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Women Empowerment and Social Development: Recent Trend and Islamic Approach

Begum Rokshana Mili ¹

Abstract

The issues of women's development in contemporary world have received viable importance with women emerging out of their stereotype roles and responsibilities. Since 19th century, most of the nations including Bangladesh have been taking viable policies and programs for emancipating women from intense backwardness. It is needless to say that all these initiatives are backed by secular and feministic approaches that are revitalized by the steps taken in CEDAW and World Women's Conferences. However, the policy measures issued from these conferences have some conflicting outlook in respect of religious creed particularly Islamic views. Controversies and antagonism are noticed among the policy makers regarding Islamic codes of women's participation in development activities. An attempt has been taken in this article to diagnosis these controversies and to recommend remedies focusing Islamic credo. An analytical focus has also been made to develop a theoretical construct depending on approaches proposed by Shariah and to see how these approaches are able to facilitate women in sustainable betterment both in this world and the after world.

Keywords: Women's development, Islamic perspective, CEDAW, Women's participation, Shariah.

INTRODUCTION

Through the century, women remain confined within the four walls of home as the sex delegated reproductive agent since their emergence. They have been facing severe discrimination in social, economic and political arenas and exploiting by patriarchal dominance (Bhandari, M. P., 2023). In underdeveloped and developed nations, including Bangladesh such trends are strongly prevailed (Kumari et al., 2024). Along with its, poverty and illiteracy held down their position and prevent them to emerge as a potent force of development. During the last two decades, different approaches as the

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reaction of modernization and dependency theories are emerged for making equal the marginal status of women. Gender and Development (GAD), as an alternative approach developed by Socialists feminists' thinkers in the early 1980s has comprehensive focus on defining specific gender roles to different sexes. All these approaches have positive focus in making considerable progress for women in building human capabilities but for a long run, the impact of these approaches on mainstreaming thinking has been limited. At the beginning of the 21st century, due to the emergence of urbanization, modern educational facilities, high per capita income, emphasizing in generating employment and changing social norms, women status are marginally geared up in welfare states and societies (Ma & Yin, 2024). Rural economic transformation and household consumption structure: an empirical study in the context of urbanization. *Journal of the Knowledge Economy*, 15(4), 18286-18302. Bangladesh, as a welfare state, has been emphasizing more in reducing gender gap in all sectors through mainstreaming women into national development (Khan et al., 2023). For this, different initiatives in all sectors have been taken and implemented by the government of Bangladesh (Alam et al., 2025).

Another paradigm, developed centuries ago, which offers a holistic perspective looking all aspects of women's life and assigning equal (not identical) gender roles depending on the peculiarities of sexes is yet to be included in broad framework of theories of women and development. Thinkers by passed it carefully blaming outdated to the demand of age. Lack of initiative and negligence to generalize this approach, intention to avoid it as fundamental or idealistic and misinterpretation in some cases to prove it outmoded. But the major policy measures proposed by thinkers and specialists for women development are not so longer different than the content of Islamic approach. Rather, it is emerged and framed under a broad perspective of an ideology, and its development is not affected by any intellectual or social resurrection or change. So, it has sustainable quality than other approach. Women's roles, responsibilities, rights are diligently and scientifically defined to avoid role conflict and acceptable performance of each sexes. In this paper an attempt is made to highlight and streamline the focuses of those areas where Islam emphasizes women's roles as development catalyst to build up a sustainable theoretical construct.

Objectives of the study are given below;

1. To review the underlying approaches of women development and policies regarding participation and developmental role of women taken in CEDAW (Convention on Elimination of All Forms of Discrimination Against Women) and Women's World Conferences especially in Beijing Conferences.

2. To examine the viability of Islamic approaches enabling women to participate and sustaining them in contributing nation development efforts.

3. To search a theory-building approach towards women's role as development catalyst for arresting misleading and disequilibrium construct about the role of women.

METHODOLOGY

The present study is based on the secondary data particularly the literature embodied Shariatic rules and non Shariatic approaches, policies and their analytical premises regarding women's roles in economic and development activities. The declarations of divine Shariah in the context of women's role in development and various policy conferences on the present subject have been of great help to conduct this research. It is worth mentioning here that the Qur'an and Hadiths are used in this study as original and primary source of data. Other relevant literatures are also studied and examined carefully to develop the concluding remarks in this respect.

Operational Definitions of Key Concepts

Women: It is actually two smaller words, woe and man put together to signify that women brought woe (misery, grief, sorrow, etc) to man since according to Biblical teaching. The Greek Orthodox Church denied that woman had a soul and at the Council of Macon, a Bishop vehemently asserted that a woman did not belong to the human species (Kamal, 2009). According to the Oxford Dictionary, female is the opposite of male sex that can give birth.

Women, from Islamic view point: Islam clears that man and women are two physical forms of same souls. Allah declares in the Sura An-Nisa:

O mankind! reverence your guardians-Lord, Who created you from a single person, created, of like nature, his mate and from them twain scattered (like seeds) countless men and women- fear Allah, through Whom ye demand your mutual (rights) and (reverence) the

wombs (that bore you) : for Allah watches over you. (Al Qur'an 4:1). (Ali, 1983).

This declaration says in plain meaning that all human beings' whatever sex or race or nationality stand on a footing of equality, as they all ultimately come from a single source.

Development catalyst: Development catalysts are the engineers and providers of any development activities or programs with a view to constructing and upgrade the status and conditions of respective sectors and unit of social organizations including state. In specific term, actors are men, women, boys and girls, young and old. The social organizations and fields of development are of, however, family, sectoral bodies of different social, administrative and business organizations and education, health, economy, agriculture, food security and family nutrition etc.

Nation Building: Nation building means construction actions for nation involved all development institutions and agents start from the fundamental social unit family. The primary concern of this nation building task is to constitute a group of citizens who are act as human capital and resource both in terms of strong personality with values and efficiency. After that, human capital is to be equipped with advanced technology, learning and training and resources for achieving developmental and sectoral goals for the same purpose.

Islamic Credo: Credo means a set of beliefs which constitutes and directs path in taking any action oriented measures for achieving defined objectives. Islamic credo refers also a broad framework contains a set of beliefs or principles which sensitizes trustees to execute divine plan and policies assigned by the supreme sovereign power, Allah in reaching the pre defined goal.

FINDINGS

Section 1: Focus on Major Approaches and Policy Measures Regarding Women's Role

Approaches are being developed to clarify the path how women can be integrated in the development process. However, the approaches and policy measures taken so long by modern thinkers are reviewed now. The

development approaches emerged up to the present time may be placed into a bracket entitled WID to GAD. Among other approaches, Women in Development (WID) and Gender and Development (GAD) are widely accepted and practiced in all over the world.

WID Approach: WID as a first approach was conceptualized in the 1970 and its underlying issue is that women are an untapped resource which can contribute to the national development discourse (Amin, 2006).

It reaffirms that women have a significant role to play in social and economic development, both nationally and globally. However, this approach to correct the imbalances has proved inadequate, and often women researchers and activists tried to understand ‘why’ and ‘how’ of the situation and emerged with a deeper theoretical understanding and some analytical tools. The tune is reflected in many writings, particularly in those concerned with gender issues (Boserup, 1970).

Welfare Approach: Since the 1950s, diverse approaches have been made. During the 1950s and 60s modernization and industrialization had little focus on women. However, during this period several relief programs were initiated in Europe following the havoc created by World War II. Women were identified as the main beneficiaries. The approach is termed the Welfare Approach. Women were given relief in their familial roles of mother, wife, and daughter. The significant point to note in this approach is that reproductive role is considered the most important role for women. It also looks at women as passive recipients, the lowest level of participation in development efforts (Duza & Hamida, 1993).

Anti-Poverty Approach: The new approach to women focused on poverty as the main ‘culprit’ creating problems for women. The Anti-Poverty approach kept itself at a safe distance from interfering with the prevailing gender ideology which glorified women’s subordinations. This approach met many of the practical gender needs of women by increasing women’s income. Since this approach did not advocate strategic gender needs, women’s involvement in economic resources, income, and employment increased their workload and worsened their overall situation due to the absent of autonomy. Women worked hard but remained invisible in national statistics (Duza & Hamida, 1993).

Equity Approach: WID group asserted that women are active participants in development discourse, though often they unacknowledged. The resulted

impact of such reaction, they identified the central issue of ‘women’s subordination’ as the key hole to their problem which became the centre of the Equity approach. The underlying logic in this approach is that women beneficiaries have lost ground to men in the development process. Therefore, in a process of redistribution, men have to share in a manner that entails women from all socio-economic classes gaining and men from all socio-economic classes losing, through positive discrimination policy if necessary’. Somehow this approach was identified with western exported feminism to developing countries. Many planners and activists felt antipathy toward this approach. Some quipped, to take “feminism to a woman who has no water, no food, and no home is to talk nonsense” (Duza & Hamida, 1993).

Efficiency Approach: Emphasis is put in this approach on development rather than on women assuming that greater and better participation of women in the development process would reduce gender inequality. Loaded with wide criticism, the efficiency approach is gaining popularity in developing countries as it can utilize women’s labor with minimum cost to restore growth rates. Women in this approach can meet only their practical gender needs at high cost of unpaid labor and/ or longer working hours (Duza & Hamida, 1993).

Empowerment Approach: This approach emerged in 1975 and accelerated during 1980. Empowerment approach has been interpreted as liberation from the position of women. It is the freedom to make choices, to decide for themselves their role in life and society without being bound by classic stereotype role images. It is self-reliance which enables them to be independent of both their own families and their husband’s families in times of crises such as divorce, widowhood and abandonment (Hamid, 1996). Empowerment approach focuses on women’s participation in decision making at the household, community, state and regional levels. It identifies the reason of women’s oppressions is of colonial and neo- colonial reasons, not only as the reason of men (Kamal, 2003).

Gender and Development (GAD): A GAD approach seeks to impress upon women’s subordination, and it focuses on ‘the social construction of gender’ tries to see development through the relationships between men and women. It stresses on the critical issue of unequal relations of power between men and women that prevents women’s full participation and prevents equitable development. With the goal of equitable and sustainable development the GAD approach tries to empower women. This approach also identifies and

distinguishes between women's practical and strategic needs (Duza & Hamida, 1993).

International conventions and events: Over the past 40 years, World Conferences on women, held in Mexico City, Copenhagen, Nairobi and Beijing have all highlighted at international level and the various outstanding issues related to the improvement of the status of women. From each of these global Conference has identified women as a more powerful and crucial role-agent in sustainable development and protecting the environment. It is also emphasized in these conferences that the human rights of women as an inalienable, integral and indivisible, so, human rights and health, material care and family planning facilities, and of access to education and information, as essential to the exercise by women of their fundamental rights (Mahtab, 2007).

CEDAW: The Convention on Elimination of All Forms of Discrimination Against Women (*CEDAW*) is a Women's Bill of Rights addressing discrimination against women in all spheres of life. Women's human rights were accepted as "inalienable, integral and indivisible part of universal human rights" that "should form an integral part of UN human rights activities". Bangladesh has ratified the Convention with some reservations. Government does not consider as binding upon itself the provisions of Articles 2, 13(a) and 16.1(c) and (f) as they are conflicting with Shariah. Later, the government has withdrawn reservations about some provisions of CEDAW, relating to personal rights such as family benefits and guardianship of children. The withdrawn reservations of Bangladesh pertain to Article 13(a) and Article 16(1) (b) of the convention and reservation is now limited to Article 2 and 16.1(c) only (Mahtab, 2007).

CEDAW undoubtedly is an excellent innovation to protect women's legal rights by arresting all kinds of discrimination against them. It highly emphasizes on equal treatment for women in all spheres as human being and reaffirms equal rights of women. Showing respect Islamic sentiment, Government ratified it with some reservations. But recently reservation is withdrawn on some articles which are completely conflicting with Shariah.

Truly, CEDAW advocates and affirms women's rights to ensure equality in society, but it cannot be considered as the first Women's Bill of Rights. Before that, fourteen hundred years ago, a bill contained a comprehensive focus on women's roles as social engineer and, rights as client were proclaimed under a full fledged ideology named Islam. In this bill, women are

not only treated as human being only, also regarded as vicegerents to fulfill her assignments and enjoy her prescribed share in terms of rights and status in all strati of society. All these decrees are affirmed through the supreme law book the *Holy Qur'an, Hadith* and lastly, it reaffirmed with the speech of *farewell pilgrimage*. *Shariah* upholds justice to treat women as agents of social construct and makes equal her rights and roles based on the peculiarities of human nature and capabilities both intellectual and physiological under the broader preview of an ideology, Islam.

Such effort in *Islam* is called equity not equality in terms. Since, *Allah* has made man and woman as two distinct sexes and their duties and roles are also in accordance with their capabilities and limitations to a considerable extent. So, roles and rights would not be possible to equal but equity can only be achieved. From holistic and rationalistic view, CEDAW has manifested conflict with the concept of equality in Islam. Besides, withdrawn of reservations pertaining Article 13(a) and Article 16(1) (b) of the convention by the government of Bangladesh is also conflicting to *Shariah* decrees. The concept of equality is posited in the affairs of human dignity and honour. No doubt the sharing of man and women in human dignity and demands of honour as human beings are equal in the eyes of Allah depends on his performance but how can there be identical of all rights? From an ideological point of view, rights may be equal (equity in true sense) but will not to be identical. It is not necessary for equality of rights irrespective of sexes. Whether we do so then it is called identicalness of rights, not equality of rights. Because equality is different from identicalness. Equality means 'parity and equitableness' whereas identicalness means that 'they are exactly the same'. It is possible that a father distributes his wealth equally and equitably among his sons, but he may not distribute it identically. Because the father has different kinds of wealth and may his sons are educated and skilled with different talents and specialized knowledge. So, when he comes to distribute his wealth amongst his sons in terms of the value of the property and that there should be no preference or discrimination, he bequeaths his wealth according to the talents which he has found in them. (Mutaharri, 1991) Islam has never believed in preference and discrimination in favour of man as opposed to women. Islam has also observed the principle of equality between man and women. Islam is not against the equality of men and women, but it does not agree with the identicalness of their rights. So, equality focus would be justified then when it is considered from very natural emergence and configuration of two sexes.

Approaches and policy measures taken so far as are mainly centered on value free and emerged on any context of social inequity or injustice or events or oppressions against women. So, these approaches and policies are issued as a reaction to inequities of contemporary society. Besides, all these movements and agendas have emphasized on redistributive justice and access of women over the wealth and decision-making process in all strata of society without ascertaining and fixing actual path to achieve the goal. In fact, thinkers and policy planners have done a mistake repeatedly in throwing and launching the programs for women which is that their failure to make differentiation between ‘Equality’ (equity in true sense) and ‘identicalness’ as the broader perspective of goal achievement.

Section 2: Some Evidence of Women’s roles as Playing the Role of Development Catalysts at prophetic (sm) and khelaphat era

Since, there is no decree in Islam which forbids women from seeking employment whenever there is a necessity for it, so a set of evidence in this respect from authentic source of history especially during the regime of *Prophet (sm)* and righteous Caliphs are noted here.

Evidence 1: Woman as policy reverser

The second *Caliph Umar (RA)* noticed that people were paying extravagant amounts of *Mahr* (the marriage gift which is paid to the bride) and proposed to place a ceiling of 400 dirham confiscated and given to the public treasury. A woman immediately objected to this pronouncement from the back of the mosque, saying, “*You have no right to do this!*” When asked why, she quoted a verse from the *Qur’an* which says even if a man gives his bride a ton of gold, he may not take it back from her ‘.... except by oppression and injustice....’ thus she argued, since Allah permitted a rich bridegroom to bestow a large marriage gift on her bride, a mere *Chaliph* cannot legislate otherwise without contravening the teachings of the *Qur’an*. There was no public outcry in the mosque because the woman had challenged *Umar*. Indeed, *Umar (RA)* said, “*The Women is right, and the Umar is wrong*” He also reproached his own lack of knowledge and said, “*Everyone is more understanding than you Umar*” (Hasan, 2006). Thus, a policy made by the Head of the State was reversed by an ordinary woman on constitutional ground.

Evidence 2: Woman as public official

Ibn Abdul Bakor in his book *Al-Istiab* has stated about a woman Sahabi, Hazrat Shifa, that Hazrat Umar (RA) entrusted her with some responsibilities of market management, called as *Hisbah*. Of course, the Muslim women used to put on long sheets of cloth (chador) over their normal dress as prescribed in the *Qur'an* (Hannan, 1980).

Evidence 3: Woman as entrepreneurs and traders

The trading activities of *Khadija (RA)* are well known. Although she did not actually go out with the caravans of goods, she was a woman who in full control of her own wealth and business. *Ibn Saad* in his *Tabqut* has reported that one woman Sahabi, *Asma bint-e-Muharrama (RA)* used to trade of 'Atar' (a kind of scent). *Ibn Saad* has also reported that another woman Sahabi, *Umar binteTabiza* used to go to market and purchased necessities of her husband (Hannan, 1980).

Evidence 4: Woman as worker in agro-field

During the Prophetic era, women used to help their husbands in agriculture. *Hazrat Asma bint-e-Abu Baker*, wife of *Hazrat Zubair (RA)*, used to work in the field with her husband, two miles away from home (Hannan, 1980). A woman came to *Allah's Messenger (PBUH)* once and complaining that one of man forbade her from working on her farm. He (*PBUH*) said: "Go work your date palms; for perhaps you might give some charity or do acts of righteousness" (Haq & Parvin, 2006).

Evidence 5: Woman as handiwork

Sowda (RA), wife of the *Prophet (PBUH)* was a skilled craftswoman and she used to impart training to others who were involved in her craft business. Once, the *Prophet (PBUH)* said to *Sowda (RA)*, "There is no doubt that you can go out of home if necessity arises" (Siddiqui & Shad, 1981).

Evidence 6: Woman as active participant in war

This is historically true that during the Prophet's life, women participated publicly in the religious life, took the oath of allegiance, and fought in the wars. The most important woman in the Prophet's lifetime was his wife *Khadijah (R)*. When *Prophet (PBUH)* conquered a city, he took an oath from both men and women to make the conquest complete. This is also an

indication that the Prophet gave some weight and importance to women alongside the men. On another dimension, it was astonishing to see that many women participated in *Prophet's* wars, some even fought in the first line (as *Nusaybah bint ka'b* or the *Ansari sahabiyah*) who fought near the *Prophet* and defended him with her sword, others served as nurses or provided food and water to the fighters. There are also numerous reports in the books of *Hadith* and with the ***Prophet (PBUH)*** that women went to see Prophet (sm) on behalf of their tribes, and the Prophet always accepted their authority as representatives (Sarker, 2006).

Evidence 7: Women as development catalysts in Contemporary Muslim Worlds

Women in Saudi Arabia, today, are vigorously pursuing professional careers, and seeking to become active members of the society. Saudi women have proven their ability to handle responsibilities with great success, whether though their principal duty as mother, or as professionals. We look forward to women acquiring a major role in a way that will promote the interests of this nation based on *Shariah* (Begum, 2008). On March 10 of last year, Saudi businesswomen participated in the Second conference of Arab Businesswomen in Cairo. In recent years, several Saudi women have become legal advisors, dealing specifically with women's issues, and economic analysts, giving advice to women interested in investment (Internet, Saudia Arabia Spring 2009 Magazine).

Women in Islamic Republic of Iran have been vested with the constitutional right to get elected or appointed to the highest political and administrative offices of the land except the office of presidency. In 1987, the high council of the Cultural Revolution set up the Women's Social and Cultural Council charged with studying the legal, social and economic problems of women. Although in 1992, the directive of this council still emphasized the importance of family roles and rules out certain occupations and professions as religiously inappropriate, it also encouraged the integration of women in the labor force and attention to their interests and needs (Internet, The Contending Discourses in on Women in Iran). In Iran, 6% women are members of the faculty of the universities and 22% of them are Associate professors. 13% of the Journalists are women. In cinema and TV, more than 2,700 women are engaged (Khatun, 2001).

Section 3: Searching a Theory-Build up Approach to Activate the Developmental Role of Women

3:1- Islamic Approach in sensitizing the role of women as mother and in domestic arena:

Islam is a religion of nature and what is prohibited by religion? Answer is that, which is detrimental towards uprising and sustaining for mankind, Islam puts its restrictions there. This common philosophy may be materialized in respect of women's roles and responsibilities. Obviously, it is beyond explanation that as half of the nation's population, women have a crucial role in developing the country's economic, social and all other affairs. But the question is that how women will play this role?

Before taking any attempt to make productive the role of women as development catalyst, the first role of women as mother should highly be prioritized because they are the sole provider of quality citizens. Seeking employment of women, whenever there is a necessity arises for it, there is not any text in Islam which prohibits them to refrain from seeking such. But emphasis should be given to the job natures especially which do not affect her nature and instinctive role as motherhood and the needs of society as a whole. Islam regards women's role in the society as a mother and a wife as the most sacred and essential one. Neither maids nor baby –sister can possibly take the mother's place as the educator of an upright, complex free, and carefully reared child. Such noble and vital role, which largely shapes the future of nations, cannot be regarded as "idleness."

Family is a foundation of multi-faceted development construction of our society. Women are the key actor of this unit for developing society. Islam protects and enshrines this role of women with legal proclamation. From Islamic viewpoint, women enjoy a position of dignity and honor as mother, wife, daughter and sister. Not only she is considered equal (not identical) but sometimes it appears that she enjoys greater privileges than men. For instance, she has an equal share in man's earnings, but man has no share in her earnings and property. Doing household works, is not obligatory for woman rather she has right to demand payment for doing household activities including feeding milk her children from her husband. Whether she does not do so and performs domestic activities along with self-motivation, considering it a matter of moral responsibility. She is only doing a favor to

her husband for which he should be grateful to her (Mahmud & Maksuda, 1998).

So, it may be claimed that performing the domestic affairs including feeding milk her children and playing the role as tutor for children, women are cooperating her husband as to save domestic net expenditures. So, women, as housewife influence immensely the household economic development from this viewpoint. She saves the cost of baby foods, maids and tutors and thereby adds economic solvency for family. Islam has provisioned to recognize the contribution of women in household affairs by calculating these with economic value and there by glorified their developmental role in the history.

3:2- Islamic Approach prohibiting slavery to fashion:

Now-a-days, the products of cosmetics and fashion industries provide unique services for women. Especially, they are more interested in using foreign brand rather than our local products which has no return in our economy or any material as well as immaterial development as because of unproductive sector. Many women spend most of their income on cosmetics, creams, lotions and getting services of beautician in parlor to become more beautiful. It is hard to believe that more than 33 billion dollars are spent yearly on cosmetics and weightless programs alone, not to mention another 11 billion dollars are spent on perfume. Though these numbers are West alone, but it is assumed from this figure that women have indeed become slaves to this all-consuming industry. There are millions of women's who go even further extreme by having cosmetic surgery done. According to the American Society for Aesthetic Plastic Surgery (ASAPS), there were over 5.7 million cosmetic surgical procedures done in the year 2008 (Cosmetic Surgery Statistics <https://surgery.org/stats2009/2010stats.pdf>). It's a real tragedy that women feel they need to have an operation and go through all that pain and turmoil just to become "more beautiful" or "more acceptable physical beauty".

Most of the women even feel uncomfortable leaving the house without makeup on. Fashion worlds make women "slaves to cosmetics". In fact, the fashion and makeup industry can only survive by exploiting women and making them completely dependent, enslaved. For example, nail polish, one of the items of beautifying women's nail through coloring with different colors as necessity of makeup matching. Making easier this process, cosmetic industries produce new products named 'remover'. Fashion conscious women use this remover while she feels coloring her nails with another new one and

replacing the old, which is already used recent earlier for ensuring makeup matching from head to toes. Cosmetic producers enjoy to produce more new items while notice women's spontaneous participation in fashion world. Unfortunately, they do not think that it has no reproduce value in respect of their physical, spiritual, economic and social development. It is needless to say that such attitudinal tendency of women certainly the effort to wastage of money, social peace, sprit and beauty of conjugal life.

Islam opens chance for women to avoid expenses involving fashion world which certainly leads a path to save the unproductive cost in development sector. Such identical path of *Shariah* leads women towards development by two ways; one is discouragement and prohibition of getting limitless and uncovered make up with various fashion items while going to outside home. Needless to say, such uncovered exhibition of women's physical beauty leads sexual anarchy in society which ultimately destroys the moral and spiritual development of young generation.

Islam prescribes in this context wearing '*Hijab*'—the dress code of Islam, using to cover physical beauty and there by enshrines the essences of beauty of women. *Hijab* is an Arabic word, which literally means to cover or conceal and is used to describe the dress code of a *Muslim* woman. Many feels that *Hijab* is oppressive dress for women, but that's only because they do not properly understand it. *Hijab* is actually a beautiful gift given to women to protect themselves from the ills that haunt society today. When a woman leaves her tight, fashionable clothes and dons the modest clothing and headgear that characterize most *Muslim* women, they feel a rejuvenated sense of freedom. Why? Because they no longer worry about how others judge their appearance.

As noted from observation of an American Muslim woman, one can easily realize how *Hijab* magnitudes the statuses of *Muslim* women as engineering social construct. She opined, "When I am dressed in my *Hijab*, I expect that when people look at me, they do not view me as a sex symbol, but rather as a woman who has decided that her body is not public material for the world to see. When I need to leave the house, I do not have to waste half an hour in deciding what to wear that will make me most attractive. Nor do I spend another hour fixing my hair and makeup. So, I look my best, because I really do not care how others view my appearanc. I do not want to be judged by my exterior. I do not have to worry on finding the right outfit that will be most flattering to my figure, or that exact shade of lipstick, which will be most

complementary to my skin tones. Thus I free up a lot of time that would have otherwise been uselessly spent very superficially. Time that I can put to much better use! (Kamal, 2009)

In another way, *Islam* discourages over- expense due to getting materialistic happiness as well as beautifies physical appearance rather meeting up basic needs of all and developing inner worth of human being. *Allah* proclaims none but he who leads a simple life will get the affection of Him. It is also the sayings of *Prophet (sm)* that he who wastes (money and other material-immaterial wealth) will be a brother of Satan (evil doer). Thus, Islam teaches women to refrain from unnecessary expenses due to getting beautify herself which in turns increase only unproductive cost in economy.

Islam does value beauty, but everything has its time and place. For example, a husband and wife are equally required to beautify themselves for each other to enhance and improve their relationship. For women, their husbands are the most important men in their lives, and if they spent as much time dressing up and trying to please their husbands as they do for other males' marriages would be a lot more successful in all society. Of course, this goes equally for men as well. When a husband and wife try their utmost to please one another rather than all of society, what a loving and beautiful relationship they will have! Thus, Islam does not prohibit women from dressing up and looking beautiful, but only when it is done for their husbands, who after all should be the only male opinion that is important in a women's life (Kamal, 2009).

3:3- Islamic Approach of Women's Participation in Outer world Development Activities:

At present time, Governments of developing nations including Bangladesh are highlighting the economic role of women as a vital part of labor force in rising and equalizing contribution both male and female in gross national income. Government thinks that keeping women aloof from outer world economic participation, as representatives of half of the population, country's development will be completely difficult. Feminist movement sensitized this trend in the name of financial movement by urging them to leave their homes and work outside along with men.

Ironically speaking, the *Shariah*, as a revealed knowledge unambiguously delineated all codes encompassing every aspect of human society and its representatives both sexes. *Shariah* declares clearly the roles, responsibilities, status and shares of male and female as the key actors of social development.

Shariah has done nothing more rather reveals role allocation only based on sex peculiarities and open system approach facilitating the benefits of moderation, change or alteration to the human society while contingent demands. It means the role allocation that is done for getting maximum equity depending on their sex difference is not exclusive and rigid. It may be changed depending on time, space and overall conditional requirements as specified by *Shariah*. Development thinkers generalize *Shariah* as rigid and backward-looking in respect of women's role in development. It's not true. There are so much evidence in the history of Islam where women played unparalleled role in different perspectives of nation building while necessity emerged. Development starts from the arena of family that is the basic source of providing quality generations to nation and *Shariah* acknowledges her roles in family with economic valuation.

Contemporary women specialists and thinkers treat and activate women beyond their natural and instinctive capacities i.e cognitive and physiological attributes. Moreover, their lot of performance in the domestic sphere is not recognized with economic value. Non- recognition of household work shows almost half the population as unemployed and inactive. The fact that the Labor Force Survey (LFS) of 1989-95 counts 77% of all women over ten years old as housewives and economically inactive reflects this discriminatory attitude. A survey conducted by the USAID shows that economic valuation of women's unpaid household work would add 4 billion dollars to the net global income. In the developing world, some efforts have been undertaken to evaluate women's household work. In India, and Pakistan, the housewives contribution to the GDP is nearly 49% and 20%-40% growth of national income respectively (Parveen, 1995). In Bangladesh, no effort has yet to be taken to evaluate household work at the national level.

However, since economic activity is designed in terms of exchange value, the activities mentioned above generally remain outside the scope of recognized economic activities. Now it is an urgent need to redefine the concept of economic activities where women's contribution in family arena gets visibility and thereby measurement status with economic value. After that, thinkers should ascertain whether women have enough time, physical response and need to come out home for participating economic activities or not.

Islam realizes and understands women's nature. In Islam, a husband has no right in forcing his wife to work in order to bring in more income. In fact, he

is 100% responsible for all her expenses, and even if she were to work, he has no right to a cent of her income. Even if a wife makes more money than her husband, he is still required by Islamic law to provide her and spend out of his pocket for her food and dress and whatever else she need. Muslim women are indeed very fortunate. In spite of that, Islam has kept chance for getting involved in outside economic activities depending on contextual factors under *Shariah* codes.

Qur'anic command of mutual consultation (*Shura*) has to be followed by *Muslim* while facing peculiarities beyond the codes regarding role allocation of male-female for sacking greater interest of living necessities. *Shariah* assigns duties both for husband and wife in upbringing their children's physical and mental growth as well as enlighten by giving education. It is also the responsibility of both of caring domestic affairs while and when necessary. Exclusively, while women fall in maternity role and unable to work outside the home, husband is liable for providing maintenance cost being a 'Kawwam' for their wife. Begum (2008) opined that due to two factors- supply and demand space and need of women's participation in outer world activities are emerged. According to her, 'Earning is not compulsory for women to run their family, again their employment has not yet been prohibited by *Shariah* due to many socio- economic reasons, so, due to unfavorable condition of the society, women may demand job. On the other hand, different organizations demand women employees. Women employment in an organization depends on its goals, objectives and nature'. Demand factor is stimulated by economic factor, social factor and religious factor. Recently, women are involving themselves in many odd jobs in different organizations including NGOs because of financial need and utilizing their educational qualifications where compliance of *Shariah* is quite difficult due to nature of job and unfavorable job environment.

Excepting economic reason, social factors are also responsible for employment of women outside their homes. For example, some parents feel tired to take the responsibility of their sons having low income. They want to get relief engaging their sons with educated working women so that both of them can take their responsibilities together. Again, some parents have no male child. So, they want to educate their female child as getting earning source who will give financial supports them in future. Such types of peculiarities are found in our society while women's participation in

economic activities stands for emergency requirements for sustaining and building a dynamic society.

Religious factor has also positive focus on women's participation. Women's participation in professional work is essential to perform all sorts of *Fard-e-Qifayia* types of work. Moreover, efforts of the men to perform their economic responsibility to family as well as other responsibility to the society have failed to overcome all social odd. Therefore, educated women are employed to meet the instant demand of society.

Islamic decree in respect of women's participation in economic activities is tried to make clear in the above-mentioned analysis. Islam is a religion of humanity. So, provision to overcome any hardship of human being is legally approved under the boundary of Islam. "Every woman has right to develop her talents and to work within the rules of Islam. *Ayesha (R)*, the **Prophet's (PUBH)** wife was a judge at various times, a political activist and, after the demise of **Prophet (PBUH)**, the interpreter of his teachings (Sohrab, 1999). So, considering the following issues, authority should take measures to design and implement the framework of women's involvement in development activities if sustainable approach is desired to be developed in this perspective.

Firstly, priority should be given on male employment over female except in case of some helpless female candidates. Because male official addresses the financial problem of a family with members like father, mother, brothers, sisters etc., whether an employment to a female officials adds to the financial strength of her family as in most cases her husband also earns. It is true that there are women who cannot maintain themselves under the male shelter. Such cases should be dealt with by the state's own responsibility. It means government should implement programs to take off their awkward financial status. After doing that priority of male employment over female can be an acceptable approach.

Secondly, for improving the quality service sector, merit based employment should get priority over 'quota'. Ensuring equal participation in economic activities through practicing quota has no rational ground in *Shariah*. Such western concept of equality is reiterated again in the CEDAW which is conflicting with the concept of equality in Islam. In this relation, 'age bar' or 'age limit' can be relaxed or withdrawn since the need for a job of a woman can be fabricated in different stages of her life.

Thirdly, Islamic approach entertaining women's participation in job market is encouraged by Islam but some codes of Islam for this purpose have to be practiced by the authority. For example, conducive working environment for female employees included separate sitting room, prayer room, toilet facilities, dining room and transport facilities etc. has to be confirmed.

Fourthly, another important code of *Shariah* is dress code. Primarily, there is a code both for male and female in *Shariah*. It firstly demarcated the parts of human body both male and female which are to be covered by sober clothes and in case of female, covering parts are extended to a degree because of concealing her beauty which produces attraction and enchantment, and which ultimately helps to extend the sexual anarchy. In the Holy ***Qur'an Allah (SWT)*** has given order to Muslim women, which must be followed by them, whenever they go out of their home, they should fully cover their bodies with a long piece of cloth. This recognizes women's participation in the economic activities of society. *Ayesha (RA)* stated, "*Jainab (RA)* was the most generous amongst us. Because she used to work herself and give charity" (Siddiqui & Shad, 1981). There is no restriction on benefiting women's exceptional talent in any field. Even for the position of judge, where there may be a doubt about women's fitness for the post due to her more emotional nature. Early Muslim scholars *Abu –Hanifa* and *At- Tabary* holding there is nothing wrong with it (Islam, 2006).

Anyway, a misleading conception prevailed in development literature regarding religious focus on women's roles as development catalyst. They blame religion especially Islamic codes of employment for women both inside and outside the home. Islam presents a value laden model for the said purpose. Actual reason in making marginalization of women's economic and developmental roles in development is 'patriarchy' which is strengthened with misinterpretation, distortion, biased explanation and knowledge gap of *Shariah*. Sociologists observe that patriarchal discourse constitutes separate spheres of men and women. It determines inferior position for women and superior position for men; it declares men's knowledge and replaces women's voice by men's voice (Amin, 2006). Due to the strong influence and dominance of patriarchal values, a girl child from childhood, is socialized into the context of a subordinate position to men in society and for this, parents do not feel encouraged to spend equal money for treatment, education and other maintenance. Moreover, decision making power and economic control even women's inheritance right is manipulated by the male partner as because of

male dependency along with patriarchy. Islamic values in this respect are totally reverse. Islam does not differentiate between male and female child in providing basic needs and fulfillments. In domestic affairs and also in the affairs outside the home, women have given chance to counsel with her male partner and male partner is also said to pay attention to his wife's opinion and considering before taking decision. He is responsible to give women her defined share of property spontaneously. Actually, Islamic approach offers a positive outlook to activate women's role which is conducive to development.

CONCLUSION

Throughout history, women have been greatly oppressed in almost every civilization. In fact, even the term "women" is derogatory. So, there was a real need for a movement to emancipate and elevate women. A woman's role in society, as envisioned by Islam, is manifold. Islam looks forward to her active participation in matters concerning the society and contributing greatly to almost all walks of life.

Islam presents a full fledged approach for women permitting involvement in economic and development activities both home and outside the home. This approach is equipped with the concept of divine *Shariah* encompassing every aspect of women's life conducive for total well-being of society which begins firstly by highly emphasizing the role of women as mother--- core agent of nation building. The Islamic approach is not feminism neither patriarchal in nature. Its development is enshrined with need and priority basis both for women individually and collectively for society. It gets holistic view within an ideology. Its emergence is not dependent on any societal change or occurrence or any action or reaction of historical events as like as the approaches prevailed at present time for defining women's roles and responsibilities. These non- Islamic approaches follow an alternative course of action, time, event, reasons of being emergence and after consuming a particular course of time each approach lost its effectiveness which resulted impact of the next one coming into being to overcome the limitations of earlier. Still these trends of emergence of approaches are going on. It may be defined as the contingency efforts to build up theoretical construct. Islam also emphasizes this along with prioritizing the concept of social justice and equity and keeping unchanged the core values and major policy measures of the ideology. So, it needs no overall change with any effect of any reaction. Whether any need has emerged due to changing demands of the society, there

is also provision of bringing about changes highlighting the major policy document – the ***Holy Qur'an*** and the Hadithes and emphasis also be given in importation of input for developing approaches on indigenous sources including Muslim worlds replacing of western conceptualization scheme.

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Understanding the Socio-Economic Status and Compliances of Women Garment Workers in Dhaka City

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Abstract

Predominately, the garment industry accounted for a large share of the country's gross domestic product (GDP) and offered jobs for half a billion people, 85% of whom are women. The purpose of this research is to examine the work environment & compliances of women garment workers in Bangladesh. In addition to that, the work-life balance is a major issue in their lives. To achieve the research objectives, the study has taken 160 women garment workers as samples by using a convenience sampling method from Dhaka city, particularly in Mirpur. A detailed close-ended questionnaire has been made for the collection of primary data, which were adopted from the extensive literature review. The study's findings indicate that most of the time, women workers do not receive the necessary rights and facilities in general. They are often denied their rights, resulting in a state of anxiety, vulnerability, and dissatisfaction. The positive aspects that the study found, women are empowered in the family and society after joining garment compare to the situation when they were unemployed. The current paper makes an effort to comprehend the compliances along with economic and social situations for women garment workers, followed by recommendations for overcoming these circumstances.

Keywords: Socio-economic status, compliance, women garment workers, readymade garments, Bangladesh.

INTRODUCTION

The garments industry is playing a pioneering role in the development of industrial sector of Bangladesh. It is the main source of earning foreign currencies in the economy of Bangladesh. In 2019–2020 financial years this

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sector accounts for nearly 83% of total export earnings of the country. (BGMEA, 2020) At present there are now 4,825 garment industries in Bangladesh and around 4 million garment workers are working in this sector, more than 83 percent of these workers are women. (EPB 2021) In Bangladesh the industry was expanded mainly on the easy availability of labor especially of the women labor accessibility. The RMG industry created employment opportunities, especially for women workers and now this sector is considered as one of the main sources of employment for women workers of Bangladesh. This industry has provided the largest employment opportunities for women in the industrial sector where more than 85 percent of the production workers are women (Islam and Zahid, 2012). Employers prefer women workers not only because they are cheaper and abundantly available, but also because they possess amiable disposition, sincerity and manageable characteristics than male workers. Most of the women workers are poor, uneducated, unskilled and untrained (Uddin, 2023). They do not have not any comfortable habitats. While the women get engaged in economic activities, they become exposed to outside environment which remains completely absent in the case of their limited exposure. In addition, they are accorded some sort of training which develops their skill and dexterity. Besides, women are getting benefits from the garment sector in terms of money. They are spending their income for their children's maintenance and family's living standard. Women workers not only increase their own income level, living of standard, consumption power, they also contribute to the GDP of the country which results in the improvement of balance of trade, enhancement of export earnings and acceleration of investments leading to overall development of the country. It is evident from the statistics that around 50 percent of total population are women, who can substantially contribute to the economy by earning from different sources. If these segment of population remains unemployed, the nation is likely to be deprived of the contribution of the women workers. This apparently leads to dependence of women on male population for their maintenance and livelihood. This present situation in Bangladesh as such necessitates involvement of women in activities yielding earning as far as practicable.

In this perspective the present study aims at examining socio-economic condition and the compliances regarding women garments workers in Bangladesh.

Objective of the Study:

The main objective of the study is to assess the socio-economic conditions of the women garment workers employed in the garment industries located in Dhaka city. In addition to this the study has been secured some other objectives like:

1. To identify the factors that affects the socio-economic conditions of the women garment workers.
2. To assess the compliance practices concerned with women garment workers.
3. To identify the problems of women garments workers.
4. To recommend measures to be taken for improving the socio-economic, compliance issues and overcoming the problems of the women garment workers.

LITERATURE REVIEW

Many reports have been produced in Bangladesh on garments industry but most of these reports did not focus on the present status of socio-economic conditions of the women employees of garments industry.

Report titled “Impacts of COVID-19 on the garment sector of Bangladesh” prepared by Sharif Hossain, et. al. (March-2022) looked at the COVID-19 outbreak, total export values, sales revenue of the garment sector, remittance inflows, unemployment rate and econometric techniques. They stressed that these factors have to be improved in the garment sector of Bangladesh for taking econometric techniques and employment in the garment sector. Mohsina Begum, et. al (22, March 2022) focused on the problems faced by pregnant garments workers in different readymade garments (RMG) in Dhaka, Bangladesh. The findings of this study that; awareness regarding care during pregnancy should be increased among the garment workers. Report titled “Impacts of Covid-19 (2020-2022) on cotton and garments market of Bangladesh: A small country case” was prepared by Sheikh Jafor Emran, et. al (December 5, 2022). They focused on the production of textiles in Bangladesh depends on the price of raw materials, global supply chain. This paper showed that how the decline in the demand for garments, coupled with an increase in cost, and shrinks the producer welfare of textile manufacturing and garment exports of the small producing country, Bangladesh. Areeba Ahmed, et. al (February 2021) discussed about the stakeholder theory, intersectional feminism, women RMG workers and sustainable initiatives. Report titled ‘Socio- Economic Changes of Women

Garment Workers in Bangladesh' prepared by Nahar Kamrun, et. al (October-2019) focused on the social status of women garment workers, determines of the role of stakeholder to improve the social status of women and discussed about some specific aspects- economic aspects, education and cultural aspects, health aspects and political aspects. Report titled 'Determinants of Women Garments Workers' Housing Choices in Bangladesh' prepared by Sharmin Shaila, et. al (2020) discussed about the conjoint analysis, this method observes how people's preferences influence choosing a product or service and conditional logit model was applied to calculate the part-worth utilities and marginal willingness to pay of each level of all the attributes and also used by conditional logistic regression analysis and findings of the analysis are survival package. The findings of this paper which feature discouraged women workers from choosing facilities provided in the government dormitory. An analysis of the results found that housing environments such as the number of people sharing a room, the number of people sharing a toilet and having a common kitchen with gas connection, had a higher impact on housing choices than affordability in the mean price or rent of houses. Report titled 'Assessment of the current working condition of the garment workers and determining the importance of labor union for the improvement of working condition in the RMG industry of Bangladesh' prepared by Mohsin Uddin, et. al (March-2021) he focused on this study significantly improved the workplace condition in terms of gender discrimination and health and safety of the workers. The findings of the study labor laws are still violated in the small size factories, although the overall working condition of the country's RMG industry has been tremendous amelioration. Report titled 'Discrimination of Women at RMG Sector in Bangladesh' prepared by Faizul Haque, et. al (February 2020) This study focused on some remarkable findings such as, a) women employee do not get proper respect at workplace from their male colleagues. b) Women are often harassed verbally by their male coworkers. c) Owners, managers and supervisors have the bad intention to fulfill their sexual desire with women workers. d) Male supervisors often force their women subordinates to do overtime till the late night. e) Though women workers are doing the same job, but they do not get proper justice in terms of getting desired job posting, salary on time and promotions based on their skills and competencies. Finally, this study findings on resolved the issues of gender discrimination at the workplace and contributes towards the equity and empowerment of women in RMG sector in Bangladesh.

The researcher reviews some relevant international and national literature related to the garment workers working environment, their wages, gender discrimination, etc. It is true that the working environment and economic policy are not so good in Bangladesh but the women have to be bound to do their job because of their poor socioeconomic condition. The readymade garment industry has provided jobs to millions of rural and urban women but they do not maintain international standards of the working environment.

In the present study an attempt has been made to discuss about the compliance issues, effects of employment of women workers which is conspicuously absent in the earlier studies. Apart from compliance issues, it also portrays the consequences of compliance issues as well as understanding the socio-economic conditions of women workers in the garment industry of the country as a whole.

METHODOLOGY

This paper discusses the present socio-economic condition and compliance practices of the garment workers of Bangladesh. To achieve the research objectives, we have adopted and developed questionnaires from the past literature review. Primary data have been used in this study drawn from the survey. 150 women garment workers have taken a convenience random sampling basis from the 8 garments factory located at Mirpur, Dhaka. The study area was selected based on researcher accessibility. Since we just aim to exhibit the socio economic and compliance conditions of women garment workers. Simple frequency distribution and statistics are used to portrait the actual scenario concerned.

FINDINGS AND DISCUSSION

By collecting the data, the study tried to analyze the key issues that address the socio-economic conditions as well as the compliance practices for women garment workers. The findings are summarized as below:

Analysis composed with the details of respondent's demographic background, compliances & facilities issues of the factory for the respondents, changes before & after joining the job of the respondents, knowledge, satisfaction & suggestions of the respondents sequentially.

Table-1.1:Demographic Profile of the Respondents

The demographic characteristics of the respondents (Table – 1)

Characteristics	Categories	Frequency	(%)
Age	15-25years	88	55.00
	26-35years	50	31.25
	36-45years	22	13.75
	Total	160	100.00
Education level	Can sign only	33	20.62
	Class I-V	74	46.25
	Class VI-X	39	24.38
	Above Class X	14	8.75
	Total	160	100.00
Marital status	Unmarried	43	26.87
	Married	95	59.38
	Divorced	6	3.75
	Others	16	10.00
	Total	160	100.00
Family members	4	12	7.50
	5	40	25.00
	6	75	46.88
	>6	33	20.62
	Total	160	100.00
Earning Family Members	1	45	28.12
	2	80	50.00
	3	25	15.63
	>3	10	6.25
	Total	160	100.00
Migration status	Rural to Dhaka City	110	68.75
	Within Dhaka City	50	31.25
	Total	160	100.00
Job experiences	0-2	74	46.25
	3-5	56	35.00
	5-7	22	13.75
	>7	8	5.00
	Total	160	100.00
Monthly salary	Tk. 5000-9000	60	37.50
	Tk. 9001-13000	85	53.13
	Tk. 13001-17000	15	9.37
	Total	160	100.00

Source: Self Field Survey, November,2024

The above table (Table – 1) shows the demographic profile of the randomly selected women garment workers in terms of their age, educational

qualifications, marital status, family members, migration status, earning members, job experiences and salary structures.

Most of the women garment workers are very young. The study found that 55 percent of the women workers were aged 15-25 years, while only 13.75 percent of the workers were aged above 36-45 years (Table 1.1). This means that women garment workers do not work in the factory for long time due to working hazards and the employers do not prefer aged experienced garments workers in the factories may be reduce cost by employing fresh garment workers at low remuneration. Most of the aged women garment workers complained that the management intentionally behaves roughly and torchers mentally so that they quit the job.

The survey indicates that 46.25 percent of the women workers were Class I-V, 24.38 percent of the workers were Class VI-X, and 20.62percent could sign only, while only 8.75 percent were Class X (Table 1.1). As their level of education is low, their working efficiency and working capacity is also low. For this, they have less bargaining power; they get poor remuneration and facilities from employers. Even they cannot explain what kind of jobs facilities they have in their present working place. Both married and unmarried women garment workers are working in the garment's factory. Among the total number of women garment workers surveyed, 26.87 percent were unmarried and 59.38 percent were married (Table 1.1). It can be said that more than half of the women workers were married due to increasing economic power, avoiding harass by their male employees and want cooperation from their husband.

Most of the women garment workers (68.75 percent) were migrate from rural area to Dhaka city, while 31.25 percent of the women garment workers were within Dhaka city (Table 1.1). There is a greater demands of the labor in the RMG sector and lacking of employment opportunities in rural area. So many people especially the women migrate from rural to urban area because of their poverty, employment opportunity and better livelihood and soon. Bangladesh has a very cheap labor market in the world. The survey has justified the truth. Maximum 53.13 percent women garment workers were getting 9001 to 13000 taka as monthly salary and 37.50 percent workers were getting 5000 to 9000 taka as monthly salary (Table 1.1). This shows 90.63 percent workers were getting 5000 to 13000 taka as monthly salary that is very low amount now a days for livelihood.

Table-1.2: Compliances & Facilities Issues of the Factory for the Respondents

Characteristics	Categories	Frequency	(%)
Average working hours of the respondents	8-9	55	34.37
	9-10	68	42.50
	11-12	25	15.63
	>12	12	7.50
	Total	160	100.00
The Overtime Working Hours (monthly) of the respondents	30-50	55	34.37
	51-60	65	40.62
	61-70	25	15.63
	>71	15	9.38
	Total	160	100.00
Duration (in days) of Casual Leave of the respondents	0-5	28	17.50
	6-10	85	53.12
	11-15	35	21.88
	>15	12	7.50
	Total	160	100.00
Harassments faced in the workplace	No Harassments	92	57.50
	Financial	5	3.13
	Physical	6	3.75
	Mental	56	35.00
	Others	1	0.62
	Total	160	100.00
Facilities of doing labor union in the factory	No union	95	71.87
	Prohibited by owner	18	3.13
	Manage top leaders	35	7.50
	Others	12	17.50
	Total	160	100.00
Payment date of salary in the factory (according to the next month)	1st – 10th day	55	34.37
	10th -15th day	80	50.00
	After -15th day	25	15.63
	Total	160	100.00
Medical allowance system of the factory	No Payment	75	46.87
	Paid on medical document	62	38.75
	Onetime Payment	21	13.13
	Others	2	1.25
	Total	160	100.00
Duration of Maternity Leave	No Leave	25	15.62
	2 months	12	7.50
	3 months	80	50.00
	> 4 months	43	26.88
	Total	160	100.00

Source: Self Field Survey, November,2024

The above table (Table – 1.2) shows the compliances & facilities issues of the factory for women garment workers in terms of average working hours, the overtime working hours, duration (in days) of casual leave, harassments faced in the workplace, facilities of doing labor union, payment date of salary, medical allowance system and duration of maternity leave.

The most tedious condition of work in the garment factories is the long working hours. According to section 100 of the Bangladesh Labor Act (BLA) of 2006, no adult worker shall ordinarily be required or allowed to work in an establishment for more than 8 hours a day. Of the total women workers surveyed, 42.50 percent work 9-10 hours a day, while 34.37 percent work 8-9 hours a day (Table – 1.2). Overtime work is an advantage and an extra earning source for the women garment workers. According to Section 109 of the BLA, 2006, no women shall, without her consent, be allowed to work in an establishment between the hours of 10.00 p.m. and 6.00 a.m. Maximum 40.62 percent of the workers work 51-60 hours overtime a month (Table – 1.2). As their salary is very low, they always try to earn some extra amount from overtime. Hence, they cannot provide much time for their family or children. As a result, they become unhappy in their family life. Moreover, women workers are obliged to shorten their time for pleasure and sleep due to long working hours and all domestic chores.

According to section 115 of the Bangladesh Labor Act 2006, every worker shall be entitled to enjoy casual leave with full wages for ten days in a calendar year. Our study reveals that 17.50 percent of the workers enjoy 0-5 days casual leave with pay and maximum 53.12 percent of the workers get 6-10 days of casual leave per year (Table – 1.2). In some cases the workers are bound to work even they are sick.

As per our survey result, it was good that 57.50 percent of the women garment workers opined that there is no harassment at their workplace. But on the other hand, 35 percent of the women garment workers opined that they are harassed/tortured mentally (Table – 1.2).

According to section 176 of the Bangladesh Labor Act 2006, workers, without distinction whatsoever, shall have the right to form trade union primarily for the purpose of regulating the relations between workers and employers or workers and workers and, subject to the constitution of the union concerned, to join trade union of their own choosing.

The survey reveals that maximum 71.87 percent of the women garment workers said that labor union did not exist in their factories (Table – 1.2) because the owners and management were extremely opposed to any types of labor union of their workforce. One of the basic needs of the human being is medical allowances from the employer but it is very unfortunate that 46.87 percent of the surveyed women workers get nothing from their employers for medical supports if they make any accident or become sick (Table – 1.2). According to section 89 of the Bangladesh Labor Act 2006, in every establishment wherein three hundred or more workers are ordinarily employed, there shall be provided and maintained a sick room with dispensary of the prescribed size, containing the prescribed equipment or similar facilities, in the charge of such medical nursing staff as may be prescribed.

Maternity leave is a basic and humanitarian right of the women garment workers but all the garments factories are not giving maternity leave to their workers with pay. According to Maternity Benefit Act 1950, the maternity leave was of 12 weeks. The new BLA 2006 increases the maternity leaves to 16 weeks from 12 weeks and the maternity benefit which is payable under section 48 of this act shall be payable at the rate of daily, weekly or monthly average wages and such payment shall be made wholly in cash. Our survey revealed that 50 percent of the workers are granted 3 months maternity leave, while 15.62 percent granted no leave (Table – 1.2) that is the violation of laws. According to the gazette of Bangladesh Government states when a government servant applies for maternity leave, authority shall grant the leave for six-months from January 9, 2011 or from her confinement for the purpose of delivery, whichever is earlier that is far away from women garment workers.

Table- 1.3: Changes Before & After Joining the job of the Respondents

Characteristics	Categories	Before joining the job		After joining the job	
		Frequency	(%)	Frequency	(%)
Family Decision	• Take part in all decisions	18	11.25	80	50.00
	• Only take part in important decision	22	13.75	14	8.75
	• Major decision maker	7	4.38	64	40.00
	• Inactive in family decision	113	70.62	2	1.25
	Total	160	100	160	100
Social Changes facing by the respondents	• Getting economic & women empowerment	12	7.50	105	65.62
	• Have strong voice against dowry system	8	5.00	14	8.75
	• Getting importance in family and society	25	15.63	41	25.63
	• Inactive economic & women empowerment	115	71.87	00	00.00
	Total	160	100	160	100

Source: Self Field Survey, November,2024

The above table (Table – 1.3) shows the social and economic empowerment changes of the respondents before and after joining the factory.

Earnings and family decision making are important measures of economic empowerment of women workers that also change social value. In Bangladesh, women's role in household decision making is usually much more limited than men. The survey data shows that 70.62 percent of the women garment workers were inactive in family decision before joining the factory, while 50 percent of the women garment workers could take part in all decisions and 40 percent were major decision maker after joining the factory (Table – 1.3) that means women empowerment has increased after joining the factory of the respondents.

The survey data also shows that 71.87 percent of the women garment workers were inactive economic & women empowerment before joining the factory,

while 65.62 percent of the women garment workers got economic & women empowerment and 25.63 percent were got importance in family and society after joining the factory (Table – 1.3) that creates social value towards the society.

Table-1.4: Knowledge, Satisfaction & Suggestions of the Respondents

Characteristics	Categories	Frequency	(%)
Idea about the application of labor law in the factory	Don't know	115	71.87
	No application	5	3.13
	Few application	12	7.50
	Good application	28	17.50
	Total	160	100.00
Idea about factory goal	Known	12	7.50
	No Idea	117	73.12
	Partial Idea	6	3.75
	It's a top-level job	25	15.63
	Total	160	100.00
Satisfaction towards earnings	Bad	43	26.87
	Neutral	52	32.50
	Good	65	40.63
	Total	160	100.00
Satisfaction towards job	Bad	24	15.00
	Neutral	83	51.87
	Good	53	33.13
	Total	160	100.00
Suggestions to improve the working conditions	Proper lighting and enough space	25	15.63
	Ensuring health and sanitation facilities	65	40.62
	Taking action against all kinds of harassments	30	18.75
	Ensuring proper transport facilities	40	25.00
	Total	160	100.00

Source: Self Field Survey, November,2024

The above table (Table – 1.4) shows the knowledge, satisfaction & suggestions of women garment workers in terms of idea about the application

of labor law in the factory, idea about factory goal, satisfaction towards earnings and job and suggestions to improve the working conditions.

The Bangladesh Labor Act, 2006, Factories Act of 1965 and the Factories Rules of 1979 all provide protection to labor force. Of the surveyed women workers, 71.87 percent reported that they do not know about the application of labor laws in their garments, while 3.13 percent of the workers reported that there is no application of the laws in their garment industries (Table – 1.4) so that they can't benefit from Labor Act. Degree of satisfaction of a worker is an important element for job. The level of satisfaction has been measured by scaling as bad, neutral and good. It is observed that the satisfaction level of the maximum women garment workers (40.63 percent) towards earnings was good but and the satisfaction level of jobs was neutral (51.87 percent). The satisfaction of the women workers derives from their realization that they could be unemployed and what they are getting is good for them. It is motivating factor for the survival and stability of garment workers in Bangladesh.

The respondents gave suggestions to improve their working conditions. Maximum 40.62 percent respondents suggested to ensuring health and sanitation facilities, 25 percent suggested to ensuring proper transport facilities, 18.75 percent suggested to taking action against all kinds of harassments and minimum 15.63 percent suggested to ensuring proper lighting and enough space.

CONCLUSION AND RECOMMENDATIONS

Based on the findings and the observation, the study would like to suggest some policy suggestions for improving the socio-economic conditions and compliances practices for women worker in the garments.

- Finding shows that 35% women garment workers have been harassed mentally at the workplace. It is indicating that, it is a big concern for them. So, both government and factory should give prime priority on it to negotiate that particular issues.
- 72% respondents said they have no right or facility to join in labour union. But labour union is a place where they can use to raise their

rights, needs to make their work life easier. And, Labour law 2006 is also give that right. So, regulatory forces should take actions against that violations where necessary.

- Almost half of the respondents are not getting any medical allowances from their workplace. But we all know, women are often facing more health hazards than to men and almost 85 % workers are women. So, without caring the health and safety, how could a sector can get the results in their way? It should be ensured from the factory and regulatory forces. Most of them are also agreed to that issue and want to solve it with priority.
- Almost all the respondents are not getting the maternity leave as per labour law. Some respondents do not get any such leave and rest of them are getting that leave partially (less than 4 moths). Regulatory body should take actions against these violations and ensure the leave as per rule.
- Study shows that majority of the woman workers do not have any idea about the labour law 2006 at all, concern stakeholders should make them aware by arranging training or awareness program so that they can know their rights.

Above are the primary remediation's but not limited to. The stakeholders from every corner should act on the major force of that sector so that the garment sector can lead the country as they did before.

The working condition of this sector is getting worse, compliance issues are neglected most of the cases and socio-economic conditions are in questions specially after the COVID 19 outbreak. If the garments can ensure the compliances that required to the employees, their socio-economic condition may improve. The current study focused only on Dhaka city, particularly in Mirpur. So, it's very difficult to generalize the findings of the study for overall women garment workers. Furthermore, the samples of the study are limited in number, the self-selection of respondents is another weakness of the analysis, which could further bias the findings. Future studies could address these issues.

The upcoming years will be really tough for Bangladesh economically. Remittance and garment industry are two major sectors from where foreign currency are generated. Remittance sector is primarily relying on foreign governments where Bangladesh cannot intervene much, its almost beyond the

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control. But the garment sector is in the control of Bangladesh and that sector is almost rely on women workers. Bangladesh government should intervene where necessary to make the sector alive and effective.

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Migration Governance and (in)Equality: Bangladesh's Divergent Treatment of Migrant Categories

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Abstract

The treatment of migrant workers is subject to significant differences and inequitable treatment of migrants in Bangladesh raises concerns about equality as established in the Constitution of Bangladesh. The research applied the International Organization for Migration (IOM) Migration Governance Framework (MiGOF) and included an analysis of governance practices by Government, Non-Government and Academic Stakeholders with IOM compliance of equality to determine the level of governance provided to migrants in five areas of Migration Governance Policy (Policy), Institutions (Institutions), Services (Services), Resource Allocation (Resources) and Accountability. Qualitative data were collected through documentary analysis and interviews with thirty-four (34) stakeholders from the Government, Civil Society, Academia and Migrant Communities. Findings indicate that systemic differences exist for three different categories of migrant worker. Specifically, overseas labour migrants are represented by a more comprehensive body of laws, welfare programmes and banking institutions, while Rohingya refugees, climate displaced persons, irregular migrants and internal migrants are subject to fragmented and/or punitive governance regimes. Economic expectations are the principal driving force behind the development of the IOM's Governance Policy. Therefore, the requirements for Governance Accountability and Governance Framework are applied inconsistently and are not aligned with the rights-based obligations of the Constitution. The findings of the study indicate the need for an integrated, rights-based framework to address structural inequalities and provide lessons to other climate-vulnerable countries in the Global South.

Keywords: Migration Governance, Constitutional Equality, Bangladesh, Migrant Categories.

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INTRODUCTION

A paradoxical situation exists in Bangladesh's migration governance system: Rohingya refugees, despite being forcibly displaced from another country, are formally registered through biometric identity systems (Md. Kamruzzaman, 2019), whereas climate-induced internally displaced persons (IDPs) lack any institutional recognition or national identity documentation.

Migration as a characteristic element of human history, determining the evolution of society, the development of the economy, and the transformation of the political process, ever had its name. The term "migration" derives, for instance, from the Latin word "migrare," which means "to change residence" (Szymanski-Düll, 2024). This immediately evokes our predisposition to move over space, as if drawn to an innate urge organic to the existence and evolution process of humanity. Throughout history, migration generally had a tendency to ensue when a significant level of human development took place, triggered by factors such as trade, a need for more workers, wars, environmental factors, and levels of population pressure, among others (Hugo, 2008). Previously, migration as a process had been viewed as essentially a demographic phenomenon. More recently, however, migration is considered "a complex, multilayered social process embedded within larger systems of power, development, and inequality, operating through states" (Haas et al., 2020).

In academic and policy discourse, migration can be defined as "the movement of people from their usual residence, either within the territory of a country or across international borders, irrespective of the reasons for migration and its varying duration and status" (United Nations Department of Economic and Social Affairs [UN DESA], 1998).

Titling this phenomenon, "A migrant can be considered anybody who moves from one place to another." The categories thus include various migrants such as labor migrants, family migrants, students, or environment-induced migrants. The status of migrants is different from that of the refugee due to certain governance measures put in place. While the status of the refugee is determined by International Protection Regimes, there is no comprehensive regime covering migrants. Therefore, there exist different treatment standards for migrants (International Organization for Migration [IOM], 2019a).

However, there is a growing need for studies focused on the relationship between climate change and migration, especially in the Global South. Riverside erosion, flooding, and rising water levels are identified as major factors in forced displacements in Bangladesh, affecting both domestic and international migration streams (Almulhim et al., 2024; Rahman et al., 2025; Sikder et al., 2025). It is confirmed that climate change impacts, together with socio-economic conditions, are influencing migration processes (İçduygu & Gören, 2023; Morshed et al., 2025).

Indeed, the subject of migration has undergone many changes in the twentieth and twenty-first centuries. Not long ago, it was dominated by economic and demographic approaches (Bloom et al., 2001), but it has been supplemented by sociology, politics, anthropology, geography, and law. Notwithstanding these challenges, the subject of migration continues to widen in scope because its institutions can no longer continue to be analyzed with regard to push-pull factors or labor market perspectives. Rather, it has been subjected to analysis concerning the laws of citizenship (Haas et al., 2022). In this regard, the study of migration focuses on classification by states on the types of migrants.

Migration governance can be defined as the set of laws, policies, institutions, and practices used in managing migration by states, as well as other actors in these processes. It is a term that came to the forefront in the second half of the last century due to international migration (Castles, 2000), the creation of protection regimes for refugees, and the increase in labor migration systems. At first, the concern for migration governance was focused primarily on control by states, while later, rights, development, security, and international cooperation also became part of this ideology (Betts, 2011).

Modern perspectives on this issue recognize that it is a multi-level and multi-actor process, in which a variety of actors participate, including states and international bodies, but also non-governmental actors, non-citizens/migrants themselves. Governance regimes also range from local to international levels. This is because migration is a trans-national phenomenon (Nicola Piper, 2019). This is particularly in line with policies like the Global Compact for Safe, Orderly and Regular Migration that advocates for a positively cooperative approach to this issue (United Nations, 2018).

The rise in significance for governance within the migration process is historically related to challenges facing international platforms (Betts &

Kainz, 2017). A rise in labour mobility, consequences of climate change, an ageing population, as well as irregular migration, create mounting challenges for these processes. Inequality among categories, depending on legal, origin, or reason for international mobility, presents challenges that might otherwise result from governance. Migration governance's significance within history to date is crucial for studying constitutional equality or inequality related to Bangladesh's migration processes (Huddleston & Scholten, 2022).

The governance of migration in Bangladesh is still piecemeal and discriminatory, resulting in inequalities between the various types of migrants. The Rohingya refugees are recognized and assisted in terms of humanitarian aid, while the internally displaced migrants due to climatic changes lack documentation and hence recognition. These inequalities affect the recognition and protection of the migrants based on governance issues rather than needs. The lack of a common rights-based regime in the governance of migration further worsens the problem of inequalities among the migrants (Castles et al., 2020; IOM, 2019b). The governance issues directly affect the issue of equality under the constitution in terms of recognition, protection, and social services.

Analysis of migration governance and its association with the principle of equality under the constitution is highly significant in both a national and international context. In a national context, this research has contributed to promoting a more coherent policy framework and facilitating institutional change. Through highlighting some structural flaws and divergent treatment in the existing framework of migration governance in Bangladesh, this research work provides recommendations for framing a more integrated and rights-oriented framework, specifically focusing on climate change-induced internal migrants in Bangladesh, who still remain unnamed in existing frameworks (IOM, 2019b; Rahman et al., 2025). Secondly, by conceptualizing migration governance associated with constitutional imperatives in a country like Bangladesh, this work has contributed to developing legal literature in Bangladesh to examine how a country's policies support equality and social justice in governance (Castles et al., 2020).

In the international context, the research offers an empirical case study from a developing country that is climate change vulnerable, adding to the comparative literature on the governance of migration. The Bangladesh case study sheds light on how challenges of governance are interlinked with

factors of environmental stress, socio-economic constraints, as well as humanitarian drivers, offering key learnings to other developing countries in the Global South that find themselves in similar migration challenges (Almulhim et al., 2024; Sikder et al., 2025). The research also sheds light on the implications of challenges of governance and fragmented recognition in the global policy frameworks such as the Global Compact for Safe, Orderly, & Regular Migration (United Nations, 2018; İçduygu & Gören, 2023).

In general, by focusing the phenomenon of migration governance within the intersection between institutional practice, constitutionalism, and rights of migrants, the above study is addressing an existing problem associated with the lack of knowledge regarding the above theme.

Research Question of this study is;

1. Does the migration governance of Bangladesh exerts unequal treatment towards categories of migrants in Bangladesh?

To answer the research question, the following research objectives were developed;

1. To identify the components of migration governance of Bangladesh
2. To map the categories of migrants of Bangladesh.
3. To identify inequalities in the migration governance framework and treatment towards different migrant groups.

LITERATURE REVIEW

The central focus of early scholarship on migration was focused on state or national-based approaches and economic theories, where mostly the phenomenon of migration was largely restricted to the labor market, regulated via border control policies, and international agreements between countries and entity. (Lami & Kojku, 2025; Ullah, 2025). Neoclassical approaches to the phenomenon of migration implied migrant behavior in terms of wage differentials (J. R. Harris & Todaro, 1995; J. Harris & Todaro, 1995; Porumbescu, 2018; Todaro & Smith, 2006), while the concern of governance relates to the control of their entry and exit (Geddes, 2022). In these approaches, there are negligible analytical concerns related to the legal status of the migrants or the distinction between the migrant categories (Castles & Miller, 1998; Hollifield, 1992).

Beginning in the late 20th century, critical political economy and institutional studies challenged these constricted concepts. It was argued that migration governance goes further than border management to cover legal frameworks, institutions, welfare arrangements, and accountability systems (Pannia et al., 2018). This signaled the emergence of the multidimensional concept of migration governance that goes well beyond the management of mobility (Zanker, 2019).

Notably, the literature at this formative stage tended toward homogeneity within the migrant group, exploring “migrants” in the aggregate. It is no coincidence that the lack of a disaggregated approach meant the nexus of inequalities between labor migrants, refugees, and internally displaced persons had not yet been thoroughly explored (Kneebone & Rawlings-Sanaei, 2007).

The 1990s experienced a normative turn due to globalization, human rights rhetoric, and migratory movements across the borders of nations (Pécoud & de Guchteneire, 2006). International documents, such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, led to increased academic interest in this area of international migration law (Taran, 2002). The theme of migration governance came to be understood from the perspectives of sovereignty, human rights, and administrative capabilities (Bosniak, 2006).

This era marked the beginning of the idea of differentiated regimes of law, which understood that governments systematically categorize migrants according to several types, such as nationals, foreign laborers, refugees, and migrants with irregular status, with different rights applied to each type (Meyer & Boll, 2018). Soysal (1994) suggested that the post-national norm affects exclusion criteria established on the basis of citizenship, while on the contrary another scholar illustrated how governments target the granting of rights for different purposes such as economic interests (Castles, 2018). Within this scholarship, inequality appears not as a product of governance failure, but as an artifact of governance design (Geddes, 2018). Here, states set up hierarchies of deservingness wherein those migrants who are economically producing are favored and those who are not are left at the margins. It is this crucial theoretical knowledge that will inform an understanding of the differential treatment accorded to overseas labor migrants in comparison to refugee or climate-displaced migrants in Bangladesh.

This was the period when migration governance was more firmly established as a multilevel process involving states, international organizations, NGOs, and private actors (Betts, 2008). Betts (2011) made a particular stress that migration governance functions through fragmented regimes rather than via a coherent global system. The International Organization for Migration (IOM) popularized the "migration governance" framework, which was defined by the latter as "the structures and processes that shape migration outcomes at national and international levels" (Migration (IOM), 2020).

Scholars underlined five key elements of governance: policy frameworks, institutions, service delivery, resource allocation, and accountability mechanisms—a structure directly reflected in your analytical model (Pierre & Peters, 2020). This set of contributions emphasized that governance differs significantly among different categories of migrants, even within the same state. Meanwhile, critics pointed that global migration governance tends to reproduce inequality through the outsourcing of protection duties to humanitarian actors, while simultaneously consolidating state power over economically desirable migrants (Likić-Brborić, 2018). Indeed, refugees and undocumented migrants often receive governance through ad hoc humanitarianism or securitization, without any legal order protecting their rights in a manner enforceable against states and other actors (Natter, 2020). These observations become very important in the context of the Bangladesh government's dependence on the UNHCR and NGOs for Rohingya refugees.

Alongside governance studies, constitutional and socio-legal work explored how principle of equality fails to apply consistently between migrants. Although systems of government may promise equality before the law in their constitution, many times courts and laws restrict this to citizens or certain categories of non-citizens (Dummett & Nicol, 1990). Bosniak (2006) has labeled the phenomenon such that the immediate state is to have jurisdiction over migrants while they do not (yet) form part of its full moral and legal community an "alienage dilemma."

In the South Asian context, it formally comprises expansive equality constrained in practice. It is observed by academics that life and dignity rights are frequently extended to all regardless of status, whereas social- and economic-rights and welfare protections are tied to citizenship (Shachar, 2010). This tension is particularly salient in countries experiencing mass

displacement and labor migration. In Bangladesh Articles 27, 28, 31 and 32 of the Constitution guarantee equality, non-discrimination, protection of law and right to life. But, as the literature shows, constitutional rights are selectively actualized through legal and institutional mechanisms so that in practice citizenship is differentiated (Shaw, 2020).

The governance of overseas labor migration is also the subject of considerable attention in the South, not least on account of remittance-dependent economies (Aslam, 2025). It is also realized from the scholarly studies that good laws and institutions have been established by the countries like Bangladesh, Philippines and Nepal to regulate labor migration as it is a macroeconomic issue (Rahman, 2015). Mentioning of Bangladesh, research emphasizes that OEEA 2013 is the landmark law for institutionalizing protection migrant welfare funds and regulatory oversight. Academics contend that labor migrants are protected paradoxically, despite their vulnerability outside, they take precedence within by virtue of their economic contribution in terms of remittances (Siddiqui et al., 2023). This yields relatively strong alignment with constitutional equality norms, at least for policy. But there are cautionary views that point out this protection is instrumental, not right based. Governance structures sustain the flow of remittances and not substantive equality. Such an observation is crucial to understand the specific treatment of overseas labor migrants by a constitutionally ordered state differently from other migrant categories.

The law and normative implications of non-signatory states to the 1951 Refugee Convention, are a focal point in refugee governance literature (Janmyr, 2021). The situation in which Bangladesh is hosting the refugees has also been extensively analyzed as an example of humanitarian governance with no legal incorporation. Others record the way in which refugees are governed via camps, aid coordination mechanisms and international funds rather than through nation-states (Milton et al., 2017).

This work highlights how there is no constitutional recognition of refugees who have established prolonged residence, treated as “foreigners”. This “public state” is not a legal state, leading to weak accountability and rights shortfalls. Such an arrangement has been continuously described in the literature as one that reproduces structural inequality, in which refugees’ access to services is based on what donors prioritize rather than constitutionally assured rights. Such findings confirms your contention that

refugee governance in Bangladesh is functioning beyond constitutional equality framework entrenching legal/institutional exclusion.

The rising tide of climate-induced migration has become a subject for intensive study over the past few decades. Bangladesh is often referred to as the global epicenter of climate displacement, with flooding, cyclones and river erosion among the main factors. Despite policies to adapt, including the Bangladesh Climate Change Strategy and Action Plan that recognizes displacement (GoB, 2019), scholars note the lack of binding legal recognition for climate-displaced individual (Kälin, 2010). Climate migrants are described as “invisible” to the way governance is organized, those are neither refugees, nor traditional migrants. Governance responses tend to be disaster-centric, short term and relief focused rather than addressing long-term rights, livelihoods and urban integration (Ahmed et al., 2019)

The settlement void has constitutional ramifications. Right to life is theoretically possible but there are enforcement difficulties in the absence of a legal status. Such makes existing scholarship offer solid theoretical support for your argument about constitutional equality being denied in substance for climate-displaced persons. Research on irregular migration underscores the increasing securitization of migration management worldwide (Gabriel Tobiloba, 2025). Undocumented migrants are increasingly constructed by states as security risks, legitimizing detention, deportation and surveillance (Genova, 2004). Under immigration control, rights protection is often suspended or compromised.

In Bangladesh, literature is scarce but burgeoning and indicates that the management of both outgoing and incoming irregular migrants is predominantly underpinned by law enforcement measures rather than social policy. The consequence is, that right violations are frequent and there is also the exclusion from the constitutional protection of anything more than mere sustaining. This is referred to in the literature as governance by exclusion, whereby equality before law is sacrificed for security imperatives. Like your sub theme about accountability inequity, this analytical frame transfers directly.

The internal migration literature in Bangladesh has predominantly addressed the issue of rural-urban migration, informal labor market and urban poverty. Researchers have highlighted that migrant citizens are de facto denied housing, health care, and social security through informality (Afroze, 2020) and weak urban governance. Internal migrants do not have migratory

institutions, or specific policies. They are governed piecemeal by labor, housing and local government policies. This is known in the literature as internal exclusion: there is formal constitutional equality, but not systemic substantive equality (Jelínková et al., 2023). This scholarship reminds us of your critical insight--that equality is not eroded by exclusion alone, but by policy inaction and administrative neglect.

The reviewed literature shows that migration governance is inherently variegated, leading to protection hierarchies among the various migrant categories. Although global and regional literature has investigated labor migration, refugee politics, climate displacement, and irregular migration separately, few analyses juxtapose these categories systematically within a particular constitutional structure. In the case of Bangladesh there is an absence of integrating scholarship on climate migration and remittances with studies specifically linked to internal displacement amongst others. An evident lack of integrative analysis that links governance structures to constitutional equality among migrant groups exists. Your research directly fills this lacuna; it empirically shows how policy, institutional, service and resource disparities become constitutional (in)equality.

THEORETICAL FRAMEWORK

Migration governance is defined as a framework that consists of multiple dimensions of human mobility. This study uses the Migration Governance Framework of the International Organization for Migration (IOM)(Abel et al., 2023; Betts, 2008). The emphasis of IOM's MiGOF is that governments should take an integrated approach using a holistic method by addressing all aspects of migration and ensuring that each migrant has access to his or her rights(Ahouga, 2023). Analyzing governance using the MiGOF has allowed for the evaluation of migration governance in Bangladesh based on five components: Policy, Institutional Framework, Service Delivery, Resources, and Accountability Mechanisms.

As part of the evaluation of fairness, MiGOF includes a constitutional equality approach based on the constitutional provisions of Bangladesh's Constitution and Article 15, which states that all people are equal, and 27, 28, 31, and 32 guarantee all people will not be discriminated against and has the right to live(GoB, 1972).

When applying MiGOF to the migrant categories identified in this study, it became evident that the migrant categories evidenced significant differences in the degree of support provided: Overseas Labor Migrants, due to having strong laws, institutions and welfare programmes, experience more support than Rohingya Refugee Migrants and Climate Displaced Person migrants, who do not have any legal recognition established and are dependent on sporadic support. Irregular Migrants are being criminalized due to their lack of legal status; and Internal Migrants are dependent on the informal housing and labor markets that are not subject to any legal oversight.

This integrated approach to understanding migration governance in Bangladesh, using the MiGOF and applying a constitutional equality lens and the five components of migration governance, provides the foundation for analyzing how migration governance in Bangladesh continues to support structural inequalities that exist between migrant groups.

METHODOLOGY

The current study employs a qualitative approach in order to examine the inequitable systems of governance regarding migration in Bangladesh. Both primary and secondary sources were used in the analysis. The secondary source consisted of a documentary analysis of the laws, policies and institutional frameworks surrounding migration, while the primary source consisted of interviews with key stakeholders to obtain multiple views of governance practices. Reflexive thematic analysis, as outlined by Virginia Braun and Victoria Clarke (Braun & Clarke, 2019), was employed to interpret the data, focusing on recurring themes such as the migration governance framework in Bangladesh, types of migrants, and unequal migration governance.

Sample Population

In order to guarantee representation from both institutional actors and impacted migrant communities, the sample for this study was purposefully chosen. Therefore, 34 respondents were interviewed from four stakeholder groups:

- 6 government officials were selected from Bangladesh's ministries and relevant agencies responsible for overseas employment, post- disaster relief, and refugee protection
- 7 of the respondents were selected who represent civil society, NGOs and humanitarian organizations that support refugees, internally displaced persons, and undocumented migrants;
- 5 respondents were academics and legal experts with knowledge in governance, migration law, and constitutional law.
- 3 respondents were chosen from each of the following categories of migrants: internal migrants, foreign labor migrants, Rohingya refugees, those displaced by climate change, and irregular migrants.

Data Collection

Semi-structured interviews were performed both in-person and online for this study. The modality of the interview was decided based on availability of the participant . The 45 to 60 minutes duration of each interview allowed participants to discuss and clarify their experiences and viewpoints on this subject matter. Confidentiality was maintained during and after the interview, and consent was taken from each participants. Then the verbatim was transcribed for further analysis. Statutory regulations such as the Overseas Employment and Emigration Act of 2013, policy tools such as the Bangladesh Climate Change Strategy and Action Plan, reports from IOM, UNHCR, national agencies, research studies, news articles, and books are examples of secondary sources.

Data Analysis

Thematic analysis was applied to both primary and secondary sources of data. To analyses the data the codes were developed inductively to capture recurring themes. Later these was organized into broader categories reflecting governance components and migrant types and unequal treatment towards migrants.

Ethical Considerations

Throughout the research process the ethical standard were maintained. Informed consent was obtained from all respondents, while the

confidentiality was strictly observed. The data (sensitive) from vulnerable groups was anonymized.

FINDINGS

The findings section aims to answer the research question set in introduction chapter, following the stated scientific method stated in methodology chapter. To do so this section uses both primary and secondary sources of data. Primary sources includes Statutory regulations, policy tools, reports from IOM, UNHCR, national agencies, research studies, news articles, and books. While secondary sources cover interview (both KII and In-depth) of relevant stakeholders. The very first theme highlighted the migration governance framework along with its key components, which was instrumental for further analysis. The second theme developed the types of migrant of Bangladesh based on the theoretical framework. Finally the third theme illustrated how the migration governance exerts is unequal treatment towards migrant groups.

Theme 1: Components of Migration Governance

The governance of migration in Bangladesh is complex, including policies, institutions and services, resources and accountability mechanisms. Such elements, although formally laid out in some fields (as for example in the case of overseas labour migration) are fragmented or missing in others leading to uneven governance outcomes across migrant groups. The next section will discuss individual elements while considering the relative strengths and weaknesses of each that contribute to collective governance.

Policies

Policy instruments are most robust in the case of overseas labour migrants, who are governed under the Overseas Employment and Emigration Act of 2013. This law clearly set the legal standard for recruitment, care and rehabilitation. Rohingya refugees, on the other hand, still are excluded from national law and treated as a concern of humanitarian aid structures that lack any legal basis(Hosain, 2021, 2021). Climate migrants are referred to in adaptation planning like the Bangladesh Climate Change Strategy and Action Plan(A. Islam et al., 2013), but there are no laws on the books that give them guaranteed rights. Internal migrants are left second-class citizens by labour

and housing policies(Alam & Mamun, 2022), whereas irregular migrants have their status criminalized under immigration law(Das et al., 2019). Such unequal ordering of policy tools has implications for selective attention to some over others as well as the exclusion of sections from legalistic protections.

Institutions

The differences are just as glaring with institutional setups. Importantly, industry specific interventions include a ministry for labor migrations, and specialized financial institutions like Probashi Kallyan Bank(M. Hossain et al., 2021) and welfare boards that provide institutionalized support(Correspondent, 2017). In contrast, refugees are dependent on UNHCR and NGOs as de facto institutions, since no national ministry is entrusted with such a duty(Mohd Arshad et al., 2022). Climate-displaced people are children of a lesser God, that is disaster management agencies do not have specific mandates to manage migration(Saha & Seth, 2023). Border security and police often rule over irregular migrants, and weak municipalities control the internal migrant. A lack of institutions for certain categories emphasizes the fragmentation across the system.

Services

It also finds large heterogeneity in service provision across migrant groups. For those seeking overseas employment there are training, welfare fund and reintegration programmes(M. S. Islam, 2021) that indicate the economic importance attached to remittances. Refugees are often restricted to humanitarian assistance, including food, shelter and health services(Khan et al., 2022); climate refugees receive emergency disaster relief or ad hoc programs without long-term recovery(Kisinger & Matsui, 2021). Irregular migrants are kept in detention and subject to deportation, while services are delivered in punitive rather than protective language(Sohel & Sifullah, 2025). Informal housing and labour markets serve internal migrants with little state protection. Such inequalities highlight the way in which government translates into disparate lived realities.

Resources

Resource allocation mirrors economic imperatives, not rights based obligations. Labour migrants benefit from remittance-induced social protection and preferential financial flows(Ainul et al., 2022; Reza et al., 2025) while refugees rely on international donor assistance(Kamruzzaman,

2022; Roy Chowdhury, 2019). Climate migrants get modest project-based resources(Chowdhury et al., 2020), irregular migrants are the takers of state security spending(Adnan, 2024), and internal migrants use low municipal budgets(Araf et al., 2025). Resource inequity between groups of migrants is exacerbated by the lack of resources available in migrant communities.

Accountability

The accountability mechanisms are most developed for overseas labour migration, including audits, reporting and parliamentary oversight(Bhuiyan, 2024). Refugee governance has loose oversight and little coordination outside that provided by the Refugee Relief and Repatriation Commissioner, with no legal accountability(Ahmed, 2018). There is no proper oversight of climate migration(Amjad, 2020; Uddin, 2024); irregular migrants are accountable, in practice, only to law enforcement; and informal sectors offer little oversight over internal migration behavior(Triandafyllidou, 2017). The lack of powerful accountability mechanisms allows disparities to persist and erodes constitutional guarantees of equal treatment.

As a whole, these five aspects show that migration governance in Bangladesh is not an all-or-nothing application. With relatively little legal/institutional/resource support for this other category, the remainder of overseas labor migration is also on the back-foot, regulated by fragmented or ad hoc or punitive mechanisms. This unevenness forms the bedrock for more extensive inequalities discussed in following themes.

Theme 2: Types of Migrants

The framework for migration governance in Bangladesh consists of various categories of migrants, thus each of them is differently connected to the policies, institutions, and constitutional protections. The empirical data shows the presence of five main migrant groups, encompassing: labor migrants abroad, Rohingya refugees, climate refugees, illegal migrants, and people migrating internally. Their place in governance structures exhibits the selective prioritization of some groups and the marginalization of others.

Overseas Labour Migrants

The population of emigrants working abroad is the first one that has been recognized formally. The Overseas Employment and Emigration Act of 2013 gives them legal protection and allows them to receive the services of a

specific ministry, banks (M. Hossain et al., 2021) that cater to their needs, and welfare boards (Correspondent, 2017). Training, welfare funds, and reintegration programs are among the services offered by the state, which is heavily dependent on remittances. This category has hence been comprehensively regulated, and their constitutional rights have been largely aligned to their protection.

Rohingya Refugees

Stateless migrants from Myanmar is a group not covered by national laws. The rules they enact are constructed within a humanitarian space, backed up by their role of 'de facto institutions' for UNHCR and NGOs (Habib, 2021; M. P. Hossain, 2023; Imran & Mian, 2014). Services are increasingly restricted to relief, food, shelter and health; accountability continues to be low. Refugees are excluded from rights-based governance; they do not benefit from fundamental constitutional protections, which only apply to citizens and not refugees, who are treated as a juridical foreign entity (Bashar & Sletto, 2025; Milton et al., 2017).

Climate-Displaced Persons

Those who are internally displaced from floods, cyclones, coastal erosion, and sea-level rise are in a marginalised state; even though the Bangladesh Climate Change Strategy and Action Plan refers to them in the development of adaptation strategies, they do not yet have legally binding recognition. (A. Islam et al., 2013) As a result, there is no clear structure of governance for these internally displaced persons; disaster management agencies operate in a fragmented way, providing ad Hoc relief rather than targeted services developed with a rights-based approach (Ayers et al., 2014; Yasmin, 2018). Therefore, the lack of an appropriate legal and institutional framework to support the constitutional right to life of I.D.P.s is a limitation for this group.

Irregular Migrants

Individuals migrating without documentation or through unauthorized channels are framed primarily as a security issue. Governed under immigration laws, they face detention, deportation, and criminalization.

Institutions involved are border security and police forces, with accountability limited to law enforcement.(Sohel & Sifullah, 2025; Triandafyllidou, 2017) Services are punitive rather than protective, and constitutional equality is routinely violated in practice.

Internal Migrants

The people migrating from rural to urban for jobs, education, or survival are indirectly regulated through the broad policies that govern all forms of labor, housing, and municipalities (i.e. cities, counties etc.). They do not have a specific institution or set of protections related to their particular migrating status; instead they rely on informal housing and employment markets(Sohel & Sifullah, 2025). Since there is not any or very little oversight, these groups do not have equal rights under the constitution, which is a very basic human right, and there's no way for them to get tailored protections under the law.

When taken as a whole, these groups show a stratified system of migration governance in Bangladesh. Overseas labor migrants have been fully incorporated into all legal and institutional establishments related to migration law; on the other hand, people in the category of refugees or who have been displaced by climate change, undocumented migrants, and internal migrants, are marginalized in this system of governance. This breakdown demonstrates not only the variety of migrant experience and the differences in governance, but lays out the groundwork for an understanding of some of the disparities discussed in Theme 3.

Theme 3: Inequality in Migration Governance

Governance of the migration environment within Bangladesh has noticeable divisions among various migrant groups. These divides can be observed in five different categories - policies, institutions, services, resources, and accountability. The five categories illustrate the selective nature of governance, which places higher importance on certain groups at the expense of others, as illustrated by the different stakeholder perspectives, and the statutory framework of each group.

Sub-theme 1: Policy Inequality

Legal recognition of migrant populations is not equal among different categories of migrants. While skilled overseas employment migrants benefit from a well-defined legal framework via the Overseas Employment and Emigration Act (2013) that sets clear expectations for employers regarding recruitment, welfare and support, both refugees and climate-related displaced individual lack legally binding standards or frameworks to support them, forcing these groups to rely on ad-hoc humanitarian relief or disaster relief initiatives. In addition, irregular migration is criminalized under immigration statutes, while internal migration is covered through an indirect application of general labor and housing regulations.

A government respondent acknowledged the discrepancy noting, "*Our legislation protects people who send remittances, but refugees and climate-related displaces are not protected by our laws*"⁴. Civilians echoed these sentiments, stating, "*The policy instruments we currently have are primarily focused on economic migrants while failing to acknowledge their duty to refugees and climate-related defames*."⁵.

"There is no national refugee law, no binding recognition for The lack of this type of legislation creates a situation where entire communities lack access to a rights-based legal framework."⁶

The approach taken when implementing laws highlights the manufacturing of laws only for those producing a profit and removing anyone else deemed as not profitable.

Sub-theme 2: Institutional Inequality

Institutions reinforce hierarchy. Labour migrants have assistance from their own dedicated ministry, access to a specialized financial institution, and assistance from welfare boards. Refugees receive assistance through the UNHCR and other NGOs and have them operating as their de facto institutions, while climate migrants come under the purview of agencies focused on disaster management with no additional support provided. Irregular migrants are governed primarily by security forces, while internal migrants are left relying on the very fragile nature of local municipal bodies.

⁴ IDI, Government Respondent 3

⁵ KII, NGO Respondent 2

⁶ Academic Respondent 4

One NGO representative explained, *“For refugees, there is no ministry, no national institution. Everything is outsourced to UNHCR or NGOs, which means accountability is fragmented and temporary”*⁷. A government respondent admitted, *“We have strong institutions for overseas employment, but none for climate displacement. Disaster agencies are not designed for migration governance”*⁸.

“Institutional absence is the biggest gap. Migrants who do not fit the economic priority are left to fragmented or external actors, which undermines national responsibility.”⁹

The absence of dedicated institutions for several categories highlights systemic neglect and entrenches inequality.

Sub-theme 3: Service Inequality

There are many disparities between service provision for different migrant categories. Labour migrants can access services such as training, welfare funds and reintegration programmes; whereas refugees are only entitled to receive humanitarian assistance. Migrants affected by climate change must rely on temporary disaster assistance. As for irregular migrants, their experiences include imprisonment and removal from Bangladesh; while those who migrate internally live in informal housing and work in informal markets.

A Rohingya respondent explained, *“We only get food and shelter, but no education or legal rights. We are treated as outsiders”*¹⁰. Civil society actors emphasized the disparity, noting, *“Labour migrants are given reintegration programmes, but refugees and climate migrants are left with temporary relief”*¹¹.

“Services are not equal. For some, governance means welfare and training; for others, it means detention or survival in informal housing. This is how inequality is lived every day.”¹²

⁷ KII, NGO Respondent 2

⁸ IDI, Government Respondent 5

⁹ Academic Respondent 2

¹⁰ IDI, Refugee Respondent 1

¹¹ KII, NGO Respondent 4

¹² Internal Migrant Respondent 2

These disparities illustrate how governance translates into differentiated lived experiences, reinforcing inequality across migrant groups.

Sub-theme 4: Resource Inequality

Allocation of resources is determined by the economy rather than by rights based obligations. Labour migrants have access to welfare funds based on remittances sent back home; refugees depend on international funding; climate migrants get limited resources from donor projects; irregular migrants are included in state security spending; while people migrating internally cannot rely on municipal budgets.

An academic respondent observed, *“Resources follow money. Labour migration is prioritized because of remittances, while climate displacement is left to project funding that ends when donors leave”*¹³. A government official admitted, *“We allocate funds where there is economic return. That is why overseas employment has welfare boards, but internal migration does not”*¹⁴.

“The imbalance in resource distribution is structural. Migrants who generate revenue are supported, while those who represent humanitarian crises are sidelined.”¹⁵

This uneven distribution of financial and human resources perpetuates inequality and undermines constitutional equality.

Sub-theme 5: Accountability Inequality

While there are accountability systems in place for overseas labour migration, with both audit and parliamentary oversight, there are only weak levels of monitoring within the refugee sector; climate migration oversight is fragmented; irregular migrant populations are accountable solely through law enforcement; and internal migrant communities lack adequate oversight from government authorities with regard to informal economic activity.

One civil society respondent stated, *“Accountability is a word we use, but in practice, it only applies to labour migration. For others, there is no monitoring, no oversight”*¹⁶. An academic respondent added, *“Law*

¹³ KII, Academic Respondent 4

¹⁴ IDI, Government Respondent 2

¹⁵ Civil Society Respondent 3

¹⁶ IDI, NGO Respondent 5

enforcement accountability is punitive, not protective. It criminalizes irregular migrants instead of safeguarding rights”¹⁷.

“Without accountability, constitutional promises remain hollow. Migrants outside the economic priority are governed without checks, which perpetuates exclusion.”¹⁸

In Bangladesh, the lack of adequate accountability mechanisms is a hindrance to the fulfilment of constitutional commitments to equality and sustains unequal treatment.

From these sub-themes, we also conclude that Bangladesh's governance system in terms of immigration is tiered, depending upon economic, legal, and institutional components. An overseas labour migrant has access to the broadest range of service delivery systems relating to governance, while refugees, individuals displaced by climate change, irregular migrants and those who migrate internally experience marginalization and lack the same access to available service delivery systems. Therefore, this differential application of governance principles directly results in constitutional inequities in the Kingdom of Bangladesh because Articles 15, 27, 28, 31 and 32 are not applied equally to all classes of people.

CONCLUSION

This study explores how Bangladesh handles migration. It finds that the Bangladesh deals with migration unequally and does not follow what the constitution says about equality. The study uses the Migration Governance Framework from the IOM. It shows differences in how different types of migrants are treated. Migrants who work in foreign countries have better laws to protect them more help from the government and more support from institutions. On the hand the Rohingya people who have had to leave their homes, and people who have had to move because of climate change and other migrants who are in the country without the right papers within Bangladesh experience different treatment. They face rules that are meant to keep them out or they are punished and they do not get help or recognition.

¹⁷ KII, Academic Respondent 1

¹⁸ Government Respondent 6

Migration, in Bangladesh is an issue and it affects many people, including overseas labor migrants, Rohingya refugees, climate-displaced persons, irregular migrants and internal migrants. Migration governance structures are driven more by economic imperatives than rights-based obligations. This implies that even though the constitution promotes equality but specific migrant groups are treated negatively.

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