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For A Better Life

Migrant Worker Abuse in Bahrain and the Government Reform Agenda



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Printed in the United States of America
ISBN: 1-56432-743-4
Cover design by Rafael Jimenez

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Summary

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 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 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 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.

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 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 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, 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 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 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, 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.

Methodology

Human Rights Watch conducted research for this report in Bahrain in January, February, and June 2010 with the assistance of Coordination of Action Research on AIDS and Mobility-Asia (CARAM-Asia), a regional network of migrant advocate organizations.

Researchers interviewed 62 migrant workers in the greater Manama area—Bahrain’s capital. These workers were employed in various sectors including construction, service industries, and domestic work. Of the 18 who were domestic workers, 15 were living in shelters and three in a recruitment agency office.

Human Rights Watch also interviewed labor lawyers, journalists, social workers, worker advocates, union leaders, representatives of recruitment agencies, and foreign diplomats knowledgeable about the situation of migrant workers. Four researchers visited two recruitment agency offices, three construction sites, the government-run women’s shelter, three shelters run by sending-country embassies, one NGO-run shelter, a judicial hearing, and four labor camps where migrant workers are housed. They also met with officials from Bahrain’s Ministries of Labor, Foreign Affairs, Social Development, Interior, and Justice, as well as representatives of the Public Prosecution Office and the Labor Market Regulatory Authority (LMRA).

Human Rights Watch followed up these interviews by submitting detailed questions to the Ministry of Labor, the LMRA, and the Ministry of Foreign Affairs in March, April, and May 2010, December 2011, and May 2012. Those letters and the government’s responses are reproduced as appendices to the Web version of this report.

Human Rights Watch provided the government with our findings and recommendations and then held a two-day meeting in September 2010 with representatives of the Ministries of Labor, Foreign Affairs, Interior, Justice, and the LMRA. This dialogue resulted in the government adopting a set of pledges, released in December 2010.

Most of the workers interviewed for this report had already left their employment due to alleged abuses and filed official complaints, and felt relatively free to tell their stories. Other workers who were still employed and feared employer retaliation, or were victims of sexual abuse, or feared deportation because they were working without a valid visa, asked to be identified by pseudonyms, indicated by use of a first name and initial. Some experts, including government officials, also asked not to be identified by name.

In March 2011, while documenting human rights violations in connection with the government suppression of pro-democracy street protests, Human Rights Watch interviewed 12 migrant workers in Manama about attacks on migrants as clashes between anti-government protesters and security forces intensified. These 12 migrants were not questioned about other issues, such as conditions of work. When this report refers to “workers who spoke with Human Rights Watch” or “workers interviewed for this report”—outside the specific section concerning these attacks—it is referring to the 62 migrant workers interviewed about labor issues.

In December 2011 and again in May 2012 Human Rights Watch wrote to Bahraini authorities requesting updated information pertinent to this report. The government’s response, received on May 28, 2012, is reflected in the report.

In July 2012 Human Rights Watch wrote to the five construction companies mentioned by name in the report informing them of the contents of the report and requesting their response. Two of the companies responded; their replies have been incorporated into the report and are reproduced in the appendices to the Web version of the report.

A Note on Terminology

The government of Bahrain does not consider foreigners working in Bahrain to be “migrant workers,” due to their term-limited employment contracts and temporary residence in the country. The government instead uses the terms “contractual workers,” “expat workers,” or “foreign workers.” Under international law, the term “migrant worker” refers to a person who is engaged “in a remunerative activity in a State of which he or she is not a national.” Accordingly, Human Rights Watch considers foreign nationals who live and work in Bahrain under term-limited contracts to be migrant workers.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families explicitly regards “seasonal workers,” “project-tied workers,” and “specified-employment workers,” who earn remuneration as a result of their activity in a State where they are not a national, as migrant workers.¹ Although Bahrain is not a party to the convention, this authoritative legal definition of “migrant worker” applies to the workers whose situation this report addresses.

¹ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention), adopted December 18, 1990, G.A. Res. 45/158, annex, 45 U.N. GAOR Supp. (No. 49A) at 262, U.N. Doc. A/45/49 (1990), entered into force July 1, 2003, art. 2.2.

I. Background

Bahrain is a small island nation 25 kilometers off the eastern coast of Saudi Arabia. About half the country's resident population of approximately 1.3 million people are citizens.² The rest are mostly migrant workers. The government puts the number of migrant workers in Bahrain as of early 2012 at just over 458,000, accounting for about 77 percent of the total workforce.³

In 1932 Bahrain became the site of the first commercial oil discovery in the Persian Gulf. Over the past decade the economy has diversified.⁴ While crude oil production accounts for about 11 to 14 percent of the Gross Domestic Product (GDP) and 75 percent of government revenue, the country has emerged as a trading and investment hub, competing with Dubai and its other Gulf neighbors.⁵

For several decades, Bahrain's economic development has largely depended on migrant workers, who can be found in every industry.⁶ Some of these expatriates work in skilled jobs,

² Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, "Table A. Estimated total employment by citizenship and sector 2002-2011," <http://www.lmra.bh/blmi> (accessed July 12, 2012). The UN State of World Population 2011 put the total population at 1.3 million: see <http://www.unfpa.org/swp/> (accessed February 20, 2012), p. 116. In February 2008 the government's Central Informatics Organization revised sharply upwards (and retroactively) the figure for total population to more than one million, including 512,000 expatriates—an increase of some 42 percent over its prior total population figure of 740,000. The UN State of World Population in 2010 recorded Bahrain's population at 800,000; the 1.3 million recorded in 2011 marked a 62 percent increase. The Economist Intelligence Unit interpreted the government's 2008 upward revision to reflect the fact that the authorities had previously seriously underestimated the number of foreign workers (Bahrain: Country Profile 2009, p. 14). In response to complaints from al-Wifaq, the largest opposition bloc in the National Assembly, which represents mainly Shia constituents, the government conducted an investigation that reportedly cleared officials of negligence or manipulation of the data. Al-Wifaq dismissed the report as a whitewash. See "Bahrain Shia MPs walk out over population row," Reuters, May 14, 2008. See also Hassan M. Fattah, "Report Cites Bid by Sunnis in Bahrain to Rig Elections," *New York Times*, October 2, 2006, p. A3. On October 30, 2009, after authorities reportedly refused to accept a petition signed by 190 opposition figures, thousands of demonstrators "formed a 3-kilometer human chain in the capital Manama to protest what the opposition describes as an effort to change the demography of largely Shiite Bahrain and influence the outcome of elections." See "Thousands demonstrate against naturalization law in Bahrain," DPA, October 31, 2009, reproduced at <http://sify.com/news/thousands-demonstrate-against-naturalisation-law-in-bahrain-news-international-jk4w4cgahhf.html> (accessed January 12, 2010).

³ Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, Bahrain Labor Market Indicators, <http://www.lmra.bh/blmi> (accessed July 12, 2012); all labor market statistics found in this report are based on numbers made available by the LMRA on its website or the General Organization for Social Insurance (GOSI). Some statistics based on private sector employment may not account for undocumented workers. As of July 2012, except where noted, the latest available LMRA or GOSI numbers were from the first quarter of 2011 or fourth quarter 2011. This is a departure from the LMRA's practice up through 2010, when the LMRA updated all its data on a quarterly basis to reflect to most recently completed quarter.

⁴ U.S. State Department, Bureau of Near Eastern Affairs, "Background Note: Bahrain," January 29, 2010, <http://www.state.gov/r/pa/ei/bgn/26414.htm>, (accessed July 10, 2010).

⁵ *Ibid.*

⁶ For discussions of the role of migrant labor in Bahrain's development see Rob Franklin, "Migrant labor and the politics of development in Bahrain," *MERIP Reports*, vol.132 (1985) and Laurence Louer, "The Political Impact of Labor Migration in Bahrain," *City & Society*, vol. 20, issue 1 (2008). On the history and dynamics of the South Asian expatriate and migrant

professions, or middle management in fields such as finance, education, and import-export companies, while others run companies and themselves employ and sponsor migrant workers. Roughly 85 percent of the approximately 458,000 migrants who are employed in Bahrain work in low-wage and low-skilled jobs.⁷ Female migrant workers in Bahrain—about 80,300 in total—tend to be concentrated in domestic work, with approximately 54,600 women working for families as cooks, caretakers, and housemaids.⁸ Out of the 377,700 male migrant workers in Bahrain, 115,200, or roughly 31 percent, are in the construction industry; another 23 percent are in retail and wholesale trade; 16 percent are in manufacturing; 9 percent in domestic work; and 7 percent in the hotel-restaurant industry.⁹ Additionally, some 8,200 migrants (male and female) almost two percent of the foreign workforce, work in the public sector, including in the lower ranks of the security forces. Another 1 percent work in finance; less than 1 percent work in education.¹⁰

By comparison, the country's workforce contains about 140,100 Bahraini nationals, approximately 34 percent of whom work in the public sector.¹¹ The wholesale and retail trades, manufacturing, construction, and finance combined employ another 38 percent of all nationals in the workforce.¹²

Bahraini companies and individuals “sponsor” migrant workers using renewable employment contracts and work visas, mostly for two years at a time.¹³ Once a work permit expires and is not renewed, the worker (and any accompanying family members) must leave

worker communities in Bahrain, see Andrew Gardner, *City of Strangers: Gulf Migration and the Indian Community in Bahrain* (Cornell University Press, 2010).

⁷ Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, Bahrain Labor Market Indicators, <http://www.lmra.bh/blmi> (accessed July 12, 2012); Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, “Table 17: low wages by sex, citizenship,” <http://www.lmra.bh/blmi> (July 12, 2012); Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, “Table A: total employment by citizenship, sector: 2002 - 2011,” <http://www.lmra.bh/blmi> (accessed July 12, 2012). NOTE: Total percent of low-income earning migrant workers is estimated by using LMRA data on the number of low-wage private sector migrant workers (which includes individuals making less than BD 200 monthly) and adding all migrant workers employed in the domestic sector (who average BD 70 monthly) and dividing that by the total number of migrant workers in Bahrain. The LMRA market indicators do not provide a breakdown of wage distribution in the domestic sphere.

⁸ Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, “Table A2: Total employment (Female) by citizenship, sector,” <http://www.lmra.bh/blmi> (July 12, 2012).

⁹ Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, “Table A1: Total employment (Male) by citizenship, sector,”; and Table 6: “Number of workers by sex, Bahraini, Non-Bahraini citizenship, and branch of economic activity: 2011 December,” http://blmi.lmra.bh/2011/12/mi_data.xml (accessed July 12, 2012).

¹⁰ Ibid; Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, “Table A: total employment by citizenship, sector: 2002 - 2011,” http://blmi.lmra.bh/2011/12/mi_data.xml (accessed July 12, 2012).

¹¹ Ibid.

¹² Ibid.

¹³ Human Rights Watch Interview with Ali Radhi, then Chief Executive Officer of the Labor Market Regulatory Authority, Manama, February 2, 2010.

the country within one month, regardless of how many years he or she has resided in Bahrain. By law, employers must bear the cost of the repatriation.¹⁴

The workers interviewed for this report were recruited from both rural and urban areas in India, Pakistan, Sri Lanka, Nepal, Ethiopia, Bangladesh, Indonesia, and the Philippines. Both male and female, their ages ranged between 20 and 48 years old. Most non-domestic workers paid fees ranging from US\$750 to US\$2,000 to recruitment agencies in their home countries to obtain employment contracts, Bahraini work visas, and airline tickets.

Once in Bahrain, these migrant workers earned monthly wages ranging from about 40 to 120 Bahraini dinars (BD), equivalent to US\$106-US\$318. Construction workers interviewed by Human Rights Watch earned between BD60 and BD100 (\$159-\$265) a month, while a few earned up to BD120 (\$318) with overtime. The average monthly construction industry income for male migrants is BD103 (\$273) (which factors in management and skilled workers as well as low and unskilled workers).¹⁵ The industry average for domestic workers is BD70 (\$186) a month.¹⁶ Domestic workers interviewed by Human Rights Watch earned between BD40 and BD80 (\$106-US\$212) a month. Worker advocates reported monthly wages to be as low as BD35 (\$93).¹⁷

Many aspects of migrant workers' lives in Bahrain are closely controlled by their employers. Employers typically house their workers.¹⁸ Construction workers stay in dormitory-style dwellings or labor camps, where employers provide transportation to work and sometimes meals. Workers in manufacturing, retail, and other non-domestic sectors might live in labor camps or group apartments that their employer supplies, and for which they pay rent.

Domestic workers, about 87,400 in total, live in their employer's home and rely on their sponsor for food and other daily needs. They perform tasks such as cleaning, cooking and serving meals, washing and ironing clothes, shopping, and caring for children and elderly

¹⁴ Ibid; Law no. 19 for the year 2006 Regulating the Labor Market, art. 27. Migrants employed in skilled professions are more likely to bring their families with them, while most migrant workers cannot afford to do so.

¹⁵ Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, "Table Bo6. Estimated average basic wages by citizenship and sector (Construction): 2002 - 2011," http://blmi.lmra.bh/2011/12/mi_data.xml (accessed July 12, 2012).

¹⁶ Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, "Table B2. Estimated average basic wages (Female) by citizenship and sector: 2002 - 2011," http://blmi.lmra.bh/2011/12/mi_data.xml (accessed July 12, 2012).

¹⁷ Human Rights Watch group interview with the Migrant Workers Protection Society Action Committee, Manama, January 28, 2010.

¹⁸ Ibid; Benjamin Millington, "Camp conditions in Bahrain questioned," *Construction Weekly Online*, March 28, 2009, http://www.constructionweekonline.com/article-4745-camp_conditions_in_bahrain_questioned/ (accessed August 19, 2010); and Human Rights Watch Interview with the chair of the Bahrain Recruiters Society, Fareed al-Mahmeed, Manama, January 28 2010.

family members.¹⁹ Employers exercise enormous power over domestic workers' lives due to the fact that domestic workers live and work in their homes. Under the sponsorship system, employers dictate whether domestic workers may leave their employment for another employer in Bahrain, or must return to their country of origin. Legally, domestic workers are excluded from many of Bahrain's labor protections and inspection mechanisms. Many Bahraini employers view themselves as the guardians of their domestic workers.²⁰

Bahrain's system of employment-based immigration, commonly called the *kafala* (sponsorship) system, exacerbates abuses faced by migrants and impedes their freedom of movement. Under the *kafala* system, a migrant worker's employment and residency in Bahrain is tied to their employer, or "sponsor." In a meeting with Human Rights Watch, Dr. Majeed Al Alawi, then minister of labor, stated that "the *kafala* system is near slavery."²¹

Employers unduly influence a worker's freedom of movement because they must cancel work visas before migrants can quit their job and leave the country (unless this requirement is waived by a senior immigration official). Until August 2009, employers also dictated if a worker could change jobs within Bahrain before the employment contract ended. The system gave employers enormous control over migrant employees and allowed employers to force migrant workers to continue working in abusive conditions. Now workers can change jobs without their employer's consent so long as they have been with that employer for at least a year.²²

In recent years, the plight of migrant workers in Bahrain, as elsewhere in the region, has received increasing attention. Bahraini and regional media, particularly English-language publications, have provided coverage of migrant worker grievances. Hardly a day passes without a media outlet recounting a tale of abuse and exploitation of migrant workers.²³

¹⁹ Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, "Table A: total employment by citizenship, sector: 2002 - 2011," <http://www.lmra.bh/blmi> (accessed July 12, 2012).

²⁰ Human Rights Watch interview with Marietta Dias, Migrant Workers Protection Society, Manama, January 28, 2010.

²¹ Human Rights Watch interview with then Minister of Labor, Majeed Al Alawi, Isa Town, February 4, 2010; Minister Al Alawi also compared the *kafala* system to slavery in his effort to pass the mobility law: see Mohammed Harmassi, "Bahrain to end 'slavery' system," BBC Arabic Service Radio, May 6, 2009, http://news.bbc.co.uk/2/hi/middle_east/8035972.stm (accessed September 5, 2010).

²² "HM King Hamad Issues Law 15/2011," *Bahrain News Agency*, June, 16, 2011 <http://bna.bh/portal/en/news/461096> (accessed February 21, 2012).

²³ See: Benjamin Millington, "Camp conditions in Bahrain questioned," *Construction Weekly Online*, March 28, 2009, http://www.constructionweekonline.com/article-4745-camp_conditions_in_bahrain_questioned/ (accessed August 19, 2010); Benjamin Millington, "5000 al-Hamad workers on strike," *Construction Weekly Online*, June 10, 2009, <http://www.constructionweekonline.com/article-5494-5000-al-hamad-workers-on-strike/> (accessed August 19, 2010); Benjamin Millington, "Bahrain: 75 workers call strike," *Construction Weekly Online*, June 10, 2009, http://www.constructionweekonline.com/article-5545-bahrain_75_workers_call_strike/ (accessed August 19, 2010); Aniq

Numerous worker strikes and demonstrations—mainly in the construction industry and sometimes involving thousands of workers—have raised public awareness regarding the scale of grievances in Bahrain.²⁴ “Most of the strikes happen when workers are not happy about the living conditions, non-payment of salaries or low wages,” said Salman Al Mahfoodh, secretary-general of the General Federation of Bahrain Trade Unions (GFBTU), the country’s sole trade union federation.²⁵ Bahrain is one of the few Gulf States that allow migrant workers to join unions, although membership remains rather low.²⁶ The GFBTU has nonetheless helped migrant workers stage strikes, and migrants have also organized independently—including a strike involving some 5,000 workers against the al-Hamad construction company, in which the workers recovered several months of back wages.²⁷

Bahraini civil society organizations, unregistered migrant worker associations, human rights organizations, expatriate cultural organizations, and the GFBTU have also served as sources of advocacy and information, particularly the Migrant Workers Protection Society, Bahrain’s leading migrant rights NGO. Some foreign embassies have also stepped up advocacy on behalf of their nationals by meeting with the Ministry of Labor, providing lawyers and other resources for aggrieved workers, and opening shelters for domestic workers.

Internationally, United Nations human rights bodies have highlighted the treatment of migrant workers in Bahrain. UN Human Rights Council member states raised the issue of migrant worker rights during Bahrain’s 2008 and 2012 Universal Periodic Review (UPR).²⁸ In 2007, the UN Committee on the Elimination of Discrimination against Women expressed

Haider, “Worker flies home after wife’s threat,” *Gulf Daily News*, May 21, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=278475> (accessed August 19, 2010); Aniq Haider, “70 workers in wages appeal,” *Gulf Daily News*, September 8, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=313111> (accessed April 19, 2012); Aniq Haider, “Worker’s plea to embassy,” *Gulf Daily News*, September 9, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=313188> (accessed April 19, 2012); Mandeep Singh, “Worker’s fury over tragedy,” *Gulf Daily News*, April 6, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=327382> (accessed April 19, 2012); Aniq Haider, “Workers end protest,” *Gulf Daily News*, April 7, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=327432> (accessed April 19, 2012).

²⁴ Aniq Haider, “Strikes on the rise,” *Gulf Daily News*, April 10, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=275350> (accessed August 19, 2010).

²⁵ *Ibid.*

²⁶ Human Rights Watch group interview with General Federation of Bahrain Trade Unions leaders, al-Hidd, January 30, 2010.

²⁷ *Ibid.*; Benjamin Millington, “Strike over as Al Hamad accepts worker demands,” *Construction Week Online*, http://www.constructionweekonline.com/article-5512-strike_over_as_al_hamad_accepts_worker_demands/ (accessed August 19, 2010).

²⁸ Report of the Working Group on the Universal Periodic Review: Bahrain, Human Rights Council, Eighth session, U.N. Doc. A/HRC/8/19, May 22, 2008; United Nations Webcast, Human Rights Council, Twelfth Session, Bahrain Universal Periodic Review, <http://www.unmultimedia.org/tv/webcast/c/13thbahrain.html> (accessed June 24, 2012).

concern with “the poor working conditions of female migrant domestic workers.”²⁹ The committee called upon Bahrain “to take all appropriate measures to expedite the adoption of the draft labor [law], and to ensure that it covers all migrant domestic workers,” and “to strengthen its efforts to ensure that migrant domestic workers have adequate legal protection, are aware of their rights and have access to legal aid.”³⁰ The UN Committee on the Elimination of Racial Discrimination in 2005 recommended that Bahrain take all necessary measures to extend full protection from racial discrimination to all migrant workers and “remove obstacles that prevent the enjoyment of economic, social, and cultural rights by [migrant] workers.”³¹

²⁹ Concluding observations of the Committee on the Elimination of Discrimination against Women: Bahrain, Committee on the Elimination of Discrimination against Women, 42 session, 20 October-7 November 2008 U.N. Doc CEDAW/C/BHR/CO/2, November 14, 2008.

³⁰ Ibid.

³¹ Concluding observations of the Committee on the Elimination of Racial Discrimination: Bahrain, Committee on the Elimination of Racial Discrimination, 66 sessions, 21 February-12 March 2005, CERD/C/BHR/CO/7, April 14, 2005.

II. Abuse and Exploitation of Migrant Workers

Recruitment Process

Recruitment of migrant workers to Bahrain takes two forms. The first involves recruitment companies in sending countries working on behalf of, or in coordination with, Bahrain-based recruitment agencies that local employers pay to find workers.³² This arrangement is the norm for domestic worker recruitment, but is also used in other sectors.

The second practice, common in the construction sector and other non-domestic low-income sectors, involves a migrant worker finding employment through an informal middleman—often a friend, family member, or acquaintance already in Bahrain. Sometimes Bahraini employers approach these middlemen and ask if they know anyone who wants a job. Sometimes would-be migrant workers ask their contacts in Bahrain to find them a job. One Manama-based document clearance agent, responsible for submitting work visa applications for Bahraini companies, explained:

The normal way is that the worker there back home tells his friends to find a job for him. Maybe more than 80 percent is like this. Then the friends living outside start speaking to the people, “Find a job for my nephew, for my cousin, for my brother.” It’s depending on the person, how active he is, and how connected he is.³³

Bahrain’s Law No. 19 (2006), entitled Regulating the Labor Market, permits only persons licensed by the Labor Market Regulatory Authority (LMRA) to “carry out the business of a recruitment agency or employment office.”³⁴ This applies to employers who directly recruit migrant workers, as well as to those companies that act as intermediaries in the recruitment process.³⁵ Prior to 2006, recruiters required a license from the Ministry of Labor.³⁶

Under the law, employers must pay certain fees to the government for each foreign worker they recruit into the country. These charges include a fee for work visas and residence

³² Human Rights Watch Interview with the chair of the Bahrain Recruiters Society, Fareed al-Mahmeed, Manama, January 28, 2010.

³³ Human Rights Watch interview with a document clearance agent who requested not to be named, Manama, April 15, 2010.

³⁴ Law no. 19 for the year 2006 Regulating the Labor Market Section 2, art. 28.

³⁵ Human Rights Watch Interview with the chair of the Bahrain Recruiters Society, Fareed al-Mahmeed, Manama, January 28 2010.

³⁶ Bahrain Penal Code and its’ Amendments, No. 15 of 1976, art. 302, as amended by Legislative decree No. 6 of 1993, art. 2.

permits totaling over BD220 (US\$584).³⁷ In addition, employers pay recruiters, fixers, and document clearance agents service fees, and provide workers with airline tickets to travel from their home countries to Bahrain.³⁸ The LMRA also used to charge employers BD10 (\$27) per month per migrant worker. This fee was designed to raise the cost of hiring foreign workers, making Bahraini labor more competitive in the market.³⁹ Starting in April 2011, the LMRA suspended the fee, following intense lobbying by employers and in the context of a far-reaching campaign of repression against pro-democracy protests that some cited as crippling the economy.⁴⁰ Prime Minister Khalifa bin Salman Al Khalifa ordered a freeze on the 10 BD fee until June 31, 2012 and on July 6, 2012 the government announced the freeze would be extended until the end of the year.⁴¹

Bahraini law explicitly forbids Bahraini recruiters from collecting any of these fees and travel costs from prospective migrant workers.⁴² Officials with licensed and regulated recruitment agencies that place the domestic workers told Human Rights Watch that they generally complied with this law. However, when it comes to construction and other sectors, some recruitment agents and employers appear to openly flout the prohibition by requiring that prospective workers reimburse them for these fees.

³⁷ Human Rights Watch Interview with the chair of the Bahrain Recruiters Society, Fareed al-Mahmeed, Manama, January 28, 2010; Ministry of Industry and Commerce, Kingdom of Bahrain, Residence Permits, <http://www.moic.gov.bh/MoIC/En/MoIC+Centers/BahrainInvestorsCenter/Post+Registration+Services/ResidencePermit/>; Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, Fees and Payments, <http://portal.lmra.bh/english/page/show/133> (accessed February 29, 2012); Residency permits run 22BD (US\$ 58) and work visas run 200BD (US\$531) however other fees may apply.

³⁸ Human Rights Watch Interview with the chair of the Bahrain Recruiters Society, Fareed al-Mahmeed, Manama, January 28, 2010.

³⁹ Under the original fee structure, 20 percent of the revenue raised by from employers went towards the LMRA budget and 80 percent to the Tamkeen (labor fund), which offers training and consultation to small businesses. Tamkeen's training program was designed to help make Bahraini citizens more competitive in the labor mark. Bahraini companies protested the fee, staging a demonstration at the LMRA claiming the additional costs were hurting their businesses. See: Benjamin Millington. "Contractors protest but LMRA stands by labour fees," *Construction Week Online*, March 22, 2009, http://www.constructionweekonline.com/article-4705-contractors_protest_but_lmra_stands_by_labour_fees/ (accessed August 17, 2010). Some migrant worker advocates feared that employers would saddle workers with the BD10 fees but Human Rights Watch found no evidence pointing to such a practice. Human Rights Watch also found no evidence to suggest that withheld wages were linked to the BD10 monthly LMRA fees.

⁴⁰ See: "LMRA plans to Rethink Bahrainisations quotas," *Gulf Daily News*, March 6, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=325198> (accessed April 19, 2012); "Extend LMRA fee freeze!," *Gulf Daily News*, March 7, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=325309> (accessed April 19, 2012).

⁴¹ "Fees Reprieve," *LMRA Media Blog*, December 5, 2011, <http://blog.lmra.bh/en/archives/1298> (accessed February 21, 2012); "Extend LMRA fee freeze!," *Gulf Daily News*, March 7, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=325309> (accessed April 19, 2012); "Lifeline for the Economy," *Gulf Daily News*, March 26, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=326599> (accessed June 10, 2012); "Bahrain extends freeze on foreign worker fee," PR Newswire <http://www.prnewswire.com/news-releases-test/bahrain-extends-freeze-on-foreign-worker-fee-161571635> (accessed July 20, 2012).

⁴² Law no. 19 for the year 2006 Regulating the Labor Market section 2, art. 29.

For workers in construction, manufacturing, and other non-domestic sectors, Bahraini sponsors or informal recruiters commonly solicit agencies located in sending countries to handle the visa applications of would-be migrant workers. These local agents compel workers to bear travel and other costs. A Manama-based document-clearance agent told Human Rights Watch that recruitment agencies or employers often have an office liaison in sending countries. The agent added:

As per the rule, all tickets have to be paid by the sponsor, [but] usually [the workers] pay for the visa and for the ticket. But this is all under the table—officially nobody pays any money and nobody takes any money [but] normally the agency has a placement fee, and it's two months' salary, and then they charge the sponsor also here, which they call recruitment fees. No way is this done officially, and if the sponsor takes money then the [worker] can go to court and say this person has taken the money.⁴³

All but one of the 44 male workers Human Rights Watch interviewed had the same experience of being required to pay up-front sums ranging from \$750 to \$2,000 to their recruiting agents in exchange for work visas and airline tickets. These fees are equivalent to approximately 10 to 20 months of most migrant workers' wages in Bahrain.

Muhammad Rizvi Muhammad Siddeek, a 38-year-old Sri Lankan driver, told Human Rights Watch he had come to Bahrain to earn enough money to pay for surgery for his father and young son:

I paid money to an agent named Ali Zamir Employment Agency in Katunayake area near my house in Sri Lanka. I told him I needed a job as a driver. He said, I will get you a Bahraini visa and send you. I paid 83,000 [Sri Lankan] rupees [US\$729]. I sold my wife's gold for the money.⁴⁴

Sabir Illahi is a 33-year-old mason from Rajasthan, India, who had never left his home country before coming to Bahrain in early 2009. He said:

⁴³ Human Rights Watch interview with a document clearance agent who requested not to be named, Manama, April 15, 2010.

⁴⁴ Human Rights Watch Interview with Muhammad Rizvi Muhammad Siddeek, Manama, January 30, 2010.

I knew a man from Rajasthan [already in Bahrain]. He got my visa. I paid 80,000 rupees [\$1,725] for the visa. [To get the money] I gave the papers to my land to a man [in India].

In Rajasthan, I got my visa from a relative. The engineer of the company here [in Bahrain] sent the visa to him, that man gave the visa to me. I gave him 80,000 rupees, and I got a ticket to come here, and a visa.⁴⁵

Purveen G., one of 13 men from India working as a laborer for a major construction firm, summarized their experience:

We all came through an agent, paying 50,000-60,000 rupees [\$1,300-\$1,355] in India. This cost covered all expenses. We came directly to the company once in Bahrain. Some of us mortgaged our properties, lands and homes, with interest.⁴⁶

Domestic workers whom Human Rights Watch spoke with seldom had to pay the fees that other low-income migrant workers did. Instead, industry practice is for the sponsoring family to cover expenses associated with recruitment, including visa costs, air travel, and an additional payment to a Bahraini recruitment agency.⁴⁷ Nonetheless, in some cases recruiters in sending countries do force domestic workers to pay fees. Fareed al-Mahmeed, chairman of the Bahrain Recruiters Society, told Human Rights Watch that it was not uncommon for recruiters to charge domestic workers fees in their home country.⁴⁸ Maria C., a migrant domestic worker from the Philippines, told Human Rights Watch:

There was a recruiter who came to my house and offered me and my family [a chance for me] to come to Bahrain. She said I would earn a lot of money if I came here—money that I could use to support my family. She asked me to pay her for my visa fee, my employment fee, [and] other fees before I leave the Philippines. We paid 35,000 [Philippine pesos, or \$756] in the Philippines. [To raise the money] we sold our motorcycle. Then I came to

⁴⁵ Human Rights Watch Interview with Sabir Illahi, Manama, February 3, 2010.

⁴⁶ Human Rights Watch Interview with Purveen G. (pseudonym), Manama, January 28, 2010.

⁴⁷ Human Rights Watch Interview with the chair of the Bahrain Recruiters Society, Fareed al-Mahmeed, Manama, January 28, 2010.

⁴⁸ Ibid.

Bahrain. My sponsor picked me up from the airport and I signed a contract at my sponsor's house.⁴⁹

While it is illegal under Bahraini law to force workers to pay recruitment fees or to cover the cost of visas and travel, a study conducted by the LMRA found that 70 percent of migrant workers secured jobs in Bahrain by borrowing money or selling property in their home countries.⁵⁰ Fee payments and debt contribute to an exploitative employer-employee relationship. Workers who arrive with sizable debts—like Suresh Podar, a laborer from Nepal—are less likely to feel they can complain or leave exploitative work conditions for fear of losing their jobs and the right to remain legally in Bahrain. Suresh, who came to Bahrain on his cousin's recommendation, said:

My relative was already in Bahrain working on my sponsor's boat and got me a job. My relative knew an agent in Nepal who arranged everything. We gave him 30,000 Nepalese rupees [\$425] and gave [BD] 200 [\$531] to my sponsor when we got here. I wasn't told I'd also have to pay my sponsor. I was told I'd work in a garage as a helper but when he got here we were told to work on a fishing boat. I can't swim and didn't want to work on a boat. But since I already paid so much money to get here I decided to stick with it.⁵¹

Making matters worse, some workers raise money at home for the visa fees and travel by borrowing at exorbitant interest rates, sometimes using family valuables or property as collateral. Suresh recalled:

I had borrowed the money from my brother. My brother had to borrow the 30,000 [rupees, \$425] from someone else and my brother has to pay interest. I pay my brother. [After about two years] I have paid back 20,000 [\$283] out of 30,000, but I still need to pay back another 40,000 [\$567], so 60,000 [\$850] total.⁵²

⁴⁹ Human Rights Watch Interview with Maria C. (pseudonym), Manama, January 28, 2010.

⁵⁰ LMRA study cited in: United States State Department, "2010 Trafficking in Persons Report: Bahrain," June 2010 http://bahrain.usembassy.gov/news_from_washington/bahrain-trafficking-in-persons-report.html (accessed August 17, 2010). In a January 28 meeting with the LMRA, Human Rights Watch requested a full copy of an LMRA survey found in partial form on the LMRA website at http://blmi.lmra.bh/otherdata/surveytables/mi_surveydata.xml (accessed August 17, 2010). Officials told Human Rights Watch that the full data was for internal LMRA use only.

⁵¹ Human Rights Watch Interview with Suresh Podar, Manama, January 25, 2010.

⁵² *Ibid.*

Sant Kumar, Suresh's cousin, said he had to pay interest and offer collateral.

On average, for every thousand [Nepalese rupees, \$14] I borrowed I have to pay back about 1,300 [\$18]. I borrowed 30,000 from one [lender] and 30,000 from another. I put my house up for collateral. It's my own house so I don't pay rent but if I don't pay what I owe they will take my house.⁵³

Passport Confiscation and Mobility

Bahraini law prohibits employers from confiscating their employees' passports. The government has explained that the practice is criminalized under the anti-human trafficking law and article 389 of the penal code, but employers continue to routinely confiscate their employees' passports, typically retaining them for the duration of employment.⁵⁴

All 62 workers interviewed by Human Rights Watch said their employers had confiscated their passports on arrival in Bahrain. In 2008 and 2009, the Ministry of Labor's Individual Complaints Department received 1,583 complaints from workers seeking their passports.⁵⁵ Moham Kumar, India's ambassador to Bahrain, observed that most cases of passport confiscation take place at what he called "smaller companies."⁵⁶

By withholding workers' passports, employers exercise an unreasonable degree of control over their workers and create significant impediments to a worker's ability to leave his or her abusive employer, or return to his or her home country.

Rules governing how employers "sponsor" workers and work visas exacerbate this problem. A worker who wants to return home not only needs to repossess his or her passport, but also to secure the employer's agreement to cancel the employment visa. Migrant workers unable to meet these official requirements for leaving the country risk penalties for violating local immigration laws, including detention and deportation.

⁵³ Human Rights Watch Interview with Sant Kumar, Manama, January 25, 2010.

⁵⁴ Response of the Government of Bahrain to Human Rights Watch written inquiry, September 9, 2010. On file with Human Rights Watch.

⁵⁵ Ministry of Labor statistics provided in response to Human Rights Watch query, letter of June 13, 2010. On file with Human Rights Watch.

⁵⁶ Mansoor al-Jamri, "Indian Ambassador in Manama Moham Kumar to al-Wasat: The Indian Community is Known for its Friendly Relations with Everyone, We Have Not Recorded Any Targeting for Political Purposes," *Al-Wasat*, (Arabic) April 10, 2012, <http://www.alwasatnews.com/3503/news/read/654845/1.html> (accessed May 10, 2012).

Eight workers reported that their employers asked them for money in exchange for returning their passports and canceling their work visas—a common practice according to an immigration officer.⁵⁷ Bahrain media reported similar stories of workers being asked to pay employers before they received their passports.⁵⁸ Two workers interviewed by Human Rights Watch who filed complaints with the minister of labor and labor courts became frustrated by the ineffectiveness of the government’s remedial process and eventually agreed to pay their employer in order to leave Bahrain.⁵⁹ Another four workers reported that their employers asked them for money before cancelling their work permits so they could move to new jobs.⁶⁰

After arriving in Bahrain from Bangladesh, Mukhtar Mojibur Rehman learned there was no job waiting for him, even though he had a valid work visa.⁶¹ Mukhtar’s recruiter told him that authorities would deport him if he reported the recruitment fraud. Having paid fees to come to Bahrain, Mukhtar spent several months trying to secure employment and worked odd jobs, including a four-month stint as a vegetable gardener for which he was not paid. Frustrated by his lack of steady employment and income, he decided to return home.

I called up this guy who set up the visa and I told him, okay, fine, I’ll go back. He said the sponsor wanted 500 dinar [\$1326], [he] won’t let you go unless you pay him. I told the man that I would pay the 500 dinars. But then he said, “No, your sponsor [now] wants 1000.”

I don’t know if my sponsor or my employer has my passport. So, I know I need an out-pass.⁶²

⁵⁷ Human Rights Watch interview with Hamza, Manama January 31, 2010; Human Rights Watch interview with Lawrence Sarwansingh, Manama, February 3, 2010; Human Rights Watch interview with Chhotu Lal Mandavaria, Manama, February 5, 2010; Human Rights Watch interview with Neeraj, Manama, February 5, 2010; and Human Rights Watch interview with Mubeen Junaideenge and Rezwan, Manama, January 30, 2010.

⁵⁸ Human Rights Watch interview with immigration officer, name withheld on request, Manama January 25, 2010; Tommy Hahratty, “Sponsor denies salon worker’s BD 1,500, payout claim,” *Gulf Daily News*, July 22, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=282817> (accessed August 21, 2010).

⁵⁹ Human Rights Watch interview with Evone Bhaskaran, Manama, June 6, 2010; Bhaskaran is the assistant head of the Action Committee of the Migrant Workers Protection Society and is providing updates on the cases of Mubeen Junaideenge and Rezwan, both of whom Human Rights Watch interviewed in Manama, January 30, 2010.

⁶⁰ Human Rights Watch interview with Hamza, Manama, January 31, 2010; Human Rights Watch interview with Lawrence Sarwansingh, Manama, February 3, 2010; Human Rights Watch interview with Chhotu Lal Mandavaria, Manama, February 5, 2010; and Human Rights Watch interview with Neeraj, Manama, February 5, 2010.

⁶¹ Human Rights Watch Interview with Mukhtar Mojibur Rehman, Manama, June 5, 2010.

⁶² *Ibid.*

An out-pass is a one-time travel document issued by the relevant embassy or consulate allowing a worker to leave Bahrain and return to his country of origin. Migrant workers frequently must apply for out-passes after failing to retrieve their passports. Mukhtar Mojibur Rehman described his experience to Human Rights Watch:

I've been trying to get an out-pass. I went to the Bangladeshi embassy two months ago to get an out-pass and they told me to come back after two days. Two days later they told me there are 1,200 people who've applied. [Three days ago] they told me there's 200 left [waiting ahead of me]. Once their papers are processed, yours will be done.⁶³

Like Rehman, dozens of workers told Human Rights Watch how they wanted to leave their employment and return home, often after experiencing abuse or extended periods of nonpayment. None were able to retrieve their passports and return home without help or paying off their employer. Most workers tried to seek government assistance to retrieve their passports, a process that can take between several weeks and several months, with mixed results. Most who eventually left the country did so on an out-pass.

Immigration and Ministry of Labor officials do not have any power to force employers to return passports.⁶⁴ Neither do the police, at least not without a court order. Beverley Hamadeh of the Migrant Workers Protection Society described what happens when workers appeal to the courts to get their passports back.

Court orders are sometimes used to enforce the return by the employer of the illegally held passport to the employee. The employer may return [the passport], but fail to cancel the visa, which is critical for the repatriation process. This often also occurs when the [Ministry of Labor] arbitrator agrees with the employer to return the passport.⁶⁵

⁶³ Ibid.

⁶⁴ The agency in charge of immigration services and regulations in Bahrain is called the General Directorate of Nationality, Passport and Residence and is housed in the Ministry of Interior.

⁶⁵ Human Rights Watch email correspondence with Beverley Hamadeh, Migrant Workers Protection Society, Manama, June 7, 2010.

Attorney Maha Jaber told Human Rights Watch that she had secured orders for the return of her clients' passports from Bahrain's Urgent Matters court. "It could take three to four weeks, but as soon as I have a judgment we execute it through [appealing to the] execution court," she said.⁶⁶

The government told Human Rights Watch that passport confiscation is criminalized under the penal code's article 389 and the anti-human trafficking law.⁶⁷

Penal code article 389 specifically prohibits acquiring a document by "force or threat."⁶⁸ Nearly every workers interviewed by Human Rights Watch said that they had given their employer their passport because the employer told them to, or told them it was standard practice. All these workers said they were unaware that it was illegal for an employer to confiscate their passports. It remains unclear whether these types of cases are prohibited under the penal code's "force or threat" requirement.

Bahrain's human trafficking law also provides criminal sanctions for labor-related "exploitation" similar to forced labor.⁶⁹ Brig. Tariq Mubarak Bin Daineh, then undersecretary of the Ministry of Interior, explained that it "is not [explicitly] in the human trafficking law that holding the passport is a crime, but there is a trend now between the police and the Public Prosecution to treat this as [the crime of] human trafficking."⁷⁰ However, when asked about the criminality of withholding passports, Attorney General Al Buainian told Human Rights Watch that the Public Prosecution had yet to determine if confiscating a passport and withholding it was a crime or an act of human trafficking—even when coupled with extensive withholding of wages by the employer.⁷¹

Advocates with the Migrant Workers Protection Society's Action Committee said they were unaware of any employer being punished for withholding a passport.⁷² When pressed by Human Rights Watch, officials in the Ministry of Labor, Ministry of Interior, and Public

⁶⁶ Human Rights Watch phone interview with Maha Jaber, Manama, September 7, 2010. The Urgent Matters court takes cases deemed to require immediate resolution. The Court of Execution is empowered to enforce final judgments from other courts.

⁶⁷ Response of the Government of Bahrain to Human Rights Watch written inquiry, September 9, 2010; on file with Human Rights Watch.

⁶⁸ Bahrain Penal Code and its Amendments, No. 15 of 1976, art. 389.

⁶⁹ Law No. 1 (2008) with Respect to Trafficking in Persons.

⁷⁰ Human Rights Watch interview with Brig. Tariq Mubarak Bin Daineh, then undersecretary of the Ministry of Interior, and other Interior Ministry officials, including Lt. Col. Ghazi Saleh al-Sena, director of Investigation and Follow Up of the General Directorate of Nationality, Passport and Residence at Ministry of Interior, and Brig. Ibrahim al-Ghaith, inspector general of the Ministry of Interior, Manama, January 29, 2010.

⁷¹ Human Rights Watch Interview with Attorney General Al Buainian, Manama, June 7, 2010.

⁷² Human Rights Watch group interview with the Migrant Workers Protection Society's Action Committee, Manama, January 28, 2010.

Prosecution Office could not give any example of punitive measures, criminal or administrative, taken against employers who withheld passports. Nadia Khalil al-Qaheri, head of the Labor Complaints Section at the Ministry of Labor, told Human Rights Watch that all her department could do was either request the employer to return the passport or refer a worker to seek assistance through the Ministry of Interior or the courts.⁷³ Lt. Col. Ghazi Saleh al-Senan, director of Follow Up and Investigation at the General Directorate of Nationality, Passport and Residence (i.e., Bahrain’s immigration directorate) in the Ministry of Interior, said that when his office gets involved, employers either return the passport or claim not to have it.⁷⁴

One immigration officer who deals directly with these cases told Human Rights Watch that he can only request—rather than compel—employers to return the passport and release the visa.⁷⁵ He calls the employers twice and then sends a summons via the police to appear at immigration. If the employer ignores the officer’s requests after three attempts—which the officer indicated sometimes happens—or refuses to agree to release the work visa, the officer submits a written report to a senior immigration officer, who is empowered to waive the visa cancellation. But the waiver process takes weeks, even months, and workers still need to either seek their passport through the courts or apply for an out-pass.

Lt. Col. al-Senan told Human Rights Watch that employers “do not have the right to take passports.” He explained that if the immigration officers receive complaints of confiscation, “We contact [the employer] and ask him to return the passport.” He discounted the problems this practice raises, saying, “The passport with the sponsor is nothing, not an issue. If he wants to leave the country or transfer to another sponsor the passport is not needed.”⁷⁶

Contrary to Lt. Col. al-Senan’s dismissive comment, passports remain vital documents that workers need, not only to leave the country freely, but also to secure valid employment and residency in Bahrain. The only way workers can leave employers and legally stay in Bahrain is by changing employers. Starting in August 1, 2009, migrant workers in Bahrain—except for domestic workers—could freely change jobs through the LMRA without their employers’ consent. Ali Ahmed Radhi, then chief executive officer at the LMRA, told Human Rights

⁷³ Human Rights Watch interview with Nadia Khalil al-Qaheri, head of the Labor Complaints Section at the Ministry of Labor, Isa Town, February 4, 2010.

⁷⁴ Human Rights Watch interview with Lt. Col. Ghazi Saleh al-Senan, director of Follow Up and Investigation at the General Directorate of Nationality, Passport and Residence, Ministry of Interior, Manama, February 2, 2010.

⁷⁵ Human Rights Watch interview with immigration officer, name withheld on request, Manama, January 25, 2010.

⁷⁶ Human Rights Watch interview with Lt. Col. Ghazi Saleh al-Senan, director of Follow Up and Investigation at the General Directorate of Nationality, Passport and Residence, Ministry of Interior, Manama, February 2, 2010.

Watch that all LMRA services, including employment transfers, could be done without passports using various identification methods, even fingerprints. According to Radhi:

Provided that information regarding the foreign worker is already in the LMRA database, the LMRA does not require the employer who is applying for the new work visa to produce the original passport; a copy of the passport would suffice for the purpose of applying for a new work visa.

He added that:

After the issuance of the work visa, the foreign worker will eventually be required to produce his passport, not to the LMRA, but to [immigration officials] for the issuance of the residence permit.⁷⁷

However, several members of the Migrant Workers Protection Society, as well as other migrant worker advocates, told Human Rights Watch that they have difficulty accessing any LMRA or immigration services for a worker without his or her passport.⁷⁸ They also said that attaining a waiver of a visa cancellation can be complex and time-consuming. Advocates complained of a disconnect between the simple process described by top government officials and the bureaucratic obstacles they encounter in reality when seeking assistance for their clients. Marietta Dias observed:

If you go talk to the ministers and look at the law everything is perfect and nothing can't be handled. But when you go to the little guys [in the ministries], the guys that process everything, they either don't have the authority to do anything or they haven't been told the law.⁷⁹

⁷⁷ Human Rights Watch Interview with Ali Radhi, then Chief executive officer, LMRA, Manama, February 2, 2010. Radhi was removed from office in March 2011 during the government crackdown on pro-democracy protests after callers on state television accused him of discrimination against Sunnis. Andrew Hammond, "Bahrain economic reforms take hit as hardliners battle uprising," Reuters, June 13, 2012 <http://www.trust.org/alertnet/news/mideast-money-bahrain-economic-reforms-takes-hit-as-hardliners-battle-uprising> (accessed July 19, 2012).

⁷⁸ Human Rights Watch group interview with the Migrant Workers Protection Society Action Committee, Manama, January 28, 2010; Human Rights Watch interview with labor attorney Maha Jaber, Manama, January 31, 2010; Human Rights Watch interview with social worker, name withheld on request, Manama, February 1, 2010.

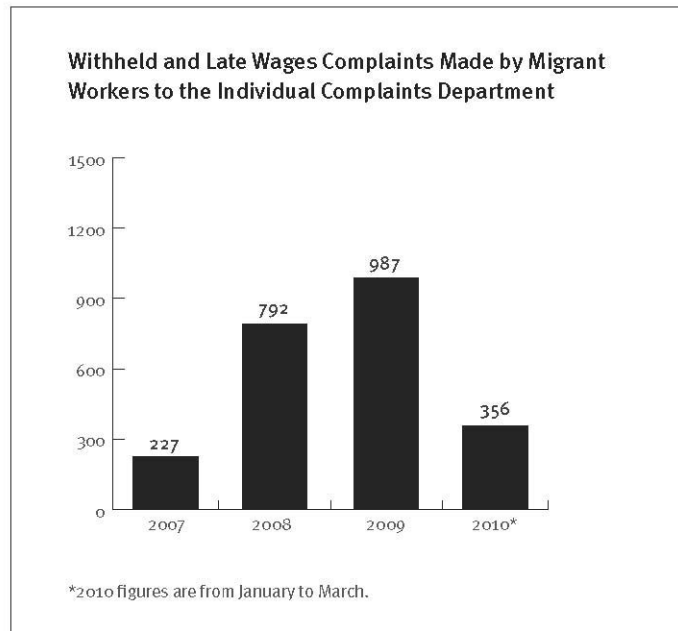
⁷⁹ Human Rights Watch interview with Marietta Dias, Migrant Workers Protection Society, Manama, January 24, 2010.

Unpaid Wages

One of the main complaints that migrant workers voiced to Human Rights Watch was that their employer failed to pay their wages in full or on time. Unpaid wages are the most common issue in labor disputes mediated by the Ministry of Labor, and a frequent reason for workers leaving employment.⁸⁰ Media reports and migrant labor advocates suggested the international credit crunch starting in 2008 may have exacerbated the problem.⁸¹ In April 2012, Indian Ambassador Moham Kumar told the independent daily *Al-Wasat* that the largest issue currently facing Indian workers was non-payment of wages for periods of several months, which he attributed to a struggling economy.⁸²

The Individual Complaints

Department at the Ministry of Labor, which mediates labor disputes between employers and employees, received 227 complaints of withheld and late wages in 2007, 792 complaints in 2008, 987 complaints in 2009, and 356 complaints in the first quarter of 2010, the most recent figures available to Human Rights Watch.⁸³ The government failed to reply to Human Rights Watch's requests for 2010 and 2011 numbers. The Ministry of Labor also houses a department of inspections that is charged with monitoring



compliance with Bahrain's labor law and health and safety standards. This department, which mainly gets involved in situations of large-scale non-payment of wages, received nine complaints specifically regarding unpaid or late wages, out of a total of 203 complaints in

⁸⁰ Human Rights Watch Interview with Nadia Khalil al-Qaheri, Manama, February 4, 2010.

⁸¹ See Aniqha Haider, "Worker flies home after wife's threat," *Gulf Daily News*, May 21, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=278475> (accessed August 20, 2010).

⁸² Mansoor Al-Jamri, "Indian Ambassador in Manama Moham Kumar to al-Wasat: The Indian Community is Known for its Friendly Relations with Everyone, We Have Not Recorded Any Targeting for Political Purposes," *Al-Wasat*, (Arabic) April 10, 2012, <http://www.alwasatnews.com/3503/news/read/654845/1.html> (accessed May 10, 2012).

⁸³ Ministry of Labor statistics provided in response to Human Rights Watch query, letter of June 13, 2010. On file with Human Rights Watch.

2008.⁸⁴ In 2009, the number of complaints of unpaid or late wages that the department of inspections received rose significantly to 140 out of a total of 371 complaints.⁸⁵

Just over half of the migrant workers interviewed by Human Rights Watch said that their employer had withheld their wages. This complaint was especially common among construction workers. All of these workers were still owed back wages when they were interviewed. Their employers had not paid them any wages for between three and ten months. One domestic worker had not been paid in five years. In a few cases, workers received a full or partial monthly wage in the midst of extended periods of non-payment.⁸⁶

Withholding wages violates the Bahraini labor law and is also a crime under the penal code.⁸⁷ Moreover, the impact on workers whose wages are withheld for even one month is very serious: they immediately fall into arrears on debt they owe in their home countries; they can incur additional interest; and they are unable to send money home to their families, which depend on the income earned in Bahrain. Unpaid workers must often run tabs at local stores or borrow additional money from friends just to buy food and necessities.

Acihi binti Mahid, a domestic worker from Indonesia, worked for her sponsor in a two-story house in the al-Budaiya suburb of Manama. “I cleaned, cooked, and took care of three babies. I expected that the sponsor could pay the salary,” Mahid told Human Rights Watch.⁸⁸ Instead, she went unpaid for the entire seven months she worked for the employer.

I was supposed to be paid 70 dinars [\$186] as promised by an agent in Indonesia. I expected to receive money from the sponsor every month. I asked the sponsor for my pay so many times. He said, if you want to send the money to Indonesia I’ll to give it to you ... I asked so many times but never got it. I need to send money to my family. I send it to my father. My parents take care of my nine-year-old daughter.⁸⁹

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Human Rights Watch interview with Annjee, Manama, January 28, 2010.

⁸⁷ Bahrain Penal Code and its Amendments, No. 15 of 1976, art. 302, as amended by Legislative decree No. 6 of 1993, art. 2.

⁸⁸ Human Rights Watch interview with Acihi binti Mahid, Manama, January 31, 2010.

⁸⁹ Ibid.

Lawrence Sarwan Singh, a 37-year-old tile mason, left his parents, sister, wife, two sons, and a daughter in Mumbai to work for a Bahraini manpower agency that supplies workers for building projects. Singh told Human Rights Watch:

I was one of 46 men working for a supply company. We were told we'd receive 100 dinars [\$265] a month and up to 120 dinars [\$381] with overtime ... We used to go ask for our salaries three days before the salary was due. They would sometimes give us 50 dinars [\$133] or 70 dinars [\$186]. They'd say it was a new company and whatever is left will be given to you later ... We had to sign the [receipt of full payment]. They would threaten us and beat us to make us sign. The Bangladeshi foreman said if we didn't sign the paper, we would not get our salaries. Eventually I didn't get paid for a month-and-a-half. I called my employer and asked to return home.⁹⁰

Singh told Human Rights Watch that his employer refused to send him home. "After he didn't pay for another month-and-a-half, I left," he said.⁹¹

Government policies require that employers must show receipts signed by their employee for each periodic wage payment before the migrant worker can leave Bahrain.⁹² As Lawrence's case demonstrates, abusive employers can easily induce migrant workers to sign such documents through fraud or intimidation.

Every month, Acihi binti Mahid's employers forced her to sign for payments she did not receive.

I signed one piece of paper with seven signatures, once for every month. I signed the paper myself; I understood it was to say I got my salary. But I did so because the sponsor said, "Your money will be kept with me till the end of the contract because no housemaid here keeps her money." It's always kept by the sponsor.⁹³

Since 2008, migrant workers from various construction and other companies have organized strikes and demonstrations, drawing national media coverage. One group of protestors worked for a large construction firm, Muhammad Ali al-Asfoor al-Badyah

⁹⁰ Human Rights Watch interview with Lawrence Sarwansingh, Manama, February 3, 2010.

⁹¹ Ibid.

⁹² Human Rights Watch Interview with Ali Radhi, then Chief Executive Officer, LMRA, Manama, February 2, 2010.

⁹³ Human Rights Watch interview with Acihi binti Mahid, Manama, January 31, 2010.

Contracting, which was building several major mosques in Ras Ruman and Isa Town, among other projects.⁹⁴ On October 24, 2009, about 38 al-Asfoor employees demonstrated outside the Indian embassy in Manama.⁹⁵

According to a *Gulf Daily News* account, the carpenters, painters, masons, and laborers had not received their salaries (between BD80 and BD90, or \$212-\$239), for five months.⁹⁶ The workers told the paper that they had been physically and verbally abused when they asked for their due. “We ... incurred the wrath of al-Asfoor,” said Vishnu Naraya, who had been with the company 12 years.⁹⁷ One striker, K. S. Prasad, told a reporter:

We are suffering as the company didn’t pay us for five months ... We have families and it is so difficult to convince them that the owner didn’t pay us, as they think that we are working outside India and therefore are earning a lot of money. They don’t know what’s our condition here. We don’t get what we deserve.⁹⁸

These strikers, all Indian citizens (joined by 4 more workers for a total of 42), lodged official complaints with the Ministry of Labor and the police in October 2009. In January 2010, they filed a civil case and criminal human trafficking complaint against their employer with the help of the Indian embassy and an embassy-hired Bahraini lawyer.⁹⁹

Human Rights Watch interviewed three of the al-Asfoor employees on February 1, 2010, all of whom said they had not yet received any back wages, just over three months after they went on strike and first filed a complaint with the Ministry of Labor.¹⁰⁰

One of the workers, Sabir Illahi, said he came to Bahrain to work as a mason in early 2009 on the promise of earning BD90 (\$239) a month plus overtime. After working five months for nearly no pay, he said, he left al-Asfoor Contracting and tried in vain to recover his back

⁹⁴ Human Rights Watch interview with Maha Jaber, labor attorney, Manama, February 1, 2010.

⁹⁵ “Pay Protest by Workers,” *Gulf Daily News*, October 28, 2009, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=262581> (accessed July 11, 2010); Ben Millington “38 Workers Strike in Bahrain,” *Construction Weekly Online*, October 25, 2009, <http://www.constructionweekonline.com/article-6738-38-workers-strike-in-bahrain/> (accessed August 4, 2010).

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ Human Rights Watch interview with lawyer Maha Jaber, Manama, February 1, 2010.

¹⁰⁰ *Ibid.*

wages and get permission to seek new employment or return to India, first by appealing to the employer and then by filing a complaint with the Ministry of Labor. The ministry forwarded the case to the labor court. Illahi says he was left without income for 11 months and lost his family home in Rajasthan.

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.”

I came [to Bahrain] and I can’t even read or write much. I had never left my country before.

I asked him to let me go home, leave the salary but I want to travel back home – but he said we won’t send you back. So I left. Then, I told my sponsor, give me a release, so I can work somewhere else, but he said “I will not give you a release, if you want to work, then work in our company.” I know that I could earn money somewhere else if he gave me a release, but he says he will not give me a release.

And I have children [in India], an old father at home and a wife. I asked [my sponsor], “What are they supposed to do over there?” He said, “I don’t know what they will do, but you do your work here and eat your food.”[T]hey’re out in the street in India now, my wife, children, and old father. It’s been three months maybe that they’ve been out on the street. That man I borrowed the money from, he put them out on the street.

I have a debt. [The lender] said give he’ll me my money, but I had to sign my house over to him; so now my land has become his. He said if I pay the money back he will return it to me. I told him I would pay him back in 12

months, but in 11 months he kicked [my family] out. He knows as well that I have a bad employer here and that I don't have any money, but still, he put them out one month before he promised.¹⁰¹

Ahmad Alhaiki, director of Inspection and Labor Unions at the Ministry of Labor, speaking about the al-Asfoor company, told Human Rights Watch:

We have problems with him [Muhammad Ali al-Asfoor]. Not a problem, a disaster. He uses different commercial registration numbers. He's under our focus. He is not cooperating. We are after him. But this is a democratic society. It is not easy to file a case.... We have to give warnings. We have to give notice. He's holding [his employees'] money, not giving people an adequate place to stay. This person, we are trying to get the maximum against him.¹⁰²

Despite the ministry's claimed focus, and despite the complaints lodged against Ali al-Asfoor's company in October 2009, workers continued to complain about the company, at least through January 2010.¹⁰³ Only days before speaking to Alhaiki, the director of inspections, Human Rights Watch visited a dilapidated labor camp used by al-Asfoor in the Adliya neighborhood of Manama. Six construction workers there, all from India, told Human Rights Watch they had not been paid in months.¹⁰⁴ This was the same camp where the 38 striking al-Asfoor employees had lived three months earlier.¹⁰⁵ The new men Human Rights Watch met there were part of a group of 13 who had been transferred from a mosque project in Muharraq in late January to Adliya to work on a separate mosque project.¹⁰⁶ "We don't know why we haven't been paid," one said. He added:

¹⁰¹ Human Rights Watch interview with Sabir Illhai, Manama, February 3, 2010.

¹⁰² Human Rights Watch interview with Ahmed Alhaiki, Isa Town, February 4, 2010.

¹⁰³ Human Rights Watch interview with Maha Jaber, Manama, February 1, 2010. On June 8, 2010, Ahmed Alhaiki, director of Inspection and Labor Unions for the Minister of Labor, told Human Rights Watch that authorities had canceled Muhammad Ali al-Asfoor's seven commercial registration licenses (CR), including several he had obtained using the identities of family members. Companies require a CR in order to legally conduct any business in Bahrain and obtain work visas for migrant workers. Employers in Bahrain that have their CR cancelled sometimes use other identities to obtain a CR, continue operations, and continue recruiting migrant workers. Human Rights Watch does not know if al-Asfoor has continued to do business despite lack of required licenses. Ahmed Alhaiki, however, told Human Rights Watch that al-Asfoor "is finished."

¹⁰⁴ Human Rights Watch interview with Purveen G. (pseudonym) plus five co-workers, Manama, January 28, 2010.

¹⁰⁵ Human Rights Watch interview with Sabir Illhai, Manama, February 3, 2010.

¹⁰⁶ Human Rights Watch interview with Purveen G. (pseudonym) plus five co-workers, Manama, January 28, 2010.

Our salary is 80 dinar [\$212]. We get our payment in cash every month from the foreman.

We were paid regularly for the first nine months. They haven't paid for four months. A week ago when we got one month's salary, [the foreman told us] our employer promised he would pay [the rest] after a week.¹⁰⁷

These construction workers had heard a rumor that a group of men before them had gone on strike against the company.¹⁰⁸ None of them had approached Muhammad Ali al-Asfoor directly about the back wages, but said they thought their foreman had.¹⁰⁹ Human Rights Watch asked if they planned to go on strike or file a formal complaint over their unpaid wages. The workers replied that they were scared of losing their jobs.¹¹⁰ All had taken out loans to come to Bahrain, some with interest, and some had used their homes as collateral.¹¹¹ By June 2010, the government took some measures against al-Asfoor (discussed in the section on inspections); however, the labor complaint filed by 42 al-Asfoor workers in October 2009 remained pending nearly a year later.¹¹² Human Rights Watch was not able to determine if the labor complaint was ever resolved.¹¹³ The company did not respond to a letter from Human Rights Watch seeking clarification and comment on this and other matters.

Al-Asfoor is not the only construction company that had come under Labor Ministry scrutiny. In June 2009, according to the media, around over 5,000 workers went on strike at Al Hamad

¹⁰⁷ Human Rights Watch interview with Purveen G. (pseudonym), Manama, January 28, 2010.

¹⁰⁸ Ibid.

¹⁰⁹ Human Rights Watch interview with Purveen G. (pseudonym) plus five co-workers, Manama, January 28, 2010.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Human Rights Watch Interview with Ahmed Alhaiki, head of the Department of Inspections, Ministry of Labor, Isa Town, June 8, 2010.

¹¹³ In July 2011 *Gulf Daily News* reported that 16 workers had won a legal battle against their employer for back wages. Some of the facts of the *Gulf Daily News* report indicate that these workers could be some of the same workers who filed a complaint against Al-Asfoor. In both cases the workers were Indian, sued for three months of wages, and were represented by attorney Maha Jaber—who is the lawyer retained by the Indian embassy and who thus handles many such cases. The time frame for the start of the case reported by the *Gulf Daily News* roughly corresponded to the timeframe offered by Jaber when Human Rights Watch interviewed her in January 2010. The company found liable in the *Gulf Daily News* article was Corus Building Construction Company, not Al-Asfoor, but representatives of the Ministry of Labor told Human Rights Watch in June 2010 that Al-Asfoor's owner had registered his business under several different names, a practice rights advocates reported as not uncommon of employers found by authorities to violate the labor laws. The original complaint involved 42 workers. However, in January 2010 Jaber told Human Rights Watch that months after filing suit many of her clients were accepting extremely meager settlements and leaving the country because the case was moving slowly. See: Aniga Haider, "Salary row 16 win legal battle," *Gulf Daily News*, July 1, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=308986> (accessed June 9, 2012).

Construction Company alleging they had not been paid for at least two months.¹¹⁴ After the Ministry of Labor intervened and tried to broker a solution, the employer agreed to recompense back wages and to pay future wages on the 15th of every month.¹¹⁵ In November 2009, 2000 Al Hamad workers went on strike yet another time, according to the media, claiming they had not been paid on time.¹¹⁶ Then December 12, 2011, over 1,000 workers from Al Hamad Construction Company went on another strike, alleging they had not been paid for seven months, forcing the ministry to again intervene to secure a promise that the company would pay the workers their back wages.¹¹⁷ One Al Hamad employee told the *Gulf Daily News* that the latest strike came more than three months after the workers filed a grievance with the ministry and did not get any result:

This is not the first time the company hasn't paid us. We filed a case at the Labor Ministry and the Indian Embassy in September. The officials promised they would sort the matter out and get back to us, but we are still waiting for a reply. Ministry officials said they would solve the problem mutually, but we didn't get a good response from them. We thought to sort the matter out through meetings, but we didn't get any response from the company or the ministry.¹¹⁸

Low Wages

Bahrain has no minimum wage and the government has thus far resisted efforts to adopt one.¹¹⁹ Some labor-sending countries have set minimum wages for their nationals working abroad, and try to check that these rates are reflected in an employment contract before out-

¹¹⁴ Begena Pradeep, "Wildcat Strike," *Gulf Daily News*, June 11, 2009, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=252965> (accessed June 24, 2012); Benjamin Millington, "Strike over as Al Hamad accepts worker demands," *Construction Week Online*, June 11, 2009, http://www.constructionweekonline.com/article-5512-strike_over_as_al_hamad_accepts_worker_demands/ (accessed July 10, 2010).

¹¹⁵ Ibid; Begena Pradeep, "Strike called off," *Gulf Daily News*, June 12, 2009, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=253051> (accessed August 7, 2012).

¹¹⁶ Benjamin Millington, "Al Hamad workers on strike in Bahrain," *Construction Week Online*, November 16, 2009, <http://www.constructionweekonline.com/article-6926-al-hamad-workers-strike-in-bahrain/> (accessed July 10, 2010).

¹¹⁷ Aniqha Haider, "1,100 workers on strike over pay," *Gulf Daily News*, December 12, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=319483> (accessed June 24, 2012); Aniqha Haider, "Wage row workers may fly home soon," *Gulf Daily News*, December 23, 2012 [<http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=320162>] (accessed June 24, 2012).

¹¹⁸ Ibid.

¹¹⁹ Human Rights Watch interview with Karim Radhi, representative of the General Federation for Bahrain Trade Unions, Manama, May 24, 2010.

migration is endorsed. The Indian government requires a BD100 (\$265) monthly salary for its nationals working in Bahrain; the Philippines requires at least BD150 (\$398).¹²⁰

In reality, employers rarely meet these rates. Recruiters sidestep the efforts of labor-sending countries to monitor wage rates in contracts before workers reach Bahrain.¹²¹ For example, recruiters in India will avoid directly sending a worker to Bahrain, routing them instead through another labor-sending country like Sri Lanka.¹²² Indian Ambassador Moham Kumar said in April 2012 that his embassy was trying to be a party to the signing of employment contracts and had started asking Indian workers to send their contracts to the embassy in order to get comments before coming to Bahrain.¹²³

All of the Indians and Filipinos whom Human Rights Watch interviewed earned less than the minimum monthly wage their governments stipulated. Over half the Indian construction workers Human Rights Watch spoke with said they were promised BD100 (\$265) a month before coming to Bahrain, but were told they would only be paid BD70-BD80 (\$186-\$212) once they arrived. A group of 50 Indian workers told the Gulf Daily News that they received as little as BD45 (\$119) after arriving in Bahrain, despite being promised BD100, and had to take extra jobs to make ends meet.¹²⁴ Ambassador Kumar similarly told the daily *Al-Wasat* in April 2012 that Indian workers are promised a wage of BD100 but get closer to BD50 (\$133 US) a month when they start working in Bahrain.¹²⁵

The practice of employers or recruiters promising migrant workers one wage prior the start the job, but actually paying a lower wage, extends beyond Indian and Philippine workers. A Bangladeshi carpenter who asked to remain anonymous said:

I worked for my company one year and I got 70 dinars every month.

¹²⁰ Human Rights Watch interview with Alejandro S. Santos, Labor Attaché, Embassy of the Philippines, Manama, January 28, 2010.

¹²¹ Human Rights Watch Interview with the chair of the Bahrain Recruiters Society, Fareed al-Mahmeed, , Manama, January 28, 2010.

¹²² Human Rights Watch interview with Marietta Dias, Migrant Workers Protection Society, Manama, January 24, 2010.

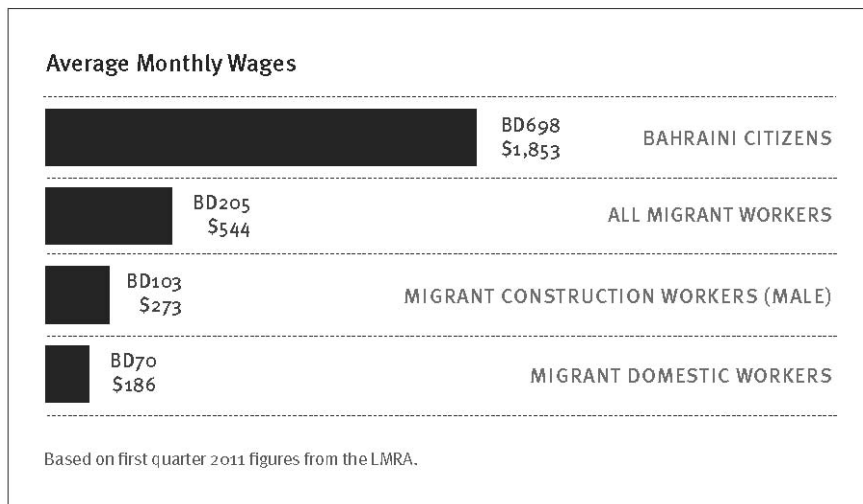
¹²³ Mansoor al-Jamri, "Indian Ambassador in Manama Moham Kumar to Al-Wasat: The Indian Community is Known for its Friendly Relations with Everyone, We Have Not Recorded Any Targeting for Political Purposes," *Al-Wasat*, (Arabic), April 10, 2012, <http://www.alwasatnews.com/3503/news/read/654845/1.html> (accessed May 10, 2012).

¹²⁴ "Court Blow for Stranded Worker..." *Gulf Daily News*, June 29, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=308854> (accessed March 1, 2012).

¹²⁵ Mansoor al-Jamri, "Indian Ambassador in Manama Moham Kumar to Al-Wasat: The Indian Community is Known for its Friendly Relations with Everyone, We Have Not Recorded Any Targeting for Political Purposes," *Al-Wasat* (Arabic), April 10, 2012, <http://www.alwasatnews.com/3503/news/read/654845/1.html> (accessed May 10, 2012).

When I first came here I was told I would be paid 100 dinars but they paid 70 dinars. I asked the company about the difference. They said they wanted to see how I work before they pay me 100 dinars. I've asked over ten times in the last year for my full salary but they say the same thing every time and tell me to wait.¹²⁶

Migrant workers in all sectors on average earn BD205 (\$544) a month, less than one-third of the BD698 (\$1852) earned by Bahrainis.¹²⁷ According to the LMRA, migrant workers comprise 98 percent of “low pay workers” (which the government defines as those earning less than BD200, or \$530, monthly).¹²⁸ Domestic workers on average earn about BD70 (\$186) a month.¹²⁹ Domestic worker wages have dropped almost every quarter since the start of 2008 when the monthly average was BD135 (\$358).¹³⁰ Around 48 percent of all non-domestic migrant workers receive BD50-100 (\$133-\$265) monthly, while another 15 percent receive less than BD50 (\$133) monthly.¹³¹



¹²⁶ Human Rights Watch interview with carpenter, name withheld on request, Manama, February 3, 2010.

¹²⁷ Labor Market Regulatory Authority (LMRA), Kingdom of Bahrain, “Table B: Estimated Average Basic Wages by Citizenship and Sector,” http://blmi.lmra.bh/2011/03/mi_data.xml (accessed February 21, 2010). The figure for the average wages of migrant workers accounts for domestic workers, who are excluded from the Bahraini government’s official reported average wages.

¹²⁸ Ibid., “Table 17: Number of Low Pay Workers by Sex, Citizenship,” http://blmi.lmra.bh/2011/12/mi_data.xml (accessed July 12, 2012). The figure for the number of low wage earning migrant workers accounts for all domestic workers, who are excluded from the Bahraini government’s official statistic.

¹²⁹ Ibid., “Table B: Estimated Average Basic Wages by Citizenship and Sector,” http://blmi.lmra.bh/2011/03/mi_data.xml (accessed February 21, 2010).

¹³⁰ Ibid.

¹³¹ Ibid., “Table 18: Wages Distribution by Sex, Citizenship,” http://blmi.lmra.bh/2010/09/mi_data.xml (accessed December 10, 2010); “Table A. Estimated total employment by citizenship and sector 2002-2011,” <http://www.lmra.bh/blmi> (accessed February 20, 2012).

In February 2008, between 1,300 and 2,000 construction workers employed by the G.P. Zachariades company went on strike to protest what they said were their poor living conditions and low salaries—between BD57-69 (\$151-\$183).¹³² Some of the men, who worked on the \$6 billion Durrat Al Bahrain project, a high-end residential community that involves man-made islands, were Indian, and Indian embassy officials told the press that they should receive at least BD100 (\$265) per month.¹³³ A spokesperson for the strikers said, “We will not go back to work until we get a pay raise because what we are asking for is fair.”¹³⁴ The workers had also planned a march to the Ministry of Labor, but according to reports the company shut the camps’ gates. One worker told the *Gulf Daily News*:

We had decided to march to the Labor Ministry to discuss our problems with them, but [company management] did not allow us to leave the camp when they learned about our plan. They locked the gates and refused to let us out. The company may be able to stop us from going out of the labor camp by closing the gates on us, but they cannot kill our spirit.¹³⁵

After the workers alleged that the company shut the camp’s gates to prevent them from marching to the Ministry of Labor to raise concerns, the ministry reportedly sent an inspector to talk with the men and assess their situation.¹³⁶ In May 2010 Human Rights Watch asked the Bahrain government to provide additional information on any action it has taken regarding G.P. Zachariades, but received no response. On August 7, 2012 the company’s managing director, responding to a Human Rights Watch inquiry, wrote:

Our company constructed 320 villas ... 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 a 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

¹³² Begena Pradeep, “Laborers Call Off March,” *Gulf Daily News*, February 11, 2008 <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=208391> (accessed July 10, 2010); “Bahrain: 2,000 workers Strike of Pay Dispute,” *Zawya*, February 11, 2008, <http://www.zawya.com/story.cfm/sidZAWYA20080211035037/Bahrain:%202,000%20labourers%20on%20strike%20over%20pay%20dispute> (accessed July 10, 2010).

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ Begena Pradeep, “Laborers Call Off March,” *Gulf Daily News*, February 11, 2008 <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=208391> (accessed July 10, 2010).

¹³⁶ *Ibid.*

spite of the fact that all of them had signed a contract of employment with their employers and had come to work in Bahrain of their own free will.¹³⁷

Addressing working conditions, the managing director wrote that the company takes pride in “its commitment in implementing welfare policies including high standards of health and safety for all our workers” but did not provide details. Regarding wages, he added that the company’s substantial number of employees who have served for over 20 years have seen their wages rise and obviously now earn much higher wages than when they initially joined the company, and “more than the average market rates as our company handles mostly projects of very high quality.”¹³⁸ He added that new workers continue to come to Bahrain “to work on agreed wages,” without clarifying how the amounts the company currently pays compare to average migrant construction wages.¹³⁹

Excessive and Forced Work

Complaints regarding excessive work hours and workloads are especially pronounced among domestic workers. Almost all 17 domestic workers interviewed by Human Rights Watch said they worked 12-19 hour days, often without breaks. One told Human Rights Watch:

I started working at five o’clock in the morning, preparing breakfast for school and worked till 10 o’clock at night. If the sponsor was in the house I have to work a full day from 5 [a.m.] to 10 [p.m.]. I had no days off and didn’t leave the house.¹⁴⁰

None of the domestic workers said they had a regular day off outside the home, but three said they had been promised days off before taking the job. “I was also told [by the recruiter] I would have one day off, but when I got here I was made to work every day,” said Maria C. “No rest. [I worked] from 5 a.m. to sometimes 1 a.m. I sometimes sleep only three or four hours.”¹⁴¹

¹³⁷ G.P. Zachariades response to Human Rights Watch query, letter of August 7, 2012, on file with Human Rights Watch and reproduced in the appendices to this report, <http://www.hrw.org/node/110207/>

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Human Rights Watch interview with Aumar Perdshe, Manama, January 27, 2010.

¹⁴¹ Human Rights Watch interview with Maria C. (pseudonym), Manama, January 28, 2010.

Most construction workers and other male laborers reported working eight-hour days and having Fridays off. Eight men reported consistently working over 11 hours a day with no overtime, although Bahraini law requires overtime wages.¹⁴²

“I was originally promised eight hours daily work, plus extra pay for overtime,” said Indian construction worker Lawrence Sarwansingh. “I worked from 6 a.m. to 6 p.m. I was not paid extra for overtime. I was promised as much as 15,000 Indian rupees [\$322] [base salary] and 20,000 [\$429] Indian rupees with overtime.”¹⁴³

Sant Kumar, the fisherman, said:

[The agent] told me I would receive BD70 [\$185] plus overtime. But [my employer] did not give it to me, but when we came here our boss told us it would be a fixed salary. Three in the afternoon we’d go out to sea and, we’d return 3 a.m., sometimes as late as 6 a.m. And even when we got back he would give us odd jobs, like repairing the net. We were told we would work eight hours a day.¹⁴⁴

Human Rights Watch interviewed one construction worker who also worked as a night watchman at his work site in al-Riffa, an affluent suburb that is home to many government officials. Rami V. said he took the additional job because it offered BD20 (\$53) more a month, but his employer allows him no time off. “I have no brothers and my father passed away. I must pay for all my sisters’ weddings. We expect to be mistreated here but what can we do, we are poor.” Rami V. reported that he had had no days off for eight months and stays on location 24 hours daily. He prepares his meals on a propane burner but depends on friends and co-workers to bring him groceries and he sleeps outside at the worksite, fearing his employer will hold him financially responsible if anything is stolen.¹⁴⁵

Representatives of Kerala Pravasi Study Center, an unofficial association of workers from Kerala, told Human Rights Watch that they had been in contact with dozens of workers also moonlighting as night watchmen, all experiencing isolation, excessive hours, limited ability

¹⁴² Bahrain Labor Law for the Private Sector, No. 23 of 1976, art. 79, as amended by Legislation Decree No.14 of 1993, Gazette (issue No.2080), October 16, 1993.

¹⁴³ Human Rights Watch interview with Lawrence Sarwansingh, Manama, February 3, 2010.

¹⁴⁴ Human Rights Watch Interview with Sant Kumar, Manama, January 25, 2010.

¹⁴⁵ Human Rights Watch interview with Rami V. (pseudonym), Riffa, January 25, 2010.

to leave the worksite, poor accommodation, and limited access to food and other provisions. Rami V.'s story, they said, was similar to that of other night watchmen.¹⁴⁶

Other workers reported that their employers forced them to perform duties they did not want to do and objected to performing: some were dangerous, as well as outside the scope of their original employment arrangement. Muhammad Rizvi Muhammad Siddeek, a Sri Lankan personal driver, remembered:

First week the sponsor was OK. Second week [the sponsor] bought some dogs and five snakes. He brought them inside the house. One [snake] was 16 feet and one 14 feet. The snakes are very poisonous and [pythons] are very dangerous.

My sponsor says you have to care for the snakes every day, change their water, and feed them. I said I can't do this, I'm afraid. If you have any other work I will help you but the snakes I cannot do. He said, "If you don't do this I have a friend who is a police officer, I will tell him to come here and hit you." I called my Sri Lankan agent, I told them my problem. There was no response and he cut the line. He never picked up my call again.

I could not return to Sri Lanka, I was worried [about money to pay for operations for] my child and my father. I sold my wife's gold. I had bad debt. So I had to clean the snakes. I'm really afraid. But I can't go back.¹⁴⁷

Suresh Podar, from Nepal, was forced by his employer to work on a fishing boat, despite his objection that he could not swim.

I was told I would come for one job but I came to another job. I was told [by the agent] I would work in a garage as a helper. But [I] came here and he put [me] in fisherman work. Working on a boat and I do not know how to swim. We don't have a sea in Nepal. No one knows how to swim. I got here and I told my employer. He said it's not a problem. But he never taught me. With all the work he never taught me. There was no safety equipment, a tub or life

¹⁴⁶ Human Rights Watch interview with representatives of Kerala Pravasi Study Center who requested anonymity, Manama, January 25, 2010.

¹⁴⁷ Human Rights Watch Interview with Muhammad Rizvi Muhammad Siddeek, Manama, January 30, 2010.

jacket, on the boat. I fell in a couple times and my employer pulled me out. I paid so much I stayed with it even with the problems.¹⁴⁸

Accommodation and Food

Bahraini employers typically provide accommodation for their unskilled migrant workers. In the case of construction workers and other male laborers working for bigger firms, this takes the form of dormitory-style buildings, or labor camps, with shared bathrooms and kitchens. Smaller employers sometimes house male laborers in shared apartments.

Labor camps are often cramped, dilapidated buildings with insufficient sanitation, running water, and other basic amenities.¹⁴⁹ Human Rights Watch visited four labor camps, all exceptionally meager. Three were extremely cramped and dilapidated. At one camp some workers also complained that their air conditioner was broken and their employer had failed to fix it, even though summer temperatures reach up to 107 °F (42 °C) with high humidity.¹⁵⁰ We observed exposed electrical wiring and loosely-constructed corrugated metal roofs at another camp. Up to 20 men slept in a room that typically had only a small aisle separating 10 bunk beds. At one camp, workers slept on plywood cots, and in another camp on thin mats on the floor.

A labor camp in Adilya housed about 40 workers for Muhammad Ali al-Asfoor's construction company. The largest room slept 20. Workers said they slept on bunk beds with bedbugs.¹⁵¹ There were only two bathrooms, so workers kept water in plastic containers by their beds for washing and drinking. The building was decrepit and falling apart, with exposed wiring, crumbling walls, and cracked, water-stained ceilings.

A former resident said that the Ministry of Labor had visited this labor camp the previous year and posted at least two notices, three months apart, that he said declared the camp unfit and should be torn down.¹⁵² A year later, when Human Rights Watch visited the site, the camp remained open with about one hundred al-Asfoor workers still living there. According

¹⁴⁸ Human Rights Watch interview with Suresh Podar, January 25, 2010.

¹⁴⁹ See Ben Millington "Camp conditions in Bahrain questioned," *Construction Weekly Online*, March 28, 2009; http://www.constructionweekonline.com/article-4745-camp_conditions_in_bahrain_questioned/ (accessed August 21, 2010).

¹⁵⁰ Human Rights Watch interview with cleaning company workers who requested anonymity, Barbar, June 4, 2010; Embassy for the Kingdom of Bahrain to the United States, History and Geography; <http://www.bahrainembassy.org/index.cfm?fuseaction=section.home&id=80> (accessed December 18, 2010).

¹⁵¹ Human Rights Watch Interview with Prasad Singorapu Kummari and Vishnu Naraya, Manama, January 30, 2010.

¹⁵² Ibid.

the Migrant Workers Protection Society, as of January 2012 the camp was still open and in operation.¹⁵³

Many labor camp residents complained about confined and over-crowded quarters with insufficient amenities. Lawrence Sarwansingh, from Rajasthan, who lived in a camp that Human Rights Watch did not visit, described conditions there:

The place where we stayed was very old. It was an abandoned [building], and then we cleaned it up. The company gave us beds. It was an old place and had been empty for a long time. Depending on the size of the room, it was five, eight, or ten men in a room. There was one kitchen for everyone. There were only two bathrooms. I would wake up at 4 a.m. to use the bathroom to get to work at 6 a.m. Everybody would line up at 4 a.m. There was one blanket per person and one air conditioner to a room.¹⁵⁴

In all three camps that Human Rights Watch visited, researchers saw workers cooking food with kerosene burners. These have been linked to several fires in labor camps, and the Ministry of Labor now prohibits their use across Bahrain.¹⁵⁵ At one of these camps, owned by a major cleaning and maintenance company and housing 300 workers, Ministry of Labor inspectors cited the company for violating safety regulations in 2008 and again in the spring of 2010. Some two years after the original citation the employer had still not replaced the kerosene burners with the approved gas burners.¹⁵⁶ In response, several expatriate charitable organizations and NGOs operating on behalf of migrant workers decided to intervene and in June 2010 arranged to install safer burners without the employer's participation.

Almost all domestic workers in Bahrain live in their employers' homes. With limited opportunities to leave the house, they are completely dependent on their employers for food and housing. Two domestic workers reported not getting regular meals. "There were two other housemaids with me in one small room. One cook, one cleaner. I wasn't fed for two months. The cook would give me some food without our sponsor knowing," said Aumar Perdshe, a 45-year-old mother of three from Sri Lanka who had worked in Kuwait for two years before coming to Bahrain.¹⁵⁷

¹⁵³ Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, May 23, 2012.

¹⁵⁴ Human Rights Watch interview with Lawrence Sarwansingh, Manama, February 3, 2010.

¹⁵⁵ Ministry of Labor, General Safety Requirements for Labor Accommodations

¹⁵⁶ Human Rights Watch interview with a cleaning company employee who requested anonymity, Barbar, June 4, 2010.

¹⁵⁷ Human Rights Watch interview with Aumar Perdshe, Manama, January 27, 2010.

Physical and Psychological Abuse

Many migrant workers in Bahrain face physical and psychological abuse. Of the 62 workers Human Rights Watch interviewed, 12 said that their employers, supervisors, or recruiting agents had physically abused them.

Physically abused workers reported being beaten, kicked, violently pushed, and slapped. Physical abuse was often accompanied by psychological and verbal abuse, such as insults or threats of further violence. Some workers told Human Rights Watch that they were beaten after making simple workplace “mistakes.” Dariah binti Narwita, an Indonesian domestic worker, recalled:

The wife hit me with her hands on my head and side. Sometimes I was slapped in the face. About 10 different times but I don’t really remember. They hit me when I made a mistake. They would get angry if I prepared the food incorrectly or didn’t put in salt.¹⁵⁸

Maria C. left behind a four-year-old and six-month-old daughter to work as a housemaid in Bahrain on the promise that she could earn more money for her family. “I came because of poverty,” she said.¹⁵⁹ She told Human Rights Watch she had never been outside her native Philippines before. In Bahrain she was placed with an Egyptian couple working in the country.

My madam hurt me. She beat me with her hand on my face and body every time I did something wrong. I’m Filipino and I don’t really know how to cook their food. In the Philippines we combine the egg and the onion [at the same time]. They cook the onion first and then add the egg. I didn’t really know that and my madam hurt me when I did it wrong.

Or sometimes the baby cries and the madam beat me, saying I hurt her baby. I told her I would never hurt the baby, I have a six-month-old daughter myself and I love this baby like my own.

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

¹⁵⁸ Human Rights Watch interview with Dariah binti Narwita, Manama, January 31, 2010.

¹⁵⁹ Human Rights Watch interview with Maria C. (pseudonym), Manama, January 28, 2010.

happen to my family? I cannot support them if I'm back there. But it was too late. Every day madam beat me.

She would say, "I don't want to see you go to the other room. Fix everything. Clean everything. Don't take rest. You're my slave. You're not my housemaid. You're my slave." [She beat me on] my arms and my neck. She punched me, pinched me and turned [the pinch]. One time she dragged me against the wall by my collar.

I told my sponsor, my *baba* [the husband], to send me back to the agency because my madam hurts me. But he didn't listen to me. He got angry, hurt me, and slapped me on the face.

My *baba* is telling me that if I go back to the agency they are not good. He's telling me if I go to the agency they will sell my body parts. They would rape me and beat me. So I was scared of my sponsors and my agency.¹⁶⁰

Maria C. described repeated physical abuse for two months. Her sponsors refused to return her to the agency. Maria C. secretly called her husband in the Philippines and told him about the abuse. Her husband then called the Philippines embassy in Bahrain. Embassy officials called the agency that placed Maria and asked them to get involved in the matter.

[After returning to the agency] I still had my marks from where they hit me and I showed my family all of my marks [over the webcam in the office]. My family was all crying because I am their only daughter and I have no brother or sisters. My family never hurt me before, only here I was hurt. So when they saw I had been hurt my whole family was crying because they never thought this is what would happen here.¹⁶¹

Suresh Podar, the Nepali man hired to come to Bahrain as a garage helper but subsequently forced to work on a fishing boat although he cannot swim, told Human Rights Watch:

From the start my employer gave me a lot of trouble. He beat me many times like a football. The first time, [after] I was here about three months, he beat

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

me so much my face was swollen. We were repairing the boat with the boss and preparing for going out the next day. My hands were getting irritated from the powder we were using to repair the boat. The boss had stepped out. I went to wash my hands but when the boss returned he saw I wasn't there and he got angry.

When I came back he asked me where I was. He yelled, "Why does the powder not bother this guy [a co-worker] but it bothers you?" I said the co-worker had already washed his hands, but just on saying those words he got more angry and said, "I'm going to send you home." I said, "Fine, send me back." I said as much as that and he took a stick and started hitting me.

The next time he beat me badly was when another worker ran away. The boss locked me in my room and told me I knew where the worker was and wasn't telling him. I said, no I don't, and then he grabbed me and kicked me in the chest and then the back.

Sometimes I couldn't pull the nets up fast enough and he would get angry. Once there was an eel in my net and he threw the eel at me and I fell into the water and went under, sinking. The boss grabbed my hair and pulled me back on the boat.¹⁶²

Over half of the physically-abused workers we spoke with said they suffered abuse after they tried to assert their rights. Acihi binti Mahid, the Indonesian who came to Bahrain in late 2008 to work as a housemaid, never received earnings for the entire time she was in Bahrain. Four months into her employment, Mahid decided to demand her back wages.

I was expecting to receive money from the sponsor every month. I asked the sponsor for my pay so many times. I ask[ed] so many times but never got it.

My sponsor then promised, "After one year we'll give you all your salaries [sic]." But I said I'd like to get my salary now because I want to send it to Indonesia. My sponsor became angry and slapped my face with her hand ... The following day she slapped the back of my neck.¹⁶³

¹⁶² Human Rights Watch interview with Suresh Podar, Manama, January 25, 2010.

¹⁶³ Human Rights Watch interview with Acihi binti Mahid, January 31, 2010.

Domestic workers like Maria C. and Mahid live and work in their employer’s homes. Their isolation and the power the work relationship gives sponsors means domestic workers are more likely to experience physical abuse.¹⁶⁴ In some cases, recruitment agents forced domestic workers who experienced violence or harassment to return to abusive employers. Police officials used to return domestic workers to employers, but this practice has largely ceased according to migrant advocates.

Human Rights Watch spoke with unskilled male workers, such as Suresh Podar, who had also experienced physical and psychological abuse.

Sexual Abuse

Human Rights Watch interviewed four domestic workers who said they experienced sexual harassment, assault, or rape at the hands of their agents, employers, or employers’ sons. The number of Bahraini migrant domestic workers who are sexually harassed or assaulted is not known; it is likely that sexual abuse is underreported—due not only to stigma and shame, but also fear of countercharges by employers, the isolation and relative powerlessness of domestic workers, and obstacles that workers face in filing complaints, including language barriers and lack of familiarity with complaint mechanisms in Bahrain.¹⁶⁵

Among the domestic workers Human Rights Watch spoke with, harassment took the form of demands for sex as well as other unwanted sexual advances and groping. Sri Lankan Aumar Perdshe recalled:

One night when I was sleeping in the children’s room my sponsor kicked me to wake up to go with him. It was two in the morning. But I was scared and didn’t go. The next night he came and massaged my leg from my ankle to my thigh. Then he massaged [pointing to her breast]. I said, “I want to go, I can’t stay,” and he hit me three times.¹⁶⁶

Other women experienced repeated unwanted fondling or being forced to fondle their employer. Elma V. came to Bahrain in November 2009 and worked in a home in Hamad Town. In January, Elma V.’s employer asked her to massage his back. She told him that was “not my work,” but he started shouting and so she did it. Then he took off his pants and made her

¹⁶⁴ Human Rights Watch, *Swept Under the Rug: Abuses against Domestic Workers Around the World*, vol. 18, no. 7(C), July 2006, <http://www.hrw.org/en/reports/2006/07/27/swept-under-rug>, p. 16.

¹⁶⁵ *Ibid.*

¹⁶⁶ Human Rights Watch interview with Aumar Perdshe, Manama, January 27, 2010.

massage his legs, groin, finally making her masturbate him and ending the masturbation himself. During this episode he was holding a small bread knife.¹⁶⁷

Just over a week later her employer came on to her again. “He locked the house doors and followed me around as I cleaned house. I kept telling him I had a lot of work to do,” Elma V. said. First he said he only wanted his calves massaged but then told Elma V. to move to his groin. He again had a small bread knife in hand. “He made me remove my blouse and he masturbated between my breasts.”

Two days later, at eight in the morning, Elma V.’s employer made another “massage” request that escalated into an attempted rape.

He ripped off my clothes. I was crying, begged him not to. When I didn’t let him penetrate me he masturbated looking at me. After he showered, he started talking nicely, how I should forget all what happened, he would not do it again. But by then I’d planned to run away. Around noon he left. I put some clothes in a bag and walked until I saw a Filipino. I walked all night.

Madelle D. is 25, from Manila province in the Philippines. She had been in Bahrain three-and-a-half months working as a domestic worker. It was her first time employed outside her home country. She told Human Rights Watch that on New Year’s Day 2010 she went to church with another domestic worker employed by the same sponsor. After services, her co-worker went home, but Madelle D. went to the mall. Upon arriving home late, her employer became angry and took her to the agency the following morning. That afternoon the agency manager gave her BD10 [\$ 27]. According to Madelle D., he said, “Take this. I help you because I know you need this.” She said she accepted the money “but I did not accept what he did to me.”¹⁶⁸ Later that night at the agency’s offices, she said, the agency manager raped her.

It started at night, 11 o’clock. I went to sleep that time and he made abuse to me. I am alone in the room but there are people outside. His wife was not there. He told me, “I like you,” and then he touch me. And then I said no and he said, “Don’t [be] scare[d].”

¹⁶⁷ Human Rights Watch interview with Elma V. who requested her last name be withheld, Manama, January 28, 2010.

¹⁶⁸ Human Rights Watch interview with Madelle D., Manama, January 28, 2010.

He's too strong because he drank, and you know the man when he is drinking he becomes so strong. He scared me. Then he abused me.

After, he said to me, "Don't tell your sponsor." I'm scared because they are [from] the same nation so I don't know who to trust.¹⁶⁹

Suicide among Migrant Workers

Bahrain's Health Ministry told the *Gulf Daily News* in January 2010, that expatriates— just over half of Bahrain's total population—accounted for almost three-quarters of all suicides in the country.¹⁷⁰

Earlier that month, 22-year-old construction worker Suresh Ravi, from Chennai, India, barricaded himself in a room, doused himself with kerosene, and set himself ablaze.¹⁷¹ The same month, a domestic worker from Ethiopia committed suicide in her employer's home in the village of Aldih by drinking detergent and swallowing pills.¹⁷² In another incident, Rajeev Philip, 33, used an electric cable to electrocute himself at his flat in Salmaniya.¹⁷³ In May 2010, four workers committed or attempted suicide in the same week.¹⁷⁴

Human Rights Watch spoke with one domestic worker who had cut her arm and wrist in what appeared to be a suicide attempt. Kanchana Padma Kumari came to Bahrain from Sri Lanka in May of 2009. She worked for seven months, but was paid for only about five weeks. She worked well over 12 hours a day, she said. Her employer gave her inconsistent and inadequate meals and would occasionally grab and push her. In January 2010, Kumari fled her employer and returned to her agent. After two days her employer sent a driver to retrieve her, but Kumari refused. Then the employer came himself.

¹⁶⁹ Ibid.

¹⁷⁰ Anika Haider, "Surge in Suicides Sparks Action Call," *Gulf Daily News*, January 31, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=269571> (accessed July 11, 2010).

¹⁷¹ Ibid.

¹⁷² "Two Ethiopian Maids Commit Suicide in Bahrain in Less than a Week," *Migrant Rights*, <http://www.migrant-rights.org/2010/01/16/two-ethiopian-maids-commit-suicide-in-bahrain-in-less-than-a-week/> (accessed July 11, 2010).

¹⁷³ Anika Haider, "Surge in Suicides Sparks Action Call," *Gulf Daily News*.

¹⁷⁴ "Four Domestic Workers Commit or Attempt Suicide in Bahrain in One Week," *Migrant Rights*, <http://www.migrant-rights.org/2010/05/04/four-domestic-workers-commit-or-attempt-suicide-in-bahrain-in-one-week/> (accessed July 11, 2010).

He spoke with me strongly. He took my bag and said, “Get in the car.” He promised to pay my old salary and give me food. He told this to the agent but took me to his house and when I asked for my salary he said it was a holiday.¹⁷⁵

After several days Kumari still did not receive her wages. She took a pair of scissors and slashed her wrists and arms.

I didn’t know what to do. Six months with no money. Working hard. This was a hard life.

Kumari’s employers found her shortly after she cut herself.

I was bleeding and my sponsor said, “I won’t take you to the hospital till you sign this paper.” I signed six times and then they covered and bandaged my arm and said, “Don’t show this to anyone.”

Kumari’s employer returned her to the recruitment agency the same day. She had a fever. The agent took her to the hospital, bought her new clothes, and called the Migrant Workers Protection Society, which runs a shelter and provides advocacy services for abused migrant workers.¹⁷⁶

As of June 28, 2012, at least 27 people had reportedly committed suicide in Bahrain since the beginning of the year, most of them migrant workers, including Indian, Pakistani, Nepali, Ethiopian and Bangladeshi nationals.¹⁷⁷ According to the *Gulf Daily News*, “most of the cases involved low-income workers suffering from financial problems.”¹⁷⁸

¹⁷⁵ Human Rights Watch interview with Kanchana Padma Kumari, Manama, January 25, 2010.

¹⁷⁶ Ibid.

¹⁷⁷ Aniqha Haider, “Suicide welder was absent from work for a week,” *Gulf Daily News*, June 28, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=333002> (accessed July 1, 2012). Aniqha Haider, “New drive to end suicides,” *Gulf Daily News*, May 9, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=329663> (accessed May 21, 2012); “Suicides Alarm,” *Gulf Daily News*, April 15, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=327999> (accessed May 21, 2012); Aniqha Haider, “Another suicide,” *Gulf Daily News*, March 21, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=326230> (accessed May 21, 2012); Aniqha Haider, “Suicide woman’s body awaiting repatriation,” *Gulf Daily News*, May 12, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=329920> (accessed May 21, 2012); “Suicide man’s body to be sent home,” *Gulf Daily News*, April 30, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=329057> (accessed May 21, 2012); Aniqha Haider, “Family unaware of maid’s suicide,” *Gulf Daily News*, February 25, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=324461> (accessed May 21, 2012).

¹⁷⁸ Aniqha Haider, “New drive to end suicides,” *Gulf Daily News*, May 9, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=329663> (accessed May 21, 2012).

Indian Ambassador Moham Kumar told *Al-Wasat* in April 2012 that “in the last year [2011] we had between 11 and 12 cases of suicide, on average one suicide per month. But in 2012 we noticed that the number of suicides [of Indian migrants] during the first three months was 11 cases, this means four times the average.”¹⁷⁹ Kumar said the embassy was unsure of the reasons for the suicide surge, explaining, “We studied these cases and found that it might be a coincidence, we must wait a little more, because the cases in 2012 were usually connected to depression, or failed romantic relationships, or that there were family issues. We are still studying more of these cases.”¹⁸⁰

At least two of the suicides in 2012 allegedly involved migrant workers employed by the Abudulla Nass Construction Company. According to the *Gulf Daily News*, one of them, Pasupathi Mariappan, 33, a blacksmith, was among a reported 128 workers stranded in Bahrain after a court imposed a travel ban on them in 2006 when Nass filed a complaint accusing the workers of absconding.¹⁸¹ The court subsequently ordered the workers to pay compensation to Nass Company ranging from BD400 to BD600.¹⁸² It is a common practice for companies in Bahrain to get court-ordered travel bans for debt-related reasons; persons under a travel ban are then also denied work permits, so that they can neither earn any income legitimately in Bahrain nor leave the country to find work elsewhere.¹⁸³ Nass, which did not respond to a letter from Human Rights Watch seeking comment, later lifted its complaint against more than 100 travel-banned workers under public pressure.¹⁸⁴ (See “Employer Counterclaims,” below.)

¹⁷⁹ Mansoor al-Jamri, “Indian Ambassador in Manama Moham Kumar to Al-Wasat: The Indian Community is Known for its Friendly Relations with Everyone, We Have Not Recorded Any Targeting for Political Purposes,” *Al-Wasat*, April 10, 2012, <http://www.alwasatnews.com/3503/news/read/654845/1.html> (accessed in Arabic May 10, 2012).

¹⁸⁰ *Ibid.*

¹⁸¹ Aniq Haidar, “Another worker commits Suicide,” *Gulf Daily News*, June 18, 2012 <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=332278> (accessed July 1, 2012).

¹⁸² Aniq Haidar, “Another worker commits Suicide,” *Gulf Daily News*, June 18, 2012 <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=332278> (accessed July 1, 2012).

¹⁸³ See Human Rights Watch, “Bahrain: Resolve Travel Ban Conundrum,” January 17, 2012, <http://www.hrw.org/news/2012/01/16/bahrain-resolve-travel-ban-conundrum> (accessed June 30, 2012).

¹⁸⁴ Human Rights Watch letters to Nass and other companies are available in the appendices on the Web version of this report <http://www.hrw.org/node/110207/>

III. Protections, Failures, and Obstacles to Effective Redress

Bahrain's Labor Law for the Private Sector (23 /1976), last amended in 1993, regulated labor relations throughout the country until July 26, 2012, when King Hamad signed the new law covering private sector labor (Law 36 /2012).¹⁸⁵ The Ministry of Labor is responsible for implementing private sector labor laws, which apply to both Bahraini nationals and migrant workers. Domestic workers, discussed further below, and a few other categories of workers remain excluded from most protections found in both the amended 1976 and 2012 laws.¹⁸⁶

The 2012 law offers largely the same labor standards as the amended 1976 law, with notable exceptions discussed below. The laws regulate maximum work hours, time off, employment contracts, payment of wages, overtime, termination, handling of worker complaints, severance, labor inspections, and collective bargaining.

By law, a Bahraini workweek consists of a maximum of 48 hours comprising six eight-hour workdays and one day off per week.¹⁸⁷ Fridays are the official day off.¹⁸⁸ A worker required to work more than eight hours in a day must be paid for each additional hour at a minimum overtime rate of 125 percent of their hourly wage or 150 percent for "nighttime work."¹⁸⁹ If an employee is required to work any hours on Friday or official holidays an employer must pay them an overtime wage equivalent to 150 percent of normal wage and grant a new day off.¹⁹⁰

The government has thus far rejected setting a minimum wage. In May 2010, the Shura Council, the appointed body that makes up half of Bahrain's bicameral legislature, removed

¹⁸⁵ Bahrain Legislative Decree No. 14 of 1993 with respect to Amending the Labor Law for the Private Sector, No. 23 of 1976; "HM the King issues Law. 36 for the year 2012," *Bahrain News Agency*, July 26, 2012, <http://www.bna.bh/portal/en/news/518556> (accessed August, 27 2012). Note: The government amended the 1976 law four times, most extensively in 1993. See: Legislation Decree No.14 of 1993, *Gazette* (issue No.2080), October 16, 1993. All migrant worker abuses highlighted in the report took place before the introduction of the new labor law.

¹⁸⁶ *Ibid.*, art. 2, as amended by Legislation Decree No.14 of 1993, *Gazette* (issue No.2080), October 16, 1993.

¹⁸⁷ Bahrain Labor Law for the Private Sector, No. 23 of 1976, art. 78; Bahrain Labor Law for the Private Sector, No. 36 of 2012, arts. 51, and 57.

¹⁸⁸ *Ibid.*, art. 80, as amended by Legislation Decree No.14 of 1993, *Gazette* (issue No.2080), October 16, 1993.

¹⁸⁹ Bahrain Labor Law for the Private Sector, No. 23 of 1976, art. 79 as amended by Legislation Decree No.14 of 1993, *Gazette* (issue No.2080), October 16, 1993.; Bahrain Labor Law for the Private Sector, No. 36 of 2012, arts. 57 and 64.

¹⁹⁰ *Ibid.*, art. 80 as amended by Legislation Decree No.14 of 1993, *Gazette* (issue No.2080), October 16, 1993; Bahrain Labor Law for the Private Sector, No. 36 of 2012, art. 54

provisions from an early draft of the 2012 labor law that would create an official commission to consider establishing a minimum wage.¹⁹¹

The 2012 labor law requires, as the amended 1976 law did, that employment contracts specify employee wages and benefits.¹⁹² Workers “paid at monthly rates shall be paid at least once a month.”¹⁹³ Employers must pay all outstanding wages within seven days of terminating an employer-employee relationship, along with a severance payment, or a “leaving indemnity,” equivalent to half a month’s salary for the first three years of employment and a full month’s salary for each additional year.¹⁹⁴

New Labor Law

In April 2010, the government circulated a draft of a new private sector labor law. A committee comprised of representatives from the government, labor unions, and the private sector prepared the draft law, and the bill was subsequently amended by both houses of the National Assembly.¹⁹⁵ Bahraini media reported that on April 23, 2012 the National Assembly had finalized passage of the bill, which, as noted, was signed into law by the King in July 2012.¹⁹⁶ Notably, the final version of the law passed without any consultation with the General Federation for Bahrain Trade Unions, which represented migrant worker interests during the original drafting.¹⁹⁷

Some of the reforms introduced by the new law extend sick days and annual leave and include a provision qualifying unfairly sacked workers up to an entire year’s salary in compensation.¹⁹⁸ The new law also increases fines for labor law violations from between

¹⁹¹ Human Rights Watch telephone interview with then-Shura Council member Faisal Fulad, who is also General Secretary, Bahrain Human Rights Watch Society (BHRWS), May 8, 2010. The BHRWS has no connection with Human Rights Watch.

¹⁹² Bahrain Labor Law for the Private Sector, No. 23 of 1976, art. 38, as amended by Legislation Decree No.14 of 1993, Gazette (issue No.2080), 16 October 1993; Bahrain Labor Law for the Private Sector, No. 36 of 2012, art. 20. According to Article 68 of the 1976 law and Article 42 of the 2012 law wages may be calculated by the hour, day, week, month, or piece-rate,

¹⁹³ Bahrain Labor Law for the Private Sector, No. 23 of 1976, art. 38, as amended by Legislation Decree No.14 of 1993, Gazette (issue No.2080), 16 October 1993; Bahrain Labor Law for the Private Sector, No. 36 of 2012, art. 41.

¹⁹⁴ Bahrain Labor Law for the Private Sector, No. 23 of 1976, art. 72, and 111 as amended by Legislation Decree No.14 of 1993, Gazette (issue No.2080), 16 October 1993; Bahrain Labor Law for the Private Sector, No. 36 of 2012, art. 40 and 116..

¹⁹⁵ Human Rights Watch interview with then Minister of Labor Majeed Al Alawi, Isa Town, February 4, 2010.

¹⁹⁶ Mohammed Al A’Ali, “New-look labour law is passed,” *Gulf Daily News*, April 23, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=328687> (accessed June 9, 2012); Legislative Decree No. 14 of 1993 with respect to Amending the Labor Law for the Private Sector, No. 23 of 1976; “HM the King issues Law. 36 for the year 2012,” *Bahrain News Agency*, July 26, 2012, <http://www.bna.bh/portal/en/news/518556> (accessed August, 27 2012).

¹⁹⁷ Human Rights Watch email correspondence with Karim Radhi, representative of the General Federation for Bahrain Trade Unions, Manama, May 29, 2010.

¹⁹⁸ Bahrain Labor Law for the Private Sector, No. 36 of 2012, art. 101-107.

BD50 and BD300 (\$133-\$795) per violation to between BD200 and BD500 (\$530-\$1326) per affected worker.¹⁹⁹ Moreover, employers who violate health and safety standards could face jail sentences of up to three months and fines of BD500 to BD1,000 (\$1,326 to \$2,652) per workers involved, with punishments doubling for repeat offenders.²⁰⁰

The new 2012 labor law introduces a case management system designed to streamline adjudication of labor disputes. Under the prior private sector labor law, the Ministry of Labor was authorized to mediate labor disputes. As discussed below, these mediations have been less effective for migrant workers. When mediation fails, labor courts under the Ministry of Justice and Islamic Affairs adjudicate civil claims between workers and their employers. Human Rights Watch found that these adjudications have been burdened by lengthy delays, making it difficult for migrant workers access judicial remedy. Human Rights Watch stressed to the Bahraini government in September 2010 that the case management system appeared to be one of the more promising purposed changes and recommended its adoption.

The 1976 labor law allowed workers to file complaints with the Ministry of Labor's Individual Complaints Department, which attempted to mediate disputes within two weeks before sending cases to labor courts. Under the new labor law, if mediation fails, workers must file a complaint with the Office for the Administration of Labor Suits (OALS), to be established within the Ministry of Justice and Islamic Affairs.²⁰¹ An OALS judge would then have two months to conduct proceedings and present an opinion to the parties to the dispute.²⁰² The two-month procedural window could be extended by a maximum of two additional months upon approval by the president of OALS on the request of the presiding judge.²⁰³ The parties can reject the presiding judge's opinion, in which case the claim is forwarded to the High Civil Court, which must "conduct proceedings in an expeditious manner" and issue a final ruling within 30 days of the first hearing.²⁰⁴ This adjudication would be based solely on a review of the record of the OALS judge; parties would not be able to introduce new claims or evidence.²⁰⁵ High court rulings would be final and binding but subject to appeal to the

¹⁹⁹ *Ibid.* arts. 184-190..

²⁰⁰ *Ibid.* arts. 191-194..

²⁰¹ Bahrain Labor Law for the Private Sector, No. 36 of 2012, arts. 120 and 121.

²⁰² *Ibid.*, art. 123.

²⁰³ *Ibid.*, art. 123.

²⁰⁴ *Ibid.*, arts. 130-133.

²⁰⁵ *Ibid.*, art. 132.

Cassation Court (Bahrain's highest court).²⁰⁶ As under the previous law, workers in labor disputes are exempt from court fees.²⁰⁷

This case management system offers improvements for migrant workers over the current practice. By placing reasonable timelines on OALS judges and guidelines for the High Civil Court, migrant workers unable to reach settlement with their employers should receive enforceable decisions faster. Until now migrant workers and their advocates have largely avoided litigation because workers faced trials of uncertain duration while being effectively unable to work and without income. The new case management system thus should strengthen a worker's ability to seek redress.

One area of concern is that migrant workers, who often do not have legal representation, could face additional procedural burdens because it appears that, under the new law, workers must file their complaints again with OLAS after going through Ministry of Labor mediation in order to refer the matter to court. Under the prior labor law, complaints filed with the Ministry of Labor were automatically forwarded to labor courts if parties did not reach a resolution during mediation. It should be noted that the law enables the minister of labor to establish new procedures and rules for mediation and the mediation unit.²⁰⁸

The new labor law includes a section on migrant domestic workers. On June 1, 2012, Bahraini media reported that Minister of Labor Jameel Humaidan, while visiting New Delhi, 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."²⁰⁹ Bahraini officials told Human Rights Watch in June 2012 that the new labor law includes numerous protections for domestic workers.²¹⁰ The new law, however, only modestly expands the rights of domestic workers. Domestic workers are not covered by the majority of the law's provisions, as Article 2 explains:

With the exception of Articles 6, 19, 20, 21, 37, 38, 40, 48, 49, 58, 116, 183, 185, and Part 12 (Expiration of Work Contract) and Part 13 (Individual Labor Disputes), the provisions of this law do not apply to ... domestic

²⁰⁶ *Ibid.*, art. 134.

²⁰⁷ *Ibid.*, art. 6.

²⁰⁸ *Ibid.* art. 119.

²⁰⁹ Soman Baby, "Workers Safe Under Labour Law," *Bahrain Tribune*, June 1, 2012.

²¹⁰ Response to a Human Rights Watch request for updates from the Ministry of Social Development to Human Rights Watch, May 28, 2012. On file with Human Rights Watch.

workers/servants, including gardeners, gatekeepers, nannies, drivers, and cooks that work for the owner of the work [place] or his family.²¹¹

Most of the provisions that do apply to domestic workers simply formalize existing but previously un-codified protections for these workers, such as exemption from litigation fees, access to Ministry of Labor mediation, and requiring employment contracts.²¹² The law at the same time provides some new protections, including annual vacation, severance pay (also known as “indemnity”), protections from undue termination, and access to the previously non-existent case management system.²¹³

However, the new law does not set maximum daily and weekly work hours for domestic workers, require that they receive overtime pay, or mandate that employers give domestic workers weekly days off.²¹⁴ Nor does the law require work contracts to set these terms.²¹⁵ Excessive work hours are a common problem for domestic workers and the lack of any provision safeguarding them from such abuse is a serious shortcoming of the new law.

The law also does not establish any inspection regime or monitoring mechanism for domestic workspaces, which in effect limits the ability of the Ministry of Labor to enforce labor regulations applying domestic workers.²¹⁶ Domestic workers are not covered by article 39 of the new law, which prohibits “discrimination in wages based on gender, nationality, ethnicity, language, religion, or faith.”²¹⁷

Ministry of Labor decree No. 8 (2005), entitled With Respect to a Model Form of Employment Contract for Domestic Help and Similar Persons, which is still in effect so long as it does not contradict the 2012 labor law, provides some additional safeguards for domestic workers. The decree requires employers to provide medical examinations, return airfare, “adequate” food and “adequate” housing.²¹⁸

²¹¹ Bahrain Labor Law for the Private Sector, No. 36 of 2012, art. 2. Note: Domestic workers are covered by 46 out of 197 articles in the new law.

²¹² *Ibid.* arts. 6, 19-21, 116, 119-16,

²¹³ *Ibid.* art. 58, and chapters 12 and 13.

²¹⁴ *Ibid.* art. 2.

²¹⁵ *Ibid.* art. 20.

²¹⁶ *Ibid.* chapter 16.

²¹⁷ *Ibid.* arts. 2 and 6.

²¹⁸ Minister of Labor decree No. 8 (2005), entitled With Respect to a Model Form of Employment Contract for Domestic Help and Similar Persons.

In June 2012 an LMRA official told Human Rights Watch that the agency had begun drafting a new unified contract for domestic workers that would standardize some protections but the official provided no specifics.²¹⁹ LMRA chief executive officer Ausamah Abdulla Al Absi 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."²²⁰

Other Reform Measures

In recent years Bahrain has undertaken a series of reforms designed, in part, to strengthen worker protections. Some of Bahrain's labor-related reforms are rooted in concerns about the cultural and political consequences of having a population that is majority foreign-born and non-Arab.²²¹ Other policies, including anti-human trafficking efforts and the summer midday work ban, came in response to criticism from international institutions such as the ILO, UN human rights bodies, and foreign governments, including the United States.

The most significant change to Bahrain's labor system was the introduction of the Labor Market Regulatory Authority (LMRA) in 2006. Law No. 19 / 2006 Regulating the Labor Market mandates that the LMRA issue work visas, regulate manpower and recruiting agencies, and educate workers and sponsors about their rights and legal obligations.²²² The agency's main policy goals also include creating transparency about the labor market and regulations, increasing the employment of Bahraini nationals in the private sector vis-à-vis migrant workers, and reducing the number of migrants working illegally in the country.²²³

Many LMRA policies benefit migrant workers. The LMRA has gone to great lengths to systematize the work visa process and makes extensive use of new information technology to provide employers and employees with electronically accessible information about pending visa applications, visa status, and visa renewals. This includes a website operating in eight different languages and a SMS text-message system by which workers can inquire into their work-visa status and receive alerts when their status changes or is about to do so.

²¹⁹ Human Rights Watch telephone interview with Lulwa Budalamah, public relations officer, LMRA, June 3, 2012.

²²⁰ Sandeep Singh Grewal, "Protection vow," *Gulf Daily News*, March 11, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=325543> (accessed June 9, 2012).

²²¹ Human Rights Watch interview with then-Minister of Labor Majeed Al Alawi, Isa Town, February 4, 2010.

²²² Law no. 19 for the year 2006 Regulating the Labor Market, arts. 1 and 2.

²²³ *Ibid*; Human Rights Watch Interview, Ali Radhi, then Chief Executive Officer, LMRA, Manama, February 2, 2010.

The LMRA conducts educational campaigns. An LMRA representative appears on a weekly morning program airing on a Hindi-Malayalam radio station, Voice FM, where workers can call in and ask questions related to their visa and LMRA policies. Occasionally workers ask about work-related abuses outside of LMRA jurisdiction, such as poor accommodation, withheld wages, or withheld passports; the LMRA representative typically instructs them to file a complaint to the relevant authority (usually the Ministry of Labor). An LMRA information pamphlet distributed to all migrant workers, excluding domestic workers, at the airport explains in eight languages how to legally apply for and change a work visa, informs workers of their right to keep their passports, and provides a Ministry of Labor contact number to report labor violations.

In 2011 Bahrain experienced prolonged political unrest marked by mass opposition protests and a harsh government crackdown. In the wake of these events, the government replaced several top LMRA officials after pro-government forces singled them out as sympathizing with the opposition. Authorities accused some of these officials with corruption, charges that were ultimately dismissed.²²⁴ As of July 2012, many of the agency's programs and functions appeared to be operating; however, the LMRA had not reported new labor statistics, such as data on average wages or the number of migrant workers in Bahrain, on its website since the first quarter of 2011. The agency updated some statistics in July 2012 to reflect fourth quarter 2011 figures. Previously it had updated all its numbers every quarter to reflect the most recently completed quarter.

The LMRA is not currently responsible for regulating domestic worker visas. Bahraini media reported in November 2011 that the LMRA was preparing to do so.²²⁵ Migrant rights advocates in Bahrain told Human Rights Watch that, as of February 2012, LMRA had yet to extend its jurisdiction to domestic workers.²²⁶ In June 2012 an LMRA official told Human Rights Watch that this was still planned.²²⁷

²²⁴ Mohammed Al A'Ali, "Massive overhaul of LMRA sought," *Gulf Daily News*, May 18, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=306119> (accessed June 9, 2012).; Human Rights Watch email correspondence with Karim Radhi, representative of the General Federation for Bahrain Trade Unions, April 5, 2012.

²²⁵ Human Rights Watch interview, Ali Radhi, then Chief Executive Officer, LMRA, Manama, June 8, 2010; Bonny Mascarenhas, "LMRA hope for Domestic Workers," *Daily Tribune Bahrain*, November 11, 2011, partial text available at <http://www.dt.bh/archivenewsdetails.php?date=2011-11-17&key=301110213450&newsid=161111222928> (accessed March 1, 2012).

²²⁶ Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, February 27, 2012.

²²⁷ Human Rights Watch telephone interview with Lulwa Budalamah, public relations officer, LMRA, June 3, 2012.

The LMRA is also charged with enforcing the prohibition on employers, agencies, or other persons receiving fees or obtaining any benefit from a worker “in return for issuing him with a work permit or in return for the employment of such an employee or his retention in his job.”²²⁸ The LMRA law also required that employers bear the cost of repatriating migrant workers at the end of their employment contracts, or after their work visa is cancelled. These provisions also apply to domestic workers, under the authority of the minister of labor.

In November 2006, the Ministry of Social Development established the Dar Al Aman shelter, a government-funded facility run by a Bahraini NGO and intended, in part, to provide shelter for female migrant workers fleeing from abusive employers. When Human Rights Watch visited in January 2010, the shelter had a 60-bed floor reserved for migrant women. In 2008 and 2009, the shelter took in 162 migrant women, referred mostly by the police, foreign embassies, and NGOs. The Ministry of Social Development did not reply to Human Rights Watch’s request for 2010 and 2011 numbers.

Worker advocates told Human Rights Watch that police increasingly take allegations of abuse seriously and do not reflexively return domestic workers to their sponsors, but rather refer them to the worker’s embassy, the Migrant Workers Protection Society’s shelter, or Dar Al Aman. However, the 2011 US State Department’s Trafficking in Persons report stated that “many police officers were unfamiliar with procedures for referring victims of labor abuse and human trafficking” to Dar Al Aman and other shelters such as that run by the Migrant Workers Protection Society.²²⁹

Starting in July 2007, the government decreed a ban on construction and other outdoor work between 12 noon and 4 p.m. in July and August.²³⁰ According to the Ministry of Labor, inspectors made 14,348 visits to construction sites throughout Bahrain in 2008 to enforce this ban.²³¹ Then-Minister of Labor Al Alawi said that they found 14,014 companies in compliance, while 334 establishments, employing 1,415 workers, were found to be violating the directives and were reported to the Public Prosecution.²³² In 2007, inspectors visited 3,383 sites; that year 472 companies, employing 1,641 workers, were taken to court and

²²⁸ *Ibid.*

²²⁹ United States Department of State, “2011 Trafficking in Persons Report: Bahrain,” June 2011, www.state.gov/j/tip/rls/tiprpt/2011 (accessed February 13, 2012).

²³⁰ Decision 24 of 2007 on the Prohibition of Work During Mid-Day (Dhuhr Time).

²³¹ Habib Toumi, “Midday break helps save workers’ lives,” *Gulf News*, September 2008, <http://gulfnews.com/news/gulf/bahrain/midday-break-helps-save-workers-lives-1.131514> (accessed July 11, 2010).

²³² *Ibid.*

fined between BD50 and 300 (\$133-\$796) per worker.²³³ The ministry has continued its aggressive inspections campaign monitoring the mid-day work ban. In 2011, for example, the ministry conducted 13,386 on-site inspections.²³⁴

Law No.1 of 2008, with Respect to Trafficking in Persons, introduced a potentially effective legal tool with which Bahrain can combat abuses against migrant workers. This law allows the Public Prosecution Office to seek convictions against individuals and corporations that—by means of duress, deceit, threat, or abuse of position—transport, recruit, or use workers for purposes of exploitation, including forced work and servitude. However, Human Rights Watch found no evidence that officials have used this law to prosecute labor-related forms of human trafficking (as opposed to sex trafficking)—the US Trafficking in Persons Report says that labor-related trafficking is the most common form of human trafficking in Bahrain.²³⁵ The law established a government committee that includes representatives of Bahraini NGOs to implement and coordinate anti-trafficking policy, and mandates that victims, when needed, receive psychological assistance, medical assistance, and placement in a shelter.

In May 2009 Bahrain banned the transportation of workers in open-air trucks to reduce traffic accident-related deaths and injuries of construction workers and other laborers.²³⁶ These trucks were linked to 326 accident-related injuries and seven deaths in 2006, and 117 injuries and four deaths in November 2008 alone.²³⁷ In response to private sector objections to the ban, the government delayed the launch date by five months to give Bahraini companies time to prepare for the new regulation.²³⁸ Once the open truck ban came into force, the government made clear that, at least initially, authorities would take a softer

²³³ Ibid.

²³⁴ Ministry of Social Development response to a Human Rights Watch request for updates , May 28, 2012. On file with Human Rights Watch.

²³⁵ United States Department of State, “2011 Trafficking in Persons Report: Bahrain,” June 2011, www.state.gov/j/tip/rls/tiprpt/2011 (accessed February 13, 2011); Human Rights Watch email correspondence with Karim Radhi, representative of the General Federation for Bahrain Trade Unions, April 5, 2012.

²³⁶ Decision No (53) of 2008 amending the Traffic Law No (9) of 1979.

²³⁷ See Anika Haider, “Companies ‘putting profit before lives’,” *Gulf Daily News*, December 29, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=238805> (accessed August 19, 2010).

²³⁸ See Benjamin Millington, “Bahrain puts worker safety over construction firm woes,” *Construction Week Online*, January 4, 2009, http://www.constructionweekonline.com/article-4108-bahrain_puts_worker_safety_over_construction_firm_woes/ (accessed August 19, 2010); “No action on open truck ban,” *Migrant Right*, January 4, 2009 <http://www.migrant-rights.org/2009/01/04/no-action-on-bahrain-open-truck-ban/> (accessed November 12, 2010).

approach to enforcement, mainly issuing warnings for violations and applying sanctions only against habitual offenders.²³⁹

In January and February 2010, Human Rights Watch visited areas of Manama used as pick-up and drop-off points for construction and factory employees and other manual laborers. In January 2010 we saw dozens of open flat-bed trucks transporting hundreds of workers. At most these trucks had two benches running the length of the truck bed and plywood over the workers' heads. We observed a smaller number of workers riding in fully enclosed mini buses with air conditioning and seat belts. Earlier in January, the *Gulf Daily News* had reported an accident involving an open-air truck in which several workers sustained injuries.²⁴⁰ When Human Rights Watch returned to the Manama pick-up locations in June 2010, researchers observed noticeably fewer open-bed trucks transporting workers. In February 2012, migrant worker advocates corroborated these observations and told Human Rights Watch that open-trucks are now rarely seen in the Manama area.²⁴¹

Sponsorship Reform

Under the sponsorship system prior to 2009, a worker could only change employment with his or her sponsor's permission, or at the end of the employment contract. Decision No. 79 of 2009, Regarding the Mobility of Foreign Employees from One Employer to Another (the 2009 Mobility Law), allows migrant workers to switch employers without a current sponsor's permission. The Mobility Law requires a worker to give notice by registered mail to his or her sponsor and the LMRA, notifying them of his or her intent to switch employment. This notification period is set by the employment contract and can range from zero to three months. Workers then have a 30-day grace period after leaving their sponsor to secure new employment, during which they can legally remain in the country.²⁴²

²³⁹ See Benjamin Millington, "Contractors not ready for Bahrain open truck ban," *Construction Week Online*, April 29, 2009, http://www.constructionweekonline.com/article-4108-bahrain_puts_worker_safety_over_construction_firm_woes/ (accessed November 12, 2010).

²⁴⁰ Rasha Al Qahtani, "Crash fury over rogue truck firms," *Gulf Daily News*, January 18, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=268731> (accessed August 20, 2010).

²⁴¹ Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, February 27, 2012.

²⁴² Rasha Al Qahtani, "Crash fury over rogue truck firms," *Gulf Daily News*, January 18, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=268731> (accessed August 20, 2010).

While the Mobility Law marked a significant improvement, this was significantly undercut by a 2011 amendment, prompted by opposition to the law from the business community, which requires a worker remain with his or her employer one full year before changing jobs.²⁴³

Bahraini officials claimed that the 2009 Mobility Law allowed migrant workers to leave abusive or unsatisfactory work environments and granted them more leverage to demand better pay and benefits.²⁴⁴ However, only two of the 62 workers Human Rights Watch spoke with were even aware of the law. (These two workers knew of the law from LMRA public education measures and demonstrated great familiarity with the law's requirements.) Human Rights Watch spoke with dozens of workers who wished to leave their current employers but did not know they could do so legally.

While the 2009 Mobility Law had been crafted in consultation with the General Federation of Bahrain Trade Unions, which represents workers' interests on the LMRA's board of directors, the June 2011 amendment was drafted without the union's consultation following months of political unrest and severe government repression of protests.²⁴⁵ GFBTU Assistant General Secretary Abdulla Mohammed Hussain told Human Rights Watch in October 2011:

The decision was taken at a time when the [GFBTU] board of directors was not meeting and we were not asked our opinion as labor representatives. We had previously been interlocutors on the project. We believed that workers should have been able to freely move jobs without imposition but a three-month notice was added.

The new reform adds one year. The [political] crisis was exploited by employers. They took advantage of the fact that the board of directors was not meeting to pass the law.

At the board of directors meeting last month the government presented it as a decision by the cabinet. The GFBTU asked if this was a notice or was up for

²⁴³ "HM King Hamad Issues Law 15/2011," *Bahrain News Agency*, June 18, 2011, <http://bna.bh/portal/en/news/461096> (accessed April 20, 2012).

²⁴⁴ Human Rights Watch Interview with Ali Radhi, then chief executive officer, LMRA, Manama, June 8, 2010.

²⁴⁵ Human Rights Watch Interview, Abdulla Mohammed Hussain, Assistant General Secretary, GFBTU, Washington, D.C., October 6, 2011.

discussion. The minister of labor said this was a decided issue based on decree.²⁴⁶

Between October 1, 2009 and March 31, 2011, job changes invoking the 2009 Mobility Law comprised only 1.3 percent of all employment transfers, benefiting around 241 migrant workers out of 17,979 who changed jobs during that period.²⁴⁷

Since the June 2011 amendment stipulated a one-year requirement for any change of migrant employment, LMRA granted 43 migrant workers permission to change jobs without their former employers' consent. This comprised 0.3 percent of the 11,636 job transfers by migrants in the second half of 2011.²⁴⁸ In the second half of 2011, the LMRA rejected about 98 percent of all applications for employment transfer by workers seeking to change jobs without employer consent, compared to a 28 percent rejection rate for applications made with employer consent. Human Rights Watch was unable to obtain information about rejection rates prior to the second half of 2011.²⁴⁹

Besides its limited impact, another deficiency of the 2009 Mobility Law is that it fails to cover domestic workers. Ali Radhi, then head of the LMRA, told Human Rights Watch that once domestic workers came under the purview of the agency they would also be able to change employers without their sponsoring employers' permission.²⁵⁰

Even before the 2009 Mobility Law was weakened by the June 2011 amendment, union leaders and worker advocates voiced concern that the law's requirement of up to three months' notice was too burdensome for most migrant workers. Advocates argued that, in their experience, a notice requirement as long as three months would likely deter low-income migrant workers from exercising their mobility rights.²⁵¹ Despite the government's attempt to ease the notice requirements by allowing workers to mail a notice of intent (thereby avoiding direct confrontation with their employer), advocates said that most

²⁴⁶ Ibid.

²⁴⁷ Labor Market Regulatory Authority, Labor Market Indicators, http://blmi.lmra.bh/2011/03/mi_dashboard.xml (accessed April 19, 2012).

²⁴⁸ Raji Unnikrishnan, "'Mobility' granted to 11,626," *Bahrain Daily Tribune*, February 18 2012.

²⁴⁹ Ibid.

²⁵⁰ Human Rights Watch Interview with Ali Radhi, then chief executive officer, LMRA, Manama, June 8, 2010.

²⁵¹ Human Rights Watch group interview with the Migrant Workers Protection Action Committee, Manama, January 28, 2010.

migrant workers “would not dare” stay at a job after giving notice of intent to leave, fearing harassment from their employer.²⁵²

The three-month stipulation may be appropriate for high-level professional expatriates whose training and recruitment represents substantial employer investment, advocates said, but employers can insert the more burdensome three-month notice period into boilerplate contracts for low-income migrant workers who rarely negotiate their contracts.²⁵³ In effect, workers who want to change employment because they are not paid or live in sub-standard accommodation may be forced to stay at their abusive job and face possible employer harassment for as long as three months unless they can seek a court-ordered release.

Even if a worker is able to meet the notice requirements of the Mobility Law, finding new employment and completing the application can prove difficult. The LMRA claims that workers no longer need their passports to change employers or access any other LMRA services because of fingerprinting and other identification measures.²⁵⁴ Staff of the Migrant Workers Protection Society, along with labor lawyers and social workers, told Human Rights Watch that they experience difficulty helping workers access any LMRA services without a passport.²⁵⁵ According to the LMRA, their agency only requires a copy of the passport to transfer a migrant’s worker permit, but immigration authorities require the actual passport to issue a new residency visa, which workers need to remain in the country legally.²⁵⁶

Obstacles to Seeking Redress

Language barriers, lack of awareness about rights, and lack of familiarity with Bahrain’s labor, immigration, and criminal justice systems can make navigating government bureaucracy difficult—and sometimes impossible—for aggrieved migrant workers. Domestic workers face additional barriers, as it may be difficult for them to leave an employer’s home or to file a complaint, which in most cases means they must immediately seek alternative

²⁵² Ibid.

²⁵³ Human Rights Watch listened to several broadcasts of this program on the LMRA website at: Labor Market Regulatory Authority, Breakfast with the LMRA-Voice FM, <http://portal.lmra.bh/english/podcast/category/1> (accessed October 5, 2010). Shows are broadcast in Hindi and Malayalam; the LMRA’s representative, Waheed Al Balushi, converses in English with the radio host who then translates for the audience.

²⁵⁴ Human Rights Watch email correspondence with Ali Radhi, then chief executive officer, LMRA, June 1, 2010.

²⁵⁴ Human Rights Watch email correspondence with Ali Radhi, then chief executive officer, LMRA, June 1, 2010.

²⁵⁵ Human Rights Watch group interview with the Migrant Protection Worker Action Committee, January 28, 2010; Human Rights Watch interview with Maha Jaber, February 1, 2010; and Human Rights Watch interview with anonymous social worker, February 1, 2010.

²⁵⁶ Human Rights Watch email correspondence with Ali Radhi, then Chief executive officer, LMRA, June 1, 2010.

accommodation. When workers do file grievances, employers often retaliate with counterclaims alleging the worker committed a crime or “absconded.”

Navigating Bureaucracy and Language Barriers

Many migrant workers lack information needed to identify abuses against them and then seek redress. None of the workers Human Rights Watch spoke with were aware that they had the right to hold onto their passports. Only two workers knew that they could transfer employment without his or her sponsor’s permission. Several workers were persuaded by employers and supervisors to sign documents they could not read in the belief that this was standard practice in Bahrain. A few workers did not know how to make sure their employer did not renew their visas without their consent at the end of their work term, thus preventing them from leaving the country. Workers who had not yet sought assistance for labor-related problems had varying understandings of what government assistance and other resources were available to them. Most workers did not know where to file complaints and often seemed unable to differentiate between the Ministry of Labor, which maintains labor standards, and the LMRA, which regulates work visas.

The Ministry of Labor and the LMRA have conducted public education campaigns. The ministry campaigns centered primarily on occupational health and safety, and consisted of posters and brochures posted around work sites. The LMRA appeared to have the most extensive worker-education operation of any government entity, including a weekly Indian-language call-in radio program focused on work-visa related issues.²⁵⁷ Occasionally, when triggered by a caller’s question about a contractual dispute, the LMRA representative would refer a worker to the Ministry of Labor.

When Human Rights Watch met with them in January and February 2010, Bahraini officials pointed to a new LMRA informational pamphlet—available in eight languages since of January 2010 and distributed by the LMRA to every worker when he or she arrives in Bahrain—as a key component of the country’s labor education efforts. The Foreign Workers’ Guide, as it is called, introduces migrant workers to LMRA services and instructs them how to legally apply for, maintain, and transfer work visas to another employer. The *Gulf Daily News* reported in May 2012 that the LMRA planned to unveil in the near future a new multi-

²⁵⁷ Human Rights Watch listened to several broadcasts of this program on the LMRA website at: Labor Market Regulatory Authority, Breakfast with the LMRA-Voice FM, <http://portal.lmra.bh/english/podcast/category/1> (accessed October 5, 2010). Shows are broadcast in Hindi and Malayalam; the LMRA’s representative, Waheed Al Balushi, converses in English with the radio host who then translates for the audience.

lingual guide highlighting Bahrain's labor laws and regulations in a bid to prevent exploitation.²⁵⁸

The most recently version of the guide, available online, also informs workers that they are entitled to keep their passports; that they should not pay for work visas when changing employers; and it provides a contact number for the Ministry of Labor for workers who have “any labor problems with [their] employer.”²⁵⁹ However, the Foreign Workers Guide does not mention wages, appropriate work hours, accommodation standards, the right to join unions, or what to do in situations of physical abuse. The LMRA’s awareness campaigns are still relatively new and could grow more effective over time. However, the authority’s educational focus is presently confined to matters related to work permits.

Bahraini officials put the onus on migrant workers to report abuses, and decry workers for their lack of knowledge. “The problem is the awareness of the employee,” Ahmed Alhaiki, director of Inspection and Labor Relations at the Ministry of Labor, told Human Rights Watch.

We are protecting everybody. This is our duty. The problem is that no one reports to us. We have a hotline that anyone can call, we take every case seriously and we protect the workers.²⁶⁰

The same point was emphasized by Nawaf Mohammed al-Mouada, chief prosecutor in the Office of Public Prosecution, the government agency that investigates and prosecutes criminal violations, including criminal abuses against migrant workers and human trafficking. “As the Public Prosecution we can’t know the situation of the workers and when they are not getting paid because we don’t get complaints,” he said. “We have to get a complaint first.”²⁶¹

Migrant workers who seek assistance from a government agency to file complaints, commonly the Ministry of Labor, the LMRA, or police, sometimes find agency personnel unhelpful; they redirect the worker to another agency and even turn the worker away before he or she can register a complaint.

²⁵⁸ Sandeep Singh Grewal, “Guide for expat workers on way,” *Gulf Daily News*, May 18, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=330311> (accessed June 9, 2012).

²⁵⁹ Labor Market Regularly Authority, Foreign Workers Guide, updated February 9, 2010 <http://portal.lmra.bh/english/page/show/2> (June 09, 2012).

²⁶⁰ Human Rights Watch Interview with Ahmed Alhaiki, Isa Town, February 4, 2010.

²⁶¹ Human Rights Watch Interview with Nawaf Mohammed al-Mouada, Manama, February 3, 2010.

Sawar Ram Bala took on debt of 75,000 rupees (\$1,601) with interest to come to Bahrain to work as a mason, and gave his wife's wedding jewelry as collateral. Since coming to Bahrain one year ago, Bala received his BD85 (\$225) monthly salary only six times. After one year, he discovered that his sponsor had canceled his work visa without informing him.

On October 6 my friend was checking his visa status on the computer. I decided to do it also and saw that my visa was canceled. I went directly to my sponsor [asking for back wages] and he said, "Get [your own] money to get a ticket and go back to India." I told him I had a contract for two years and if he gives me the two years' worth of salary, I will go back to India. My sponsor said, "I don't have money to pay you."

Bala immediately attempted to seek help from the responsible government authorities.

I went to the LMRA on October 8. I told them I haven't been given four month's salary. And they told me my visa had been canceled. I showed him my work contract to show I was employed. The LMRA man told me the best thing to do is to go to the Indian embassy, get my passport, and go back to India. On October 9 I went to the Indian embassy. I told them I was owed four month's wages. The embassy [official] said, "Go to the Labor Ministry in Isa Town."

At Isa Town they checked the computer and said my visa was canceled. I told them I had salary pending and they said this problem can't be resolved. They said the best thing was for me to get a ticket and go back to India. I said I had no money. They said, "What can we do for you? Get it from your sponsor."

Despite promptly seeking to raise his complaint, and seeking assistance from multiple government authorities, Bala received no help. He told Human Rights Watch:

Now I'm out and not working. I have no source of income. I rent a [new] room and pay rent of 35 dinars. I borrow from friends, here and there. If [my sponsor] gives me my two year's salary, I'll go. If not that, then at least my four month's salary and a ticket. If I can't get that, I just need my ticket.²⁶²

²⁶² Human Rights Watch Interview with Sawar Ram Bala, Manama, February 5, 2010.

A major shortcoming of the current system is the absence of any government office with sufficient recognized authority to resolve even the most common complaints of migrant workers. Each government agency is empowered to deal with only part of a complaint. The Ministry of Labor can help settle contractual disputes, primarily non-payment of wages; police are responsible for investigating criminal complaints, such as physical or sexual abuse; the LMRA can help a worker transfer his or her visa to a new employer; and the immigration department of the Ministry of Interior can assist with recovering confiscated passports. Workers like Bala can find themselves stuck in an endless round of referrals and visits to multiple government agencies.

Much depends on how government officials understand the worker's complaint and their authority to address it. Agency personnel can mistakenly, or negligently, refer the worker to another government office, or determine that there is nothing to be done to help a worker. Most migrant workers Human Rights Watch spoke with have complaints that involve multiple agencies. Human Rights Watch pressed ministry officials about whether their agencies have developed internal procedures for referring complaints to other agencies. With the exception of police referrals to the Public Prosecution Office, which are legally mandated, Human Rights Watch found no evidence of a standardized practice of inter-governmental referrals of migrant worker complaints.²⁶³ In labor complaints filed by workers with the Ministry of Labor, ministry officials regularly failed to identify and report to the Public Prosecution Office possible criminal violations by employers.

Adding to the hurdles faced by workers seeking redress is the frequent absence of translators. Three migrant workers reported being asked to secure their own translator and return to a government agency. Fatima M., a Sri Lankan domestic worker, told Human Rights Watch that her agent beat her after two different sponsors returned her. After the beating, Fatima M. ran to the police station. At the station, "the police did not understand me. They said, 'Go and come back with an interpreter.' I did not know anything about [Bahrain]. I sat outside the police station crying. Later, two Sri Lankan ladies saw me and took me to the Sri Lankan club."²⁶⁴ Several months later, she was able to file a police report, but only with the assistance of the Migrant Workers Protection Society's Sri Lankan advocates.

²⁶³ Human Rights Watch interview with the Attorney General, Manama, February 3, 2010; See: Code of Criminal Procedure, law no. (46) of 2002.

²⁶⁴ Human Rights Watch Interview with Fatima M., who requested her last name be withheld, Manama, January 27, 2010. Some sending country governments lack official diplomatic or consular presences in Bahrain, including Nepal, Ethiopia and, until recently, Sri Lanka. In these case community clubs provide some basic consular services, such as issuing out-passes, and at times assist migrant workers with problems with their employment. In spring 2010, the Sri Lankan government appointed the head of the Sri Lanka club to be its official Consul General however the position is not fulltime.

Bahraini government agencies do not employ translators to handle questions and document migrant worker complaints. LMRA officials say that most of their staff is multilingual and able to assist most migrants.²⁶⁵ Officials in the Ministry of Labor’s complaints department also said that they manage with a multilingual staff, but acknowledged their work would benefit from more translators. According to advocates with the Migrant Workers Protection Society, government agencies almost never have persons on hand who can translate for Sri Lankan, Ethiopian, or Nepali workers. The group’s Action Committee told Human Rights Watch that local police stations often call them to translate for migrant workers.²⁶⁶

“The language barrier is an obstacle [in courts],” said Beverley Hamadeh of the Migrant Workers Protection Society:

The verdict has been issued in Arabic by the judge immediately in the cases I have attended, but the outcome is not usually explained to the worker in his/her language, so it remains unknown until a translator is found. In the case of one Ethiopian domestic worker who had received facial burns from her employer’s wife throwing hot tea at her, the [Arabic speaking] policewoman who accompanied the victim did not understand the verdict even in Arabic. A court official managed to explain what the written verdict meant in English and then we enlisted the help of one of our Ethiopian members to translate it to her. She was in fact fined BD50 for lying. The judge apparently claimed that she had done the burns to herself.²⁶⁷

Overall, migrant workers often have difficulty seeking redress without help from representatives from foreign embassies, consulates, lawyers, expatriate clubs, and the Migrant Workers Protection Society, who can guide them through filing complaints, providing translation, navigating labor mediation and trials, negotiating with employers, filing police reports, understanding immigration procedures, and generally following up and advocating on the worker’s behalf. In recent years, embassies of some sending countries, including India, Indonesia, and the Philippines, have helped their aggrieved nationals, including by hiring lawyers. Volunteer expatriate social workers and the Migrant Workers Protection Society also assist workers and serve as advocates in labor and some immigration matters.

²⁶⁵ Human Rights Watch Interview with Ali Radhi, then chief executive officer, LMRA, Manama, February 2, 2010.

²⁶⁶ Human Rights Watch group interview with the Migrant Workers Protection Society’s Action Committee, Manama, January 28, 2010.

²⁶⁷ Human Rights Watch email correspondence with Beverley Hamadeh, Migrant Workers Protection Society, Manama, June 7, 2010.

Employer Counterclaims

Another common barrier to seeking redress is that employers frequently file criminal or “absconding” claims against the worker as soon as he or she complains. “The minute they leave to complain the employer will go to the police station and say they ran away and stole something,” said Noora Feleyfel, head of the Migrant Workers Protection Society Action Committee.²⁶⁸ Several workers told Human Rights Watch that they were reluctant to lodge official complaints because they feared their employers would make up criminal charges against them and claim they absconded. “We cannot go to the [Ministry of Labor] because our sponsors will say we ran away and stole from them,” said Faisal Hameed, a construction worker from Pakistan. “We won’t be allowed in Bahrain.”²⁶⁹

By filing criminal charges, an employer subjects the worker to investigation and potential prosecution: workers who face criminal charges cannot leave Bahrain.²⁷⁰

Police officials at the Ministry of Interior acknowledge that this is a fairly common occurrence. Their procedure is to investigate and refer cases to the Public Prosecution if there is evidence of the crime.²⁷¹ Speaking about domestic workers, one official said, “We have many cases like that. We check if there is evidence that the housemaid stole something. Otherwise we put them in the shelter.”²⁷² According to Noora Feleyfel, head of the Migrant Workers Protection Society’s action committee, a worker charged with absconding can face detention and deportation.

Even if she was physically abused or raped, if she runs away, she will have to serve two weeks in detention and then be deported, unless we get to them first. People call them runaways, but they just left the place of employment.²⁷³

The Ministry of Interior insists that migrant workers are never detained solely for leaving employment or having cancelled visas. “We assist and don’t take them to the court or detain

²⁶⁸ Human Rights Watch interview with Noora Feleyfel, Migrant Workers Protection Society, Manama, June 6, 2010.

²⁶⁹ Human Rights Watch interview with Faisal Hameed, Manama, June 5, 2010.

²⁷⁰ Human Rights Watch interview with Noora Feleyfel, Migrant Workers Protection Society, Manama, June 6, 2010.

²⁷¹ Human Rights Watch group interview with Brig. Tariq bin Dina, undersecretary, Bahrain Ministry of Interior and other Ministry of Interior officials, Manama, February 2, 2010.

²⁷² Human Rights Watch interview with Abd al-Wahab Rashid, Ministry of Interior, head of human trafficking, Manama, February 2, 2010.

²⁷³ Human Rights Watch interview with Noora Feleyfel, Migrant Workers Protection Society, Manama, June 6, 2010.

them or put them in jail unless there is evidence of a crime, and then we take them to the public prosecutor,” said Lt. Col. Ghazi Saleh al-Senan, director of Follow Up and Investigation at the Interior Ministry’s General Directorate of Nationality.²⁷⁴ Government officials clarified to Human Rights Watch that they impose no formal penalties for absconding. However, the government does operate a deportation center in which out-of-status migrant workers are sometimes held prior to deportation. Workers who overstay their visas also must pay a standard overstay fee of BD15 (\$40).²⁷⁵ Workers who take on other employment while “absconding” can also face fines, imprisonment, blacklisting, and deportation.²⁷⁶

Human Rights Watch spoke with five workers who faced charges of “absconding,” stealing, and/or other crimes after they fled an employer due to unpaid wages or physical or sexual abuse.

One of these workers, Muhammad Rizvi Muhammad Siddeek, hired as a driver, was forced to care for his employer’s dangerous snakes for three months. During that time, he said, his employer slapped and hit him. He told Human Rights Watch he called the police emergency number.²⁷⁷ Police instructed Siddeek to go to the Isa Town police station to file a complaint.

I told them I did not run away, “My sponsor is making problems for me and I want to change my sponsor.” The police officer said, “Ok, you’re not a runaway.”

I went to my agent and he called my sponsor and told him, “Your driver is here. You can come and retrieve him, but if you treat him badly, you must release him.” My sponsor said, “Ok, I will come,” but he didn’t come for about three days. Then he comes with a police officer and in front of the agency they arrested me and took me back to Isa Town police station.

According to Muhammad Siddeek, his employer accused him of stealing a mobile phone, touching the employer’s wife, and “running away.” Siddeek had two court hearings, one three weeks, the other about three months, after his detention.

²⁷⁴ Human Rights Watch interview with Lt. Col. Ghazi Saleh al-Senan, director of Follow Up and Investigation at the General Directorate of Nationality, Passport and Residence, Ministry of Interior, Manama, February 2, 2010.

²⁷⁵ Response of the Government of Bahrain to Human Rights Watch written inquiry, September 9, 2010. On file with Human Rights Watch.

²⁷⁶ Amr Selim interview with LMRA Weekly Show on Bahrain Radio 96.5FM, “Mobility (Local Transfer),” March 6, 2012, <http://portal.lmra.bh/english/podcast/show/113> (accessed May 2, 2012).

²⁷⁷ Human Rights Watch Interview with Muhammad Rizvi Muhammad Siddeek, Manama, January 30, 2010.

I spent about five months in jail at Isa Town police station. I had a [second] court date on October 11, but before that, on October 1, I'm in the police station in jail and a police officer came to me and told me, "Your case is over," and my lawyer or someone can sign me out and take responsibility for me.²⁷⁸

Ministry of Interior officials told Human Rights Watch that criminal allegations by employers against migrant workers trying to leave employment and file a complaint are common.

Migrant worker advocates say that since 2008, government agencies, the police in particular, have improved their handling of migrant complaints. Marietta Dias offered an example of progress:

Now the government of Bahrain and the police, after a long, long time, have come to the understanding that if an employee does not want to go back [to her employer], they do not force her back. It was the easy way out that seemed most logical to them because sponsorship is like ownership. But gradually [starting about a year ago] things are changing. I ask just that all the police stations work on the same page.²⁷⁹

In addition to filing criminal counter-claims, some employers accuse workers of "absconding," which brings with it potential civil liability. For example, the *Gulf Daily News* and two labor rights groups reported that authorities arrested 50 undocumented workers in June 2011 on absconding charges.²⁸⁰ According to these sources workers had allegedly failed to pay their prior employer, Abdulla Nass Contracting Company, who a court awarded damages ranging from BD400 to BD600 (\$1060 to \$1591) for each worker for violating his contract by not showing up for work.²⁸¹ Reportedly 128 workers had "run away" from the Nass Company several years earlier and subsequently the company filed a complaint claiming the migrants had absconded from work.²⁸² The workers had also been hit with a court-imposed a

²⁷⁸ Ibid.

²⁷⁹ Human Rights Watch interview with Marietta Dias, Migrant Workers Protection Society, Manama, January 28, 2010.

²⁸⁰ Anika Haider, "Six of stranded 50 set to return home," *Gulf Daily News*, July 13, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=309723> (accessed June 24, 2012); Anika Haider, "Court blow for stranded workers ...," *Gulf Daily News*, June 29, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=308854> (accessed June 24, 2012); Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, February 27, 2012.; Annual Survey of Violations of Trade Union Rights, Bahrain-2012, International Trade Union Confederation, June 6, 2012, <http://survey.ituc-csi.org/Bahrain#tabs-1> (accessed June 24, 2012).

²⁸¹ Ibid.

²⁸² Ibid.

travel ban stemming from Nass’s complaint.²⁸³ The Migrant Worker Protection Society noted that the workers had alleged that the company had refused to pay them their full salaries.²⁸⁴ In July 2011 Nass chose to drop the complaint for only those workers who had “surfaced,” according to the Migrant Worker Protection Society and the *Gulf Daily News*, after which the 50 workers could be released and return to their home countries.²⁸⁵

Following the June 2012 suicide of one of the Nass workers, mentioned above, an international advocacy group, Avaaz, collected over 20,000 signatures for an online petition aimed at pressuring Nass to “adequately compensate” the workers and lift the travel ban.²⁸⁶ Just over two weeks later, according to the *Gulf Daily News* and the BBC, Nass lifted its complaint against more than 100 travel-banned workers.²⁸⁷ Avaaz posted on its website what it said was a July 16 statement from Nass in which the company stated that following discussions with the Indian embassy in Manama :

As a matter of goodwill gesture and with a view to demonstrate their continued concern for the welfare of all of their workers, Nass Contracting confirmed that, notwithstanding the hardship and the financial and non-financial detriment being caused to the company over the years, as a policy the company will not hereafter institute any legal proceedings against run-away workers except in cases of criminal offence, if any, committed by them. In addition, the company confirmed that it will withdraw all court cases pending against run-away workers. The above would enable the affected Indian workers to leave Bahrain at the earliest.²⁸⁸

Undocumented Workers

²⁸³ Ibid.

²⁸⁴ Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, February 27, 2012.

²⁸⁵ Ibid; Aniq Haider, “Six of stranded 50 set to return home,” *Gulf Daily News*, July 13, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=309732> (accessed June 24, 2012); Aniq Haider, “Court blow for stranded workers ...,” *Gulf Daily News*, June 29, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=308854> (accessed June 24, 2012).

²⁸⁶ See: Save 100 friends trapped in Bahrain, AVAAZ.org, June 28, 2012 http://www.avaaz.org/en/petition/Save_100_friends_trapped_in_Bahrain/ (accessed July 19, 2012).

²⁸⁷ Aniq Haider, “Goodwill gesture by firm,” *Gulf Daily News*, July 18, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=334223> (accessed July 19, 2012); “Bahrain firm allows stranded Indian workers to leave,” *BBC News*, July 18, 2012, <http://m.bbc.co.uk/news/world-asia-india-18881796> (accessed July 19, 2012).

²⁸⁸ Save 100 friends trapped in Bahrain, Avaaz.org, June 28, 2012 http://www.avaaz.org/en/petition/Save_100_friends_trapped_in_Bahrain (accessed July 19, 2012).

Some 40,000 migrant workers in Bahrain work without proper documentation either because their work visas have expired, they were dismissed by their sponsoring employers, or they left their job without permission from sponsoring employers.²⁸⁹ Other workers may have active work visas but work for companies other than that for which the LMRA issued their visa, usually a shell company set up to obtain and sell visas. These workers are often called “free visa” workers.

Free visa workers who spoke with Human Rights Watch said they did not register complaints with the Ministry of Labor for common abuses like unpaid wages because they feared deportation or fines if they did so. Ministry officials assured Human Rights Watch that they do not take a worker’s legal status into account when arbitrating a complaint. However, the government has actively targeted unlicensed workers for deportation in recent years. As Amr Selim, LMRA’s customer relations manager, told migrant workers listening to a LMRA informational radio program in 2012:

We don’t want people to stay in the country illegally ... [partly because] we don’t want them to get exploited ... [Still] if LMRA inspectors catch you working without a work permit, at all, [either] because you had one but it expired or you don’t have one at all, [as in] you over-stayed your visitor’s visa or you over-stayed your [work visa] cancellation. Whatever the reason, you will be prosecuted. The case goes to court and the court has the liberty to give you a heavy judgment. It could be a fine and imprisonment, fine or imprisonment, or fine, imprisonment, blacklisting and ... deportation.²⁹⁰

The LMRA has set up several amnesty periods since 2006, allowing undocumented migrant workers to leave Bahrain without incurring any penalties associated with overstaying their visas.

Limited Mobility of Domestic Workers

Domestic workers are kept in employers’ homes without breaks, vacation time, or weekly days off and can be under constant supervision, making it particularly difficult for them to complain. Bahraini law does not require employers to give domestic workers any time off.

²⁸⁹ Labor Market Regulatory Authority, Labor Market Indicators, Breakup of irregular workers in June 2010, http://blmi.lmra.bh/2010/06/mi_dashboard.xml (accessed August 22, 2010). E-mail communication from the Migrant Workers Protection Society, February 27, 2012.

²⁹⁰ Amr Selim interview with LMRA Weekly Show on Bahrain Radio 96.5FM, “Mobility (Local Transfer),” March 6, 2012, <http://portal.lmra.bh/english/podcast/show/113> (accessed May 2, 2012).

Abused domestic workers who do manage to leave employment often seek refuge and assistance from their recruitment agencies. However, some agencies return domestic workers to the homes from which they fled. A standard contract between recruiters and employers specifies that a recruiter must offer an employer a full refund of any expenses and fees they paid if the domestic worker proves “unsatisfactory” to the employer. This practice creates an incentive for some recruitment agencies to return workers to abusive employers.

Dariah binti Narwita worked five months without pay before fleeing to the Indonesian consulate, which sought assistance from her recruitment agency. “I told them the sponsor is not good, but Al Kadasia [manpower agency] returned me to the sponsor,” she said.²⁹¹ Dariah’s employer became physically abusive upon her return, but she was forced to wait three months before she had the chance to flee again.²⁹²

Government Mechanisms Addressing Labor Disputes

While Bahrain’s labor laws appear to provide a range of protections for non-domestic migrant workers, enforcement of these laws has been mixed. It is apparent from the cases that Human Rights Watch examined, as well as those reported by media, that government agencies’ or the judiciary’s handling of such cases frequently leaves much to be desired.

Inspections

The Department of Inspections at the Ministry of Labor has two types of inspectors. Labor inspectors look for labor law violations, including whether workers are being paid, being forced to work excessive hours, and have proper visas. Health and safety inspectors look for violations of the health and safety code. These inspectors visit work sites, labor camps, and recruitment agencies, usually unannounced.

On occasion, the Department of Inspections runs campaigns targeting specific practices or industries. Recent examples include a campaign monitoring compliance with the ban on midday outdoor work in July and August—an effort recognized for convincing employers to comply with the ban.²⁹³ Additionally, a campaign targeting labor recruitment agencies led to the closure of dozens of agencies for abusive and illegal practices, yet volunteers from the

²⁹¹ Human Rights Watch interview with Dariah binti Narwita, Manama, January 31, 2010.

²⁹² Ibid.

²⁹³ Habib Toumi, “Midday break helps save workers’ lives,” *Gulf News*, September 2008, <http://gulfnews.com/news/gulf/bahrain/midday-break-helps-save-workers-lives-1.131514> (accessed July 11, 2010).

Migrant Workers Protection Society stress that numerous abusive agencies still operate.²⁹⁴ Ministry inspectors can also intervene in cases of strikes and complaints by groups of workers.

In 2010 the department had 27 labor inspectors and six health and safety inspectors. According to the head of the Department of Inspections, Ahmed Alhaiki, in 2010 there were over 50,000 companies in Bahrain, and “our goal is that every company is inspected once a year.” However, he observed that he would need 100 inspectors to achieve this aim.²⁹⁵ The Department of Inspections increased the number of health and safety inspectors from six to 30 in 2011. Migrant worker advocates note that “this figure remains woefully inadequate” for carrying out worksite and accommodation inspections. Human Rights Watch has not been able to determine whether the Ministry of Labor has increased further the number of labor inspectors it employs. The government did not include this information in its response to a request for updates from Human Rights Watch.

In 2011 the department of inspections conducted 17,853 on-site inspections, 75 percent of which were to enforce the summer mid-day work ban.²⁹⁶ In all, these site inspections resulted in the department issuing 1,549 warnings, 40 citations for violations and placing 312 sites on its watch-list.²⁹⁷ The department also inspected 357 worker accommodations in 2011, issuing 28 warnings, 23 citations for violations, and granting 90 facilities a grace period to comply with housing codes.²⁹⁸

Human Rights Watch visited two labor camps that the Department of Inspections had previously visited and cited for health and safety violations. According to workers at the sites, the ministry had not followed up on those citations to ensure enforcement, effectively allowing employers to prolong these dangerous and illegal practices.

A major cleaning and maintenance company housed 300 workers at a camp in Barbar. In May 2008, the Ministry of Labor visited the site. “It was after a big fire at another camp in Bahrain,” said Asif S., who had lived in the camp for over seven years. “They were visiting many labor camps. The ministry came here and said there was a problem with the ventilation and the

²⁹⁴ Human Rights Watch interview with Ahmed Alhaiki, Manama, February 4, 2010; Human Rights Watch group interview with the Migrant Workers Protection Society’s Action Committee, Manama, January 28, 2010.

²⁹⁵ Human Rights Watch Interview with Ahmed Alhaiki, Manama, February 4, 2010.

²⁹⁶ Ministry of Social Development response to a Human Rights Watch request for updates , May 28, 2012. On file with Human Rights Watch.

²⁹⁷ Ibid.

²⁹⁸ Ibid.

burners, and the company should fix it.”²⁹⁹ Workers in the camp cooked their food on kerosene burners. The ministry deems this practice a major fire hazard and prohibits use of kerosene burners in labor camps. Despite the ministry’s original citation, the burners remained in place when Human Rights Watch visited more than two years later, in June 2010. “Two months ago the ministry came again, and told the company again, that the kerosene burners are not allowed,” Asif S. said.³⁰⁰ Human Rights Watch counted around 50 burners in one location during a visit to this camp in June 2010, ten of which were in use.

Even when the Department of Inspection actively follows up on a violation, it has no authority to impose fines. Inspectors can issue citations and warnings, but if an employer refuses to comply, the ministry can only forward the case to a labor court where a trial will take at least six months and will likely be appealed. “Inspections cases can take two years,” Alhaiki said.³⁰¹

Furthermore, under the amended 1976 labor law fines (which were tallied on a per-worker, per-violation basis) could be hefty when violations involve numerous workers, but were insufficient for serious violations involving only a few workers. “The problem here is that in our labor laws the amount of penalties is not fair,” said Abdullah Ali Makki, head of occupational health and safety for the Ministry of Labor in February 2010. “It is not fair at all, because you are talking about a BD50 to BD300 (\$132-\$796) maximum penalty. This was fair enough during the 1970s when it was introduced, but now it is not.”³⁰² The new labor law passed in April 2012 reportedly increased the fines to between BD200 and BD500 (\$530-\$1,326).³⁰³

Another avenue the Inspections Department has for dealing with severe violators is requesting that the Ministry of Industry and Commerce revoke a company’s commercial registration, in theory closing the business and ending the employer’s ability to recruit more workers from abroad.³⁰⁴ In practice, employers often reopen their business under a new commercial registration acquired in the name of a family member.³⁰⁵

²⁹⁹ Human Rights Watch Interview with Asif S. (pseudonym), Manama, June 4, 2010.

³⁰⁰ Ibid.

³⁰¹ Human Rights Watch Interview with Ahmed Alhaiki, head of the Department of Inspections, Ministry of Labor, Isa Town, February 4, 2010.

³⁰² Benjamin Millington, “Pushing Safety up the Agenda,” *Construction Week Online*, February 13, 2009, <http://www.constructionweekonline.com/article-4402-pushing-safety-up-the-agenda/> (accessed August 17, 2010).

³⁰³ Mohammed Al A’Ali, “New-look labour law is passed,” *Gulf Daily News*, April 23, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=328687> (accessed June 9, 2012).

³⁰⁴ Human Rights Watch Interview with Ahmed Alhaiki, head of the Department of Inspections, Ministry of Labor, Isa Town, June 8, 2010.

³⁰⁵ Ibid.; Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, February 27, 2012.

Additional commercial registrations can also be used to apply for more work visas, as in the case of Ali al-Asfoor, who operated under seven different commercial registration numbers. As previously noted, ministry inspectors ordered him to demolish his substandard labor camp in Adliya, but it was still open over a year later. Forty-two of his workers also alleged they had not received their wages for months and filed labor complaints and criminal charges. Workers still employed by al-Asfoor reported not getting paid even after proceedings had begun. It is not clear whether al-Asfoor was ever inspected for labor violations such as withholding wages. In June 2010, Alhaiki told Human Rights Watch that the Department of Inspections had revoked Muhammad Ali al-Asfoor's seven commercial registration numbers, but did not indicate the exact reasons for the action.³⁰⁶ The government provided no updates as to the status of civil and criminal claims against Ali al-Asfoor, and Human Rights Watch was unable to determine whether he continues to operate illegally, although, as noted earlier, as of January 2012 the Adliya camp was still open and in operation.³⁰⁷

The Ministry of Labor told Human Rights Watch that their inspectors have had success in resolving large strikes and cases of unpaid wages for numerous workers from some companies.³⁰⁸ For example, the *Gulf Daily News* reported that 150 workers filed complaints on January 31, 2010 and 400 workers did the same on February 25, 2010 for unpaid wages against a South Korean contractor for a major government project, the Isa Town flyover.³⁰⁹ In both cases, according to the *Gulf Daily News*, after filing complaints workers received their back pay in a timely manner.³¹⁰ Migrant worker advocates have said that the Department of Inspections can at times be helpful at dealing with labor disputes.³¹¹

However, even the ministry's intervention does not always effectively address the labor abuses. For example, the *Gulf Daily News* reported that 70 migrant construction workers from the Senior Group of Companies filed complaints with the Ministry of Labor on September 7, 2011, alleging they had not been paid in eight months; another 40 Senior Group workers

³⁰⁶ Ibid.

³⁰⁷ Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, May 23, 2012.

³⁰⁸ Human Rights Watch Interview with Ahmed Alhaiki, head of the Department of Inspections, Ministry of Labor, Isa Town, February 4, 2010; Human Rights Watch interview with then Minister of Labor, Majeed Al Alawi, Isa Town, February 4, 2010.

³⁰⁹ Human Rights Watch interview with then Minister of Labor, Majeed Al Alawi, Isa Town, February 4, 2010; Begena Pradeep, "Sungwon workers lodge complaint over payment," *Gulf Daily News*, February 25, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=271605> (accessed July 15, 2010).

³¹⁰ Human Rights Watch interview with then Minister of Labor, Majeed Al Alawi, Isa Town, February 4, 2010; Begena Pradeep, "Wages row resolved," *Gulf Daily News*, April 2, 2010.

³¹¹ Human Rights Watch interview with Marietta Dias, Migrant Workers Protection Society, Manama, January 24, 2010.

reportedly demonstrated on November 15 outside the Ministry of Labor complaining that they had not been paid in seven months.³¹²

Ministry officials intervened and confirmed that the Senior Group had not paid workers for seven months.³¹³ The ministry's involvement resulted in a settlement of one month's back pay for each worker plus a promise by the employer to resume paying wages and to pay the remaining back wages at the end of the year.³¹⁴ According to the Migrant Workers Protection Society, most Senior Group workers accepted a plane ticket home as part of the settlement, leaving their bank account details with the company on the promise that their unpaid salaries would be forwarded to them.³¹⁵ Worker advocates say this type of arrangement, where workers are sent home on a promise of future payment, is not uncommon in labor disputes.³¹⁶ The arrangement usually ends with the worker not receiving the settlement, as they become isolated in their home country and find it hard or not worthwhile to follow up on the issue.³¹⁷ Upon hearing that a group of Senior Group workers had returned home, Migrant Workers Protection Society advocates tried to get them a lawyer with power of attorney, but the Indian Embassy, which was making the arrangements, lost contact with the workers.³¹⁸

In response to an inquiry from Human Rights Watch, the managing director of the Senior Group wrote that “the global financial crisis” and “internal problems in the Kingdom of Bahrain” had affected the Senior Group along with other firms, and that the company “tried its best to solve the issues at all times. The company “is paying the wages on time,” he wrote, and “all the employees in the strike left Bahrain after receiving their rights and tickets.”³¹⁹

³¹² Aniq Haider, “70 Workers in Wage Appeal,” *Gulf Daily News*, September 8, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=313111> (accessed March 2, 2012); Aniq Haider, “Workers Demand Wages,” *Gulf Daily News*, November 16, 2011, http://www2.gulfinthemedial.com/index.php?m=politics&id=580223&lim=120&lang=en&tblpost=2011_11 (accessed March 2, 2012).

³¹³ Aniq Haider, “Contracting Firm Workers Call Off Strike,” *Gulf Daily News*, November 23, 2011, https://www.menafn.com/qn_news_story.asp?storyid={e771cefd-5664-4835-8d6d-6d8072e4bfff}(accessed March 2, 2012).

³¹⁴ *Ibid.*

³¹⁵ Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, February 27, 2012.

³¹⁶ Human Rights Watch interview with Marietta Dais, Migrant Workers Protection Society, Manama, January 28, 2010.

³¹⁷ *Ibid.*

³¹⁸ Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, February 27, 2012.

³¹⁹ Response of Muhammad Iqbal, managing director, the Senior Group of Companies, August 8, 2012, on file with Human Rights Watch and reproduced in the appendices to this report available on the Web version: <http://www.hrw.org/node/110207/>

Migrant worker advocates at times refer cases involving domestic workers to the Inspections Department. In 2010, the department received 338 complaints from domestic workers and another 180 in 2011.³²⁰ While the Inspections Department’s intervention can sometimes help resolve domestic worker complaints, which involve abuses such as unpaid wages and poor accommodations, the inspectors have no actual authority to inspect the private homes in which domestic workers are employed.³²¹

Mediation

Migrant workers can file non-criminal labor complaints with the Ministry of Labor, which initiates a formal mediation process under the labor law. Domestic workers can also file complaints for contractual violations—most commonly they do so for late or unpaid wages.³²²

Once a complaint is filed, a ministry mediator sets up a meeting between the aggrieved worker and his or her employer and attempts to settle the matter amicably. According to the Ministry of Labor, they are able convince the parties to reach a settlement in most cases. The Indian embassy and Indonesian consulate reported that employers were generally willing to resolve matters once the ministry was involved. However, Human Rights Watch discovered this was not always true. Several migrant worker advocates and lawyers found employers unwilling to participate in mediation or come to a final resolution. “What percent of cases settle we can’t say,” said an Indian social worker. “Some cases settle at the ministry, most cases don’t. In most cases [the employer] doesn’t go there.”³²³

“Half will finish here and half will go to court,” said Nadia Khalil al-Qaheri, head of the Labor Complaints Section at the Ministry of Labor.³²⁴ In 2009, 2010, and 2011 a total of 13,586 workers filed complaints with the minister of labor for grievances including confiscated passports, unpaid wages, and failure to receive other benefits or compensation.³²⁵ Of that number, about

³²⁰ Response to a Human Rights Watch request for updates from the Ministry of Social Development to Human Rights Watch, May 28, 2012. On file with Human Rights Watch.

³²¹ Human Rights Watch Interview with Ahmed Alhaiki, head of the Department of Inspections, Ministry of Labor, Isa Town, February 4, 2010; Human Rights Watch Interview with Ahmed Alhaiki, head of the Department of Inspections, Ministry of Labor, Isa Town, June 8, 2010.

³²² Response to a Human Rights Watch request for statistical data from the Ministry of Labor to Human Rights Watch, June 11, 2010. On file with Human Rights Watch.

³²³ Human Rights Watch interview with social worker, name withheld on request, Manama, February 4, 2010.

³²⁴ Human Rights Watch interview with Nadia Khalil al-Qaheri, head of the Labor Complaints Section at the Ministry of Labor, Isa Town, February 4, 2010.

³²⁵ Response to a Human Rights Watch request for statistical data from the Ministry of Labor to Human Rights Watch, June 11, 2010. On file with Human Rights Watch; Response to a Human Rights Watch request for updates from the Ministry of Social Development to Human Rights Watch, May 28, 2012. On file with Human Rights Watch. NOTE: Numbers excluded domestic workers. 2011 is the first year since 2008, which is the earliest year Human Rights Watch has data for, in which the number of

40 percent were foreign workers.³²⁶ While just under half of all complaints are resolved at the ministry, mediation is less effective for migrant workers.³²⁷

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.³²⁸ When it comes to Bahraini workers, the ministry resolved 56 percent of their complaints.³²⁹ In all, the ministry forwarded 2,321 migrant complaints to Bahrain’s labor courts in 2009, 2010, and 2011, involving a total of 3,869 workers.³³⁰



Percentages based on 2009, 2010, and 2011 figures.

“Most of the cases go to courts because the lawyer wants to go to court or the company is not coming,” said al-Qaheri. “Maybe 30 or 40 percent of the cases that go to court do so because the employer doesn’t come.”³³¹

Participation in these meetings is effectively voluntary. Ministry officials give employers two or three opportunities to attend a mediation meeting before forwarding the complaint to the labor courts—which, by law, it must do within two weeks after mediation has run its course. The ministry has no authority to compel an employer’s participation in mediation or to punish non-participation. If an employer participates in a mediation meeting, ministry

Bahraini citizens whose complaints were sent to labor court out numbered those resolved by the Ministry of Labor’s mediation. That year also marked a significant spike in labor complaints filed by Bahraini citizens, with 1,600 more complaints than the pervious year. According to the International Trade Union Confederation (ITUC) “between 2,600 and 3,500 workers in both the public and private sectors were dismissed for their alleged involvement in the protests of 2011.” Human Rights Watch was unable to confirm whether the spike in worker complaints and increased rate of complaints sent to court was due to the dismissals reported by the ITUC. See Annual Survey of Violations of Trade Union Rights, Bahrain-2012, International Trade Union Confederation, June 6, 2012, <http://survey.ituc-csi.org/Bahrain#tabs-1> (accessed June 24, 2012).

³²⁶ Ibid. Note: Numbers excluded domestic workers.

³²⁷ Ibid. Note: Numbers excluded domestic workers.

³²⁸ Ibid. Note: Numbers excluded domestic workers.

³²⁹ Ibid. Note: Numbers excluded domestic workers.

³³⁰ Ibid. Note: Numbers excluded domestic workers.

³³¹ Human Rights Watch interview with Nadia Khalil al-Qaheri, head of the Labor Complaints Section at the Ministry of Labor, Isa Town June 8, 2010.

mediators have no power to enforce labor laws or contracts, impose rulings, or compel settlement. If the parties cannot reach settlement for whatever reason, the ministry must forward the case to the labor court.³³² According to al-Qaheri:

After two [attempts to settle] it finishes, or if we can't finish it or sometimes the employer refuses to come, we have to send it to the court. Because we are the Ministry of Labor, we cannot push them, we can't do anything or take any action and after it goes to the courts then we're finished. There is nothing we can do.³³³

Lawyers and worker advocates said that they strongly prefer to settle cases before they reach the courts because the prolonged judicial process allows employers to defer responsibility, commonly resulting in workers leaving Bahrain without collecting back wages or other sums owed to them before the end of trial. Workers often accept meager settlements to avoid long court battles. "Rarely are these settlements satisfactory," said Beverley Hamadeh of the Migrant Workers Protection Society. "Employers will typically and reluctantly agree to pay some of the salary or the airfare, but not all the salary."³³⁴

Noora Feleyfel, head of the Migrant Workers Protection Society Action Committee, complained to Human Rights Watch that even when a settlement is reached, the process still lacks punitive consequences for employers that could deter future abusive behavior.

Today I as a Bahraini, or anybody, can bring a worker and I don't have to pay them for five years if I want. Then someone will bring a lawsuit against me, or when I go to the Ministry of Labor the ministry might say, "Listen, you have to pay or we'll take it further," and I say, "OK, OK, I'll pay." I can just pay the five years and that's it. There's no punishment, not even interest on what I owe. People need to be punished for not paying the salary. Like a fine and interest. These employers can basically repeat the same crime and at the end of the day they can just hire someone else. It's a cycle.³³⁵

³³² Human Rights Watch email correspondence with Beverley Hamadeh, Migrant Workers Protection Society, June 7, 2010.

³³³ Human Rights Watch interview with Nadia Khalil al-Qaheri, head of the Labor Complaints Section at the Ministry of Labor, Isa Town, February 4, 2010.

³³⁴ Human Rights Watch email correspondence with Beverley Hamadeh, Migrant Workers Protection Society, June 7, 2010.

³³⁵ Human Rights Watch interview with Noora Feleyfel, Migrant Workers Protection Society, Manama, June 6, 2010.

Labor Courts

For many migrant workers, labor courts are not a viable source of redress. One reason is that most workers have limited access to adequate representation. Another is that judicial proceedings are protracted. In the unusual event that a case actually reaches final judgment in a courtroom, the ruling usually favors the worker. As one labor lawyer described it, “Ninety percent of court cases end with successful judgments [for the workers] which are then executed.”³³⁶ However, labor trials typically last six to 12 months and are subject to appeal. Few workers can afford to wait this long without any source of income.

While Bahraini labor law waives all court fees for aggrieved workers, litigation is still costly for migrant workers who are legally unable to work without a new work visa.³³⁷ Frequently, their employers refuse to return their passports or pay their airfare, which would allow them to return to work in their home countries. Since employers typically provide migrant workers with housing, domestic workers are usually forced to live in shelters during the proceedings, while other workers typically seek help from friends to pay rent.

Understanding the need for speedy labor proceedings, Bahrain’s 1976 labor law stated, “Legal proceedings [by workers] shall be dealt with urgently. If an amicable settlement is not reached, the [Ministry of Labor] shall refer such complaint to the Senior Civil Court, within a period of two weeks” and “the Clerk of the Court shall, within a period of three days from the date of receipt of the application by the Court, fix a date for the hearing.”³³⁸

In practice, according to one labor lawyer, it typically takes two or three months once the Ministry of Labor transfers the case to the labor court before the first hearing.³³⁹ The ministry claims that it forwards cases to the courts in a timely manner, unless the aggrieved worker asks to continue with mediation.³⁴⁰ Labor courts average around six weeks between each hearing. Cases, which typically average about six separate hearings, take between six to 12 months, and longer if appeals are involved.³⁴¹

³³⁶ Human Rights Watch interview with Ghada Sulaibeekh, attorney, Manama, February 3, 2010.

³³⁷ Bahrain Labor Law for the Private Sector, No. 23 of 1976, art. 155. In some cases if a worker loses their claim courts will saddle them with their employer’s legal costs.

³³⁸ *Ibid.* In 2006, under Decree No. 29 (2005) with respect to the Re-Organization of the Ministry of Social Affairs, the Ministry of Labor and Social Affairs became two ministries – the Ministry of Labor, and the Ministry of Social Development. The Ministry of Labor is the agency charged with enforcing the labor law.

³³⁹ Human Rights Watch interview with Ghada Sulaibeekh, attorney, Manama, February 3, 2010.

³⁴⁰ Human Rights Watch interview with Nadia Khalil al-Qaheri, head of the Labor Complaints Section at the Ministry of Labor, Isa Town, February 4, 2010.

³⁴¹ *Ibid.*; Human Rights Watch interview with attorney, Maha Jaber, Manama, February 1, 2010.

Pambagal Siradas Rathnaprakash a 39-year-old worker from Kerala, India, is the main breadwinner for his parents, wife, and two sons (ages 6 and 11). He arrived in Bahrain in 2006, and worked as plumber until July 2008 when, after failing to receive wages for four months, he filed a complaint with the Ministry of Labor. After his sponsor did not attend three mediation meetings, his case went to court. “I went to the lawyer and I told her, I don’t want that much money. I just want my passport and a bit of money—my expenses.”³⁴²

Rathnaprakash attended court hearings on October 10, 2008; November 11, 2008; and January 19, 2009. On February 4, 2009, Rathnaprakash’s employer filed a countersuit, alleging he was a runaway. “But because I made my complaint [first] they did not send me to the jail for runaways,” he said.³⁴³

Rathnaprakash stayed with friends between July 2008, when he filed his case, and February 2010, when he spoke with Human Rights Watch, working odd jobs in the meantime. “When I managed to get some money, I sent it home. When I didn’t, I couldn’t,” he said.³⁴⁴ His sponsor’s refusal to release him from his work visa and decision to file an absconding claim against him meant that Rathnaprakash (who goes by the name Prakash) could not legally get a job or leave the country.

My mother is sick, but my boss said, “I will not let you go back to your country—you give me 500 dinars [\$1328] [to release you]. Prakash it’s so easy to go to India—you are in Bahrain, I will decide when I send you and when you come back.” The problem is I cannot change my work [without a release] and I cannot return home. What am I supposed to do?³⁴⁵

In late 2009, after several more court hearings, Rathnaprakash received a favorable verdict awarding him his back wages, airfare, passport, and additional damages. However, his employer appealed the ruling and Rathnaprakash had to file another suit to enforce the court award.³⁴⁶

My friend told me, if you want to go home quickly, go to the ministry. Now it’s four years since I’ve been here. My boss said, “If I give you money for a ticket,

³⁴² Human Rights Watch interview with Pambagal Siradas Rathnaprakash, Manama, January 30, 2010.

³⁴³ Ibid.

³⁴⁴ Ibid.

³⁴⁵ Ibid.

³⁴⁶ Human Rights Watch interview with Marietta Dias, Migrant Workers Protection Society, Manama, January 24, 2010.

and the other laborers know that Prakash got some money and went back home, then they will all want the same.”³⁴⁷

In June 2010, Rathnaprakash lost on appeal and was ordered to pay his former employer BD200 (\$530) to cover his legal expenses.³⁴⁸

Such a wait is untenable for many migrant workers. Human Rights Watch spoke with two domestic workers and three construction workers who remained without income in Bahrain for between four and six months while they waited for a verdict. All these workers expressed a pressing need to return home. Marietta Dias from the Migrant Workers Protection Society said, “We try to stop the cases from even going to labor court. The workers can’t endure six to 12 months with no pay. They have to eat.”³⁴⁹

Faced with long trials, workers are often willing to accept unfavorable settlements. “The cases will drag, drag, drag, and the employee gets fed up,” said one social worker.³⁵⁰ Migrant worker advocates and lawyers told Human Rights Watch that abusive employers, exploiting the desperation of aggrieved workers, persuade them to settle for small amounts of back pay and plane tickets, or for as little as returning the passport and releasing the visa.

Sometimes employers make settlement offers in bad faith. “If an official complaint has been lodged they persuade the employee to withdraw the complaint on the promise of settling but then fail to uphold their promises once the complaint has been withdrawn,” said Beverly Hamadeh.³⁵¹ One method described to Human Rights Watch was when an employer promises back wages and plane tickets, but asks to finalize matters at the airport. There, he asks the worker “to sign papers saying [his or her employer] has given him or her BD300 while traveling [to the airport] but then [at the airport] he gives only 100, 150 dinars and sends [the worker] away.”³⁵²

The labor case against the Muhammad Ali al-Asfoor Company started in October 2009 with 42 plaintiffs. In February 2010, when Human Rights Watch spoke with some workers and

³⁴⁷ Human Rights Watch interview with Pambagal Siradas Rathnaprakash, Manama, January 30, 2010.

³⁴⁸ Human Rights Watch phone interview Marietta Dias, Migrant Workers Protection Society, August 3, 2010.

³⁴⁹ Human Rights Watch interview Marietta Dias, Migrant Workers Protection Society, Manama, January 28, 2010.

³⁵⁰ Human Rights Watch interview with social worker, name withheld on request, Manama, February 5, 2010.

³⁵¹ Human Rights Watch email correspondence with Beverley Hamadeh, Migrant Workers Protection Society, Manama, June 7, 2010.

³⁵² Human Rights Watch interview with Lateesh Bharathan, paralegal, Manama, February 1, 2010.

their lawyer, only three of the 42 men were still in the country and the court had held only one initial hearing. Their lawyer explained:

The problem is that things should work and [the government] tries to make it work but the system is very slow and for such issues you can't be that slow. For example, for our case, the 42 workers, once we put everything in place with the labor court and with the public prosecutor for the human trafficking case, we are just going through the paperwork between the police station and the public prosecutor.³⁵³

By the time the prosecutor takes up the case, the lawyer added, “We can't find them, they are not here [in Bahrain].” These workers were compelled to leave Bahrain in part owing to their difficult financial circumstances, she and her colleague said. “By that time the employer ... asks them to sign a paper they can't read.”³⁵⁴ Bahraini regulations require that before a migrant worker can leave the country, an employer must present documentation signed by the worker that indicates he or she has been paid all their wages and benefits.³⁵⁵

According to worker advocates, abusive employers often induce migrant workers to sign such documents without providing their full benefits, either through fraud, intimidation, or playing on a worker's desperation to return home and start earning again.³⁵⁶ In some cases, aggrieved workers manage to pay their airfare themselves or with assistance from a community organization. If these workers have pending labor cases, they can grant power of attorney to their lawyers or embassies and return home—assuming the employer has not filed a criminal counter claim and issues regarding visa releases and passports can be resolved. Once granted power of attorney, a migrant worker's lawyer or embassy can proceed with the matter as a representative of the worker. Granting power of attorney and sorting out other immigration, passport, and work visa issues can still take weeks or months, but many workers prefer this option to staying in Bahrain. However, at the end of the trial, embassies or lawyers often have trouble finding low-income workers and those who live in remote areas of their home countries.³⁵⁷ In effect, workers who leave before the end of trial risk not receiving any potential court-ordered award.

³⁵³ Human Rights Watch interview with Maha Jaber, labor attorney, Manama, February 1, 2010.

³⁵⁴ Human Rights Watch interview with Maha Jaber, labor attorney, Manama, February 1, 2010.

³⁵⁵ Human Rights Watch Interview with Ali Radhi, then Chief executive officer, LMRA, Manama, February 2, 2010.

³⁵⁶ Human Rights Watch interview with Maha Jaber, attorney, and Lateesh Bharathan, paralegal, Manama, February 1, 2010; Human Rights Watch group interview with the Migrant Workers Protection Society Action Committee, Manama, January 28, 2010.

³⁵⁷ Human Rights Watch group interview with the Migrant Workers Protection Society's Action Committee, Manama, January 28, 2010.

Sheikh Khalid bin Ali Al Khalifa, the minister of justice, told Human Rights Watch in 2010 that the planned case management system, now in the 2012 labor law, would streamline proceedings.

We are trying to include case management in the new labor law. Why? There are three things to look at if you want to evaluate any judicial system in terms of efficiency. How long? How much? And how many procedures? We are trying to decrease these three. For how much, there is no problem, [since workers] don't pay anything in most of the cases. How long, this will be affected by [case management reforms]. We are trying to minimize it, trying to make it very fast. Two months will be the maximum period. This will be favorable to the labor and helpful for us as well as we don't want to have a pending case for a long time and the laborer remains in the country. The solution is to prepare the case very quickly and give it to a judge to expedite the proceedings.³⁵⁸

Criminal Laws Punishing Abuse of Migrant Workers

The Bahrain Penal Code of 1976 and subsequent amendments sets out criminal offences and punishments. With regard to issues pertaining to migrant workers, the penal code's most important provision is article 302, which states:

A punishment of imprisonment or a fine, or either penalty, shall be imposed upon every person who employs forced labor to undertake any work or unjustifiably withholds all or some of their wages.³⁵⁹

The penal code also defines and sets punishment for physical assault, sexual assault, manslaughter, and rape.³⁶⁰

More recently, Law No. 1 (2008), With Respect to Trafficking in Persons, makes human trafficking a criminal offense and mandates that a task force be assembled to monitor and set policies for combating human trafficking.³⁶¹

³⁵⁸ Human Rights Watch Interview with Shaikh Khalid bin Ali Al Khalifa, minister of Justice and Islamic Affairs, Manama, February 3, 2010.

³⁵⁹ Bahrain Penal Code and its Amendments, No. 15 of 1976, art. 302, as amended by Legislative decree No. 6 of 1993, art. 2.

³⁶⁰ Bahrain Penal Code and its Amendments, No. 15 of 1976, 270 arts. 336-348.

³⁶¹ Law No. 1 (2008) with Respect to Trafficking in Persons.

As defined by the law, human trafficking is:

The recruitment, transportation, transfer, harboring, or receipt of a person for the purpose of abuse by means of threat or use by force or other forms of coercion, deception, of the abuse of power or of a position or abuse of authority by a person having control over another person or any other illegal means whether directly or indirectly for the purpose of exploitation.³⁶²

Exploitation includes “forced labor or services, slavery or practices similar to slavery, servitude.”³⁶³

Abd al-Wahab Rashid, head of anti-trafficking for the Ministry of Interior, told Human Rights Watch in February 2010 that while the state’s initial anti-human trafficking focus is primarily on trafficking into forced prostitution, it is now looking at the practice of withholding salaries, confiscating passports, and/or dubious recruitment practices as rising to the level human trafficking.³⁶⁴ Yet in June 2010, Attorney General Al Buainian told Human Rights Watch that his office had yet to fully consider whether exploitative practices involving unpaid wages, coupled with passport confiscation, rise to the level of human trafficking.³⁶⁵ Even government officials from the same ministries had differing opinions as to whether passport confiscation was a crime in Bahrain or simply a civil violation. In a letter sent to the government of Bahrain on September 8, 2010, Human Rights Watch asked for the source of law that outlawed passport confiscation. In response, government officials said that passport confiscation constitutes criminal violations under Penal Code article 389 and the anti-human trafficking law.³⁶⁶

Prosecution of Abuses against Migrant Workers

Bahrain’s Public Prosecution Office, which investigates and prosecutes crimes under the penal code, has primarily pursued only migrant labor cases that involve physical and sexual abuse. The 2008 anti-trafficking law includes provisions that criminalize forced labor and some

³⁶² Ibid., art. 1.

³⁶³ Ibid.

³⁶⁴ Human Rights Watch interview with Abd al-Wahab Rashid, Ministry of Interior, Manama, February 2, 2010.

³⁶⁵ Human Rights Watch interview with Ali Al Buainian, attorney general, Public Prosecution Office, Manama, February 3, 2010.

³⁶⁶ Response of the Government of Bahrain to Human Rights Watch’s written inquiry of September 9, 2010, on file with Human Rights Watch. Penal Code Article 389 states that “Any person who acquires with the use of force or threat a document, a signature thereon, an amendment thereof or causes cancellation or a prison sentence unless a severer penalty is provided for.” Bahrain’s anti-human trafficking law makes no direct reference to passports or documents; instead it criminalizes exploitative labor, forced labor, and similar conditions.

exploitative recruitment, providing the Public Prosecution Office with measures that Bahraini authorities can use to protect migrant workers. However, Bahrain's overall record of criminal prosecution for labor related offenses is mixed. Human Rights Watch was not able to confirm a single case of criminal prosecution by the Public Prosecution Office under the penal code or anti-trafficking law for labor-related abuses such as withheld wages, passport confiscation, and forced labor. The US State Department similarly found no evidence "that the government adequately investigated or punished trafficking cases involving forced labor despite common reports of domestic workers facing serious conditions indicative of forced labor."³⁶⁷

The Public Prosecution Office has investigated and prosecuted some cases of physical and sexual abuse, and courts have found some alleged perpetrators guilty. For example, in December 2010 a Lower Criminal Court sentenced a sponsor's wife to one month in prison and a fine for the bruising physical assault of her domestic worker, Salma Begum, a 32-year-old widow from India.³⁶⁸ Migrant worker advocates stress, however, that convictions in physical and sexual abuse cases are rare and judges sometimes display pro-employer biases.³⁶⁹

Migrant worker advocates complain that criminal investigations and prosecutions are frequently dropped as government police and prosecutors fail to pursue complaints expeditiously or effectively. Long delays typically force workers alleging abuse to either remain in Bahrain without a salary or to leave the country before appearing in court. Cases are dropped at various stages, from investigation to formal charges to hearings, without reaching a courtroom. In some cases, perpetrators are never charged.

A Migrant Workers Protection Society volunteer told Human Rights Watch that in February 2010, the group escorted one client, Sethy Begum, a domestic worker from Sri Lanka, to the police station and the Public Prosecution Office to file charges against her employer for raping her at knifepoint the previous month.³⁷⁰ Six months later, in August 2010, authorities had not yet assigned a date for the first hearing. Begum returned to Sri Lanka in September

³⁶⁷ United States Department of State, "2011 Trafficking in Persons Report: Bahrain," June 2011, www.state.gov/j/tip/rls/tiprpt/2011 (accessed February 13, 2012).

³⁶⁸ Anika Haider "Prison term for sponsor's wife is welcomed," *Gulf Daily News*, December 2, 2011, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=292952> (accessed May 1, 2012).

³⁶⁹ Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, May 23, 2012.

³⁷⁰ Human Rights Watch email correspondence with Liz Szalay, Migrant Workers Protection Society Action Committee, June 2, 2010.

2010.³⁷¹ The volunteer from the Migrant Workers Protection Society later learned the authorities dropped the investigation.³⁷²

In another case widely covered by Bahraini media, Lakshmi Surampudi, an Indian woman employed as a domestic worker, reported years of being “regularly hit, kicked, stomped on, poked in the eye with a key, and dragged by her hair or ears by her sponsor’s ex-wife.”³⁷³ She said she was also deprived of food and not paid for three-and-a-half years.³⁷⁴ Surampudi filed charges with the police in July 2009, but no charges were filed against her alleged abuser. After waiting five months for her case to progress, Surampudi decided to return to India. Noora Feleyfel told Human Rights Watch:

I represent the Migrant Workers Protection Society on the National Committee to Combat Trafficking in Persons, where I have brought up the Lakshmi case, because nothing had happened for six to eight months and no trial date was given to me. Everyone was concerned and there appeared to be some movement, but then nothing. Now it’s been a year and no charges.

The Ministry of Interior and police station both contacted me numerous times to get more information. So clearly there was some effort on their part to investigate.

They needed her to come in to have the medical commissioners examine her, which wasn’t initially requested when she was here. Now after it was brought up in the committee, they are asking to examine her again. I have informed them at least on five different occasions that Lakshmi left the country in December. Apparently they claim what is pending for the trial is the medical commissioner’s report and that they don’t have proof that she left the country. This is CID [Criminal Investigations Directorate] that is saying this. I think they are more competent than that, but are not using their full resources because they don’t believe it is important or worthy.³⁷⁵

³⁷¹ Ibid.

³⁷² Human Rights Watch email correspondence with Liz Szalay, Migrant Workers Protection Society Action Committee, January 24, 2010.

³⁷³ Ibid.

³⁷⁴ Tom Hanratty, “Reunion hope for ‘battered’ maid,” *Gulf Daily News*, October 24 2009, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=262520> (accessed July 14, 2010).

³⁷⁵ Human Rights Watch interview with Noora Feleyfel, Migrant Workers Protection Society, Manama, June 6, 2010.

Feleyfel said that cases like that of Surampudi demonstrate a lack of accountability for employers who abuse migrant workers.

For us, this was a test case. We chose to push it, because it covered the full spectrum of issues that we see with most of our cases: physical abuse, verbal abuse, very long hours of work, not being paid salary, not being paid the agreed salary rate, not being allowed to contact her family, being fed very, very little. We also had a good relationship with the local police station [where the complaint was filed]. It was in the newspapers. The evidence was clear; Lakshmi was covered in marks. It seems employers can get away with anything in Bahrain. After a while, Lakshmi just wanted to return home, so we got her a plane ticket in December [2009] and she's back in India.³⁷⁶

In June 2010 the Bahraini government told Human Rights Watch that Surampudi's case remained with the Public Prosecution Office in the investigatory stages. In January 2011, Feleyfel informed Human Rights Watch that authorities had dropped the investigation, largely because of a lack of evidence stemming in part from the fact that investigators waited six months before ordering a physical exam of Surampudi.³⁷⁷ By that time Surampudi was no longer in the country.³⁷⁸ "What was she to do, wait years until the case was dealt with?" Feleyfel asked.³⁷⁹

Attorney Maha Jaber, who represents the Muhammad Ali al-Asfoor company workers, told Human Rights Watch that she filed a human trafficking complaint on her clients' behalf in January 2010, but three months later the investigation had barely gotten off the ground.

I think such an important claim should not be sent to the police station for investigation. The police station is so busy they cannot even classify the case. This should be taken up directly by the Public Prosecutor.

I never thought such an important claim, like ours, one that was written up in the newspaper, would not have been investigated by the Public Prosecutor himself.

³⁷⁶ Ibid.

³⁷⁷ Human Rights Watch email correspondence with Noora Feleyfel, Migrant Workers Protection Society, Manama, January 23, 2010.

³⁷⁸ Ibid.

³⁷⁹ Ibid.

This is not intentional. It's pure bureaucracy. [Attorney General] Ali Al Buainain is part of the solution. He specifically mentions we should bring him these [worker] claims. The Public Prosecution can fast track it.³⁸⁰

Without income, several of Maha Jaber's clients left the country before any criminal investigation or trial took place.

For any criminal claim, I have to have the workers around because for criminal claims, sometimes they are needed for the investigation. They have to testify to their side of the story and if they are not around, I can't cover the whole thing. It's usually better [for the judge] to hear it from them and not their lawyers. But by the time everything is ready [for trial], they're not here.³⁸¹

While cases involving physical and sexual abuse, or filed as human trafficking, may move slowly or not at all through criminal courts, cases involving unpaid wages—the most common worker complaint—are even less likely to progress. The Public Prosecution Office told Human Rights Watch in February 2010 that it had not conducted a single prosecution despite penal code provisions specifically criminalizing the “unjust withholding of wages.”³⁸² Prosecutors claim this is because they have never received such a complaint from the Ministry of the Interior. “A lot of lawyers go straight to civil court, but I think it is very important to have these cases here,” said Attorney General Al Buainain.³⁸³

Officials in the Ministry of Interior and Ministry of Labor appeared to be unaware of the penal code provision criminalizing wage withholding, which they saw as a purely civil matter. Interior Ministry officials told Human Rights Watch that they instruct workers to seek unpaid wages at the Ministry of Labor.³⁸⁴ The Ministry of Labor does not refer nonpayment claims to the Public Prosecutor. In February 2010, Human Rights Watch raised this concern with the Public Prosecutor. In March, Attorney General Al Buainain issued a decree mandating that the Office of the Public Prosecution conduct criminal investigations and prosecutions under

³⁸⁰ Human Rights Watch interview with Maha Jaber, Manama, February 1, 2010.

³⁸¹ Ibid.

³⁸² Bahrain Penal Code and its Amendments, No. 15 of 1976, art. 302, as amended by Legislative decree No. 6 of 1993, art. 2; Human Rights Watch interview with Ali Al Buainian, attorney general and representative of the Public Prosecution Office, February 3, 2010.

³⁸³ Human Rights Watch group interview with Ali Al Buainian, attorney general and representative of the Public Prosecution Office, February 3, 2010.

³⁸⁴ Human Rights Watch group interview with Brig. Tariq bin Dina, undersecretary, Bahrain Ministry of Interior and representatives of the Ministry of Interior, Manama, February 2, 2010.

the penal code for violations involving unpaid wages and forced labor.³⁸⁵ In April 2010 he issued a letter to the Ministry of Labor requesting it forward his office unpaid wages complaints. In June 2010, he sent a letter to the Ministry of Interior highlighting the criminality of salary non-payment and the police's obligation to forward such cases. To Human Rights Watch's knowledge, as of May 2012 there had been no prosecutions of employers for withholding wages.

Government Pledges

On December 10, 2010, UN Human Rights Day, the government released a document detailing its efforts and commitments to protect the rights of migrant workers in the country.³⁸⁶ The document, produced in cooperation with the United Nations Development Program as part of Bahrain's 2008 Universal Periodic Review by the UN Human Rights Council, includes pledges designed to improve Bahrain's response to many abuses migrant workers face. These pledges resulted partly from exchanges and meetings between the government and Human Rights Watch in which Human Rights Watch presented and discussed the findings and recommendations contained in this report.

The government's pledges reflect several of Human Rights Watch's recommendations, including a special inspections campaign targeting employers who withhold wages and passports, incorporating the case management system in the draft labor law, increasing inspections and inspectors, increasing the number of qualified translators available to workers at government agencies, publicizing the fact that withholding passports or wages is a criminal offense, raising workers' awareness of their rights and remedies, and prompting investigations and prosecutions when warranted of labor-related violations of the penal code. The government said it would consider three further steps: ratifying a new ILO convention on domestic work, which Bahrain voted for in June 2011; working with embassies and the Bahraini bar association to provide migrant workers with pro bono legal services; and providing counseling to victims of abuse.³⁸⁷ At a press conference introducing the government's pledges, then–Minister of State for Foreign Affairs Nazar Al Baharna announced an inspections campaign aimed at reining in rogue sponsors who withhold wages and confiscate passports, saying:

³⁸⁵ Decree of the Attorney General number (2) of 2010, On the Issue of Investigation the Crimes of Forced Labor.

³⁸⁶ United Nations Development Programme, Kingdom of Bahrain, Foreign Workers and Labor Conditions in Bahrain, November 2010.

³⁸⁷ "ILO: New Landmark Treaty to Protect Domestic Workers," *Human Rights Watch*, June 16, 2011, <http://www.hrw.org/news/2011/06/16/ilo-new-landmark-treaty-protect-domestic-workers> (accessed February 21, 2012).

Several government agencies will co-ordinate in the drive that could involve inspectors visiting organizations and talking to employees and employers.... Bahrain's law is clear on the subject. Any employer who withholds the passport is indulging in human trafficking, which is a crime. We will not let this happen.... At the same time, we request workers to report any passport confiscation immediately for the agencies involved to take action. We cannot do it alone and need everybody to cooperate.³⁸⁸

Many of the pledges included in the government/UNDP document, if properly implemented, would improve the status of migrant workers in Bahrain. However, the government did not commit to several other Human Rights Watch recommendations, including expanding all basic worker protections to migrant domestic workers, adopting a minimum wage for the private sector, and requiring that Bahraini companies exercise due diligence in screening the recruitment agencies they partner with in labor-sending countries.

In December 2011, Human Rights Watch wrote Bahraini authorities requesting an update on the implementation of these pledges. The government did not provide this information in its May 2012 response to Human Rights Watch. Human Rights Watch was able to gather some information about implementation of the pledges through worker advocates, Bahraini media, and other sources.

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 the government had pledged to increase the number of Ministry of Labor inspectors by 50 percent.³⁸⁹ As noted, the ministry increased the number of health and safety inspectors, tasked with monitoring compliance with safety regulations, dramatically, from six in 2010 to 30 in 2011.³⁹⁰ In the view of migrant worker advocates in Bahrain, however, this figure remained inadequate for carrying out worksite and accommodation inspections, especially given the Department of Inspections own recognition of its needs.³⁹¹ In 2010 the department employed 27 labor inspectors, who oversee compliance with labor laws, but Human Rights Watch has not been able to determine whether the Ministry of Labor

³⁸⁸ Mandeep Singh, "Drive to target rouge sponsors," *Gulf Daily News*, December 9, 2010, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=293411> (accessed December 19, 2010).

³⁸⁹ United Nations Development Programme, Kingdom of Bahrain, *Foreign Workers and Labor Conditions in Bahrain*, November 2010.

³⁹⁰ Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, February 27, 2012.

³⁹¹ *Ibid.*

has increased the number of these inspectors. As noted, Ahmed Alhaiki, head of inspections for the ministry, told Human Rights Watch that he would need 100 inspectors to achieve his goal of inspecting every company once a year.³⁹²

The government also pledged to launch an inspections campaign aimed at “exposing employers that withhold wages and confiscate passports and penalizing violators.”³⁹³ However, in February 2012 Migrant Workers Protection Society representatives told Human Rights Watch that the government had not instigated such a campaign, saying that “the onus is on the worker to report complaints to the Ministry of Labor regarding wages, and to the police regarding passports.”³⁹⁴

The government also 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 they had experienced these abuses. In 2011, however, Bahraini authorities took no action to prosecute these and other common labor-related crimes, other than physical and sexual abuse and sex-trafficking.³⁹⁵

As noted, the government pledged to “consider the adoption of the ... ILO Convention on the treatment of domestic workers.”³⁹⁶ In June 2011, Bahrain, alongside the rest of the GCC countries, voted to create the convention, reversing its earlier opposition.³⁹⁷ As of this writing Bahrain has yet to ratify the convention, the necessary step to make it binding on the government.

³⁹² Human Rights Watch Interview with Ahmed Alhaiki, Manama, February 4, 2010.

³⁹³ United Nations Development Programme, Kingdom of Bahrain, Foreign Workers and Labor Conditions in Bahrain, November 2010.

³⁹⁴ Human Rights Watch email correspondence with Migrant Workers Protection Society Executive Committee, February 27, 2012.

³⁹⁵ Ibid.; United States Department of State, “2011 Trafficking in Persons Report: Bahrain,” June 2011, www.state.gov/j/tip/rls/tiprpt/2011 (accessed February 13, 2012).

³⁹⁶ United Nations Development Programme, Kingdom of Bahrain, Foreign Workers and Labor Conditions in Bahrain, November 2010.

³⁹⁷ “ILO: New Landmark Treaty to Protect Domestic Workers,” Human Rights Watch, June 16, 2011, <http://www.hrw.org/news/2011/06/16/ilo-new-landmark-treaty-protect-domestic-workers> (accessed February 21, 2012).

IV. Assaults on Migrant Workers and the Government's Response

Migrant workers in Bahrain not only experience abuses within the context of the employee-employer relationship but also face discrimination and other abuses from society in general. Since 2008, Human Rights Watch has received reports of occasional assaults on South Asian migrant workers by persons who were not the workers' employers. In mid-March 2011, as tensions between the government and pro-democracy protesters intensified, these attacks escalated drastically.

Human Rights Watch documented several attacks against South Asian migrant workers in and around Manama on March 13, 2011, immediately before security forces launched a violent crackdown on anti-government protests. Human Rights Watch spoke with 12 migrant workers, all of them nationals of Pakistan and Bangladesh, who said that on March 13 and 14 gangs of masked men armed with sticks, knives, and other weapons harassed and attacked them at their places of residence. Most said the attackers were specifically looking for Pakistanis. Several said they believed their attackers were anti-government protesters, although they could not provide any information to support those perceptions. All of the men interviewed said they could not positively identify their attackers because they had covered their faces with their shirts or masks.

On March 23, 2011 Human Rights Watch visited the Pakistan Club, a private Manama-based organization providing services to migrant and expatriate Pakistanis living in Bahrain. Daoud, a Pakistani migrant worker in his mid-20s, told Human Rights Watch that on March 14 the private club opened its doors to Pakistani migrant workers who had been attacked or feared persecution.³⁹⁸ He explained that the migrant workers initially sought refuge at the Pakistani embassy in Manama, but the embassy sent them to the Pakistan Club and a school in Isa Town because the embassy lacked space. Daoud said approximately 250 migrant workers, most of them Pakistani nationals, sought refuge at the club. He added that at least 15 had been injured, some seriously, and that many had lost contact with their employers and wanted to go back to Pakistan because of the precarious security situation.

Abdul M., a Bangladeshi laborer, told Human Rights Watch that on the afternoon of March 13 between 20 and 30 Arab men armed with sticks and knives attacked him and his friends.³⁹⁹ He and his friends were able to escape with only minor injuries. He said that the next day,

³⁹⁸ Human Rights Watch interview with Daoud, Manama, March 23, 2011.

³⁹⁹ Human Rights Watch interview with Abdul M, Manama, April 2, 2011.

around 8 or 8:30 p.m., he and his friends encountered a group of about 70-80 anti-government protesters on Sheikh Abdullah Road in Manama. Abdul M. said about a dozen of this group attacked him and his friends with sticks and knives. He said they beat him and that his wounds required seven stitches.

Other migrant workers interviewed by Human Rights Watch described attacks by gangs of Arab men in or around their homes. Shehbaz, a Bangladeshi migrant worker who had sought refuge at the Pakistan Club, told Human Rights Watch that on the evening of March 13 he was out buying cigarettes around 9:30 p.m. when a group of around 30 Arab men spotted him and chased him into his building, which he said was primarily occupied by Bangladeshis.⁴⁰⁰ He said they asked him to show them his CPR card but he refused and ran into his apartment and locked the door behind him.⁴⁰¹ The attackers broke down the door to his apartment and began beating him and two others with knives, hammers, and steel rods. Shehbaz said his friends managed to escape, but he could not. He said when they were beating him the men, all of whom wore masks, accused him of “getting money from the king of Bahrain” and told him to “leave their country.” He said after his attackers left he called for an ambulance but none came. He went to the hospital for medical treatment the next day. He showed Human Rights Watch scars to his left leg and right arm that he said were caused by knives and sticks the men carried.

Babar, a Pakistani migrant worker, told Human Rights Watch that on March 13, around 11 p.m., 15 masked men – he referred to them as Arabs but did not say how he knew this – gathered in front of their building in Manama and called on the Pakistanis to come out.⁴⁰² He said several of them accused the Pakistanis of taking government jobs. When the residents did not heed the attackers’ calls, they entered the building. He and several others escaped to the roof, followed by four of the attackers. Babar said the attackers caught up with him and his friends on the roof and demanded their CPRs, which they refused to hand over. The attackers then ordered him and his friend to go back down to their apartment. On the way down, Babar said, the men attacked him and the others with bats, steel rods, and knives, and yelled “Go back to Pakistan!” One of the attackers struck him on his head and arm with a steel rod. Babar said the attack lasted about 10 to 15 minutes. He sustained serious injuries to his arm and went to the BDF hospital for treatment, he said.

⁴⁰⁰ Human Rights Watch interview with Shehbaz, Manama, March 23, 2011.

⁴⁰¹ The CPR (Central Population Registry) is the national identification card issued by the Central Informatics Organization, the government agency responsible for assigning identification numbers for all Bahrainis and residents in the country.

⁴⁰² Human Rights Watch interview with Babar, Manama, March 23, 2011.

Another laborer, a Pakistani man who did not want to be identified, said that on March 13, around 7:30 p.m., a group of eight to 10 Arab men forced their way into the building where he was living and checked the CPRs of residents.⁴⁰³ He told Human Rights Watch that the men, who he said carried swords, rods, and hammers, separated the Pakistanis from the others and began beating them. The man said one of the attackers had a gas cylinder and set fire to the mattress in their apartment. He said that he and several of his friends sustained lacerations from injuries caused by swords the attackers wielded.

Mohammed E, a Pakistani laborer, said that around 7 p.m. on March 13, 14 men gathered outside of a building where he and dozens of other South Asian laborers resided.⁴⁰⁴ He said the men shouted profanities and ordered the Pakistanis to come out of the building. When the residents refused the men entered the building. He and one of his flat mates ran to the roof of the building while others stayed in their apartments and locked the doors. Mohammed told Human Rights Watch that as he was running up to the roof he could hear the men breaking down doors. When he reached the roof, Mohammed said, he looked down and saw a group of 15 men – Arabs, he said – beating one of his friends, Abdul Malik, in front of their building. Around the same time several of the attackers, all of whom had covered their faces with masks or their shirts, cornered him and his friend on the roof. Mohamed said they were carrying knives, sticks, and hammers. One of them looked at him and said: “You and your Pakistanis come here and work in the security forces. We will kill all Pakistanis! Go back to being a laborer!” He said the men then attacked him and hit him on the head with a blunt object, causing him to pass out.

Mohammed said when he regained consciousness on the roof he looked down to the street and saw that Abdul Malik was not moving. He and the others went down to him and realized he was dead. They called for an ambulance but none arrived and the body lay on the street for several hours. Mohammed told Human Rights Watch that the mob singled out Pakistanis because they were wearing *shalwar kameez*, traditional clothes generally worn by Pakistani and Bangladeshi migrant workers. Mohammed told Human Rights Watch that the attack left 11 men injured, seven of them seriously, and one – Abdul Malik – dead.

Human Rights Watch interviewed several other Pakistani and Bangladeshi migrant workers who said they were too afraid to leave their homes between March 13 and March 16 because of violence associated with the government crackdown against protesters, but they were not actually attacked.

⁴⁰³ Human Rights Watch interview with unidentified Pakistani laborer, Manama, April 2, 2011.

⁴⁰⁴ Human Rights Watch interview with Mohammed E, Manama, March 23, 2011.

According to the Bahrain Independent Commission of Inquiry (BICI), which documented rights abuses during the government crackdown on anti-government protests, Abdul Malik (whose full name was Ghulam Rasool) was pronounced dead on March 13.⁴⁰⁵ Abdul Malik's death certificate states that the cause of death was a "severe chest contusion leading to cardiac laceration, caused by cardiac tamponade, which resulted in acute heart failure."⁴⁰⁶ According to the BICI, a forensic report said "the deceased sustained cuts and bruises to his shoulder, hand, left knee, left leg, right eye, back and head."⁴⁰⁷ The BICI report said that a criminal investigation conducted by the Ministry of Interior concluded that Abdul Malik was beaten to death by a mob in front of a building in the neighborhood of Naim.⁴⁰⁸ Authorities charged 15 defendants for their alleged involvement in the murder of Abdul Malik; on October 3, 2010 a special military court convicted 14 and acquitted one.⁴⁰⁹

According to the BICI report, Bahrain's Ministry of Interior concluded that four migrant workers had been killed as a result of incidents related to the unrest and another 88 were injured, including 11 Indians, 18 Bangladeshi, 58 Pakistanis, and 1 Filipino.⁴¹⁰ Of the four deaths "two [including the death of Abdul Malik] are attributable to civilians and are categorized as intentional killings."⁴¹¹ The second death attributed to gang violence was that of Farid Maqbul, a Bangladeshi national who was pronounced dead on March 19.⁴¹² The report concluded that Maqbul's killing was intentional but "attributable to unknown perpetrators."⁴¹³ The cause of death was "multiple trauma injuries to the head and face."⁴¹⁴

⁴⁰⁵ BICI report, para 1009.

⁴⁰⁶ Ibid.

⁴⁰⁷ Ibid. at 1010.

⁴⁰⁸ Ibid. at 1011.

⁴⁰⁹ See <http://bna.bh/portal/en/news/475143?date=2011-10-4>. As of mid-September 2012, their case under review by an appellate civilian court. According to one of the lawyers in the case, the accused were charged under the counter-terrorism law as well as penal code articles. Sayed told Human Rights Watch that there are several inconsistencies with the prosecution's case, including a lack of clarity regarding where the attack against Abdul Malik took place. Many of the defendants alleged they had been subjected to torture to elicit confessions. Human Rights Watch has documented the systematic violations of international fair trial standards by the special military courts as well as ordinary civilian courts in highly politicized cases (see *No Justice* <http://www.hrw.org/reports/2012/02/28/no-justice-bahrain>). As this report went to press the next hearing in the appeal court review of these convictions was scheduled for July 9, 2012.

⁴¹⁰ BICI report. at para 1512. According to the International Trade Union Confederation (ITUC), commenting on attacks against migrant workers in Bahrain in its 2012 *Annual Survey of Violations of Trade Union Rights*, "Since 17 March [2011], eight migrant workers have died and approximately 88 sustained various injuries. Ten Pakistanis are in critical condition." See <http://survey.ituc-csi.org/Bahrain> (accessed June 13, 2012). It appears that this casualty toll includes migrant workers killed or injured in incidents unrelated to Bahrain's political unrest.

⁴¹¹ Ibid. at 881.

⁴¹² Ibid. at 1014.

⁴¹³ Ibid. at 881.

⁴¹⁴ Ibid. at 1014.

Two other migrant workers, Stephan Abraham, an Indian national, and Ikhlas Tozzumul Ali, a Bangladeshi national, died during clashes between security and military personnel and demonstrators and not as a result of armed gangs. The BICI report corroborated Human Rights Watch's earlier conclusions that Abraham died as a result of a stray bullet probably fired by the BDF, and that Ikhlas (or Eklas) died as a result of a being hit by a vehicle in Sitra.⁴¹⁵ To Human Rights Watch's knowledge, no one has been prosecuted in connection with the deaths of Maqbul, Abraham or, Ikhlas.

The BICI report noted that "most [migrant worker] complaints received by the Commission pertained to physical injuries, property damage, economic loss, deprivation of the freedom of movement, denial of medical treatment, and attacks at places of worship."⁴¹⁶

Since Human Rights Watch conducted its investigation into these attacks, some local groups have claimed that they documented more than 200 attacks on South Asian migrant workers since February 14, 2011.⁴¹⁷ Human Rights Watch has not been able to independently verify these figures.

⁴¹⁵ Ibid. at 882 and 883; <http://www.migrant-rights.org/2011/06/29/bahrain-further-restricts-migrant-rights-while-publicly-expressing-concern-for-migrants/>

⁴¹⁶ Ibid. at 1505.

⁴¹⁷ Sandeep Singh Grewal, "200 Attacks!" *Gulf Daily News*, March 5, 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=325106> (citing a figure released by Bahrain Human Rights Watch Society, a group not affiliated with Human Rights Watch).

V. Workers' Rights and International Legal Standards

A comprehensive body of international law protecting workers' rights has emerged over the past 50 years. Where a state has accepted to be bound by these standards, they apply to all workers in the country, both foreign workers and citizens. In most cases, a government's obligation is to ensure that employers respect the rights of workers by law, regulation, investigation, and prosecution, as appropriate.

ILO Conventions

Bahrain is a member of the International Labour Organization (ILO) and has ratified four core ILO conventions: two relating to the elimination of forced and compulsory labor, the convention on the elimination of discrimination in respect of employment and occupation, and the convention on abolition of child labor. Bahrain has also ratified ILO Convention No. 14 on weekly rest of industry workers, Convention No. 81 on labor inspection, Convention No. 89 on industrial night work of women, Convention No. 155 on occupational health and safety, and Convention No. 159 on vocational rehabilitation and employment of disabled persons.

Bahrain has not ratified two other core ILO conventions, No. 87 on freedom of association and protection of the right to organize, and No. 98 on the right to organize and collective bargaining.

In its 1998 Declaration of Fundamental Principles and Rights at Work, the ILO emphasized that all member states must implement and respect fundamental workers' rights within the ILO framework.⁴¹⁸ The declaration states that all members are obligated to allow freedom of association and the right to collective bargaining.⁴¹⁹

As of late August 2012, Bahrain had yet to ratify Convention No. 189 on decent work for domestic workers despite having pledged to consider doing so and having voted for the convention's creation.⁴²⁰

⁴¹⁸ International Labour Organization, Declaration of Fundamental Principles and Rights at Work, http://www.ilo.org/dyn/declaris/DECLARATIONWEB.static_jump?var_language=EN&var_pagename=DECLARATIONTEXT (accessed August 10, 2006).

⁴¹⁹ Ibid.

⁴²⁰ "ILO: New Landmark Treaty to Protect Domestic Workers," *Human Rights Watch*, June 16, 2011, <http://www.hrw.org/news/2011/06/16/ilo-new-landmark-treaty-protect-domestic-workers> (accessed February 21, 2012); United Nations Development Programme, Kingdom of Bahrain, Foreign Workers and Labor Conditions in Bahrain, December 10, 2010.

Human Rights Treaty Obligations

Bahrain has ratified 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, Suppress and Punish Trafficking in Persons, and the Protocol against the Smuggling of Migrants by Land, Sea and Air (the Palermo protocols). Together these treaties contain provisions that obligate Bahrain to protect workers against most labor-related abuses.

Fair and Safe Work Conditions

The ICESCR recognizes “the right of everyone to the enjoyment of just and favorable conditions of work.”⁴²¹ Such conditions must ensure:

1. Remuneration which provides all workers, as a minimum, with:
 - a. Fair wages and equal remuneration for work of equal value without distinction of any kind in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - b. A decent living for themselves and their families in accordance with the provisions of the present Covenant;
2. Safe and healthy working conditions;
3. Equal opportunity for everyone to be promoted ...;
4. Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.⁴²² Regarding non-citizens’ rights concerning work, the Committee on the Elimination of Racial Discrimination’s General Recommendation No. 30 states that once an employment relationship has been initiated, and until it is terminated, all individuals, even those without work permits, are entitled to the enjoyment of labor and employment rights.⁴²³

⁴²¹ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 7.

⁴²² *Ibid.*

⁴²³ UN Committee on the Elimination of Racial Discrimination, General Recommendation 30, *Discrimination against Non citizens* (Sixty-fourth session, 2004), U.N. Doc. CERD/C/64/Misc.11/rev.3 (2004),

Freedom of Movement

ICCPR article 12 establishes an individual's right to freedom of movement stating:

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.⁴²⁴

HRC General Comment No. 15 stresses that article 12 applies to aliens “lawfully within a territory,” and adds that “differences in treatment in this regard between aliens and nationals, or between different categories of aliens, need to be justified under article 12, paragraph 3.”⁴²⁵ General Comment No. 27 explains that all restrictions on freedom of movement, in addition to being in accordance with paragraph 3, must also be the appropriate, least intrusive instrument for achieving a necessary and permissible purpose. Restrictions must also conform to the principle of proportionality.⁴²⁶

Physical and Sexual Abuse

The ICCPR provides for security of person and, along with the CAT, the right to be free from cruel, inhuman, and degrading treatment.⁴²⁷ According to the UN Human Rights Committee, article 7 of the ICCPR requires “public authorities to ensure protection by the law against [cruel, inhuman and degrading] treatment even when committed by persons acting outside or without any official authority.”⁴²⁸ The HRC also determined that states have a

⁴²⁴ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 12.

⁴²⁵ Human Rights Committee, General Comment 15, The Position of Aliens Under the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (1986), para. 8. Article 12 paragraph 3 allows only restrictions to free movement “provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.”

⁴²⁶ Human Rights Committee, General Comment 27, Freedom of movement (Art.12), U.N. Doc. CCPR/C/21/Rev.1/Add.9 (1999), para. 14.

⁴²⁷ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 7; and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, art 16.

⁴²⁸ Human Rights Committee, General Comment 7, (prohibition of torture or cruel, inhuman or degrading treatment or

responsibility to “prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.”⁴²⁹ The Committee Against Torture, the expert body that reviews state compliance with the CAT, explained that article 2 of the convention obligates states to “exercise due diligence to prevent, investigate, prosecute and punish” acts of ill-treatment by private actors.⁴³⁰ In the Declaration on the Elimination of Violence against Women, in 1993, the UN General Assembly stated that governments are obliged 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.”⁴³¹ A state’s consistent failure to do so amounts to unequal and discriminatory treatment, and constitutes a violation of the state’s obligation under CEDAW to guarantee women equal protection of the law.

Judicial Redress

In its General Comment No. 32, the UN Human Rights Committee declared that article 14 of the ICCPR means that “delays in civil proceedings that cannot be justified by the complexity of the case or the behaviour of the parties detract from the principle of a fair hearing,” and “where such delays are caused by a lack of resources and chronic under-funding, to the extent possible supplementary budgetary resources should be allocated for the administration of justice.”⁴³²

Furthermore, according to the committee, article 14 “encompasses the right of access to the courts,” and states that:

[a]ccess to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice. The 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.... A situation in which an individual’s attempts to access the

punishment), U.N. Doc. HRI/GEN/1/Rev.6 at 129 (2003), para. 2.

⁴²⁹ Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 8.

⁴³⁰ Committee Against Torture, General Comment 2, Implementation of Article 2 by States Parties, U.N. Doc. CAT/C/GC/2 (2008), para. 18.

⁴³¹ UN General Assembly, Declaration on the Elimination of Violence against Women, U.N. General Assembly Resolution 48/104 (A/RES/48/104) (1993), article 4(c).

⁴³² Human Rights Committee, General Comment 32, Right to Equality Before Courts and Tribunals and to a Fair Trial, U.N. Doc. CCPR/C/GC/32 (2007), para. 27.

competent courts or tribunals are systematically frustrated de jure or de facto runs counter to the guarantees of article 14.⁴³³

Business and Human Rights Responsibilities

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.

The longstanding concept that businesses have human rights responsibilities, reflected for example in the Universal Declaration of Human Rights in relation to the responsibilities of “every organ of society”, has gained additional support and further articulation as a result of work during the tenure of a UN Special Representative on Business and Human Rights from 2005 to 2011. In 2008, the UN Human Rights Council endorsed the “Protect, Respect and Remedy” framework, which explicitly recognized a corporate responsibility to respect all human rights, and in 2011 it approved the “Guiding Principles on Business and Human Rights,” which offered guidelines specifying some of the steps businesses should follow in order to implement their responsibilities. As laid out in those documents, businesses should respect all human rights, avoid complicity in abuses, and adequately remedy them if they occur.⁴³⁴

In particular, the Guiding Principles call upon businesses to undertake adequate due diligence that encompasses risk assessments and monitoring, in order to identify and prevent human rights violations, including forced labor and human trafficking.⁴³⁵ More generally, companies should have policies and procedures in place to ensure that human rights are respected and not abused, to undertake adequate due diligence to identify and effectively mitigate human rights problems, and to adequately respond in cases where problems arise.

Human Rights Watch believes that states should impose clear requirements on companies to ensure that they uphold their responsibility to respect human rights in the state’s

⁴³³ *Ibid.*, para 9.

⁴³⁴ See United Nations Human Rights Council (HRC), Resolution 8/7, “Mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises,” June 18, 2008; and HRC, Resolution A/HRC/17/L.17/Rev.1, “Human rights and transnational corporations and other business enterprises,” June 16, 2011.

⁴³⁵ Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, “Protect, Respect and Remedy: a Framework for Business and Human Rights,” UN document A/HRC/8/5, April 7, 2008; and Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework,” UN document A/HRC/17/31, March 21, 2011.

jurisdiction, and that a remedy is provided in cases where abuses nonetheless occur. Even in the absence of nationally mandated requirements, however, all businesses should carry out human rights due diligence and address prospective human rights abuses.

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 and impose meaningful penalties on employers found to have violated the law. The government should:
 - Ensure that police investigators and prosecutors are adequately staffed and trained to investigate and prosecute these violations of the law.
 - Ensure that prosecutors conduct investigations and prosecutions in a timely manner, with special attention to the obstacles migrant workers face staying in Bahrain for the duration of investigation and trial.
 - Disseminate widely a clear statement, issued by a competent legal authority, illustrating examples of specific labor practices that violate Law No.1 of 2008, With Respect to Trafficking in Persons. This statement should include as examples of elements of trafficking withholding of wages, charging recruitment fees, and confiscating passports.
 - Ensure the prosecution of employers under penal code provisions that prohibit withholding wages and passports.
 - Create mechanisms for the automatic referral of cases from the Ministry of Labor, the Labor Market Regulatory Authority (LMRA), and the General Directorate of Nationality, Residency, and Passports at the Ministry of Interior to the Office of the Public Prosecution so that prosecutors can identify potential criminal violations within labor disputes and passport matters. Prosecutors should investigate and prosecute violations of the human trafficking law or penal code.
- Improve Ministry of Labor mediation and labor courts to ensure effective and timely resolution of labor disputes for migrant workers, including domestic workers. Impose meaningful administrative and civil penalties on employers who violate the law and regulations.
 - Advise workers at the time they file complaints with the Ministry of Labor of their right to seek representation for mediation meetings from their embassies, a lawyer, or an NGO advocating for migrant workers. Ensure that workers can easily assign power of attorney to a representative of their choice, including by

providing workers with a power of attorney form and the services of a notary public at the Ministry of Labor.

- Ensure that the Ministry of Labor transfers labor complaints to the Office for the Administration of Labor Suits (OALS) or labor courts within two weeks of receiving them unless both parties agree to continue mediation. Ensure that any requirement that workers re-file cases with the OALS does not create additional barriers to redress.
- Ensure that trials commence shortly after disputes reach the OALS and the labor courts.
- Announce the expedited application of the case management mechanism outlined in chapter 13 of the new private sector labor law in order to ensure that labor disputes proceed in an expedited manner. l
 - Hire an adequate number of OALS judges to ensure that all labor disputes are resolved within two months.
- The Ministry of Labor, the LMRA, and the Ministry of Justice and Islamic Affairs should recruit sufficient numbers of qualified interpreters so that foreign workers can understand, in their own language, all procedures, orders, and timelines associated with their complaints and civil trials, before and during referral of their claims to court.
- If labor dispute continue to trial, refer workers without legal representation to resources that can help them secure such representation. Work with NGOs, foreign embassies, private law firms, and the Bahraini Bar Association to ensure that indigent migrant workers have access to pro bono legal services. Consider also making lawyers available to indigent workers at government expense.
- Reach agreements with sending-country embassies that enable workers to give their embassies powers of attorney if they must or choose to leave Bahrain before labor dispute proceedings are complete. Authorize embassies to collect court awards on their nationals' behalf.
- Provide workers who allege that abuses forced them to leave employment, and have duly filed complaints with the Ministry of Labor, with information on unemployment benefits and how to attain new employment.
- Instruct the Ministry of Labor and the Ministry of Justice and Islamic Affairs to collect and publish yearly statistics regarding the number and type of complaints filed with the Ministry of Labor and with labor courts under the jurisdiction the Minister of Justice and Islamic Affairs, including how these complaints are resolved and the duration of the legal proceedings.

- Improve the ability of inspectors to address violations of the labor law and health and safety regulations.
 - Continue to increase the number of inspectors responsible for overseeing private sector labor and health and safety practices so that there are enough qualified inspectors to ensure private sector compliance with labor law, health, and safety standards. Review at least on an annual basis the need to increase the number of inspectors.
 - Increase the number of routine periodic spot inspections to ensure effective application of health, safety, and labor laws.
 - Mandate that the Ministry of Labor's Individual Complaints Department forward all complaints of labor law violations to the Inspections Department. Inspectors should investigate and pursue penalties, including fines, for any employer who violates the law, whether or not the employer and complaining worker settle their dispute in mediation.
 - Create a unit within the Ministry of Labor to monitor treatment of migrant domestic workers. Require that domestic workers appear at this office at least once in the first three months of employment, and once a year after that, for a private interview with an inspector to discuss his or her working conditions and to flag any violations. Ensure the availability of qualified interpreters.
 - Give inspectors authority to issue fines and other penalties for violation of laws and regulations or noncompliance with Ministry of Labor orders.
 - Establish procedures and schedules for inspectors to conduct follow-up inspections of documented violations and transfer these violations to the judicial system so that courts can issue fines and other penalties mandated by law.
 - Impose meaningful consequences, including fines, for violations of health and safety standards and labor laws, particularly in cases of withheld wages and serious health and safety hazards. Employers who fail to comply quickly with inspector warnings and orders, or who are found to repeatedly violate health, safety, and labor standards, should lose their operating permits and face maximum penalties.
 - Launch urgent special inspections campaigns focusing on common violations of migrant worker rights, including campaigns to eliminate fire hazards in labor camps and expose employers who withhold wages. Impose meaningful fines on violating employers and prohibit them from recruiting new workers.
- Extend to domestic workers all legal and regulatory protections that apply to other workers, including provisions related to periods of daily and weekly rest, overtime pay,

- employment mobility, LMRA jurisdiction, and wage discrimination. Introduce additional protections to address the specific nature of domestic work, such as working hours that allow for rest periods during the workday, the need for safe and private living accommodation, and a worker's dependence on her employer for adequate food.
- Strengthen provisions of the standard employment contract for domestic workers to meet protections outlined in the ILO Convention on domestic work. This includes specific provisions outlining terms of food, accommodation, and repatriation, and ensuring terms of employment not less favorable than those enjoyed by other workers generally, such as for hours of work, weekly periods of rest, and overtime pay.
 - Ensure that all domestic workers receive information about government complaint hotlines when they arrive in Bahrain, and staff hotlines with employees who speak the languages that domestic workers most commonly speak.
 - Initiate a public awareness campaign aimed at employers of domestic workers to encourage them to treat domestic workers with dignity and safeguard their rights. Solicit public support for the campaign from leaders across Bahraini society.
- Mandate payment of all wages into electronic banking accounts accessible in Bahrain and sending countries, including India, Pakistan, Bangladesh, Sri Lanka, Nepal, Ethiopia, Thailand, and the Philippines.
 - Phase in a requirement that all workers, including domestic workers, open accounts in an approved bank or government financial institution to receive direct deposit of wages.
 - Work with banks, NGOs, and international institutions such as the World Bank, the International Organization for Migration, and the ILO, to provide financial literacy to migrant workers.
 - Enforce criminal and civil penalties for withholding wages.
 - Enforce prohibitions on employers' confiscating workers' passports.
 - Publish and advertise widely a clear statement, issued by an authoritative government body, highlighting this prohibition under the anti-trafficking law, penal code provisions, and other laws. The statement should outline meaningful penalties for violations and specifically include employers of domestic workers.
 - Ensure speedy and full investigation and prosecution of employers and recruiters who violate this prohibition.

- Require that Bahrain-based labor recruitment agencies highlight this prohibition to all employers.
 - Work with sending country embassies, expatriate clubs, and employers to create passport repositories to provide workers with secure and accessible locations to store their documents.
- Address limitations on freedom of movement for migrant workers.
 - Eliminate the requirement that a sponsor cancel a migrant worker's work permit in order for the worker to leave Bahrain freely. In the interim, ensure that workers can leave the country without employer authorization and without undue delay, unless he or she is a defendant in a pending legal proceeding and a duly authorized court has restricted his or her travel.
 - Remove the requirement that workers stay with an employer one year before they can freely change jobs for workers who earn less than BD200 monthly and have registered a labor complaint with the Ministry of Labor or criminal complaints police or the Public Prosecution.
 - Reduce notice-of-termination requirements to one month for workers who earn less than BD200 monthly and are seeking to transfer employment without their employer's permission, in light of the fact that most low-income workers lack the bargaining power to negotiate their contracts, and that prompt transfer of these employees will not unduly harm employers' interests.
 - Waive all notice requirements for transferring employment by workers who file labor or criminal complaints of employer abuse with the police, the Public Prosecution Office, or Ministry of Labor.
 - Develop an insurance scheme for not-at-fault employers to offset financial losses such as recruitment fees if a migrant employee, including a migrant domestic worker, chooses to leave his or her employment prematurely.
 - Provide a pathway to legal employment for out-of-status and "free visa" workers whose immigration/work status resulted from human trafficking or leaving employment due to work-related abuses. Create a national manpower agency that can match out-of-status and "free visa" migrant workers with legal employment opportunities.
 - Provide effective protection, shelter, and support services to migrant workers who experience abuse, including forced labor, physical abuse, or sexual abuse.

- Provide psychological counseling and medical treatment for all workers who suffer physical, psychological, or sexual abuse.
 - Require police officials to transfer domestic workers who report abuse via hotlines to shelters, in accordance with procedures similar to those for workers who report abuse at police stations.
 - Staff shelters with employees who speak languages most often spoken by migrant workers.
 - Ensure effective criminal investigations and prosecutions in cases where crimes of physical abuse have taken place.
- Take stronger measures to identify, investigate, and punish recruitment agencies and informal labor brokers who charge workers illegal fees or engage in other illegal and unethical practices.
 - Require that Bahraini agencies and employers exercise due diligence in screening recruitment agencies they partner with in labor-sending countries in order to avoid contracting with abusive, exploitative and unethical recruiters.
 - Require that employers of workers who are found to have paid a recruiting fee reimburse their employees.
 - Coordinate closely with the governments of India, the Philippines, Sri Lanka, Indonesia, Pakistan, Ethiopia, Bangladesh, and other labor-sending countries to identify and penalize companies in Bahrain that are doing business with recruitment agencies and middlemen in Bahrain and abroad who unlawfully charge workers fees for travel, visas, or employment contracts.
 - Penalize agencies and employers that knowingly do business with recruiters who unlawfully charge workers fees in sending countries.
 - Penalize employers, recruiting agencies, and individuals who unlawfully charge workers recruitment fees, including by revoking their operating license and prosecuting them as applicable under the anti-trafficking law.
 - Adopt minimum wage legislation in compliance with international standards.
 - In the interim, cooperate with labor-sending countries to establish a minimum wage in migrant workers' employment contracts and ensure that foreign embassies be allowed to reject contracts that do not meet their countries' base employment standards. Ensure that such measures apply to domestic workers.

- Expand public information campaigns and training programs to educate migrant workers, including domestic workers and employers, about Bahraini labor policies, with an emphasis on worker rights and remedies.
 - Create a mandatory orientation for all incoming migrant workers, including domestic workers, about their rights and obligations in Bahrain and information about how to seek assistance. The orientation course should be a requirement for a work permit and be available in the languages most often spoken by migrant workers in Bahrain.
 - Create a mandatory orientation for employers of migrant workers, including for employers of migrant domestic workers, to inform them about workers’ rights and obligations under Bahraini law. This should include information about requirements and penalties under recent reforms.
 - Ensure that public information campaigns emphasize workers’ rights to change employers without the employer’s permission, and to keep their passports. Campaigns should include information about how to seek redress for alleged abuses through the appropriate ministry or hotline.
 - Expat Guilds and LMRA radio programs should include comprehensive information about workers’ rights, describe common violations against workers such as withheld wages, and provide workers with information about the process of seeking redress and which government agencies can help with this. Make Expat Guilds available in all government buildings and other areas commonly frequented by migrant workers, such as expat clubs, foreign embassies, remittance agencies, and key locations in sending countries.
 - Establish one or more “one-stop” centers where workers can find representatives of various ministries and offices they must deal with in filing and resolving complaints of rights violations—including representatives of the LMRA, the Ministry of Labor, the Ministry of Justice and Islamic Affairs, police, and the Directorate of Nationality, Residency and Passports.
- Ensure the safety and protection of migrant laborers, including those allegedly targeted by gangs, and conduct prompt investigations in order to bring those responsible to justice.
- Ratify relevant international human rights treaties and take steps to fulfill existing obligations.

- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Ratify the new ILO Convention No. 189 on decent work for domestic workers.
- Take steps to meet all recommendations made by the Universal Periodic Review working group to Bahrain during its 2008 UPR and by the CEDAW committee in 2008 regarding migrant workers, including adopting comprehensive labor reforms for migrant domestic workers.
- Ratify ILO Convention No. 81 on inspections and No. 131 on fixing a minimum wage.
- Ratify other key outstanding ILO core conventions: No. 87 on freedom of association, No. 98 on the right to organize and collective bargaining, No. 100 on equal remuneration, No. 111 on employment discrimination, and No. 138 on the minimum age.

To the Governments of Sri Lanka, Pakistan, Nepal, Ethiopia, Indonesia, Bangladesh, India, Thailand, and the Philippines

- Establish labor departments, headed by qualified labor attachés, in your embassies and consulates, commensurate in size and resources to the number of working nationals in Bahrain.
- Coordinate with the Bahrain government to identify companies doing business with recruitment agencies and informal middlemen, in your country or in Bahrain, which unlawfully charge workers fees for travel, visas, or employment contracts.
- Urge the Bahrain government to enforce its labor and criminal laws, hold violators fully accountable, and expand labor protections to domestic workers.
- Provide workers with essential services in Bahrain, including information about worker rights and redress, attorneys, and timely issuance of out-passes or passports.
- Pakistan, Nepal, Ethiopia, Thailand, and India should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Ratify the recently adopted ILO convention on treatment of domestic workers.

To Bahraini Companies

- Make public commitments to protect the rights of all workers associated with your project(s), including pledges to:
 - take all possible steps to ensure no workers have paid fees associated with their recruitment and reimburse workers who have paid any such fees in contravention of local law;
 - strictly prohibit the retention of workers' passports or other identity documents, including by subcontractors or intermediaries, and ensure that safe storage facilities where they can access such documents are made available
 - ensure that all workers sign enforceable employment contracts in a language that they understand prior to their migration; ensure on-time payment in full of workers' wages from the first month of their employment, paid on a no less than monthly basis;
 - and ensure adequate housing facilities for all workers in accordance with domestic and international standards

- Inform workers of their rights under Bahraini law in languages that they understand, including rights to overtime rates, to minimum numbers of days off and holidays, to health and safety information, to medical care, and to appropriate accommodation.

- Regularly collect and make public data on the number and kinds of occupational injuries and accidents on worksites.

Acknowledgements

Mani Mostofi, Tolan Fellow in the Middle East and North Africa Division at Human Rights Watch, wrote this report based on research that he and Kanwal Hameed, consultant for Human Rights Watch, conducted in Bahrain. Faraz Sanei, researcher in the Middle East and North Africa Division, provided research assistance. Joe Stork, deputy director of the Middle East and North Africa Division; Nisha Varia, senior researcher in the Women's Rights Division; Danielle Haas and Tom Porteous in the Human Rights Watch Program Office; Priyanka Motaparthy, researcher in the Women's Rights Division, and Arvind Ganesan, director of Human Rights Watch's Business and Human Rights program, provided editorial review. Clive Baldwin, senior legal advisor, provided legal review. Amr Khairy, Arabic language website and translation coordinator, and Rola Awada, associate with the Middle East and North Africa Division, arranged translation of this report into Arabic. Leah Caldwell, Tyson Patros, Mariam Bin Ghaith, Sheila Lalwani, Hebah Albiti, Omar Sabry, Mandy McClure, and Salma Abdou, interns at Human Rights Watch, provided research assistance and help with translation. Asra Jabeen Syed provided manuscript review. Adam Coogole and Arwa Abdelmoula, associates with the Middle East and North Africa Division, formatted the report. Samer Muscati, researcher in the Middle East and North Africa Division, also provided research assistance and photography. Grace Choi, publications director, Kathy Mills, publications specialist and Fitzroy Hepkins, mail manager, prepared the report for publication.

Human Rights Watch would also like to express appreciation for the assistance of Harry Lambert of Doughty Street Chambers, and, in Bahrain, of CARAM-Asia; Marietta Dias and Noora Feleyfel, chair and vice chair of the Migrant Workers Protection Society; Beverley Hamadeh and Jaishankar M., current and former general secretaries of the Migrant Workers Protection Society; Szalay and Evon Bhaskaran, head and assistant head of the Migrant Workers Protection Society Action Committee; Charanath Sivakumar and S. Sathis Kumar, former heads of the Migrant Workers Protection Society Safety and Welfare Committee; Mehru Vesuvala and Malika Maline Ruberia of the Migrant Workers Protection Society; Florine Mathis, former head of the Migrant Workers Protection Society shelter; Mona Almoayyed and Alfredo Loyola D'Souza, former chair and vice chair of the Migrant Workers Protection Society; journalist Khalil Bohazza; labor lawyers Maha Jaber and Lateesh Bharathan; and Karim Radhi of the General Federation of Bahrain Trade Unions; Faisal Fulad and Ateyatalla Rowhani from the Bahrain Human Rights Watch Society (not affiliated with Human Rights Watch); Abdulla al-Derazi, then secretary-general of the Bahrain Human Rights Society; Ben Millington, formerly of *Construction Week* magazine; Begena Pradeep of the *Gulf Daily News*; Gebe George, Fayez Abubacker, and Abdul Bashar Muksed Miah for assisting as interpreters; Said Yousif Almuhafdah of the Bahrain Center for Human Rights; and Nabeel Rajab, chairperson of CARAM-ASIA and president of the Bahrain Center for Human Rights.

Appendices

The appendices listed below are available online at:

http://hrw.org/sites/default/files/reports/bahrain1012_appendices.pdf

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

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

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

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

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

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

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

Appendix H: Response of the Bahrain Government to Human Rights Watch Request for Updates on Foreign Labor and Labor Statistics

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

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

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

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

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

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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