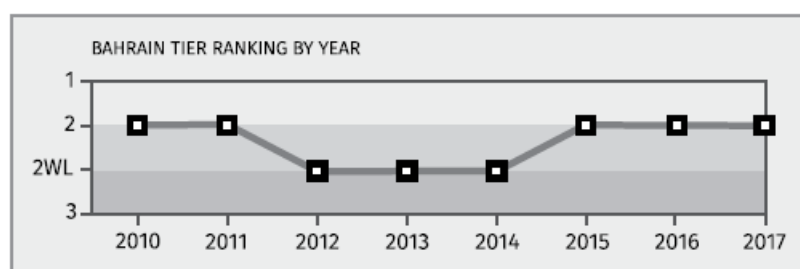


BAHRAIN: TIER 2

The Government of Bahrain does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; Therefore, Bahrain remained on Tier 2. The government demonstrated increasing efforts by developing a national referral mechanism and disseminating the strategy to relevant government and civil society stakeholders. It investigated potential trafficking cases and continued its anti-trafficking training for various officials during the year. It took some concrete steps to amend elements of the sponsorship system that increase workers' vulnerability to forced labor and debt bondage. However, the government did not meet the minimum standards in several key areas. It convicted fewer traffickers and made minimal efforts to proactively identify potential forced labor victims. Reports of official complicity persisted, and enforcement of curbing the "free visa" scheme—laborers who work for a non-sponsor employer and subsequently have illegal working status—remained weak throughout the reporting period.



RECOMMENDATIONS FOR BAHRAIN

Increase efforts to investigate, prosecute, and convict traffickers, particularly cases involving forced labor or allegedly complicit officials; abolish or significantly amend provisions of the sponsorship system, and strengthen efforts to eliminate the "free visa" scheme; vigorously investigate potential trafficking cases involving passport retention and non-payment of wages; systematically implement formal procedures to identify trafficking victims among vulnerable groups, such as domestic workers and women in prostitution; fully implement the national referral mechanism for law enforcement and other officials to refer identified victims to protection services; expand the flexible work permit pilot program to a broader range of eligible beneficiaries beyond workers with terminated or expired work permits; extend to and actively enforce labor law protections for domestic workers; make efforts to ensure identified trafficking victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking, such as illegal migration or prostitution; broaden training for officials on the anti-trafficking law and victim identification; conduct a national anti-trafficking awareness campaign on trafficking issues, strategically targeting migrant and domestic workers.

PROSECUTION

The government demonstrated uneven law enforcement efforts. Bahrain's anti-trafficking law, Law No.1 of 2008, prohibits all forms of trafficking and prescribes 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 are sufficiently stringent and commensurate with penalties prescribed for other serious

crimes, such as rape. Article 325 prescribes imprisonment of two to seven years for forced prostitution and three to ten years if the victim is a child. Passport retention is a crime punishable under article (395) of the Bahraini penal code. Additionally, it is a crime to limit or otherwise control any persons' freedom of movement in accordance with article (19) (b) of the constitution of Bahrain. In order to enforce this prohibition, laborers may file a grievance for passport withholding with the police or Labor Market Regulatory Authority (LMRA); a worker may also register a complaint to the court directly if the employer refuses to return the passport.

The Ministry of Interior (MOI) reported investigating 29 potential trafficking cases during the reporting period, of which five were for forced labor, 19 for sexual exploitation, and five involved domestic workers, compared to 18 investigations the previous reporting period. Of the 29 investigations, Justice Officials received 25 for consideration, one of which involved a domestic worker. The government referred four domestic worker cases to criminal courts as labor disputes rather than trafficking cases due to insufficient evidence. It convicted and sentenced three traffickers to five years imprisonment; in 2015, the government convicted 17 sex traffickers and imposed 10-year prison terms plus fines and deportation. At the close of the reporting period, five trafficking cases, and four from the previous year, remained ongoing. Officials reported three government employees were allegedly complicit in potential trafficking crimes. Two of these cases remained under investigation and one was in the trial phase at the conclusion of the reporting period. The media reported the arrest of two police officers—one former and one current—for their role in the sex trafficking of foreign women; however, it was unclear if the government and media were reporting the same two cases.

Cases of unpaid or withheld wages, passport retention, and analogous abuses that are indicators of forced labor were typically treated administratively as labor law violations and resolved through arbitration; however, if arbitration was unsuccessful a worker could file a grievance against the employer in a labor court. These cases were not often investigated for trafficking crimes despite exhibiting indicators of the crime. In 2016, the government reported closure of 39 recruitment offices and revocation of their licenses, and canceled an additional 25 licenses for non-compliance with Bahraini labor law. The public prosecutor received referrals from the LMRA of 13 recruitment offices allegedly involved in forced labor, compared to four such cases in 2015. The LMRA's Enforcement and Inspection Department employed 70 inspectors in enforcement of employment contraventions under its purview such as worksite inspections. The MOI continued to fund periodic training for all 59 members of the MOI Anti-Trafficking Division in various programs at the Royal Police Academy, and in other training programs by an international organization. Six prosecutorial personnel received anti-trafficking training via the Judicial and Legal Studies Institute.

PROTECTION

The government made modest efforts to protect victims, but did not report how many victims it identified; in 2015, it identified 90 trafficking victims. The government used standard procedures to identify potential trafficking victims. The government reported 1,523 individuals of various nationalities and professions—predominantly women—received assistance from the LMRA's Expatriate Protection Unit (EPU), which provided

shelter to 392 for an average of 39 days; among this population, 25 were trafficking victims. Other protective provisions included food, clothing, medical care, religious and psycho-social support, transportation, legal counsel, familial reunification, translation assistance, and information on labor rights. The EPU maintained onsite offices for medical and mental health professionals and a representative from the police anti-trafficking unit, and provided a training room for training shelter residents and a conference space for the national anti-trafficking committee.

Several embassies of labor-sending countries reported they temporarily housed some victims who refused to go to the

EPU or were unable to reach it. The EPU received referrals from diverse sources, including the police, government offices, NGOs, health services, and embassies. During the reporting period, the government, in cooperation with two international organizations, developed a national referral mechanism to streamline the proactive identification of potential trafficking victims, ensure proper documentation of cases, accurately refer cases to the MOI anti-trafficking division and public prosecutor's office for an official determination as a trafficking case, and provide sufficient protections to victims until case resolution or voluntary return to their respective countries of

origin. The government disseminated the 30-page, dual English- Arabic mechanism to relevant civil society and government stakeholders. Labor Law No. 36 of 2012 provides 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; the government did not report any efforts to implement the law. The LMRA was responsible for coordinating with other relevant ministries, referring trafficking cases for prosecution, and conducting interviews to officially identify victims in collaboration with respective embassies. Upon receiving claims of abuse from domestic workers who fled employers, some police stations reportedly investigated immediately, while others sometimes delayed launching an investigation. Inspection agencies cited difficulties conducting unannounced inspections of domestic worker accommodations and investigating allegations of abuse in the absence of an official complaint, which may have left some victims at risk of exploitation and without protective provisions.

According to a local NGO, police referred some victims to its shelter; however, police implementation of standardized procedures to identify victims remained inconsistent across different stations. Many law enforcement officials in Bahrain did not systematically or proactively identify victims among vulnerable groups, such as domestic workers who fled abusive employers or women arrested for prostitution. There were no reports victims were punished for crimes committed as a direct result of their being subjected to trafficking; nonetheless, victims likely remained unidentified in the law enforcement system. NGOs reported workers who entered the country illegally or under pretenses often did not 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. Cases could be complex or expensive to resolve, and workers who could not do so were sometimes deported. Bahraini officials provided full assistance to trafficking victims regardless of their willingness to participate in investigations and court proceedings of their traffickers. The government reported it informed all victims of full evaluation of the case 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. The labor law allows foreign workers to change sponsors during investigations and court proceedings; however, among individuals residing temporarily at the shelter only five domestic workers transferred employment during the year. Workers rarely 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 maltreatment due to employer reprisal. The government funded the repatriation of an unknown number of third country nationals to their countries of origin during the reporting period.

PREVENTION

The government maintained efforts to prevent trafficking.

Despite historical pledges, the government did not take concrete steps to abolish the sponsorship system, which increased workers' vulnerability to forced labor and debt bondage. During the reporting period, the national committee maintained its focus on expanding victim assistance, broadening training for government personnel, and raising awareness among Bahraini society and labor-sending communities. The national committee reported its budget was roughly 528,300 Bahraini dinar (\$1.4 million) for daily operations and 265,000 Bahraini dinar (\$702,920) for awareness and outreach programs. The LMRA continued to provide booklets outlining labor rights in 13 languages common among expatriate and migrant worker populations and provided mobile phones with SIM cards and the hotline number to each foreign worker upon arrival at Bahrain International Airport. The hotline was active and served as a resource to educate workers about their rights and available services in Hindi, Telugu, Sinhalese, Tamil, Urdu, Malay, Arabic, and English. During the reporting year, the hotline received an average of 677 calls per month, of which an average of 39 per month were directly related to the EPU's services; it was unclear how many calls constituted instances or indicators of trafficking.

The EPU provided information and services for potential and identified trafficking victims. During the year, officials ratified the "Arab Convention against Transnational Organized Crime" and signed an agreement with India on bilateral cooperation related to combating trafficking. The government had MOUs with several labor exporting countries, including Nepal, Sri Lanka, and India, which focused on oversight of recruitment agencies and protection of migrant workers in Bahrain.

A 2014 royal decree prohibiting and penalizing the falsification of immigration documents enables authorities to prosecute Bahraini companies that illegally obtain work permits; however, the government did not report efforts to implement the decree during the reporting period. The government did not make discernable efforts to reduce the demand for commercial sex. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Bahrain is a destination country for men and women subjected to forced labor and sex trafficking. Men and women, primarily from Bangladesh, India, Pakistan, Philippines, Nepal, Egypt, Jordan, Yemen, Thailand, Syria, and Kenya, migrate voluntarily to Bahrain to work as domestic workers or as laborers in the construction and service industries. The greatest influx of workers

during the current reporting year came from Bangladesh. A significant percentage of foreign workers borrowed money or sold property in their home countries to secure their jobs, increasing their vulnerability to debt bondage. Some foreign workers are subjected to forced labor in Bahrain; indicators of forced labor include passport retention, strict confinement, contract substitution, non-payment of wages, threats or intimidation, and physical or sexual abuse, which preclude employees from reporting instances of abuse and exploitation. 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. Bangladeshi unskilled workers are reportedly considered by employers to be exploitable as they typically refrain from contesting hazardous work environs or low pay. Some unscrupulous employers continue to lure migrant workers into the labor market under the “free visa” scheme—laborers who work for a non-sponsor employer after leaving the employment of the employer who sponsored their entry into the country—thereby rendering them vulnerable to exploitation. Some migrant workers do not possess their employment contracts and are generally unaware of the terms of employment. Women from Asia, the Middle East, and Eastern European countries are subjected to forced prostitution in Bahrain.