

Human Rights of Migrant Workers: Understanding the Situation of Bangladeshi Workers in Saudi Arabia

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How to cite this paper: Hasin, M. S. D. (2025). Human Rights of Migrant Workers: Understanding the Situation of Bangladeshi Workers in Saudi Arabia. *Advances in Applied Sociology*, 15, 341-359.
<https://doi.org/10.4236/aasoci.2025.155019>

Received: April 2, 2025

Accepted: May 13, 2025

Published: May 16, 2025

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Abstract

Though migrant workers like all human beings are entitled to fundamental human rights, including non-discrimination, equality of treatment, and the right to a safe and healthy working condition, Bangladeshi Migrant workers in informal sector of Saudi Arabia labour market are facing right violations. The purpose of this study is to understand the human rights situation of Bangladeshi migrant workers, the human rights challenges faced by them and the role of labour attaché in protecting human rights of Bangladeshi migrant workers in Saudi Arabia. In this regard, qualitative research approach is deemed suitable to have a detailed understanding of the existing phenomenon. Thus, this research has incorporated three (03) FGDs (Focus Group Discussions) with returnee Bangladeshi migrant workers and recruiting agents and thirty (30) IDIs (In-depth Interviews) with returnee Bangladeshi migrant workers from Saudi Arabia, labour migration experts, academicians, government and non-government officials, labour attaché and recruiting agents of Bangladesh. This research finds that Bangladeshi migrant workers are facing discrimination, deprivation, exploitation and forced labour in both pre and post migration stage. The migrant workers' low socio-economic background, unawareness of recruitment process and legal support, dependency on labour intermediaries, lack of adequate policy measures and insufficient enforcement mechanisms are contributing to human right violation. In this regard, the role of labour attaché is crucial to ensure humane labour migration that upholds migrant workers' rights and privilege. This study contributes to academic and policy discourses by providing critical insights on migrant human rights situation and the human rights challenges with adequate empirical evidence supported by experts' opinions and existing national and international legal documents.

Keywords

Migrant Human Rights, Labour Exploitation, Forced Labour, Bangladeshi Migrant Workers, Saudi Arabia Labour Market

1. Introduction

1.1. Background of the Study

For years, labour migration is vital for economic development and social progress of Bangladesh. Remittance is contributing significantly in foreign earning and solving unemployment problem. Unfortunately, Bangladeshi low-skilled temporary migrant workers face exploitation, abuse, wage theft, unhealthy working condition and violation of basic human rights in destination countries. Though Declaration of Philadelphia 1994 maintains that all human beings are entitled to enjoy material well-being and spiritual progress irrespective of race, creed or sex in conditions of freedom and dignity, the migrant workers' human right situation contradicts with internationally acknowledged human rights principle and standard. In absence of appropriate laws and regulations, labour migration entails violation of individual rights causing social disruption, reduced productivity and less economic growth and development (Taran, 2011). Though Saudi Arabia is one of the top destination countries of Bangladeshi migrant workers, it is reported to treat migrant workers as second-class citizens where migrant workers enjoy limited rights and freedom to raise their voices against abuse and exploitation and the situation of women migrant workers is the most vulnerable who often experience sexual harassment and risk of human trafficking and sex trade (Jessup, 2010). According to the theory of natural rights, all human beings though possess certain intrinsic differences such as caste, religion, race, gender and nationality, they have common set of freedom, powers and capabilities. And the right to liberty, life and property are the basic natural rights awarded to an individual (Kumar & Awasthi, 2020). However, these fundamental rights of migrant workers are not sufficiently protected in Saudi Arabia in absence of fair policy and practice (Almutairi, 2017). The maintenance of migrant rights plays an important role in shaping the outcomes of migration as if the migrant enjoys the right to free choice of employment that may affect their opportunity of earnings, sending remittance and competition with the local workers. Thus, migrant rights affect migration decisions such as rights to settlement and family reunion can be an important factor in the choice of destination (Ruhs, 2009). Against this backdrop, the purpose of this study is to understand the human rights situation of Bangladeshi migrant workers, the human rights challenges and the role of labour attaché to protect the rights of Bangladeshi migrant workers in Saudi Arabia. In this regard, qualitative research approach is deemed suitable to have a detailed understanding of the existing phenomenon. Thus, this research has incorporated three (03) FGDs (Focus Group Discussions) with returnee Bangladeshi migrant workers and recruiting agents,

thirty (30) IDIs (In-depth Interviews) with returnee Bangladeshi migrant workers from Saudi Arabia, labour migration experts, academicians, government and non-government officials, labour attaché and recruiting agents of Bangladesh. Since the purpose of this research is to understand human rights aspect of labour migration, it focuses on right-based approach to labour migration. This study is significant and unique as the existing studies do not consider the issues of human rights sufficiently. The existing studies mostly concentrate on socio-economic aspects of labour migration and lack adequate understanding of human rights situations. Since this study addresses the right based approach to labour migration it provides valuable practical insights on the issues like treatment of migrant workers, migrant's perception of human rights, their work environment, safety measure, social security, right to movement, right to expression and so on. The outcomes of this study contribute to academic as well as policy directives to safeguard the welfare and interest of Bangladeshi migrant workers.

1.2. Problem Statement

It is evident from different studies (Rahman, 2011; Murray, 2012; Roy, 2016; Almutairi, 2017; Adham & Hammer, 2019; Pourmehdi & Shahrani, 2021), newspaper and media reports that Bangladeshi migrant workers are suffering from severe human rights violation in informal sector of Saudi Arabia. Bangladeshi workers are mostly engaged in low-skilled informal private sector that provides limited protection for migrant workers. The precarious and vulnerable situation of Bangladeshi migrant workers is contributing to migrants' untimely return, reducing their earnings and causing them health crisis. Therefore, it is important to know the issues that are related to human rights violation and the possible measures that help to protect the human rights of migrant workers. As there are very few studies focusing on the human rights situation of Bangladeshi migrant workers in Saudi Arabia, this study is unique to focus on the issues related to human rights violation and the remedy to safeguard the rights of Bangladeshi workers in Saudi Arabia. According to Jessup (2010) in Saudi Arabia sponsorship system often causes gross human rights abuses. The system is highly criticized by several organizations like Human Rights Watch (HRW) and Amnesty International criticizes the sponsorship system as it restricts migrant workers' rights and legal support. It restricts migrant workers movement and sponsor's approval is needed to enter and leave the country. Furthermore, work contract is required to work in Saudi Arabia that put migrant workers in legal compulsion to work under a specific employer. And Saudi laws offer limited protection measure against abusive treatment of the employer. Complaints of abuse are hardly investigated rather workers risk arbitrary arrest and imprisonment if they attempt to quit the job. In such an imposing system, workers' rights are at the discretion of their employer who retain workers' passport and other travel documents restricting their freedom of movement. And restriction on freedom of movement contributes to forced labour or slavery and physical and mental abuse. However, Murray (2012) points out that in Saudi Arabia women are in vulnerable situation to have access to justice due to the recogni-

tion of their agency as weak in a patriarchal society and women also lack decision making power to contest in the court, besides they are not considered equal before laws by male judge though most of them are unaware of their legal right. Saudi Arabia ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2000, but it keeps reservations for Shariah/Islamic laws as the country maintains that the kingdom is under no obligation to execute any international law/convention that go against conventional Islamic laws. Hence, this study aims to understand the working and living conditions of Bangladeshi migrant workers in Saudi Arabia, the key human rights challenges faced by Bangladeshi migrant workers in Saudi Arabia and the role of Bangladeshi labour attaché in ensuring human rights of Bangladeshi migrant workers in Saudi Arabia.

1.3. Objectives

- To assess the working and living conditions of Bangladeshi migrant workers in Saudi Arabia.
- To identify the key human rights challenges faced by Bangladeshi migrant workers in Saudi Arabia.
- To evaluate the effectiveness of the role of Bangladeshi labour attaché in ensuring human rights for Bangladeshi migrant workers in Saudi Arabia.

1.4. Significance of the Study

This Research is going to understand the issues that are related to human rights violation of Bangladeshi migrant workers in Saudi Arabia and the remedy that support protection of migrant workers. This study emphasizes on policy priority to create a situation that ensures overseas employment of Bangladeshi migrant workers in Saudi Arabia in conditions of dignity and voluntary choice rather than a mere livelihood strategy. Nevertheless, all migrants irrespective of nationality and status warrant protection of human and labour rights. Therefore, right-based policy approach can ensure economic productivity and social up gradation. Social cohesion and integration can be achieved through equal opportunities for the migrants like the locals. With a better protection of their human rights, migrant workers can contribute more for the origin and destination countries. Since respect for human rights, the rule of law and maintenance of core labour standards are essential to political stability and socio-economic development, this research contributes in academic and policy discourse by providing critical insights on human rights situation of Bangladeshi migrant workers in Saudi Arabia. This research considers right-based approach to labour migration; therefore, it provides details understanding of the reality of Bangladeshi migrant workers, migrant's perception of human rights and basic requirements that ensure human rights.

2. Literature Review

The magnitude of international labour migration from Bangladesh has risen

steadily since 1976, driven by an increase in labour demand from the main destinations countries of Gulf Cooperation Council (GCC). Saudi Arabia is the top destination country for low- and semi-skilled Bangladeshi workers in Saudi oil companies, construction sector and others on contract basis. The vast majority of migrant workers are males and women labour force participation is low as a general tendency of the country influenced by gender role and sometimes restricted by country's policy and demand of the destination country (Bossavie, 2023). According to Mimi (2024) Bangladeshi migrant workers in Saudi Arabia experience acute human rights violation and abuse such as unpaid wages, forced labour, passport confiscation, unsafe working conditions, and physical and sexual abuse. Violation of migrant rights takes place due to the trend of discrimination on nationality and ethnicity, lack of legal protection and weak enforcement of labour laws. In recent years, Saudi government has taken legal initiative to address these concerns unfortunately that fails to bring desired result due to lack of practices and implementation of labour laws aimed at protecting migrant workers. Again, most of the workers are unaware of their rights, and those who do try to seek redress often face difficulties and reprisal from the employers. Nevertheless, migrant workers are vulnerable in a foreign country where they are not citizens and unlike citizens, they face certain unfavourable environment and treatment and legal restrictions and other obstacles that violate human rights requirements. As strangers in a foreign country migrant workers may be unfamiliar with local laws, language and practice and less able than the national to know and assert their human rights requirements. Very often they face discrimination, unequal treatment, unequal opportunities at work and barriers in daily lifestyle adaptation in face of racism and xenophobia (Grant & Grant, 2005). Abdul-Aziz et al. (2018) point out that in Saudi Arabia the kafala system is responsible for abusive employment that ties the employee with the employer. Employer permission is law binding if the employee wants to change or leave the job before the contract period. In such cases, the consent of employers is rare and requires payment that the employee cannot afford. Passport retention and wage withheld to prevent abscondment is a common phenomenon. In fear of debt and deportation migrant workers sometimes accept workplace abuse and exploitation. They are dissuaded from forming trade unions, they do not enjoy collective bargaining power to protest against rights violation; in case of protest, they are to face mass deportation specially in the case of UAE and Saudi Arabia. Thus, human rights activists view the Kafala system as a form of modern slavery (Davidson, 2013 cited in Abdul-Aziz et al., 2018). Again, Almutairi (2017) argues that the legal status of temporary foreign workers and the work visa system leads to exploitation, abuse, discrimination, forced labour and the servitude of foreign labour in Saudi Arabia. According to Picot (2014) migrants are entitled to human rights by virtue of their existence as human beings. Unfortunately, this spirit is contained in theory not necessarily maintained in practice as migrants are very often treated as second-class citizens. The advocates of human rights propose the application of human rights by incorporating the

sense of universality as fundamental in human rights theory. With this understanding all human being, irrespective of nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status are rights-holders. Picot (2014) argues that the duty-bearers (the institutions, the government) are responsible for the maintenance of fundamental rights; the implication is under international law by virtue of being the parties to international treaties, states have obligations and duties to honour, safeguard and maintain universal human rights as is assured in human rights treaties and other related documents. The compulsion to respect indicates, “States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires states to protect individuals and groups against human rights abuses. The obligation to fulfill means that states must take positive action to facilitate the enjoyment of basic human rights.” (Picot, 2014: p. 15). However, Roy (2016) suggests that the first phase (since independence between 1971 and 1990) of labour migration from Bangladesh maintains direct state intervention and limited protection of migrant workers and the second phase, (the post 1990 period) maintains stronger state protection of migrant rights though in both the periods there has been poor enforcement measures to reduce fraudulent practices in recruitment and to protect migrant rights. She argues that several social and political factors such as patriarchal social structure, gender role and perception, market forces, structural power of destination country, non-state actors like association of recruiting agencies and political practices determine the aspect of labour migration policy of Bangladesh. For socio-economic development Bangladesh relies much on overseas employment hence it is difficult for Bangladesh to exercise direct state intervention in foreign countries to protect its workers’ rights in fear of market loss. Therefore, Bangladesh can formulate rights-based domestic policies, ratify the international human rights treaties, negotiate to have formal agreement with receiving countries for protection and provide support to migrant workers as is required to safeguard their interests. However, many migration researches have focused on human rights of migrants, unfortunately little attention is paid on the situation of Bangladeshi migrant workers in Saudi Arabia. And the existing studies are mostly based on secondary data, therefore this research is going to be significant as it incorporates empirical evidence along with secondary data. Thus, this study provides practical insights on the issues like migrant socio-economic integration, aspects of discrimination, restriction on migrant rights, exploitation and forced labour, access to justice and grievance redress mechanism and the protection measure that is founded on right-based approach to migration governance.

3. Methodology

This research incorporates qualitative research approach as it wants to understand people experience, opinion and perception. According to Aspers & Corte (2019: p. 139) “qualitative research as an iterative process in which improved understanding to the scientific community is achieved by making new significant dis-

tinctions resulting from getting closer to the phenomenon studied". Thus, this study aims to understand the human rights situation of Bangladeshi migrant workers in Saudi Arabia as is experienced and observed by the people who work as foreign worker there and those who are engaged in labour migration governance and research. Both secondary and primary data had been collected in this regard. Secondary sources include websites, reports, publications of government and international organizations, academic articles and so on. In collecting primary data this research utilized purposive non probable sampling technique to select the respondent as the common characteristics and experience of the respondents correspond with the research objectives (Bryman, 2016). The main reason for applying purposive sampling is to focus on particular characteristics of the respondents that are of interest of the research and thus enable to correlate with the research objectives. In this regard, three FGDs (Focused Group Discussions) with returnee Bangladeshi migrant workers (both male and female) and recruiting agents in Bangladesh, thirty (30) IDIs (In-depth Interviews) with returnee Bangladeshi Migrant workers from Saudi Arabia, academicians, labour migration experts, government and non-government officials, labour attaché and recruiting agents have been conducted to understand their views, experiences and opinion. The respondents had been interviewed with pre-determined interview guideline. A fair number of women participants had been included to understand their point of view and returnee migrant workers had been selected who had worked in different sectors in Saudi Arabia like construction, agriculture, service sector, domestic work and so on. Thematic content analysis had been done with both primary and secondary data that followed Braun & Clarke (2006) a step-by-step process for thematic analysis; data familiarization, generation of initial codes, searching for and reviewing themes, theme definition, creating conceptual diagrams and theory-building and producing the final report. The interviews had been recorded and interview transcription had been done with the help of field notes. With interview transcript coding and categorizing of sub themes and themes help in analyzing the reality in a systematic way. According to Rossman & Rallis (1998: p. 171) "Coding is the process of organizing the material into chunks or segments of text before bringing meaning to information." (Cited in Cresswell, 2009: p. 186). Following Cresswell (2009) in this study coding had been based on past literature and common sense. However, to maintain research ethics participants' identity were kept anonymized and their prior written consent had been taken. Research reliability and validity had been confirmed by systematic investigation that followed research objectives in data generation and analysis.

4. Data Analysis and Findings

4.1. Aspects of Discrimination and Deprivation

In Saudi Arabia, there exists dual labour market that is segmented between citizens and non-citizens. The Primary (state) market jobs are occupied by the native that entails good working conditions, good income, employment stability, oppor-

tunity for professional development and equity; on the other hand, the secondary (private) sectors low-skilled jobs are filled by low-skilled migrant workers that entails poor salary, poor working conditions and benefits, little or no chance to professional development, risk of job loss and uncertainty (Almutairi, 2017). According to Pourmehdi & Shahrani (2021) social adaptation of migrants in Saudi Arabia is barred by migration policies as there exists class division following diversity of income and race. The unskilled migrant workers are not allowed to bring their families, the system puts them under a single employer and they cannot marry the locals (Rahman, 2011). However, Adham & Hammer (2019) maintain that in the KSA, temporary workers do not have access in skill development and training; they are to meet certain level of qualifications for skill development and training that include previous education and type of employment. Temporary migrant workers professional development is being hampered and not facilitated as they are deprived of training. Training opportunities are reserved for Saudi nationals and permanent employees who may serve long and may have contributed over the years. Since the number of trained Saudis is insufficient to meet the labour market demand, migrant workers are employed for short period of times. Thus, in Saudi Arabia, temporary workers have limited path to career development and integration facility in the labour market as they work for short period of time in conditional employment (Adham & Hammer, 2019). Many Bangladeshi migrant workers engaged in low skilled informal sectors in Saudi Arabia experience low salary, poor working condition, discrimination in salary and employment and also in social acceptance. Socio-economic integration of migrant workers in Saudi Arabia is barred by localization policy that maintain reservation only for Saudi nationals. Bangladeshi migrant workers mostly stay in distance camps in periphery areas since they do not afford good housing in city centre. As a result, they do not get opportunities to socialization, in the same way they do not get adequate access to health care.

One of the respondents stated

“Bangladeshi migrant workers are the most vulnerable in terms of rights. There exists discrimination in salary and treatment of the workers. Migration cost of Bangladeshi workers is the highest but they get the lowest salary. Compared to neighbouring countries like India, Pakistan, Sri Lanka and Nepal, their salary is the lowest, very often they work extra hour but do not get overtime pay.”

The Universal Declaration of Human Rights (UN, 2025) refers to human rights at work in article 23 and 24. As is stated in Universal Declaration of Human Rights, 1948,

Article 23

1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2) Everyone, without any discrimination, has the right to equal pay for equal work.

3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Again, human rights provisions in Universal Declaration of Human Rights (1948) entails different basic rights such as right to life, liberty and security of person (Art. 3); prohibition of slavery or servitude (Art. 4); prohibition of torture or inhuman or degrading treatment or punishment (Art. 5); right to leave any country and to return to one's own country (Art. 13); right to freedom of expression (Art. 19). Though UDHR promotes equity, non-discrimination and protection of workers and equal opportunity, equal treatment at work; migrant human rights are limited in Saudi Arabia. Unfortunately, Bangladeshi migrant workers are deprived and discriminated in terms of employment, wage and working condition, their freedom of expression and association is also restricted as agitation and strike are banned in Saudi Arabia. Nevertheless, deprivation and discrimination negatively affect migrant workers well-being and protection as human being as [Aslam \(2025\)](#) mentions that lack of mobility and social isolation specially in the case of domestic worker negatively affect their psychological well-being whereas uncertainty of job and wage contribute to psychological distress and anxiety and abuse contributes to severe depression among migrant workers specially those who are engaged in construction and domestic sector or any low-skilled work. Again, in absence of financial inclusion migrant workers remain financially insecure even after working long period of times in the same country.

4.2. Exploitation and Forced Labour

In the case of Bangladeshi Migrant workers in Saudi Arabia, pre-migration irregularities such as high recruitment cost, fraudulent and exploitation and post-migration irregularities such as contract substitution, non-payment of salaries and other benefits, passport confiscation, slave like situation of labourer, violation of human rights, the precarity of migrant workers are related to overall migration process. And in absence of protection and grievance redress mechanism, migrant workers experience exploitation and forced labour like situation. According to [Agunias \(2012\)](#), migrant workers' dependency on private recruitment agencies for different services across state's boundaries makes them vulnerable to exploitation and abuse. Most of the Bangladeshi migrant workers remain unaware of the migration process; they are not well briefed in advance about the employment contract and employment situation. Very often they experience contract substitutions, job miss matched, denial of promised salary, unhealthy working conditions. One of the respondents stated

“Mentality and exploitative tendency of Saudi employer causes wage deduction. In spite of knowing local language or doing the work properly, the employer deduct salary; by giving one month salary they take signature in advance for several months at a time so that the workers could not complain for wage deduction.”

This research finds that lack of fairness in recruitment, weak monitoring, profit seeking mentality and inadequate protection measures increases manipulation and exploitation of Bangladeshi migrant workers. In absence of fair practice, the recruiters and labour brokers usually charge excessive fees and impose illegal employment contracts on the migrant workers. The condition of work as is maintained in the contract has never been followed in the case of low-skilled temporary migrant workers who are engaged in informal sector. The workers accept inhumane work condition and low wage in fear of job loss and deportation. Moreover, according to sponsorship system the workers need no objection certificate from the present employer to change job or need court order to escape abusive employment. [Pourmehdi & Shahrani \(2021\)](#) point out in Saudi Arabia, kafala or sponsorship system renders migrant workers as temporary and guest workers who are entirely dependent on their sponsors or employer. The temporary nature of migrant workers keeps them dependents on the narratives or satisfaction of the employer or sponsor as the power of deportability, expendability and interchangeability largely depends on interest of capitalist forces specifically the employers and recruiters. In this situation of power imbalance, temporary migrant workers accept undue salary and work environment to sustain in hope to capitalize their investment in overseas employment. Likewise, [Aslam \(2025\)](#) maintains that the kafala or sponsorship system contributes to employers' excessive control over workers' legal status, mobility, and employment conditions that led to extensive human rights violations such as wage theft, contract substitution, poor living conditions, physical and psychological abuse, restrictions on job change and mobility. In this regard, the ILO Forced Labour Convention, 1930 (No. 29) is relatable that defines forced or compulsory labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” The ILO has described several types of situations as forced labour, such as physical abuse, restricted movement, burden of debt, withholding of remunerations, retention of passports and identity documents and the threat of verbal abuse ([ILO official websites, 2025](#)). Following these criteria, the situation of Bangladeshi migrant workers can be described as forced labour who are experiencing almost all of the inhumane employment condition. The vulnerability of migrant domestic workers is more acute as reported by research participant as,

“In the case of migrant domestic workers, local intermediaries/sub agents help in finding employment. Though, the female migrants are to be recruited with zero cost sometimes the intermediaries take extra money from the prospective female migrant workers. The intermediaries hardly provide money

receipt of financial transactions with prospective migrant.”

Again, due to the individualized nature of working environment of household labour, the female domestic workers are the most vulnerable to exploitation in Saudi Arabia. Domestic workers have no freedom of movement, and are mostly locked inside or prohibited to leave the home without permission. Violence against domestic maids includes physical attacks ranging from rape to slapping and other types of violence include undue extra work like forcibly working in more than one household and no days off. Non-payment of wages and reduced salary are common in the case of female migrant domestic workers. Most of them experience poor living conditions and lack adequate food and privacy. Physical violence is usually committed by the female employer of the household. They are reported to suffer from several types of violence during the course of their employment, and many get so traumatized by the experience that it even negatively affects their ability to reintegrate into society upon returning home (Halabi, 2008). Nevertheless, education and training programme can equip migrant workers with necessary information and skill to assert their rights particularly in the case for contract labourers who remain unaware of the wages or working conditions to which they are entitled. Again, employers' awareness is also crucial who are to abide by regulations and respect the rights of the workers. Therefore, the use of enforcement measures is vital to prevent employers from malpractice and violation of the law. If employers are allowed to violate labour standards with impunity, the workers get deprived of fair wages and working conditions that result in inability to remit the full amount that they might have with promised earnings (Martin & Abimourched, 2009).

4.3. Human Rights Challenges of Bangladeshi Migrant Workers

In Saudi Arabia, the market structure possesses intricate interrelationship between employment contracts (Sponsorship System) and residency regulations (Ikama) that not only causes human rights violation but also obstacles the protection of migrant workers (Almutairi, 2017). Almutairi (2017) claims that unfavourable governmental policy and legislation restrict the ability of migrant workers to keep in their rights in KSA that make them vulnerable and pave the ground for widespread labour exploitation by unscrupulous employers. Again, in absence of fair legal redress mechanism Bangladeshi migrant workers suffer from discrimination, exploitation, wage deprivation, physical and mental abuse. Migrant workers low socio-economic background along with lack of awareness and communication networks worsen their situation as they do not know what are their rights and whom to claim their rights. High migration cost, visa trading, misuse of kafala system, absence of labour standard, lack of transparency and accountability in migration governance are contributing to Bangladeshi migrant workers' sufferings in Saudi Arabia. Therefore, political will power and commitment for better governance required in different phases of migration governance. Regulation and registration of sub agent is crucial, unfortunately that lacks sincere effort to formulate

guiding principle. The registration of sub agent can reduce malpractice and can ensure good governance, grievance redress, transparency and accountability. The deregulation of sub agent is giving them the opportunity to take advantages of the gap of the existing system. The components of neoliberal globalization (deregulation, profit maximization) are giving them the opportunity to earn illegally. The sub agents take the advantage of unfair competition and take extra money without money receipt. As they are not registered, they are out of formal legal system. They are risking migrant life when a migrant does not get the contract job, s/he gets into risk of arrest and deportation without resident permit and job contract. In seeking legal redress, the migrant workers need to have valid passport, work contract, visa, no objection certificate which the workers fail to produce. They lack adequate documents to prove the allegation; again, they do not get the work contract before departure to check the merit of the contract, the contract is mostly provided after the entrance into the airport, at the eleventh hour the prospective migrant workers cannot verify the job. As the sub agents are not registered, they cannot be legally or financially charged rather recruiting agents who do not even meet the migrants are held responsible for recruitment and employment malpractices as their license number is inscribed in the smart card for immigration clearance. Fair and ethical recruitment by reducing risks and sufferings of migrant workers can ensure human rights of migrant workers. Decentralization of services can help the migrant workers in accessing justice and fair employment. Service at the door step reduces their time, cost and visit. As most of the recruiting agents' offices are placed in Dhaka, the capital of Bangladesh; the migrant workers face problem in getting access to formal channel in recruitment. If the government offices and recruiting agencies office are situated in grass root level, the migrant workers could enjoy power balance in claiming proper service and easy access to formal channel. Skill training for decent employment is another important issue that requires policy attention. Quality is important than quantity for decent employment. Skilled migrants get access to decent employment, decent earning and decent living and they face less problem. Migrants in decent employment are more likely to send more remittance. Unfortunately, technical and vocational training have negative perception in society and less prioritize by individual and government due to social stigma. Again, mutual recognition of certificate and skill can contribute to improved work experience. However, efforts in skill development and recognition are not adequate to secure decent employment. Social stigma is also prevalent in women employment as women respondents opined, society is not in responsibility of women livelihood but show negative perception towards women employment. Though, overseas employment is supporting women empowerment and decision-making power, social and religious superstition consider women employment as deviation of social norms. Bangladeshi women migrant workers in Saudi Arabia are mostly domestic worker; in Malaysia, Jordan and in other GCC countries and regions they can work in garment industries and care giving services where they can earn more. Since domestic work lacks adequate

regulation and inspection, the women migrant workers remain vulnerable in terms of rights. Recent trends in labour migration reveal extreme form of exploitation and persecution as in group migration, the so called labour racket or intermediaries take the migrant workers from Saudi airport and keep them in a private room, who were to be enrolled in service in few days, however, for job unavailability they need to remain in the waiting place as they also do not have Ikama (resident permit), when they ask for their promised job, they recruiters threat them, beat them and do not give them food, very often they take single meal. With hardship few can take money from family and thus keep their maintenance, in such situation they return home with shattered dreams. Again, in individual visa that is collected through friends and relatives, the migrant sometimes fails to secure promised job and promised salary, since the recruiter is near one, lodging legal complaint is difficult. Arbitration to recover migration cost is difficult since it requires both parties' involvement, sometimes the sub agents went missing, do not want to compensate, give threat who bear close affinity with local elite and influential. The Overseas Employment and Migration Act, 2013 and the Overseas Employment and Migration Act (amended), 2023 have provisions for legal safeguard but the migrant needs to have logical ground for complain and need to prove their claims with sufficient evidence like passport, visa, work contract, written evidence for monetary transaction which they hardly maintain properly. The agents and sub agents give receipt only of official cost and sometimes no money receipt for extra money, as a result, the migrants fail to secure their claim in lack of proper evidence in both Bangladesh and Saudi Arabia. Though this group is vulnerable in terms of education, awareness, logistic and resources; government and non-government supports are also inadequate to protect their interest. As respondent of this study stated

“In Bangladesh, prospective migrant workers are in a rush to secure overseas employment anyway with any means. They lack education and job-related training, knowledge of work contract, knowledge of countries' laws; they are easy to manipulate and exploit and abused. In absence of awareness of migration process and employment contract most of the irregularities take place; the Bangladeshi workers mostly depend on sub agents (dalal) for overseas employment and other than sub agent they hardly find any employment channel. On the other hand, sub agents are more likely to contact and convince unaware prospective migrant workers who get easy victim of manipulation and exploitation.”

However, lack of human right practice or any standard principle contributes to migrant worker's vulnerability and vulnerable workers get easy victims of torture and abuse as there is no stringent mechanism to protect them. Since the existing labour recruitment practices and the structure of the regulatory framework are insufficient to protect the human rights of migrant workers and their family, in this regard ILO decent work agenda could ensure the basic level of protection. UN

Secretary-General Kofi Annan in the first session of the Human Rights Council in June 2006 emphasized the protection and promotion of human rights principles that refer to political, economic, civil, cultural and social rights which are considered essential for dignified life. He stressed the principles of “indivisibility, inter-relatedness and interdependence” (Almutairi, 2017: p. 30). The spirit of universality is the concept that promote everyone’s entailment to human rights that is provided in Article 1 of the Universal Declaration of Human Rights (UDHR), “all human beings are born free and equal in dignity and rights” (Almutairi, 2017: pp. 30-31). The spirit of indivisibility is that “no human right is inherently inferior to any other” (Almutairi, 2017: p. 31) therefore, social, cultural and economic rights need to be included and protected along with political and civil rights. Nevertheless, migrant workers’ rights to protection and prevention against abuse, rights to equality and non-discrimination, involvement and empowerment, essential and inalienable human dignity are acknowledged in several international conventions, agreements and charters as specified in UDHR (Universal Declaration of Human Rights, 1948); ICMW (International Convention on Migrant workers, 2006); ICPPR (International Covenant on Civil and Political Rights, 1990); ICERD (International Convention on the Elimination of All Forms of Racial Discrimination, 1969); ICESCR (International Covenant on Economic, Social and Cultural Rights, 1976). CEDAW (International Convention on the Elimination of all Forms of Discrimination against Women, 1981). The major focus of these instruments can be summarized in the following manner: (Table 1)

Table 1. International legal instruments’ major focus on rights.

International Legal Instruments	Major Focus on Rights
UDHR	Article 7: Equality before law and non-discrimination
ICMW	Article 8-35: Human rights of all migrants Article 12(1): freedom of choice Article 13: Freedom of expression
ICPPR	Article 14: Right to protection Article 18: Right to a fair and public hearing by a competent, independent and impartial tribunal established by law.
ICERD	Article 1: Equal footing and access to all human rights
ICESCR	Article 1: The right of self-determination
CEDAW	Article 2(d): To refrain from engaging in any act or practice of discrimination against women

(Source: UN website accessed 17 March 2025).

Though, these principles have been acknowledged in different international instruments and conventions, migrant workers’ rights are rarely protected in Saudi Arabia as it has reservation against certain universal principles that contradict the Shariah law.

4.4. Role of Labour Attaché

The role of labour attaché is crucial in protecting migrant workers' rights in the labour receiving country. Migration governance is important to provide decent work for migrants in terms of labour rights, employment opportunities and social protection. The labour attachés are charged with establishing prevailing wage standards, approving job orders from employers, monitoring the flow of migrant workers, addressing employment-related problems, and assisting in repatriation. Government of Bangladesh (GoB) has developed the **Overseas Employment and Migration Act (2013)** that specified the role and responsibilities and rights of migrant workers. Migrant workers' rights are specified as; rights to information (section 26), rights to legal aid (section 27), Right to civil suit (section 28), right to return home (section 29) and right to financial and other welfare programme (section 30). However, section 24 of OEMA, 2013 specified the responsibilities of the labour welfare wing and under this act, the Overseas Employment and Migration Management Rules, 2017, specified the charter of duties for labour attaché. In these regards, certain specific roles and responsibilities are assigned to labour attaché under rule 8, such as,

- Attestation of demand letter.
- Registration of workers.
- Inspection of work place and monitoring of employment situation.
- Maintenance of correspondence with receiving countries to ensure overall welfare of migrant workers.
- Ensuring quality of living.
- Legal protection.
- Protection against physical, mental, sexual or any form of torture.
- Arrangement of necessary medical care.
- Collection of due payment of migrant workers from the employee.
- Protection of migrant worker's interest in destination countries. (Source: Ministry of Expatriate Welfare & Overseas Employment's official website, accessed 17 March, 2025)

Nevertheless, rule of law or good governance in migration sector correlates with the government's ability to regulate labour migration and protect individual rights. The Focus Group Discussion (FGD) conducted with the recruiting agents in Bangladesh can be summarized as

“The recruitment process of Bangladeshi migrant workers towards Saudi Arabia is complex and lengthy at the same time it is a weak and unrealistic system. If government of Bangladesh develops fair migration policy that ensure fair governance in the origin country and proper negotiation with the destination country to protect workers' welfare, no incident of labour abuse and deportation would take place. For unknown reason officers at the labour welfare wings do not cooperate and contest in favour of Bangladeshi workers. This weak approach makes the migrant workers vulnerable before Saudi Arabia labour court as workers have no knowledge of Saudi laws and do not even

know the language of the court. If the labour attaché looks after the problem of Bangladeshi worker and conduct labour inspection properly there may not be any case of no work upon arrival.

Likewise, one recruiting agents stated

“Sometime unscrupulous employer and recruiting agency hire more people against whom in reality there is no job. The falsification of information about actual vacant place helps hiring of more people. With false promise the recruiter and employer can earn undue money as the attestation of demand letter hardly done with physical verification or on actual information. But in such situation, the migrant workers face untimely return, indebtedness, career break up, social stigma, financial, mental and sometimes health crisis.”

Therefore, the role of labour attaché is very crucial and sensitive to protect migrant workers welfare. The government of Bangladesh provide several social security's support to migrant workers. The Wage Earners Welfare Board (WEWB) provides different financial support, insurance, medical assistance, financial assistant for the family of death migrant, financial assistance to bring death body home, ambulance support at the airport, legal assistance, financial support through labour welfare wing at Bangladesh Embassy in the destination country, maintenance of safe home in destination country, financial assistance for repatriation of stranded and endangered workers abroad for reason like visa expire, having no work permit, identified with jaundice, tuberculosis or HIV AIDS like diseases, for having disputes with the employer and for changing job unlawfully or flee from the workplace. However, the support provided by Bangladesh government to assist migrant workers is not sufficient. And the Labour Welfare Wing requires more manpower and logistic and financial support to address large number of Bangladeshi migrant workers in a large country like Saudi Arabia. Corruption of official, knowledge gap and lack of motivation hinders proper supervision of migrant workers in destination countries that can be addressed through training, skill development activities and motivational workshop and seminar to ensure officials responsibility and accountability.

5. Conclusion and Recommendation

Labour migration is intended to bring positive socio-economic development for migrant workers. Unfortunately, in reality, Bangladeshi migrant workers experience poor working and living conditions like low wages, unsafe workplace, absence of social protection, lack of freedom of association and workers' rights, discrimination and racial prejudice in Saudi Arabia. Migrant human rights are not considered in recruitment, labour contract and employment condition that could be improved by incorporating human rights requirement in labour migration policy and practice. To promote labour migration from Bangladesh towards Saudi Arabia, it is crucial to protect migrant workers' right and privilege. Good governance in migration management is important to ensure uniformity with interna-

tional standards and good practices, policy consistency, gender sensitivity, transparency and flexibility, social dialogue and formulation of better policies based on migrant workers' demand and requirement. Enactment of laws and regulations to protect migrant workers is not sufficient unless these measures are executed through effective labour inspection and enforcement. Again, agency regulation is crucial that requires strong cooperation between origin and destination countries and initiatives from employer, civil society and others to curb the pressure on supply chain and also consultation with migrant workers themselves. Meaningful cooperation between origin and destination countries is required to fill the gap of policy mismatch that provides opportunity for unscrupulous agency to exploit the situation crossing multiple borders. Good practices of regulation can ensure protection of migrant workers that incorporates innovation and simplification of rule and procedures. Bilateral agreements and Memorandum of understanding (MoU) between origin and destination countries can settle the issues of recruitment cost, wage, employment condition, workers' protection and so on. Since the protection of migrant workers requires a sound legal foundation based on international law, in formulating national law and policies concerning the protection of migrant workers, governments should be guided by the underlying principles of international instruments and conventions. It is also important to implement the conventions that have been ratified. Government-to-Government (G2G) arrangements can also be promising alternative to reduce workers' vulnerability as the labour recruitment practices of countries and regions like Malaysia, Jordan and Korea provide best examples of responsible and humane migration with G2G agreement.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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