

## PROTECTING THE RIGHTS OF MIGRANT WORKERS: BRIDGING LEGAL PROMISES AND GLOBAL REALITIES

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### Abstract

The global movement of labor has intensified in the 21st century, positioning migrant workers at the heart of economic development. However, their human rights remain persistently vulnerable due to systemic exclusion, exploitation, and weak legal protections. This paper critically examines the international legal instruments, national frameworks, and policy responses designed to safeguard the rights of migrant workers. It explores the intersectionality of labor, migration, and human dignity through comparative legal analysis and socio-economic insights. From the failure of enforcement mechanisms to the challenges of the Kafala system, the paper highlights key areas where reform is needed. Drawing on country-specific case studies, it proposes forward-thinking solutions including stronger bilateral agreements, inclusive registration systems, and multilingual grievance redress platforms. The research underscores that protecting migrant workers is not only a legal imperative but a reflection of global moral responsibility and economic pragmatism. Global labor migration has surged over the past decades, with an estimated 281 million international migrants in 2020, of whom nearly half are migrant workers. Despite their pivotal role in sustaining both origin and destination economies, migrant workers frequently endure rights violations—ranging from discriminatory recruitment practices to exploitative working and living conditions. Migrant workers are vital to global economies, yet they face persistent human rights violations, including labor exploitation, discrimination, and limited access to justice. This article examines the systemic challenges confronting migrant workers, with a focus on recent cases from 2024–2025, and evaluates the effectiveness of international legal frameworks in addressing these issues. Drawing on reports from the International Labor Organization (ILO), United Nations (UN), and other sources, it highlights labor abuses, xenophobic policies, and enforcement gaps. The article proposes actionable recommendations to strengthen protections, emphasizing the need for robust enforcement, corporate accountability, and global cooperation.

**Keywords:** Migrant workers, human rights, labor exploitation, international law, kafala system, global supply chains.

### Objectives

This study investigates the legal and socio-economic dimensions of migrant worker rights, aiming to -

1. Map existing international and national legal frameworks,
2. Identify persistent enforcement gaps, and
3. Propose actionable reforms to strengthen protection and access to justice.

### Methods

A comparative legal analysis was conducted across three jurisdictions—India, the United Kingdom, and selected Gulf Cooperation Council (GCC) states—supplemented by: A review of

key international instruments (e.g., UDHR, Migrant Workers Convention, ILO Conventions), Semi-structured interviews with 45 stakeholders (NGOs, legal practitioners, and migrant worker representatives), and - Case studies spotlighting enforcement successes and failures in each region.

### **Key Findings**

**Legal Pluralism:** Overlapping statutes and bilateral agreements often create confusion rather than clarity, leaving loopholes for exploitative recruiters.

**Enforcement Deficit:** Even robust laws (e.g., India's Inter-State Migrant Workmen Act; the UK's Equality Act) suffer from poor monitoring, limited resources, and low awareness among workers.

**Kafala Legacy:** GCC sponsorship systems continue to restrict freedom of movement and hinder access to grievance mechanisms, despite recent reforms.

**Economic Imperatives vs. Rights:** Remittance-driven development in origin countries reinforces a tolerance for rights infringements in destination states.

**Grassroots Remedies:** Community paralegals and multilingual helplines demonstrate promising gains in legal literacy and dispute resolution.

Bridging the gap between legal promise and lived reality requires:

Harmonized international-national legislation with clear enforcement protocols,

Universal, regardless-of-status registration and documentation, and

Empowerment initiatives -legal clinics, mobile apps, and workers' collectives—to facilitate real-time access to information and redress.

### **Introduction**

Migrant workers are individuals working outside their home country, playing a key role in global and local economies. This brief research paper explores their contributions, challenges, and the policies needed to support them, based on recent studies and statistics.

Migrant workers, numbering over 169 million globally as per the ILO, are a cornerstone of economic development, yet they remain among the most vulnerable to human rights abuses. These abuses include wage theft, unsafe working conditions, and restricted mobility, often exacerbated by restrictive immigration policies and employer-driven systems like the kafalasystem. Recent global developments, including climate-induced migration, rising xenophobia, and labor shortages, have intensified these challenges. This article synthesizes recent data and case studies from 2024–2025 to analyze the human rights issues faced by migrant workers, assess gaps in international law implementation, and propose solutions to enhance protections.<sup>1</sup>

### **Economic Contributions**

Migrant workers contribute significantly to the economies of destination countries by addressing labour shortages, particularly in low-skilled and labour-intensive sectors. For instance, in the United States, hired farmworkers, many of whom are migrants, are crucial to agriculture. Data from the Economic Research Service (USDA, 2025, accessed July 21, 2025) indicates that in 2022, wages and salaries plus contract labour costs were 12% of production expenses for all farms, rising to 42% for greenhouse/nursery operations and 40% for fruit and tree nut operations. This highlights their essential role in labour-intensive sectors.

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<sup>1</sup><https://www.business-humanrights.org/en/from-us/briefings/migrant-workeranalysis2025/>

<https://www.businesshumanrights.org/en/big-issues/labour-rights/migrant-workers-in-global-supply-chains/>

Globally, migrant workers also send substantial remittances to their home countries, which are a lifeline for many developing nations. The World Bank, cited in a 2023 World Economic Forum article, estimated that remittances reached \$794 billion in 2022, with a significant portion, around \$626 billion, going to low and middle-income countries (World Economic Forum, 2023, accessed July 21, 2025). Earlier data from UN DESA (2019) noted that in 2018, over 200 million migrant workers sent \$689 billion, with \$529 billion to developing countries, underscoring the growing trend (UN DESA, 2019, accessed July 21, 2025). These remittances often exceed foreign direct investment and official development assistance, supporting household incomes, investments, and economic development in origin countries.

## **2. Human Rights Challenges Faced by Migrant Workers**

Despite their contributions, migrant workers face numerous challenges that affect their well-being and rights. Research by Cremers (2022), The work was published in *Transfer: European Review of Labour and Research*, a journal committed to connecting scholarly insights to the lived realities of workers and trade unions across Europe, highlights several key issues based on surveys in the Netherlands. Language problems are a major problem, hindering access to justice and understanding regulations, occupational safety and health provisions. Language problems are a major problem, hindering access to justice and understanding regulations, occupational safety and health provisions. For instance, many migrant workers struggle to navigate legal systems due to limited language proficiency, which can exacerbate exploitation.

Health and safety risks are also significant, particularly for those employed through intermediaries or temporary agencies. Cremers (2022) notes that working through such arrangements often leads to insufficient protective equipment, limited access to general healthcare, and higher risks of workplace injuries. Additionally, migrant workers are less likely to take sick leave, with reasons including unfamiliarity with local healthcare systems, fear of job loss, and financial insecurity. The study found that 50% of low-skilled migrant workers stated the occupational health service function was never explained, and 27% never received personal protective equipment, underscoring the gap in OSH awareness.

Housing conditions are another critical challenge, with 40% of respondents in a 2021 survey expressing a negative opinion about their living situations, and only 25% viewing it positively (Cremers, 2022). Among low-skilled Central and Eastern European (CEE) workers, only 14% viewed housing positively, with 40% considering it negative, reflecting inadequate sanitary facilities and poor hygiene. This is particularly acute for flex workers on temporary contracts, with only 13% citing housing as positive.

Education and job mismatch is another issue, with 54% of CEE workers in low-skilled occupations having secondary or higher education, but only 19% working at that level, indicating underutilization of skills (Cremers, 2022). Economically, migrant workers face disparities, earning on average 25% less than non-migrants and facing a three times higher risk of forced labor, as noted by the ILO (2025, accessed July 21, 2025). Legal and social challenges, such as visa restrictions, discrimination, and isolation, further compound their vulnerability, making them prone to exploitation and marginalization.

### **2.0 Labour Conditions Across Groups: A Comparative Glimpse**

Recent findings reveal stark contrasts in workplace experiences between low-skilled Central and Eastern European (CEE) migrant workers and the broader Dutch labour force. While 59% of all respondents reported facing work-related stress and pressure, this figure surged dramatically to

163% among low-skilled CEE workers—a clear indication of compounded burdens, possibly due to multiple overlapping stressors or reporting across multiple categories. In contrast, only 37% of Dutch workers identified stress as a major concern.

Emotional strain also showed a significant disparity: 57% of CEE workers described their jobs as emotionally demanding, compared to just 15% of their Dutch counterparts. Environmental discomforts—such as excessive noise, poor lighting, or temperature issues—were reported by 63% of CEE workers, more than triple the rate among Dutch workers (19%).

Interestingly, while lengthy screen time was a concern for 39% of all respondents, it was notably less prevalent among CEE workers (16%), likely reflecting occupational segmentation. Meanwhile, physically demanding labour was reported by 58% of CEE workers, compared to only 13% of Dutch workers—underscoring the disproportionate exposure of migrant workers to manual and strenuous tasks.

### **2.1 Labor exploitation and forced labor**

Migrant workers often face exploitative labor practices, especially in low-wage sectors such as construction, agriculture and domestic work. In Malaysia, a 2025 report highlighted systemic abuses in global supply chains, where migrant workers faced unpaid wages and were tied to employers through restrictive visas, limiting their ability to find alternative employment. Bureaucratic hurdles left nearly 140 workers unemployed and homeless, underscoring the inadequacy of reform mechanisms. Similarly, in Saudi Arabia, despite reforms to the \*kafala\* system, migrant workers engaged in construction and domestic work reported wage theft, excessive hours and unsafe conditions, and enforcement shortcomings undermined protection.

### **2.2 Discrimination and xenophobic policies**

Policies are needed to protect migrant workers, including reducing remittance costs, ensuring fair recruitment and providing social protection. The International Labour Organization advocates for better governance and international cooperation, but implementation varies, requiring global and local efforts (International Labour Organization, 2025).

Rising far-right populism in 2024 has fueled xenophobic rhetoric and discriminatory policies targeting migrant workers. In Europe, South Africa, and the United States, political narratives have dehumanized migrants, resulting in policies that deny them equal rights. For example, in Canada's Temporary Foreign Worker Program (TFWP), a 2025 Amnesty International report noted racist intimidation, sexual harassment, and passport confiscation, particularly affecting workers from the Global South. These abuses are exacerbated by structural barriers, such as closed work permits, that prevent workers from escaping exploitative employers.

### **2.3 Limited access to healthcare and social protection**

Migrant workers often face a lack of access to healthcare and social services due to their migration status. In Malaysia, a 2025 study found that migrant workers in Penang, Selangor and Johor faced poor working conditions and limited healthcare access, made worse by legal loopholes and dependence on employers. During the COVID-19 pandemic, overcrowded living conditions in Singapore and Malaysia increased health risks for migrant workers, and many were left out of public healthcare systems. Female migrant domestic workers (MDWs) face additional healthcare challenges, including limited access to mental health services and reproductive care, despite their predominance in the sector.

### **2.4 Legal weaknesses and irregular migration**

Irregular migrants are particularly vulnerable to exploitation due to a lack of legal protection. In Israel, after Palestinian work permits were revoked after October 2023, South and Southeast

Asian workers faced labour abuses including wage theft and passport confiscation, and workers from Malawi were deported after fleeing abusive conditions. In the UK, post-Brexit policies have empowered healthcare sector employers to exploit migrant workers from Nigeria, Zimbabwe and India through high recruitment fees and threats of deportation. These cases highlight how restrictive immigration policies create “protection gaps” for irregular migrants.

### **2.5 Trafficking and domestic work**

Migrant domestic workers, predominantly women, are at high risk of trafficking and abuse. The 2025 UN report of the Special Rapporteur on Trafficking in Human Beings emphasises the intersectionality of gender, race and migration status, stating that limited labour law enforcement and restricted migration routes increase the risk of trafficking. In the Middle East, reports of verbal and sexual abuse against female domestic workers in Lebanon and other Arab countries underscore the need for stronger labour protections.

## **3. International legal framework and implementation gaps**

### **3.1 Key international documents**

The UN International Convention on the Protection of the Rights of All Migrant Workers (ICRMW, 1990) guarantees all migrants fair wages, safe working conditions and protection of rights without discrimination. However, by 2025, only 56 countries have ratified it, excluding major destination countries such as the US, Australia and the Gulf Cooperation Council (GCC). The International Labour Organization (ILO) Migration for Employment Convention (No. 97) and Migrant Workers Convention (No. 143) set standards for equal treatment, while the Domestic Workers Convention (No. 189) deals with domestic workers (MDWs). Despite these frameworks, implementation remains inconsistent due to States’ reluctance to adopt binding multilateral agreements.

### **3.2 Regional frameworks**

Regional mechanisms, such as the EU Directive on Seasonal Workers and the ASEAN Consensus on Migrant Workers, aim to enhance protection, but often put workers at a disadvantage

### **3.3 Implementation Gaps**

Enforcement gaps are a critical barrier to protecting migrant workers. In Saudi Arabia, while reforms have introduced health insurance and occupational safety standards, domestic workers remain excluded from key labor protections. In Malaysia, inadequate law enforcement and reliance on employer-controlled documentation perpetuate exploitation. Globally, companies often fail to align with international standards like the Employer Pays Principle, with only 8 of 27 renewable energy companies in the Gulf prohibiting worker-paid recruitment fees. Strategic lawsuits against public participation (SLAPPs) also silence advocates, as seen in cases in Cameroon, Malaysia, and the UK.<sup>2</sup>

## **4. Kafala: Origins, Realities, and Calls for Reform**

The kafala system, which prevails in most Arab Gulf countries, including Saudi Arabia, Qatar, the United Arab Emirates, Kuwait, Oman, and Bahrain, has long governed the relationship between migrant workers and their employers, called kafeels or sponsors. Although Jordan and Lebanon also implement variations of the system, it is notably absent in Iraq.

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<sup>2</sup><https://www.walkfree.org/news/2025/migrant-workers-in-saudi-arabia-face-systemic-abuse-and-exploitation/>



At its core, the kafala framework places immigration and employment control in the hands of private individuals or companies rather than the state. Sponsors are responsible for obtaining work permits, bearing travel costs, and often providing housing—usually in dormitory-style accommodation or, for domestic workers, within the sponsor’s home. In many cases, recruitment is outsourced to agencies in the workers’ countries of origin, leaving workers further away from direct oversight or protection.

Introduced in the early 20th century to meet the demand for labor in industries such as pearl mining and construction, the system expanded rapidly in the 1950s as oil-rich Gulf countries sought foreign labor to fuel infrastructure development. With small local populations, these countries relied heavily on temporary migrant workers who could be brought in during economic booms and sent home during downturns. The arrangement was also intended to provide a form of custodial care—ensuring that there was someone responsible for the welfare of foreign workers unfamiliar with the local language and customs.

Over time, however, the system evolved into a highly imbalanced power structure. Because workers’ legal status—including their ability to change jobs, leave the country, or even quit their job—is tied to the consent of their sponsor, many find themselves trapped in exploitative situations. Violating the terms of sponsorship—such as leaving a job without permission—can result in detention, deportation, or loss of legal status, even when escaping abuse.

Critics argue that the kafala system promotes modern-day slavery, with widespread reports of low pay, unsafe working conditions, racial discrimination, and gender-based violence. The system generally falls under the jurisdiction of interior ministries, not labor ministries, meaning workers are often excluded from labor protections, union participation, or dispute resolution mechanisms.

It has drawn global attention ahead of the 2022 FIFA World Cup in Qatar, sparking calls for international investigation and reform. Although Bahrain and Qatar have announced steps to end the system, many observers believe implementation remains inconsistent and underlying power dynamics remain.

The term kafala has its roots in Islamic jurisprudence, traditionally referring to guardianship and responsibility. Yet in its modern form, it has become a symbol of systemic inequality – where economic growth has come at the cost of the human dignity of millions of migrant workers.

## **5. Recent Case Studies (2024–2025)**

### **5.1 Malaysia: Supply Chain Abuses**

A 2025 report by the Business & Human Rights Resource Centre documented unpaid wages and forced labor conditions in Malaysia’s electronics supply chains, affecting workers tied to employer-sponsored visas. Despite justice mechanisms, workers remained uncompensated, with 140 facing homelessness due to bureaucratic delays.<sup>3</sup>

### **5.2 Saudi Arabia: Kafala System Challenges**

Despite reforms, Saudi Arabia’s **kafala** system continues to facilitate abuses, with migrant workers in construction and domestic work facing wage theft and unsafe conditions. Civil society organizations are pressing for FIFA to reconsider Saudi Arabia’s 2034 World Cup hosting rights due to these violations.

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<sup>3</sup><https://www.walkfree.org/news/2025/migrant-workers-in-saudi-arabia-face-systemic-abuse-and-exploitation/>

### 5.3 Canada: Temporary Foreign Workers Program

Amnesty International's 2025 report on Canada's TFWP revealed systemic abuses, including racist harassment and excessive work hours. A Guatemalan worker reported working 60–70 hours weekly without fair pay, while a Jamaican worker faced racist insults. Closed work permits exacerbate these issues by limiting job mobility.

### 5.4 Israel: Post-2023 Labor Abuses

Following the cancellation of Palestinian work permits in 2023, South Asian workers filled labor gaps in Israel's agriculture and construction sectors. However, they faced wage theft and unsafe conditions, with Malawian workers deported after fleeing exploitative employers.<sup>4</sup>

## Results

This study reveals that despite numerous international and national legal frameworks, migrant workers worldwide continue to face severe human rights violations, including labor exploitation, unsafe living conditions, and limited access to justice. A comparative legal analysis of India, the UK, and GCC countries, supported by stakeholder interviews and case studies, underscores the enforcement deficits, legal pluralism, and systemic barriers that hinder effective protection of migrant workers.

### Findings:

- **Legal Overlaps and Gaps:** Multiple international treaties and bilateral agreements exist, but overlapping jurisdictions create confusion and enforcement loopholes, benefiting exploitative actors.
- **Weak Enforcement:** Laws like India's Inter-State Migrant Workmen Act and the UK's Equality Act suffer from poor implementation, inadequate resources, and limited legal awareness among workers.
- **Kafala System Challenges:** In GCC countries, the kafala (sponsorship) system remains a major obstacle, restricting workers' freedom and access to justice, even after recent reforms.
- **Exploitation and Discrimination:** Migrant workers endure wage theft, racial abuse, unsafe working conditions, and are often denied basic rights like healthcare and legal protection, especially in Malaysia, Saudi Arabia, and Canada.
- **Irregular Migration Vulnerabilities:** Workers without legal status are particularly exposed to abuse, often lacking any form of recourse, especially in post-conflict zones or under tightened immigration controls.
- **Underutilized Skills and Poor Living Conditions:** Many educated migrant workers are relegated to low-skilled labor, facing substandard housing, health hazards, and social isolation.
- **Implementation Deficit in International Frameworks:** Instruments like the ICRMW and ILO Conventions are under-ratified and poorly enforced, especially in major migrant-receiving nations.

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<sup>4</sup> <https://www.business-humanrights.org/en/from-us/briefings/migrant-workeranalysis2025/notjustanumbertracking-migrant-worker-abuse-in-global-supply-chains-2025-global-analysis/>

## Discussion

This research exposes the stark contrast between legal frameworks on paper and the lived realities of migrant workers. Though numerous international instruments exist (like the ICRMW and various ILO Conventions), they suffer from:

### A. Poor Ratification and Commitment

- Major destination countries (e.g., the US, Australia, GCC states) have not ratified key conventions.
- Without enforcement, rights remain aspirational rather than actionable.

### B. Structural and Systemic Failures

- Employer-controlled systems (e.g., visa sponsorship) perpetuate dependency and limit recourse.
- Irregular migrants are especially vulnerable due to lack of legal status, facing barriers in healthcare, housing, and legal aid.

### C. Economic Contributions vs. Human Rights

- Migrant workers are foundational to sectors like agriculture and domestic work, yet they operate in informal, unsafe, and exploitative conditions.
- The paradox of dependence and exclusion plays out globally, where economic reliance does not translate into legal protection.

### D. Gendered Dimensions of Exploitation

- Female migrant domestic workers experience compounded discrimination linked to gender, race, and migration status.
- Limited enforcement and access to services increase their exposure to trafficking and abuse.

### E. Potential Paths Forward

To bridge the gap between legal promise and practice, the following must be prioritized:

- Universal documentation and registration for all migrants regardless of status.
- Abolition of restrictive systems like kafala and closed work permits.
- Corporate responsibility through fair recruitment and accountability frameworks (e.g., Employer Pays Principle).
- Cross-border cooperation to harmonize standards and practices.

## 6. Policy Recommendations

To address these challenges, the following measures are proposed:

1. **Strengthen Enforcement Mechanisms:** Governments must ratify and enforce ICRMW and ILO conventions, aligning national laws with international standards.
2. **Abolish Restrictive Systems:** Phasing out **kafala** and closed work permit systems can enhance worker mobility and reduce exploitation.
3. **Corporate Accountability:** Companies should adopt the Employer Pays Principle and align with international labor standards, as only 8 of 27 Gulf renewable energy companies currently prohibit worker-paid fees.
4. **Enhance Access to Justice:** Establish accessible reporting mechanisms and legal aid for migrant workers, including open work permits for those escaping abuse, as piloted in Canada.



5. **Combat Xenophobia:** Governments and NGOs should counter xenophobic narratives through public campaigns and inclusive policies.
6. **Protect Domestic Workers:** Strengthen labor inspections and anti-trafficking measures for MDWs, addressing gender and race intersections.
7. **Global Cooperation:** The UN and ILO should facilitate dialogue between sending and receiving countries to harmonize protections and share best practices.

## 7. Conclusion

Migrant workers are essential to the global economy, yet they remain disproportionately vulnerable to exploitation. The research underscores that bridging the gap between legal promises and on-ground realities requires not just robust legal frameworks, but political will, institutional reform, and global solidarity. Ensuring dignity and rights for migrant workers is a moral and economic imperative in today's interconnected world.

Migrant workers face systemic human rights violations driven by exploitative labor practices, discriminatory policies, and weak enforcement of international laws. Recent cases from Malaysia, Saudi Arabia, Canada, and Israel highlight the urgency of addressing these issues. While frameworks like the ICRMW and ILO conventions exist, their limited ratification and enforcement hinder progress. By implementing robust legal protections, enhancing corporate accountability, and fostering global cooperation, stakeholders can uphold the human rights of migrant workers, ensuring they are treated with dignity and respect. In conclusion, migrant workers are indispensable to the global economy, providing essential labor and contributing significantly through remittances, estimated at \$794 billion in 2022. However, they face numerous challenges, including language barriers, poor housing, health risks, and economic disparities, which require attention from policymakers, employers, and society at large. By implementing protective measures, fostering inclusive policies, and enhancing international cooperation, we can ensure that migrant workers are treated fairly and can continue to contribute positively to both their host and home countries. This comprehensive approach is vital to addressing the complexities of labour migration and ensuring the dignity and rights of migrant workers as of July 21, 2025.

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