Domestic workers in Bahrain

Religious freedom is one of their rights
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Abstract

Objective: The study aims to discuss the conditions of domestic workers, and to propose solutions for their improvement.

Methodology: This paper primarily relies on secondary data, scholar books, and articles, as well as research reports published by international NGOs, organizations and institutions from Bahrain and the Bahraini Ministry of Labor website.

Results: The average number of domestic workers has decreased during the past two years in Bahrain. The government of Bahrain had executed several steps to reform this situation, but unfortunately, it was insufficient.

Discussion: Some solutions were proposed to the Government of Bahrain, the employers, and employees to maintain appropriate working conditions for all parties.

Conclusion: Freedom of religion in Bahrain, for both citizens and migrant workers, needs to be improved by enhancing the laws that protect it. Moreover, the laws concerning the domestic workers must be upgraded and improved to ensure their religious freedom and basic human rights.
Introduction

The topic of domestic labor has often been discussed in our contemporary world, as one of the topics that carry a humanitarian trait, regardless of ethnicity, race, color and religion. Nevertheless, in reality, domestic workers are robbed of their rights and deprived of their basic freedoms. In this paper, we will focus on the case study about the domestic workers in Bahrain, which will try to defend their rights and values as human beings. We will also mention the most prominent violations against this category of workers on both material, and moral level. The material level will compose of the physical, financial, social, and health abuse. The moral level will consist of verbal abuse, as well as violations of religious rights that restrict the human's freedom to take the idol(s) he/she desires and to practice their own rituals. However, religious rights are respected only by few parties who perform their human and moral duty, while many others are still blind to the truth of the matter. So, what is the reason for this? Is it because domestic workers have become so marginalized and vulnerable, that people are encouraged to exploit this blindness to do whatever they want and to commit a severe violation towards their rights which are sought in the Bahraini constitution? Has the racist mindset become so entrenched in the minds of those who no longer have any respect for belief or religion? Don't they know that many religions have one thing in common, which is the human and moral values that people hold towards one another? Instead, the situation has worsened where some people are describing those who follow other religion as “Infidels”. How can the Government of Bahrain protect the people's religious freedom and rights of worship? Can the Government of Bahrain force employers to sign contracts with a clear record of the worker's working hours in addition to their right for a weekend and a paid annual leave? What are the necessary reforms for domestic workers with low wages in Bahrain to retrieve the fundamental rights of worship?
Chapter 1 Literature Review

1.1. Definition of Domestic Workers

A domestic worker, domestic helper, domestic servant, manservant or menial, is a person who works within the employer’s household (International, 2014).

Their work may include tasks such as cleaning the house, cooking, washing and ironing clothes, taking care of children, elderly or sick members of a family, gardening, guarding the house, driving, and even taking care of household pets (ILO, 2018).

Who are the Domestic Workers? Convention No. 189 defines domestic workers as “any person engaged in domestic work within an employment relationship.” Domestic work is defined as “work performed in or for a household or households.” They may be migrants or nationals of the country they work in (Dejardin, Stock, Ksaifi,
1.2. Domestic Workers as a Global Workforce

Domestic workers comprise a significant part of the global workforce in informal employment and are among the most vulnerable groups of workers. They work for private households, often without clear terms of employment, unregistered in any book, and excluded from the scope of labor legislation. Currently, there are at least 67 million domestic workers worldwide, excluding child domestic workers. This number is steadily increasing in developed and developing countries. Even though a substantial number of men work in the sector – often as gardeners, drivers or butlers – it remains a highly feminized sector where 80% of all domestic workers are women (ILO, 2018).

1.3. Historical Overview

Since Bahraini families began the transition from traditional family styles to the small family style, and Bahraini women began to enter the work fields, the need in the community for domestic workers has grown.

Approximately 460,000 migrant workers, mostly from Asia, make up 77% of the country’s private workforce. Due to shortcomings in Bahrain’s legal and regulatory framework and the failure to implement and enforce existing laws, migrant workers, especially female domestic workers, endure serious abuses such as unpaid wages, passport confiscation, unsafe and unhealthy accommodation, excessive work hours, and physical and psychological abuse. They are also being deprived of their rights to worship. Conditions for domestic workers are of particular concern. The regional unified contract for domestic workers issued by the Gulf Cooperation Council, which was expected to be approved in early 2014, falls short of the minimum standards outlined in the Domestic Workers Convention that the International Labor Organization adopted in 2011 (Watch, 2014).

1.4. Religious Demography in Bahrain:

The distribution of religion throughout Bahrain is as follows:

- 70.3% Muslim (60% Shi’a, 35–40% Sunni), 14.5% Christian, 9.8%, Hindu, 2.5% Buddhist and 0.6% Jewish (USCIRF, 2018).
The Kingdom of Bahrain recognizes religious freedom in article 22 of its constitution; “Freedom of conscience is absolute, the State guarantees the inviolability of places of worship, freedom to perform religious practices.” (Al Ghasra, 2017)

According to the constitution, Islam is the official religion, and the state safeguards the country’s Islamic heritage. The constitution also guarantees the right to express and publish opinions, provided they do not infringe on the “fundamental beliefs of Islamic doctrine” (United States Department of State • Bureau of Demo, 2017).

Approximately half of the expatriate workers in the country are non-Muslim. The government officially recognizes 19 religious entities, including more than a dozen Christian denominations, a tiny Jewish community, Hindus, Sikhs, Buddhists, and Baha’is. The various communities reported the ability to publicly and privately practice their faiths without interference or limitation (USCIRF, 2018)

1.5. Percentage of Domestic Workers

1.5.1. In the World

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**ESTIMATED NUMBER OF DOMESTIC WORKERS AND % EXCLUDED FROM LABOUR LEGISLATION**

- **5%**
- **61%**
- **99%**
- **45%**
- **5%**
- **1%**
- **0%**

Number of domestic workers

- 595,000 - Eastern Europe and CIS*
- 2,107,000 - Middle East
- 3,555,000 - Developed countries
- 5,238,000 - Africa
- 19,590,000 - Latin America and the Caribbean
- 21,467,000 - Asia and the Pacific

*Commonwealth of Independent States
Figure 1. Number of Domestic Workers (Dejardin, Stock, Ksaifi, Moser, Cocquio, & Thompson)

The number of domestic workers all over the world is about 67.1 million

595,000 - Eastern Europe and Commonwealth of Independent States
2,107,000 - Middle East
3,555,000 - Developed countries
5,236,000 - Africa
19,593,000 - Latin America and the Caribbean
21,467,000 - Asia and the Pacific (Dejardin, Stock, Ksaifi, Moser, Cocquio, & Thompson)

1.5.2. In Bahrain

As mentioned above, approximately 460,000 migrant workers, mostly from Asia, make up 77% of the country’s private workforce (Watch, 2014).
Chapter 2: Methodology

This paper primarily relies on secondary data, scholarly books and articles, as well as research reports published by international NGOs, organizations and institutions from Bahrain, and the Bahraini Ministry of Labor website.

The findings focus on the years between 2011 and 2018. The mentioned information was collected from various resources, mainly based on the two following reports: “Bahrain: Domestic Workers Freedom of Religion and Worship Rights” and “For a Better Life” published by Bahrain Center for Human Rights and Human Rights Watch respectively.

Moreover, Arab and international sites were accessed to examine more reports about domestic workers’ rights, and policies protecting their human rights including religious freedom.
Chapter 3: Results

3.1. International Organizations’ Role in Protecting Domestic Workers’ Rights

Domestic work is one of the least regulated sectors in the economy and therefore receives special attention from the ILO\(^\text{(1)}\). Because of the decrease in employment opportunities and the hardship of living in some countries, many family members have been forced to look for job opportunities abroad. This has led to a large increase in the sector of domestic labor. However, this field of work lacks the proper interest in its affairs, and as a repercussion to this neglect, we are witnessing various forms of discrimination.

Hence, there has been a need for an official global entity to protect the rights of migrant domestic workers, following to the appropriate mechanism of ensuring its application in the host countries, as well as contributing in holding accountable those who exploit this category of workers. This important and prominent role has been played by the International Labor Organization in the ratification of treaties with most of the host countries. On March 2008, at session 301, the International Labor Organization’s board of management agreed to establish a clause, concerning the decent work for domestic workers, on the agenda of the 99th Session of the International Labor Conference (2010) to set the standards of domestic labor. (OHCHR, 2015)

In July 2011, at the annual International Labor Conference held by the ILO, conference delegates adopted the Convention on Domestic Workers by a vote of 396 to 16, with 63 abstentions. The Convention recognized domestic workers as having the status and rights as any worker. On the 26th of April 2012, Uruguay was the first country to ratify the convention (ThinkProgress, 2013).

By its resolution 69/167, the United Nations General Assembly reaffirmed the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants,

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(1) International Labor Organization.
especially those of women and children, regardless of their migration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are part of. It invited Member States to consider ratifying relevant conventions of the International Labor Organization (ILO), including Convention No. 189 on decent work for domestic workers. In the same resolution, the Assembly also emphasized the importance of protecting persons in vulnerable situations. It called upon States to provide help for the protection of the human rights of women migrant workers, to promote fair labor conditions, to ensure that all women, including care workers, are legally protected against violence and exploitation and to protect the human rights of migrant children, given their vulnerability (Assembly, 2015).

The decisions had been taken, and the conventions signed have established a universal legal framework for all workers of this sector. These decisions and conventions have become an important reference for the labor-exporting countries. Domestic labor today is under keen observation to detect any disruption it might face, leading many countries and communities to use the internationally adopted mechanisms until today. There are at least 52.6 million domestic workers across the world (Nations, 2015).Although these women, men, and children carry out a wide variety of essential tasks including cleaning, ironing, gardening, cooking, driving, caring for children and older persons in private households, they still face a problem. The society in general and homeowners in particular, don’t always consider what domestic workers do as “work”. They are seen as inferior -often marginalized-, as if they don’t breathe, dream, or laugh when they are happy nor cry when they miss their families and countries. Their contributions to the country in which they live and work are often unrecognized, and their living and working conditions are sometimes exploitative (ILO, 2018).

### 3.2 Bahrain between International Commitment and Underperformance

Bahrain is a member of the International Labor Organization (ILO) and has ratified four

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(2) This estimate is deliberately conservative. The true number is likely to be close to 100 million. See ILO, Domestic workers across the world: Global and regional statistics and the extent of legal protection (2013), p. 2.
core ILO conventions; conventions relating to the elimination of forced and compulsory labor, as well as those on the elimination of discrimination regarding 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) (Human Rights Watch, 2012)

Bahrain is also a member of relevant international treaties, which include: 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 (Human
During the UN Human Rights Council’s Universal Periodic Review of Bahrain’s human rights record in 2008 and again in May 2012, concerns about abused migrant workers were raised. 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” (Human Rights Watch, 2012).

3.3 Challenges facing the Government of Bahrain

Despite the high demand for domestic workers, which stems from the great need for this labor, especially from the female group, unfortunately, such labor is still suffering from legal loopholes in the nature of working relationship with employers, which are the families in which they work for. In addition to the existence of broad laws that open the door for the exploitation of the domestic labor sector as well as deprivation of rights and freedoms, especially freedom of religion (Bahrain Center for Human Rights, 2016).
3.3.1. Legal loopholes concerning domestic labor

For decades, since entering the labor market in the 1970s, domestic labor has been excluded from the Labor Code and operates in the context of an informal working relationship that relies primarily on the conscience of employers, resulting in many human rights violations. Their inclusion under some provisions of the Labor Code in 2012 did not change much because the mandated coverage of their rights remained broad. In Article 19, the employer was obliged to liberalize a contract to regulate the relationship with domestic workers; however, the terms of this contract remained optional and differed from one office to another until December 2017 when the Labor Market Regulatory Authority approved unified tripartite contract signed by each of the employer, the recruitment office and the worker.

3.3.2. Violations which workers are facing

The non-unification and indiscriminate nature of contracts was a major reason for the parties’ lack of awareness of rights and obligations even after the extension of legal coverage of some of the rights of Domestic Workers. In the annual report of the Association for the protection of migrant workers for 2016, which dealt with 146 domestic workers who had resorted to the Association’s shelter, it became clear that 102 workers had not signed a work contract with the families they worked for and had no clear knowledge of their rights when they came from their countries. Fourteen workers also signed papers without knowing their content. Another report mentioned that 65% of foreign expatriate workers did not see their employment contracts and that 85% of these employees are unaware of their working conditions when they arrive in Bahrain (Al-Shihaby, 2018).

The report of the Association for the protection of migrant workers shows that 36% of those who have taken refuge in the association were physically harmed, and 73% of them were subjected to verbal and moral abuse. In addition, 94% of the employees did not maintain travel documents or an identification card although it is mandatory to have the card with them at all times. The report also found that 39% did not have enough food, 47% of them were denied access to the mobile phone, and 39% did not receive their salaries for varying periods. The report disclosed
that 89% were denied a weekly rest leave.

Domestic workers are the most vulnerable to exploitation because of the privacy of the place in which they operate. No one can carry out periodic or unannounced inspections of residences without a complaint and formal authorization, making this category without protection, vulnerable to exploitation. The Labor market regulatory Authority is trying to control the performance of the recruitment offices with respect to human treatment. Where the recruitment offices are obliged to deposit 10,000 Bahraini dinars with the authority as a financial guarantee from which the responsible authorities will subsequently spend to repair any damage caused by irregularities carried out by these offices and during 2016, 36 offices have been closed due to miscellaneous irregularities (Bouhji, 2018).

3.3.3. Multiple complaints received by official authorities in Bahrain

Referring to a report issued on domestic workers in Bahrain (Bouhaji, Bahrain’s Third Millennium Slavery, 2011), we will shed light on the most prominent complaints, in which several violations of domestic workers’ Rights were stated:

1. “Lieutenant Colonel Maryam Khalfan, Director of the Community Service Police says delay in reporting the harm inflicted on the employee by the employer often obstructs the assertion of the harm, due to the absence of scars and signs.” For this reason, official sides must solve this problem, to make the domestic worker unafraid of stating the kind of violation she has been subjected to.

2. According to Nora Flaifel, chair of the Action Committee at the Society for the Protection of the Expatriate Labor, the majority of the domestic workers’ issues raised were related to withholding the salary, or irregular payment. Within this framework, The Ministry of Labor got 59 complaints from workers who did not get any salary pay – around 35% of a total number of 168 complaints recorded during the first nine months of the year 2011 (Bouhaji, Bahrain’s Third Millennium Slavery, 2011).

3. “At the Ministry of Interior, where criminal cases of abusing domestic workers are recorded, a total of 43 cases were filed against employers by October 2010, compared to 49 and 37 cases
in 2008 and 2009 respectively. Most of these complaints were classified as violation of safety, rape and sexual assault.”

4. “Bahraini Labor Market Regulation Commission – mentioned that 65% of expatriate foreign labor did not see their work contracts, and 85% are unaware of work conditions when they arrive in Bahrain.”

5. “The Migrant Workers Protection Society, set up in 2005, opened a safe home or “Dar Al-Aman” in 2007. The home deals with all women who suffer from some form of violence, cases of human trafficking and prostitution. Abused foreign workers represent 50% of the 120 women taking shelter there.”

6. “Dar Al-Aman”, which also provides psychological support to abused women, said it received 93 cases of no salary payment from 2008 and until the third quarter of the year 2011 – 40% of the cases that have sought refuge there. Those who sustained physical harm represented 38% of the cases followed by 22% who underwent sexual harassment and rape. Since its creation, the Migrant Workers Protection Society dealt with 470 cases ranging between physical, sexual and psychological harm” such as “Psychosis- a psychological disorder close to Schizophrenia.”

7. “Officials at a refuge center at the Philippines Embassy, established in 1987, say they have sheltered 112 workers in 2010 and that they often deal with 20 complaints a day.”

3.3.4. Freedom of religion being violated

The promotion of religious freedom in any country could contribute to the reduction of conflicts between individuals of the same society, where all groups are legally able to practice their beliefs and hold their religious ceremonies away from conflicts. On the other hand, restricting it to a group without the others might lead to these situations of violence and conflicts and; consequently, to a climate of hatred between these parties.

Religious freedom is as important as all other kinds of freedom. So, each individual has the right to worship, adopt the religion he/she prefers, and practice their own religious rituals.

Based on what has been revealed during the observation of domestic workers’ status in Bahrain, the Bahrain Center for Human Rights with cooperation with Bahrain Interfaith studied
several cases of religious violations against domestic workers. They called the Government of Bahrain as well as labor-sending countries to ensure that religious freedom is protected.

After going through the domestic workers’ living conditions (like being treated as a private property, or not allowed to communicate with family and friends, living in a state of incommunicado), the report had documented some cases of domestic workers being deprived of their right to freedom of religion.

Female domestic workers are reportedly deprived not only of the freedom to practice their religion but also of portraying their religion or its symbols in any manner or way. Most maids are not allowed, and in reported cases severely punished, to even wear or put up religious symbols like a cross, even though there are no laws prohibiting employees from wearing or carrying religious symbols.

However, the documented cases are as follows:

Ruwaina (Philippines) told us: “We are three maids at the same house, and two of us are not allowed to wear the cross, because it is haram. We understand that, but the boss doesn’t allow us to go to church also. One time he saw me praying and punished me … but another maid is Muslim, and is also not allowed to go to Mosque.”

Additionally, there are reports that female domestic workers and housekeepers, particularly Hindu, have been victimized and abused severely at a physical and mental level.

Roopa (India) stated: “My boss will not let me go to the temple because he said that I am a pagan and worship stone. I cannot live like this anymore!”

Moreover, female domestic workers are repeatedly deprived of taking holidays, even on special religious occasions like Eid, Christmas, Diwaly, etc.

Julie (Philippines) said: “I told him, deduct from my salary if you want, but please send me to church, at least just for Christmas. He said, “You are Kafir (infidel), I will not help you commit wrong. Even if you go to the Labor Ministry, or to the embassy, no one can do anything for you.”

Joyah (Indonesian) reported: “Not even once did my employer allow me to attend the prayers
or sermons at the mosque, not even during Eid. Even in the house, I am not given time to perform my daily prayers. Only at night when the family goes to sleep, I perform my prayers too late.”

3.3.5. Significant decline in the number of domestic workers in Bahrain

The number of domestic workers in Bahrain has recorded a considerable decrease (by 9%) over the year 2017 to reach 100,058 workers after being 111,000 in the beginning of 2016. Statistics done by the Labor Market Regulatory Authority reveals that the number of domestic workers has decreased by 10,944 in one year only.

At the beginning of 2017, the number of domestic workers reached 99,417 then slightly increased during the first quarter of the same year.

This statistical study clarified that ordering domestic workers in Bahrain has recorded an annual increase at the beginning of the year 2010, where it was 79,000 and 212 workers, and then increased by 31,000 and 790 during the year 2016. However, it decreased again in 2017.

According to the figures, the majority of domestic workers being imported into the kingdom are females, with 76,249 workers, while the number of males is 23,809.

These include each of domestic workers, farmers, home guards, babysitters, drivers, and cooks, who perform their work for the employer or his/her parents (Al Housaini, 2018)

3.4. Bahrain’s Reform Efforts

Human Rights Watch

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 is distributed to migrant workers upon entry at the airport telling them how to apply for and change a work visa, informing them of their right to keep their passports, and providing a Ministry of Labor contact number to report labor violations.

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 the 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 the employer’s consent.

Despite the reform of the sponsorship system, the LMRA continued to reject most applications by migrant workers seeking to change jobs without the employer’s 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.

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.

Even before it embarked on recent legal and policy reforms affecting migrant workers, Bahrain provided legal protection to many migrant workers, other than those prevailing in 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.
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.

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 any numbers for the years 2010 and 2011 in its May 2012 response to Human Rights Watch’s request for updates.

- 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 exploitation purposes, including forced work and servitude. The Bahraini government understands this law to criminalize many common labor waves of abuse, 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.

Nevertheless, Implementation of many of the other pledges has so far been weak or absent:

- The government had pledged to launch an inspection 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.

- 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.

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, a requirement that a domestic worker should have a contract, and an 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 those weekly days off or pay for overtime. In this regard, the law fails to address the most common abusive practice of excessive work hours that domestic workers face.

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 these cases take between 6 to 12 months to resolve. Labor court trials comprise of an average of 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 a 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.

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.

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 that they cannot address abuses unless the workers themselves come forward to complain. Workers said they faced obstacles in 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 that 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 that the worker committed theft for example, 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 the employer’s retaliation.
Chapter 4: Discussion

The decline in the influx of domestic workers in Bahrain indicates that there is great concern and fear of being deprived of their fundamental rights and freedoms, especially religious ones. As well as concerns that stem from not having a clear idea about the nature of their work before coming to Bahrain, such as the type of work required from them, the required working hours, their holidays and their rest period. In this regard, it should be noted that they do not have the right to self-defense in case of physical and moral harm. These entire factors combined to place the responsibility on the Government of Bahrain, improve the working conditions of this group, determine the flaws in the laws and in the relationship between the workers and employers, ensure their religious freedom and the rights of worship and address the gaps and work to reform them. This is coupled with executive steps and awareness-raising procedures for employers when recruiting domestic workers to be aware of the limits of their authority and their relationship with the worker, as well as the workers’ own awareness to their rights and duties. Such steps would serve to promote the intercultural exchange and increase the interdependence between nations and societies.

According to reports published by various human rights organizations, such as Bahrain Center for Human Rights (BCHR) and Human Rights Watch, domestic workers often suffer from human rights violations. Being a member of the United Nations and a signatory in the human rights conventions, requiring every party to commit to its application, the Government of Bahrain must protect and promote human rights for all citizens, especially religious rights. In addition, the Government of Bahrain has to ensure religious freedom as well as civil rights for all domestic workers within the country, regardless of their faith, beliefs, race or color.

According to the constitution of Bahrain, Islam is the State's religion and the source of legislation; nevertheless, other religions are respected and can be recorded in the state. Therefore, Bahrain ensures religious freedom for all its inhabitants, including migrants from other countries; consequently, all domestic workers should have their religious rights including
their rights to practice their rituals. Furthermore, workers won’t neglect their duties; rather, the
enjoyment of their religious rights could enhance the relationship between the worker and the
employer, leading to a better performance. In other words, practicing religious beliefs, morals,
and principles in the working environment could introduce honesty and integrity between the
workers and employers.

Protection of freedoms is much more than just a constitutional provision in Bahrain. It is even
more than a recognition as a right to all people. The state must provide power and support which
is necessary for the protection of freedom; otherwise, promises of freedom will never be realized.
It was; therefore, necessary to mention steps that would enhance protection of the domestic
worker's freedom, particularly the religious ones:

1. Protecting domestic labor from all forms of racial discrimination, as well as eliminating such
   forms of discrimination in families through the dissemination of the culture of acceptance
   and respect to the right of decent living.
2. Addressing all kinds of problems between the worker and employer away from discrimination
   against one's religion, because this kind of discrimination promotes hatred and rancor leading
to violence.
3. Fighting against all kinds of violence and punishments that diminish a person's dignity, as well
   as punishing people who practice such violations.
4. Clarifying the laws since vagueness in the laws concerning the freedom of religion has placed
   this freedom under violations due to misinterpretations and improper application. These laws;
   therefore, need to be revised in a way that gives the domestic workers religious freedom and
   the right to worship, as long as that practice does not harm others.
5. Allowing Domestic workers to practice their beliefs in any way they deem appropriate. Noting
   that practicing these rights should not violate their host’s own rights.

Despite violations of domestic workers’ religious rights, reports indicate a violation of civil
rights as well and the government has been working on reforms in this aspect, but it is considered
insufficient. Joe Stork, deputy director of the Middle East and North Africa at Human Rights Watch said that: “Bahraini authorities understand that migrant workers have helped build the country and have instituted some important reforms, but without more vigorous enforcement, these reforms do little to address the most widespread rights violations such as failure to pay wages and withholding workers’ passports” (Human Rights Watch, 2012)

Some recommendations intended to promote these rights are as follows:

We call the Government of Bahrain to:

1. Emphasize on the implementation of the international conventions and United Nations resolutions concerning domestic labor such as convention number 189, and recommendation number 201 adopted by the international labor Conference in June 2011. The convention sets standard working conditions for domestic workers, stating that domestic workers must have the same fundamental labor rights as other workers.

2. Upgrade the Bahraini labor law number 23 from the year 1976, which must specify a maximum limit for the working hours, daily and weekly, of domestic workers. In addition, oblige employers to give the workers paid holidays (weekly/annual) and pay for overtime.

3. Upgrade the Bahraini Penal Code, which prevents exploitation and allows the issuing of criminal penalties against those who are abusing domestic workers.
4. Enhance the role of Labor Market Regulatory Authority by raising the awareness of workers and employers of their rights and legal obligations. In addition, enforce a new sponsorship system, which prevents employers from acquiring undue influence.

5. Conduct inspection campaigns to detect and punish the employers who are depriving workers of salaries and taking their passports.

6. Protect domestic workers’ religious freedoms through a specific and clear formula that the employers must abide with.

7. Set up a complaints office that acts as an intermediary between the worker and the employer, for solving the conflicts and transmitting difficult issues to the court. As well as following up with the conditions of workers through means of communications.

8. Disseminate clear information about terms and conditions of employment through various means of communication.

We call on the employers and host families to:

1. Treat the domestic workers with respect and as any person having rights and freedoms regardless of color, religion, and race.

2. Provide rest, worship, and eating hours for the worker.

3. Provide rest days (weekly) and allow the worker to go to the church or mosque to perform religious rituals. As well as providing an annual paid vacation and sick leaves.

4. Assign an adequate workload rather than giving them more work than they can handle.

5. Give privacy and importance to holidays and events.

6. Allow them to put religious symbols such as the cross, the Qur’an, a scarf, etc. and do not mock it nor oblige them to change it.

7. Relieve their psychological suffering from being away from their families by allowing them to talk with them daily.

8. Forgive them if they made mistakes in their job and encourage them to perform better. Don’t threaten them by beating, reducing their salaries, or verbally abusing them, their homeland, or their shrines.

9. Provide a suitable place for them to sleep and rest.
We call the domestic worker to:

1. Understand the conditions and nature of the work required before signing the employment contract.
2. Abide by the required working hours and perform your tasks adequately.
3. Respect the employers and forgive them in case of giving you a warning.
4. Solve the conflicts peacefully, and in case you have a complicated problem, resort to an official entity and not to reprisal and hurt.
Chapter 5: Conclusion

Domestic workers in Bahrain are facing various kinds of human rights violations, including the violation of the freedom of religion. By respecting the freedom of expression in the country and the freedom to practice religious rituals, the Government of Bahrain can protect the religious freedom of all individuals in Bahrain. By the proper enactment of laws that specify the working conditions of the domestic workers (such as the working hours, vacations, and nature of work...) and ensuring its implementation in the working environment, the government of Bahrain can protect the general human rights for the domestic worker in Bahrain. Concerning the freedom of religion, the Government of Bahrain can protect this freedom of domestic workers by providing laws that protect and defend this right; for example, encouraging employers to allow the Christian workers to go to Church each Sunday, and the Muslim workers to go to the mosque each Friday. In addition, allowing them to wear religious symbols and practice their faith without any interventions from the families they are working for.
References

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