

Bahrain



Population: 728,709
Population Growth Rate: 1.292%
Birth Rate: 17.01 births/1,000 population
Life Expectancy: total population: 75.19 years
Male: 72.67 years
Female: 77.78 years
Literacy Rate: total population: 86.5%
Male: 88.6%
Female: 83.6% (2001 census)
Net Migration Rate: 0.2 migrant(s)/1,000 population
Unemployment Rate: 15% (2005 est.)
Gross Domestic Product per Capita: \$38,400
Religions: Muslim (Shi'a and Sunni) 81.2%, Christian 9%, other 9.8% (2001 census)
Languages: Arabic, English, Farsi, Urdu
Ethnic Groups: Bahraini 62.4%, non-Bahraini 37.6% (2001 census)
Capital: Manama¹

Trafficking Routes

Many trafficking routes connect Bahrain with other countries; the list includes India, the Philippines, Bangladesh, Pakistan and Sri Lanka.² There have also been reports of illegal domestic workers from Sri Lanka and the Philippines being employed in Bahrain. According to the Thai Minister of Social Development, many victims of trafficking are shuttled to Bahrain from Thailand.³

Factors That Contribute to the Trafficking Infrastructure

The structure of the Bahrain economy creates favorable conditions for the increasing activity of human trafficking in the country. Many economic sectors utilize a large number of migrant workers, who later frequently fall prey to exploitation.⁴ According to some estimates, more than 30 percent of the Bahraini population is made up of foreign employees.⁵

Forms of Trafficking

¹ CIA, THE WORLD FACTBOOK: <https://www.cia.gov/library/publications/the-world-factbook/geos/ba.html> (last visited Jun. 26, 2009).

² International Organization for Migration, Bahrain Overview, <http://www.iom.int/jahia/Jahia/bahrain> (last visited Jan. 28 2010).

³ Chularat Saengpassa, *Human Trafficking Victims Still Lack Protection*, THE NATION, Jun. 5, 2009, <http://www.nationmultimedia.com/search/read.php?newsid=30104414&keyword=Asean>.

⁴ Chularat Saengpassa, *Human Trafficking Victims Still Lack Protection*, THE NATION, Jun. 5, 2009, <http://www.nationmultimedia.com/search/read.php?newsid=30104414&keyword=Asean>.

⁵ James Fearon and David Laitin, *Bahrain*, STANFORD UNIVERSITY 4 (Jun. 15, 2005), available at [http://www.stanford.edu/group/ethnic/Random Narratives/BahrainRN1.1.pdf](http://www.stanford.edu/group/ethnic/Random%20Narratives/BahrainRN1.1.pdf).

A large portion of trafficking victims in Bahrain are domestic workers. It is known from a variety of reports that a large number of migrant workers who are employed in the construction industry are at a high risk of exploitation when they enter Bahrain.⁶

In September 2005, a joint letter was sent by the Special Rapporteurs of trafficking in persons, human rights of migrants, sale of children, child prostitution, child pornography, and violence against women; alleging that there is a persistent abuse of migrant domestic servants occurring in Bahrain, particularly to female migrants. The letter raised several issues of concern: the first being the lack of protection for migrant workers by the Bahraini Private Sector Labor Law; another touched on the issue of workers passports and papers being confiscated and locked away leaving them unable to leave the country; the risk of arrest for migrant workers who manage to escape their exploitative employers is also pointed out; and insufficient legal recourse for victims of abuse is of great concern. There are also many instances of sexual abuse that have been reported in Bahrain.⁷

Government Responses

Significant efforts have been made by the Bahraini Government in an attempt to solve the problem of human trafficking. A comprehensive law on trafficking in persons was approved by the Shura Council and promulgated by King Hamad Bin Issa Al-Khalifa in January 9, 2008. This is a significant step forward, as it provides Bahrain with comprehensive anti-trafficking legislation.

The anti-trafficking law states that any person found guilty of trafficking in persons shall be subject to imprisonment and a fine ranging from 2,000 Bahraini dinars to 10,000 dinars.⁸ The offender will also be charged the costs of the trial, including repatriation expenses when the victim is a foreigner and must be returned to his or her home country. It is specified that the provisions apply without prejudice to any harsher penalty prescribed by the penal code.⁹

If the perpetrator is a corporate employee, the range of the fine is increased to no less than 10,000 dinars and no more than 100,000 dinars.¹⁰ The court may also order the dissolution of closure for the corporate employee involved.¹¹

The following situations are listed in the law as aggravating circumstances in a crime of human trafficking: the crime is committed by a criminal group; the victim is under the age of 15, a female or a person with special needs; the crime is of a non-

⁶ Chularat Saengpassa, *Human Trafficking Victims Still Lack Protection*, THE NATION, Jun. 5, 2009, <http://www.nationmultimedia.com/search/read.php?newsid=30104414&keyword=Asean>.

⁷ UN Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Bahrain Centre for Human Rights (Mar. 27, 2006), available at <http://www.bahrainrights.org/en/node/385>.

Commission on Human Rights. *Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children*, E/CN.4/2006/62/Add. 1 (26 March 2006), available at <http://domino.un.org/unispal.nsf/1ce874ab1832a53e852570bb006dfaf6/af6fb707cba05b9e8525717700550c58>.

⁸ Kingdom of Bahrain Shura Council, *Draft Law No. () of _ with Respect to Trafficking in Persons*, Art 2.

⁹ *Id.* at 8.

¹⁰ Art. 3.

¹¹ Art. 3.

national nature; the offender is a blood relative or the guardian of the victim, or the victim is the offender's servant; and the victim contracts an incurable disease as a result of the crime suffered.¹²

The law also provides for a series of proceedings to protect victims during the investigation phase of a case, such as the right to be informed of their legal rights, the right to medical and psychiatric assistance if needed, and the right to be protected throughout the course of the investigation. The victim shall also be admitted into a special shelter and assistance if they need help to secure employment.¹³

The anti-trafficking law provides for the establishment of a Committee for the Assessment of the Status of Foreigners Who Are Victims of Trafficking in Persons. The committee is charged with coordinating the repatriation of victims and making recommendations to the Minister of Interior if the victim needs to remain in the country, this includes an adjustment of the victim's legal status if need be to secure them employment.¹⁴

The law also institutes the Committee for Combating Trafficking in Persons for the purpose of establishing a program against trafficking, raising awareness of the subject through research, as well as information gathering and media campaigns.¹⁵

The Bahrain Penal Code criminalizes soliciting for prostitution in a public place;¹⁶ punishment for this offense is imprisonment up to two years.¹⁷ Enticing or assisting a person to commit acts of immorality or prostitution is also prohibited.¹⁸ If the victim is younger than 18, the punishment for the offense is imprisonment for up to five years.¹⁹ The code also prohibits using coercion, threat, or deceit to force a person to commit prostitution.²⁰ Punishment for the perpetrator is imprisonment for two to seven years.²¹ If the victim is under 18, imprisonment for the perpetrator is three to ten years.²² The code similarly prohibits living off the money received from one's own prostitution or from the

¹² Art. 4.

¹³ Art. 5. Article 9 of the Law on Human Trafficking states that "The Minister of Social Development shall issue a Ministerial Order with respect to the organisation of centres for sheltering the victims of trafficking in persons, and determining the specifications and standards for approving the entities to be entrusted with providing accommodation thereto and the rules for carrying out inspections of sheltering centres and accommodation of the victims of such crimes."

¹⁴ Art. 7. The article states that the Committee for the Assessment of the Status of Foreigners who are Victims of Trafficking in Persons "shall be comprised of representatives from the Ministry of Foreign Affairs, General Directorate of Nationality, Passports and Residence, Ministry of Social Development and the Labour Market Regulatory Authority, of whom each shall appoint two persons to represent it."

¹⁵ Art. 8. The Committee for Combating Trafficking in persons shall be comprised of representatives from government authorities to be determined by the Ministerial Order after co-ordination with such authorities especially the Ministry of the Interior, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Social Development, Ministry of Information and the Labour Market Regulatory Authority, as well as representatives from three civil societies to be nominated by the Minister of Social Development."

¹⁶ Art. 329. According to Art. 329§2, "Every notice containing an invitation implying a temptation to indulge in immorality or prostitution ... shall be considered as soliciting."

¹⁷ Art. 329 §1.

¹⁸ Art. 324.

¹⁹ Art. 324 §2.

²⁰ Art. 325.

²¹ Art. 325 §1.

²² Art. 325 §2.

prostitution of another.²³ Punishment is imprisonment for up to five years,²⁴ though it may increase to 15 years if the perpetrator is a spouse of the victim, is his or her in-law, or is responsible for the victim's upbringing or care.²⁵ Founding or operating a brothel or an establishment for prostitution is also prohibited.²⁶ Punishment for this crime is imprisonment for two to five years.²⁷ In addition, all establishments used for prostitution are to be shut down and their property confiscated.²⁸

The penal code provides that if a foreigner, whether male or female, is convicted by a court of any of the crimes involving prostitution, set forth in the code, the judge may order the deportation of that foreigner.²⁹

The old Bahrain sponsorship system was replaced by alternative legislation in 2009. The new labor law will went into effect in August 2009 and is appraised by migrant rights activists as an improvement of the work conditions of foreign employees, especially those involved in domestic work. The law allows domestic workers to leave employers much easier than the sponsorship program allowed, thus diminishing the likelihood of abuse and exploitation.³⁰ Based on the new legislation, foreign workers no longer have to seek the permission of their sponsors in order to switch jobs; they can now do so on their own and before the contract with their current employer expires. This is due to a new stipulation preventing employers from adding an article in the contract forbidding workers from quitting before the end of the contract period. However, employees need to have another job offer before they can leave their previous position. If they do leave work or if their contract expires before they have secured other employment, workers must leave Bahrain. The new legislation pertains to both private and public sector foreign workers.³¹

The Aliens Act (Immigration and Residence) of 1965 denies entry of a foreigner into Bahrain if the immigration officer believes the alien has been convicted in Bahrain or elsewhere of a crime that makes entry into Bahrain undesirable.³² Similarly, entry can be denied if the health inspector decides that allowing the alien to enter Bahrain is undesirable for health reasons.³³ Deportation orders are issued by the court in cases involving commission of crimes by the alien³⁴ or for other "public interest" reasons.³⁵ The act specifically penalizes anyone who harbors a person while having knowledge or reasonable belief that the person has violated the immigration rules.³⁶ Under the act, it is

²³ Art. 326.

²⁴ Art. 326. Art. 326 §2 states that the sentence applies regardless of the consent of the victim.

²⁵ Art. 327.

²⁶ Art. 328.

²⁷ Art. 328 §1.

²⁸ End Child Prostitution, Pornography, and Trafficking (ECPAT) International Online Database, <http://www.ecpat.net> (last visited Feb. 1, 2010)

²⁹ Art. 331.

³⁰ *Bahrain Scraps Sponsorship System*, MIGRANT RIGHTS, (May 6, 2009), <http://www.migrant-rights.org/2009/05/06/bahrain-scraps-sponsorship-system/comment-page-1/>.

³¹ Habib Toumi, *Bahrain's Decision to Scrap Sponsorship Rule Elicits Mixed Response*, GULFNEWS.COM, May 5, 2009, available at <http://www.gulfnews.com/news/gulf/bahrain/10310774.html>.

³² Art. 5 §2c.

³³ Art. 5 §2b.

³⁴ Art. 25 §2a.

³⁵ Art. 25 §2b.

³⁶ Art. 28 §2.

also a crime to alter, forge, falsify, or possess any certificate or document issued or drafted under this act, such as certificates, passports, visas, residence permits, or other documents.³⁷

In May 2006, the Labour Market Regulatory Authority (LMRA) was created and monitors the status of foreign workers in Bahrain. In September 2007, the LMRA put pressure on employers and obtained more than 1,300 passports of runaway workers in their efforts to “clean up the labour market and make the amnesty process smooth and successful.”³⁸

Nongovernmental and International Organization Responses

The Bahrain Centre for Human Rights engages in advocacy, workshops, and media campaigns in order to promote human rights issues and frequently reports on the treatment of foreign workers.³⁹ Another nongovernmental organization monitoring issues affecting abused migrant workers is the Bahrain Human Rights Watch Society.⁴⁰

The Migrant Workers Protection Society is engaged in assisting migrant domestic helpers and laborers who are victims of abuse. The society has rented an apartment and is using it as a temporary shelter for these victims.⁴¹

The Embassy of the Philippines also operates a shelter for exploited domestic workers in Bahrain and helps people return back to the Philippines safely.⁴²

The Information Centre for Women and Children, a regional information network center for Bahrain and neighboring countries, researches and provides information about the living conditions of women and children in the region.⁴³

The global nonprofit organization Education Development Center is working on the Labor Market Reform Initiative. The project is sponsored by USAID and aims to support the government of Bahrain in its effort to reform the labor market and reduce the trafficking and exploitation of foreign workers.⁴⁴

Multilateral Initiatives

In March 2009, the Kingdom of Bahrain hosted a regional conference on the trafficking of persons, entitled Human Trafficking at the Crossroads. The purpose of the event was to discuss the connection between the public and private sectors in the country in terms of

³⁷ Article 28 §3c.

³⁸ Soman Baby, *1,337 Passports Handed Over*, LABOUR MARKET REGULATORY AUTHORITY, (Sept. 18, 2007), <http://lmra.bh/en/newsart.php?id=124>

³⁹ More information about the Bahrain Centre for Human Rights is available at <http://www.bahrainrights.org/en/about> (last visited Jul. 9, 2009).

⁴⁰ More information about the Bahrain Human Rights Watch Society is available at www.bhrws.org (last visited Jul. 9, 2009).

⁴¹ More information about The Migrant Workers Protection Society is available at <http://www.mwpsbahrain.com> (last visited Jan. 27, 2010)

⁴² *83 Distressed Pinoys Crowd Embassy in Bahrain*, GMA NEWS, (Apr. 7, 2007), <http://www.gmanews.tv/story/37315/83-distressed-Pinoys-crowd-embassy-in-Bahrain>.

⁴³ More information about the Information Centre for Women and Children is available at http://www.infocent.com.bh/main_eng.htm (last visited Jul. 9, 2008).

⁴⁴ *Human Trafficking in Bahrain: EDC Drafts Legislation to Reform Labor Practices*, EDUCATION DEVELOPMENT CENTER, (Jul. 1, 2007), http://www.edc.org/newsroom/articles/human_trafficking_bahrain.

human trafficking and to encourage collaboration between these two sectors on the issue of trafficking in persons. One of the main achievements of the conference was the signing of the *Manama Declaration*, which reiterated the participants' resolve to combat trafficking in persons and urged countries to continue education on the subject, to adopt a more comprehensive legal framework related to human trafficking, and to implement the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁴⁵

⁴⁵ Chularat Saengpassa, *Human Trafficking Victims Still Lack Protection*, THE NATION, (Jun. 5, 2009), <http://www.nationmultimedia.com/search/read.php?newsid=30104414&keyword=Asean>.