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2020 Trafficking in Persons Report: Bahrain

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BAHRAIN: TIER 1

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The Government of Bahrain fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Bahrain remained on Tier 1. The government increased overall trafficking investigations and prosecutions (including for forced labor), created labor trafficking-focused directorates, and investigated a Bahraini official allegedly complicit in a trafficking crime. Additionally, the government protected more victims and established a Center of Excellence for trafficking that aims to serve as a regional hub for expertise and training to combat the crime. The government allowed more workers to self-sponsor independent of an employer, and convened, organized, and funded a regional forum on trafficking that brought together high-level delegations from across the Middle East to share best practices and commit to specific anti-trafficking initiatives germane to the region. Although the government meets the minimum standards, it did not regularly investigate as potential trafficking crimes cases of unpaid or withheld wages, passport retention, and related abuses—all potential indicators of forced labor—but rather handled such matters administratively as labor law violations. Although vastly improved in the investigative and prosecution phases, the government's overall law enforcement efforts remained chiefly focused on sex trafficking; it did not achieve any convictions of forced labor. Incomplete legal authorities and limited access of labor inspectors and other relevant authorities to domestic worksites hindered implementation of existing laws governing the sector.

PRIORITIZED RECOMMENDATIONS:

Continue to increase efforts to investigate, prosecute, and convict traffickers, particularly suspect labor trafficking, including domestic servitude, and allegedly complicit officials. • Expand and active.,

enforce labor law protections for domestic workers. • Increase investigations and prosecutions of potential forced labor cases involving passport retention, non-payment of wages, and other indicators, as trafficking crimes. • Strengthen and expand efforts to reform the sponsorship system by extending labor law protections to all workers in Bahrain, including domestic workers and all workers holding flexible work permits. • Develop and implement a wage protection system covering all migrant workers. • Increase proactive identification of trafficking victims among vulnerable groups, such as domestic workers, migrant workers, and individuals in commercial sex. • Routinely require the use of tripartite labor contracts for domestic workers. • Train officials on and routinely use the two new labor trafficking-focused directorates to identify labor trafficking victims and investigate labor traffickers. • Continue to train officials, particularly police, on the anti-trafficking law and victim identification. • Continue to conduct national anti-trafficking awareness campaigns, strategically targeting migrant and domestic workers.

PROSECUTION

The government continued to strengthen its law enforcement efforts, with increased focus on forced labor. The anti-trafficking law, No.1 of 2008, criminalized sex trafficking and labor trafficking. It prescribed penalties ranging from three to 15 years' imprisonment, plus a fine of between 2,000 and 10,000 Bahraini dinar (\$5,310-\$26,530), and the cost of repatriating the victim(s), which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The government maintained a police unit dedicated to investigations of trafficking crimes but did not have a designated court or division for prosecuting these offenses. The Ministry of Interior (MOI) reported investigating 41 potential trafficking cases (60 individual arrests) during the reporting period, of which 29 were for sex trafficking and 12 for forced labor, marking an overall increase compared with 16 and three, respectively, during the previous period. It is also indicative of a more balanced law enforcement approach to sex and labor trafficking investigations. Calls to the government-run national trafficking hotline resulted in five of these investigations, as staff alerted the police who subsequently investigated the allegations. Officials prosecuted 53 alleged sex traffickers and seven individuals for alleged forced labor crimes, up from nine and zero, respectively, the year prior. The government convicted 14 individuals for sex trafficking under the anti-trafficking law and sentenced them to between three and 15 years' imprisonment, plus a fine, in accordance with the law; it convicted 23 sex traffickers and administered similar sentences the previous reporting cycle. On trend with previous years, officials did not achieve any forced labor convictions. As a supplemental penalty, the traffickers paid all costs associated with funding the repatriation of the victims to their respective home countries. The government planned to deport all non-Bahraini trafficking offenders upon the completion of their sentences. During the reporting period, authorities criminally investigated one Bahraini police officer for alleged complicity in a potential trafficking crime; the prosecution was ongoing at the conclusion reporting period, and the officer remained in custody pending trial. Two notable cases during the year

highlighted international cooperation with the Government of the Philippines: one case involved two Philippine nationals who arrived in Bahrain under false pretenses of improved pay, but traffickers subsequently forced them into sex trafficking. After the two Filipinas returned to their home country and contacted legal authorities, Filipino officials in Manama alerted the Bahraini authorities who immediately launched an investigation that resulted in six arrests, one of which included the aforementioned police officer. The government requested judicial assistance from its counterpart in Manila in order to allow the two victims to provide remote statements for ongoing court proceedings in Bahrain. The second case involved government cooperation with both the Kazakh and Saudi Arabian governments on a potential sex trafficking case; it remained in the preliminary investigative stage at the close of the current reporting period.

The government typically treated forced labor—cases of unpaid or withheld wages, passport retention, and related abuses—as administrative labor law violations resolved through arbitration rather than as trafficking crimes. Workers could file a grievance against the employer in a labor court if arbitration was unsuccessful. In a purported procedural shift intended to improve prospects for criminal prosecution of labor trafficking cases, in February 2020 the Ministry of Justice ceded authority to the Labor Market Regulatory Authority (LMRA) to prepare such cases for trial or arbitration and make recommendations to the judiciary. The LMRA established two directorates that are now housed under the Ministry of Justice's (MOJ) newly launched Labor Case Coordination section, which effectively serves as the MOJ's sole front-line agent for labor trafficking cases. The first (Protective Inspection Directorate) has the mandate to identify, investigate, and document all forms of labor exploitation with a focus on those with a prospective nexus to trafficking; it is staffed by 30 labor inspection officers trained by two international organizations. The second (Grievances and Protections Directorate) intends to receive, register, and document all labor-related criminal cases and serve as a pro bono legal clinic for migrant workers in Bahrain, complete with 10 language translators. The government incorporated both directorates into the government's broader national referral mechanism (NRM) with the end-goal of increasing ease of access for laborers to the justice system, reducing the time courts need to render an official decision, and examining labor disputes from a trafficking, with a victim-centered lens. During the year, the government also fully funded anti-trafficking trainings for a total of 230 Bahraini officials on targeted topics, such as legal analysis of the anti-trafficking law, labor inspection procedures, and victim-centered confidentiality issues.

PROTECTION

The government maintained strong efforts to protect victims. The government identified and provided robust protective services for 39 adult female trafficking victims (one of whom was a victim of forced labor), markedly up from the 12 total it assisted during the previous reporting period; all the victims were from Indonesia, India, Thailand, Kazakhstan, Russia, Egypt, and the Philippines. Many individuals who received assistance were not confirmed trafficking victims, but rather vulnerable workers in labor disputes and employees requiring temporary shelter prior to repatriation. The government

continued to employ its NRM designed to proactively identify trafficking victims, ensure proper documentation of cases, refer cases to the MOI and public prosecutor's office for an official determination as a trafficking case, and provide adequate protective provisions to victims until case resolution or voluntary repatriation. Officials provided 30-page, bilingual English-Arabic NRM booklets to all relevant ministries and nongovernmental stakeholders. The LMRA's digitized case management process of the NRM continued to increase in speed and effectiveness and resulted in better documentation of cases, which in turn improved processing of cases in the judicial sector. Police stations, other government entities, NGOs, and foreign embassies provided direct referrals to the LMRA. The LMRA's Expatriate Protection Unit (EPU) provided all 39 trafficking victims with shelter, food, clothing, medical care, religious support, psycho-social counseling, rehabilitation, transportation, familial reunification, translation assistance, legal counsel, and repatriation or job placement in Bahrain. In addition, the government provided all confirmed trafficking victims with monthly financial compensation—93 Bahraini dinar (\$250) for those who remained in Bahrain for the duration of trial—via its Victim Assistance Fund, and additional funding was available through the LMRA's budget to cover the costs of victim repatriation and daily EPU expenditures. The EPU continued to make services available to both male and female workers, regardless of their legal status in Bahrain. It also maintained onsite offices for medical and mental health professionals and a representative from the police anti-trafficking unit and provided a room for training shelter residents and a conference space for the national anti-trafficking committee. Embassies of labor-sending countries reported providing housing on a temporary basis for some potential victims involved in labor disputes or abusive situations who refused to go to the EPU or were unable to reach it.

Articles 19 and 40 of the Labor Law established some protections for domestic workers, requiring employers to provide a labor contract specifying working hours, annual leave, and bonuses, and that such workers must be paid at least monthly. However, Article 22, which prohibits contract switching or changes to preset work conditions outlined in the contract, was not applicable to domestic workers, effectively increasing the potential vulnerability to forced labor. Labor inspectors faced difficulties conducting unannounced inspections of domestic worker accommodations and investigating allegations of abuse in the absence of an official complaint due to cultural norms surrounding privacy in homes, which may have left some victims at risk of exploitation and without protection. The LMRA continued to disseminate to all registered recruitment agencies in Bahrain copies of the standard tripartite labor contract, which required domestic workers to sign, prior to their arrival, a comprehensive work agreement that outlined labor rights and employment obligations. The contract aimed to strengthen protections for domestic workers by requiring employers to disclose the nature of the job, hours to be worked, and salary, among other information. Domestic workers brought in to Bahrain by recruitment agencies are able to accept or reject an employment contract in their respective countries of origin, and the LMRA maintained copies of signed contracts to assist in any future labor disputes. During the previous year, the LMRA announced streamlined processes for obtaining initial visas and visa renewal for domestic workers. The inclusion of domestic workers in the Expatriate Management System, with all other expatriate workers, increased visibility through standardizing the application process and

retaining all worker-employee documents on the LMRA's electronic systems. The government mandated that all applications for domestic workers, whether received through a licensed recruitment office or directly from the employer, must be accompanied by the standard tripartite labor contract.

There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, it did not universally employ its proactive identification mechanism among vulnerable groups, such as domestic workers, migrant workers who fled employers, and individuals in commercial sex, meaning some potential victims may have remained unidentified and unprotected. Bahraini officials provided comprehensive protective assistance to trafficking victims regardless of their willingness to participate in investigations and court proceedings of their traffickers and relieved them from all legal and financial penalties related to unlawful acts traffickers compelled them to commit. The government reported it shared with all victims a full evaluation of their cases and their legal right to restitution in the event of a conviction. Two foreign national victims were permitted to testify via written correspondence, video recording, a closed-circuit live video, or in private. During the reporting period, two trafficking victims assisted with law enforcement investigations, compared with 12 who did so during the previous reporting period. Some migrant workers who fled abusive situations chose not to contact police to report the abuse due to being a “free visa” holder—laborers in violation of the local labor law because they work for a non-sponsor employer after leaving the employment of the sponsor that facilitated their entry into the country. The labor law allowed foreign workers to change sponsors during investigations and court proceedings, and roughly eight to nine percent of Bahrain's total expatriate worker populace did so during the year. Workers infrequently filed complaints against employers due to distrust of the legal system, protracted court processes, inability to afford legal representation, lack of interpretation and translation services, concern over potential loss of residence permits during proceedings, and fear of additional mistreatment due to employer reprisal. During the reporting period, per the victims' request, the government repatriated at least two third-country national trafficking victims to their countries of origin.

PREVENTION

The government increased efforts to prevent trafficking. The LMRA, with senior government support, convened, hosted, and fully funded the region's first anti-trafficking forum—with participation of high-level delegations from across the Middle East—to share best practices, discuss challenges to curbing the crime, and commit to regionally-specific efforts to combat trafficking to include the notorious *kafala* system. Since its inception in July 2017, the LMRA's “flexible (or flexi) work permit” program has served to regularize thousands of undocumented workers, while simultaneously permitting previously exploited and irregular laborers to sponsor themselves independent of an employer. During the reporting period, the number of “flexi” permit holders increased from just under 24,000 to 27,660 comprised of more than 50 different nationalities. Nearly 5,500 “flexi” permit holders renewed their permit during this time. Under the “flexi” permit, expatriates can reside and work in Bahrain without a sponsor, thereby r trafficking vulnerabilities inherent in the *kafala* or sponsorship-based employment system. Success...

applicants can work any full- or part-time job with any chosen employer—including multiple jobs concurrently with various employers—and are able to directly negotiate wages and working hours. To address concerns of NGOs and source country embassies regarding equity in coverage, in November 2018, the government temporarily extended eligibility to non-domestics and domestic workers who absconded from their employers; however, the government did not renew this expansion during the current reporting period, rendering domestic employees vulnerable to the plight of the *kafala* system. Legal workers were eligible to enroll in the program without the consent of their employer after the termination or expiry of their work permit. The “flexi” permit—one-year permit cost of 427 Bahraini dinar (\$1,130)—included a work permit, health care coverage, a refundable deposit for travel tickets, an extension of residency timeframes, and waived immigration fines incurred while in irregular status. Some NGOs and labor rights organizations continued to express concerns that the “flexi” program created a system of day laborers, shifted legal responsibilities to the employees, and amounted to economic coercion given the associated monetary costs of eligibility.

Passport retention was a crime punishable under Article 395 of the Bahraini penal code, although it remained a common practice by employers of unskilled laborers and domestic workers. However, unskilled and domestic laborers feared reporting their employers and refusing to hand over their passports. It was a crime to limit or otherwise control any person’s freedom of movement in accordance with Article 19(b) of the constitution of Bahrain. Laborers could file a grievance for passport withholding with the police, the Ministry of Labor, or LMRA; a worker could also register a complaint to the court directly if the employer refuses to return the passport. Labor authorities did not report referring any cases of passport retention to the police or investigating any such cases as potential trafficking crimes. The government required all recruitment agencies to submit a security deposit equivalent of 10,000 Bahraini dinar (\$26,530) to safeguard employees’ rights. During the reporting period, the government permanently shut down one recruitment agency and revoked its license for contravening Bahraini labor law; in 2018 it similarly closed two agencies. It cancelled the licenses of seven additional recruitment firms due to noncompliance with LMRA regulations. The LMRA’s Enforcement and Inspection Department employed 70 inspectors responsible for enforcement of employment violations, immigration violations, and worksite inspections; the inspectorate body conducted quarterly visits to all recruitment agencies.

The National Committee for Combating Trafficking in Persons’ budget increased to 984,000 Bahraini dinar (\$2.6 million), which included 534,000 Bahraini dinar (\$1.42 million) for operations and 376,000 Bahraini dinar (\$997,350) for anti-trafficking outreach programming. Earmarked in the previous reporting period, the government allocated 250,000 Bahraini dinar (\$663,130) during the current year to officially inaugurate a Center of Excellence, in partnership with two international organizations, for the purposes of capacity building for victim assistance among government and regional stakeholders. The government expanded its anti-trafficking awareness campaigns in both local and expatriate communities in Bahrain, involving youth of various nationalities, schools, social groups, religious institutions, NGOs, and foreign embassies. Additionally, it used mobile phones to proactively engage

with migrant labor populations, sending out more than 400,000 text messages with the trafficking hotline information, labor rights facts, and police station locations. The LMRA launched a new website during the reporting period (endtrafficking.bh) with a wide range of information on trafficking and myriad resources readily accessible for foreign workers. In partnership with an international organization, the national committee held a workshop targeting media personnel to enhance their understanding of trafficking, more accurately report on such issues, and improve the overall role of the media in combating the crime. During the reporting period, the government regularly hosted students from the University of Bahrain's legal clinic to enrich their understanding of trafficking, in addition to the protective services officials provide to foreign and domestic laborers. The LMRA continued to provide booklets outlining labor rights in 13 languages common among expatriate and migrant worker populations and distributed them to such populations upon their arrival at the Bahrain International Airport and at LMRA when applying for initial or renewed residency cards. The LMRA's hotline was active to both collect reports and serve as a resource to educate workers about their rights and available services in Arabic, English, Hindi, Malayalam, Sinhalese, Tagalog, Tamil, Telugu, and Urdu. The government reported receiving a 14 percent increase in the number of calls during the reporting period (6,444, up from 5,654 such calls the previous year), most of which pertained to labor rights, advice on workplace situations, and miscellaneous requests. Officials did not identify any victims through this hotline. The government concluded memoranda of understanding with several labor exporting countries, including Pakistan and India, which focused on oversight of recruitment agencies and protection of migrant workers in Bahrain. The government did not make efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Bahrain. Men and women, primarily from India, Bangladesh, Pakistan, Philippines, Ethiopia, Nepal, Egypt, Jordan, Yemen, Thailand, Syria, and Kenya, among other countries, migrate voluntarily to Bahrain to work as semi-skilled or unskilled laborers in the construction and service industries. The number of migrant workers from African states, such as Senegal, Cameroon, and The Gambia, is increasing. During the reporting period, approximately 80 percent of the total Bahraini workforce was comprised of foreigners, the majority being unskilled construction workers. Bahrain is home to roughly 84,000 domestic workers, nearly 61,000 of whom are female, predominantly from Ethiopia, India, the Philippines, Bangladesh, Kenya, and Indonesia. This category of employee includes agricultural workers, security house-guards, nannies, drivers, and cooks. Men from India and Bangladesh account for almost 79 percent of Bahrain's 23,000 male domestic workers. Domestic workers from African nations are increasingly susceptible to labor exploitation and arrive in Bahrain via direct recruitment from local employers. Some employers subject migrant workers to forced labor in Bahrain; indicators include passport retention, strict confinement, contract substitution, non-payment of wages, debt bondage, threats or intimidation, and physical or sexual abuse. NGOs and labor-sending countries report an uptick in incidents of unpaid wages, especially for construction and unskilled workers. Some migrant workers are not given or in possession

of their employment contracts and are generally unfamiliar with the employment terms contained therein. Nationals of countries without diplomatic presence in Bahrain, most significantly from African countries, are particularly vulnerable to trafficking, as are domestic workers, who are only partially protected under Bahraini labor law, and cultural norms and existing legal infrastructure avert private home inspection. Government and NGO representatives report physical abuse and sexual assault of female domestic workers are significant problems in Bahrain; controlled freedom of movement, withholding of workers' identity cards and passports, and employer coercion constrain employees from reporting such instances of exploitation.

While the government maintained regulatory authority over recruitment agencies, some migrant workers arrive in Bahrain independent of regulated agencies. Many laborers are paired with employers through intermediaries in Bahrain and unlicensed recruiters in their respective countries of origin; back-and-forth movement between Saudi Arabia and Bahrain via the King Fahad Causeway also contributes to this vulnerability, as Saudi nationals are able to sponsor foreign workers in Bahrain. Local press report traffickers recruit women to Bahrain via social media platforms or Bahrain-based acquaintances under false pretenses of high-paying jobs in the hospitality and domestic sectors and subsequently force them into sex trafficking. Traffickers also convince other women, mostly domestic workers already in Bahrain, to abscond from their employers with false promises of higher paying jobs; after being recruited, traffickers exploit some women in commercial sex through physical threats and debt-related coercion. Some unscrupulous employers continue to lure migrant workers to Bahrain and release them illegally in the labor market under the "free visa" scheme—laborers who pay an employer a recurring fee to sponsor a work visa while performing work for other employers in violation of local labor law—which can render them vulnerable to trafficking due to their illegal working status. Although notable reforms are underway, Bahrain's sponsorship-based employment system continues to put some workers, particularly domestic workers, at risk of trafficking by limiting their ability to change employers or leave the country and by giving employers the unilateral power to control the status of residency permits.

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