



Spotlight Initiative

A very beautiful but heavy jacket

The experiences of migrant workers with diverse SOGIE in ASEAN¹

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“Of course, I was anxious, even though I didn’t come out. It’s like putting on a very beautiful but heavy jacket every time I go to work. I had to hide myself all the time, I would get scared every time somebody mentioned LGBT stuff. I would be sad, or I thought randomly that somebody was talking about me behind my back.”

(Bisexual man, Viet Nam)

INTRODUCTION

Amongst the millions of migrant workers who move between countries in South-East Asia and beyond, little is known about the motivations or experiences of migrant workers with diverse sexual orientations, gender identities and expressions (SOGIE). Drawing on research with 147 migrant workers with diverse SOGIE in Cambodia, Thailand, the Philippines, and Viet Nam, this brief narrates their labour migration experiences in South-East Asia.

FINDINGS

Many people with diverse SOGIE find genuine economic opportunities through labour migration; 72% of migrant workers interviewed for this study reported economic advancement as their primary motivation for migration; 63% reported that working abroad allowed them to meet their basic needs, remit money to families, save money to open businesses or purchase land in their countries of origin, and obtain skills and experiences that would

enhance employment opportunities. Of the migrant workers interviewed, 41% also reported escaping from discrimination or restrictions on personal freedom at home as a motivation; 59% reported that their quality of life was higher in their country of destination than in their country of origin.

“The first thing I wanted is to have a stable income to support myself. It would be great if I can find a partner to support me through the hardship there. And of course, I wanted to be able to live freely and express myself.”

(Gay man, Viet Nam)

“The Philippines is a strong Christian country, so the family is not extremely open in terms of sexual diversity and relations. I need to go to a place where I can be the woman that I am and where I can further my visions and my goals in life.”

(Trans woman, Philippines)

These opportunities for economic advancement, family acceptance and personal transformation often coexist with precarity. For migrant workers with diverse SOGIE, discrimination can impact them at multiple levels: (a) experiences that impact migrant workers with diverse SOGIE specifically because of their diverse SOGIE, and (b) experiences that can impact all migrant workers but have distinctive consequences for migrant workers who have diverse SOGIE.

¹ This brief draws from the findings of research titled “A very beautiful but heavy jacket: The experiences of migrant workers with diverse SOGIE in ASEAN” which was commissioned and led by the ILO through the Safe and Fair: Realizing women migrant workers’ rights and opportunities in ASEAN region programme, implemented jointly with UN Women. This brief was designed by Pichit Phromkade. The study was carried out by Edge Effect, Migrant Forum Asia, and the ASEAN SOGIE Caucus. The Safe and Fair programme is part of the EU-UN Spotlight Initiative to eliminate violence against women and girls, and implemented through a partnership between the ILO and UN Women, in collaboration with UNODC, with the overriding objective of ensuring that labour migration is safe and fair for all women in the ASEAN region. For more information, please visit www.spotlightinitiative.org/safe-and-fair.

Migrant workers with diverse SOGIE described many different challenges across the migrant work journey, including experiencing harassment and discrimination while in transit, and discrimination in countries of destination by employers, authorities, and service providers. Others found that the discrimination followed them from their country of origin to their country of destination, with fellow migrant workers being an ongoing source of harassment. This often led migrant workers with diverse SOGIE to avoid participating in events or training provided by service providers, and contributed to social isolation in their country of destination. Upon return, some migrant workers with diverse SOGIE reported having again lost freedoms that they had enjoyed in countries of destination, some returning to 'closeted' lives. For others, increased family acceptance evaporated as they were no longer sending remittances.

“ The LGBT community was labelled as weak and girlish... I was working as a tour guide in a company... my boss did not promote me because I am from the LGBT community... I talked many times to my manager about equal job opportunities, but he ignored me.”

(Trans woman, Viet Nam)

“ You need to find a broker [for labour migration] who has credibility to avoid the risk of scams. You need someone who understands that transgender women like us have some struggles like finding a suitable job, or our health, or the fact that our identifications doesn't match our appearance. Luckily Thailand is like a heaven for transgender people, so I didn't run into much trouble with my legal documents.”

(Trans woman, Viet Nam)

While acronyms such as LGBTIQ are often used generically, people with diverse SOGIE are not homogenous. Gay men and lesbian women migrant workers may have different motivations and experiences from those of trans men and trans women and people with non-binary gender identities, and different to people with other diversity of gender and sexuality. Workplace discrimination in countries of origin was cited as a motivation for migrant work more often by transgender and gender diverse people (85%), as was community discrimination (52%); gay and lesbian people (26% and 22%) reported fewer

instances of community-level discrimination. Transgender and gender diverse people recounted taking jobs that exposed them to violence or targeting by authorities. Thirty two percent of participants took steps to conceal their SOGIE some or all the time. Others felt compelled to carefully manage and edit information that they shared with co-workers, and others avoided social situations.

Understanding the diversity of experiences requires recognition that migrant workers with diverse SOGIE also have other characteristics - such as ethnicity, gender, nationality - that shape their opportunities and experiences individually and through interaction with their SOGIE. It also means dispensing with some stereotypes. For example, while many trans and gender diverse people do work in the adult entertainment sector, many also work in other sectors. Overall, people with diverse SOGIE who participated in the research worked in construction, manufacturing, agriculture, retail, and hospitality as well as adult entertainment.

Both direct and indirect discrimination are based in deep social-norms-based assumptions about the world and people within it. For people with diverse SOGIE, these assumptions are heteronormativity, cisnormativity, gender binarism and endosexism.²

Improving safety and fairness for people with diverse SOGIE requires that government and non-government actors understand and identify discriminatory norms, and take positive steps to counter them. Such steps may include needs assessments, evaluation of existing service provision, training for service providers on issues that impact people with SOGIE and how to provide gender-responsive services. From data gathered through more than 70 interviews with representatives of civil society organisations, migration-related service providers, unions, and government departments, only 4% of the interviewed organisations reported having specialist materials or services targeted at the needs of migrant workers with diverse SOGIE. Only 18% provided their staff with any form of training on diversity of SOGIE. Service providers also stated they do not target or tailor programs to include migrant workers with diverse SOGIE because bilateral or multilateral donors provide little or no specific funding for such work.

² 'Heteronormativity' is the assumption that all people are, or should be, heterosexual; 'cisnormativity' is the assumption that all people have, or ought to have, a gender identity that is aligned with their sex-assigned-at-birth; 'gender binarism' is the assumption that all people have, or should have, a gender that fits into one of two options i.e woman or man; and 'endosexism' is the assumption that all people have physical bodies that align with medical and social stereotypes of female and male bodies.

“ I want more information being available to LGBT people. It would be great if it can be included in the general information for migrants, because a lot of LGBT people don’t come out publicly.”

(Gay man, Viet Nam)

When labour migration frameworks fail to recognise and address the needs and concerns of migrant workers with diverse SOGIE in a systematic and coordinated manner, it creates the risk that some labour migration actors may continue to see diverse SOGIE inclusion as optional; funding may continue to be insufficient, and; any changes that do occur will remain fragmented and fragile.

“ I want to go home. After the time working here, I want to save money then come back home and open a business of my own. I want to prove to people that gay is normal like everyone.”

(Gay man, Viet Nam)

“ I know that my family can accept so if we do a business there and become successful, firstly we might have to put up with pressure, then people might look at us another way. When we speak, people might listen. We might be another voice that persons with [diverse] SOGIE can live like normal people and become successful. If we can do it, we can become successful. I think like this and will prove it. ”

(Lesbian woman, Myanmar)

RECOMMENDATIONS

The following recommendations³ derive from the research, with the intention to strengthen and protect the rights of migrant workers with diverse SOGIE in the ASEAN region, both in countries of origin and in countries of destination.

Policy reform

Reaffirm that human rights principles enshrined in UN human rights instruments apply to all people. The principles of non-discrimination and inclusion of people with diverse SOGIE should be integrated into all measures to fulfill state obligations in relation to human rights, labour rights, migration and development standards.

In particular, States should ratify international labour standards particularly C087⁴, C098⁵, C181⁶, C190⁷.

1. Guidance for the protection of migrant workers with diverse SOGIE (in line with international labour and human rights standards) should be included in regional and national labour migration policy discussions and strategy documents; CSOs, migrant workers with diverse SOGIE and their representatives should be engaged in the review and formulation of these strategies and frameworks.

2. Review bilateral labour migration agreements and MoUs to ensure that the needs and concerns of migrant workers with diverse SOGIE are addressed, and their rights are protected in keeping with international labour and human rights standards.

Knowledge-building and capacity-development for key stakeholders

3. Governments, employers’, workers’ organisations, women’s organisations and other CSOs - all have a role to advance, promote, and protect the labour rights of migrant workers with diverse SOGIE. This includes reducing knowledge gaps through research, and building capacity to identify and work on issues of importance for migrant workers with diverse SOGIE.

a. Research should utilise participatory research processes that increase safety, effectiveness, and accountability, including through funding for these initiatives. Research funding is also needed to understand the impact of gender-based discrimination and violence on the lives and well-being of migrant workers of diverse SOGIE.

b. Trainings should include context-specific aspects of diverse SOGIE lived experience and go beyond the basics of terminology to include different experiences of people with different SOGIE, intersections with other marginalising characteristics, international standards and consideration of issues specific to labour migration.

³ The complete and detailed set of recommendations can be found in the final report which will be published in 2022 and made available here.

⁴ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);

⁵ Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

⁶ Private Employment Agencies Convention 1997 (No. 181)

⁷ Violence and Harassment Convention, 2019 (No. 190)

c. Supplement information outreach and campaigns on labour migration to address prejudices and stereotypes about migrant workers with diverse SOGIE in countries of origin and destination.

Inclusive programming, services and information for all migrant workers

4. Recognising that people with diverse SOGIE are often hard to reach in countries of origin and destination, strategies to protect and promote the rights of migrant workers should ensure coverage of all migrant workers including migrant workers with diverse SOGIE

a. Operating procedures for labour migration service providers should enable diverse SOGIE specific support, and consider engaging prospective migrant workers with diverse SOGIE through informal intermediaries and networks.

b. Support the peer networks amongst people with diverse SOGIE that may provide emotional and informational support to migrant workers with diverse SOGIE in countries of origin and destination, especially where there is an absence of safe official options.

c. To ensure that migrant workers are not criminalised for seeking support, diverse SOGIE - inclusive safeguards are needed between those government authorities responding to discrimination, harassment, violence and exploitation, and government authorities responsible for immigration issues.

d. Include diverse SOGIE CSOs and migrant worker focused service providers in programme design and implementation, including in advisory committees and CSO reference groups, to ensure that migration-related services and information are safe, accessible, and relevant, in ways that do not require people with diverse SOGIE to identify themselves.

Gender-responsive programming to go beyond the gender binary

5. Gender-responsive programming (design, funding, and implementation) should go beyond the gender binary and include diverse genders and sexualities.

a. Referral services and service provision for addressing gender-based violence, and eliminating violence against women migrant workers, should include lesbian, bisexual, transgender, intersex, queer women and girls.

b. Migration-related service providers should improve diverse SOGIE inclusion in their own organisations and to build capacity to bring a diverse SOGIE lens to programming and service delivery.

c. Support migrant workers with diverse SOGIE in countries of origin and countries of destination with information about health care, especially for those people who use hormones, PrEP, or require ongoing medical support.

Ensure fair recruitment for all migrant workers

6. Fair recruitment practices that are grounded in international labour standards ensures respect for, and protection of, the rights of all migrant workers and ensures gender equality for all workers.

a. Support and work in coordination with diverse SOGIE CSOs to develop and maintain a register of diverse-SOGIE-friendly licensed recruiters, brokers and agents who support fair recruitment based on the ILO General Principles and Operational Guidelines for Fair Recruitment.

b. Such initiatives could be linked to the global Recruitment Advisor platform (www.recruitmentadvisor.org) which supports informed decision-making by potential migrant workers.

Ensure availability of programmes which are inclusive of migrant workers with diverse SOGIE

7. Funding opportunities for labour migration programming should be designed in ways that ensure the application of the non-discrimination principle and the positive inclusion of people with diverse SOGIE, consistent with international standards.

a. Bilateral funding for development programmes should address the push factors behind the labour migration of persons with diverse SOGIE, recognising that while people with diverse SOGIE have the right to migrate, they should have the opportunity to attain human security in their own countries.

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Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region



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