

Human Rights Without Frontiers Int'l

Avenue d'Auderghem 61/16, 1040 Brussels

Phone/Fax: 32 2 3456145

Email: international.secretariat.brussels@hrwf.net – Website: <http://www.hrwf.net>



Migrant Labor in Bahrain



**Willy Fautré, director
Human Rights Without Frontiers (Brussels)**

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Bahrain is a small island state on the western shores of the Persian Gulf. Since the end of the 18th century, it has been ruled by the Al Khalifa royal family. Bahrain was the seat of British power and control in the Gulf until it gained independence in 1971. Since 1999, the country has been run by Shaikh Hamad bin Isa Al Khalifa.

Men and women from India, Pakistan, Nepal, Sri Lanka, Bangladesh, Indonesia, Thailand, the Philippines, Ethiopia, and Eritrea currently migrate voluntarily to Bahrain to work as domestic workers or as unskilled laborers in the construction and service industries.

Some demographic statistics follow based on 2010 Bahraini census:

Population: 1,234,571, comprising 568,399 Bahrainis and 666,172 non-Bahrainis. Of the latter group, 562,040 were Asians (433,756 were male)¹.

*Religious breakdown*²: 866,888 Muslims (567,229 Bahrainis – 299,659 Non-Bahrainis) and 367,683 Others (1,170 Bahrainis³ – 366,513 Non-Bahrainis)

Migration History

The beginnings of migrant labor in Bahrain lie with the pearl trade, which attracted merchants from India, Africa, and Europe. The traders became powerful figures, controlling Bahrain's ports and banks. Additionally, the British, in their roles as protector of Bahrain, brought large amounts of British and Indian bureaucrats. The pearl trade fueled Bahrain's economy until the 1930s, when cheaper, cultivated pearls from Japan took over the market.⁴ The next large influx of foreign labor came with the creation and boom of the Gulf oil industry from the early 1930s to the late 1970s. British and American companies used their own nationals for managerial and the highest skilled positions while employing experienced Iranian and Indian workers for clerical and skilled positions. Though the government controlled Bahrain Petroleum Company (BAPCO) desired to hire Bahrainis, it conceded that they lacked the skills and technical experience to work in the oil industry. BAPCO was forced to hire foreign workers, mostly from Iran.⁵ The Bahraini government used oil revenues to expand the public sector and employ Bahrainis. This created the

¹ http://www.cio.gov.bh/cio_ara/English/Publications/Census/Population/4.pdf

According to the Indian Ambassador in Bahrain, the Indian community numbers about 400,000 people (mainly male).

² http://www.cio.gov.bh/cio_ara/English/Publications/Census/Population/6.pdf

³ The majority of these Christians are more recent emigrants to Bahrain, most of whom came to Bahrain between 80 and 60 years ago. They eventually received Bahraini citizenship. Primarily, they are originally from Palestine, Jordan, and Iraq although there are smaller numbers from Lebanon, Syria, and India. See Christians in Bahrain at <http://voices.yahoo.com/christianity-bahrain-7878832.html>

⁴ Gardner, Andrew. *City of Strangers: Gulf Migration and the Indian Community in Bahrain*. P. 37.

⁵ Louer, Laurence, "The Political Impact of Labor Migration in Bahrain," *City and Society*, Vol. 20, Issue 1, p 34. 2008.

need for foreign workers to fill positions in the growing private sector. Indians and other Asian migrants flocked to Bahrain to work in such positions as clerks, housekeepers, and construction workers. Today, Bahrain draws large numbers of both skilled and unskilled migrant workers from Iran, Pakistan, India, the Philippines, and other south and south-east Asian countries.

It is difficult to quantify the demographics of Bahrain due to the large numbers of immigrants to the island, the naturalization process, and the practice of the government to make report statistics in terms of “Bahraini” and “non-Bahraini.”

Bahrain has a population of 1,234,571 of which an estimated 568,424 are Bahraini citizens and 666,172 are non-Bahraini residents, including 562,040 Asians.⁶ This means that 54% of Bahrain’s residents are foreign citizens. Foreign residents are overwhelmingly male, with expatriate men outnumbering expatriate women 2.6:1. This imbalance has led some politicians to lobby for tighter restrictions on male guest workers in terms of housing and mobility inside Bahrain. In 2007, MP Nasser Al Fadhala sponsored a motion in Parliament that would ban migrant bachelors from housing in residential areas. He accused foreign bachelors of being criminals.⁷ In 2010, a Northern Municipal Council member called for the eviction of “expatriate parasites” and said it was “time that [the] constituency got rid of them.”⁸

Government Regulations on Migrant Labor

The Labor Law of 1976 (Amiri Decree Law No. 23) which replaced the Bahrain Labor Ordinance of 1957 emphasized the need to employ Bahrainis over foreign workers. Article 13 stated that “[e]very employer shall afford priority of employment to citizens; thereafter to other Arab nationals.” This is an idea that continues today in the form of Bahrainization.⁹ Article 13 also required that in cases of downsizing, first non-Arab and then Arab employees should be released before Bahrainis. Non-Arab workers are further discriminated against in Article 40, stating that though contracts, notices, and other forms of correspondence to employees may be translated into different languages, the only “legal reliable text” is that in Arabic.

The next major labor instrument enacted in 2006 in the form of Act No. 19. This instrument is still in force today and introduced several new important changes in migrant labor regulation. Act No. 19 established the Labor Market Regulatory Authority (LMRA), a regulatory body under the direction of the Ministry of Labor. The LMRA issues work visas and regulates work permits, recruiting agencies, employment offices, and other foreign labor concerns. It also compiles labor statistics. Since Bahrain utilizes foreign labor to such a great extent, the LMRA is a powerful government agency and affects the lives of Bahrainis and expatriate workers alike.

⁶ Kingdom of Bahrain, “Remarkable Growth, Expats Outnumber Bahrainis in 2010 Census.” http://www.census2010.gov.bh/news/news_en26.html Accessed 22 Dec 2011.

⁷ Toumi, Habib. “Watchdog blast move to ban bachelors from residential areas.” Gulfnews.com, 30 Apr, 2007. <http://gulfnews.com/news/gulf/bahrain/watchdog-blasts-move-to-ban-bachelors-from-residential-areas-1.174549> Accessed 22 Dec 2011.

⁸ Al a’Ali, Mohammed. “Evict all laborers to rid villages of fear.” Gulfdailynews.com, 18 Jun 2010. <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=280514> Accessed 22 Dec 2011.

⁹ The policy of giving preference to Bahrainis over expatriates in employment.

The LMRA has the authority to directly affect labor law through its decisions, such as Decision No. 79 of 2009, which amended Act No. 19 Art. 25, eliminating the *kafala* system¹⁰.

Act No. 19 forbade migrant workers from transferring from one employer to another without the permission of the original employer. In 2009 this article was amended, removing the need for employer consent.

Bahrainization

Bahrainization is the term used to describe the idea of favoring Bahrainis over foreigners in employment. It is most commonly made manifest in LMRA decrees stipulating the required number of Bahrainis working in an industry, but applies to any regulation or custom that promotes Bahrainis over foreigners in the workplace. Indeed, Andrew Gardner¹¹ uses the term to “include all the edicts, policies, and practices that forge the structural differences and impediments for noncitizens in the workplace.”¹²

Bahrainization is a tool used by the government to indirectly control foreign labor and to relieve Bahraini unemployment, especially among youth. It forces companies, who generally prefer cheaper and more reliable foreign labor, to hire Bahrainis. It is hoped that eventually “employers will hire Bahrainis because it makes good business sense rather than because they are forced to by the government.”¹³

Bahrainization policies are not uniformly enforced, depend on the relations of the LMRA with various industries as well as public opinion and are subject to frequent revision. The Ministry of Industry and Commerce website states that: “There is currently no written legislation setting numerical Bahrainization requirements, and the investor must therefore enquire at the Ministry regarding Bahrainization rules by sector.”^{14,15}

Bahrainization meets with mixed reactions. Bahrainis savor the fact that the government is active in securing employment opportunities for its citizens, but business owners— both native and foreign— complain about the poor quality of Bahraini workers.¹⁶

¹⁰ See a short description of the *kafala* system further in this article.

¹¹ Andrew Gardner is an anthropologist and ethnographer who studies migrant labor in Bahrain. His studies focus mainly on the Indian presence in Bahrain.

¹² Gardner, *City of Strangers*, p. 147

¹³ Labor Market Regulatory Authority, “How will Bahrainis be able to secure private sector jobs once Bahrainisation is eliminated?” LMRA.bh <http://portal.lmra.bh/english/faq/question/29> . Accessed 15 Dec, 2011.

¹⁴ Ministry of Industry and Commerce, Kingdom of Bahrain, “Work Permits.” MOIC.gov.bh <http://www.moic.gov.bh/MoIC/En/MoIC+Centers/BahrainInvestorsCenter/Post+Registration+Services/WorkPermit/s/> Accessed 15 Dec 2011.

¹⁵ A table of Bahrainization rates per industry can be found at http://portal.lmra.bh/files/cms/downloads/english_attachment/bahrainisation_table_en.pdf

¹⁶ Gardner’s *City of Strangers* is full of anecdotes from employers discussing their experiences with Bahraini employees. See pp. 142-143 for one example.

Kafala

Kafala is the term used for the foreign labor “sponsorship” system used in GCC¹⁷ countries. Under this system, expatriate workers are required to have a legal native employer before they can immigrate to the country. The employee “sponsors” the guest-worker, paying for their visas, residency permits, and is responsible for the good behavior of the worker during the contract period.

In Bahrain, this system has a history of abuse. Guest workers were forbidden from transferring to a new employer without their former employer’s consent. If an employee violated the terms of the contract, including finding a new job, he was subject to fines, imprisonment, and deportation. Most migrant workers who were able to flee their abusive employers were frequently charged as “runaways,” sentenced to two weeks’ detention, and deported.

“A study by the LMRA found that 65% of migrant workers had not seen their employment contract, and that 89% were unaware of their terms of employment upon arrival in Bahrain. Many labor recruitment agencies in Bahrain and source countries require workers to pay high recruitment fees – a practice that makes workers highly vulnerable to forced labor once in Bahrain. The LMRA estimates that approximately 10 percent of migrant workers were in Bahrain under illegal “free visa” arrangements – a practice that can contribute to debt bondage – while the Bahrain Chamber of Commerce and Industry puts the figure at 25 percent”¹⁸.

Some Bahrainis who hold permits to bring in foreign workers sell visas without providing a job. As soon as the expatriate has found a job, he has to ask his first ‘fake’ employee to allow him to go to another sponsor. Then, the first sponsor can use again his license to sell another visa. Some migrants merely rent the visa to their sponsor and work in various illegal jobs. Some Bahrainis also rent their commercial license to foreigners, which is an illegal practice.

In 2009 Bahrain’s Labor Minister Majeed Al Allawi likened the *kafala* system to slavery.¹⁹ The labor law was amended in 2009 to allow the employees to obtain a new sponsor without the former employer’s consent; however, it has not completely abolished the *kafala* system to meaningfully prevent trafficking in persons.

Indian Migrant Workers

The Indian community in Bahrain is the largest foreign labor force on the island. Their presence predates historical records. The second period began in the 19th century with the British rule of Bahrain. With the influx of oil wealth, the immigration dramatically increased in the second half of the 20th century. In the 1960s and early 1970s, professional, skilled and semi-skilled labor predominated; by the 1980s, the flow of unskilled labor surpassed the need for skilled labor. In his paper entitled “Strategic Transnationalism: The Indian Diasporic Elite in Contemporary

¹⁷ The GCC (Gulf Cooperation Council) consists of Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates and the Sultanate of Oman. It was founded on 26 May 1981.

¹⁸ United States Dept. of State, 2011 Trafficking in Persons Report. See <http://www.state.gov/documents/organization/164453.pdf>

¹⁹ Toumi, Habib. “New Bahrain labor law stirs hornet’s nest.” Gulfnews.com. 5 May, 2009.

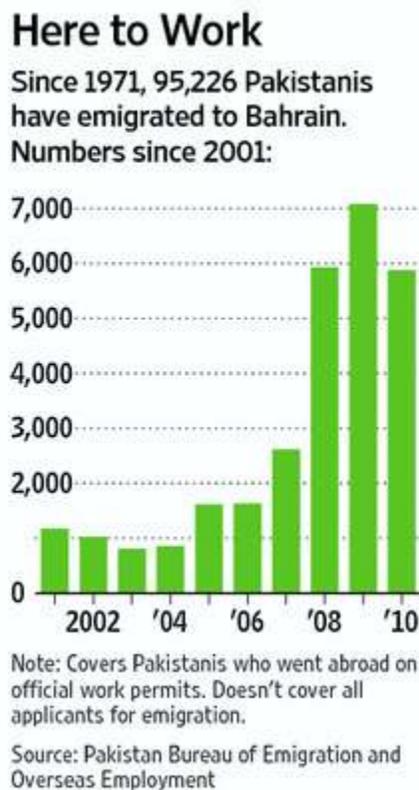
<http://gulfnews.com/news/gulf/bahrain/new-bahrain-labor-law-stirs-hornet-s-nest-1.1963> Accessed 20 Dec 2011.

Bahrain”²⁰, Andrew Gardner stated that the vestiges of the first periods of Indian transmigration remained in place but both were dwarfed by the proportionally immense underclass of unskilled labor and he estimated the Indian elite in Bahrain to represent about 10% of the total Indian population.

The current number of Indians is estimated to be about 400,000²¹ and around 60,000 of them are Catholics²².

Pakistani Migrant Workers

According to the Pakistan Bureau of Emigration and Overseas Employment, 95,226 Pakistanis have emigrated to Bahrain with an official work permit since 1971.



Their number was inferior to 1,000 per year in 2002-2004; between 1,500 and 2,000 in 2005-2006; over 2,000 in 2007; almost 6,000 in 2008; 7,000 in 2009 and again almost 6,000 in 2010.

²⁰ Gardner, Andrew. “Strategic Transnationalism: Indian Diasporic Elite in Contemporary Bahrain,” *City and Society*, Vol. 20, Issue 1, p. 55. 2008.

²¹ Interview of India’s ambassador in Manama on 27 October 2011 by Willy Fautré, director of Human Rights Without Frontiers.

²² Presentation of Fr Uldarico Camatison Camus, parish priest of the Sacred Heart Cathedral in Manama, at the conference « Christians in Muslim Lands : The Example of Bahrain » organized at the European Parliament on 26 January 2012 by Human Rights Without Frontiers.

A breakdown of the Pakistani migrant workers between the various work sectors is not available. Around 65,000 Pakistanis are said to live in Bahrain on a regular basis.

Foreigners in the Law Enforcement Forces

The Bahrain Defense Force (BDF) numbers about 13,000 personnel and consists of army, navy, air force, air defense, and royal guard units. Bahrain also has a National Guard. It is composed of three brigades, each of which comprises around 400 personnel.²³ These forces comprise large numbers of foreigners²⁴ mostly from Pakistan²⁵. This has long been a point of discontent among Bahrain's Shia majority population, which accuses the government of politically-fueled naturalization of Sunnis²⁶ and of using the foreign security forces to abuse the citizenry.

In spring 2011, the Bahraini National Guard recruited close to 1,000 new security personnel through the Fauji foundation and the Bahria foundation in Pakistan. The Fauji Foundation's Overseas Employment Services, a labor recruitment company²⁷, then listed 800 Bahrain security force openings.²⁸ Applicants came largely from Pakistan's own military and security forces. Security jobs in Bahrain can offer as much as \$400 a month,²⁹ a lucrative amount to Pakistani former or retired soldiers as well as Bahrainis.

Police of Pakistani origin in Bahrain claim that as many as 7,000 people from the police force of 25,000 come from Pakistan.³⁰

Because of the heavy Pakistani presence in Bahrain's security forces, Pakistani guest-workers were subject to violence during the 2011 uprisings. The Bahrain Independent Commission of Inquiry reported that out of the 88 injured expatriates 58 were Pakistanis³¹ and out of the 4 expatriates killed by mobs 1 was Pakistani³².

²³ Report of the Bahrain Independent Commission of Inquiry, 23 Nov 2011, p. 53.

²⁴ No official statistics are publicized by the authorities.

²⁵ Pakistan has a long history of military involvement and training in the Arab world. However, the current hiring of law enforcement forces is taking place through private channels and not on the basis of bilateral official agreements.

²⁶ No official statistics are publicized by the authorities.

²⁷ On its website, the Fauji Foundation says it provided 2,348 security guards in the year 2009 - 10 to its various clients. <http://www.fauji.org.pk/webforms/SecurityServices.aspx?Id=93&Id2=107> Accessed 30 January 2012.

²⁸ Imtiaz, Saba. "Overseas Employment Services: Fauji Foundation headhunts for Bahrain's security units." The Express Tribune, 11 Mar 2011. <http://tribune.com.pk/story/130961/overseas-employment-services-fauji-foundation-headhunts-for-bahrain-security-units/> Accessed 20 Dec 2011.

²⁹ Delmar-Morgan, Alex and Tom Wright. "World News: Row Over Bahrain's Foreign Cops." Wall Street Journal, 25 Mar 2011, pg. A.13.

³⁰ See "Bahrain Foreign Police Add to Tensions", Wall Street Journal, 25 March 2011.

<http://online.wsj.com/article/SB10001424052748703784004576220762563363574.html>

³¹ 1 Filipino, 11 Indians, 18 Bangladeshi were also injured. Report of the Bahrain Independent Commission of Inquiry, 23 Nov 2011, p. 360. For detailed inquiries and accounts of violence, see the BICI's Report.

³² On 13 March 2011, Abdul Malik Ghulam Rasool was killed by a mob. The investigation found that a gang carrying metal bars and knives attacked a group of Pakistanis living in a building in Naeem. The group beat the deceased to death. Fifteen persons were prosecuted for crimes, including murder. Report of the Bahrain Independent Commission of Inquiry, 23 Nov 2011, p. 241.

Naturalizations

The political opposition claims that the Bahraini authorities naturalize foreigners from countries with a Sunni majority to change the demographic balance of the country.

By law, non-Arab nationals are required to have lived in Bahrain for 25 years in order to be allowed to apply for citizenship, while Arab nationals require only 15 years. However, it does not mean that they will get the Bahraini citizenship. Those applying for Bahraini citizenship have to go through long procedures, including interviews and reports, until the final decision is taken by the Royal Court.³³ This system seems designed to prevent large numbers of non-Bahrainis from obtaining citizenship. Additionally, citizenship cannot be transferred if a non-Bahraini man marries a Bahraini woman or if a child is born in Bahrain to non-citizen parents. Thus, there are many non-Bahraini residents who were born and raised in Bahrain, but lack citizenship.³⁴

According to some information released by the government of Bahrain in December 2008, Bahrain naturalized 7,012 persons in the five previous years³⁵. Asians topped the list with 3,599 individuals being given a Bahraini passport, followed with 2,240 Arabs, 1095 GCC citizens and 78 from various countries³⁶.

The then Minister of the Interior Lieutenant-General Shaikh Rashid bin Abdullah Al Khalifa said in a written answer to a parliamentary question that the naturalized persons were foreign husbands and children of Bahraini mothers, members of Bahraini families, those born in the country and others for humanitarian and social reasons.

According to the nationality law of 1963, the newly naturalized citizens do not have to give up their original nationality.

Willy Fautré, director of *Human Rights Without Frontiers*

³³ Gardner, Andrew. "Strategic Transnationalism: Indian Diasporic Elite in Contemporary Bahrain," *City and Society*, Vol. 20, Issue 1, p. 68-69. 2008.

³⁴ US Department of State, *Human Rights Report 2010: Bahrain*. P. 14. 2010.

³⁵ See « Bahrain Grants Citizenship to 7,012 People » by Suad Hamada, 3 December 2008, Khaleej Times online. http://www.khaleejtimes.com/DisplayArticleNew.asp?section=middleeast&xfile=data/middleeast/2008/december/middleeast_december31.xml

³⁶ The identity of the naturalized persons is not publicized, officially to protect their privacy. .

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