

Document #2010760

USDOS – US Department of State

2019 Trafficking in Persons Report: Bahrain

BAHRAIN: Tier 1

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 demonstrated serious and sustained efforts by increasing overall trafficking convictions, sentencing two complicit officials to significant jail time, and establishing and disbursing funds from the new Victim’s Assistance Fund to 10 victims. The government also allowed more undocumented workers to sponsor themselves independent from an employer, and it digitized its victim case management system within its National Referral Mechanism (NRM) to increase efficiency of referrals from a broad array of stakeholders and enable better monitoring and evaluation. 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—which it handled administratively as labor law violations. Its law enforcement efforts were disproportionately focused on sex trafficking, as it infrequently investigated, prosecuted, or convicted cases 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

Increase efforts to investigate, prosecute, and convict traffickers, particularly suspects of labor trafficking crimes, indicators of trafficking among domestic workers, and allegedly complicit officials. • Expand and actively enforce labor law protections for domestic workers. • 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; and include all employment sectors under the Wage Protection System. • Increase investigations and prosecutions of potential trafficking cases involving passport retention and non-payment of wages as trafficking crimes. • Increase proactive identification of trafficking victims among vulnerable groups, such as domestic workers, migrant workers, and women in prostitution. • Routinely use tripartite labor contracts for domestic workers. • Strengthen training for officials, particularly police personnel, 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 increased its law enforcement efforts. The anti-trafficking law, 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. Additionally, Article 325 of the penal code prescribed imprisonment of two to seven years for forced prostitution and three to 10 years if the victim was a child.

The Ministry of Interior (MOI) reported investigating 19 potential trafficking cases during the reporting period, of which 16 were for sex trafficking and three for forced labor, and involved adult females from Bangladesh, Ethiopia, India, Indonesia, Morocco, the Philippines, Russia, Sri Lanka, and Thailand; this is compared to 31 potential sex trafficking cases investigated during the previous year. Labor authorities reportedly referred an unknown number of cases of passport retention to the police for further investigation, as they violated the penal code. Officials referred eight investigations for prosecution, seven sex trafficking cases and one forced labor case, down from 18 it referred the prior year, while the remaining 11 cases remained under investigation as non-trafficking cases. It convicted 23 traffickers for sex trafficking crimes from a total of seven cases and sentenced them to between five and 10 years' imprisonment plus a fine of 2,000 Bahraini *dinar* (\$5,310); officials investigated four of these cases during the previous reporting period. Those convicted were of Bahraini, Bangladeshi, Indian, Indonesian, Pakistani, and Sri Lankan nationality. In 2017, Bahrain convicted and sentenced seven sex traffickers. 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. The government reported and local press broadcasted the convicting and sentencing of two police officers for sex trafficking crimes investigated during the previous reporting period. One law enforcement officer accepted bribes from traffickers and used his position of authority to preclude any investigations of the sex trafficking ring. The other officer, over a five-year timeframe, used his position and connections with hotels and residential buildings and colluded with a Colombian woman to lure women to Bahrain through social media under false pretenses of high salaries in legitimate jobs. The High Criminal Court sentenced both complicit officials involved in separate cases during this reporting period to 10 years in prison and a fine of 2,000 Bahraini *dinar* (\$5,310). Additionally, local press reported the initial investigation of a police officer for his alleged involvement in forcing foreign women into prostitution; however, due to insufficient evidence, authorities acquitted the accused officer.

The government did not routinely investigate unpaid or withheld wages, passport retention, and related abuses as indicators of trafficking, but instead treated these cases as administrative labor law violations. The public prosecutor did not receive any referrals from the Labor Market Regulatory Agency (LMRA) for recruitment agencies allegedly involved in forced labor; it received four such referrals during the previous

reporting period. More than 500 government officials from key ministries participated in various targeted anti-trafficking workshops during the reporting period. The LMRA fully funded a donor-led, three-part training seminar for 85 government staff focused on investigating cases of forced labor and sex trafficking. Officers and MOI personnel continued to receive annual, mandatory anti-trafficking training at the Royal Academy for Police.

PROTECTION

The government maintained efforts to protect victims. The government identified twelve adult trafficking victims (11 sex trafficking victims and one victim of forced labor), among 259 potential victims it provided shelter to during the reporting period, a decrease from 31 adult trafficking victims it identified the previous year out of a total 516 assisted. The confirmed victims hailed from Bangladesh, Colombia, Sri Lanka, Indonesia, India, and Thailand. Officials reported the vast majority of the individuals it assisted were not confirmed trafficking victims, but rather vulnerable workers involved in labor disputes and employees requiring temporary shelter prior to repatriation. The government continued to employ and distribute 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 distributed the 30-page, bilingual English-Arabic NRM booklets to all relevant ministries and nongovernmental stakeholders, and trainers from two international organizations, with governmental financial and in-kind support, continued to provide trainings to key stakeholders on its effective implementation. In November 2018, the government digitized the case management process of the NRM to increase its speed and effectiveness, and used the online platform to monitor and analyze trafficking and prosecution trends. The LMRA reportedly received direct referrals from a variety of sources, including the national anti-trafficking committee's hotline, police stations, other government entities, and foreign embassies. The LMRA's Expatriate Protection Unit (EPU) hosted 182 females—12 of whom were trafficking victims—and provided them 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. The EPU continued to oversee the safe house and shelter 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 they temporarily housed some potential victims involved in labor disputes or abusive situations who refused to go to the EPU or were unable to reach it. In April 2018, the national anti-trafficking committee allocated 200,000 Bahraini *dinar* (\$530,500) for the establishment of a victim assistance fund from which trafficking victims were entitled to small grants (\$3,000) to help them reestablish themselves either in Bahrain or in their home country. Trafficking victims were also eligible for an additional monthly compensation for loss of income in the event their presence for an extended period in Bahrain was requested by the judge to conclude a criminal trial. The fund has

supported 10 trafficking victims since its official launch. Additional funding was available through the LMRA's budget to cover the costs of victim repatriation and daily EPU expenditures.

Labor Law No. 36 of 2012 established some protections for domestic workers, requiring employers to provide a labor contract specifying working hours, annual leave, and bonuses, and to pay workers at least monthly. However, Article 22 of the Labor Law—which prohibits contract switching or changes to preset work conditions outlined in the contract—was not applicable to domestic workers, which increased their vulnerability to forced labor. Multiple agencies cited 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 protective provisions. The LMRA made available on its homepage as well as disseminated 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 unified contract aimed to strengthen protections for domestic workers by requiring employers to declare the nature of the job, hours to be worked, and salary, among other critical information. This mechanism allowed domestic workers brought in by recruitment agencies to accept or reject an employment contract in their respective countries of origin, and the LMRA maintained copies of the contracts to assist in any future labor disputes. The government reported that licensed recruitment agencies used the standardized labor contracts for newly arrived domestic workers during the reporting period. In March 2019, the LMRA announced streamlined processes for obtaining initial visas and visa renewals for domestic workers. The inclusion of domestic workers in the Expat Management System, along with all other expatriate workers, increased visibility through standardizing the application process and retaining all worker-employee documents on the LMRA's systems. The government mandated all applications for domestic workers, whether 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 women in prostitution, meaning some potential victims may have remained unidentified and unprotected. Bahraini officials provided full 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 actions committed as a result of being subjected to trafficking. 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. Victims were permitted to testify in person, via written correspondence, video recording, a closed-circuit live video, or in private. During the reporting period, 12 trafficking victims assisted with law enforcement investigations compared to no reported participation during the previous reporting period. NGOs reported workers who overstayed the legal validity of their tourist or work visa did not routinely benefit from Bahraini legal

protections. 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 are working for an employer who was not their sponsor, 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. The government reported that 18,063 workers transferred employment from one sponsor to another 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 victim’s request the government repatriated 12 third country national trafficking victims to their countries of origin.

PREVENTION

The government strengthened overall efforts to prevent trafficking. 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. The “flexi” permit ultimately aimed to reduce trafficking vulnerabilities inherent to the sponsorship-based employment system. During the reporting period, the number of “flexi” permit holders increased from 5,000 to more than 24,000, comprised more than 50 different nationalities, and approximately 90 percent of “flexi” recipients hailed from Bangladesh. Under the “flexi” permit, expatriates can reside and work in Bahrain without a sponsor. Successful 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 the concerns of NGOs and source country embassies regarding equity in coverage, in November 2018, the government temporarily extended eligibility for a six-month amnesty period to non-domestic workers and domestic workers—which includes agricultural workers, home security personnel, nannies, drivers, and cooks—who absconded from their employers. In addition, legal workers were eligible to enroll in the program without the consent of their employer after the termination or expiry of their work permit. Furthermore, in November the LMRA amended the “flexi” permit to allow new enrollees to purchase either a one- or two-year permit for 449 Bahraini *dinar* (\$1,190) or 277 Bahraini *dinar* (\$730), respectively. However, in February as part of the government’s launch of a National Employment Program, designed to promote the hiring of Bahrainis in the private sector, it subsequently increased fees for companies that hire Bahrainis over expatriates as well as the overall cost of the “flexi” permit fee. The two-year permit increased by 300 Bahraini *dinar* (\$800) and the one-year permit increased by 150 Bahraini *dinar* (\$400). The latter form of the “flexi” permit 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. During the reporting period, the Government of the Philippines began paying for its citizens’ “flexi” permit application fees with an estimated budget of \$1.4 million to encourage wider participation in the program. However, some NGOs and labor rights organizations

continued to express concerns that the “flexi” program created a system of day laborers, overly shifted legal responsibilities to the employees, and generated economic coercion given the associated costs of eligibility.

Passport retention was a crime punishable under Article 395 of the Bahraini penal code, although it remained a ubiquitous practice by employers of unskilled laborers and domestic workers. 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 may file a grievance for passport withholding with the police, the Ministry of Labor (MOL), or LMRA; a worker may also register a complaint to the court directly if the employer refuses to return the passport. Labor authorities reportedly referred an unknown number of cases of passport retention to the police as they violated the penal code vice labor law; however, they did not report investigating any such cases as potential trafficking crimes. The government typically treated indicators of forced labor—cases of unpaid or withheld wages, passport retention, and related abuses—administratively as labor law violations and resolved through arbitration rather than routinely investigating for trafficking crimes; however, if arbitration was unsuccessful a worker could file a grievance against the employer in a labor court. The government piloted a recruitment integrity system, designed by an international organization, to identify agencies for auditing to ensure they adhered to global ethical standards on labor recruitment. Moreover, in partnership with the international organization, officials funded several workshops to certify that eight labor recruitment agencies had ethical labor recruitment and employment methods in compliance with international standards. During the reporting period, the government permanently shut down two recruitment agencies and revoked both licenses for contravening Bahraini labor law, and it cancelled the licenses of an additional 14 agencies due to non-compliance with LMRA regulations; in 2017, the government closed three agencies and cancelled 17 licenses. 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’s budget remained at 500,000 Bahraini *dinar* (\$1.3 million) for operations and 376,000 Bahraini *dinar* (\$997,350) for anti-trafficking outreach programming. The government also earmarked an annual budget of 190,000 Bahraini *dinar* (\$503,980) to establish and run a center of excellence for an international organization for the purposes of capacity building for victim assistance among government and regional stakeholders. The government maintained its anti-trafficking awareness campaign in both local and expatriate communities in Bahrain, involving youth of various nationalities, schools, religious institutions, NGOs, and foreign embassies. 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. Also 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 14 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. During the reporting period, the hotline received 5,654 calls, most of which pertained to labor rights, advice on workplace situations, and miscellaneous requests; however, officials did not identify any trafficking victims through this hotline. MOL investigated 1,373 cases of delayed or withholding of wages based on calls received, of which they resolved 48 percent in amicable out-of-court settlements and referred the remainder to the labor courts. The government had 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 discernable efforts to reduce the demand for commercial sex or forced labor. 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. In recent years, the greatest influx of workers hailed from Bangladesh, and Bangladeshis made up the majority of Bahrain's 61,000 undocumented workers; their illegal residency status renders them vulnerable to under- and non-payment of wages, debt bondage, and other forms of labor exploitation. During the reporting period, 78 percent of the total Bahraini workforce was comprised of foreigners. Domestic workers—male and female—and unskilled laborers, mostly in the construction sector, remain the most vulnerable to trafficking. 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. Nationals of countries without diplomatic presence in Bahrain 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 officials 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 precludes employees from reporting instances of exploitation.

The government maintained regulatory authority over recruitment agencies, but many migrant workers arrive in Bahrain independent of regulated agencies. Local press reported traffickers recruit women from Sri Lanka, India, and Bangladesh to Bahrain via social media platforms or Bahrain-based acquaintances under false pretenses of high-paying jobs and subsequently force them into prostitution. 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 some women

are also reportedly compelled into prostitution through physical threats and debt-related coercion. Domestic workers hailing from African countries are increasingly vulnerable to labor trafficking and arrive in Bahrain through direct recruitment by local employers. Many migrant workers are paired with employers through intermediaries in Bahrain and unlicensed recruiters in their respective countries of origin, in addition to back-and-forth movement between Saudi Arabia and Bahrain via the causeway as Saudi nationals are able to sponsor foreign workers in Bahrain. Some migrant workers are not given or in possession of their employment contracts and are generally unfamiliar with the employment terms contained therein. 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 work for an employer who was not their sponsor, after leaving the employment of the employer who sponsored their entry into the country, in violation of the local labor law—thereby rendering them vulnerable to trafficking. Although some reforms are underway, Bahrain’s sponsorship-based employment system continues to put some workers at risk of trafficking by restricting their ability to change employers or leave the country, and by giving employers the unilateral power to control the status of residency permits.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2018 to March 2019)

**Country:**

Bahrain

Source:

[USDOS – US Department of State](#) [\(/en/source/11558.html\)](#)

Original link:

<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/bahrain/> (<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/bahrain/>)

Document type:

Periodical Report

Language:

English

Published:

20 June 2019

Document ID:

2010760

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

