

**PROTECT ALL RIGHTS OF ALL MIGRANT WORKERS!  
CALL TO ASEAN TO FULFILL THE PROMISE FOR A TRULY PEOPLE-CENTERED ASEAN COMMUNITY!**

OutRight Action International, together with civil society organizations, urge the ASEAN leaders to address the concerns of migrant worker groups from ASEAN countries, who are currently working in other countries without labor protections, including protections from violence and discrimination.

When ASEAN governments launch the ASEAN Community and Post-2015 ASEAN Vision during the 27<sup>th</sup> ASEAN Summit in Malaysia, they will be committing to a ten year plan until 2025 for a politically cohesive, economically integrated, socially responsible, and a truly people-oriented, people-centered and rules-based ASEAN<sup>i</sup>.

To ensure that ASEAN lives up to its stated goals, OutRight Action International and lesbian, gay, bisexual and transgender (LGBT) groups challenges the ASEAN member-States to prioritize legislative reforms and to implement a people-inclusive regional and national plans that address the issues of groups and sectors that fall beyond the cracks of policies, programs and services of government and of mainstream groups and sectors.

ASEAN governments have acknowledged the huge contributions of ASEAN migrant workers<sup>ii</sup> to the national economies of ASEAN member states. Yet, because of disagreements between sending and receiving countries in ASEAN, there is

- No agreement in the ASEAN Committee on Migrant Workers (ACMW) on protection mechanisms for migrant workers, and
- No ASEAN standard on labor protections, which subjects migrant workers to different laws and regulations in each ASEAN country.

Without these protections, all migrant workers are vulnerable to human rights violations. Those at greatest risk are migrant workers with little or no bargaining power and experience many layers of discrimination on the ground of gender, sexual orientation, ethnicity, race, and religion. LGBT migrant workers are among the most vulnerable groups because they are stigmatized. They face multiple opportunities of discrimination and abuse, which makes them one of the most crucial groups to protect within broader migrant worker communities.

Like other migrant workers, LGBT migrant workers leave and seek work outside their country for economic reasons. Their remittances support their families and their economies back home. The ASEAN Post-2015 vision and plans of action must address the concerns of all ASEAN migrant workers, including ASEAN LGBT migrant workers.

My organization, OutRight Action International has learned from our investigation that LGBT migrant workers are experiencing higher levels of abuse and discrimination because of who they are and not because of their work performance.

LGBT migrant workers travel from the Philippines, Indonesia, Thailand, Laos, Vietnam, Myanmar and Cambodia who seek employment in Malaysia, Singapore and Brunei are vulnerable to being unfairly targeted because of laws in these countries that prohibit homosexuality, cross-dressing and gender non-conforming behaviors. In other words, LGBT migrant workers who look different are subject to mistreatment because they appear different. My organization has learned that LGBT migrant workers are subjected to verbal abuse, humiliation, including physical violence. They have to suffer discrimination on a daily basis and are forced to remain silent because ASEAN leaders have not committed to labor protection standards and have no policies in place to prohibit discrimination and violence against migrant workers, including on grounds of sexual orientation, gender identity and gender expression. LGBT people who migrate for employment provide much needed services. ASEAN communities rely on LGBT migrant workers for domestic work, hairstyling, beauty salon services, construction work, plantation labor, cleaning, cooking and serving in food establishments.

NGOs and civil society organizations (CSOs) that are set up to assist migrant workers in sending countries do not have the training to address the needs of LGBT migrant workers. This is the same scenario where LGBT migrant workers are not receiving help from their embassies situated in receiving country. They have no access to complaint mechanisms and if they do risk filing a complaint, often NGOs and CSOs that assist migrant workers in a receiving country are not fully equipped to provide LGBT migrant workers with services and assistance they regularly provide to other migrant workers. There is no psychosocial support and no counseling for LGBT issues such as isolation and fear of being exposed and denigrated and harmed. Like other migrant workers who experience discrimination and violence from their employers and places of work, LGBT migrant workers are reluctant to report violations for fear of retaliation such as losing their jobs and not getting paid. For instance, a lesbian domestic worker was verbally abused by her employer because she wore men's clothing and ended up being terminated earlier than her contract. She had no recourse to challenge the violation of her employment contract.

A gay manager of a fast food restaurant reported that being forced to constantly live in fear of his sexual orientation being discovered was so stressful that he could not renew his contract although his job performance earned him a promotion. Three lesbians with masculine gender expression were routinely questioned about their appearance although their job performance was good. Of the three, only one was able to continue working on the condition that she change her clothing to appear feminine. Forced gender conformity amounts to mental abuse and causes suffering. It prevents LGBT migrant workers the right to work and the right to freedom to express one's self.

OutRight Action International calls on ASEAN leaders to:

1. Ratify the International Labor Organization (ILO) standards on migrant workers and the Convention on the Protection of the Rights of All Migrant Workers and their Families.
2. Enact laws and bilateral agreements between sending and receiving countries to ensure the rights of migrant workers will be protected in both countries.
3. Ensure safe and accessible reporting procedures for LGBT migrant workers who experience violence and discrimination and ensure investigation of these complaints.
4. Include LGBT migrant worker issues and needs in the programs and services offered by sending and receiving countries such as information provision related to LGBT issues, counseling, regulation of employment agencies, welfare centers, integration assistance, emergency shelter, legal and medical services.
5. Ensure that their embassies in receiving countries are knowledgeable to the issues and respectful of the rights of LGBT persons that they will also provide the same quality of service and assistance they provide to LGBT migrant worker as that of other migrant workers in the receiving country.
6. Provide state funding and resources for the training and implementation of LGBT sensitive services by government agencies, NGOs and CSOs that work with migrant workers and on migrant worker issues.
7. Prohibit discrimination on the grounds of sexual orientation, gender identity and gender expression.
8. We also urge ASEAN leaders to improve working conditions for LGBT migrant workers by
  - Amending and repealing discriminatory laws that are used to criminalize persons on the basis of their sexual orientation, gender identity and gender expression, and
  - Denounce public statements and media messages that vilify LGBT persons and incite prejudice, discrimination and violence.

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<sup>i</sup> <http://www.asean.org/news/asean-secretariat-news/item/asean-community-vision-2025-2>

<sup>ii</sup> <http://www.colorado.edu/news/releases/2015/01/22/money-sent-home-migrant-workers-major-economic-boost-developing-nations#sthash.bMhNJ5He.dpuf>

**ENDORSED BY:**