



# MIGRANTS REFUGEES

## Migration Profile

### BAHRAIN

#### A. Executive Summary

Despite the workforce nationalization policy established in recent years in Bahrain, its economy is still mainly relying on foreign workforce. Bahrain has signed memoranda of understanding and agreements with several workforce-sending countries, in particular with South and Southeast Asian, but also with African countries, to facilitate the recruitment of migrants, in particular unskilled construction workers and domestic workers. The kafala (or “sponsorship”) system is almost the only way to recruit migrant workers. This “sponsorship system” is used to monitor migrant labourers. The system is often reported to be the cause of human trafficking, forced labour and various forms of abuse, including excessively long working hours without rest or days off, confiscated passports, delayed or withheld wages, arbitrary non-renewal of work permits, physical and sexual abuse, and forced confinement of domestic workers. Most reforms launched by the government concerning the kafala system have been limited or hindered by powerful interest groups related to sectors and businesses that employ migrants. In theory, the legal situation of migrants in Bahrain has improved and Bahrain has become a leading example of an Arab country with legislation allowing unemployed migrants to access the unemployment fund. In fact, structural obstacles persist that prevent migrants from accessing that fund. In general, migrants’ access to justice in Bahrain remains extremely difficult, especially since full legal responsibility is given by the State to the sponsor, who is at liberty to cancel the migrant’s work visa at any time.

COVID-19 has further increased the vulnerability of migrants to abuses, expulsions, and sanitary issues, as the Bahraini economy has entered a high recession due to the drop in oil prices and the lockdown. The government has ordered that because of the pandemic, irregular migrants are not to be detained until the end of 2020. However, some immigration detention centres and prisons have been reported to hold detainees in cramped, dismal, and unhygienic conditions.

Regarding refugees and asylum seekers, Bahrain has not yet adopted a legal framework. It has signed the Global Compacts on Safe, Orderly, and Regular Migration and on Refugees, as well as several other international instruments, but most of these documents’ principles are still not applied in the national legislation, or only partially so.

Non-Muslim organizations that provide advocacy for migrants are highly restricted or kept out of the country. However, the Church is present, providing spiritual and sacramental support, as well as education through one school, to migrants who are Catholic. The Church is not allowed to host refugees or migrants in difficulty. The Franciscan Order of the Friar Minor Capuchins has the *jus commissionis* (pastoral responsibility and authority) for the pastoral care of migrant workers. Most clerics are considered to be migrant workers, because of current legislation and the kafala system.

## **B. Country Profile**

### **I. Basic Information**

Formerly a UK protectorate, the Kingdom of Bahrain became independent in 1971. This small country comprised of islands in the Persian Gulf is a hereditary constitutional monarchy under the rule of King Hamad bin Isa Al-Khalifa. The Crown Prince is Salman bin Hamad Al-Khalifa. Its Prime Minister is Khalifa bin Salman Al-Khalifa. Bahrain is ruled by a Sunni family, but is home to a large Shia population. Bahrain's economy mainly relies on oil and natural gas exports, which represent 85% of its revenues. However, the economy has moved towards diversification through aluminum production, hospitality, and retail sectors. Bahrain has also become a regional banking centre, especially with respect to Islamic finance. In recent years, due to the decreasing oil prices, the non-oil sectors have been the main drivers of its economic growth. COVID-19 and related restrictions throughout the world have further impacted the petroleum and gas industries of Bahrain, reducing revenues and requiring the government to accelerate the diversification of its economy, in addition to dealing with the issue of protecting its vulnerable population, in particular migrant workers.

### **II. International and Internal Migrants**

The great majority of migrant workers in Gulf countries have a job, with a visa lasting one, two, or even three years. They are primarily men from South and Southeast Asian, Arab, North African, or Sub-Saharan African nations, who have left their families in their country of origin. However, some workers are girls and women, mainly employed in domestic service but also as semi-skilled and skilled workers in hospitals, restaurants, public offices, security agencies, etc. Only very few companies allow the migrant's family to come with him or her. In these Gulf countries, the main problem is not the unemployment of migrants – as is the case in other countries – but the kafala system, in which every migrant worker must have a “sponsor” to obtain a residence visa and to be able to work for one to three years. Since it puts migrants in a situation of legal dependence, the kafala system exposes them to many abuses, including excessively long working hours without rest or days off, confiscated passports, delayed or withheld wages, forced labour, arbitrary non-renewal of their work permits, physical and sexual abuse, and often forced confinement in the house for domestic workers. Legal protection

of migrant workers is extremely difficult as they are not citizens. Since the kafala system gives full legal responsibility, powers, and rights to the sponsor in the eyes of the State, the sponsor is at liberty to cancel the migrant's work visa and can have the migrant expelled. Changing sponsors is normally not allowed, except when the sponsor chooses to sell his rights to the migrant's labour to another sponsor. In addition to these potential abuses, structural injustice and discrimination are also rampant. Many promises of abolishing the kafala system have been made throughout the years by the Bahraini government but have never been fully implemented.

In July 2020, the population of Bahrain was estimated to be approximately 1,505,000. By 2019, international migrants represented roughly 45.2% of the population, for a total of around 741,200 migrants. Among them, 27.7% were women and 7% were children (under 18 years old, in accordance with the UNICEF definition). As for the migrant flows, the number of migrants in Bahrain increased by 9.1% between 1995 and 2019. In 2020, the net migration rate was between 10.6 and 31.1 migrants per 1,000 inhabitants (7<sup>th</sup> highest country in the world). The three largest immigrant groups were from: India, with 318,500 migrants (Bahrain has the 5<sup>th</sup> highest number of Indian women migrant domestic workers of any country in the world); Bangladesh, with 82,500 migrants; and Egypt, with 85,100 migrants. The rest of the migrants came from other Arab countries (including Jordan, Yemen, and Syria), other Asian countries (including Pakistan, Philippines, Nepal, and Thailand), Africa (including Kenya and Ethiopia), Europe, and other regions. The number of migrant workers from Africa (Senegal, Cameroon, and the Gambia) has increased in recent years. In 2019, roughly 80% of the total Bahraini workforce was composed of foreigners, the majority being unskilled construction workers and most of the others working in the service sector. By 2018, 82.7% of migrants were working in the private sector and 15.5% in the public sector. In 2020, there were approximately 84,000 domestic workers in Bahrain, 61,000 of whom were women. Men from India and Bangladesh account for almost 79% of Bahrain's 23,000 male domestic workers. Domestic workers from African nations are increasingly susceptible to labour exploitation and arrive in Bahrain via direct recruitment from local employers. Many migrant workers, in all sectors, face abuses. The reforms put in place in recent years have failed to protect them. Thousands of complaints related to unpaid wages (in particular for low-income migrant workers in the construction sector) were brought before the labour courts, and these numbers have further increased as a result of the economic downturn caused by decreasing oil prices and the COVID-19 pandemic.

In 2018, around 60,000 undocumented migrants were reported to be present in Bahrain. Nearly 30,000 migrant workers have signed up for a "Flexi-Permit," supposed to improve the situation of irregular migrants and help them regularize their status. Yet in addition to much higher fees (further increased in 2019 to encourage the hiring of Bahraini nationals), unclear regulation and growing opposition have prevented this plan from becoming a viable alternative to the kafala system. Due to COVID-19, Bahrain announced a nine-month amnesty for irregular migrants and Flexi-Permit fees have

been reduced, but very limited job opportunities have counteracted the positive effects of these measures, in addition to the fact that many employers have terminated contracts or halved the salaries of their employees (labour law allows wages to be reduced by 50% in case of Force majeure) or simply stopped paying them.

In Bahrain, at least five facilities exist to hold immigration detainees, including prisons and detention centres. In mid-March 2020, in order to contain the pandemic, the government ordered that migrant workers should not be detained for minor or administrative offences and liberated 901 detainees. Bahrain has also released more than 300 Bangladeshi migrant workers from prison and deported them to Bangladesh. Some Indian workers were also repatriated. Despite efforts on the part of the Kingdom of Bahrain to mitigate the impact of COVID-19 on migrant workers, as of April 2020, up to 90% of active cases of COVID-19 in the country were in migrant work camps due to their population density and lack of resources. To reduce overcrowding, 8,011 individuals were relocated out of camps into various buildings, including closed schools. The government promised to cover migrant workers' medical expenses and to distribute 30,000 hot meals a day to workers seeking food.

Migrant workers are victims of increasingly hostile attitudes. Racism and xenophobia against them have been widely increased by the pandemic, with frequent calls to deport, quarantine, and segregate them. They also face an eviction crisis as courts are now upholding evictions against workers who have struggled to pay rent due to job and income loss.

### **III. Emigration and Skilled Migration**

Bahrain is also a migrant- and refugee-sending country. In 2019, there were 60,200 emigrants, 560 refugees, and 151 asylum seekers from Bahrain in the world.

### **IV. Forced Migrants (internally displaced persons, asylum seekers, and refugees)**

Forced migration towards countries in Northern Arabia has mainly been caused by wars in neighbouring countries. In 2019, Bahrain hosted between 356 and 400 UNHCR-registered refugees and 57 asylum seekers.

*Climate displacement:* Climate and environment risks in Bahrain are caused by droughts and limited resources of potable water. The climate risks in Bahrain in 2018 were greater than its own average and the average in other countries over the previous two decades. However, to date, no climate displacements have been reported in or from Bahrain.

### **V. Victims of Human Trafficking**

Migrant workers in Bahrain face many abuses and the majority have been victims of human trafficking. In addition to the other labour-related abuses mentioned above

(passport retention, strict confinement, contract substitution, non-payment of wages, debt bondage, threats or intimidation, and physical or sexual abuse), some migrant workers do not have access to their employment contracts and are generally unfamiliar with the employment terms contained therein. Saudi nationals are allowed to sponsor workers in Bahrain, which increases the vulnerability of these workers.

In 2017, 98.4% of all trafficked persons in Bahrain were estimated to be female migrants in 2017. Physical abuse and sexual assault of female domestic workers are significant problems in Bahrain. Limited freedom of movement, the withholding of workers' identity cards and passports, and employer coercion often prevent employees from reporting such instances of abuse.

Sometimes migrant workers who no longer have a sponsor or work permit for Bahrain, but do not wish to return to their country of origin, are exploited and provided work permits through corrupt means to work in prostitution or drug trafficking. Some unions even exist to exploit these vulnerable workers who have become illegal: they sell them to other bosses, garnisheeing half of their wages.

Social media are reportedly used in trapping migrant women into sex trafficking, under the false pretence of high-paying jobs in the hospitality or domestic sectors. Traffickers also convince certain women, mostly domestic workers already in Bahrain, to leave their employers, with the false promise of higher paying jobs. After being recruited, traffickers exploit some of these women in commercial sex through physical threats and debt-related coercion.

## **VI. National Legal Frameworks**

By 2017, Bahrain had ratified 12 international instruments for human rights, namely: the Forced Labour Convention, the Abolition of Forced Labour Convention, the Discrimination (Employment and Occupation) Convention, the Minimum Age Convention, the Worst Forms of Child Labour Convention. However, it did not ratify the Equal Remuneration Convention, the Freedom of Association and Protection of the Right to Organize Convention, or the Right to Organize and Collective Bargaining Convention. Nevertheless, many of the principles of the Conventions that Bahrain has ratified have not been applied in national legislation or adequately enforced. At the national level, Bahrain took measures to restrict the employment of foreigners in some sectors, following the same dynamic of nationalization as its fellow countries in Northern Arabia. The flexible permit system, adopted in 2017, is intended for irregular migrants or regular migrants who were victims of unpaid wages and who have filed a complaint in the labour court. Through this system, these specific groups of migrants can choose to pay considerable fees in exchange for the ability to self-sponsor their stay in Bahrain and work for various employers. This was one of the measures taken by the government to improve the situation of migrant workers. The mechanism still excluded migrant domestic workers. These considerable fees were further increased in 2019,

which prevented many migrants from accessing this flexible permit system intended for their protection. Powerful interest groups and Bahraini businesses increasingly disapprove of the Flexi-Permit as it lessens their control over the worker's mobility. Proposals to abolish the Flexi-Permit are being reviewed by the government. Domestic workers, who are partially included in Bahrain's labour law, have benefited from improved unified (or standard) contracts since the end of 2017, which require that the employer declare, among other things, the nature of the job, working and resting hours, and weekly days off. These domestic workers benefit from very few protections. There have been measures proposed to better monitor unpaid wage cases for all workers. However, by the end of 2019, nothing had been implemented. Some other policies aiming at improving access to justice and legal provisions to avoid abuses were put in place, including the creation of public services aimed at helping migrants to file complaints electronically with translation services and offering assistance in compiling the required documents. Due to the lack of adequate law enforcement, they have been very slowly improving the situation.

Bahrain is a leading example of an Arab country with non-discriminatory legislation on migrants' access to public services. Migrant workers are legally entitled to unemployment benefits, though recent turmoil on social media has put that right into question. In practice, many migrants contribute to the unemployment fund but rarely benefit from it. Whereas the administrative procedures to access the unemployment benefits generally take two months, migrant workers are allowed only 30 days to regularize their status by transferring to another job, otherwise they become irregular and are no longer entitled to the unemployment fund.

The Kingdom of Bahrain is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. It does not have domestic legislation on refugees and the right to seek asylum is not enshrined in any Bahraini law. Asylum seekers and refugees are considered under the national migration regime and need a visa to enter Bahrain. With exceptions for Syrian nationals, no asylum seekers can benefit from any special assistance besides *ad hoc* measures. There is no legal or operational framework for asylum seekers. The anti-trafficking law, Law No. 1 of 2008, criminalized sex trafficking and labour trafficking. It prescribed penalties ranging from three to 15 years of imprisonment, plus a fine of between \$5,310 USD and \$26,530 USD, and the cost of repatriating the victims. Legislation to combat sex trafficking is adequately enforced. The government has created institutions dedicated to this end and is proactive in training and sharing best practices in the region. However, the government did not regularly investigate potential trafficking crimes cases of unpaid or withheld wages, passport retention, and related abuses, but treated them as labor law violations; it did not achieve convictions of forced labor. The lack of access of labor inspectors to domestic worksites hindered implementation of existing laws governing the sector. However, there have not been any convictions to date for forced labour crimes. Law enforcement in these cases is hindered by the lack of access that labour inspectors have to domestic worksites.

## **VII. Main Actors**

### *International Organisations and Other Organisations*

Bahrain is a Member State of the United Nations and of the International Labour Organization. It is an Observer State to the International Organization for Migration. The International Labour Organization works with the Bahraini government to improve the legal framework of labour in the country. The UNHCR operates remotely in Bahrain, as it does not have an office *in situ*.

Fundraising for humanitarian causes is forbidden without the permission of the government. International human rights organizations and non-Muslim international organizations working in favour of migrants have generally been kept strictly limited or prohibited in the country.

### *The Catholic Church*

In Bahrain, which is an officially Muslim country, Muslims represent approximately 73.7% of the population, Christians 9.3%, Jews 0.1%, and other 16.9%. Bahrain is one of the few Gulf Corporation Council (GCC) countries to have a local Christian population, notably Roman Catholic. Around one thousand Christians have Bahraini citizenship, primarily Arab Christians but also Indians who arrived in the first part of the 20<sup>th</sup> century. These citizens enjoy religious and social freedom. The other Christians, who make up the majority of Christians in Bahrain are foreign workers. The Bahraini Constitution provides freedom of religion, but the government has placed limitations on the exercise of these rights in accordance with the customs of the country.

Catholics number roughly 80,000 in Bahrain and the Catholic Church is present in the Kingdom. The Church's presence in the country is linked to the Franciscan Order of the Friar Minor Capuchins, which has the *jus commissionis* (pastoral responsibility and authority) for the Apostolic Vicariate of Northern Arabia (ANOVA) as well as the pastoral care of migrant workers. The official seat of ANOVA is located in Bahrain, and it is currently led by H.E. Bishop Paul Hinder, OFM Cap., the Apostolic Administrator of Northern Arabia. Most clerics are considered as migrant workers by law and the kafala system. The Catholic Church can only provide spiritual assistance to the faithful, particularly through sacramental service. A total of two churches are recognized and permitted in Bahrain. However, the Catholic Church is allowed to provide education through Sacred Heart School, run by the Sisters of the Apostolic Carmel Congregation from India. The Church is not allowed to host refugees or migrants in difficulty.

## **VIII. Other Important Issues**

In 2018, Bahrain signed the Global Compact on Safe, Orderly, and Regular Migration and the Global Compact on Refugees. Bahrain has a policy of denaturalizing some of its

citizens, thus generating statelessness. There were around 350 stateless people in Bahrain at the end of 2019. Sometimes Bahrain also restores citizenship in certain cases: in 2019, it did so for 643 individuals. The Kingdom is not a party to the 1954 Convention relating to the Status of Stateless Persons nor to the 1961 Convention on the Reduction of Statelessness.

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