



For a Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda

Appendices

Appendix A: Human Rights Watch's May 29, 2010 Letter to Bahrain's Ministry of Foreign Affairs on Initial Findings and Follow up Questions Regarding Foreign Labor	2
Appendix B: Ministry of Foreign Affairs Response to Human Rights Watch on Initial Findings and Follow up Questions Regarding Foreign Labor.....	10
Appendix C: Human Rights Watch Letter of March 24, 2009 to Bahrain's Minister of Labor Requesting Data on Labor Complaints and Inspections	23
Appendix D: Ministry of Labor Response to Human Rights Watch on Labor Complaints and Inspections.....	25
Appendix E: Decree of the Attorney General Number (2) of 2010, On the Issue of Investigation the Crimes of Forced Labor	43
Appendix F: The Bahraini Government's December 2010 Report and Pledges Regarding Foreign Workers.....	44
Appendix G: Human Rights Watch letter to Bahrain's Ministry of Social Development Requesting Updates on Foreign Labor and Labor Statistics	54
Appendix H: Response of the Bahrain Government to Human Rights Watch Request for Updates on Foreign Labor and Labor Statistics	59
Appendix I: Human Rights Watch letter to Al-Hamad Group	66
Appendix J: Human Rights Watch letter to Abdulla Nass Construction Company.....	68
Appendix K: Human Rights Watch letter to Abdulla Mohammed Ali Mirza Moh'd Taher Al Asfoor Company	70
Appendix L: Human Rights Watch letter to the Senior Group and Response of the Senior Group ...	72
Appendix M: Human Rights Watch Letter to G.P. Zachariades Company and Response of the G.P. Zachariades Company.....	75

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Email: hrwnyc@hrw.org

Kenneth Roth, Executive Director
Michele Alexander, Development & Outreach Director
Carroll Bogert, Associate Director
Emma Daly, Communications Director
Barbara Guglielmo, Finance & Administration Director
Peggy Hicks, Global Advocacy Director
Iain Levine, Program Director
Andrew Mawson, Deputy Program Director
Suzanne Nossel, Chief Operating Officer
Dinah PoKempner, General Counsel
James Ross, Legal & Policy Director
Joe Saunders, Deputy Program Director

Program Directors

Brad Adams, Asia
Holly Cartner, Europe & Central Asia
David Fathi, United States
Georgette Gagnon, Africa
José Miguel Vivanco, Americas
Sarah Leah Whitson, Middle East & North Africa
Joseph Amon, Health and Human Rights
John Biaggi, International Film Festival
Peter Bouckaert, Emergencies
Richard Dicker, International Justice
Bill Frelick, Refugee Policy
Arvind Ganesan, Business & Human Rights
Steve Goose, Arms
Liesel Gertholtz, Women's Rights
Scott Long, Lesbian, Gay, Bisexual & Transgender Rights
Joanne Mariner, Terrorism & Counterterrorism
Lois Whitman, Children's Rights

Advocacy Directors

Steve Crawshaw, United Nations
Juliette de Rivero, Geneva
Jean-Marie Fardeau, Paris
Marianne Heuwig, Berlin
Lotte Leicht, European Union
Tom Malinowski, Washington DC
Tom Porteous, London

Board of Directors

Jane Olson, Chair
Bruce J. Klatsky, Vice-Chair
Sid Sheinberg, Vice-Chair
John J. Studzinski, Vice-Chair
Karen Ackman
Jorge Castañeda
Geoffrey Cowan
Tony Elliott
Hassan Elmasry
Michael G. Fisch
Michael E. Gellert
James F. Hoge, Jr.
Betsy Karel
Wendy Keys
Robert Kissane
Joanne Leedom-Ackerman
Susan Manilow
Kati Marton
Barry Meyer
Pat Mitchell
Joel Motley
Joan R. Platt
Neil Rimer
Victoria Riskin
Amy L. Robbins
Shelley Rubin
Kevin P. Ryan
Jean-Louis Servan-Schreiber
Darian W. Swig
John R. Taylor
Catherine Zennström

Robert L. Bernstein, Founding Chair, (1979-1997)
Jonathan F. Fanton, Chair (1998-2003)
Bruce Rabb, Secretary

Appendix A: Human Rights Watch's May 29, 2010 Letter to Bahrain's Ministry of Foreign Affairs on Initial Findings and Follow up Questions Regarding Foreign Labor

New York, May 29, 2010

H.E Shaikh Khalid Bin Ahmed Bin Mohamed Al Khalifa
Minister of Foreign Affairs
Kingdom of Bahrain

Your Excellency,

Human Rights Watch is an international human rights organization that conducts investigations into human rights violations in more than 90 countries globally. We have published several reports on the treatment of foreign workers in the Gulf, including in the United Arab Emirates, Kuwait, and Saudi Arabia. Most recently, in April 2010, we released a report entitled, "Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle East," which evaluates the status of labor and immigration reforms in countries across these two regions, including in Bahrain.

We are currently preparing an in-depth report on foreign workers specifically in Bahrain, focused on the experiences of those workers who have encountered allegedly abusive employment situations. We would like in this letter to present a summary of our findings, to pose some remaining questions, and thereby to offer the government an opportunity to comment on those findings so that we may accurately reflect the government's views in our report. We would appreciate it if the Ministry of Foreign Affairs can share this communication with other relevant offices, including the Ministry of Labor, the Ministry of Justice and Islamic Affairs and the Office of the Public Prosecutor, the Ministry of Interior, the LMRA and the Ministry of Social Development.

We look forward to the comments and responses of those offices. In order that we can incorporate all pertinent information in our report, we request your response by July 1, 2010.

As you may know from other correspondence, several colleagues and I will be visiting Bahrain in early June. We would welcome the opportunity to meet with you and other appropriate officials to discuss these matters in person and we would appreciate any assistance the Ministry of Foreign Affairs can provide in arranging those meetings.

Attached are 10 sets of questions, organized by theme and in some cases by relevant ministry or government office.

HUMAN
RIGHTS
WATCH

www.hrw.org

Thank you in advance for your assistance in this matter and we look forward to your responses.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Stork', with a long horizontal flourish extending to the right.

Joe Stork

Deputy Director

Middle East North Africa Division

Human Rights Watch

cc: Abdulla Abdullatif Abdulla, Undersecretary at the Ministry of Foreign Affairs
 Dr. Nazar Bin Sadeq Al-Baharnah, Minister of State for Foreign Affairs

MAIN FINDINGS

During a visit to Bahrain in January and February 2010, a Human Rights Watch research team spoke with around 50 low-income foreign workers, including construction and domestic workers, currently or recently employed in Bahrain. We also met with embassies and consulates in Bahrain of labor-sending countries, recruitment agencies, journalists, lawyers, Bahraini union leaders, NGOs and expat social workers who advocate for migrant workers.

While in Bahrain, we also met with representatives of your government, including Mr. Abdulla Abdullatif Abdulla, Undersecretary at the Ministry of Foreign Affairs; Dr. Nazar Al Baharnah, Minister of State for Foreign Affairs; Dr. Majeed Al Alawi, Minister of Labor; Dr. Fatima Mohammed Al-Balushi, Minister of Social Development; Shaikh Khalid bin Ali Al Khalifa, Minister of Justice and Islamic Affairs; Attorney General Ali Al Buainain; and officials from the Ministry of Interior, including Brig. Gen. Tariq bin Deina, Undersecretary; Lt. Col. Ghazi Saleh Al-Senan, the Director of Investigation and Follow Up; as well as officials at the Ministry of Labor, including Ahmed Alhaiki, the Director of Inspection and Labor Unions; and Nadia Khalil Al Qaheri, the Head of Labor Complaints.

Many foreign workers have positive experiences in Bahrain that are mutually beneficial to Bahraini society, the workers, and their families. However, our research also found many incidents where workers were exploited and abused by their employers. Our research found that foreign workers in Bahrain regularly confront illegal and abusive acts by employers, including non-payment of wages; passport confiscation; improperly charging recruitment fees; physical and psychological abuse; sexual abuse; denial of adequate food; denial of adequate housing; excessive work hours; forced work; and, not least, obstacles to effective redress.

The government has recently taken several encouraging steps to address abuses against foreign workers, including: a ban on transporting workers in open trucks, a ban on mid-day outdoor work in summer months, and reform of sponsorship rules to enhance worker mobility. Additionally, Human Rights Watch learned that there has been some improvement in the way authorities deal with worker complaints. This improvement, and increased participation by foreign embassies in the labor disputes of their nationals, correlate with a boost in workers coming forward and seeking redress.

Nonetheless, Human Rights Watch is concerned that government policy reforms, legal protections, and policy implementation do not effectively address all of the abuses described above that foreign workers continue to face in Bahrain. Additionally, existing redress mechanisms fail to provide aggrieved workers with remedies on a consistent basis and do not result in punitive measures, including criminal prosecution where warranted, in order to provide accountability for abusive employers.

REQUEST FOR INFORMATION

We present for your review the following sets of questions, coupled with related findings, regarding government policy on the topics of: international legal obligations, draft labor laws, penalties for “absconding,” obstacles to filing complaints, civil and criminal legal redress, the government shelter and passport confiscations.

We look forward to receiving the comments of the Ministry of Foreign Affairs and other relevant ministries on the above issues, information on any reforms the Bahraini government is considering, and any additional comments you or other officials may wish to provide.

1. International Legal Obligations (questions for the Ministry of Foreign Affairs):

We are pleased that the government of Bahrain is supporting the creation of a binding ILO convention and recommendation on domestic work to establish global labor standards for this sector.

1. Does the government intend to sign and ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* and, if so, by when?
2. Does the government intend to ratify the International Labour Organization’s Core Conventions 87 on freedom of association, 98 on collective bargaining, 100 on equal remunerations and 138 on minimum work age, or any other International Labour Organization protocols? If so, which ones and by when?
3. What steps, in law or policy, is the government of Bahrain taking to respond to the CEDAW committee’s 2007 recommendation that Bahrain extend national labor protections to domestic workers? Could you provide us with an anticipated timeline of these changes?
4. In our February 2, 2010 meeting at the Ministry of Foreign Affairs, Abdulla Abdullatif Abulla, Undersecretary of Foreign Affairs, told Human Rights Watch that the ministry had a prepared list of 14 actions the government has taken to strengthen foreign workers’ rights. Can you please provide this list, as well as any additional steps taken since February 2010?

2. Draft Labor Laws: (questions for the Ministry of Labor):

Minister of Labor Majeed Al Alawi told Human Rights Watch in February that he would provide a copy of the latest version of the draft labor law so we might provide comments. We also understand that the government is drafting a separate law to cover domestic workers.

1. We request the Ministry of Foreign Affairs or the Ministry of Labor to provide us with copies of both draft laws.
2. What new protections will the new draft labor law have for foreign workers and workers in general? What are the major differences between the draft law and the current law?
3. Will the new labor law include a minimum wage or any other measure to ensure worker wages are adequate?
4. What protections will the proposed domestic worker law include? Will the domestic worker law have provisions governing maximum work hours, days off, and freedom to leave the workplace during time off?
5. Why is a separate law preferable to including domestic workers in the general labor law? What measures will be taken to ensure domestic workers receive equal and comprehensive protections?
6. Which government body will be charged with monitoring work conditions for domestic workers and will this include the ability to inspect private homes in cases of alleged abuse?

3. Penalties for “absconding” (questions for all relevant government institutions):

We are aware that in recent years the government has introduced three different amnesty periods, but workers, worker advocates, and Bahraini lawyers told Human Rights Watch that, in general, foreign workers who “abscond” – flee without permission—can have fees or fines lodged against them, and in some cases be detained. Furthermore, workers who cannot produce airfare for their flight may face periods of prolonged detention over several months. One legal representative of a foreign worker told Human Rights Watch that LMRA officials said that penalties for “absconding” apply even to workers who had previously registered complaints about their employer. The LMRA website includes an “Expat Guide” that warns workers to “Avoid absconding (flee) [sic] work for *any reason*. In case of dispute with your employer, check with the complaint bureau – Ministry of Labor – to secure your rights” (emphasis added).

1. What government agencies are authorized to issue “absconding” penalties?
2. Can foreign workers effectively contest charges of “absconding” filed against them in cases where they allege that their employer has breached the terms of their contract, violated Bahraini labor laws, or perpetrated a crime against the worker? If so, what is the procedure?
3. How many cases of “absconding” were filed against migrant workers in 2009 and the first quarter of 2010? How many were sent to prosecution? How many were adjudicated administratively? Can you provide us with information regarding the disposition of these cases? Please provide any relevant data.
4. Is deportation of migrant workers who “abscond” automatic? Can any government agency grant a grace period of valid residency for the worker to seek a new employer or pursue legal complaints against his or her employer? How many such grace periods were issued in 2009 and the first quarter of 2010?

4. Obstacles to filing complaints (questions for all relevant government institutions):

Some foreign workers reported to Human Rights Watch that when they sought assistance from the police, the Ministry of Labor's complaints bureau, or the LMRA, they were asked to return with a translator or embassy official. **While in Bahrain, we were also informed by the Ministry of Labor and LMRA that they operate hotlines where workers experiencing abuse can seek assistance.**

1. Are any of these government agencies required to have interpreters available? If so, for what languages? What hours are interpreters on hand to translate for complaining workers? If translators are not available, what is the procedure at each of these government institutions when a worker comes to them to file a complaint and there is a language barrier?
2. In 2009 and the first quarter of 2010, how many calls did each hotline receive? What questions do callers typically ask, and what are the most frequent responses the hotlines offer to those questions? Who staffs each of these hotlines? Do interpreters staff either of the two hotlines, and if so, for what languages? During what hours does each hotline operate?

5. Civil and Criminal Legal Redress (questions for the Ministry of Justice and Islamic Affairs and the Office of the Public Prosecutor):

Human Rights Watch found that foreign workers face several obstacles to pursuing legal redress. The chief obstacles reported to Human Rights Watch by workers, attorneys and advocates are these: (a) transfer times for cases from the Ministry of Labor to labor courts often exceed the two weeks prescribed in Article 155 of the Labor Law for the Private Sector No. 23 of 1976; (b) court proceedings are lengthy, often taking up to 12 months to resolve labor claims; and (c) low-income workers lacking legal representation have difficulty understanding and following court procedures, including the dates and purposes of hearings.

1. What is the average time from when a complaint case comes to the Ministry of Labor to when the courts receive it? How long, on average, does it take for a labor court to hold a first hearing once a complaint is received? How do workers learn about their hearing?
2. How many complaints by foreign workers did Bahraini civil courts receive in 2009 and the first four months of 2010 reflecting labor disputes, including unpaid salaries? What violations were typically alleged? How were these cases typically resolved (i.e. settlements, court orders or other)? What percentage of final judgments are for the plaintiff in cases where the plaintiff was a foreign worker?

3. How long, on average, do foreign workers' civil claims take to resolve? Does the government offer any expedited proceeding to workers who have faced abuse and need to return home as soon as possible?
4. Are foreign workers able to work somewhere else while they wait for complaints to be resolved?
5. What legal standard of proof must a worker meet in claims of unpaid wages or other breach of contract?
6. How long, on average, do criminal prosecutions in which the alleged victim and complainant is a foreign worker take to resolve? Can the Public Prosecutor expedite or prioritize investigations and prosecutions in cases where the alleged victim is a foreign worker who needs to return home urgently? If a worker leaves before the prosecution is completed or before they can testify in court, what happens to his or her case?
7. Does the government provide any form of free legal assistance to foreign workers in either civil or criminal cases? In what percentage of the cases adjudicated by labor courts in 2009 and the first quarter of 2010 did the workers *not* have an attorney?
8. Does the government provide translators who can provide information and translate proceedings in a worker's native language?
9. Has the Office of Public Prosecution filed any cases against employers for unpaid wages under penal code provisions in 2009 or the first four months of 2010? If so, how many? In how many of these cases was the victim or complainant a foreign worker? What number of defendant employers pled guilty? What penalties did employers incur? What was the conviction rate for fully prosecuted cases? What were the sentences in these convictions?
10. Please list any human trafficking cases since 2008 that involved foreign workers in non-criminal industries being abused by their employers. Please include the acts committed by the defendants that allegedly violated the law, the date of the initial complaint, the date when defendants were formally charged, the date of commencement of trial, verdicts issued (or pleas entered), and sentences handed down. Please also list pending cases and indicate the current stage of litigation.

6. Government Shelter (questions for the Ministry of Social Development):

Human Rights Watch visited Dar Al Aman shelter and found it a clean and well-furnished facility staffed by persons who appeared to be competent professionals. However, at the time of our visit, the shelter only housed two women. The Ministry of Interior assured us that it has started taking all "absconding" domestic workers to the facility—with the exception of those workers whose embassies have shelters and those where NGO shelters have taken responsibility.

1. Are domestic workers in crisis able to approach and be admitted into the shelter independently or do they have to be referred? Are there any criteria that exclude domestic workers from being admitted?
2. How long do domestic workers typically stay in the shelter and what types of legal services, health care, and counseling services are offered?
3. How many foreign workers has the Dar Al Aman shelter admitted since opening in November 2006? How many of these admissions were through police referrals?
4. What public awareness efforts have been made to inform domestic workers of the shelter's existence?
5. Does the shelter staff include individuals fluent in languages commonly spoken by domestic workers? If so, please provide details.
6. Are there plans to open a shelter for male foreign workers?

7. Passport Confiscation (questions for all relevant government institutions):

According to testimonies that Human Rights Watch gathered, employers in Bahrain routinely confiscate foreign workers' passports, in violation of existing law. All of the workers Human Rights Watch interviewed in Bahrain reported that their employers had confiscated their passports. Workers and advocates explain that they need passports to return home or to switch employers. Government offices, including the police, the nationality, passport and residency directorate in the Ministry of Interior, Ministry of Labor, and the LMRA appear to have little power to retrieve confiscated passports, or to impose sanctions on employers who so violate the law. Interviewees told Human Rights Watch they even encountered difficulty with enforcement of court orders requiring a passport's return.

1. What Bahraini laws specifically ban confiscation of passports or can apply to the confiscation of passports?
2. What legal or procedural steps can workers take to regain their passports from their employers' possession?
3. What steps can workers take to secure enforcement of court orders that require employers return passports?
4. What punitive measures can agencies or the courts apply to employers who have taken their employees' passports and refuse to return them? How many times have these measures been used in 2009 and the first quarter of 2010?
5. What measures is the government taking to prevent confiscation of passports of foreign workers?

9. Suicides (questions for all relevant government institutions):

While in Bahrain, Human Rights Watch interviewed one domestic worker who appeared to have attempted suicide after her employer abused her and withheld her wages. According to a Ministry of Health figure reported in the *Gulf Daily News* on January 31, 2010, foreigners commit suicide at disproportionately high rates.

1. Has the government taken any action to study and address this pattern? If so, please provide details.

10. Status of Reported Cases (questions for Ministry of Labor, Ministry of Justice and Islamic Affairs, Public Prosecution and Ministry of Interior):

We are interested in learning about the status of several specific cases reported in the media. The Ministry of Labor and Director of Inspections at the Ministry of Labor briefly discussed two of these cases with us in February.

2. Has any administrative or judicial, civil or criminal, action been taken against Mohammad Ali Alasfoor Al-Badyah Construction Company with regard to complaints of human trafficking, unpaid wages, substandard housing accommodations, physical abuse, passport confiscation or any other violation of labor law or criminal law? If so, please explain in detail.
3. In February the Ministry of Labor discussed with Human Rights Watch a case of unpaid wages of construction workers employed by a “Korean company” on the Isa Town flyover project. Minister Al Alawi stated that his Ministry had resolved the matter and that the workers were compensated. However, more than two weeks later, on February 25, the *Gulf Daily News* reported that nearly 400 workers employed by South Korean firm Sungwon, which was hired to build the Isa Town flyover, lodged a complaint with the Ministry of Labor claiming they were owed three months in back wages. Please clarify the Ministry’s involvement in this case, whether the matter has been resolved, and, if so, how. Have authorities launched any criminal investigation or prosecution against Sungwon for withholding wages? If not, why?
4. On February 11, 2010, the *Gulf Daily News* reported that 1,300 construction workers employed by G P Zachariades went on strike to protest their alleged low salaries and poor living conditions. The company then allegedly physically prevented workers from holding a march. Has the Ministry of Labor investigated labor and housing conditions in this matter? Has the Office of the Public Prosecution investigated the alleged unlawful detention? Has any administrative or judicial action been taken against G P Zachariades Company? If so, please explain in detail.
5. According to a *Gulf Daily News* article published December 12, 2009, Lakshmi Surampudi, a domestic worker from India, was allegedly badly physically abused by

her employer and filed a criminal complaint in July of 2009. According to the article, as of December 12, 2009, officials had yet to hold a hearing on her case. What is the current status in the criminal investigation and prosecution of Lakshmi Surampudi's former employer? Could you also provide details about the medical treatment provided to Ms. Surampudi and any other services made available to her?

Appendix B: Ministry of Foreign Affairs Response to Human Rights Watch on Initial Findings and Follow up Questions Regarding Foreign Labor

(Translation by Human Rights Watch)

Document 1: The Government of Bahrain's Response to Human Rights Watch Inquiries

1. The Kingdom of Bahrain is in the process of reviewing all human rights agreements, and in particular those regarding the protection of expatriates, so that they can be signed or ratified.
2. The government of Bahrain has prepared a bill for a new law on labor in the private sector. This bill is now being reviewed by parliament and includes provisions espousing the rights and obligations of domestic workers and their employers.

Procedures that have been taken to respect the rights of expatriates:

1. The establishment of a National Committee against Human Trafficking.
2. The establishment of a committee for the assessment and evaluation of cases involving foreign victims of human trafficking.
3. The establishment of Dar Al-Aman and a shelter for non-Bahraini women who have been given deportation orders.
4. The establishment of a division to combat human trafficking within the Ministry of Interior and a hotline to receive complaints.
5. The handling of human trafficking cases but only by the public prosecutor's office in the capital.
6. The distribution of booklets in multiple languages to disseminate the rights of workers and all relevant procedures, in addition to a hotline that was established to receive complaints and inquiries from workers in Bahrain.
7. Enacting a law against unemployment that applies to both Bahrainis and non-Bahrainis.
8. Expediting court procedures for cases involving foreign workers and victims of human trafficking.
9. The application of the principle of the freedom of movement for foreign workers.
10. In December 2008 a court ruling with a three-year prison sentence and a 5000 Dinars fine was issued under the law against human trafficking. There are also currently two cases being investigated by the Public Prosecution's office.
11. In May 2010, a court ruling was issued in a human trafficking case, in which the punishment included a prison sentence, a fine, and compensation for the victims (living and travel expenses).

12. The prohibition of work in extreme heat during summer months (July and August) from 12-4 p.m.
13. A new labor law bill that was introduced by the government that includes provisions that protect and regulate the work of domestic workers and their employers.
14. Bahrain participated in the Vienna Forum to Fight Human Trafficking that took place 13-15 February, 2008.
15. The Kingdom of Bahrain organized a conference titled *Human trafficking at a Crossroads* which took place 16-17 November, 2008.
16. The Kingdom of Bahrain reinforced its cooperation with the International Organization for Migration (IOM) which recently started an office in Manama. It was agreed that the IOM will launch a project to build capacities and spread awareness against human trafficking. In addition, many workshops for law enforcement officials, judges and public prosecution officers were held to train them to combat the phenomenon of human trafficking.
17. In April 2010, the National Committee against Human Trafficking issued its first report that contained procedures to combat the practice in Bahrain.
18. The Government of Bahrain financially supported an International Organization for Migration (IOM) project, acknowledging the [potential] role the project would play in capacity development and combating the human trafficking phenomenon.
19. There are three cases suspected to have violated the law against human trafficking that are currently being investigated, and another case for which a court ruling is expected in September 2010.

Document 2: Ministry Observations Regarding the Treatment of Foreign Workers in the Kingdom of Bahrain and Domestic Workers in Dar Al-Aman Shelter

We emphasize that the Kingdom of Bahrain has made significant efforts to face the human trafficking phenomenon; especially towards women (some of whom [become] domestic workers). The kingdom established a national committee against human trafficking [as mentioned above] chaired by the Ministry of Foreign Affairs and includes representatives from [other] relevant ministries such as the Ministry of Social Development, the Ministry of Labor, the Labor Market Regulatory Authority, the Ministry of Justice, the Ministry of Interior, and NGOs.

Dar Al-Aman, which opened on 23-11-2006, is the official body responsible for receiving and housing victims that are subjected to abuse (including domestic workers). It is a governmental social welfare institution that falls under the Ministry of Social Development. It provides protection for Bahraini and non-Bahraini women who have been abused either from within their families or from elsewhere in society.

As for questions asked by Human Rights Watch concerning domestic workers in Dar Al-Aman:

The number of residents in Dar Al-Aman from 2007 until April 2010 is as follows:

Year	Number of Bahrainis	Number of Arabs	Number of Foreigners
2007	41	15	49
2008	68	28	81
2009	43	16	81
2010	4	2	33

Some non-Bahraini women turn to their embassies of their home countries. A number of those embassies refer them to Dar Al-Aman, appoint a lawyer to them, and give them the choice to either stay in Bahrain or return to their home countries. Most prefer the latter.

1. Other women turn to NGOs, such as the Expatriate Worker Society or the 'Aesha Al-Yateem Center for Family Counseling. Such organizations then refer them to Dar Al-Aman, as per a prior agreement between the organizations mentioned and the ministry.
2. Most cases involving victims who have been admitted to Dar Al-Aman have been through police stations, the Expatriate Workers Society, embassies or the 'Aesha Al-Yateem Center for Family Counseling.
3. At Dar al-Aman, there is a regulatory list, an internal list and a procedural manual regulating admission to the shelter. There are a number of application forms that need to be filled when victims are referred to the shelter by embassies, NGOs, or police stations.
4. The duration of all women's stays at Dar al-Aman is three months, a period which can be extended in situations where there is a court case against the sponsor, in which case the stay is extended until the case has ended.

As for health services, Dar al-Aman offers a whole range of necessary services. For example, there is a family doctor who is a delegate from the Ministry of Health and is an expert on domestic violence. In cases that require medical examinations, they are transferred to hospitals and health clinics if necessary. In addition, a counselor/psychologist is available to examine and evaluate cases that need to be referred to the psychology/psychiatric hospital.

1. There are two social researchers, an expert, as well as the head of Dar al-Aman who all handle day-to-day cases and offer guidance. Some cases involving Bahraini women are referred to the family counseling offices in community centers.
2. The total number of domestic workers who were admitted to Dar al-Aman at any point between 2007 and April 2010 is about 214, most of whom were referred by the Ministry of Interior, in addition to 23 cases involving human trafficking.

The Ministry of Social Development made efforts to disseminate information regarding services offered by Dar al-Aman through printing booklets and a number of forms, all of which were distributed to all police stations, NGOs, health and community centers. Dar al-Aman is also mentioned in all Ministry media campaigns through meeting with citizens in social development centers, different provinces, representative's councils as well as [mentioning] the hotline.

1. There are no employees in Dar al-Aman who speak languages other than Arabic and English. However, the shelter always consults a translator from Ektashif al-Islam Center to translate to other languages if needed.
2. The Ministry of Social Development has put together a plan in its 2010 budget to open a shelter for foreign men in 2011.

Document 3

« Statistics »

Amount of Time Between Complaint Arriving at the Labor Ministry and Handing it Over to a Worker's Court

As what is inscribed in the law: two weeks. But this time is extended at the request of involved parties in order to settle the issue [outside of a workers' court]. Hence,

1. When a worker's complaint is filed, an appointment is determined within a week. Parties are then summoned to a settlement court to settle their dispute.
2. The settlement court gives the defendant two court sessions (a period of no longer than a week) to appear in court.
3. When the settlement court is finished with the case, if the defendant showed up in court but no settlement was reached or s/he did not show up at all, the case is then referred directly to a workers' court after necessary documents are filed (which takes no longer than a week).

Therefore, the total time between when the Labor Ministry receives a complaint and when it refers a case to the Worker's Court is three weeks to a month at most.

Amount of Time Between the Worker's Court Receiving a Complaint and Holding its First Hearing

When the department of recording workers' complaints registers a new complaint, the file is referred to a workers court to determine the date of the first hearing according to the court's schedule and the judge's discretion. Usually the date of the first hearing is within a month to a month and a half, but sometimes more or less than that.

How Workers Know the Date of Their Hearing

It is possible for workers to review their cases after they have been referred to a court in the following way:

1. If the worker is the plaintiff then the date is determined according to the Procedures Law.
2. Give a personal number to employees in the department of complaint registration.
3. Or through the file for workers complaint registration from the Ministry of Labor to the workers' courts present in the department of recording complaints
4. Go to the website of the ministry to know the date of the hearing

Number of Claims Received by Bahrain Civil Courts in 2009 and the First Four Months of 2010 Involving Workers' Complaints, Including Unpaid Salaries

1. 2009: 383 made by employers and 1,574 made by workers
2. First four months of 2010: 47 made by employers and 544 made by workers

Standard Violations and Subject of the Complaints

1. The arbitrary termination of employment and the request for compensation or for returning to work
2. Late or unfair payments
3. Additional work hours
4. And other complaints including regarding workers' benefits as required by law

Ways in Which Such Complaints Are Handled

1. Court rulings are issued after investigating claims. Verdicts are usually in favor of workers as opposed to their employers
2. Friendly settlement between parties involved

Number of Claims Handled by a Workers' Court in 2009 and the First Four Months of 2010 in Which Workers Were Not Provided with Lawyers

1. 2009: 576
2. First four months of 2010: 220

Number of Final Claim Verdicts that Ruled for the Claimant in Cases in Which the Claimant Was a Foreign Worker

1. 2009: 337
2. First four months of 2010: 83

« Statistics »

Parties and Negotiating Government Authorities that Issue Punishments for “Violating the Conditions of Residence”

The employer presents to the LMRA (Labor Market Regulatory Authority) a complaint regarding a worker “violating the conditions of residence.” The complaint is then referred to the Public Prosecutor’s office for investigation and standard procedures, such as the prohibition of travel. The case is then referred to a criminal court to issue a ruling.

-
1. Can foreign workers facing claims/charges of violating conditions of residence complain that the employer violated the conditions of the contract with them, violated the Bahraini worker law, or committed crimes against the worker?

Yes, they are able to do so, provided they can prove their claims against the employer who accuses them of violating the conditions of residence. In this case the worker demands workers’ entitlements as a result of the employer violating the provisions of the law on labor in the private sector.

-
2. Is the deportation of migrant workers upon being issued a violation of conditions of residence automatic? Can the government provide an extension for workers to file complaints against their employers and follow legal procedures? How many extensions were issued in the year 2009 and the first quarter of 2010?

In the case of deportations, the court notifies the immigration agency to undertake necessary measures for their deportation.

In the case that the worker wants to be transferred to another sponsor who is willing to sponsor the claimant, then before the issuance of a ruling it is possible for the judge to provide an extension to the worker and the new sponsor to present a request to obtain a work permit under the new sponsor.

Even before or after any complaints are filed, or before they are referred to a court, the worker is able to start procedures to obtain a work permit under a new sponsor.

In order to obtain the number of extensions that have been issued in the mentioned period, then it’s possible to [go to] the LMRA in order to provide those statistics.

-
3. Is it necessary for any government authority to provide translators?

Yes, translators must be provided.

4. If so, for which languages?

Widely used languages such English, Hindi, and any other language if necessary.

5. What are the hours allocated for translators for claimants?

This depends on the subject of the complaint, but most cases take between one to two hours.

6. If translators are not provided, what are the measures undertaken by government agencies when there are language barriers when the worker comes to raise a claim?

Normally, there is a translator, but in cases in which they are not provided then the organization must provide one immediately. Alternatively, an extension is provided to the worker to return when a translator is made available by a government entity such as the Ministry of Labor.

7. Is it possible for a worker to work elsewhere while their claim is being processed?

There is nothing in the law that prevents that, especially since claims often take several months to process. It would be harmful to the claimant if their only source of income is cut off and they were prohibited from working elsewhere.

However, the law states that a work permit is required from LMRA (Labor Market Regulatory Authority) in the time permitted by Article 25 from the institution's (that handles the claim?) law on the freedom of movement of the worker to another employer, on the condition that the worker not work in the period before he/she obtains a work permit.

8. What are the standards of legal proof that are necessary for the worker to present requests for unpaid salaries or other types of violations of contracts?

The worker must present a claim to the department of workers' disputes in the Labor Ministry that will then refer the case to workers' courts in case there is no settlement.

As a result of this, the worker must resort to all means mentioned in the law to prove his/her claim, including witness testimonies, material evidence, and other evidence.

9. Does the government provide any free legal assistance to foreign workers in all the criminal or civil claims?

The worker can seek assistance from any relevant [agency] including LMRA, the Labor Ministry, workers' courts, the Public Prosecutor's office, and criminal courts in order to inquire about their claims.

It is also possible for the worker to request legal aid from the Judicial Aid Commission in the Justice Ministry.

10. Do courts provide translators who are able to provide translations to workers?

Yes, the courts provide translators for all the cases in which there are foreign workers. This is to inform workers of legal proceedings, testimonies, etc. so the worker is aware of all decisions and procedures.

11. What are the Bahraini laws that prevent the confiscation of passports or that apply to the confiscation of passports?

The labor law in the civil/private sector. Courts apply all relevant laws, including the Citizenship Law and Foreigners Law.

Numerous rulings have been issued from the discrimination court prohibiting employers from confiscating workers' passports, since they are private belongings that are not to be stolen or taken away from their owners.

12. What are the laws or procedures that can be taken by workers to retrieve their passports from their employers?

The worker may present a workers' complaint against their employer to the department of workers' disputes in the Ministry of Labor. If the complaint is regarding arbitrary termination of employment, and if the case has been referred to a workers' court, then the worker is entitled to demand the retrieval of his/her passport as stated in the law on labor in the private sector. The passport is then returned to the worker, along with a ticket to return to their home country (since the law prescribes the duty of employers to cover the expenses incurred by their employees). It is also possible for a worker to request an immediate court ruling requiring the employer to return the confiscated passport.

13. What measures can workers take to ensure court orders are implemented and that employers return confiscated passports?

When a court ruling is issued regarding returning a passport to a worker, the worker can present him/herself to enforcement courts, where a judge will issue decisions regarding forcing the employer to return the passport, in accordance with the ruling or emergency ruling [mentioned above].

« Statistics »

1. The number of complaints against workers regarding violations of the terms of their residence in 2009 and the first quarter of 2010
2. The number of cases that were referred to court
3. The number of cases where there were rulings

The following must be noted:

1. There is no such crime as “escaping from work” in Bahraini legislation. However, the crime is often violating the terms of residence (in Bahrain), and is a charge that is pressed by the public prosecution, and the case is then referred to court.
2. There are no migrant/immigrant workers in Bahrain; all workers have temporary contracts.
 - The number of complaints against workers for violating terms of residence in 2009 and first quarter of 2010: 4,202 cases.
 - The number of cases against workers for violating terms of residence that have been referred to court in the above-mentioned period: 1,923 cases.
 - The number of cases against workers for violating terms of residence that were dropped in the same period: 1,559 cases.
 - The number of cases against workers for violating terms of residence that are still being investigated: 720 cases.

1. What is the average period of time for criminal accusations when victim and claimant is a foreign worker?
2. Is the public prosecution able to expedite or prioritize the procedures in cases where the victim is a foreign worker and must return to his/her home country immediately?

3. If the worker returns to his/her home country before a court ruling is issued or before appearing in court, what happens to the claim/complaint?

The Period of Time it Takes for Complaints from Foreign Workers against Their Employers, and the Effect of Their Leaving the Country on Their Complaints

Criminal accusations are by nature urgent, and so investigations in such cases are fast so that evidence can be gathered. Therefore, the Public Prosecution prioritizes cases in which claimants are foreign workers so that compensation is provided and employers fulfill their obligations. In general, in such cases investigations by the public prosecution take one day in the majority of cases, and one week for a few cases. As such, the process does not take more than a week starting from when a case is referred to court.

(Noting the Law #1 of 2008 on combating human trafficking, a court or the investigating entity (the public prosecution) is given the authority to decide whether or not the victim stays in Bahrain while the investigation is conducted or before a ruling is issued. Procedures prescribed by law are followed to grant [the victim/worker] residence or an extension until the investigation and legal proceedings are complete and the worker is able to have his rights protected. The victim is also able to declare that he/she is a victim of human trafficking, in which case the [Bahraini] authorities will provide health services and counselling services, as well as residence and protection in a shelter specifically for victims of such crimes).

In cases where the victim has left the country, this does not affect the complaint whatsoever whether it is in the hands of the public prosecution or the courts. Indeed, the victim can follow the procedures of his/her complaint and make demands while outside of the country. This is because the criminal procedures law and the SUING law allow for cases to be processed when there is a lawyer for the victim to follow procedures that result from the complaint, make demands, negotiate, etc. to receive entitlements and compensation as decided by court rulings.

« Statistics »

Has the public prosecutor's office pressed charges against employers for non-payment of wages in criminal law rulings in 2009 and the first quarter of 2010?:

1. How many?
2. How many complaints were made by foreign workers (victims or claimants)?
3. How many employers were found guilty?
 - The number of non-payment complaints in the above-mentioned period: 23 cases.
 - Number of non-payment complaints that were referred to court: 9 cases.
 - Number of non-payment cases that were dropped: 5 cases.

- Number of non-payment cases currently being investigated: 9 cases.
- Number of complainants: 73 workers.

« Statistics »

Complaints regarding human trafficking since the year 2008 and cases concerning foreign workers who work in factories where employers have abused them:

Acts committed by employers in violation of the law:

1. Date the complaints were made
2. Date charges were made
3. Date the court proceedings begin
4. The accusations that are made
5. The rulings that were issued
6. A list of complaints and the stage at which they are
 - Cases of human trafficking from 2008 until April 30 2010 concerning workers:
None, since all the complaints made by foreign workers in this period were related to human trafficking. Most complaints were rather about disputes on financial compensation/salaries.

Document 4: Ministry of Interior Response to Letter from Human Rights Watch

In response to the letter from Human Rights Watch, the Ministry of the Interior would like to address the following points:

We inform you that the agency responsible for issuing work permits is the Labor Market Regulatory Authority and the Labor Ministry in cases of domestic workers and their employers. In cases of alleged escaping from employers, the relevant entities are [also] the Labor Market Regulatory Authority and the Labor Ministry. The role of the Citizenship, Passports and Residence Agency Directorate of Nationality and Passports and Residency is only to register the complaint made (from either side) and to register the name of the worker who escaped. If the agency is unable to provide a ticket for the worker to be deported, then it coordinates with the LMRA (since it is the body responsible for providing tickets to workers as required by law governing the LMRA) and then demanding that the employer pay the price of the ticket.

In regard to what was addressed in Section 3:

- Paragraph one—regarding the imposition of fines on absconding workers:
There are no fines imposed by the administration on fleeing workers.
 - Paragraph two—regarding the abuse of the absconding worker:
It is possible for him/her to refer to the Labor Market Regulatory Authority and the Labor Ministry to file a complaint.
 - Paragraph three – as for the request for statistics on absconding workers:
This is the purview of the Labor Market Regulatory Authority and the Labor Ministry.
 - Paragraph four—regarding the resolution of conditions that the absconding worker is under:
The Administration undertakes (in all its capacity) to register the absconding claim in the event of a request from the Labor Market Regulatory Authority or the Labor Ministry orders the resolution of the worker's conditions.
-

As for what is addressed in the fourth section:

- Paragraph one—on the issue of the presence of translators to verify (confirm) the workers' expressed complaints to the administration:
The administration is in constant coordination with the authorized embassies in the Kingdom [of Bahrain] on the issue of their citizens and seeks to overcome these difficulties that face them.
-

As for what is addressed in the seventh section:

- Regarding the confiscation of workers' passports by the employers:
The administration immediately summons the employer if it receives complaints from workers in this regard forced to return the passport to the worker or coordinate with the worker's embassy to resolve the issue or to print a travel document that would allow his departure.
-

As for what is addressed in the tenth section:

- Paragraph five:
The administration is looking into the situation mentioned in the indicated articles (From Paragraph B-F, Attached Copy). As for the rest of the articles, these are the purview of the Labor Market Regulatory Authority and the Labor Ministry.
-

As for the case of the domestic worker (khadima) Lakshmi Surampudi who filed a complaint that she was exposed to beating from her employer:

Statements have been gathered from relevant parties at the police station of the Wasta Region (Middle Region), and there is currently an investigation by the Public Prosecution (al-niyaba al-‘aama) on this case. This case is still being investigated and there has not yet been a court ruling.

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Email: hrwnyc@hrw.org

MIDDLE EAST AND NORTH AFRICA DIVISION

Sarah Leah Whitson, Executive Director
Joe Stork, Deputy Director
Fadi al-Qadi, Regional Advocate
Eric Goldstein, Research Director
Hania Mufti, London Office Director
Lucy Mair, Researcher
HadiGhaemi, Researcher
ChristophWilcke, Researcher
NadimHoury, Researcher
KatinkaRidderbos, Alan D. Finberg Fellow
TarekRadwan, Associate
AssefAshraf, Associate
ADVISORY COMMITTEE
ShibleyTelhami, Chair
Kathleen Peratis, Vice Chair
Bruce Rabb, Vice Chair
Gary G. Sick, Vice Chair
Amal Abdel Hadi
Lisa Anderson
Stephen Apkon
ShaulBakhash
M. CherifBassiouni
Martin Blumenthal
Nathan Brown
Paul Chevigny
Helena Cobban
Hassan Elmasry
Edith Everett
MansourFarhang
Christopher E. George
Rita E. Hauser
Salah al-Hejailan
Robert James
Edy Kaufman
Marina Pinto Kaufman
SamirKhalaf
Ann M. Lesch
Robert Malley
Stephen P. Marks
Rolando Matalon
Philip Mattar
HabibNassar
Sheila Nemazee
Nader Mousavizadeh
Trevor Pears
Jean-Francois Seznec
Charles Shamas
Mustapha Tlili
Andrew Whitley
Napoleon B. Williams, Jr.
James Zogby

Human Rights Watch

Kenneth Roth, Executive Director
Michele Alexander, Development & Outreach
Director
Carroll Bonine, Associate Director
Barbara G. ...
Director
Deputy Director, Global Advocacy Director

Appendix C: Human Rights Watch Letter of March 24, 2009 to Bahrain's Minister of Labor Requesting Data on Labor Complaints and Inspections

March 24, 2010

Dr. Majeed Al-Alawi
Minister of Labor
Kingdom of Bahrain

Your Excellency,

Following up on our conversation last month, Human Rights Watch would greatly appreciate some statistical information from your Ministry.

I hope our requests are not too burdensome on you and your staff. Understanding the work of your Ministry will greatly help us evaluate the Bahraini government's efforts to curb labor abuses against foreign workers. Our request deals primarily with labor complaints, mediation and inspections. Please contact me with any questions regarding my request and feel free to forward any other data or documents you believe will help Human Rights Watch understand your work.

Sincerely,



Mani Mostofi
Tolan Fellow
Middle East North Africa Division
Human Rights Watch

CCed: Ahmed Alhaiki; Nadia Khalil Al Qaheri; Ebtihal Al Tawash

HUMAN
RIGHTS
WATCH

www.hrw.org

Information Request to the Ministry of Labor for the Kingdom of Bahrain

1. Number of labor complaints by workers filed with the Ministry of Labor (the Ministry) in 2007, 2008, 2009 and 2010?
2. Number of labor complaints by foreign workers filed with the Ministry in 2007, 2008, 2009 and 2010 (thus far)?
 - Number of each type of complaint (i.e. non-payment, withheld passport, living conditions, etc.) for each year?
 - Number of each type of complaining foreign worker (i.e. construction, service industry, domestic work, banking industry) for each year?
3. Number of foreign worker complaints formally forwarded to the Ministry from the LMRA or Bahraini police for each year in 2007, 2008, 2009 and 2010?
4. Number of labor complaints mediated by the Ministry 2007, 2008, 2009 and 2010?
 - Number of each type of complaint mediated (i.e. non-payment, living conditions, etc.) for each year?
 - Number of each type of industry (i.e. construction, service industry, domestic work, banking industry) of the mediation parties for each year?
 - Number of successfully mediated resolutions for each year?
 - Number of mediated cases sent to the Labor Court for each year?
5. Number of inspections done by the Ministry in 2007, 2008, 2009 and 2010?
 - The numerical breakdown of the reasons for each inspection (i.e. random, complaints, etc.) by year?
 - The numerical breakdown of the location of each inspection (i.e. housing, worksite, manpower agencies, etc.) by year?
 - The numerical breakdown of issues inspected (i.e. wages, housing conditions, safety, etc.) by year?
 - Number of active Ministry inspectors for each year and any specialization these inspectors might have?
6. Number of labor law/regulation violations found by Ministry inspections in 2007, 2008, 2009 and 2010?
 - Number of each type of violation by year?
 - Number of punitive or remedial measures taken by the Minister to deal with violations by year?
 - The numerical breakdown of punitive or remedial measures taken by the Minister to deal with violations by year?

Appendix D: Ministry of Labor Response to Human Rights Watch on Labor Complaints and Inspections

*Permanent Mission
of the Kingdom of Bahrain
to the United Nations
New York*



البعثة الدبلوماسية
للمملكة العربية
السعودية
نيويورك

UN/1/3/49-226

The Permanent Mission of the Kingdom of Bahrain to the United Nations presents its compliments to the Human Rights Watch, and with reference to the letter of 24 March 2010, addressed to H.E. Dr. Majeed Al-Alawi, Minister of Labor of the Kingdom of Bahrain concerning statistical labor information, has the honor to attach hereto the data received from the Ministry of Labor of the Kingdom of Bahrain.

The Permanent Mission of the Kingdom of Bahrain avails itself of this opportunity to renew to Human Rights Watch the assurances of its highest consideration.



09 June 2010

Human Rights Watch
Attn: Mr. Mani Mostofi
Tolan Fellow
Middle East North Africa Division
350 5th Avenue, 34th Floor NY 10118

New York

866 Second Avenue, 14th Floor, New York, NY 10017

(Translated by Human Rights Watch)

Number of Labor Complaints to the Ministry of Labor Inspections Department

DEPARTMENT OF OCCUPATIONAL SAFETY				DEPARTMENT OF LABOR INSPECTIONS			
2007	2008	2009	2010*	2007	2008	209	2010*
34	25	21	8	131	187	490	42

*2010 figures are from January to March.

Number of Labor Complaints Regarding Foreign Workers to the Ministry of Labor Inspections Department

DEPARTMENT OF LABOR INSPECTIONS						DEPARTMENT OF OCCUPATIONAL SAFETY					
BAHRAINIS			FOREIGNERS			BAHRAINIS			FOREIGNERS		
2008	2009	2010*	2008	2009	2010*	2008	2009	2010	2008	2009*	2010*
174	251	39	13	239	3	6	8	7	19	13	1

*2010 figures are from January to March.

Number of Complaints Made to the Ministry of Labor Inspections Department

BY TYPE			BY TYPE OF WORK			
YEAR	TYPE OF COMPLAINT		YEAR	TYPE OF WORK		
	NON- OR LATE PAYMENT	JOB CONDITIONS		DOMESTIC WORKERS*	CONSTRUCTION	OTHER
2007	6	197	2008	80	43	64
2008	9	203	2009	131	61	298
2009	140	371	2010*	13	–	29
2010*	0	42				

*2010 figures are from January 1 to March 31, 2010.

+Domestic worker complaints include those filed by both workers and employers.

Number of Inspection Visits

DEPARTMENT OF OCCUPATIONAL SAFETY				DEPARTMENT OF LABOR INSPECTIONS			
2007	2008	2009	2010*	2007	2008	209	2010*
2,164	4,435	6,124	189	12,164	19,378	17,511	1,665

*2010 figures are from January to March.

Inspection Visits by Department of Labor Inspections (2007)

TYPE OF VISIT	NUMBER
Reinspections	686
Regular (Patrol) Inspection	1,375
Labor Complaints	16
Implementing Decision 24 Regarding Prohibiting Work at Dhur Time (Mid-Day)	4,670
Job Requests	6,017
Total Number of Inspection Visits	12,764

Inspection Visits by Department of Occupational Safety (2007)

TYPE OF VISIT	NUMBER
Site Inspection	807
Site Reinspection	186
Residence Inspection	85
Residence Reinspection	65
Implementing Decision 24 Regarding Prohibiting Work at Dhur Time (Mid-Day)	1,021
Total Number of Inspection Visits	2,164

Inspection Visits by Department of Labor Inspections (2008)

TYPE OF VISIT	NUMBER
Regular Inspection	2,789
Job Requests	4,063
Reinspection	193
Labor Complaints	187
Implementing Decision 24 Regarding Prohibiting Work at Dhur Time (Mid-Day)	10,650
Implementing Decision 31 Regarding Clothing Stores and Tailor Shops	1,165
Inspection of Private Schools	66
Inspection of Gas Stations	76
Inspection of Supermarkets	91
Inspection of Agencies that Supply Workers	97
Total Number of Inspection Visits	19,378

Inspection Visits by Department of Occupational Safety (2008)

TYPE OF VISIT	NUMBER
Site Inspection	238
Site Reinspection	42
Residence Inspection	348
Residence Reinspection	115
Implementing Decision 24 Regarding Prohibiting Work at Dhur Time (Mid-Day)	3,692
Total Number of Inspection Visits	4,435

Inspection Visits by Department of Labor Inspections (2009)

TYPE OF VISIT	NUMBER
Reinspection	260
Worker Complaints	168
Complaints Against Agencies that Supply Workers	191
Complaints by Indian Embassy	131
Requests for Renewal of Licenses for Agencies that Supply Workers	37
Implementing Decision No. 31 Regarding Tailors and Clothing Stores	1,165
Inspection of Private Schools	66
Inspection of Gas Stations	76
Inspection of Supermarkets	91
Inspection of Agencies that Supply Workers	98
Shipping and Delivery Sector	380
Baking Sector	94
Tourism Industry	210
Nurseries	128
Hotels	82
Taxis	41
Labor Unions	48
Documenting Labor Statistics	2,420
Implementing Decision 24 Regarding Prohibiting Work at Dhur Time (Mid-Day)	11,825
Total Number of Inspection Visits	17,511

Inspection Visits by Department of Occupational Safety (2009)

TYPE OF VISIT	NUMBER
Site Inspection	531
Implementing Decision 24 Regarding Prohibiting Work at Dhur Time (Mid-Day)	5,098
Residence Inspection	495
Total Number of Inspection Visits	6,124

Inspection Visits by Department of Labor Inspections (2010)

TYPE OF VISIT	NUMBER
Reinspection	8
Documentation of National Labor	760
Renewal of Licenses for Domestic Workers	3
Investigation of Complaint	42
Regular Inspection	82
Transporting Groups (of Workers)	696
Inspection Campaign	74
Total Number of Inspection Visits	1,665

Inspection Visits by Department of Occupational Safety (2010)

TYPE OF VISIT	NUMBER
Site Inspection	62
Residence Inspection	127
Total Number of Inspection Visits	189

Number of Violations Cited by the Department of Labor Inspections (2007)

PROCEDURE	NUMBER
Investigation of Unregistered Establishments	89
Investigation of Unlicensed / Unregistered Workers	161
Investigation of Lack of License to Hire Workers	16
Other Investigations	2
Change of Profession	25
Violation of Decision 24 Regarding Prohibiting Work at Dhur Time (Mid-Day)	78
Total	371

Number of Violations Cited by the Department of Occupational Safety (2007)

PROCEDURE	NUMBER
Issue Warning for Facility / Establishment	894
Issuing Investigation for Violation	201
Oral Warning	27
Establishment Opportunity to Stop Violation	156
Total	1,278

Number of Violations Cited by the Department of Labor Inspections (2008)

PROCEDURE	NUMBER
Oral Warning	5
Issued Warning for Establishment	3
Issued Investigation for Violation	12
Included in List of Cases to Follow Up On	23
Unlicensed / Unregistered Workers Who Have Been Caught	214
Total	257

Number of Violations Cited by the Department of Occupational Safety (2008)

PROCEDURE	NUMBER
Oral Warning	4
Issued Warning for Establishment	382
Issued Investigation for Violation	484
Gave Establishment Last Chance to Stop Violation	56
Total	926

Number of Violations Cited by the Department of Labor Inspections (2009)

PROCEDURE	NUMBER
Issued Investigation for Violation	166
Inclusion in List of Cases to Follow Up On	220
Removal from List of Cases to Follow Up On	71
Total	457

Number of Violations Cited by the Department of Occupational Safety (2009)

PROCEDURE	NUMBER
Oral Warning	18
Issued Warning for Establishment	344
Issued Investigation for Violation	353
Gave Establishment Last Chance to Stop Violation	263
Total	978

Number of Violations Cited by the Department of Labor Inspections (2010)

PROCEDURE	NUMBER
Issued Investigation for Violation	9
Written Warning	21
Total	30

Number of Violations Cited by the Department of Occupational Safety (2010)

PROCEDURE	NUMBER
Issued Warning for Establishment	32
Issued Investigation for Violation	17
Gave Establishment Last Chance to Stop Violation	79
Total	128

Worker Strikes Inspected (2009)

NAME OF ESTABLISHMENT	NUMBER OF WORKERS ON STRIKE	PURPOSE OF STRIKE	NOTABLE SOLUTIONS DEPARTMENT WAS ABLE TO REACH
Nobel Clothing Factory	62	Not counting additional work hours; low pay	Eighteen workers returned to work. Forty-four workers wanted to return to their countries; factory agreed to pay for travel expenses.
Sheed / Shid Company, Ltd.	32 (Filipinos)	Low pay	Meetings held with Filipino Embassy; workers returned to job in exchange for pay raise.
El-7amd Company	3,000	Late payments	Company agreed to pay pending payments.
Five companies in Al-Ma7raq Governorate	200	Late payments	Company agreed to pay pending payments, plus insurance.
Strikes at two construction companies	30	Late payments	Company paid pending payments, and workers returned to work.
Projects Company	500	Late payments; violation of safety standards	Company paid pending payments and followed occupational safety standards.
Sphinx Company	470	Late payments	Stopped strike; company agreed to pay late payments and insurance.

Numbers of Complaints by Bahraini Nationals in Private Sector to the Individual Complaints Department (2008)

RESOLVED INTERNALLY					WENT TO COURT					TOTAL				
MONTH	C	M	F	W	MONTH	C	M	F	W	MONTH	C	M	F	W
JAN	124	105	39	144	JAN	124	105	39	144	JAN	174	160	53	213
FEB	95	66	34	100	FEB	95	66	34	100	FEB	139	109	51	160
MAR	110	78	35	113	MAR	110	78	35	113	MAR	152	113	46	159
APR	120	80	49	129	APR	120	80	49	129	APR	176	133	65	198
MAY	108	84	36	120	MAY	108	84	36	120	MAY	150	151	44	195
JUN	99	82	29	111	JUN	99	82	29	111	JUN	120	100	33	133
JUL	128	151	37	188	JUL	128	151	37	188	JUL	171	187	46	233
AUG	141	116	34	150	AUG	141	116	34	150	AUG	186	194	41	235
SEP	124	111	25	136	SEP	124	111	25	136	SEP	158	147	31	178
OCT	133	101	39	140	OCT	133	101	39	140	OCT	185	177	53	230
NOV	98	82	20	102	NOV	98	82	20	102	NOV	142	127	28	155
DEC	55	47	10	57	DEC	55	47	10	57	DEC	86	75	19	94
Total	1,335	1,103	387	1,490	Total	1,335	1,103	387	1,490	Total	1,839	1,673	510	2,183

RESOLVED INTERNALLY					WENT TO COURT					TOTAL				
MONTH	C	M	F	W		C	M	F	W		C	M	F	W
JAN	12	17	0	17	JAN	62	68	9	77	JAN	74	85	9	213
FEB	11	10	3	13	FEB	52	58	5	63	FEB	63	68	8	160
MAR	13	11	2	13	MAR	72	102	7	109	MAR	85	113	9	159
APR	17	13	4	17	APR	58	80	5	85	APR	75	93	9	198
MAY	23	16	7	23	MAY	60	91	14	105	MAY	83	107	21	195
JUN	20	31	5	36	JUN	56	67	4	71	JUN	76	98	9	133
JUL	31	24	8	32	JUL	71	317	7	324	JUL	102	341	15	233
AUG	14	23	1	24	AUG	43	46	3	49	AUG	57	69	4	235
SEP	26	24	5	29	SEP	43	56	6	69	SEP	80	11	91	178
OCT	25	25	4	29	OCT	62	91	1	91	OCT	87	116	5	230
NOV	13	15	3	18	NOV	62	61	14	75	NOV	75	76	17	155
DEC	17	96	8	104	DEC	52	71	7	78	DEC	69	167	15	94
Total	222	305	50	355	Total	693	1,108	82	1,190	Total	915	1,413	132	2,183

Total of Above Two Tables (2008)

TOTAL				
MONTH	C	M	F	W
JAN	248	245	62	307
FEB	202	177	59	236
MAR	237	226	55	281
APR	251	226	74	300
MAY	233	258	65	323
JUN	196	198	42	240
JUL	273	528	61	589
AUG	243	263	45	308
SEP	227	227	42	269
OCT	272	293	58	351
NOV	217	203	45	248
DEC	155	242	34	276
Total	2,754	3,086	642	3,728

C = Number of Complaints
 M = Males
 F = Females
 W = Total Workers

Number of Complaints in Private Sector to the Individual Complaints Dept. (2009)

BAHRAINIS														
RESOLVED INTERNALLY					WENT TO COURT					TOTAL				
MONTH	C	M	F	W	MONTH	C	M	F	W	MONTH	C	M	F	W
JAN	84	71	19	90	JAN	47	44	11	55	JAN	131	115	30	145
FEB	86	65	22	87	FEB	44	47	12	59	FEB	130	112	34	146
MAR	103	84	26	110	MAR	67	55	27	82	MAR	170	139	53	192
APR	104	78	35	113	APR	41	53	17	70	APR	145	131	52	183
MAY	107	83	42	125	MAY	68	69	23	92	MAY	175	152	65	217
JUN	128	192	31	223	JUN	90	106	29	135	JUN	218	298	60	358
JUL	92	167	14	181	JUL	54	50	11	61	JUL	146	217	25	242
AUG	95	87	24	111	AUG	61	52	23	75	AUG	156	189	47	186
SEP	76	63	14	77	SEP	64	98	35	133	SEP	140	161	49	210
OCT	99	78	39	117	OCT	51	43	22	65	OCT	150	121	61	182
NOV	86	62	27	89	NOV	53	54	17	71	NOV	138	116	44	160
DEC	69	51	23	74	DEC	49	45	13	58	DEC	118	96	36	132
Total	1,129	1,081	316	1,397	Total	689	716	240	956	Total	1,818	1,797	556	2,353

NON-BAHRAINIS														
RESOLVED INTERNALLY					WENT TO COURT					TOTAL				
MONTH	C	M	F	W	MONTH	C	M	F	W	MONTH	C	M	F	W
JAN	28	56	3	59	JAN	51	72	8	80	JAN	79	128	11	139
FEB	27	49	2	51	FEB	73	98	8	106	FEB	100	147	10	157
MAR	34	66	5	71	MAR	71	78	12	90	MAR	105	144	17	161
APR	28	31	6	37	APR	76	103	7	110	APR	104	134	13	147
MAY	26	26	5	31	MAY	60	99	13	112	MAY	86	125	18	143
JUN	27	31	0	31	JUN	77	102	4	106	JUN	104	133	4	137
JUL	31	52	1	53	JUL	75	164	4	168	JUL	106	216	5	221
AUG	32	34	15	49	AUG	68	115	10	125	AUG	100	149	25	174
SEP	28	128	6	134	SEP	77	192	19	211	SEP	105	320	25	345
OCT	30	30	7	37	OCT	89	163	10	173	OCT	119	193	17	210
NOV	28	29	9	38	NOV	68	82	9	91	NOV	96	111	18	129
DEC	19	38	3	41	DEC	65	111	10	121	DEC	84	149	13	162
Total	338	570	62	632	Total	850	1379	114	1,493	Total	1,188	1,949	176	2,125

TOTAL BAHRAINIS AND NON-BAHRAINIS				
TOTAL				
MONTH	C	M	F	W
JAN	210	243	41	284
FEB	230	259	44	303
MAR	275	283	70	353
APR	249	265	65	330
MAY	261	277	83	360
JUN	322	431	64	495
JUL	252	433	30	463
AUG	256	288	72	360
SEP	245	481	74	555
OCT	269	314	78	392
NOV	235	227	62	289
DEC	202	245	49	294
Total	3,006	3,746	732	4,478

C = Number of Complaints
 M = Males
 F = Females
 W = Total Workers

Number of Complaints from Non-Bahrainis in Private Sector to the Individual Complaints Department (2010)

RESOLVED INTERNALLY					WENT TO COURT				
MONTH	C	M	F	W	MONTH	C	M	F	W
JAN	38	37	6	43	JAN	91	140	10	150
FEB	32	33	10	43	FEB	58	55	9	64
MAR	32	63	9	72	MAR	68	75	16	92
APR	19	21	4	25	APR	24	41	2	43
Total	121	154	29	183	Total	241	312	37	349

C = Complaints, M = Males, F = Females, W = Total Workers

Number of Complaints from Bahrainis in Private Sector to the Individual Complaints Department (2010)

RESOLVED INTERNALLY					WENT TO COURT				
MONTH	C	M	F	W	MONTH	C	M	F	W
JAN	86	70	23	93	JAN	62	61	9	70
FEB	75	56	24	80	FEB	46	36	24	60
MAR	95	78	23	101	MAR	60	61	22	95
APR	41	34	14	48	APR	17	16	2	18
Total	297	238	84	322	Total	185	174	57	231

C = Complaints, M = Males, F = Females, W = Total Workers

Total of Above Two Tables (2010)

TOTAL				
MONTH	C	M	F	W
JAN	277	308	48	356
FEB	211	180	67	247
MAR	281	320	75	395
APR	254	278	62	340
Total	1,023	1,086	252	1,338

C = Complaints, M = Males, F = Females, W = Total Workers

Number of Domestic Worker Complaints from Non-Bahrainis to the Individual Complaints Department (2008)

RESOLVED INTERNALLY					WENT TO COURT					TOTAL				
MONTH	C	M	F	W	MONTH	C	M	F	W	MONTH	C	M	F	W
JAN	1	0	1	1	JAN	2	1	2	2	JAN	3	1	2	3
FEB	2	0	2	2	FEB	2	0	2	2	FEB	4	0	4	4
MAR	5	1	4	5	MAR	2	0	2	2	MAR	7	1	6	7
APR	2	0	2	2	APR	3	0	3	3	APR	5	0	5	5
MAY	2	1	2	3	MAY	4	2	2	4	MAY	6	3	4	7
JUN	1	0	1	1	JUN	1	0	1	1	JUN	2	0	2	2
JUL	1	0	1	1	JUL	5	1	4	5	JUL	6	1	5	6
AUG	0	0	0	0	AUG	3	0	3	3	AUG	3	0	3	3
SEP	0	0	0	0	SEP	4	0	4	4	SEP	4	0	4	4
OCT	0	0	0	0	OCT	5	1	5	6	OCT	5	1	5	6
NOV	1	0	1	1	NOV	3	0	3	3	NOV	4	0	4	4
DEC	1	0	1	1	DEC	2	0	2	2	DEC	3	0	3	3
Total	16	2	15	17	Total	36	5	32	37	Total	52	7	47	54

C = Complaints, M = Males, F = Females, W = Total Workers

Number of Domestic Worker Complaints from Non-Bahrainis to the Individual Complaints Department (2009)

RESOLVED INTERNALLY					WENT TO COURT					TOTAL				
MONTH	C	M	F	W	MONTH	C	M	F	W	MONTH	C	M	F	W
JAN	3	0	3	3	JAN	0	0	0	0	JAN	3	0	3	3
FEB	2	0	2	2	FEB	1	1	0	1	FEB	3	1	2	3
MAR	1	0	1	1	MAR	3	2	1	3	MAR	4	2	2	4
APR	0	0	0	0	APR	2	1	1	2	APR	2	1	1	2
MAY					MAY	N/A				MAY				
JUN	0	0	0	0	JUN	3	0	4	4	JUN	3	0	4	4
JUL	1	0	1	1	JUL	2	0	2	2	JUL	3	0	3	3
AUG	1	0	1	1	AUG	3	1	2	3	AUG	4	1	3	4
SEP					SEP	N/A				SEP				
OCT	4	2	2	4	OCT	3	1	2	3	OCT	7	3	4	7
NOV	4	1	3	4	NOV	4	0	4	4	NOV	1	7	8	8
DEC	1	0	1	1	DEC	3	1	2	3	DEC	4	1	3	4
Total	17	3	14	17	Total	24	7	18	25	Total	52	7	47	54

C = Complaints, M = Males, F = Females, W = Total Workers

Number of Domestic Worker Complaints from Non-Bahrainis to the Individual Complaints Department (2010)

RESOLVED INTERNALLY					WENT TO COURT				
MONTH	C	M	F	W	MONTH	C	M	F	W
JAN	4	0	4	4	JAN	4	0	4	4
FEB					FEB	N/A			
MAR	2	0	2	2	MAR	3	2	1	3
APR	0	0	0	0	APR	0	0	0	0
Total	6	0	6	6	Total	24	7	18	25

UNKNOWN					TOTAL				
MONTH	C	M	F	W	MONTH	C	M	F	W
JAN	0	0	0	0	JAN	8	0	8	8
FEB					FEB				
MAR	0	0	0	0	MAR	5	2	3	5
APR	4	2	2	4	APR	4	2	2	4
Total	4	2	2	4	Total	52	7	47	54

C = Complaints, M = Males, F = Females, W = Total Workers

Number of Domestic Worker Complaints from Bahrainis to the Individual Complaints Department (2010)

WENT TO COURT					TOTAL: BAHRAINIS AND NON-BAHRAINIS				
MONTH	C	M	F	W	MONTH	C	M	F	W
JAN	1	1	0	1	JAN	9	1	8	9
FEB	N/A				FEB				
MAR	0	0	0	0	MAR	5	2	3	5
APR	0	0	0	0	APR	4	2	2	4
Total	1	1	0	1	Total	18	5	13	18

C = Complaints, M = Males, F = Females, W = Total Workers

Foreign Workers' Complaints by Industry

SECTOR	2007	2008	2009	2010	TOTAL
Hotels and Restaurants	39	105	136	46	326
Construction	114	270	368	114	866
Financial Sector	4	10	23	9	46
Families that Hire Domestic Workers	27	66	12	14	149
Fishing and Agriculture	3	4	9	1	17
Wholesalers Car Mechanics, Fixers of Other Products (all seem unrelated!)	79	159	258	113	609
Hydro (Water and Electricity)	8	9	11	1	29
Social Work	64	157	109	41	371
Services	18	40	107	31	196
Manufacturing	36	61	54	16	167
Real Estate	14	13	26	8	61
Health and Social Work	4	11	13	10	38
Fishing	2	5	3	0	10
Shipping / Storage / Communications	5	44	18	17	114
Education	3	14	12	8	37
Mining	0	0	15	13	28
Total	422	968	1,234	442	3,066

Foreign Workers' Complaints to Individual Complaints Department by Year and Type

TYPE	2007	2008	2009	2010	TOTAL
Pending Payments	97	209	126	77	509
Travel Ticket	344	811	939	330	2,424
Passport	348	776	817	273	2,209
Compensation for Remaining Time in Contract	18	81	127	58	284
Compensation for not Using Vacation	268	629	633	236	1,761
End of Service Pay	215	460	628	194	1,497
Late payments	227	577	810	274	1918
Additional work hours	130	301	372	103	906
Compensation for Late Payment	55	138	38	11	242
Owed Payments	13	6	51	5	75
Cancellation of Annual Vacation	30	135	254	65	484
Reclaiming Amount of Money	51	81	81	21	234
Additional Work Hours	12	15	27	25	79
Compensation for Harm	2	1	0	0	3
Rewards	6	3	2	0	11
Vacations	1	2	2	0	5
Payment Delays	1	0	0	0	1
Proof of service	31	117	61	24	233
Weekly Time-Off Delays	17	40	68	14	139
Compensation for Dangerous Employment Conditions	30	116	169	48	363
Compensation for Arbitrary Termination of Employment	40	103	35	5	183
Compensation for End of Service	68	284	222	89	663
Visa Costs	1	0	0	0	1
Compensation for Harm	15	1	4	0	20
Copy of Work Contract	1	0	0	0	1
Vacation Pay	8	5	3	1	17
Raises	4	0	0	0	4
Allowances	4	29	47	23	103
Reclaiming Amount of Money	37	67	3	2	109
Compensation for Late Payment	31	115	269	91	506
Compensation	22	22	89	43	176
Official Vacation Pay	11	32	60	17	120
Amounts	6	8	4	1	19
Returning to Work	2	20	9	2	33
Rent	2	0	0	0	2
Expenses	3	1	2	1	7
Compensation	7	2	43	1	53
Copy of Work Contract	2	0	0	0	2
Cutting Short or Cancelling Annual Vacation	2	8	2	0	12
Other Payments / Expenses	3	5	24	7	39
Bonus	3	14	31	14	62

Foreign Workers' Complaints to Individual Complaints Department by Year and Type (cont'd)

TYPE	2007	2008	2009	2010	TOTAL
Commissions	2	0	1	0	3
Compensation for Remaining Time in Contract	1	2	13	0	16
Phone Expenses	1	4	1	0	6
Sick Leave	1	3	2	0	6
Rent's Worth	2	22	17	7	48
End of Service Payment	5	3	1	0	9
Commission	2	19	12	3	36
Expired Contract	1	0	0	0	1
Salary Not Agreed Upon	1	0	0	0	1
Completing Procedures of Care	1	0	0	0	1
Saved Amount	1	0	2	0	3
Provision of Sign In / Out Cards	1	0	0	0	1
Remaining Time	1	1	4	2	8
Completing Quitting Procedures	1	0	0	0	1
Transportation Costs	1	8	6	3	18
Costs of Official Uniform	0	1	0	0	1
Provision of Work Contract	1	1	3	1	6
Annual Pay Raise	0	1	1	0	2
Reclaiming Personal Items	0	3	4	0	7
Trial Period	0	1	0	0	1
Sick Leave	0	3	9	4	16
Complying with Terms of Contract	0	1	1	0	2
Commission on Sales	0	4	13	4	21
Reclamation	0	7	11	7	25
Rent and Living Costs	0	2	15	13	30
Deprivation of Pay / Salary	0	1	0	0	1
Paying Salary in Timely Manner	0	1	1	0	2
Personal Items	0	2	0	0	2
Certificate of Expertise	0	6	24	13	43
Change of Nature of Job	0	1	1	1	3
Compensation for Violation of Terms of Contract	0	1	0	0	1
Phone Costs	0	1	6	0	7
Difference (In Amounts of Money)	0	1	3	0	4
Removal of Warning	0	1	1	0	2
Break Time (Within Work Hours)	0	1	0	0	1
Provision of Work	0	0	5	0	5
Compliance	0	0	26	16	42
Compliance with Contract	0	0	1	0	1
Change of Salary (Decreases)	0	0	1	0	1

Subject: Number of Complaints Transferred from Labor Market Regulatory Authority to Minister of Labor

In reference to your request regarding the number of transferred complaints by foreign workers from Labor Market Regulatory Authority to Minister of Labor:

I'm glad to inform you that the nature of tasks assigned to the Authority in this regard doesn't require having a specific register for this purpose. What the employees of the Authority do for foreign workers in such cases is more for advice and guidance to follow up with the body concerned with the complaint. Legally, the Authority is committed to considering violations, complaints, and crimes that fall under its jurisdiction. After that, it does transfer all cases – if found – to the Public Prosecution, where cases go through its legal proceedings according to the decided criterion and procedures.

In the same context, we would like to refer to a legal article which the legislature created in order to protect the foreign worker and preserve his/her rights, considering that s/he is the weakest party of the production circle. Paragraph C of Article 23 No.19 for the year 2006, on organizing Labor Market, states the following:

“It is prohibited for any person to receive any amount or to obtain any benefit or privilege from the worker in return of issuing him/her an employment authorization, or employing that worker, or maintaining his employment”.

The number of complaints the Authority received regarding this violation was 19 complaints. They had been investigated and transferred to the Public Prosecution according to legal procedures taken in such cases.

Noting that the punishment prescribed by law against such a violation is as follows:

“Anyone who violates the provisions of the mentioned Article is to be punished by imprisonment for not less than three months and does not exceed a year, and by a fine not less than one thousand Dinars and does not exceed two thousand Dinars. In case of recidivism, punishment of imprisonment is not to be less than six months and does not exceed two years, and the fine is not to be less than two thousand Dinars and doesn't exceed four thousand Dinars”.

In addition, the Authority tries to maintain the required balance in consistent with the economic vision of the kingdom, which considers both facilitating the requirements of the employers, and taking into account the full rights of foreign workers. In this framework, the Authority made serious steps that ensure its commitment to all issues related to the rights of foreign workers, in accordance with the legislation set forth in the law regulating the Labor Market. For it is of a great importance to address the tasks that the team of the Unit of Leaving Work Notifications in the Authority ,through the process of verifying the validity of the notification, before it is approved and authorized formally according to a set of requirements, of which we mention the following:

1. Attaching proof of identity of the worker, whether through a CPR card or passport or other official documents.
2. Attaching proof to prove that the worker left his/her work for a continuous period exceeding 15 days. Usually disclosure of payroll, attendance and leave are used to prove it. In some cases, witnesses are called upon as a supporting means of proving the mentioned worker's absence.
3. A written endorsement by the employer of the absenteeism of the reported worker, for a period that exceeds what is allowed by law without the notification of the employer. Therefore the employer takes responsibility of all the legal consequences in case the notification concerning the foreign worker turned to be incorrect.
4. A copy of the CPR of the applicant.
5. Ensure the validity of the worker's work and residence permit. This requirement has been authorized in order to avoid the probability of manipulation and exploitation of employers of their ability of cancelling the worker permit, and then notifying that eh left work which is a violation of the permit requirement.

It is worth pointing out that the number of notifications that have been rejected is more than 700 notifications since the Authority started its work, which is a good indication of the nature of the procedures followed in regards of verification or non-verification of the notification. Moreover, it is a means of prevention in terms of strength and durability of the procedures followed to preserve the rights of foreign workers.

In this context, the Authority is working on accepting the grievances received from the foreign workers who had been reported leaving work. The Unit of Leaving Work Notifications then calls the employers and investigates with them regarding all matters the grieved foreign workers raised that are related to them leaving work. In case the result of verifying the notification submitted by the employer turned to find it incorrect, the Authority does lift the notification and cancel the worker's permit. By law, s/he has 30 days to transfer to another

employer – if desired, or to leave the kingdom. The number of grievances that were accepted in the Unit of Leaving Work Notifications 281 reached 281 grievances since the Authority had started its work.

We hope what we have presented meets the required purpose.

Best regards.

**Appendix E: Decree of the Attorney General Number (2) of 2010,
On the Issue of Investigation the Crimes of Forced Labor**

(Translation by Human Rights Watch)

**Decision/Announcement No. 2 for 2010 Regarding Investigating
Forced Labor Crimes**

The legislator in the Attorney General's office has entrusted an authority to initiate investigations as specified in Article 81 of the Criminal Procedures Law (the Attorney General's/Public Prosecution's office must conduct a criminal or misdemeanor investigation).

This is particularly because of the importance [egregiousness] of crimes such as forced labor and non-payment of wages (prohibited in Article 302) as well as other relevant crimes prohibited in the Penal Code, and the effect [that such crimes have] on trust in private sector institutions.

We thus invite Public Prosecution members to follow the following [instructions]:

- It is for ministries and other public institutions in the kingdom to follow and investigate misdemeanors related to forced labor, or the non-payment of wages, all of which must be returned the office of the Attorney General.
- If the above-mentioned crime is connected to another crime such that they cannot be divided [into two investigations], the public prosecution which has jurisdiction over the province in which the crime was committed is responsible for investigation.
- Investigating authorities must investigate all complaints that they receive concerning forced labor or non-payment (as mentioned above), report such investigations to the Attorney General's office, and give recommendations on investigation procedures and how the case should be handled.

Attorney General
Ali Bin Fadl Albo'enein
9 Feb 2010

Appendix F: The Bahraini Government's December 2010 Report and Pledges Regarding Foreign Workers



Published for the
United Nations
Development
Programme
(UNDP)

FOREIGN WORKERS AND LABOUR CONDITIONS IN BAHRAIN

November 2010

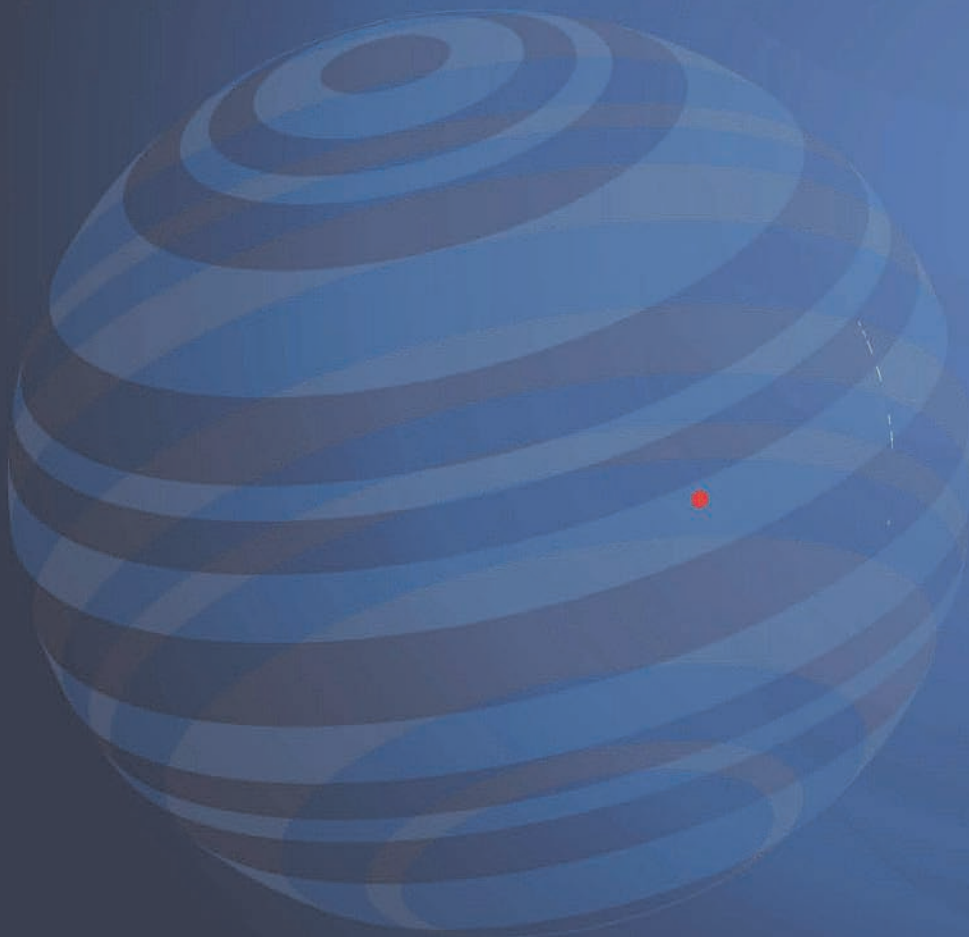


UNDP
United Nations Development Programme (UNDP)

P.O. Box 26814
Tel: +973 17 319 419
Fax: +973 17 311 500
Kingdom of Bahrain
www.undp.org.bh

MOFA
Ministry Of Foreign Affairs

P.O.Box 547
Government Road
Manama
Kingdom of Bahrain
info@mofa.gov.bh



Introduction

In the Kingdom of Bahrain, employment is regulated by Legislative Decree No. 23/1976, which regulates employment of workers (including juvenile and women) their working hours, breaks and vacations, and also the relationship between the employer and the worker. The law defines the rights of the worker in terms of work capacity, holidays, wages, remunerations, work circumstances, health care, insurance, compensation for work injuries and diseases. It further defines the role of the State, with its various departments, in monitoring work conditions and workers' rights and gives the State the authority and responsibility to punish violators. It also facilitates the means for workers to sue employers by exempting them from judicial fees and looking into their lawsuits before the courts on an urgent basis.

In addition, the Kingdom allows for Bahraini and non-Bahraini workers in the private, maritime and civil service sectors to form labour unions.

Currently, the Bahraini Parliament is discussing a new Labour Law, whose most important provisions include:

- Reorganizing the role of the Ministry of Labour in the settlement of disputes between workers and employers;
- Establishing a new system for handling labour lawsuits that would allow for an amicable settlement within 2 months from the date of submission of the case. If the two parties reject the judge's (amicable) proposal, the case will be brought before the High Court, which should make its ruling within thirty days from the date of the first session. This new system is intended to address the backlog of labour lawsuits;
- Organizing collective negotiations between the workers and employers;
- Introducing a standard employment contract signed by the union and the employer;
- Reorganizing safety, occupational health and working environment issues. The new law identifies risks faced by the workers, means of protection, in addition to committing the employer to conduct periodic medical examination for workers exposed to occupational diseases;
- Reconsidering the penalties imposed on the employer for violating labour law and decrees;
- Introducing provisions regulating domestic work, e.g. types of contract, working hours and days.

It is also worth emphasizing that the Kingdom of Bahrain, and in a historic step aimed at improving living conditions of foreign labour, has enacted Article 25 of the "Law Regulating Labour Market", which gives foreign labourer the right to change employer, without prejudicing the employer's rights under the work agreement signed by both parties.

Foreign Workers

Due to the economic boom witnessed by the Kingdom of Bahrain, the country receives temporary contract workers who enjoy the protection stipulated in Law No. 19/2006 on Labour Market Regulation. This law regulates labourers' rights and obligations under the control and supervision of the State. The law prohibits 1) the employment of foreigners without a permission issued by the Labour Market Regulatory Authority (LMRA); 2) any person to benefit or take advantage from the worker in order to issue a work permit, and 3) the supply of labour without authorization from the LMRA.

The Government of Bahrain signed Memoranda of Understanding (MoUs) with some of the countries providing workers to Bahrain, namely Sri Lanka, Nepal and India. The MOUs cover, among other things, mobilization and recruitment of manpower, protection under Bahraini national laws, types of contract and remittances.

The report details below some of the issues related to foreign workers in the Kingdom, available solutions and protection and future pledges for further improving working and living conditions of foreign workers in Bahrain.

Sponsorship Reform

Law No. 19/2006 (art. 25) allows expatriate workers to change employer without the consent of the first employer, and obliges the LMRA to facilitate the move.¹

Human Trafficking Law

Article 1 of Law No. 1/2008 on combating trafficking in persons, provides for several actions to be criminalized including "forced labour or service, slavery or practices similar to slavery." Labour related crimes, such as the seizure of a worker's passport or withholding their salaries, are considered as crimes according to this law.

¹ Decision No. 79/2009 has the same provisions.

² A contractor/recruitment agency can supply foreign workers only with a permit from the Ministry of Labour and Social Affairs. A contract signed with an irregular recruitment agency is to be considered void. The recruitment agency shall also be listed in the register of contractors providing foreign workers as well as a special register within the Ministry of Labour.

³ Administrative penalties have also been included in article 29 of the same law authorizing Labour Market Regulatory Authority to cancel the license of the manpower supply agency and the recruitment office in any of the following cases: 1) If the license was obtained through false documents or incorrect information; 2) If the agency lost one, or more, of the conditions for granting the license; and 3) If the agency licensed was criminally convicted.

⁴ Foreign workers and labour conditions in Bahrain | Kingdom of Bahrain | November 2010

Abuses Faced by Foreign Workers: Recommendations and Pledges

Recruitment Fees

The Government of Bahrain has already taken the following actions:

- Article 28 of Law No. 19/2006 prohibits any person from supplying workers or establishing employment offices without obtaining a permit from the LMRA. Pursuant to the provisions of this law, the LMRA shall issue an order determining the conditions and procedures for granting and renewing the employment agency's license and type of work.²

Currently, article 15 of the Labour Law provides for imprisonment (for not more than 6 months) and a fine (not less than BHD 500) for employers that charge workers in exchange for employment. Similarly, article 36 of Law No. 19/2006, as well as Ministerial Order No. 72 provide, for the same crime, for imprisonment for not less than 3 months and not exceeding one year and a fine of not less than BHD 1,000 and not more than BHD 2,000. The penalty shall be multiplied according to the number of workers affected and the court may order the suspension of the activity of the convicted person/office or closure of the office for a period not exceeding one year.
- If the violation is repeated, by the same person or office, it becomes permissible for the court to order the removal of office from the commercial register.³
- Joint and coordinated inspections between the Ministry of Labour and LMRA are carried out regularly.

The Government of Bahrain pledges to:

- Hold discussions with relevant Governments (India, the Philippines, Sri Lanka, Indonesia, Pakistan, Ethiopia and Bangladesh) in order to put an end to recruitment agencies charging workers. Based on the MOUs already signed with some of the sending countries, coordinated responses could be discussed, e.g. exchange information with the Embassies on agents/agencies charging workers in the country of origins on the basis of the complaints received in Bahrain.
- Continue its inspections of recruitment agencies and the implementation of existing Bahraini laws protecting workers.

Unpaid Wages

The Government of Bahrain has already taken the following actions:

- According to article 68 of the Private Sector Labour Law, the employer is required to pay wages regularly without delay - and in case of delay is required to pay compensation (1%). If wages are not paid regularly, the employer is charged a fine of not less than BHD 50 and not exceeding BHD 300 (for each affected worker). The fine shall be multiplied, according to the number of workers affected.

on employers paying wages: in case of big companies, bank records are checked. In case of smaller companies, payments receipts are normally requested.
- If wages are not paid, the worker has the right to leave the job immediately (article 115 of Labour Law).
- In addition, LMRA is conducting a pilot project through which it can check directly with local banks if wages are being regularly paid. This will then apply to all companies registered in the Kingdom.
- Ministerial Decision No. 4/2006 requires the employer to transfer workers' salaries on a regular basis to the accredited bank branches identified by the employees.
- Further, article 1 of Law No. 1/2008 on combating trafficking in persons, provides for several actions to be criminalized including "forced labour or service, slavery or practices similar to slavery." Labour related crimes, such as the seizure of a worker's passport or withholding their salaries, are considered crimes under this law.
- During current inspections the Ministry of Labour and LMRA have a mechanism whereby they can check

Inadequate Wages

The Government of Bahrain has already taken the following actions:

- According to article 77 of the Labour Law, the minimum wage shall be determined by an order from the Cabinet, upon request by the Minister of Labour. Currently however, there is no minimum wage set for either Bahrainis or non-Bahrainis. Wages are agreed upon and stated in the contract.
- Minimum wages for foreign workers are set by some countries, namely the Philippines and India. Those countries require their workers to send the draft contracts and other relevant documentation to their Embassies in Bahrain before being allowed to leave the country of origin. In this way, the Embassies can vouch on the contracts and the salary received by their nationals.

Excessive Work and Forced Labour

The Government of Bahrain has already taken the following actions:

- The Government of Bahrain is working on a new labour law that will include provisions for domestic workers, a category that has not yet been adequately protected. The proposed new Labour Law, currently under consideration by the Parliament, includes a commitment to sign a contract that defines rights and obligations of both employer and employee, with details on salary, annual leave, end of service, exemption from court fees and other issues.

The Government of Bahrain pledges to:

- 1) Enhance cooperation with the private sector and promote the rights of domestic workers through awareness campaigns.
- 2) Further strengthen provisions of the new labour law, in cases where the protection provided is found inadequate.
- 3) Increase labour inspections in companies (sites and establishments) to put an end to instances of excessive work and forced labour.
- 4) Consider the adoption of the proposed ILO Convention on treatment of domestic workers.

Workers' Accommodations

The Government of Bahrain has already taken the following actions:

- The Occupational Safety Section of the Ministry of Labour carries out inspections of labour camps to ensure that companies and establishments provide necessary health requirements according to Ministerial Order No. 8/1978. The Ministry of Labour has initiated the collection of information about labour camps, their locations and number of residents.

The Government of Bahrain pledges to:

- 1) Increase inspections and secure implementation of health and safety measures, in collaboration with all relevant ministries (Ministry of Labour, Ministry of Health and Ministry of Interior).
- 2) Campaign on labour, health and safety hazards for both private homes and labour camps.

⁴ Foreign workers are entitled to medical care and insurance, such provisions are normally included in the contract.

⁵ A person that violates the physical integrity of another by any means, causing the victim to become ill or disable for a period of more than twenty days could be imprisoned or fined according to article 339 of the Bahraini Penal Code. Article 348 states that it is considered an aggravating circumstance if the perpetrator is a person with authority or the victim is his servant.

⁶ Foreign workers and labour conditions in Bahrain | Kingdom of Bahrain | November 2010

Physical, Psychological and Sexual Abuse

The Government of Bahrain has already taken the following actions:

- The Government of Bahrain uncovered cases of abuse of workers in the form of ill treatment, excessive working hours, unpaid wages, etc. To respond to these problems, the Ministry of Labour and LMRA set up a hotline for workers who may have questions about their rights and obligations – as well as the rights and the obligations of their employers. Another hotline receives workers' complaints against employers and companies, while a third hotline was set up at the Ministry of Interior to report cases of human trafficking. Volunteers from the workers' communities respond to the hotlines so as to provide advice in the languages of the workers.
- Hotline numbers appear in the brochures distributed by LMRA at the airport to new workers arriving in Bahrain. The brochures, which also include a section on rights and obligations for workers, are published in 8 different languages. These brochures are distributed by airlines when workers book their tickets to Bahrain. The LMRA has also initiated programs in Indian media outlets on workers' rights and obligations in Bahrain. Also, LMRA produces an employers' guide with sections on rights and obligations of the employer.
- Furthermore, the LMRA also offers an SMS service where workers can check their work permits and legal status.
- For abused workers, mainly for cases of trafficking, Bahrain offers a shelter (Dar Al Aman). The shelter offers medical care ⁴ and counselling.
- If an employer is charged with abuse, he/she can be blacklisted and would not be allowed to hire new personnel. In case of physical abuse, the employer could also be charged against the anti-trafficking law. A number of laws are applicable in these cases (e.g. labour, penal and anti-trafficking) and, depending on the case, if the employer is found guilty, they could be charged against one or all of those laws ⁵. Also, the LMRA Act 19/2006 protects workers from Visa-related abuse.

The Government of Bahrain pledges to:

- 1) Increase general awareness of remedies available, giving more visibility to the hotlines as well as non-governmental support, such as Embassies and non-governmental organizations;
- 2) In cooperation with relevant Embassies of sending countries, discuss the possibility of organizing induction courses on workers' rights and obligations for workers before their arrival in Bahrain;
- 3) Set up induction courses for workers, available in different languages, in Bahrain to be organized by LMRA;
- 4) Study the possibility of coordinating with the Ministry of Health for the provision of counselling for victims of abuse.
- 5) Create a shelter for men who have been abused or trafficked.

Passports and Mobility

The Government of Bahrain has already taken the following actions:

- Bahraini Labour Law, as well as the Penal Code (art. 389), prohibits the withholding of passports by employers, and should a worker be faced with such a violation, he/she is entitled to file a case at the Urgent Matters Court to retrieve the passport. Supreme Court principle no. 246 /2003 indicates the employer's obligation to keep the passport with the worker.
- As mentioned above, according to Law No. 1/2008, the withholding or confiscation of passport amounts to a crime.
- Both the LMRA's employers' as well as the workers' brochures state that withholding the passport of an employee is a crime.
- In case of a confiscated passport, and should the worker need to travel outside of Bahrain, he/she can contact the Ministry of Interior, which can request the Embassy to issue a temporary travel document for the worker.

The Government of Bahrain pledges to:

- 1) Initiate a campaign to inform employers and workers that withholding or confiscating workers' passports is a crime under the anti-trafficking law.
- 2) Launch an inspections campaign aimed at exposing employers who repeatedly withhold wages and confiscate passports and to penalize violators.
- 3) Take action on complaints of workers whose passports and wages have been withheld.



Government Mechanisms Addressing Abuses Against Workers

Seeking Redress

(See also section on **Physical, Psychological and Sexual Abuse**)

The Government of Bahrain has already taken the following actions:

- Foreign workers in Bahrain can submit complaints and contract violations with the Ministry of Labour. The Arbitration and Labour Complaints Section at the Ministry of Labour receives and records workers' complaints against employers, regarding non-payment of wages, not issuance of travel tickets and withholding of passports. The Labour Arbitrator may then summon the employer to appear before the Ministry in an attempt to resolve the dispute amicably. At this stage, the two parties often succeed in reaching an agreement. If they fail, or should the employer not appear during mediation, the case shall be brought to court, fees exempted.
- Translators are available during trial procedures, both civil and criminal. The Ministry of Justice relies on the Embassies to provide translation services when a translator in a given language is not available. Similarly, it has asked for translators from within the workers' communities.
- In the period of time during which the court considers the case, workers may not seek other employment, but can rely on an insurance scheme (Law No. 78/2006), that benefits both Bahraini and foreign unemployed labourers. The amount of compensation paid is 60% of the salary of the insured (from a minimum of BHD 150 to a maximum of BHD 500; or the employee's salary if it is less than BHD 150). The compensation will be paid for a maximum of 6 months.
- Foreign workers are entitled to compensation in accordance with the following conditions: 1) if the worker did not leave work voluntarily; 2) if he/she has not been expelled from work for disciplinary reasons; 3) if he/she has a valid work permit.
- The Kingdom of Bahrain, and in a historic step aimed at improving living conditions of foreign labour, has enacted Article 25 of the "Law Regulating Labour Market", which gives foreign labour the right to change employer, without prejudicing the employer's rights under the work agreement signed by both parties.
- LMRA has developed an automated texting system that informs foreign workers of any change in their work permits or legal status, i.e. cancelling, terminating or expiry of visas or their status as "runaway workers" when absconding from their employers. LMRA has launched a campaign urging foreign workers to register their mobile numbers or email addresses in order to receive messages instantly.
- Through the "easy exit" project, LMRA has also eased procedures for workers with invalid work permits to leave Bahrain, namely exempting workers from illegal residence fines and facilitating exit procedures in cooperation with the Ministry of Interior. The project began in mid 2010.

The Government of Bahrain pledges to:

- 1) Expand public information of workers' rights, including domestic workers' rights, remedies available and legal pathways through a national campaign.
- 2) Increase the number of qualified translators currently available at the Ministry of Labour and Ministry of Justice.
- 3) Discuss with embassies, lawyers (including the Bar Association) or NGOs the possibility of providing pro bono legal representation to workers.

Inspections

The Government of Bahrain has already taken the following actions:

- The Ministry of Labour and LMRA conducts regular inspections to workers' accommodation facilities and reviews the requirements of safety, health, fire and other hazards. The Ministry has created a database with information about each labour camp and its residents. In addition, Bahrain's Prime Minister, Prince Khalifa bin Salman Al Khalifa, commissioned the Ministry of Labour as well as the Ministry of Municipalities and Urban Planning to establish a committee to follow-up and organize labourers' camps and other accommodations. The Inspection Department at the Ministry of Labour was restructured and has increased the number of inspectors to nearly double. Joint inspection teams have been set up to include officials from the Ministry of Labour, Ministry of Interior, Ministry of Health and Ministry of Municipalities and Urban Planning.
- Inspections are to be conducted on an annual basis, as provided by the law - article 14 of the LMRA Decision no. 74/2007.

The Government of Bahrain pledges to:

- 1) Increase inspections and inspectors by 50%.
- 2) Organize further trainings for inspectors to improve the quality and outcome of the inspections.

Mediation and Labour Courts

(See also Section on Seeking Redress)

The Government of Bahrain has already taken the following actions:

- Foreign workers in Bahrain can submit complaints and contract violations with the Ministry of Labour. The Arbitration and Labour Complaints Section at the Ministry of Labour receives and records workers' complaints against employers, regarding non-payment of wages, not issuance of travel tickets and withholding of passports. The Labour Arbitrator may then summon the employer to appear before the Ministry in an attempt to resolve the dispute amicably. At this stage, the two parties often succeed in reaching an agreement. If they fail, or should the employer not appear during mediation, the case shall be brought to court, fees exempted.
- Relevant Embassies are invited to participate in the mediation since they have power of attorney should the worker leave Bahrain or in case of death.

The Government of Bahrain pledges to:

- 1) Consider cases promptly and issue a decision within two months from their submission – as per provisions of the new Labour Law;
- 2) Increase the number of translators currently available at the Ministry of Labour and Ministry of Justice.
- 3) Publish annual statistics on labour cases.

Criminal Prosecutions

The Government of Bahrain has already taken the following actions:

- Labour-related crimes such as withholding wages or confiscating passports are considered crimes under the anti-trafficking law.
- Police investigators, judges and prosecutors receive regular training on criminal law and its application.
- In the period of time during which the court considers the case, workers may not seek other employment, but can rely on an insurance scheme (Law No. 78/2006), that benefits both Bahraini and foreign unemployed labourers. The amount of compensation paid is 60% of the salary of the insured (from a minimum of BHD 150 to a maximum of BHD 500; or the employee's salary if it is less than BHD 150). The compensation will be paid for a maximum of 6 months.
- Foreign workers are entitled to compensation in accordance with the following conditions: 1) if the worker did not leave work voluntarily; 2) if he/she has not been expelled from work for disciplinary reasons; 3) if he/she has a valid work permit.

The Government of Bahrain pledges to:

- 1) Ensure speedy and full investigation, and prosecution where warranted, of labour-related violations of the penal code and anti-trafficking laws.

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Email: hrwnyc@hrw.org

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Deputy Executive Director, Europe*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*

Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Olujobi, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

PROGRAM DIRECTORS

Brad Adams, *Asia*
Joseph Amon, *Health and Human Rights*
Daniel Bekele, *Africa*
John Biaggi, *International Film Festival*
Peter Bouckaert, *Emergencies*
Richard Dicker, *International Justice*
Bill Frelick, *Refugee Policy*
Arvind Ganesan, *Business and Human Rights*
Liesel Gernholtz, *Women's Rights*
Steve Goose, *Arms*
Alison Parker, *United States*
Graeme Reid, *Lesbian, Gay, Bisexual and Transgender Rights*
José Miguel Vivanco, *Americas*
Lois Whitman, *Children's Rights*
Sarah Leah Whitson, *Middle East and North Africa*
Hugh Williamson, *Europe and Central Asia*

ADVOCACY DIRECTORS

Philippe Boloquin, *United Nations*
Kanae Doi, *Japan*
Jean-Marie Fardeau, *France*
Meenakshi Ganguly, *South Asia*
Lotte Leicht, *European Union*
Tom Malinowski, *Washington DC*
David Mepham, *United Kingdom*
Wenzel Michalski, *Germany*
Juliette de Rivero, *Geneva*

BOARD OF DIRECTORS

James F. Hoge, Jr., *Chair*
Susan Manilow, *Vice-Chair*
Joel Motley, *Vice-Chair*
Sid Sheinberg, *Vice-Chair*
John J. Studzinski, *Vice-Chair*
Hassan Elmasry, *Treasurer*
Bruce Rabb, *Secretary*
Karen Ackman
Jorge Castañeda
Tony Elliott
Michael G. Fisch
Michael E. Gellert
Hina Jilani
Betsy Karel
Wendy Keys
Robert Kissane
Oki Matsumoto
Barry Meyer
Pat Mitchell
Aoife O'Brien
Joan R. Platt
Amy Rao
Neil Rimer
Victoria Riskin
Amy L. Robbins
Shelley Rubin
Kevin P. Ryan
Jean-Louis Servan-Schreiber
Javier Solana
Siri Stolt-Nielsen
Darian W. Swig
John R. Taylor
Marie Warburg
Catherine Zennström

Robert L. Bernstein, *Founding Chair, (1979-1997)*
Jonathan F. Fanton, *Chair (1998-2003)*
Jane Olson, *Chair (2004-2010)*

BERLIN • BRUSSELS • CHICAGO • GENEVA • JOHANNESBURG • LONDON • LOS ANGELES • MOSCOW • NEW YORK • PARIS • SAN FRANCISCO • TOKYO • TORONTO • WASHINGTON

HUMAN
RIGHTS
WATCH

www.hrw.org

Appendix G: Human Rights Watch letter to Bahrain's Ministry of Social Development Requesting Updates on Foreign Labor and Labor Statistics

December 23, 2011

Saeed Mohamed Al-Faihani
Undersecretary of Human Rights
Ministry of Human Rights and Social Development
Kingdom of Bahrain

Dear Ambassador Al-Faihani,

I am writing to follow up on my letter of December 16, 2011. In that letter we requested a meeting during the weeks of January 8, 15, or 22 to discuss recent developments in Bahrain regarding foreign workers.

Upon further evaluation we believe the information we seek to gather during this meeting could more easily be provided to us through correspondence. Hopefully this will make things easier for the government of Bahrain and move the process along more efficiently.

To this letter I have attached a set of questions and requests for statistics that can be answered by the Ministry of Labor, LMRA, Ministry of Human Rights and Social Development, Ministry of the Interior, the Public Prosecutions Office, Ministry of Justice and Islamic Affairs and the Ministry of Foreign Affairs.

We would appreciate receiving your response to these inquiries by January 15, 2012.

Thank you for your assistance.

Sincerely,

Mani Mostofi
Tolan Fellow
Middle East and North Africa Division

Information Requested on the Kingdom of Bahrain's Efforts to Better Protect the Rights of Foreign Workers

1. Please detail measures taken by the government to fulfill the sixteen pledges made in the government's November 2010 report, *Foreign Workers and Labour Conditions in Bahrain*, drafted in cooperation with the United Nations Development Programme. Please also provide any available information about the outcomes of these measures.
 - Please provide any new literature, materials, or curriculum used to raise worker awareness of their rights and access to remedies, or to raise employer awareness of worker protections.
2. What is the current status of the draft private sector labor law? Has the draft law undergone any revisions since it emerged from the Shura Council in mid-2010? When is the draft law expected to be put to a vote in the parliament?
3. Please provide information about the current status and results to date of the LMRA's pilot project through which the Authority can check directly with local banks if wages are being regularly paid. Have any measures been taken against employers for withholding wages as a result of this project?
4. Has the government made any progress toward fully incorporating domestic workers into the private sector labor law or creating a new labor law for domestic workers, as pledged during the 2008 Universal Periodic Review process?
5. Does the LMRA have plans to expand its services to domestic workers? If so, by when?
6. Please provide details of any prosecutions and convictions in 2010 and 2011 of employers or recruiters for alleged crimes against foreign workers under the Human Trafficking Law.
7. Please provide details of prosecutions and convictions in 2010 and 2011 of employers or recruiters for alleged crimes against foreign workers under the Penal Code.
8. Please describe any other steps taken to better protect the rights of foreign workers in 2011.
9. Please explain why paragraph (a) of Article (25) of Law No. 19 for 2006, regulating the Labor Market, was amended by Law No. 15 for 2011.

Statistical Data Requested from the Ministry of Labor

We would be grateful if you could provide the following information:

1. Number of labor complaints filed by Bahraini workers with the Individual Complaints

Department at the Ministry of Labor (the Ministry) in 2010 and 2011.

- Number of successfully mediated resolutions of complaints by Bahraini workers in 2010 and 2011?
 - Numbers of complaints filed by Bahraini workers and sent to the Labor Courts in 2010 and 2011?
2. Number of labor complaints filed by foreign workers with the Individual Complaints Department in 2010 and 2011?
- Number of each type of complaint (i.e. non-payment, withheld passport, living conditions, etc.) in 2010 and 2011.
 - Number of complaints filed by domestic workers in 2010 and 2011.
 - Number of foreign worker complaints forwarded to the Ministry from the LMRA or Bahraini police in 2010 and 2011.
 - Number of each type of complaint mediated (i.e. non-payment, living conditions, etc.) in 2010 and 2011.
 - Number of successfully mediated resolutions by the Ministry of complaints by foreign workers in 2010 and 2011.
 - Numbers of foreign workers' complaints sent by the Ministry to the Labor Courts in 2010 and 2011.
3. Number of complaints made to the Ministry's Occupational Safety Department and Labor Inspections Department regarding treatment of foreign workers in 2010 and 2011?
- The numerical breakdown of the reasons for each complaint by year.
 - Number of inspections in response to complaints regarding treatment of foreign workers by year.
4. Number of inspections done by Occupational Safety Department and Labor Inspections Department inspectors in 2010 and 2011?
- The numerical breakdown of reasons for each inspection (i.e. routine inspections, enforcing midday summer work bans, responding to worker strikes, etc.), by year.
 - The numerical breakdown of the location of each inspection (i.e., company headquarters or worksite).
 - Number and types of violations cited by the Occupational Safety Department and Labor Inspections Department in 2010 and 2011.
 - Number and type of punitive or remedial measure taken in response to these violations by year.
5. Number of inspections of manpower agencies done by the Ministry in 2010 and 2011?
- Number of violations by manpower agencies cited for each year.
 - Number and type of punitive or remedial measure taken in response to these

violations, by year.

6. Number of inspections of worker accommodations by the Ministry and/or other relevant agencies in 2010 and 2011.
 - Number of inspections of labor camps.
 - Number of inspections of other types of worker housing.
 - Number of violations of health and safety regulations in worker accommodations, for each year?
 - Number and type of punitive or remedial measures taken in response to these violations, by year.
7. Number of active Ministry inspectors for each year, and any specialization these inspectors might have?

Statistical Data Requested from Other Government Agencies

10. Number of foreign workers housed at the Ministry of Human Rights and Social Development's shelter in 2010 and 2011.
11. Number of complaints against employer or recruitment agencies made by foreign workers or their representatives and filed with the Minister of the Interior and the Public Prosecutions Office in 2010 and 2011.
 - Numerical breakdown of complaints by type of criminal complaints (i.e. physical abuse, withheld wages, withheld passports, sexual abuse, etc.).
 - Number of investigations conducted by the Ministry of Interior and the Public Prosecutions Office into these complaints, by year.
 - Number of indictments and prosecutions resulting from these complaints of employers or recruitment agencies by the Public Prosecutions Office, by year.
 - Number of convictions of employers or recruitment agencies by the Public Prosecutions Office resulting from these prosecutions by year.
12. Number of independently launched investigations (not based on a victim's complaint) of employers or recruitment agencies by the Public Prosecutions Office regarding alleged violations against foreign workers in 2010 and 2011?
 - Numeric break down of alleged crime (i.e. physical abuse, withheld wages, withheld passports, sexual abuse, etc.), by year.
 - Number of indictments and prosecutions of employers or recruitment agencies by the Public Prosecutions Office resulting from these investigations, by year.
 - Number of convictions of employers or recruitment agencies by the Public Prosecutions Office resulting from these prosecutions, by year.

13. Number of labor disputes, based on complaints of foreign workers adjudicated by Labor Courts in 2010 and 2011?

- The number of these cases forwarded to courts by the Ministry of Labor.
- Numeric breakdown of outcomes of these cases (i.e., verdict for the complaining worker, verdict for the defending employer, out-of-court settlement, etc.), by year.

Information Pertaining to Specific Cases Involving Foreign Workers:

1. Please provide details of the government's response to the complaint filed by Filipina domestic worker Leonila R. Tejano, in or around October 2010, with the Isa Town police alleging physical abuse by her employer and months of non-payment.
2. What steps has the government taken to address the grievances of ten foreign workers from Al Saffar Contracting Company who went on strike on August 20, 2011? The workers alleged that they had not been paid in three months and reportedly filed complaints with the Ministry of Labor and the Indian Embassy on August 24, 2011?
3. What steps has the government taken to address the grievances by a group of foreign workers from Al Hamad Construction Company who went on strike on September 6, 2011 complaining that they had not received incremental wage increases, transportation to work, living allowances, and were subjected to substandard accommodations? The workers reportedly brought their grievances to the LMRA and Ministry of Labor?
4. What steps has the government taken to address the complaint of 70 foreign workers from the Senior Group of Companies filed with the Ministry of Labor on September 7, 2011 alleging they had not been paid in eight months?
5. According to the Gulf Daily News on July 27, 2011, authorities imposed a travel ban on more than 50 former workers of the Abdulla Nass Contracting Company due to the workers' alleged failure to pay court-imposed fines to their former employer for not showing up for work and violating their contracts. A Civil Appeals Court reportedly adjourned the case until October 3, 2011. If this information is correct, what is the legal basis for imposing such a fine and travel ban? Has this case been resolved? If so, how?
6. What steps if any has the government taken to address the grievances of 40 foreign workers from the Senior Group of Companies who demonstrated outside the Ministry of Labor on November 15, 2011? The workers alleged that they had not been paid in seven months and were housed in poor accommodations.

Appendix H: Labor Ministry Response to Inquiries in the Human Rights Watch Letter on Migrant Workers in the Kingdom of Bahrain

I. Regarding the current status of the private-sector labor law, and whether any reconsideration or change has been introduced since it was issued in mid-2010 by the Shura Council, we note that the Ministry of Labor, in cooperation and conjunction with representatives of the General Federation of Bahrain Trade Unions and the Bahrain Chamber of Commerce and Industry, drew up a preliminary draft, which was referred to the Cabinet. The Cabinet approved and referred it to the Shura Council and the Council of Representatives for adoption prior to its issuance. After a debate that lasted more than two years, the bill was approved and referred to the government for its submission to His Majesty the King for ratification, issuance, and publication in the Official Gazette. The Shura Council and Council of Representatives introduced some amendments to uphold more workers' rights.

II. Regarding whether the government has made any progress on incorporating domestic labor rights into the labor law or creating a special law on domestic labor, we note that the majority of basic provisions in the new labor law, slated to be issued within the coming days, apply to domestic workers and similarly classed workers the same as all workers. It is enough to note that the following provisions apply to domestic workers and similarly classed workers:

1. A labor contract must be concluded between the employer and domestic and similarly classed workers.
2. Annual vacation time.
3. Wage guarantees.
4. Exemptions from all litigation fees at all stages.
5. Severance pay.
6. The right to lodge a labor complaint with the Labor Ministry to resolve labor disputes with employers before seeking recourse with the courts.

There are many more such provisions too numerous to note.

The Executive Bureau of Labor Ministers in the GCC countries are currently preparing a template law for domestic workers that is consistent with international labor standards. After its adoption, it will be used as a model in all GCC countries when drafting legislation regulating domestic worker labor relations.

Report of on-site inspections

Number of visits:

2010: 708

2011: 4,229

Grievances in private enterprises 2010

	Non-Bahraini nationals											
	Referred to court				Resolved internally				Total			
	NoG	NoW	M	F	NoG	NoW	M	F	NoG	NoW	M	F
1	93	153	142	11	38	43	38	5	131	196	180	16
2	60	66	55	11	30	41	33	8	90	107	88	19
3	79	111	93	18	34	77	69	8	113	188	162	26
4	78	116	104	12	41	56	46	10	119	172	150	22
5	95	147	132	15	26	46	34	12	121	193	166	27
6	77	98	84	14	24	30	24	6	101	128	108	20
7	61	76	70	6	32	69	57	12	93	145	127	18
8	82	107	98	9	15	25	12	13	97	132	110	22
9	54	78	66	12	30	31	28	3	84	109	94	15
10	61	86	78	8	25	27	20	7	86	113	98	15
11	67	78	73	5	27	30	25	5	94	108	98	10
12	73	85	76	9	35	81	52	29	108	66	128	38
Total	880	1201	1071	130	357	556	438	118	1237	1757	1509	248

Key: NoG=number of grievances; NoW=number of workers; M=male; F=female

Note: numbers 1,2,3..12 in the first column, refer to months of the year.

	Bahraini nationals											
	Referred to court				Resolved internally				Total			
	NoG	NoW	M	F	NoG	NoW	M	F	NoG	NoW	M	F
1	63	71	62	9	85	93	70	23	149	164	132	32
2	47	61	36	25	75	80	56	24	122	141	92	49
3	69	93	69	24	105	118	92	26	174	211	161	50
4	78	104	84	20	80	89	61	28	158	193	145	48
5	95	166	124	42	60	62	43	19	155	228	167	61
6	76	96	71	25	72	77	57	20	148	173	128	45
7	62	65	52	13	57	66	43	23	119	131	95	36
8	59	61	49	12	80	81	57	24	139	142	106	36
9	63	88	71	17	82	94	64	30	145	182	135	49
10	61	83	63	20	119	126	83	43	180	209	146	63
11	52	95	84	11	61	67	51	16	113	162	135	27
12	58	69	56	13	54	55	42	13	112	124	98	26
Total	783	1052	821	231	931	1008	719	289	1714	2060	1540	520

	Total			
	NoG	NoW	M	F
1	280	360	312	48
2	212	248	180	68
3	285	399	323	76
4	277	365	295	70
5	270	421	333	88
6	249	301	236	65
7	209	276	222	54

8	235	274	216	58
9	227	291	229	62
10	266	322	244	78
11	205	270	233	37
12	220	290	226	64
Total	2935	3817	3049	768

Grievances from domestic workers 2010

	Non-Bahraini nationals											
	Resolved internally				Referred to court				Total			
	NoG	NoW	M	F	NoG	NoW	M	F	NoG	NoW	M	F
1	5	5	0	5	3	3	0	3	8	8	0	8
2	2	2	0	2	0	0	0	0	2	2	0	2
3	2	2	0	2	2	2	1	1	4	4	1	3
5	5	5	1	4	2	2	0	2	7	7	1	6
[sic]												
6	0	0	--	--	2	2	0	2	2	2	0	2
7	2	2	0	2	1	1	0	1	3	3	0	3
8	2	2	0	2	4	4	1	3	6	6	1	5
9	2	2	1	1	3	3	0	3	5	5	1	4
10	0	0	0	0	1	1	0	1	1	1	0	1
11	2	2	0	2	0	0	0	0	2	2	0	2
Total	22	22	2	20	18	18	2	16	40	40	4	36

Grievances from domestic workers 2011

	Non-Bahraini nationals											
	Resolved internally				Referred to court				Total			
	NoG	NoW	M	F	NoG	NoW	M	F	NoG	NoW	M	F
1	2	2	1	1	2	2	1	1	4	4	2	2
2	3	3	0	3	0	0	--	--	3	3	0	3
3	0	0	0	0	1	1	1	0	1	1	1	0
4	1	1	1	0	0	0	0	0	1	1	1	0
5	3	3	0	3	3	3	1	2	6	6	1	5
6	1	1	0	1	2	2	2	0	3	3	2	1
7	0	0	0	0	3	3	2	1	3	3	2	1
8	0	0	0	0	2	2	0	2	2	2	0	2
9	1	1	1	0	2	2	2	0	3	3	3	0
10	2	2	0	2	2	3	1	2	4	5	1	4
12	1	1	1	0	1	1	0	1	2	2	1	1
[sic]												
Total	14	1	4	10	18	19	10	9	32	33	14	19

Grievances in private enterprises 2011

	Bahraini nationals											
	Resolved internally				Referred to court				Delegated [i.e. <i>Munaaba</i>]			
	NoG	NoW	M	F	NoG	NoW	M	F	NoG	NoW	M	F
1	73	81	63	18	50	71	57	14	0	0	0	0
2	48	49	33	15	58	64	48	16	1	1	1	0
3	47	59	45	14	52	77	65	12	1	1	1	0
4	59	128	114	14	107	471	396	75	4	806	753	53
5	99	150	108	42	123	243	179	64	5	49	49	0
6	95	103	86	17	78	90	69	21	18	18	12	6
7	101	119	96	23	89	122	103	19	12	18	14	4
8	81	97	64	33	70	93	80	13	12	14	12	2
9	90	95	53	42	83	103	83	20	12	14	12	2
10	106	108	84	24	88	112	90	22	5	5	5	0
11	52	52	34	18	56	63	45	18	14	19	17	2
12	45	53	38	15	54	59	51	8	5	5	4	1
Total	896	1094	818	276	908	1568	1266	302	89	950	880	70

	Bahraini nationals							
	Re-delegated [i.e. <i>l'aadat inaaba</i>]				Total			
	NoG	NoW	M	F	NoG	NoW	M	F
1	0	0	0	0	123	152	120	32
2	0	0	0	0	107	114	82	32
3	0	0	0	0	100	137	111	126
4	0	0	0	0	170	1405	1263	142
5	2	32	27	5	229	474	363	111
6	1	1	1	0	192	212	168	44
7	1	1	1	0	203	260	214	46
8	2	2	2	0	165	206	158	48
9	1	1	1	0	186	213	149	64
10	1	1	0	1	200	226	179	47
11	1	1	1	0	123	135	97	38
12	0	0	0	0	104	117	93	24
Total	9	39	33	6	1902	3651	2997	654

	Non-Bahraini nationals											
	Referred to court				Resolved internally				Delegated [i.e. <i>Munaaba</i>]			
	NoG	NoW	M	F	NoG	NoW	M	F	NoG	NoW	M	F
1	53	65	54	11	43	65	56	9	0	0	0	0
2	35	41	32	9	21	49	19	30	1	1	1	0
3	61	251	243	8	29	34	30	4	0	0	--	--
4	57	127	115	12	25	59	57	2	1	2	1	1
5	66	86	69	17	35	46	37	9	0	0	0	0
6	55	80	71	9	22	25	19	6	7	9	9	0
7	34	46	42	4	21	21	18	3	7	15	15	0
8	49	64	60	4	22	23	19	4	4	4	4	0

9	49	56	46	10	25	37	34	3	1	1	0	1
10	67	92	81	11	21	21	18	3	1	2	1	1
11	41	238	220	18	17	23	17	6	3	3	3	0
12	24	29	25	4	13	16	14	2	3	9	9	0
Total	591	1175	1058	117	294	419	338	81	28	46	43	3

Grievances in private enterprises 2011 continued

	Non-Bahraini nationals				Total			
	Total							
	NoG	NoW	M	F	NoG	NoW	M	F
1	96	130	110	20	219	282	240	52
2	57	91	52	39	164	205	134	71
3	90	285	273	12	189	422	384	38
4	83	188	173	15	250	1593	1436	157
5	101	132	106	26	328	606	469	137
6	84	114	99	15	276	326	267	59
7	62	82	75	7	265	342	289	53
8	75	91	83	8	240	297	241	56
9	75	94	80	14	261	307	229	78
10	89	115	100	15	288	341	279	62
11	61	264	240	24	183	399	337	62
12	40	54	48	6	144	171	141	30
Total	913	1640	1439	201	2807	5291	4436	855

Total number of labor cases resolved or referred to the courts, 2010 and 2011

Year	2010			2011		
Nationality	Bahraini	Non-national	Total	Bahraini	Non-national	Total
Domestic workers	0	41	41	0	32	32
Workers in private enterprises	1714	1237	2951	1902	913	2815
Resolved internally (domestics)	0	22	22	0	14	14
Resolved internally (workers)	931	357	1288	896	294	1190
Referred to court (domestics)	0	18	18	0	18	18
Referred to court (workers)	783	880	1663	908	591	1499
Total number of grievances	2975			2839		

Efforts of the Labor Inspection Department, 2007-2011

	Year				
	2007	2008	2009	2010	2011
Total number of on-site inspections	12708	19378	17544	22165	17853
Number of on-site inspections due to decree prohibiting noontime work	4670	10650	11825	15871	13386
Number of facilities visited	--	--	--	1300	3676
Number of warnings to rectify violations issued	--	8	--	400	1549
Number of violation reports	1236	257	166	136	40
Number of facilities placed on watch list	--	23	220	151	312
Number of facilities removed from watch list					126
Number of labor grievances	16	187	299	262	84
Number of grievances from domestic and similarly classed workers	*	--	191	338	180
Number of employment applications inspected	6017	4063	*	--	--
Number of contracting applications inspected	--	--	--	15	5
Number of registered runaway reports	3678	3248	1431	1580	1595
Number of cancelled runaway reports	1799	2776	929	1067	515
Number of applications for permanent hiring of national labor	*	*	*	2657	--
Number of promotional visits for project to employ university graduates	*	*	*	1838	838
Number of university vacancies filled	*	*	*	934	301
Number of non-university vacancies filled	*	*	*	599	9
Total manpower inspections (national labor)	--	--	--	14066	--
Total manpower inspections (foreign labor)	--	--	--	44510	--

--Insufficient information

*Program not implemented in this year

Labor Inspection Department

	2011	2010
Number of on-site inspections	17853	22165
Number of visits to manpower agencies	54	72
Number of visits due to prohibition on noontime work	13386	15871
Measures taken	2011	2010
Number of warnings to rectify violations issued	1549	400
Number of violation reports	40	136
Number of facilities put on watch list	312	151
Number of facilities removed from watch list	162	--
Number of warnings issued to manpower importation	2	5

firms		
	2011	2010
Number of grievances	264	600
Number of labor grievances	84	262
Number of domestic worker grievances	180	338
Strikes	2011	2010
Number of companies	2	3
Number of workers	3254	3650

Occupational Safety Department

	2011	2010
Number of on-site inspections of worker housing	357	257
Findings of visits to worker housing	2011	2010
Compliant	6	13
Non-compliant	332	244
Measures taken during visits to worker housing	2011	2010
File closed	115	162
Warning issued	28	23
Facility given grace period	90	87
Violation report filed	23	21
	2011	2010
Number of grievances	14	36
Reason for grievances	2011	2010
Site inspection	4	20
Housing inspection	9	15
Inspection on work prohibition	2	1
Type of visit	2011	2010
Site inspection	652	175
Housing inspection	357	257
Inspection on work prohibition	82	1977
Type of violation	2011	2010
Health specifications of worker housing	133	126
Health specifications of worksite		106
Violations of work prohibition	77	86
Personal safety equipment	93	104
Measures taken	2011	2010
File closed	8	7
Facility warned	75	67
Violation report filed	41	91
Facility given grace period to rectify violation	344	15

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300

Appendix I: Human Rights Watch letter to Al-Hamad Group

HUMAN
RIGHTS
WATCH

www.hrw.org

MIDDLE EAST AND NORTH AFRICA DIVISION

ADVISORY COMMITTEE

Hassan Elmasry, *Co-Chair*
Kathleen Peratis, *Co-Chair*
Asli Bali, *Officer*
Prince Moulay Hicham, *Officer*
Bruce Rabb, *Officer*
Gary G. Sick, *Officer*
Gamal Abouali
Ghanim Alnajjar
Lisa Anderson
Shaul Bakhash
M. Cherif Bassiouni
David Bernstein
Robert L. Bernstein
Nathan Brown
Paul Chevigny
Ahmad Deek
Hanaa Edwar
Mansour Farhang
Louba Freih
Fadi Ghandour
Aeyal Gross
Asos Hardi
Bahey El Din Hassan
Salah al-Hejailan
Wajeha Al Huwaider
Shawan Jabarin
Robert James
Mehrangiz Kar
Edy Kaufman
Marina Pinto Kaufman
Robert Malley
Ahmed Mansoor
Stephen P. Marks
Rolando Matalon
Habib Nassar
Abdelaziz Nouaydi
Nabeel Rajab
Victoria Riskin
Charles Shamas
Sid Sheinberg
Sussan Tahmasebi
Mustapha Tlili
Ferraz Zalt

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Deputy Executive Director, Europe*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*

Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Olujobi, *Deputy Program Director*
Dinah Pokempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

July 25, 2012

Nashat Farhan Sawahneh. Chairman
Thamin Sulaiman Fakhoury, Managing Director
Al-Hamad Group
Manama, Bahrain

By fax: +973-17-213-910

Dear Mr. Sawahneh and Mr. Fakhoury,

Human Rights Watch is an independent, international nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring the human rights of migrant workers in the Middle East, and in particular the Gulf States, for many years. We have urged reform of government policies and practices that enable workers' rights abuses in these countries, and have likewise called for employers to ensure that they uphold and respect workers' rights.

Human Rights Watch is preparing a report on the conditions facing migrant workers in Bahrain. With regard to the construction sector, our research found that abusive practices of the kinds found elsewhere in the Gulf, including the United Arab Emirates and Qatar, are also prevalent in Bahrain.

We found that migrant workers in Bahrain regularly confront illegal and abusive acts by employers, including non-payment of wages; passport confiscation; improperly charging recruitment fees; physical and psychological abuse; sexual abuse; denial of adequate food; denial of adequate housing; excessive work hours; forced work; and obstacles to effective redress.

One of the companies that came to our attention in researching this report is the Al-Hamad Construction Company, which we understand to be a division of the Al-Hamad Group. According to the *Gulf Daily News* and *Construction Week Online*, in June 2009 over 5,000 Al-Hamad Construction Company workers went on strike, complaining that they had not received their wages for the previous two-and-one-half months. Following Ministry of Labor intervention, the company agreed to pay back wages and pay future wages on the 15th of every month. However, according to *Construction Week Online*, in November 2009 2,000 Al-Hamad Construction Company workers went on strike claiming they had not been paid on time. In mid-December 2011, according to the *Gulf Daily News*, some 1,100 workers went on strike alleging that Al-Hamad Construction Company had not paid them for seven months, prompting another Ministry of Labor intervention. One Al-Hamad worker said the 2011 strike came three months after the workers had filed a complaint with the ministry but did not get any results.

We would appreciate receiving any comment your company might have regarding the accuracy of these media reports. We would also like to know what the company's policy is with regard to payment of wages, and what steps the company may have taken to address what, if the media reports are accurate, would appear to be a record of chronic withholding of wages, in violation of Bahraini law.

We would welcome your response to this inquiry at your earliest convenience. If we receive your response by August 8, 2012 we will reflect your views in the report.

Sincerely,



Joe Stork
Deputy Director
Middle East and North Africa Division
Human Rights Watch

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300

Appendix J: Human Rights Watch letter to Abdulla Nass Construction Company

HUMAN
RIGHTS
WATCH

www.hrw.org

MIDDLE EAST AND NORTH AFRICA DIVISION

ADVISORY COMMITTEE

Hassan Elmasry, *Co-Chair*
Kathleen Peratis, *Co-Chair*
Asli Bali, *Officer*
Prince Moulay Hicham, *Officer*
Bruce Rabb, *Officer*
Gary G. Sick, *Officer*
Gamal Abouali
Ghanim Alnajjar
Lisa Anderson
Shaul Bakhash
M. Cherif Bassiouni
David Bernstein
Robert L. Bernstein
Nathan Brown
Paul Chevigny
Ahmad Deek
Hanaa Edwar
Mansour Farhang
Louba Freih
Fadi Ghandour
Aeyal Gross
Asos Hardi
Bahey El Din Hassan
Salah al-Hejailan
Wajeha Al Huwaider
Shawan Jabarin
Robert James
Mehrangiz Kar
Edy Kaufman
Marina Pinto Kaufman
Robert Malley
Ahmed Mansoor
Stephen P. Marks
Rolando Matalon
Habib Nassar
Abdelaziz Nouaydi
Nabeel Rajab
Victoria Riskin
Charles Shamas
Sid Sheinberg
Sussan Tahmasebi
Mustapha Tlili
Ferraz Zalt

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and
Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Deputy Executive Director, Europe*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*

Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Olujobi, *Deputy Program Director*
Dinah Pokempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

July 25, 2012

Abdulla Ahmed Nass, Chairman
Abdulla Nass Construction Company
Manama, Bahrain

By fax: +973-17-728-184

Dear Mr. Nass,

Human Rights Watch is an independent, international nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring the human rights of migrant workers in the Middle East, and in particular the Gulf States, for many years. We have urged reform of government policies and practices that enable workers' rights abuses in these countries, and have likewise called for employers to ensure that they uphold and respect workers' rights.

Human Rights Watch is preparing a report on the conditions facing migrant workers in Bahrain. With regard to the construction sector, our research found that abusive practices of the kinds found elsewhere in the Gulf, including the United Arab Emirates and Qatar, are also prevalent in Bahrain.

We found that migrant workers in Bahrain regularly confront illegal and abusive acts by employers, including non-payment of wages; passport confiscation; improperly charging recruitment fees; physical and psychological abuse; sexual abuse; denial of adequate food; denial of adequate housing; excessive work hours; forced work; and obstacles to effective redress.

One of the companies that came to our attention in researching this report is the Abdulla Nass Construction Company. According to media reports and information we have received from several labor rights groups, a group of

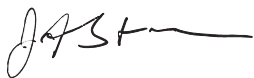
128 workers had left their jobs at Nass Construction, alleging that the company had failed to pay them their full salaries. The company, claiming the workers had “absconded,” secured a court order imposing a travel ban on these workers unless and until they paid damages to the company for “missing work” ranging from BD400 to BD600 (\$1060-\$1591). According to reports in the *Gulf Daily News*, some of the workers became aware of the travel ban and the claims against them when they attempted to leave the country in 2010 as part of a government amnesty for migrant workers without valid work permits. As with most if not all persons banned from travel for debt-related reasons (currently more than 1,800, according to the government of Bahrain) these workers were unable to work legally in Bahrain or to leave the country to find employment elsewhere, and were thus stranded without resources to pay such penalties.

We understand that in July 2011 Nass reportedly dropped its complaint against some 50 workers, releasing them to leave Bahrain for their home countries. According to the *Gulf Daily News*, one of the remaining stranded former Nass workers had committed suicide in June 2012. (He was among some 27 persons in Bahrain who committed suicide in the first half of 2012, most of them migrant workers and including one person working for Nass Company at the time he committed suicide in April, according to a *Gulf Daily News* report at the time.) We understand that in response to a campaign launched in June by the Avaaz organization, the company on July 16 said that it would no longer institute legal proceedings against “runaway” workers except in cases of criminal offenses, and that it would “withdraw all court cases pending against runaway workers.”

We would appreciate receiving any comment your company might have regarding the accuracy of this information. We would also like to know what the company’s policy is with regard to full payment of wages and the basis for assessing damages in the amounts mentioned for “missing work.”

We would welcome your response to this inquiry at your earliest convenience. If we receive your response by August 8, 2012 we will reflect your views in the report.

Sincerely,



Joe Stork

Deputy Director

Middle East and North Africa Division

Human Rights Watch

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300

MIDDLE EAST AND NORTH AFRICA DIVISION

ADVISORY COMMITTEE

Hassan Elmasry, *Co-Chair*
Kathleen Peratis, *Co-Chair*
Asli Bali, *Officer*
Prince Moulay Hicham, *Officer*
Bruce Rabb, *Officer*
Gary G. Sick, *Officer*
Gamal Abouali
Ghanim Alnajjar
Lisa Anderson
Shaul Bakhash
M. Cherif Bassiouni
David Bernstein
Robert L. Bernstein
Nathan Brown
Paul Chevigny
Ahmad Deek
Hanaa Edwar
Mansour Farhang
Louba Freih
Fadi Ghandour
Aeyal Gross
Asos Hardi
Bahey El Din Hassan
Salah al-Hejailan
Wajeha Al Huwaidar
Shawan Jabarin
Robert James
Mehrangiz Kar
Edy Kaufman
Marina Pinto Kaufman
Robert Malley
Ahmed Mansoor
Stephen P. Marks
Rolando Matalon
Habib Nassar
Abdelaziz Nouaydi
Nabeel Rajab
Victoria Riskin
Charles Shamas
Sid Sheinberg
Sussan Tahmasebi
Mustapha Tlili
Ferraz Zalt

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and
Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Deputy Executive Director, Europe*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*

Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Olujobi, *Deputy Program Director*
Dinah Pokempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

HUMAN
RIGHTS
WATCH

Appendix K: Human Rights Watch letter to Abdulla Mohammed Ali Mirza Moh'd Taher Al Asfoor Company

July 25, 2012

www.hrw.org

Mohammed Ali Mirza Moh'd Taher Al Asfoor
Mohammed Ali Mirza Moh'd Taher Al Asfoor Company
Manama, Bahrain
By fax: +973-17-226-876

Dear Mr. Al Asfoor,

Human Rights Watch is an independent, international nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring the human rights of migrant workers in the Middle East, and in particular the Gulf States, for many years. We have urged reform of government policies and practices that enable workers' rights abuses in these countries, and have likewise called for employers to ensure that they uphold and respect workers' rights.

Human Rights Watch is preparing a report on the conditions facing migrant workers in Bahrain. With regard to the construction sector, our research found that abusive practices of the kinds found elsewhere in the Gulf, including the United Arab Emirates and Qatar, are also prevalent in Bahrain.

We found that migrant workers in Bahrain regularly confront illegal and abusive acts by employers, including non-payment of wages; passport confiscation; improperly charging recruitment fees; physical and psychological abuse; sexual abuse; denial of adequate food; denial of adequate housing; excessive work hours; forced work; and obstacles to effective redress.

With regard to the Al-Asfoor Company, we spoke with employees of the company as well as labor lawyers and government officials who reported chronic problems with regard to timely payment of wages and inadequate housing facilities.

- According to our information, in October or November 2009 some 42 Al-Asfoor workers filed a labor complaint claiming that their wages (BD80-90, or \$212-\$239) were five to six months in arrears. Human Rights Watch spoke with several Al Asfoor workers who complained of being owed up to 11 months in back wages. In January 2010 they filed a civil case and also a human trafficking criminal case against Al-Asfoor with the assistance of the Indian embassy and a Bahraini labor lawyer retained by the embassy. (One of these workers told Human Rights Watch that a company foreman had pressured him to sign a document indicating he had received a full month's wage when in fact he had received only about 40 percent.) As of November 2010, the civil complaint remained pending, and we have been unable to determine if it was ever resolved regarding some or all of these workers. We would be grateful for any information you could provide in this regard.
- In February 2010 Human Rights Watch researchers visited a decrepit labor camp in Adliya, a small compound of several connected rooms around a small courtyard and kitchen area housing at least 40 and perhaps as many as 100 workers. Human Rights Watch spoke with six workers there who said they worked for the Al Asfoor Company, and that they had not been paid in months. After examining the premises in the company of some resident workers Human Rights Watch found that the structures were in some cases literally falling apart – crumbling walls, cracked, water-stained ceilings, and exposed wiring. Former residents told Human Rights Watch that Ministry of Labor officials visited the camp on two occasions, three months apart, in 2009, and posted notices that the camp was unfit and should be torn down. According to migrant worker advocates in Bahrain, as of January 2012 the camp was still open. We would appreciate it if you could inform us why this camp was not closed per the Ministry of Labor notice, and whether it remains open today. If so, have the numerous violations in the ministry's citation been remedied.
- A Bahraini government official told Human Rights Watch in June 2010 that the Labor Ministry's department of inspections had revoked Al-Asfoor's seven commercial registration numbers. The official did not indicate the reason or reasons for this, although he said that the company was not cooperating with the ministry or responding to its warnings. We would appreciate your comment on this information.

We would welcome your response to this inquiry at your earliest convenience. If we receive your response by August 8, 2012 we will reflect your views in the report.

Sincerely,



Joe Stork

Deputy Director

Middle East and North Africa Division

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300

Appendix L: Human Rights Watch letter to the Senior Group and Response of the Senior Group

HUMAN
RIGHTS
WATCH

www.hrw.org

MIDDLE EAST AND NORTH AFRICA DIVISION

ADVISORY COMMITTEE

Hassan Elmasry, *Co-Chair*
Kathleen Peratis, *Co-Chair*
Asli Bali, *Officer*
Prince Moulay Hicham, *Officer*
Bruce Rabb, *Officer*
Gary G. Sick, *Officer*
Gamal Abouali
Ghanim Alnajjar
Lisa Anderson
Shaul Bakhash
M. Cherif Bassiouni
David Bernstein
Robert L. Bernstein
Nathan Brown
Paul Chevigny
Ahmad Deek
Hanana Edwar
Mansour Farhang
Louba Freih
Fadi Ghandour
Aeyal Gross
Asos Hardi
Bahey El Din Hassan
Salah al-Hejailan
Wajeha Al Huwaidar
Shawan Jabarin
Robert James
Mehrangiz Kar
Edy Kaufman
Marina Pinto Kaufman
Robert Malley
Ahmed Mansoor
Stephen P. Marks
Rolando Matalon
Habib Nassar
Abdelaziz Nouaydi
Nabeel Rajab
Victoria Riskin
Charles Shamas
Sid Sheinberg
Sussan Tahmasebi
Mustapha Tlili
Ferraz Zalt

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and
Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Deputy Executive Director, Europe*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*

Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Olujobi, *Deputy Program Director*
Dinah Pokempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

July 25, 2012

Muhammad Iqbal, Managing Director and Acting Chairman
The Senior Group
Manama, Bahrain
By fax: +973-17-215-531

Dear Mr. Iqbal,

Human Rights Watch is an independent, international nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring the human rights of migrant workers in the Middle East, and in particular the Gulf States, for many years. We have urged reform of government policies and practices that enable workers' rights abuses in these countries, and have likewise called for employers to ensure that they uphold and respect workers' rights.

Human Rights Watch is preparing a report on the conditions facing migrant workers in Bahrain. With regard to the construction sector, our research found that abusive practices of the kinds found elsewhere in the Gulf, including the United Arab Emirates and Qatar, are also prevalent in Bahrain.

We found that migrant workers in Bahrain regularly confront illegal and abusive acts by employers, including non-payment of wages; passport confiscation; improperly charging recruitment fees; physical and psychological abuse; sexual abuse; denial of adequate food; denial of adequate housing; excessive work hours; forced work; and obstacles to effective redress.

One of the companies that came to our attention in researching this report is the Senior Group. The *Gulf Daily News* reported in September 2011 that 70 migrant construction workers from the Senior Group filed complaints with the Ministry of Labor alleging they had not been paid in eight months. In November the same newspaper reported that 40 Senior Group workers

demonstrated outside of the Ministry of Labor claiming they had not been paid in seven months and were housed in poor accommodations. According to a subsequent *Gulf Daily News* report, ministry officials confirmed the wage complaint of the November protesters, leading to a settlement in which the company agreed to pay one month's back wages immediately, resume timely payment of wages, and pay remaining back wages by the end of 2011. According to the Bahrain-based Migrant Workers Protection Society, most Senior Group workers accepted a plane ticket home and left their bank account details with the company so that their back wages could be forwarded to them.

We would appreciate receiving any comment your company might have regarding the accuracy of this information. We would also like your response to the following questions:

- What is the company's policy with regard to full and prompt payment of wages?
- If the September *Gulf Daily News* story was accurate, how many of the 70 Senior Group workers who complained to the ministry in September 2011 that they had not been paid in eight months received in full the wages owed to them? If some or all did not receive their back wages, what was the reason?
- If the November *Gulf Daily News* story was accurate, how many of the 40 Senior Group workers who complained to the ministry in November 2011 that they had not been paid in seven months received in full the wages owed to them? If some or all did not receive their back wages, what was the reason?
- Did those workers who accepted a plane ticket home as part of their settlement with the company receive in full the wages owed to them?

We would welcome your response to this inquiry at your earliest convenience. If we receive your response by August 8, 2012 we will reflect your views in the report.

Sincerely,



Joe Stork
Deputy Director
Middle East and North Africa Division
Human Rights Watch



8th August 2012

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299

Tel : 212-290-4700 Fax: +1-212-736-1300 email: cooglea@hrw.org

Dear Mr.Adam Coogle,

We would like to introduce ourselves as Senior Group of company is an 'A' grade company operating in the Kingdom of Bahrain since 1980 (32 Years) and is one of the pioneers in providing various services to Ministries, Government / Semi Government institutions, major Industrial and Commercial organizations. The company is run by professionals and Most of our employees have been with us between 12 – 18 years showing our commitment and value to our employees. Being a professionally managed company, we abide by the laws of The Kingdom of Bahrain.

Senior Group has got the appreciation as follows,

Best Accommodation provider to the employees from Indian Embassy Bahrain.
Best provider of the charity tickets to any Indians who got trouble in Bahrain
Best company Award from the Governor, Central Governorate, Kingdom of Bahrain
Every Year we used to send the selected employees for Umrah & Hajj

As all aware of the global financial crisis and same time there was internal problems in the Kingdom of Bahrain, Senior Group also affected & tried the best to solve the issues at all the times.

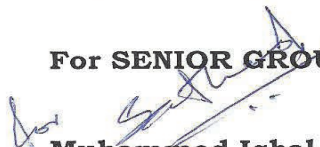
We would like to give our response to your questions as follows,

- Company is paying the wages on time
- As per the GDN, all the employees in the strike left Bahrain after receiving their rights & ticket. We have the receipts of the payment.

We are ready to show the document as and when required. Any representative from Human Rights Watch will be most welcome to our offices, Accommodations & sites.

Thanking you & best regards

For SENIOR GROUP OF COMPANIES


Muhammed Iqbal
Managing Director



P.O. Box: 2590, Office No. 31, Bldg No. 27, Road: 336, Area: 315, Opp. Lulu Centre, Manama, Kingdom of Bahrain

CIVIL, ELECTRICAL, MECHANICAL, WATER PROOFING & ROAD CONSTRUCTION, TECHNICAL MANPOWER SERVICES, TRANSPORTATION & PROPERTY MANAGEMENT

"The Solution for Customer Satisfaction"

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300

Appendix M: Human Rights Watch Letter to G.P. Zachariades Company and Response of the G.P. Zachariades Company

HUMAN
RIGHTS
WATCH

www.hrw.org

MIDDLE EAST AND NORTH AFRICA DIVISION

ADVISORY COMMITTEE

Hassan Elmasry, *Co-Chair*
Kathleen Peratis, *Co-Chair*
Asli Bali, *Officer*
Prince Moulay Hicham, *Officer*
Bruce Rabb, *Officer*
Gary G. Sick, *Officer*
Gamal Abouali
Ghanim Alnajjar
Lisa Anderson
Shaul Bakhash
M. Cherif Bassiouni
David Bernstein
Robert L. Bernstein
Nathan Brown
Paul Chevigny
Ahmad Deek
Hanaa Edwar
Mansour Farhang
Louba Freih
Fadi Ghandour
Aeyal Gross
Asos Hardi
Bahey El Din Hassan
Salah al-Hejailan
Wajeha Al Huwaider
Shawan Jabarin
Robert James
Mehrangiz Kar
Edy Kaufman
Marina Pinto Kaufman
Robert Malley
Ahmed Mansoor
Stephen P. Marks
Rolando Matalon
Habib Nassar
Abdelaziz Nouaydi
Nabeel Rajab
Victoria Riskin
Charles Shamas
Sid Sheinberg
Sussan Tahmasebi
Mustapha Tlili
Ferraz Zalt

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Deputy Executive Director, Europe*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*

Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Olujobi, *Deputy Program Director*
Dinah Pokempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

July 25, 2012

Stefaos G. Zachariades
Managing Director
G.P. Zachariades Company
Manama, Bahrain

By fax: +973-17-598-801

Dear Mr. Zachariades,

Human Rights Watch is an independent, international nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring the human rights of migrant workers in the Middle East, and in particular the Gulf States, for many years. We have urged reform of government policies and practices that enable workers' rights abuses in these countries, and have likewise called for employers to ensure that they uphold and respect workers' rights.

Human Rights Watch is preparing a report on the conditions facing migrant workers in Bahrain. With regard to the construction sector, our research found that abusive practices of the kinds found elsewhere in the Gulf, including the United Arab Emirates and Qatar, are also prevalent in Bahrain.


We found that migrant workers in Bahrain regularly confront illegal and abusive acts by employers, including non-payment of wages; passport confiscation; improperly charging recruitment fees; physical and psychological abuse; sexual abuse; denial of adequate food; denial of adequate housing; excessive work hours; forced work; and obstacles to effective redress.

One of the companies that came to our attention when we conducted our research in Bahrain was the G.P. Zachariades Company. According to media reports, in February 2008 between 1,300 and 2,000 of the company's construction workers on the \$6 billion Durrat Al Bahrain project went on strike to protest poor living conditions and low wages. According to information we have received, Zachariades Company construction workers at that time received between BD 57 and BD 69 per month (\$151-\$183). This was considerably less than what the LMRA said was the average migrant construction worker wage of BD98 (\$260) and far below the average monthly wage of all migrant workers in Bahrain (BD199, or \$523). We understand that the Ministry of Labor sent an inspector to assess the situation, but we were unable to obtain from the ministry any information as to whether or how the strike was resolved.

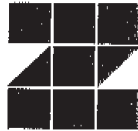
We would appreciate receiving any comment your company might have regarding the accuracy of this information. We would also like to know what the company's policy is with regard to payment of wages and migrant worker living conditions, and whether the company has taken steps to bring its construction wages more in line with average migrant construction wages in Bahrain.

We would welcome your response to this inquiry at your earliest convenience. If we receive your response by August 8, 2012 we will reflect your views in the report.

Sincerely,

A handwritten signature in black ink, appearing to read "J Stork", with a long horizontal flourish extending to the right.

Joe Stork
Deputy Director
Middle East and North Africa Division
Human Rights Watch

**G.P. Zachariades**

Overseas Ltd.

Civil Engineering & Building Contractors

Our Ref. 1208/21-13993

Bahrain, 7th August 2012

Mr. Joe Stork
Deputy Director
Human Rights Watch
350 Fifth Avenue, 34th Floor
New York, NY10118-3299
Fax : +212 736 1300

Dear Mr. Stork

We wish to thank you for your letter of July 25, 2012 bringing to our attention media reports about strikes in Bahrain as it gives us an opportunity to bring to your attention some important information which appears to have been overlooked.

Upon receipt of your letter, and given our respect and appreciation towards your organization, we feel obliged to present to you relevant facts on the issues raised even though five years has elapsed.

We will present our comments under three different headings, one referring to our company generally, the second relating to the specific project mentioned in your letter, and the third referring to current wages.

G.P. Zachariades (Overseas) Ltd

Our company has achieved an excellent track record in the construction industry for a period exceeding 50 years since its establishment in Cyprus and takes pride not only for its high quality but also for its commitment in implementing welfare policies including high standards of health and safety for all our workers. Our company traditionally relies on its own workforce, regularly provides proper labor accommodation for all workers, and has a policy of in-house training and human resources development. As a result of this, substantial numbers of our workers having joined the company at a very young age, continue to work for the company after 20 years of service with some of them exceeding 30 years of service, initially engaged labourers and after training now currently hold positions as supervisors and heads of the workshops and in one case to Manager of the Transport Department. All our manpower who have been in the company for many years have acquired excellent skills and obviously now earn much higher wages than when they

C. R. Number 4595

Established in 1976

Page 1 of 2

Bahrain: P.O. Box 5632, Manama, Kingdom of Bahrain Tel: +973 17598800 Fax: +973 17598801 Email: info@gpzgroup.com
Cyprus: P.O. Box 54450, 2724 Limassol, Cyprus Tel: +357 25 358222 Fax: +357 25 358444 E-mail: info@cyprus@gpzgroup.com
Greece: Sifneon Aggioplaston 11, 15125 Marousi, Athens, Greece Tel: +30 210 6195905/7 Fax: +30 210 6195956
Web: www.gpzgroup.com



initially joined the company and more than the average market rates as our company handles mostly projects of very high quality.

Durrat Al Bahrain Project

Our company constructed 320 villas at Atolls 3 and 4 during 2007 to 2010. At the time this project started there was an unprecedented boom in real estate contracts throughout the Gulf countries necessitating the importation of very large number of workers from Asian countries by all major contractors. Many contractors were hit by the illegal strike organized by some of the workers in spite of the fact that all of them had a signed contract of employment with their employers and had come to work in Bahrain of their own free will.

Current Wages

In spite of the economic boom in India and China and other countries workers are still coming to Bahrain and in particular the Middle East to work on agreed wages and the company still maintains a large directly employed labor force.

It is our pleasure to provide information to your organization and look forward to receiving a copy of your report, which will also reflect our views on the subject.

Yours sincerely,

(K. Pallikaropoulos)

for S. G. Zachariades
Managing Director

Copy to : Mr. Adam Coogie at cooglea@hrw.org and by fax +1-212-736-1300