institutions in Darwin, Australia in July 1996. As of April 2009, there were 14 full members and three associate members (<www.asiapacificforum.net/members/apf-member-categories>).
- 12 A much larger study of the APF is being undertaken by Andrew Byrnes, Andrea Durbach and Catherine Renshaw at the Australian Human Rights Centre, University of New South Wales, in partnership with the APF on an Australia Research Council Linkage Grant: 'Building human rights in the region through horizontal transnational networks: the role of the Asia Pacific Forum of national human rights institutions', <www.ahrcentre.org/content/Activites/APFproject.html> [2009, April 13].
- 13 The Bali Process was initiated at the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali in February 2002. See <www.baliprocess.net> for more information.

net/index.asp?pageID=2145831402>). Also focused on the criminal justice aspect is the Co-ordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) process.¹⁴ The Memorandum of Understanding (MOU) between the founding members — Cambodia, the People's Republic of China, Lao PDR, Myanmar, Thailand and Vietnam — was signed in 2004. It is evident from a reflection of the achievements of the first COMMIT Sub-regional Plan of Action (SPA 2005–07) that the COMMIT process places strong emphasis on the development of *national* action (primarily in the formulation of National Plans of Action) and bilateral partnerships (through the signing of MOUs), rather than on specific regional coordination.¹⁵ Furthermore, a consideration of measures to reduce economic, social and legal vulnerability, and national labour laws to protect workers' rights, have not been addressed by the first SPA, although there is an indication that these will form a part of SPA II (2008–10).¹⁶

The above brief survey of existing regional processes is not intended as a criticism of important work being done to combat human trafficking in South-East Asia and the Asia Pacific. Rather, it is intended to highlight areas where regional collaboration could be strengthened and, therefore, the role that the AHRB might possibly take to fill the gaps in this area. In particular, the key point of difference between the APF and the proposed AHRB is that whereas the APF is a *network* of individual NHRIs, the proposed AHRB is a dedicated *regional* body. The significance of this is played out in the structure of membership for the APF, which requires NHRIs to comply with the UN's Paris Principles. Because only four ASEAN nations currently have NHRIs that are compliant, the remainder of ASEAN nations are excluded from the benefits of (full) membership, insofar as a network would assist in cross-border collaboration against trafficking in women. Similarly, the efforts of the COMMIT process have been dominantly nationally based and are focused on the criminal justice aspect of trafficking — as is the Bali Process, which is purely voluntary and non-binding. The following section of the article will consider whether having a dedicated human rights body in ASEAN, rather than a *network* of national human rights institutions, will make any difference to how human trafficking is framed, perceived and addressed by governments and civic groups in the area.

14 The Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-Region states that the COMMIT process 'recogniz[es] the need for a strengthened criminal justice response to trafficking'.

15 For example, there is an MOU between Thailand and Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003).

16 See COMMIT 2007.

ASEAN human rights body (AHRB)

In the last 15 years, ASEAN has made significant efforts to recognise human rights in the region and to acknowledge the role that human rights play in contributing to a peaceful and stable region. A special Working Group for an ASEAN Human Rights Mechanism (WG-AHRM) was set up in July 1995 to consider establishing a dedicated human rights process for the area. This process or mechanism has evolved into plans for a human rights body, which has been enshrined in the newly ratified ASEAN Charter.¹⁷ The Charter is an important step in the codification of common purposes and goals for the Association and marks a shift towards a more rules-based ASEAN, with mechanisms to ensure compliance and monitoring provisions built into the Charter. The promotion and protection of human rights is a major inclusion in the Charter, as is the call for a human rights body. Article 1, cl 7 states that the purpose of the Association is 'to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms with due regard to the rights and responsibilities of ASEAN member states'. More specifically, Art 14 of the ASEAN Charter states:

1. In conformity with the purposes and principles of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms, ASEAN shall establish an ASEAN human rights body.
2. This ASEAN human rights body shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting.

The establishment of the AHRB in December 2009 will be an important extension of the human rights initiatives already undertaken by ASEAN. It has been considered a 'breakthrough' for human rights in the region, heralding a 'new age of human rights in ASEAN' (Santaputra 2008), and is part of a larger growth of NHRIs and human rights consciousness in the region in the last two decades (Byrnes, Durbach and Renshaw 2009). However, as mentioned earlier, only four ASEAN member countries currently have national human rights institutions — namely, the National Commissions of Thailand (Khamakarn Sit), Indonesia (Komnas HAM), Malaysia (SUHAKAM) and the Philippines (Commission on Human Rights of the Philippines).¹⁸ At the 'First Meeting of the ASEAN National Human Rights Institutions Consultation Mechanism' in Bangkok in October 2004, these four member states agreed on five human rights issues which were considered to be of common concern to the four NHRIs:

17 The Charter was adopted in November 2007 and entered into force on 15 December 2008.

18 A new website, <www.aseannhrforum.org>, was launched on 16 March 2009 to improve communication between the four member institutions and to highlight their individual and joint activities. The 'ASEAN Four' signed a Declaration of Cooperation in Bali on 28 June 2007, with a stated area of cooperation being the human rights aspects of trafficking in persons. See ASEAN WG-AHRM 2007b.

- implementation of economic, social and cultural rights and the right to development;
- enhancement of human rights education;
- human rights aspects of trafficking of persons, especially women and children;
- protection of the human rights of migrants and migrant workers; and
- suppression of terrorism while respecting human rights.

As a step towards addressing the shared concern of human trafficking in the region, ASEAN proposed the establishment of a Commission on the Promotion and Protection of the Rights of Women and Children and adopted a Declaration against Trafficking as part of the Vientiane Action Programme.¹⁹ The Declaration (2004) expresses 'the urgent need for a comprehensive regional approach' to the problem of trafficking, including the requirement of 'continuing dialogue, exchange of information and cooperation among ASEAN'. It also acknowledges 'that social, economic and other factors that cause people to migrate also make them vulnerable to trafficking in persons'. These statements are framed explicitly by a discourse of security and crime control: the Declaration expresses 'a commitment to human development and security' and 'reaffirm[s] ASEAN's unwavering desire to embrace the spirit behind the United Nations Convention Against Transnational Organized Crime and its relevant protocols' (ASEAN Declaration 2004).

Although the Declaration is an important written commitment towards dealing with trafficking and seems to move in the right direction by calling for a more integrated regional approach to the problem (in light of the limitations of national responses), it takes a strongly pro-government state sovereignty approach emphasising border and crime control. The language of cooperation is framed as being 'to undertake regular exchange of views, information sharing on relevant migratory flows, trends and patterns, strengthening of border controls and monitoring mechanisms, and the enactment of applicable and necessary legislations' (ASEAN Declaration 2004). Other measures that are included deal with the protection of the integrity of passports

19 On 29 November 2004, the ASEAN heads of state adopted the Vientiane Action Programme (VAP) during the 10th ASEAN Summit in Vientiane, Lao PDR. The VAP called for the establishment of an ASEAN Commission on the Promotion and Protection of the Rights of Women and Children. Also at the summit, ASEAN adopted the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (adopted by the heads of state/government of ASEAN member countries on 29 November 2004 in Vientiane). The VAP has a timeframe of up to 2010. Other ASEAN documents relevant to the issue of trafficking are the Declaration on the Elimination of Violence Against Women in the ASEAN Region (2004) and the Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007).

and other official travel and identity documents from fraud, and intensifying cooperation among immigration and law enforcement authorities. At the conclusion of the Declaration, it is reiterated that the commitment of the member countries to accomplishing the elements of the Declaration, including regional cooperation, is predicated on being 'consistent with their respective national laws and policies'.

The extension of ASEAN's principle of self-determination, dictated as 'non-interference', to the new human rights body potentially constitutes a major impediment to the body's ability to deal effectively with human rights abuses by individual member states, including those of trafficked persons. It is also a concern that, despite calls for ASEAN organs to 'exchange information and cooperate', at this stage the proposed Commission on the Promotion and Protection of the Rights of Women and Children is expected to proceed 'independently and separately' from the ASEAN human rights body (ASEAN WG-AHRM 2009). Further, as mandated by the Charter, the AHRB is to have both promotion and protection functions. Secretary-General of ASEAN, Surin Pitsuwan (2009), asks: 'Regarding the protection mandate of the ASEAN human rights "mechanism", are investigations and judgments interference in the domestic affairs of states?' How are the principles of consensus and non-interference to be reconciled with the mandates of the new human rights body? (Phuangketkeow 2008). Indonesian Foreign Minister Hassan Wirajuda comments:

There has been some issue when we come to the [provision on] protection. Countries may feel reluctant as they do not want to interfere in domestic affairs. The point is there should be a shift in the way we perceive the principle of non-interference in domestic affairs. Gross violations of human rights are not a domestic problem. [Budianto 2009.]

It is the body's commitment to take a broader regional approach that will, it is hoped, provide a way out of this dilemma. Worryingly, however, this has so far only translated into the promotion of an *ASEAN* (that is, narrowly and specifically defined) version of human rights. A stated policy consideration of the Working Group (2001) is that:

... while the region is exposed to monitoring from sources outside the region, there are few opportunities for the region to take stock of human rights developments from the standpoint of ASEAN. The establishment of an ASEAN human rights mechanism with governmental support should help to redress this situation so that the ASEAN perspective is better understood by outsiders.

The establishment of a regional human rights mechanism will allow ASEAN:

... to articulate norms and standards with respect to the human rights of its peoples in line with relevant instruments of international law and enable it to assess the state of universal rights in the region consistent with international human rights standards. Hence, the mechanism would, in effect, enhance the principle of self-determination with respect to ASEAN. [ASEAN WG-AHRM 2007a.]

In this political sleight of hand, the restrictions posed by the principle of non-interference have been turned into a powerful position collectivised on behalf of the governments of ASEAN's member countries (that is, predicated as self-determination). 'Universal' human rights have become regionalised. The ASEAN Declaration on trafficking and the AHRB are steps in the right direction by calling for a more integrated regional approach to the problem of trafficking, but, ultimately, they take a strongly pro-government policy approach whereby the independence of the body cannot be guaranteed (Lo 2007, 4–5).

From the preceding discussion, two main viewpoints emerge as to the potential of the proposed ASEAN human rights body to intervene in the fight against trafficking in women in the region. The first is that the various countries that make up the membership of ASEAN have particular cultural sensitivities and perspectives, with the result that what will be reflected by the body will necessarily be an ASEAN approach to human rights. As Singapore's Second Minister for Foreign Affairs, Raymond Lim (2008), notes:

Any new ASEAN institution must have the support of all 10 member states. To do so, it must recognise the complex history of our region, the diversity of political systems in ASEAN and the realities that this imposes on ASEAN in all fields.

Reiterated by Singapore's Foreign Minister George Yeo in a more recent forum, '[t]his diversity is a political reality that cannot be wished away' (quoted in Au Yong 2009).

From another (predominantly United Nations) perspective, human rights are universal and abuses cannot be excused or explained away on the basis of religion, local custom or cultural practice. As Alberto Romulo (2009), Philippine Foreign Secretary, argues, human rights are universal; there are no 'Eastern' or 'Western' values attached to rights, and '[ASEAN] cannot invoke cultural relativism or regional diversity in ASEAN, lest we risk losing our credibility and the international community's trust and respect'. Maintaining ASEAN unity is key, especially on high-profile issues such as human rights and in particular trafficking in women, which is highly concentrated in the South-East Asian region (Tay 2008). Issues specific to trafficking that might be considered partially influenced by cultural tradition or religion include gender (in)equality; access to education and employment; migration; labour; and supporting

families (see, for example, Kempadoo 2005; Kapur 2005). The AHRB provides a common platform for a complex problem and allows for a collective stand to be taken. This is one way of addressing the shortcomings of national frameworks, where the focus is on domestic law and order and anti-immigration policies. This is not to say that a regional approach is without its own problems and risks — for instance, there is nothing to prevent the AHRB from continuing to privilege border control and criminal justice perspectives, but the first important step has been taken: namely identifying trafficking in women as a clear and pressing common concern for the region.

The next step will be to agree upon a shared understanding of the root problems of trafficking and a shared approach to addressing these problems (especially through complementary legislative measures). This will have to be accomplished in the first instance through the AHRB's educative and promotional functions, since the draft of the AHRB's Terms of Reference reveals that it will lack investigative and prosecution powers, despite the Charter promising both the promotion and the protection of human rights (*Times of India* 2009). Rosario Manalo, Head of the High Level Panel establishing the AHRB's Terms of Reference, released a press statement expressing: 'There is no capacity to create a court presently. We are still getting acquainted with the idea of human rights' (*Global Nation* 2009). According to Manalo, the aim is to have human rights eventually 'internalised' by the different societies and cultures within ASEAN (*Global Nation* 2009).

Various representatives from governments in the region have also stated that the human rights body should be an institution that 'evolves'. Raymond Lim (2008) comments:

... advancing the human rights agenda within ASEAN will best be achieved through an evolutionary approach. The fact is that while universality is an ideal that we must aspire to, the interpretation of most rights are still essentially contested concepts. ... Perceptions and policies towards human rights in ASEAN countries will continue to develop over time. So we should allow the functions of this human rights body to evolve.

ASEAN Secretary-General Surin Pitsuwan (2009) agrees, adding that members should not be 'too ambitious' for the time being:

The draft body has been deliberating the issues on how to promote and how to protect human rights. Would it mean the right to investigate, the right to issue judgments or ask orders for judicial review or to correct the wrong or to give advice? I think the point now is we have to begin somewhere. We can't be too ambitious. Let it evolve.

For now, the biggest criticism of the process has been the lack of transparency. The AHRB's Terms of Reference have not been publicly released, despite calls from civil society groups for greater transparency and participation in the process of the body's establishment (ASEAN People's Forum 2009; UNOHCHR 2009). In a statement released by the ASEAN Peoples' Forum at the Fourth ASEAN Civil Society Conference, the Forum called on ASEAN 'to make the process of the establishment of the ASEAN human rights body, transparent by including the participation of widest representation of organisations in the process as much as possible in the process of drafting, adopting, and implementing the Terms of Reference' (ASEAN People's Forum 2009). Specifically, the Forum called for ASEAN 'to involve civil society organisations in and ensure transparency in the preparation of the ASEAN Convention on Combating Human Trafficking and ensure the definition of human trafficking is in line with the Palermo Protocol' (ASEAN People's Forum 2009). This is also despite the fact that in developing the AHRB's Terms of Reference, ASEAN leaders have stated that the aim is for the procedure to be 'consultative', with civil society having an 'important role' in its drafting (Lim 2008).

ASEAN has rebranded itself for a changing 21st-century environment; from an organisation formed in 1967 with the common goals of economic growth, social progress, regional peace and stability, the Association has made a marked shift towards recognising the role of civil society and wanting to build a more 'people-oriented' ASEAN (with its new slogan being 'putting people first') (Santaputra 2008).²⁰ The question is how much of this shift in mindset can be attributed to a recognition that human rights is actually integral to good governance in the region, and how much of it is just rhetoric? Will 'putting people first' mean a more integrated 'human rights approach' to the problem of human trafficking?²¹

The attention that has understandably turned towards the AHRB in recent years should not be at the expense of continuing to strengthen and develop NHRIs in the

20 Article 1, cl 13 of the ASEAN Charter ('ASEAN Charter for ASEAN Peoples') states that one of the purposes of ASEAN is 'to promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building'. For a critique of this sentiment from a human rights perspective, see Lawansiri 2008.

21 There was an embarrassing — and not particularly encouraging — sign at the 14th ASEAN Summit in Hua Hin, Thailand suggesting that the slogan of a new 'people-oriented ASEAN' was more rhetoric than a genuine willingness to change, when two human rights activists were barred from a meeting with representatives from civil society prior to the summit. The leaders of Myanmar and Cambodia threatened to walk out of the meeting if the human rights activists from Myanmar, Khin Omar, and Cambodia, Pen Somony, were included in the talks. The activists offered to withdraw their participation to enable the meeting to go ahead. See Gomez 2009.

region, particularly given the manifold problems besetting the body before it even begins (Byrnes, Durbach and Renshaw 2009).²² NHRIs must continue their efforts against human trafficking at a national level and attempt to negotiate a collaborative working relationship with the AHRB once it is functional. ASEAN has stated that it expects the relationship between the proposed AHRB and NHRIs in the region to be 'catalytic, complementary and cooperative in character' (ASEAN 2008). Specifically:

... the AHRB should work in partnership with existing NHRIs, particularly in monitoring human rights situations and treaty compliance at the national level. The AHRB should coordinate with and involve the NHRIs in its activities at the national level. The NHRIs can render expertise and advice in establishing a national human rights institution in ASEAN Member states which still do not have one. [APF 2009.]

If ASEAN's slogan of 'putting people first' is eventually put into practice in support of human rights, this may well be a source of strength for the ASEAN approach to human trafficking after all.

Conclusion

ASEAN's recognition of the role of human rights in the good governance of the region has been a slow process. As to whether this new sentiment will translate into a firm commitment to addressing the human rights of trafficked women, this is yet to be seen. If the slogan 'putting people first' is to be more than mere rhetoric, then a human rights approach to trafficking in women should also attend to the root causes of trafficking — the social and economic factors of marginalisation — in addition to the dominant law and order, criminal justice and border control efforts. This is clearly a big task that requires a collaborative effort — not just between state parties in the region, but also with the aid of NGOs and international organisations over the longer term.

This article has moved from a consideration of national approaches (in the form of national human rights institutions) to broad international measures and conventions, towards an (admittedly speculative) reflection on whether a regional approach might fill in some of the gaps between these other frameworks. In particular, the pitfalls — as well as the potential strengths — of a regional approach were considered in

22 See various submissions to the Australian Joint Standing Committee on Foreign Affairs, Defence and Trade's Inquiry into Human Rights Mechanisms and the Asia-Pacific (2008), for example by the Australian Human Rights Centre, University of New South Wales, and the International Law Centre, University of Sydney.

light of the specific situation of the ASEAN region, which is home to some of the poorest, most conflict-ridden nations in the world and a concentrated area for the origin, transit and destination of trafficked women. Whereas international law has been considered too 'foreign' to ASEAN's specific needs (and therefore efforts to adhere to it have so far been largely symbolic and for political expediency), the national sovereignty model that sits on the other side of international law also comes with its own problems, in particular an intractable focus on border and crime control, sometimes at the expense of the human rights of trafficking victims.

The ASEAN sub-region is ripe for reconsideration in terms of human rights, given that it is actively seeking to 'rebrand' itself and to more convincingly put forward a human rights agenda on a regional level. The AHRB has an important role to play in this changing ASEAN, assuming the body can overcome the problems that have plagued its inception, in particular the lack of transparency in its process of establishment.

Although the AHRB is an exciting development, it should not be considered *the* regional mechanism for addressing the human rights of trafficked women. All of the existing processes — COMMIT, the Bali Process and the Asia Pacific Forum's efforts — are not stand-alone processes, but build on national actions and other regional initiatives. Certainly, until the AHRB 'evolves' into an entity with coherence and integrity, for countries in the region with NHRIs that have the power to receive and investigate complaints, including the power to conduct investigations of their own initiative and to examine witnesses,²³ national institutions currently remain more effective in providing a human rights approach to trafficking. A regional network such as the APF, while an important forum in bringing NHRIs together, cannot direct them to work together on practical plans in the way that a regional mechanism might if it had powers akin to a commission or court. As Rob Jagtenberg and Annie de Roo (2008, 17) note in their application of lessons learned from European human rights mechanisms to the Asian context, before a regional mechanism such as the AHRB can be effective in Asia, Asian regional integration 'still has some way to go'.

While it is important to deal with the political realities of ASEAN, it is also important to lay the groundwork in order to build a strong, independent and effective system (Maruah Singapore 2008, [10]). If the body is to evolve, then it 'needs to be set on the right path of evolution', but its success will ultimately depend on how ASEAN community continues to grow and whether it will see itself as sharing a future regional imperative on the issue

23 See Burdekin (2007, 28–29) for the mandates, functions and powers of individual NHRIs in the Asia Pacific.

of human rights, and human trafficking in particular. For the time being, and while NHRIs continue to be established in the region, other bilateral and subregional initiatives and agreements on trafficking provide evidence of work continuing to be done in this area. Much of the work in the area is also being driven by NGOs in ways that fall outside the state sovereignty approach of governments that I have focused on in this article. Such varied responses by multiple interested parties can only provide additional sources of strength in the continued fight against trafficking in women. ●

References

International legal materials

ASEAN Declaration against Trafficking in Persons Particularly Women and Children, 29 November 2004

Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, 19 ILM 33

Convention on the Rights of the Child, 20 November 1989, 18 ILM 1448

International Covenant on Civil and Political Rights, 16 December 1955, 999 UNTS 171

Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights, 20 December 1993, 32 ILM 1667

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, 15 November 2000, 55 UN GAOR Supp (No 49) at 60

United Nations Convention Against Transnational Organized Crime, 15 November 2000, 55 UN GAOR Supp (No 49) at 44

Other references

Association of Southeast Asian Nations (ASEAN) (2008) 'Conclusions of the Fourth Roundtable Discussion on Human Rights in ASEAN: Realizing the People-Oriented ASEAN Community with Human Rights' [Online] Available: <[www.aseannhrforum.org/attachments/018_4th%20RTD%20Summary%20of%20Proceedings%20\(Final\).pdf](http://www.aseannhrforum.org/attachments/018_4th%20RTD%20Summary%20of%20Proceedings%20(Final).pdf)> [2009, May 13]

ASEAN Peoples Forum (2009) 'Statement of the ASEAN People's Forum', Fourth ASEAN Civil Society Conference to the 14th ASEAN Summit [Online] Available: <www.forum-asia.org/news/press_releases/pdfs/Statement-Advancing%20a%20Peoples%27%20ASEAN-Final%20Version-2009Feb26.pdf> [2009, May 13]

ASEAN Working Group for an ASEAN Human Rights Mechanism (ASEAN WG-AHRM) (2001) 'Synopsis of a policy initiative for the establishment of an ASEAN human rights mechanism' [Online] Available: <<http://aseanhrmech.org/resolutions/synopsis-of-policy-initiative.html>> [2009, April 19]

ASEAN WG-AHRM (2007a) 'Summary of proceedings', Sixth Workshop on the ASEAN Regional Mechanism on Human Rights [Online] Available: <<http://aseanhrmech.org/downloads/6th%20WS%20Summary%20of%20Proceedings.Session.pdf>> [2009, May 13]

ASEAN WG-AHRM (2007b) 'ASEAN four signs declaration of cooperation' [Online] Available: <www.aseanhrmech.org/news/asean-four-signs-declaration-of-cooperation.html> [2009, April 13]

ASEAN WG-AHRM (2009) 'ASEAN to proceed with Commission on the Promotion and Protection of the Rights of Women and Children' [Online] Available: <www.aseanhrmech.org/news/asean-to-proceed-with-commission.html> [2009, April 13]

Asia Pacific Forum (APF) (1999) 'Concluding statement', Fourth Annual Meeting [Online] Available: <www.asiapacificforum.net/about/annual-meetings/4th-philippines-1999/downloads/concluding.pdf> [2009, May 13]

APF (2002) 'Advisory Council of Jurists background paper on trafficking', Seventh Annual Meeting [Online] Available: <www.asiapacificforum.net/acj/references/trafficking/downloads/reference-on-trafficking/background.pdf> [2009, May 13]

APF (2005) 'Concluding statement and plan of action, Regional Workshop on Human Trafficking and National Human Rights Institutions: cooperating to end impunity for traffickers and to secure justice for trafficked people' [Online] Available: <www.asiapacificforum.net/services/training/regional-workshops/trafficking> [2009, April 13]

APF (2009) 'ASEAN rights body to be established in 2009' [Online] Available: <www.asiapacificforum.net/news/asean-rights-body-to-be-established-in-2009.html> [2009, April 13]

Asia Pacific Human Rights Network (APHRN) (2002) 'Raising the stakes will lower impunity: background paper on the role of national human rights institutions in the prevention of trafficking of women and children' 5 *Human Rights Features* (Quarterly Journal of the Asia-Pacific Human Rights Network) [Online] Available: <www.hrdc.net/sahrdc/hrfquarterly/Oct_Dec_2002/Raising.htm> [2009, April 13]

Au Yong J (2009) 'Evolutionary approach' *The Straits Times* 24 March [Online] Available: <www.straitstimes.com/Breaking%2BNews/Singapore/Story/STIStory_354024.html> [2009, April 13]

Aurora S (2005) 'Promoting and protecting the economic, social and cultural rights of women: the NHRI mandate' 47 *Focus Asia-Pacific News* [Online] Available: <www.hurights.or.jp/asia-pacific/047/05.html> [2010, March 7]

Australian Joint Standing Committee on Foreign Affairs, Defence and Trade (2008) 'Inquiry into human rights mechanisms and the Asia-Pacific' [Online] Available: <www.aph.gov.au/house/committee/jfadt/asia_pacific_hr/index.htm> [2010, March 7]

Budianto L (2009) 'ASEAN makes rights body toothless' *The Jakarta Post* 28 February [Online] Available: <www.thejakartapost.com/news/2009/02/28/asean-makes-rights-body-toothless.html> [2009, April 19]

Burdekin B (2007) *National Human Rights Institutions in the Asia Pacific* Martinus Nijhoff Publishers, Leiden

Byrnes A, Durbach A and Renshaw C (2008) 'Join the club: the Asia Pacific Forum of National Human Rights Institutions, the Paris Principles, and the advancement of human rights protection in the region' 14(1) *Australian Journal of Human Rights* pp 63–98

Byrnes A, Durbach A and Renshaw C (2009) 'A tongue but no teeth? The emergence of a human rights mechanism in the Asia Pacific region' 31(2) *Sydney Law Review* pp 211–38

Chuang J (2006) 'Beyond a snapshot: preventing human trafficking in the global economy' 13(1) *Indiana Journal of Global Legal Studies* pp 137–63

Co-ordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) (2007) *Achievements in Combating Human Trafficking in the Greater Mekong Sub-Region, 2005–2007* [Online] Available: <www.no-trafficking.org/reports_docs/commit/commit_spa1_achievements.pdf> [2010, January 27]

Doezema J (2001) 'Ouch! Western feminists' "wounded attachment" to the "third world prostitute"' 67 *Feminist Review* pp 16–38

Gallagher A (1999) 'The role of national institutions in advancing the human rights of women: a case study on trafficking in the Asia-Pacific region', Asia Pacific Forum of National Human Rights Institutions

Gallagher A (2001) 'Human rights and the new UN protocols on trafficking and migrant smuggling: a preliminary analysis' 23(4) *Human Rights Quarterly* pp 975–1004

Gallagher A (2005) 'The framework of engagement for NHRIs on the issue of trafficking', speech delivered at the Asia Pacific Forum regional workshop *Human Trafficking and National Human Rights Institutions, Cooperating to End Impunity for Traffickers and to Secure Justice for Trafficked People*, 21–23 November

Global Nation (2009) 'No probe power for ASEAN rights body yet' 28 March [Online] Available: <<http://globalnation.inquirer.net/news/breakingnews/view/20090328-196720/No-probe-powers-for-ASEAN-rights-body-yet>> [2009, April 13]

Gomez J (2009) 'Human rights activists barred from ASEAN meeting' *The Jakarta Post* 28 February [Online] Available: <www.thejakartapost.com/news/2009/02/28/human-rights-activists-barred-asean-meeting.html> [2009, April 19]

Jagtenberg R and De Roo A (2008) 'Europe's macro-constitution: a useful test case for an Asian human rights mechanism?' 16(1) *Asia Pacific Law Review* pp 1–18

Kapur R (2005) *Erotic Justice: Law and the New Politics of Postcolonialism* Glasshouse Press, London

Kempadoo K (ed) (2005) *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work and Human Rights* Paradigm Publishers, Boulder

Kempadoo K and Doezema J (eds) (1998) *Global Sex Workers: Rights, Resistance, and Redefinition* Routledge, London

Lawansiri P (2008) 'ASEAN must move on human rights' *Bangkok Post* 20 July [Online] Available: <www.thinkcentre.org/article.cfm?ArticleID=2941> [2010, March 7]

Lim R (2008) Speech delivered at the seventh workshop on the ASEAN Regional Mechanism on Human Rights, Sentosa, Singapore, June 12

Lo J (2007) 'ASEAN Human Rights Commission: why is it important to stay relevant and credible in today's global environment?' 3(32) *CSR Asia Weekly* pp 4–5

Marshall P and Thatun S (2005) 'Miles away: the trouble with prevention in the greater Mekong sub-region', in K Kempadoo (ed) *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* Paradigm Publishers, Boulder pp 43–64

Maruah Singapore (2008) 'Position paper on the proposed ASEAN human rights body submitted to the high-level panel tasked with drafting the terms of reference of the proposed body' [Online] Available: <<http://maruahsg.files.wordpress.com/2008/09/maruah-position-paper-10-sept-2008.pdf>> [2009, April 13]

McSherry B and Kneebone S (2008) 'Trafficking in women and forced migration: moving victims across the border of crime into the domain of human rights' 12(2) *International Journal of Human Rights* pp 67–87

Network of National Institutions for the Promotion and Protection of Human Rights in the Americas (2005) 'Agreed conclusions from the International Seminar on Illicit Trafficking of Migrants, Human Rights and National Institutions, Campeche' [Online] Available: <www2.ohchr.org/english/issues/migration/taskforce/docs/trafficking-campeche.pdf> [2009, April 13]

Phan H D (2008) 'The evolution towards an ASEAN human rights body' 9(1) *Asia-Pacific Journal of Human Rights and the Law* pp 1–12

Phuangketkeow S (2008) Speech delivered at the Fourth Roundtable Discussion on Human Rights in ASEAN: *Realizing the People-Oriented ASEAN Community with Human Rights*, Bangkok, 20–21 November

Pitsuwan S (2009) Speech delivered at the pre-ASEAN Summit Video Conference, Bangkok, 20 February

Pokpong L (2008) 'ASEAN: people-oriented or dis-oriented?' *Philippine Daily Inquirer* 29 November [Online] Available: <<http://opinion.inquirer.net/inquireropinion/columns/view/20081129-175088/ASEAN-people-oriented-or-disoriented>> [2009, April 19]

Renshaw C (2008) 'The globalisation paradox and the implementation of international human rights: the function of transnational networks in combating human trafficking in the ASEAN', Law and Society Association Australia and New Zealand (LSAANZ) Conference: *W(h)ither Human Rights*, 10–12 December

Romulo A (2009) 'A human rights body for ASF', Manila Bulletin Publishing Corporation, 9 April [Online] Available: <<http://mb.com.ph/articles/201927/a-human-rights-body-asf>> [2009, April 13]

Rossy V (2008) 'Conquering human trafficking in ASEAN' *The Jakarta Post* 25 February [Online] Available: <www.thejakartapost.com/news/2008/02/25/conquering-human-trafficking-asean-ri.html> [2009, April 13]

Santaputra C (2008) Speech delivered on behalf of Virasakdi Futrakul at the Fourth Roundtable Discussion on Human Rights in ASEAN: *Realizing the People-Oriented ASEAN Community with Human Rights*, Bangkok, 20–21 November

Segrave M (2009a) 'Human trafficking and human rights' 14(2) *Australian Journal of Human Rights* pp 71–94

Segrave M (2009b) 'Order at the border: the repatriation of victims of trafficking' 32(4) *Women's Studies International Forum* pp 251–60

Segrave M and Milivojevi S (2006) 'Sex trafficking: a new agenda' 24(2) *Social Alternatives* pp 11–16

Segrave M, Milivojevi S and Pickering S (2009) *Sex Trafficking* Willan Publishing, Devon

Tay S (2008) 'Human rights: ASEAN's way forward', Singapore Institute of International Affairs, 18 June [Online] Available: <www.siaaonline.org/?q=programmes/commentary/human-rights-asean%E2%80%99s-way-forward> [2009, April 13]

Times of India (2009) 'SEAsian human rights body lacks powers: draft' 28 February [Online] Available: <<http://timesofindia.indiatimes.com/World/Rest-of-World/SEAsian-human-rights-body-lacks-powers-Draft/articleshow/4203876.cms>> [2009, April 13]

United Nations Office on Drugs and Crime (UNODC) (2008) 'Signatories to the Convention Against Transnational Organized Crime' [Online] Available: <www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html> [2009, April 13]

UNODC (2009) *A Global Report on Trafficking in Persons* [Online] Available: <www.unodc.org/documents/Global_Report_on_TIP.pdf> [2009, May 13]

United Nations Office of the High Commissioner for Human Rights (UNOHCHR), Regional Office for South-East Asia (2009) 'Notes (internal) on the regional women's human rights consultation on the ASEAN human rights body, pre-ASEAN summit video conference with Secretary-General of ASEAN', S Pitsuwan and the ASEAN People's Forum

Wijers M and Lap-Chew L (1997) *Trafficking in Women, Forced Labour and Slavery-like Practices in Marriage, Domestic Labour and Prostitution* Foundation Against Trafficking in Women (STV), Utrecht