



HUMAN
RIGHTS
WATCH

For A Better Life

Migrant Worker Abuse in Bahrain and the Government Reform Agenda

Summary and Key Recommendations



(left) Domestic workers at a shelter run by the Migrant Worker Protection Society (MWPS), a Bahraini NGO and one of the only migrant worker advocacy groups in the Gulf. Volunteers with the MWPS provide abused workers with a safe place to stay, help them file labor complaints for unpaid wages or confiscated passports, and take workers to police stations to file criminal charges for physical and sexual abuse.

After the first time she hurt me it came to my mind that I want to go back to the Philippines. But then I thought if I go back to the Philippines, what will happen to my family? I cannot support them if I'm back there. But it was too late. Every day madam beat me.

—MARIA C., MIGRANT DOMESTIC WORKER, MANAMA, JANUARY 2010.

I received only one [full] salary, and for the other months I got BD27 [\$72], but signed for the full amount. The foreman said, "You'll get the rest in two days, it's not a problem, so just sign it." When he said that, I signed it.

After working for five months, I asked for my money but they didn't give me my money. [The site engineer] told me, "Do your work; I'm not going to give you money. We're only going to give you money for food, BD15 [\$40] for 30 days."

I told him, don't give me money for food, send me home—I paid 80,000 rupees [\$1705] on my house and I have to give it back. He said, "There is no money, go to the Labor Ministry, go to the embassy, you won't get your money."

—SABIR ILLHAI, MIGRANT CONSTRUCTION WORKER, MANAMA, FEBRUARY 2010.

FOR A BETTER LIFE

Photographs by Samer Muscati/Human Rights Watch

For over three decades, millions of workers—mostly from south and southeast Asian countries such as India, Bangladesh, Sri Lanka, and the Philippines—have flocked to the Persian Gulf in the hope of earning better wages and improving the lives of their families back home.

Most of these workers come from impoverished, poorly-educated backgrounds and work as construction laborers, domestic workers, masons, waitresses, care givers, and drivers. Providing construction and service industries with much-needed cheap labor, they have helped fuel steady economic growth in countries such as Saudi Arabia, the United Arab Emirates (UAE), Kuwait, Qatar, and Bahrain.

Despite their indispensable contribution to the life of their Gulf hosts, many workers have experienced human rights and labor rights abuses, including unpaid and low wages, passport confiscation, restrictions on their mobility, substandard housing, food deprivation, excessive and forced work, as well as physical, psychological, and sexual abuse.

The small island nation of Bahrain, with approximately 1.3 million residents, has earned a reputation among labor-receiving countries in the Gulf as the most committed to improving migrant labor practices. Its efforts include new safety regulations, measures to combat human trafficking, workers' rights education campaigns, and reforms aimed at allowing migrants to freely leave their jobs. However, questions remain about the implementation and adequacy of these reforms.

This report explores the experience of Bahrain's more than 458,000 migrant workers who make up around 77 percent of the country's workforce—most working in unskilled or low-skilled jobs, in industries such as construction, retail and wholesale and domestic work. The report traces the many forms of abuse and exploitation to which migrant workers in Bahrain are subjected by employers and the obstacles and failures that prevent them from seeking effective redress for such treatment. It outlines the rights and international legal standards that apply to workers, and calls on the governments of Bahrain and of labor-sending countries to adopt additional protections for migrant workers in Bahrain.

EMPLOYER AND RECRUITMENT ABUSES AGAINST MIGRANT WORKERS

The plight of many migrant workers in Bahrain begins in their home countries, where poverty and financial obligations entice them to seek higher paying jobs abroad. Often, they pay local recruitment agencies fees equivalent to approximately 10 to 20 months wages in Bahrain, even though Bahraini law forbids anyone from charging such fees to workers. It is common for construction and other low-skilled male workers to pay such fees, although uncommon for domestic workers, who tend to come to Bahrain through formal recruitment agencies. The debt that many workers incur to pay recruitment agencies and airfare means they feel compelled to stay in jobs despite unpaid wages or unsafe housing and worksite conditions for months and even years.

Once in Bahrain, migrants depend on regular payment of their salaries to meet their own immediate financial needs and those of their families at home, or to meet monthly loan repayments. Workers indicated that the problem of unpaid wages tops the list of their grievances. Although nonpayment of wages is a criminal as well as civil offence in Bahrain, some employers withhold wages from migrant workers for many



months. Without an income source, migrant workers take on more debt to cover basic needs. In 2008 and 2009 the Individual Complaints Department at the Ministry of Labor received nearly 1,800 complaints of withheld and late wages. Out of 62 migrant workers whom Human Rights Watch interviewed, 32 reported that their employers withheld their wages for between three to ten months: one domestic worker



"The first time I went to [my employer] he said that he'll take 500 [Bahraini] dinars (\$1,326) to give me my passport back so I could return home," said Mukhtar K., 31, from Bangladesh. "That was two months ago. I went to him again and now he is asking for 1,000 dinars (\$2,652) so that I could get my passport from him and return."

Construction workers in central Manama wait to be picked up for work.

did not receive wages from her employer for five years. The government did not reply to Human Rights Watch's 2012 request for 2010 and 2011 numbers.

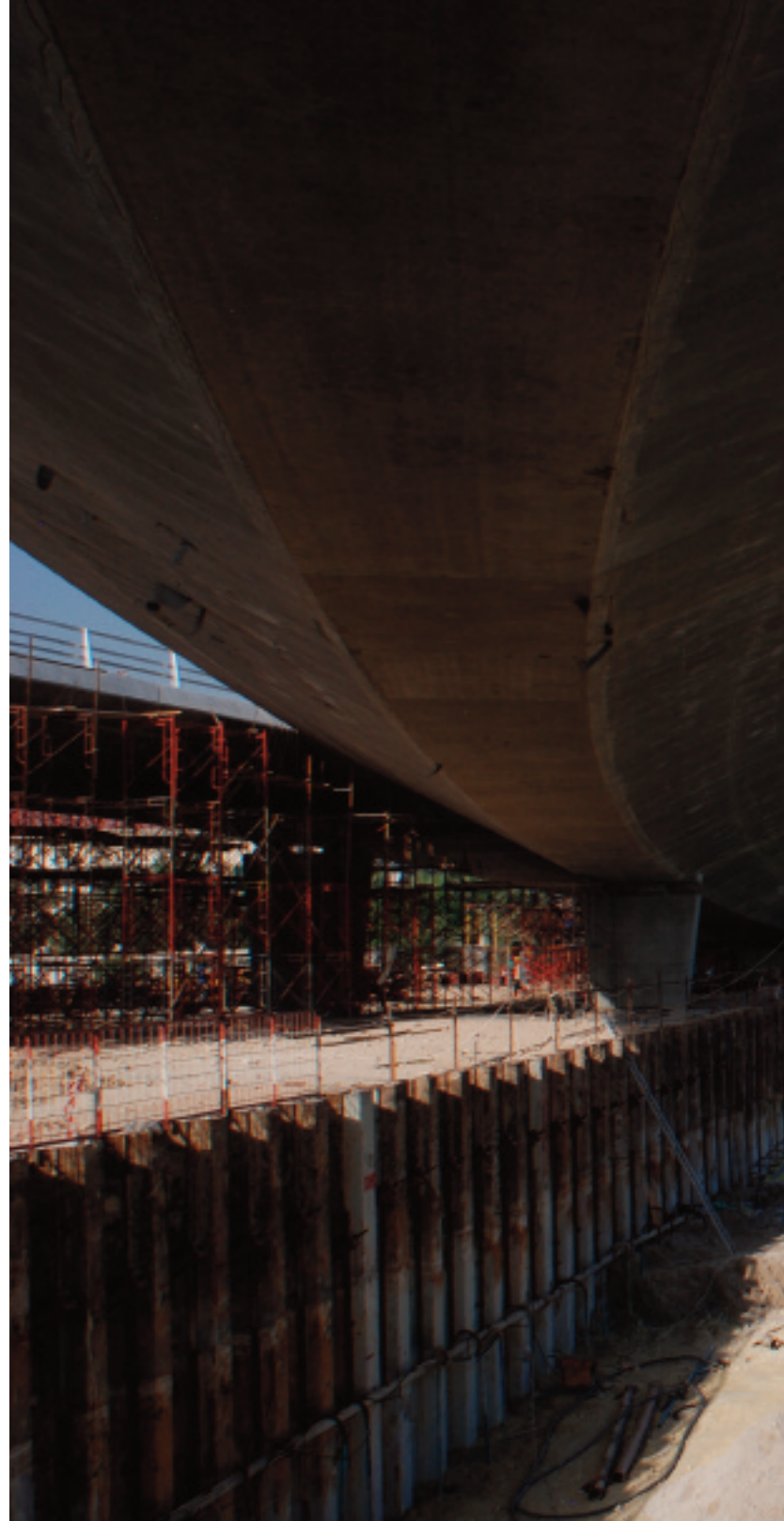
On average, migrant workers in Bahrain earn BD205 or \$544 a month, compared to BD698 (\$1,853) earned by Bahrainis, and comprise 98 percent of "low pay" workers (the government defines "low pay" as less than BD200, or \$530, monthly). Most migrant workers interviewed by Human Rights Watch earned between BD40 and 100 (\$106-\$265) monthly, while a few earned up to BD120 (\$318) with overtime. The Indian government requires a monthly salary of at least BD100 (\$265) for its nationals in Bahrain, while the Philippines requires at least BD150 (\$398). Employers rarely meet these rates. The Bahraini government has resisted adopting minimum wage legislation.

Domestic workers earn notably less than migrants in other sectors, as little as BD35 (\$92) per month, averaging BD70 (\$186), according to the government. Many work up to 19-hour days, with minimal breaks and no days off. Many domestics reported that they were prevented from leaving their employer's homes, and some said they received little food. Workers in other sectors such as construction and service industries generally work 8-hour days and receive Fridays off, although about a dozen construction workers reported regularly working 11 to 13-hour days without overtime pay.

Employers typically house construction workers and other male laborers in dormitory-style accommodation in labor camps that can be cramped and dilapidated with insufficient sanitation, running water, or other basic amenities. Three of the four camps that Human Rights Watch visited had kitchens



Workers had been transported in an open-air flat bed truck, which provide little more than a bench for seating and no safety belts. Several migrant workers have died in traffic accidents while riding in open-air trucks. Bahrain recently banned the use of these trucks for transporting workers and they become far less common.



with kerosene burners, which are fire hazards and violate Bahraini code. While Bahrain's Ministry of Labor has worked to improve camps and make them safer, it has too few inspectors and substandard camps continue to operate.

Some migrant workers experience physical abuse in the form of beatings as well as psychological and verbal abuse. There are no reliable numbers on cases of physical abuse, but 11 of the 62 workers Human Rights Watch interviewed



reported abuse. Over half of these were domestic workers, some of whom were also subject to sexual abuse and harassment by employers and recruitment agents, such as unwanted advances, groping, fondling, and rape. Human Rights Watch interviewed four domestic workers who reported sexual harassment, assault, or rape by their recruitment agents, employers, or employers' sons.

Migrant workers supply the bulk of the labor in Bahrain's many construction and government infrastructure projects, including large mosques, luxury high rises, and highway overpasses.



Construction workers in Manama wait, hard hats in hand, to begin their work day. In Bahrain migrant workers comprise 97 percent of “low pay” workers, which the government defines as earning less than BD200 (US\$530) a month. Construction workers interviewed by Human Rights Watch reported earning between BD60 and BD100 (\$159-\$265) a month.

Exploited or abused migrant workers often want to change jobs or return home. Employers almost universally continue to confiscate migrant employees’ passports upon arrival, even though the practice is prohibited. Bahraini authorities largely fail to enforce prohibitions on confiscating passports or compel employers to return the documents. The Ministry of Labor, immigration officials, and police all say they formally and informally ask employers to return passports, but they lack the authority to compel employers who refuse to do so. Workers can appeal to courts, but it can be difficult to enforce court orders to return passports when employers refuse to

comply. Furthermore, employers must cancel work visas before migrant workers can leave the country. Senior immigration officials can waive this requirement, but only do so after repeatedly trying to persuade the employer to cooperate—a process that can take weeks or even months. Employers also frequently try to extract payments from employees in exchange for returning their passports and signing a visa release.

ATTACKS AGAINST MIGRANT WORKERS

Migrant workers in Bahrain not only experience abuses within the context of the employee-employer relationship but also face discrimination and other abuses from Bahraini society in general. Since 2008, Human Rights Watch has received reports of assaults on South Asian migrant workers by Arab men who were not the workers’ employers. For a very brief time in mid-March 2011, as the confrontation between



security forces and anti-government protesters intensified, these attacks escalated dramatically. The attacks took place amid growing frustration by many Shia Bahrainis who believe migrant workers are taking jobs, especially positions with the police and security forces, away from citizens. Pakistanis, some of whom have been naturalized, comprise a significant percentage of Bahrain's riot police.

Human Rights Watch documented several violent attacks against South Asian migrant workers in and around Manama on March 13-14, 2011, immediately before security forces launched a violent crackdown on the anti-government protests. Human Rights Watch spoke with 12 migrant workers who witnessed or were victims of the attacks, all of them nationals of Pakistan and Bangladesh. Seven of them said that Arab men armed with sticks, knives, and other weapons harassed and attacked them at their places of residence. Some alleged that their attackers were anti-government protesters, though they could not provide information to support that allegation. All of the men interviewed said they

Construction workers build a highway overpass on a 102 °F (39 °C) day in June, covering their faces with old T-shirts to mitigate the effects of the heat. Heat-related workplace injuries are common in Bahraini summers, where the temperatures often reach 107 °F (42 °C). The government has banned midday outdoor labor in July and August, and enforces this safety policy with regular site inspections.

could not positively identify their attackers because they had covered their faces with their shirts or masks.

The Bahrain Independent Commission of Inquiry, which investigated human rights violations in connection with the government response to anti-government protests, noted that according to Bahrain's Ministry of Interior four migrant workers were killed as a result of incidents related to the unrest and a further 88 expatriates were injured, including 11 Indians, 18 Bangladeshi, 58 Pakistanis, and one Filipino.

Following a criminal investigation by Bahrain's Ministry of Interior, authorities prosecuted 15 defendants for their

alleged involvement in the murder of Abdul Malik, one of two migrant workers murdered in front of a residential building in the Manama neighborhood of Naim. On October 3, 2011, a special military court convicted and sentenced 14 of them to life imprisonment. The fifteenth defendant was acquitted of the charges and released. As of mid-September 2012 their convictions were under review by an appellate civilian court.

BAHRAIN'S REFORM EFFORTS

Even before it embarked on recent legal and policy reforms affecting migrant workers, Bahrain provided legal protections to many migrant workers that are absent in several neighboring Gulf states. Bahrain's labor laws and regulations have long applied to both nationals and to migrant workers (with the key exception of domestic workers) and include the right of workers to join trade unions. For example, Bahrain's 1976 Labor Law for the Private Sector standardized labor practices, including work hours, time off, and payment of wages— but failed to protect domestic workers.

Bahrain's penal code has also provided criminal sanctions that can protect migrant workers against unpaid wages, and physical and sexual abuses.

In 2006 Bahrain established the Labor Market Regulatory Authority (LMRA) with a mandate to regulate, among other things, recruitment agencies, work visas, and employment transfers. The LMRA's duties include issuing work visas, licensing recruiters, and educating workers and employers about their rights and legal obligations. Its main policy goals include creating transparency about the labor market and regulations, increasing employment of Bahraini nationals in the private sector in place of migrant workers, and reducing the number of migrants working illegally in the country. The agency has developed an online and mobile phone interface that allows workers to monitor their work visa status, and produces an informational call-in radio program that airs on an Indian-language station in Hindi and Malayalam, where workers can ask questions about their visas and LMRA policies. An eight-language LMRA information pamphlet distributed to migrant workers upon entry at the airport tells them how to apply for and change a work visa, informs them of their right to keep their passports, and provides a Ministry of Labor contact number to report labor violations.

On April 23, 2012, the National Assembly passed a new private sector labor law, Law 36/2012, which King Hamad signed into law on July 26, 2012. The new law extends sick days and annual leave, authorizes compensation equivalent to a year's salary for unfairly dismissed workers, and increases fines employers must pay for violations of the labor law. Under the new law, according to the media, employers who violate health and safety standards can face jail sentences of up to three months and fines of BD500 to

BD1,000 (\$1,326 to \$2,652), with punishments doubling for repeat offenders.

The new law introduces a case management system designed to streamline adjudication of labor disputes and keep proceedings to around two months. Lengthy proceedings have until now made it impossible for many migrant workers to pursue litigation to a final ruling since they were unable to remain in Bahrain for a lengthy period without a job or income.

According to Bahraini media, Minister of Labor Jameel Humaidan has said that under the new law domestic workers "will be entitled [to] a proper labor contract which will specify the working hours, leave and other benefits." The government told Human Rights Watch that the new labor law includes numerous provisions pertaining to domestic workers.

Most of the law's protections still do not cover domestic workers, although some provisions extended to them under the new law do formalize existing but previously un-codified



(above) Although the practice is illegal in Bahrain, many migrant workers are forced to pay recruitment fees in their home countries to cover the cost of visas, work permits, travel and fees to agents. The resulting indebtedness of workers makes them vulnerable to exploitation, as they remain locked into jobs—even abusive ones—in order to repay their debts.

(opposite) Purveen G. works as a laborer for a major construction firm. "We all came through an agent, paying 50,000-60,000 rupees [\$1,300-\$1,355] in India. Some of us mortgaged our properties, lands and homes, with interest."

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protections for domestic workers, such as access to Ministry of Labor mediation, requirement that a domestic worker have a contract, and exemption from court fees. The law does introduce new protections as well, including annual vacation and severance pay. However, the new law does not set maximum daily and weekly work hours for domestic workers or mandate that employers give them weekly days off or overtime pay. In this regard, the law fails to address the most



common abusive practice of excessive work hours that domestic workers face.

In June 2012 an official with the LMRA told Human Rights Watch that the agency had begun drafting a unified contract for domestic workers that would standardize some protections, but did not provide specifics of the contract. Ausamah Abdullah Al-Absi, head of the LMRA, told Bahraini media that the LMRA's aim was to guarantee decent work and living conditions for domestic workers and the "unified contract will contain basic rights of workers according to international treaties."

Bahraini authorities also moved in recent years to reform the employment-based immigration system, commonly called the kafala (sponsorship) system, under which a migrant worker's employment and residency in Bahrain is tied to his or her employer, or "sponsor." In the past, the sponsor dictated whether a worker could change jobs or leave the country before the period of the employment contract ended. This gave employers enormous control over migrant employees,

"My father died, and I'm the oldest brother. I have younger brothers and sisters and one brother who's working as a laborer in Pakistan," said Raja H. (pictured above) who worked for four months allegedly without pay, along with 19 other men.

"I call my family and they tell me to send them money. If I don't get money, what am I supposed to say? I've got a wife and my kids are at school and it's a big problem."



This labor camp in the village of Barbar, outside Manama, like others in Bahrain, is in a dilapidated building, with insufficient sanitation, crumbling walls, exposed wiring, and lacking many basic amenities. The 24 male migrant workers in this camp sleep on plywood beds, crammed into four small bedrooms.



including the ability to force them to work under abusive conditions. In August 2009, the LMRA reformed the system to allow migrant workers to change employment without their employer's consent after a notice period set in the worker's employment contract, which could not exceed three months. Workers then had 30 days to remain in the country legally while seeking new employment. In June 2011, however, the government watered down this reform by requiring migrant workers to stay with their employer for one full year before they can change jobs without employer consent.

Despite the reform of the sponsorship system, the LMRA continued to reject most applications by migrant workers seeking to change jobs without employer consent. Employers also continued to have undue influence over a worker's freedom of movement because they had to cancel work visas

(above) The green boxes are kerosene burners used by workers in many labor camps across Bahrain to cook food. Bahraini safety codes ban the burners, which have been linked to several fatal fires.

"After a big fire at another camp in Bahrain [a year ago], the ministry came here and said there was a problem with the ventilation and the burners, and the company should fix it," said Asif S., who lives in this camp with 300 other men. Despite the ministry's citation, the burners remained in place. "Two months ago the ministry came and told the company again that the kerosene burners are not allowed."

before migrants could leave the country (unless this requirement was waived by a senior immigration official). Moreover, the reform fails to cover the country's 87,400 domestic workers.

Bahrain took a number of other steps to address the abuse of migrant workers including:

- In November 2006, the Ministry of Social Development established the 60-bed Dar Al Aman women's shelter, with a floor dedicated to migrant women. The facility took in 162 migrant women in 2008 and 2009—most of whom were referred by police, embassies of workers' home countries, and non-governmental organizations (NGOs). The Ministry of Social Development did not provide 2010 and 2011 numbers in its May 2012 response to Human Rights Watch's request for updates.
- In July 2007, the government implemented a ban on outdoor construction and other work between noon and 4 p.m. in July and August—the hottest months of the year. Employers appear to have largely observed the ban, primarily due to a campaign of sustained inspections by the Ministry of Labor that demonstrated the government's ability to enforce labor standards when it committed resources to doing so.
- Law No.1 of 2008 with Respect to Trafficking in Persons allows the Public Prosecution Office to seek convictions against individuals and corporations that—through duress, deceit, threat, or abuse of their authority—transport, recruit, or use workers for purposes of exploitation, including forced work and servitude. The Bahraini government understands this law to criminalize many common labor abuses, including withholding wages and confiscating passports. However, Human Rights Watch found no evidence that officials have yet used the law to prosecute labor-related abuses or labor-related human trafficking in Bahrain.
- In May 2009, a ban went into effect prohibiting employers from transporting workers in uncovered open-air trucks, which aimed to reduce traffic-related deaths and injuries of construction workers and other laborers. In January 2010, Human Rights Watch observed widespread use of open-air trucks to transport workers, although in June 2010 we observed noticeably fewer open-air trucks transporting workers from the same pick-up location we visited in January. In early 2012 worker advocates acknowledged that the use of these trucks for transporting workers had become rare.

On December 10, 2010, the Bahraini government released a report drafted in cooperation with the United Nations Development Programme (UNDP) on the status of migrant workers. The report included government pledges to better protect migrant workers from abuse. These pledges came, in part, out of dialogue between the government and Human Rights Watch in which Human Rights Watch presented government officials with the findings and recommendations contained in this report.

Human Rights Watch had recommended that the government significantly increase the number of inspectors responsible for overseeing private sector labor, health, and safety practices and, in response, the government pledged to increase the number of Ministry of Labor inspectors by 50 percent. The ministry in fact increased the number of health and safety inspectors fivefold, from six in 2010 to 30 in 2011.

Implementation of many of the other pledges, however, has so far been weak or absent:

- The government had pledged to launch an inspections campaign aimed at “exposing employers who withhold wages and confiscate passports and to penalize violators.” However, in February 2012 representatives of the Migrant Workers Protection Society told Human Rights Watch that the government had not initiated such a campaign and added that the onus remained on the workers to report complaints to the Ministry of Labor regarding unpaid wages and to the police regarding confiscated passports.
- The government had pledged to initiate a campaign to inform workers that withholding wages and confiscating passports are crimes under the anti-trafficking law, to penalize employers that partake in these practices, and to act on complaints by workers who alleged such abuse. In 2011, however, authorities had not prosecuted cases of these and other common labor-related crimes, other than physical and sexual abuse and sex-trafficking. Migrant rights activists reported that as of February 2012 they were unaware of any workers rights public education campaigns.
- The government had pledged to “consider the adoption of the ... ILO Convention on the treatment of domestic workers.” In June 2011, Bahrain, along with other GCC countries, voted in favor of establishing the convention, reversing its earlier opposition. As of this writing, however, Bahrain has yet to ratify the convention, the necessary step to make it binding.



GOVERNMENT MECHANISMS ADDRESSING ABUSES

Labor and criminal courts, and the Ministry of Labor's inspections and complaints departments, are designed in part to address worker grievances and curtail abuses. Human Rights Watch found that abusive and uncooperative employers often exploit the redress process, delay mediation and court proceedings, force workers into unfavorable settlements, and avoid punishment.

The Ministry of Labor had only 33 inspectors in 2010 to monitor compliance with labor laws and health and safety regulations of over 50,000 companies that employ around 457,500 workers. As noted, the ministry added at least 24 more inspectors in 2011. The head of the department of inspections told Human Rights Watch in 2010 that about 100 inspectors would be needed to conduct just one visit per year

These twelve men share a one room labor camp, with no beds and no air conditioner.

to every company. Migrant worker advocates told Human Rights Watch in February 2012 that the ministry's total number of inspectors remains woefully low. Workers in two of the labor camps that Human Rights Watch visited said that ministry inspectors had cited their employers for serious housing code violations and ordered one of the camps to close, but the employer never made the required repairs and, as of January 2012, the camp that had been ordered to close in fact remained open, according to local migrant worker advocates. The ministry lacked authority to penalize companies directly for violations and instead had to forward cases to the courts, which can impose fines.

Migrant workers may register complaints of labor law or contractual violations with the Ministry of Labor's complaints department, which then calls on the employer to participate in mediation. The ministry has no authority to compel a settlement, or for that matter employer participation. Abusive employers often refuse to settle and ignore the ministry's request for a meeting. Although the ministry says it resolves about half of all labor complaints filed by Bahraini and migrant workers, mediation results in settlements for migrants significantly less often than it does for nationals. In 2009, 2010, and 2011 Ministry of Labor mediators resolved only 30 percent of complaints filed by foreign workers, forwarding the rest to labor courts. These complaints mostly concerned violations of labor law and individual employment contracts and exclude criminal acts such as assault, sexual assault, or human trafficking. In all, the Ministry of Labor forwarded 2,321 of these cases to Bahrain's labor courts in 2009, 2010, and 2011, involving a total of 3,869 workers.

Labor lawyers and migrant worker advocates often advise migrant workers to reach a settlement outside labor courts. Lawyers told Human Rights Watch that courts often render worker-friendly judgments, but that cases take between six to 12 months to resolve. Labor court trials comprise on average six separate hearings that take place about every six weeks. Most migrant workers have no income source during this time, and often feel they have little choice but to accept an unfavorable out-of-court settlement. Many settle for a plane ticket home and return of their passports, foregoing a sizable portion, if not all, of their back wages. Some workers said they had even paid their former employers simply to return their passports and cancel their visas.

Bahrain's Public Prosecution Office, which investigates and prosecutes crimes, has primarily pursued migrant labor cases that involve physical and sexual abuse. Since passing anti-human trafficking legislation, Law No.1 of 2008 with Respect to Trafficking in Persons, the government declared its enforcement a national priority, but thus far the Public Prosecution Office has only prosecuted trafficking cases that involve prostitution.

Worker advocates and lawyers complained that authorities can be unresponsive, and investigations and prosecutions are extremely slow in criminal and trafficking cases. Advocates shared cases with Human Rights Watch in which their clients—domestic workers—had suffered severe physical abuse, and even rape. In one case, the Public Prosecution had not charged the alleged abuser or completed the investigation more than a year after the worker filed a police complaint. Authorities soon ended the investigation altogether. In another case, authorities had not set a trial date more than six months after the worker filed her complaint and eventually dropped the investigation.

In a high profile human trafficking case in which 38 construction workers alleged that they were forced to work without compensation, the first hearing was not called for about three months, by which time the accused employer managed to persuade most of the complaining workers to leave Bahrain with promises of small amounts of money and plane tickets home.

Prosecutions appear to be nonexistent when it comes to unpaid wages, the most common worker complaint, despite article 302 of the penal code that criminalizes “unjust withholding of wages.” Interior and Labor ministry officials appeared to be unaware of this provision when Human Rights Watch met with them in February 2010. In March 2010, after that meeting, Attorney General Ali Fadhul Al Buainain issued a decree mandating criminal investigations and prosecutions in such cases.

Officials in the Ministry of Labor and the Public Prosecution Office told Human Rights Watch they cannot address abuses unless the workers themselves come forward to complain. Workers said they faced obstacles to filing complaints and seeking redress, including a lack of translators at government agencies, lack of awareness about rights, and lack of familiarity with the Bahraini labor, immigration, and criminal justice systems. For example, none of the workers Human Rights Watch spoke with were aware that they had the right to hold onto their passports. Only one worker knew that he could transfer employment without his sponsor's permission. Many workers did not know where to file complaints. Domestic workers are kept in employers' homes and find it particularly difficult to raise complaints. Bahraini law does not require employers to give domestic workers any time off.

When workers do file grievances, employers often retaliate with counterclaims alleging the worker committed theft or a similar crime, or “absconded,” subjecting workers to potential detention in deportation centers, deportation, and bans on re-entry. Several workers said they did not lodge an official complaint because they feared an employer's retaliation.

In mid-2010, the most recent period for which LMRA figures are available, some 40,000 migrant workers in Bahrain were working without proper documentation because their work visas had expired, their sponsoring employer terminated them, or they left their job (“absconded”) without permission from a sponsoring employer. Other workers have active work visas, but work for companies other than the company to which the LMRA issued their visa, usually a shell company set up to obtain and sell visas. These so-called “free visa” workers often do not register complaints with the Ministry of Labor for common abuses like unpaid wages because they fear deportation, imprisonment, fines, or other penalties.



BAHRAIN'S INTERNATIONAL OBLIGATIONS

Bahrain is a member of the International Labour Organization (ILO) and has ratified four core ILO conventions, including both conventions relating to elimination of forced and compulsory labor, and those on the elimination of discrimination in respect of employment and occupation. Bahrain also ratified Convention No. 14 (mandating a weekly day of rest for workers in industries, such as construction), Convention No. 81 (on worksite inspection) and Convention No. 155 (on occupational health and safety).

Bahrain is a state party to relevant international treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Protocol to Prevent,

Workers in Manama lower heavy equipment onto a construction site.

Suppress and Punish Trafficking in Persons, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

These treaties obligate Bahrain to protect migrant workers against most labor-related abuses. Article 7 of the ICESCR recognizes “the right of everyone to the enjoyment of just and favorable conditions of work,” including decent wages, safe and healthy working conditions and rest, leisure, and reasonable limitation of working hours and periodic holidays with pay. The ICCPR establishes an individual’s right to freedom of movement, including one’s right to leave any country and enter his own country. The ICCPR provides for security of person and, along with the CAT, the right to be free from cruel, inhuman, and degrading treatment, requiring Bahrain to investigate and punish acts of cruel, inhuman, and degrading treatment even when committed by private actors.

In the Declaration on the Elimination of Violence against Women, the United Nations General Assembly called on governments to “prevent, investigate, and in accordance with national legislation, punish acts of violence against women, whether these acts are perpetrated by states or by private persons.” A state’s consistent failure to do so when it does take some attempts to address other forms of violence, amounts to unequal and discriminatory treatment, and violates the obligation under CEDAW to guarantee women equal protection under the law.

In its General Comment No. 32, the UN Human Rights Committee, the body of experts that reviews state compliance with the ICCPR, declared that under the ICCPR’s article 14 “delays in civil proceedings that cannot be justified by the complexity of the case or the behavior of the parties detract from the principle of a fair hearing.” Furthermore, according to the HRC, article 14 “encompasses the right of access to the courts,” and that “[t]he right of access to courts and tribunals and equality before them is not limited to citizens of States parties, but must also be available to all individuals, regardless of nationality or statelessness, or whatever their status, [including] migrant workers....”

During the UN Human Rights Council’s Universal Periodic Review of Bahrain’s human rights record in 2008 and again in May 2012, the UN Human Rights Council raised concerns about abuses of migrant workers; in 2007, the committee of experts reviewing Bahrain’s compliance with the Convention on the Elimination of Discrimination against Women (CEDAW) concluded that Bahrain should extend national labor protections to domestic workers; and the Convention for the Elimination of Racial Discrimination (CERD) committee in 2005 recommended that Bahrain take all necessary measures to remove obstacles that “prevent the enjoyment of economic, social and cultural rights by [migrant] workers.”

Although the government of Bahrain has the primary responsibility to respect, protect, and fulfill human rights under international law, private companies also have responsibilities regarding human rights, including workers’ rights. Consistent with their responsibilities to respect human rights, all businesses should have adequate policies and procedures in place to prevent and respond to abuses.

The basic principle that businesses have a responsibility to respect human rights has achieved wide international recognition. The UN Human Rights Council resolutions on business and human rights, UN Global Compact, various multi-stakeholder initiatives in different sectors and many companies’ own codes of behavior draw from principles of international human rights law and core labor standards, in offering guidance to businesses on how to uphold their human rights responsibilities. For example, the “Protect, Respect and Remedy” framework and the “Guiding Principles on Business and Human Rights” for their implementation, which were endorsed by the UN Human Rights Council in 2008 and 2011, respectively, reflect the expectation that businesses should respect human rights, avoid complicity in abuses, and adequately remedy them if they occur.

KEY RECOMMENDATIONS

TO THE GOVERNMENT OF BAHRAIN

- Ensure speedy and full investigation and prosecution of employers and recruiters who violate provisions of Bahrain's criminal laws, including withholding of wages and confiscation of passports, and impose meaningful penalties on violators.
- Ensure that Ministry of Labor mediation and judicial procedures address labor disputes involving migrant workers in an effective and timely manner. Ensure that employers who violate the law and regulations receive meaningful administrative and civil penalties.
- Improve the ability of inspectors to address violations of the labor law and health and safety regulations, including by substantially increasing the number of inspectors responsible for overseeing private sector practices.
- Extend all legal and regulatory worker protections to domestic workers, including provisions related to periods of daily and weekly rest, overtime pay, and employment mobility.
- Ratify International Labour Organization Convention No. 189 on decent work for domestic workers.
- Mandate payment of all wages into electronic banking accounts accessible in Bahrain and common sending countries.
- Enforce prohibitions against confiscation of workers' passports.
- Address limitations on freedom of movement for migrant workers by eliminating the requirement that a sponsor cancel a work permit before a worker can leave Bahrain freely, and, in cases of abuse and exploitation, eliminate the requirement that a worker wait one year before they can change jobs without their employer's permission.
- Take stronger measures to identify, investigate, and punish recruitment agencies and informal labor brokers who charge workers illegal fees.
- Expand public information campaigns and training programs to educate migrant workers, including domestic workers, and employers about Bahraini labor policies, with an emphasis on workers' rights and remedies.

For A Better Life

Migrant Worker Abuse in Bahrain and the Government Reform Agenda

For over three decades the Persian Gulf countries of Saudi Arabia, the United Arab Emirates (UAE), Kuwait, Qatar and Bahrain have attracted millions of workers—mostly from south and southeast Asian countries such as India, Bangladesh, Sri Lanka and the Philippines—with the promise of better incomes and better lives for their families back home. Among labor-receiving Gulf countries, Bahrain has earned a reputation as the most committed to improving migrant labor practices with efforts that include new safety regulations, measures to combat human trafficking, workers' rights education campaigns, and reforms aimed at enabling migrants the ability to freely leave their jobs. Yet questions about the implementation and adequacy of these reforms remain.

This Human Rights Watch report examines the abusive conditions that many migrant workers still face in Bahrain. It assesses the government's response to these abuses, its major shortcomings, as well as, substantive improvements in worker protections. Based on interviews with 62 migrant workers, including construction workers, domestic workers, drivers, fishermen, and custodians, this report documents several common labor-related abuses. These include unpaid and low wages, passport confiscation, excessive working hours, substandard housing, heavy debt burdens from recruitment fees, and physical and sexual abuse. While Bahraini labor laws, including a new 2012 private sector labor law, contain many worker protections, they largely exclude domestic workers.

Human Rights Watch shows that government redress mechanisms designed partly to address worker grievances and curtail abuses often have had limited effect. Abusive and uncooperative employers can exploit the redress process with impunity, drag out legal cases, and force workers into unfavorable settlements while avoiding criminal charges and punishment.

For a Better Life calls upon Bahrain's government to continue its reforms, expand domestic workers' protections, strengthen implementation of existing worker protections, and end a climate of impunity by pursuing prosecution and penalties for abusive employers. In response to the issues raised in this report, the government has committed to implementing a number of significant and worthwhile pledges aimed at addressing several of the abuses afflicting migrant workers. These new pledges, some of which the government has already addressed, include increasing labor inspections, expanding worker education campaigns, and ensuring prompt and effective criminal investigations and prosecutions.



Migrant workers in Manama show their monthly timecards indicating hours they worked, but for which, they say, they have not been compensated. Unpaid wages is one of the most common human rights abuses migrant workers face. Workers often go without pay for months, unable to support themselves, their families back home, or to repay the debts they incurred to come to Bahrain.

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