

## CASE STUDY: BAHRAIN

# Determinants of Anti-Trafficking Efforts



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This report is published as part of the 'Determinants of Anti-Trafficking Efforts' Project. The project assesses the links and sequencing of specific factors that have yielded improved political will and capacity in national governments to address trafficking in persons and which have led to sustained and comprehensive anti-trafficking efforts. Through a multi-pronged approach, this project will conduct a review/meta-analysis of the current research and contribute a new data-set through expert interviews, a first of its kind global survey and a series of 14 case studies.

More information including the project outputs are available at:

<https://www.biicl.org/projects/determinants-of-anti-trafficking-efforts>

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**Gift of the United States Government**



# Table of Contents

Abbreviations .....	1
Executive Summary .....	2
Introduction .....	4
Context .....	7
Determinants of anti-trafficking efforts .....	17
Determinants relevant to all 4Ps.....	17
Particulars of determinants by type of response .....	21
Particulars of determinant by form of exploitation .....	26
Particulars of determinants according to trafficked persons' profile.....	31
Particulars of determinants according to perpetrator profile .....	33
Particulars of determinants by type of trafficking .....	35
Particulars of determinants by stage of response.....	38
Focus: The EPC .....	43
Focus: The NRM .....	45
COVID-19 .....	47
Conclusion.....	51
Bibliography.....	53
List of Determinants .....	63

# Abbreviations

BCCI	Bahrain Chamber of Commerce and Industry
BASMA	Bahrain Services & Maintenance Co. B.S.C(c)
BIICL	British Institute of International and Comparative Law
CID	Central Investigation Department
EPC	Expat Protection Centre
FGD	Focus Group Discussion
FTA	Free Trade Agreement
GFBTU	General Federation of Bahraini Trade Unions
GSI	Global Slavery Index
GPD	Grievances and Protections Directorate
GCC	Gulf Cooperation Council
IDWF	International Domestic Workers Federation
ILO	International Labour Organisation
IOM	International Organisation for Migration
LMRA	Labour Market Regulatory Authority
MoU	Memorandum of Understanding
MENA	Middle East and North Africa
MWPS	Migrant Workers Protection Society
MFA	Ministry of Foreign Affairs
MOI	Ministry of Interior
MLSD	Ministry of Labour and Social Development
NCCTIPs	National Committee for Combatting Trafficking in Persons
NIHR	National Institute for Human Rights
NRM	National Referral Mechanism
OPVW	Office for the Protection of Victims and Witnesses
RCE	Regional Centre for Excellence
SDGs	Sustainable Development Goals
TIP	Trafficking in Person
TPO	TIP Prosecutor's Office
UNODC	United Nations Office on Drugs and Crime
VAF	Victim Assistance Fund

# Executive Summary

This study was carried out to identify and sequence the determinants impacting the Bahraini Government's anti-trafficking efforts. As the only study so far to explore the issue of determinants in Bahrain, we anticipate that this report will considerably improve the understanding of factors which motivate, or hinder, Bahrain's anti-trafficking response.

We learned that Bahrain's **international reputation** was a key factor motivating the government to pass its anti-trafficking law in 2008. Subsequently, attaining Tier 1 status on the U.S. TIP Report created opportunities for Bahrain to heighten its **regional reputation** in the MENA region, as illustrated by the establishment of a regional capacity-building hub, the Regional Centre for Excellence (Determinants relevant to all 4Ps).

The **political culture** in Bahrain centralises decision-making power in key individuals, enabling the **agency of individual officials** to act as a key determinant. As positive determinants, they empowered specific 'technocrats', uniquely passionate about counter-trafficking, to initiate reforms. As negative determinants, they have led to a lack of uniformity across government anti-trafficking bodies – and particularly between police stations – in terms of victim protection. NGOs have noted the unpredictability of officials' responses and officials' wide discretion, despite clear procedures and policies in writing. The country's **political culture** has also made it difficult for civil society organisations to advocate for reform without fear of marginalisation (Determinants relevant to all 4Ps & Partnership).

The Bahraini Government seems to have prioritised combatting trafficking for the purpose of sexual exploitation. This may be driven by the urge to 'clean up' Bahrain's **regional reputation** amidst allegations the capital is the 'Sin City' of the Gulf, therefore realigning the nation with the region's Islamic identity (Sexual exploitation). The government's response to combatting forced labour is hindered by economic and political sensitivities arising from the interference with **business interests**, especially considering Bahrain's **economic situation**. For instance, on government-contracted projects, counter-trafficking responses have ranged from denying to even encouraging exploitation (Labour exploitation). Meanwhile, **cultural norms** around privacy in homes hinder the enforcement of laws which aim to prevent domestic servitude (Domestic servitude).

In relation to determinants affecting the profiles of victims, the government's **conflation of human trafficking with sex trafficking** means that identified and protected victims are almost exclusively female victims of sexual exploitation. NGOs expressed their difficulties of advocating for the protection of victims of forced labour on the basis that government officials lack an expansive understanding of trafficking in persons, in spite of the nuanced understanding of trafficking within published government materials (Sex and gender identity). Regarding *perpetrator* profiles, **racial stereotyping** may impact the government's record of

convictions in relation to specific nationalities – namely, it could explain the disproportionate number of Bangladeshi nationals convicted of human trafficking offences due to commonly-held stereotypes that they are more likely to commit crimes (Citizenship (Citizen versus non-Citizen)).

With regards to the two positive developments identified with BIICL – the establishment of the National Referral Mechanism (NRM) and Expat Protection Centre (EPC) – the **level of expertise** in the country and support from **international organisations** were likely influential.

In response to the COVID-19 pandemic, the government anticipated the increased vulnerability of migrant workers. They took action to reduce these vulnerabilities through charity campaigns, waivers on work permits fees and utilities, an amnesty period to help workers regularise their status, and the creation of new anti-trafficking bodies. Nonetheless, due to exclusions from social security measures, interviewees suggest that the government has not done enough to alleviate the burdens of the pandemic and therefore counter human trafficking.

# Introduction

Over the last decade, Bahrain has considerably improved its anti-trafficking efforts. In 2011, the map of stakeholders combatting human trafficking in Bahrain was sparse and scattered, lacking in specialisation and collaboration. Stakeholders consisted solely of the Labour Market Regulatory Authority (LMRA), the National Committee for Combatting Trafficking in Persons (NCCTIPs), and an NGO called the Migrant Worker Protection Society (MWPS). By 2021, this stakeholder map evolved into a sophisticated and specialised network of agencies, with systems in place for collaboration and information sharing. A U.S. embassy official told us that Bahrain is a “solid and willing partner” in combatting trafficking in persons.<sup>1</sup> Nonetheless, implementation and enforcement – especially in relation to forced labour and domestic servitude – continue to be a challenge.

Timeline of key events (2011-2021):<sup>2</sup>

<b>November 2015</b>	Expat Protection Centre (EPC) established
<b>February 2017</b>	National Referral Mechanism (NRM) established
<b>July 2017</b>	‘Flexi-permits’ launched, leading to regularisation of thousands of undocumented workers
<b>February 2018</b>	Tri-partite contracts for migrant domestic workers become standardised
<b>March 2018</b>	IOM office opens in Bahrain
<b>May 2018</b>	Victim Assistance Fund (VAF) established as a financial protection scheme for victims who have issued court proceedings
<b>July 2018</b>	Bahrain achieves Tier 1 status in U.S. TIP Report
<b>November 2018</b>	Digitalisation of the NRM

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<sup>1</sup> Interviewee 0308 (Virtual, 3 August 2021).

<sup>2</sup> Alawi Al Mousawi, ‘Bahrain rated ‘A’ in the fight against human trafficking for the fourth year in the row’, *Al Bilad* (Manama, 8 July 2021), <<https://albiladpress.com/news/2021/4672/bahrain/717498.html>> accessed 10 July 2021.



<b>June 2019</b>	Regional Centre for Excellence (RCE) established
<b>October 202</b>	TIP Prosecutor's Office (PPO) and specialised TIP chamber in the Criminal Courts established
<b>November 2020</b>	Office for the Protection of Victims and Witnesses (OPVW) established
<b>July 2021</b>	Human trafficking hotline launched by the Central Investigation Department (CID)

### Positive developments

We identified two key positive developments between 2011 and 2021 in consultation with the BIICL research team:

1. The establishment of the Expat Protection Centre (EPC) in 2015, which is a 'one-stop shop' facilitating collaboration between Bahrain's numerous anti-trafficking agencies. The EPC also set up new anti-trafficking bodies, such as a migrant shelter, a trafficking victim hotline, and a regional capacity-building centre called the Regional Centre for Excellence (RCE).
2. The establishment of Bahrain's National Referral Mechanism (NRM) in 2016. This is a procedural mechanism to identify victims of human trafficking and ensure they receive the appropriate form of protection from the relevant government body.

### Methodology

We have followed the methodology as set out by BIICL. We conducted desk-based research using academic articles, NGO reports, media reports, case law, National Assembly debates, *travaux préparatoires*, and materials published by government bodies. We interviewed a total of 10 stakeholders, consisting of 2 State actors and 8 non-State actors. Out of 22 unsuccessful interview invitations, we received 10 rejections and 12 instances where we did not receive a response. Therefore, we had a success rate of around 31% when inviting stakeholders for interviews. Our one participating State actor declined to participate in a live interview, but instead agreed to answer a list of questions in written form. We selected non-State stakeholders across a range of professions, including media, NGOs, academia, business, trade unions, and embassies. We conducted an initial Focus Group Discussion (FGD) with 7 non-State actors on 28 July 2021. Two participants in our non-State FGD were also interviewed individually. We scheduled a second FGD with State actors for 29 August 2021, inviting 7 government officials. Nonetheless, we did not receive any response to our invitations, despite repeated efforts to follow up with stakeholders individually, and therefore had to cancel the second FGD.



## Limitations

A key limitation of our research has been our difficulty securing interviews with government officials. For instance, the Ministry of Interior (MOI), PPO, and NCCTIPs have rejected our requests for an interview. Due to the sensitivity of the research topic and the atmosphere in Bahrain relating to human rights, virtually all respondents have expressed caution and are concerned with how their data will be used. Following the cancellation of our second State-actors FGD, we continued to request individual interviews with officials – we initially secured a further interview with the government, but this was later cancelled by the prospective interviewee, who told us that they were instructed not to participate. Another prospective interviewee who rejected our invitation told us that there was a policy in place which prohibited government officials from being interviewed by researchers.

Another limitation is the lack of literature on determinants of anti-trafficking in Bahrain. We have not found any literature that examines determinants either explicitly or implicitly. The available literature – whether from academic sources, media articles, or NGO reports – documents abuses against victims of trafficking and highlights government measures to combat trafficking. Trying to adduce determinants which influence anti-trafficking efforts from the available literature has been challenging. Therefore, we have been heavily reliant upon interviews with stakeholders and information from our FGD to identify and sequence the determinants.

Similarly, quantitative data on human trafficking in Bahrain is scarce. Apart from data from the U.S. TIP Report, the only other source of qualitative data we found on trafficking in Bahrain is the 2020 UNODC *Global Report on Trafficking in Persons*, which provides a break-down of victims and perpetrators by sex and nationality.<sup>3</sup> This data has been provided to the UNODC by Bahrain’s NRM. Delta 8.7, the United Nation University’s platform to measure progress towards SDG target 8.7, states that there is “no nationally representative” data for all three of its categories of child labour, forced labour, and human trafficking.<sup>4</sup> Similarly, while the Global Slavery Index (GSI) 2018 has attempted to estimate the prevalence of human trafficking in Bahrain, it includes a caveat that “substantial gaps in data exist for the Arab States and Gulf countries in particular.”<sup>5</sup>

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<sup>3</sup> UNODC, *Global Report on Trafficking in Persons* (2020), <<https://www.unodc.org/unodc/data-and-analysis/glotip.html>> accessed 14 July 2021.

<sup>4</sup> Delta 8.7, ‘Data dashboard – Bahrain’ (2021), <<https://delta87.org/dashboards/bahrain/>> accessed 24 September 2021.

<sup>5</sup> Walk Free Foundation, *Global Slavery Index 2018* (2018), <<https://www.globalslaveryindex.org/resources/downloads/>> accessed 14 July 2021, 118.

# Context

Bahrain is a small island nation in the Arabian Peninsula with a population of around 1.7 million people. It is a member of the Gulf Cooperation Council (GCC), which includes Saudi Arabia, the United Arab Emirates, Qatar, Kuwait, and Oman. Migrant workers account for around 77% of the total workforce and 81% of the private sector workforce in Bahrain.<sup>6</sup> Of these workers, approximately 65,000 are domestic workers, of which 70% are female.<sup>7</sup> Bahrain is classified as an immigration net receiving country.<sup>8</sup> While there is no widespread trafficking of Bahraini nationals outside the country, Bahraini women, as the U.S. TIP report stated, have been identified as victims of trafficking in Saudi Arabia<sup>9</sup> and are vulnerable to trafficking in Iran.<sup>10</sup> The 2018 GSI estimated a modern slavery prevalence of 1.9 per 1,000 members of the population, with an estimated 3,000 victims.<sup>11</sup>

Human trafficking in Bahrain takes various forms. With regards to trafficking for the purpose of sexual exploitation, nationals from sending countries are lured to Bahrain with promises of high-paying jobs, only to be forced into prostitution upon arrival in Bahrain.<sup>12</sup> Furthermore, migrant domestic workers who flee, or 'abscond' from their employers can also be forced into prostitution by perpetrators.<sup>13</sup> Regarding forced labour, migrant workers are subject to non-payment of wages, passport confiscation, physical confinement, sexual or physical abuse, and debt bondage by their employers. Again, workers who 'abscond' from their employers due to abusive conditions are rendered undocumented and are subsequently at greater risk of further exploitation.

## International legal framework

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<sup>6</sup> Labour Market Regulatory Authority, 'Table A. Estimated total employment by citizenship and sector: 2010-2021' <[http://blmi.lmra.bh/2021/03/data/lmr/Table\\_A.pdf](http://blmi.lmra.bh/2021/03/data/lmr/Table_A.pdf)>, accessed 18 October 2021.

<sup>7</sup> Labour Market Regulatory Authority, 'Table A2. Estimated total employment (Female) by citizenship and sector: 2010-2021' (2021), <[http://blmi.lmra.bh/2021/03/data/lmr/Table\\_A2.pdf](http://blmi.lmra.bh/2021/03/data/lmr/Table_A2.pdf)> accessed 18 October 2021.

<sup>8</sup> Walk Free Foundation (2018), 175.

<sup>9</sup> United States Department of State, *Trafficking in Persons Report 20th Edition (2020)*, <<https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>> , accessed 14 July 2021, 263.

<sup>10</sup> *Ibid*, 429.

<sup>11</sup> Walk Free Foundation (2018), 83.

<sup>12</sup> United States Department of State (2020), 93.

<sup>13</sup> *Ibid*, 84.

In 1990, Bahrain ratified the 1926 *Slavery Convention* and the *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*.<sup>14</sup> Bahrain acceded to the *UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* in 2002<sup>15</sup> and to the *UN Convention against Transnational (Palermo Protocol)* in 2004.<sup>16</sup>

Bahrain has ratified the following ILO instruments:<sup>17</sup>

- *Forced Labour Convention 1930* (No. 209), ratified on 11 Jun 1981
- *Labour Inspection Convention, 1947* (No. 81), ratified on 11 Jun 1981
- *Weekly Rest (Industry) Convention, 1921* (No. 14), ratified on 11 Jun 1981
- *Night Work (Women) Convention, 1948* (No. 89), ratified on 11 Jun 1981
- *Abolition of Forced Labour Convention, 1957* (No. 105), ratified on 14 Jul 1998
- *Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983* (No. 159), ratified on 2 Feb 1999
- *Discrimination (Employment and Occupation) Convention, 1958* (No. 111), ratified on 26 Sep 2000
- *Worst Forms of Child Labour Convention 1973* (No. 138), ratified on 23 Mar 2001
- *Occupational Safety and Health Convention, 1981* (No. 155)
- *Minimum Age Convention, 1973* (No. 138), ratified on 7 Mar 2012

Bahrain voted in favour of the 2011 *ILO Convention on the Treatment of Migrant Domestic Workers*, although it has not yet ratified this convention.<sup>18</sup> It abstained on voting on the *2014 Protocol to the Forced Labour Convention, 1930*.<sup>19</sup>

## Bilateral agreements

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<sup>14</sup> United Nations Treaty Collection, 'Slavery Convention', <[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-2&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-2&chapter=18&clang=en)> accessed 21 September 2021.

<sup>15</sup> Americans for Democracy & Human Rights in Bahrain (ADHRB) and Human Rights Watch (HRW), *Living as Commodities: Human and Sex Trafficking in the GCC* (November 2017), <<https://www.adhrb.org/2016/11/living-commodities-human-sex-trafficking-gcc/>>, accessed 13 July 2021. 22.

<sup>16</sup> UNDOC, 'Status of ratification of the United Nations Convention against Transnational Organised Crime and the Protocols thereto as at 1 October 2012' (2012), <[https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12-a&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&clang=en)> accessed 14 July 2021, 3.

<sup>17</sup> ILO, 'Ratifications for ILO Conventions: Ratifications for Bahrain', <[https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103396](https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103396)> accessed 15 August 2021.

<sup>18</sup> ADHRB and HRW (2017), 7.

<sup>19</sup> International Labour Conference, 'Record of Proceedings – Twelfth sitting' (2014), <[https://www.ilo.org/pub-lic/libdoc/ilo/P/09616/09616\(2014-103\).pdf](https://www.ilo.org/pub-lic/libdoc/ilo/P/09616/09616(2014-103).pdf)> accessed 20 September 2021, 16/2

In the last decade, Bahrain has strengthened its bilateral cooperation with sending countries for the purpose of combating trafficking in persons. In March 2016, Bahrain and India signed a *Memorandum of Understanding on Cooperation for Prevention of Human Trafficking, Especially Trafficking in Women and Children*. The MoU pledged to enhance information sharing between the two nations' police forces and strengthen preventative measures.<sup>20</sup> In 2019, the General Federation of Bahraini Trade Unions (GFBTU) and International Domestic Workers Federation (IDWF) signed an MoU to protect migrant domestic workers in Bahrain.<sup>21</sup> In 2020, the Philippines signed an MoU with Bahrain aimed at protecting the rights of overseas migrant domestic workers.<sup>22</sup> These agreements were an improvement from the first decade of the century, where MoUs with sending countries, such as that with Nepal, were more focused on worker training than worker welfare.

Similarly, the 2006 *United States-Bahrain Free Trade Agreement (FTA)* stipulates that Bahrain shall, in accordance with the Agreement, "strive to ensure that its law provide for labour standards consistent with internationally recognised labour rights", including those relating to forced labour.<sup>23</sup>

Bahrain is also party to regional agreements, such as the *Arab Convention against Transnational Organised Crime*, ratified in 2017.<sup>24</sup>

## Domestic legal framework

### Legal system

Bahrain has a hybrid legal system including Islamic Sharia law and Egyptian civil, criminal, and commercial law, incorporating separate Sharia Courts and Civil Courts.<sup>25</sup> Human trafficking cases are dealt with in the Criminal Law Courts. The main legislative body in Bahrain is the bicameral National Assembly. It consists of a lower house of elected members called the *majlis al-nuwab* (Council of Representatives, or Parliament) and a royally appointed upper house called the *majlis al-shura* (Consultative Council, or Shura Council). Successful

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<sup>20</sup> Ibid, 22.

<sup>21</sup> Memorandum of Understanding between General Federation of Bahraini Trade Unions (GFBTU) and International Domestic Workers Federation (IDWF), 'To Promote Migrant Domestic Workers' Rights and Welfare in Bahrain' (2016) <[https://idwfed.org/en/updates/ilc108-gfbtu-and-idwf-signed-mou-on-protection-of-domestic-workers-rights-in-bahra-in/gfbtu\\_idwf\\_mou\\_signed\\_20190615.pdf](https://idwfed.org/en/updates/ilc108-gfbtu-and-idwf-signed-mou-on-protection-of-domestic-workers-rights-in-bahra-in/gfbtu_idwf_mou_signed_20190615.pdf)> accessed July 16 2021.

<sup>22</sup> United States Department of State (2020), 408.

<sup>23</sup> United States-Bahrain Free Trade Agreement, 'Chapter Fifteen: Labour', <[https://ustr.gov/sites/default/files/uploads/agreements/fta/bahrain/asset\\_upload\\_file73\\_6297.pdf](https://ustr.gov/sites/default/files/uploads/agreements/fta/bahrain/asset_upload_file73_6297.pdf)> accessed 12 July 2021, 15-1.

<sup>24</sup> United States Department of State, *Trafficking in Persons Report 20th Edition* (2017), <<https://www.state.gov/reports/2017-trafficking-in-persons-report/>> , accessed 14 July 2021, 79.

<sup>25</sup> Al Tamimi & Co., 'Doing Business in the Bahrain' (2019) <<https://www.tamimi.com/wp-content/uploads/2019/02/Doing-Business-in-Bahrain.pdf>> accessed 1 August 2021, 17.

bills, passing through both houses, must then be ratified by the King to be enforced.<sup>26</sup> In 2008, Bahrain's first anti-trafficking legislation (Law No.1/2008) was passed by the National Assembly. Article 1 adopts the international definition of trafficking in persons as defined in the Palermo Protocols.<sup>27</sup>

### **Kafala system**

*Kafala* is a system of employment where local individuals or businesses (*kafil*) must sponsor migrant workers for them to legally work in their host countries. Across the Gulf States, Lebanon, and Jordan, workers under the *kafala* system must get permission from employers to change employers, quit their jobs, or leave the country. The *kafala* system is being gradually dismantled by the LMRA – this is discussed below). As of 2011, private sector workers who remain employed with their current employers for one full year can terminate their employment and exit the country without the consent of their employers.<sup>28</sup> These workers are able to transfer to a new employer with the LMRA's consent by making an application for transfer.<sup>29</sup> These reforms distinguish Bahrain's *kafala* systems from other countries in the region. Nonetheless, migrant domestic workers are excluded from these provisions and cannot terminate or change employment without their employer's consent.<sup>30</sup>

In 2017, the LMRA introduced the 'Flexi Permit' permit, which allows migrant workers to work in Bahrain without a sponsor, placing them outside the *kafala* system – this is discussed in detail below. Around 46,000 workers are currently sponsored through the Flexi Permit system.<sup>31</sup>

### **Labour laws**

Bahrain banned slavery in 1937.<sup>32</sup> Article 198 of the Penal Code prohibits government officials from engaging in forced labour and "unjustifiably withhold[ing] all or some of workers' wages".<sup>33</sup> Article 302 of the Penal Code prohibits the violation of employment rights

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<sup>26</sup> Abdulla Al Doseri and Essay Jawahery, 'The Legal System of the Kingdom of Bahrain' (2018), <<https://www.nyulawglobal.org/globalex/Bahrain1.html>> accessed 16 July 2021.

<sup>27</sup> Article 1, Law No.1/2008, <[https://sherloc.unodc.org/cld/legislation/bhr/law\\_no.\\_1\\_of\\_2008\\_with\\_respect\\_to\\_trafficking\\_in\\_persons/article\\_1-10/law\\_no.\\_1\\_of\\_2008\\_with\\_respect\\_to\\_trafficking\\_in\\_persons.html?lng=en](https://sherloc.unodc.org/cld/legislation/bhr/law_no._1_of_2008_with_respect_to_trafficking_in_persons/article_1-10/law_no._1_of_2008_with_respect_to_trafficking_in_persons.html?lng=en)> accessed 14 July 2021.

<sup>28</sup> Decision No.15 of 2011 Amending Paragraph A of Article 25 of Law No.19 of 2006 Regulating the Labour Market (16 June 2011), <<https://lmra.bh/portal/en/legal/show/28>> accessed 18 July

<sup>29</sup> HRW (2012), 7.

<sup>30</sup> Ibid.

<sup>31</sup> United States Department of State, *Trafficking in Persons Report 21th Edition* (2021), <<https://www.state.gov/reports/2021-trafficking-in-persons-report/>> accessed 14 July 2021, 107.

<sup>32</sup> Promulgation No.40/1356 on slavery (11 August 1937), <<https://www.legalaffairs.gov.bh/Media/Legal-PDF/N4037.pdf>> accessed 9 September 2021.

<sup>33</sup> Article 198, Bahrain Penal Code 1976 <[https://menarights.org/sites/default/files/2016-12/BHR\\_PenalCode\\_1976.EN\\_.pdf](https://menarights.org/sites/default/files/2016-12/BHR_PenalCode_1976.EN_.pdf)> accessed 16 July 2021.

by way of “force, threat, or illegal methods”.<sup>34</sup> Prostitution is illegal in Bahrain,<sup>35</sup> as well as forcing a person to engage in prostitution.<sup>36</sup> Child labour in ‘hazardous occupations or activities’ is prohibited.<sup>37</sup>

Deficiencies in Bahrain’s wider labour laws increase the vulnerability of migrant workers who are at risk of being trafficked, and in particular the vulnerability of migrant domestic workers. The Labour Law for the Private Sector No. 23 of 1976 (amended in 1993) outlined the entitlements of workers regardless of working status, guaranteeing maximum working hours, equal pay, annual leave, and other labour rights. However, migrant domestic workers were excluded from these entitlements.<sup>38</sup> This law remained in force until 2012, when it was replaced by Law No. 36 of 2012, which entitled annual vacation and severance pay to migrant domestic workers.<sup>39</sup> Nonetheless, migrant domestic workers continue to be excluded from regulations on working hours, overtime pay, and weekend holidays. These gaps in labour protection mean that migrant domestic workers are more likely to flee or ‘abscond’ from their abusive employer, therefore rendering them targets of traffickers once again. There is no article in Bahrain’s Penal Code which explicitly prohibits passport confiscation. Nonetheless, the government relies on Article 389 to criminalise passport confiscations, which prohibits “cancellation or destruction” of a document “with the use of force or threat”.<sup>40</sup> While the penalty under the Penal Code is a prison sentence, MWPS told us that they have no knowledge of any case where an employer has been arrested for passport confiscation.<sup>41</sup> The Ministry of Interior and the Ministry of Labour’s officers do not have the powers to compel the return of passports,<sup>42</sup> a gap in enforcement which is likely the result of **cultural norms** around privacy in homes. Ultimately, enforcement against passport confiscation is inadequate and has led to widespread reports of passport confiscation.

### Case law

As Bahrain follows a civil law system, the courts do not create law in tandem with the legislature, and decisions of higher courts are not binding on the lower courts.<sup>43</sup> The highest

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<sup>34</sup> Article 302, Bahrain Penal Code 1976.

<sup>35</sup> Article 329, Bahrain Penal Code 1976.

<sup>36</sup> Article 325(1), Bahrain Penal Code 1976.

<sup>37</sup> Articles 1 and 2, Ministerial Order No.23/2013.

<sup>38</sup> Article 78 and 80 of Law No.23 of 1976 (amended in 1993), <<https://www.ilo.org/dyn/travail/docs/668/The%20Labour%20Law%20for%20the%20Private%20Sector.pdf>> accessed 16 July 2021.

<sup>39</sup> Article 58 and 59 of Law No.36 of 2012, <<http://lmra.bh/portal/files/cms/shared/file/labour%20law%202012.pdf>> accessed 16 July 2021.

<sup>40</sup> Article 389, Bahrain Penal Code (1976).

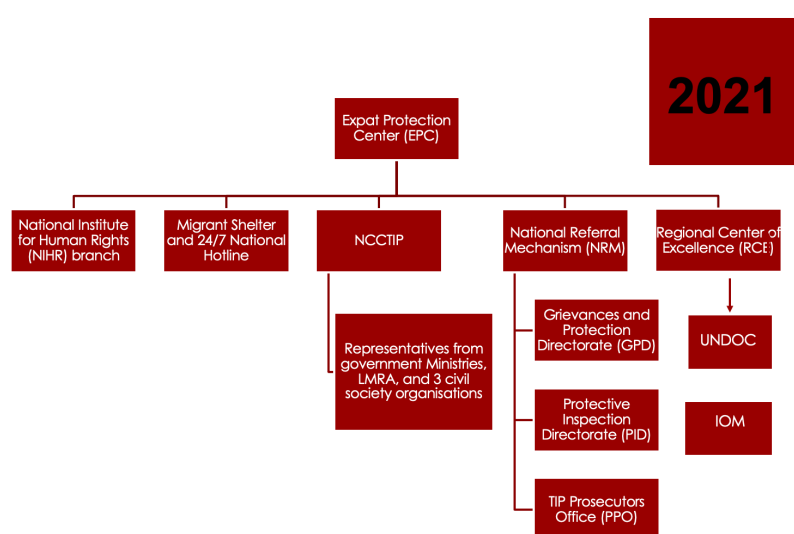
<sup>41</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>42</sup> Human Rights Watch (HRW), *For a Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda* (2012), <<https://www.hrw.org/reports/bahrain1012ForUpload.pdf>> accessed 14 July 2021, 29-30.

<sup>43</sup> Doseri and Essay Jawahery (2018).

court in Bahrain, the Court of Cassation, has discretion to impose its own legal interpretation of concepts, such as ‘human trafficking’, which are persuasive when referred to in lower courts. Nonetheless, this discretion has not been used in relation to human trafficking and the definition of human trafficking in Article 1 of Law 01/2008 has been relied upon by the courts.<sup>44</sup> The four court judgements we examined did not seek to shape or interpret the law beyond Law 01/2008, and instead focused on a discussion of intent and applying the facts of the cases to the legal framework.<sup>45</sup> In turn, case law is not considered to be a positive determinant of anti-trafficking in Bahrain.

### Stakeholder map



### Labour Market Regulatory Authority (LMRA)

The LMRA, founded in 2006, is the government entity tasked with regulating work permits for migrants and developing labour market reforms. Responsibility for Bahrain’s anti-trafficking response was passed from the Ministry of Foreign Affairs to the LMRA in 2015, when the Executive Director of the LMRA became the Chair of the NCCTIPs.

### Expat Protection Centre (EPC)

The EPC is a ‘one-stop shop’ for victims of human trafficking, providing services to both nationals and non-nationals. Bahrain’s small size enables numerous national anti-trafficking stakeholders to be housed under one roof. As a result, the EPC is a centre for information-sharing between various governmental and civil society organisations. It is the headquarters of the NCCTIP, and houses branches of the NIHR and the IOM. It also consists of the nation’s only migrant shelter, a 24/7 labour abuse hotline, a separate 24/7 hotline for victims of

<sup>44</sup> Appeal No.397, 414 of 2013; Appeal No.576, 480 of 2014; Appeal No.465, 473 of 2015; Appeal No.13 of 2016.

<sup>45</sup> Ibid.



human trafficking, the NRM, and the Regional Centre for Excellence (RCE). Facilities at the EPC offer medical services, mental health services, and *pro bono* legal advice to victims of trafficking.<sup>46</sup>

### **The National Committee for Combatting Trafficking in Persons (NCCTIP)**

The function of the NCCTIP is to: outline the preventative and protective national programme to combat trafficking; to coordinate research, campaigning, and social initiatives; and to implement the international protocols which Bahrain has ratified to combat human trafficking.<sup>47</sup> The Committee is comprised of representatives from government authorities, as well as representatives from civil society organisations. Between 2019 and 2020, the budget of the NCCTIP was increased to 984,000BD (£1,887,700), including 376,000BD (£721,320) for its anti-trafficking outreach programme.<sup>48</sup>

### **National Referral Mechanism (NRM)**

The NRM is tasked with detecting, identifying, and protecting victims of trafficking. The procedure “follows and controls the life cycle of the case from suspicion of victimization to legal, social and humanitarian conclusion”.<sup>49</sup> The NRM’s Protective Inspection Directorate (PID) identifies and investigates “all forms of labour exploitation”, focusing on those with a “nexus to trafficking”.<sup>50</sup> The Grievances and Protections Directorate (GPD) registers criminal cases with a labour dimension.<sup>51</sup>

### **Regional Centre for Excellence (RCE)**

The RCE was established by the LMRA in partnership with the IOM and UNODC. It was initially allocated funding of 250,000BD (£479,754) by the government.<sup>52</sup> The RCE aims to improve policy, practice, and capacity building at both a national and regional level by enabling experts across the MENA region to share expertise.<sup>53</sup>

### **TIP Prosecutor’s Office (TPO) and the Fourth Chamber of the Criminal Courts**

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<sup>46</sup> LMRA, ‘IOM: Bahrain A Global Model for Best Practice for Foreign Workers’ (January 26 2016), <<http://blog.lmra.bh/en/2016/01/06/iom-bahrain-a-global-model-for-best-practice-for-foreign-workers/>> accessed 19 July.

<sup>47</sup> Article 8, Law No.1 of 2008.

<sup>48</sup> United States Department of State (2020), 92.

<sup>49</sup> Interviewee 1208 (Virtual, 12 August 2021).

<sup>50</sup> United States Department of State (2020), 91.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*, 92.

<sup>53</sup> Interviewee 2407 (Virtual, 24 July 2021).

The TPO and the fourth chamber of the Criminal Courts – specialised in TIP and money laundering – were established to “provide prosecutors with the full investigatory mandate to prosecute trafficking crimes”. The NRM is able to submit its findings directly to both bodies.<sup>54</sup>

### Civil society organisations

The MWPS, founded in 2005, is the only NGO dedicated exclusively to migrant rights. They work to address the full range of trafficking abuses, including forced labour, sexual exploitation, and domestic servitude. MWPS hosted the first temporary shelter for migrant workers in 2010<sup>55</sup> and have also provided funds to migrant domestic workers who have had to buy themselves out of their employment contracts to return to their home countries.<sup>56</sup> They also refer potential trafficking cases to the EPC and NRM.<sup>57</sup> Migrant workers’ membership in trade unions is low.<sup>58</sup> Nonetheless, the GFBTU operates two committees to assist migrant workers – the first provides *pro bono* legal representation, while the second aims to organise migrant workers and integrate them into the wider labour movement. The latter has helped migrants stage strikes and recover retained wages from their sponsors.<sup>59</sup> There is no civil society organisation dedicated exclusively to trafficking, although we note that counter-trafficking efforts make up a significant proportion of MWPS’s work. The work of MWPS and GFBTU suggest that civil society anti-trafficking efforts are focused on migrant workers. Marietta Dias, nonetheless, expressed that it is “very rare”,<sup>60</sup> although not unheard of, for Bahraini nationals to be victims of trafficking, and this was corroborated by a local activist.<sup>61</sup>

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<sup>54</sup> Interviewee 2407 (Virtual, 24 July 2021).

<sup>55</sup> Ali Al Jabal, ‘Human Trafficking: The Bahrain Experience’ (2010), *The Juridical Current* 43, 51.

<sup>56</sup> Staci Strobl, ‘Policing Housemaids: The Criminalisation of Domestic Work in Bahrain’ (2019), *The British Journal of Criminology* 49:2, 170.

<sup>57</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>58</sup> Participant 8, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>59</sup> HRW (2012), 21.

<sup>60</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>61</sup> Interviewee 1109 (Virtual, 11 September 2021).

## Prosecutions and convictions <sup>62</sup>

Year	Investigations (Forced Labour)	Investigations (Sex Trafficking)	Prosecutions (Forced Labour)	Prosecutions (Sex Trafficking)	Convictions (Forced Labour)	Convictions (Sex Trafficking)
2021 <sup>63</sup>	4	15	0	27	0	22
2020 <sup>64</sup>	12	29	7	53	0	23
2019 <sup>65</sup>	3	16	0	9	0	7
2018 <sup>66</sup>	0	31	1	18	1	7
2017 <sup>67</sup>	5	19	0	25	0	3
2016 <sup>68</sup>	8	10	/	/	0	17
2015 <sup>69</sup>	5	16	5	16	/	17
2014 <sup>70</sup>	14	15	0	/	0	/
2013 <sup>71</sup>	1	6	/	7	0	7
2012 <sup>72</sup>	[18 in total]	[18 in total]	/	3	[5 in total]	[5 in total]
2011 <sup>73</sup>	0	12	0	5		9

<sup>62</sup> The following data has been taken from success U.S. TIP Reports. Those entries marked with a slash system signify that the relevant information was not provided by the report. The data for 2012 was not aggregated by type of trafficking, with the exception of prosecutions for sex trafficking.

<sup>63</sup> United States Department of State (2021), 105-106.

<sup>64</sup> United States Department of State (2020), 91-92.

<sup>65</sup> United States Department of State, *Trafficking in Persons Report 19<sup>th</sup> Edition* (2019), <<https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>> accessed 14 July 2021, 83.

<sup>66</sup> United States Department of State, *Trafficking in Persons Report 18<sup>th</sup> Edition* (2018), <<https://www.state.gov/wp-content/uploads/2019/01/282798.pdf>> accessed 14 July 2021, 86.

<sup>67</sup> United States Department of State, *Trafficking in Persons Report 17<sup>th</sup> Edition* (2017), <<https://www.state.gov/wp-content/uploads/2019/02/271339.pdf>> accessed 14 July 2021, 78.

<sup>68</sup> United States Department of State, *Trafficking in Persons Report 16<sup>th</sup> Edition* (2016), <<https://2009-2017.state.gov/documents/organization/258876.pdf>> accessed 14 July 2021, 87.

<sup>69</sup> United States Department of State, *Trafficking in Persons Report 15<sup>th</sup> Edition* (2015), <<https://2009-2017.state.gov/documents/organization/245365.pdf>> accessed 14 July 2021, 82.

<sup>70</sup> United States Department of State, *Trafficking in Persons Report 14<sup>th</sup> Edition* (2014), <<https://2009-2017.state.gov/documents/organization/226845.pdf>> accessed 14 July 2021, 89.

<sup>71</sup> United States Department of State, *Trafficking in Persons Report 13<sup>th</sup> Edition* (2013), <<https://2009-2017.state.gov/documents/organization/210738.pdf>> accessed 14 July 2021, 86.

<sup>72</sup> United States Department of State, *Trafficking in Persons Report 12<sup>th</sup> Edition* (2012), <<https://2009-2017.state.gov/documents/organization/192594.pdf>> accessed 14 July 2021, 80.

<sup>73</sup> United States Department of State, *Trafficking in Persons Report 11<sup>th</sup> Edition* (2011), <<https://2009-2017.state.gov/j/tip/rls/tiprpt/2011/164231.htm>> accessed 14 July 2021.

## International rankings

### U.S. TIP Report

In 2018, Bahrain became the first and only country in the Middle East and North Africa to attain a Tier 1 on the US TIP Report, a position it has maintained in all subsequent reports. A key reason for Bahrain achieving Tier 1 status was the introduction of the flexi-permit, explained above. Therefore, the Bahraini Government “fully meets the minimum standards for the elimination of trafficking” according to the report.<sup>74</sup>

A journalist told us that the U.S. TIP Report played a key role in educating journalists and NGOs about the concept of human trafficking.<sup>75</sup> Indeed, the MWPS is a grassroots organisation, where none of its members has ever had academic or professional credentials in anti-trafficking.<sup>76</sup> Meanwhile, in our non-State FGD, a local activist expressed that Bahrain’s status should be reduced to Tier 2 to better reflect the nation’s efforts and that the full extent of criticism from activists was not reflected in the reports.<sup>77</sup>

### GSI

In the last Global Slavery Index report published in 2018, Bahrain received a score of CCC, indicating limited protection to migrants vulnerable to human trafficking. Bahrain received the same score in 2016.<sup>78</sup> Nonetheless, in the 2018 report the country made significant progress on the ‘support survivors’ metric, and modest progress on ‘coordination’ and ‘addressing risk’, although it regressed slightly in relation to ‘criminal justice’.<sup>79</sup>

### UNDOC

Bahrain was included in the UNDOC’s *Global Report on Trafficking in Persons 2020*. The report provided a breakdown of victims and convicted perpetrators by sex and nationality, as reported by the NRM.<sup>80</sup>

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<sup>74</sup> United States Department of State (2021), 104.

<sup>75</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>76</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>77</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>78</sup> Walk Free Foundation (2018), 85.

<sup>79</sup> Ibid.

<sup>80</sup> UNODC, *Global Report on Trafficking in Persons (2020)*, 5-7.

# Determinants of anti-trafficking efforts

## Determinants relevant to all 4Ps

Several determinants cannot be attached to a specific type of response, but instead apply to Bahrain's overall efforts to combat trafficking. One of these determinants is the elevation of Bahrain's **international reputation**, particularly by the U.S. TIP Report. This determinant applies to prosecution, protection, prevention, and partnership (4Ps), since all these responses influence which status a country receives on the U.S. TIP Report. **International reputation** has been named as one of the two most important determinants by almost all our interviewees and focus group participants, including a journalist,<sup>81</sup> a U.S. Embassy official,<sup>82</sup> an activist working for the NGO Migrants Rights,<sup>83</sup> the co-founder of MWPS,<sup>84</sup> and the LMRA,<sup>85</sup> amongst other interviewees.<sup>86</sup> As the U.S. Embassy official put it, Tier 1 status is a "source of pride for Bahrain".<sup>87</sup>

The National Assembly debate on 31<sup>st</sup> December 2007, immediately prior to the passing of Bahrain's anti-trafficking law (Law No. 1/2008), demonstrates the influence of **international reputation**. Notably, the legislation addresses all 4Ps: Article 2 sets out penalties for trafficking offences (prosecution), Article 5 sets out investigatory and court procedures to protect victims (protection), and Article 8 establishes the NCCTIPs (relating to prevention and partnership).<sup>88</sup> Therefore, our findings from this debate apply to all 4Ps. MP Dr. Baheya Al Jishi stated that "approving this bill will strengthen Bahrain's reputation internationally, while the Parliamentary Affairs Minister said that the bill would help "Bahrain's *image* in human rights [...] be bright and transparent".<sup>89</sup> Similarly, MP A. Rahman Jamshir said that the anti-trafficking bill would "help Bahrain improve its image", explicitly linking this to Bahrain's position as a "second or third" Tier country in the U.S. TIP Report.<sup>90</sup> At the same time, he also expressed concerns about the United States' continuous criticism of Bahrain's efforts

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<sup>81</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>82</sup> Interviewee 0308 (Virtual, 3 August 2021).

<sup>83</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>84</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>85</sup> LMRA (Written answers, 12 October 2021).

<sup>86</sup> Interviewee 2407 (Virtual, 27 July 2021).

<sup>87</sup> Interviewee 0308 (Virtual, 3 August 2021).

<sup>88</sup> Article 2, 5, and 8, Law No.1 of 2008.

<sup>89</sup> National Assembly, 11<sup>th</sup> Session of the 2<sup>nd</sup> Convening Period on 31 December 2007 (our italics; our translation).

<sup>90</sup> Ibid (our translation).

to combat trafficking at the time, suggesting that **international pressure** from other nation states is another positive determinant. Dr. Al Jishi also argued that “human trafficking is on the top of the international community’s agenda”, as well as the agenda of the “International Parliamentary Union”, highlighting the role of **international organisations** in influencing Bahrain’s Parliament.<sup>91</sup>

In contrast to the above statements in the National Assembly, in 2013, the Undersecretary of the Ministry of Foreign Affairs at the time, Sheikh Abdulaziz Al Khalifa, told the U.S. that Bahrain is not motivated by “outside pressure” but instead by “its conviction that [improving anti-trafficking efforts is] the right thing to do”.<sup>92</sup> Indeed, in 2008, Bahrain’s Crown Prince at the time, and current Prime Minister, Sheikh Salman bin Hamad Al-Khalifa, said that “sponsorship in [Bahrain] is similar to servitude in the United States 400 years ago”, calling for *kafala* to be dismantled.<sup>93</sup> By invoking historical atrocities, the Prime Minister was likely making a moral claim about the treatment of contemporary migrant workers in Bahrain. The LMRA stated that Bahrain’s King and Prime Minister have a “fervent belief in safeguarding individuals” and protecting human rights for its own sake.<sup>94</sup> While the evidence suggests that light external pressure, such as international monitoring, plays a significant role, these statements indicate that **moral responsibility** and **political will** are also positive determinants of anti-trafficking efforts.

One of our non-state focus group participants, who did not live in Bahrain, argued that **international reputation** may be a negative determinant, suggesting that that overly optimistic TIP reporting by the U.S. Department of State may impede Bahrain’s engagement in serious reform by fostering complacency once Bahrain achieved Tier 1 status.<sup>95</sup> This concern was addressed by a U.S. embassy official who has extensive contact with Bahraini officials. He told us that the Bahraini Government understood fully that maintaining Tier 1 status meant continuous improvement and did not confer a permanent status.<sup>96</sup> Indeed, former Executive Director of the LMRA, Ausamah Al Absi, called for more analysis to be undertaken to understand why countries drop from Tier 1 to Tier 2 status, in order to maintain

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<sup>91</sup> Ibid (our translation).

<sup>92</sup> Embassy Manama, ‘IOM Praises GOB Anti-Trafficking Efforts; Launched’, cable No. 08MANAMA165\_a, dated 13 March 2013, <[https://wikileaks.org/plusd/cables/08MANAMA165\\_a.html](https://wikileaks.org/plusd/cables/08MANAMA165_a.html)> accessed 9 September 2021.

<sup>93</sup> John Deferious, ‘Confronting the Taboo of Human Trafficking’ (March 13 2009), *Khaleej Times* <<https://www.khaleejtimes.com/editorials-columns/confronting-the-taboo-of-human-trafficking>> accessed 4 August 2021.

<sup>94</sup> LMRA (Written answers, 12 October 2021).

<sup>95</sup> Participant 8, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>96</sup> Interviewee 0308 (Virtual, 3 August 2021).

Bahrain's status in the coming years and avoid dropping to Tier 2.<sup>97</sup> The LMRA told us that anti-trafficking bodies are "inspire[d]" by Bahrain's Tier 1 TIP status and that they work to "ensure the top-ranking qualification is achieved year on year" [emphasis added].<sup>98</sup> Therefore, we conclude that the Bahraini Government understand the level of action needed to maintain Tier 1 status. A further examination of **international** and **regional reputation** as determinants, as well as a sequencing of these determinants with other determinants, is explored below under the sub-heading 'Partnership'.

Another determinant which applies to all types of responses is **international legal frameworks**, such as the Palermo Protocols, albeit to a lesser extent. Our analysis of four court judgements prosecuting human trafficking offences found no references made by judges to international legal instruments such as the Palermo Protocols or ILO conventions on forced labour.<sup>99</sup> Nonetheless, during the debates on Law No. 1/2008 National Assembly, Foreign Affairs, Defence, and National Security Committee rapporteur Rashid Sabt stated that the draft law was compatible with the Palermo Protocols and that the bill aims to strengthen Bahrain's commitments to the international obligations it has acceded to. These points were reiterated by MP Dalal Al Zayed, while Parliamentary Affairs Ministry A. Aziz Al Fadhel said that the government spent enormous time and resources to "study" the conventions Bahrain acceded to in order to draft the bill.<sup>100</sup> An interviewee confirmed that Bahrain has made "considerable efforts to develop its legal framework in line with the obligations and recommendations of the Protocol (among other instruments)",<sup>101</sup> while the LMRA said that the "Palermo Protocol" and ILO Conventions "play an influential role in setting the standards" of counter-trafficking. The LMRA also cited the importance of Sustainable Development Goal (SDG) Target 8.7,<sup>102</sup> requiring "immediate and effective measures to eradicate forced labour [and] end modern slavery and human trafficking".<sup>103</sup>

The **agency of individual officials** cannot be ignored, as this was a recurrent determinant identified by interviewees and FGD participants. A local activist credited many reforms to the initiative of specific "technocrats", which he described as government officials uniquely

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<sup>97</sup> Ausamah Al Absi (@Ausamah\_Alabsi), Twitter post (1 June 2021), <[https://twitter.com/Ausamah\\_Alabsi/status/1410708864052441088?s=20](https://twitter.com/Ausamah_Alabsi/status/1410708864052441088?s=20)> accessed 20 September 2021.

<sup>98</sup> LMRA (Written answers, 12 October 2021).

<sup>99</sup> Appeal No.397, 414 of 2013; Appeal No.576, 480 of 2014; Appeal No.465, 473 of 2015; Appeal No.13 of 2016.

<sup>100</sup> National Assembly, 11<sup>th</sup> Session of the 2<sup>nd</sup> Convening Period on 31 December 2007 (our translation).

<sup>101</sup> Interviewee 2407 (Virtual, 27 July 2021).

<sup>102</sup> LMRA (Written answers, 12 October 2021).

<sup>103</sup> United Nations, 'SDG 8 – Targets and Indicators', <<https://sdgs.un.org/goals/goal8>> accessed 12 October 2021.



passionate about combatting human trafficking.<sup>104</sup> They, as well as a journalist,<sup>105</sup> named former LMRA CEO Ausamah al-Absi as highly influential figures; indeed, he initiated reforms such as the Flexi Permit as well as the establishment of the EPC and NRM. In 2018, he also became the first official from the GCC to receive the 'TIP Hero' award for driving these reforms.<sup>106</sup> Similarly, the LMRA credited King Hamad bin Isa Al Khalifa and Prime Minister and Crown Prince Salman bin Hamad Al Khalifa with Bahrain's commitment to counter-trafficking and its adherence to the **international legal framework** to combat trafficking. The LMRA said that the King and Prime Minister gave specific directions to establish the NCCTIPs and specialised directories, such as the GPD and PID within the NRM.<sup>107</sup> Another interviewee also emphasised the importance of individual figures, noting that some reforms are "internally driven by the understanding some officials have [about human trafficking]". Speaking about the **political culture** in Bahrain, they said that decision-making "is not institutionalised" but instead, "in most cases, it's a one-man decision". However, they argue that pressure from **international organisations** "helped to justify these reforms internally" and that internal interests converged with external pressures.<sup>108</sup> Sequencing these determinants, Bahrain's **political culture** first accumulates decision-making power in specific individuals. Next, **international organisations** exert their influence first in Bahrain, therefore empowering uniquely motivated individuals to initiate reform. A similar dynamic applies to funding civil society organisations. While the MWPS receives no government funding, government officials and members of the royal family with a particular interest in anti-trafficking efforts, such as Sheikh Abdul Aziz Al Khalifa,<sup>109</sup> support the MPWS privately with generous donations.<sup>110</sup> Therefore, the **agency of individual officials** is also a pre-requisite for civil society action in Bahrain.

Finally, two determinants which apply to all 4Ps are Bahrain's **economic situation** in tandem with the **level of immigration into the country**. This is discussed in 'Type of Trafficking' as they relate to Bahrain's relationship to source countries.

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<sup>104</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>105</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>106</sup> United States Department of State (2018), 47.

<sup>107</sup> LMRA (Written answers, 12 October 2021).

<sup>108</sup> Interviewee 2406 (Virtual, 24 June 2021).

<sup>109</sup> Embassy Manama, 'Bahrain Anti-Trafficking Responses 2006', cable No. (06MANAMA389\_a), dated 14 March 2006, <[https://wikileaks.org/plusd/cables/06MANAMA389\\_a.html](https://wikileaks.org/plusd/cables/06MANAMA389_a.html)> accessed 9 September 2021.

<sup>110</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

## Particulars of determinants by type of response

### Prosecution

We note that a substantial majority of prosecutions and convictions have related to trafficking for the purpose of sexual exploitation. Indeed, from 2016-2020, there have been a total of eight prosecutions for forced labour, compared to 107 for trafficking for the purpose of sexual exploitation.<sup>111</sup> Therefore, a more detailed examination of dynamics driving the prosecution of sex traffickers will be examined in 'Type of Exploitation'. To summarise, determinants driving these developments are Bahrain's **regional reputation, religion, and the conflation of human trafficking with sex trafficking**.

Regarding prosecutions more generally, the **role of the media** has been identified as a positive determinant by a journalist we interviewed.<sup>112</sup> All media in the country is State-controlled and therefore it is not possible for media outlets to criticise the government. Online media criticising the government is banned.<sup>113</sup> Therefore, it is not possible for the media to influence the executive branch of government when the media is itself an extension of government power. Nonetheless, the journalist argued that media sources raise awareness of human trafficking amongst the public, which in turn motivate prosecutions against traffickers in the courts. In 2003, Anita Devi Verma – an Indian domestic worker – brought a legal case against her employer who was convicted for physically abusing her. This was the first time an employer was sentenced for abusing a domestic worker in Bahrain.<sup>114</sup> Bahraini human rights activist Nabeel Rajab attributed the swiftness of the prosecution to the high level of coverage the case received in English-language newspapers.<sup>115</sup> Indeed, at the time, the MWPS told the *Gulf Daily News* that the “judicial system doesn't respond as quickly as it should”,<sup>116</sup> suggesting the success and speed of Ms. Verma's case was an exception, driven by media coverage. Notably, the journalist also included **social media** within their definition of media, arguing that the proliferation of video evidence enabled by smartphones allow ordinary people, both victims and bystanders, to “expos[e] facts and

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<sup>111</sup> See table above: Prosecutions and convictions.

<sup>112</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>113</sup> HRW, 'Bahrain: Events of 2019' (2019), <<https://www.hrw.org/world-report/2020/country-chapters/bahrain>> accessed 3 September 2021.

<sup>114</sup> Alistair Baptista, 'Fast track abuse cases appeal', *Gulf Daily News* <<http://www.gulf-daily-news.com/Print.aspx?storyid=125046>> accessed 3 September 2021.

<sup>115</sup> Embassy Manama, 'GOB Engaged in Anti-Trafficking Measures; Welcomes IOM Capacity Building Project', Cable No. 08MANAMA165\_a, dated 15 September 2004. <[https://wikileaks.org/plusd/cables/04MANAMA1425\\_a.html](https://wikileaks.org/plusd/cables/04MANAMA1425_a.html)> accessed 9 September 2021.

<sup>116</sup> Alistair Baptista, 'Fast track abuse cases appeal', *Gulf Daily News* <<http://www.gulf-daily-news.com/Print.aspx?storyid=125046>> accessed 3 September 2021.

reality”.<sup>117</sup> She cited a recent video posted on Facebook of a domestic worker placed in the boot of their employer’s car, captured by another driver on the road, which triggered outrage in Bahrain and demands for the perpetrator to be brought to justice.<sup>118</sup> While it is difficult to measure the impact of these ‘viral’ social media posts on the government’s response, another interviewee told us that the government was more likely to take decisive action when cases were framed as “public opinion” cases.<sup>119</sup> Therefore, we speculate that the rise in public interest caused by social media, as well as more traditional forms of media, may be influencing recent developments relating to prosecution, such as the establishment of the PPO and the TIP chamber of the Criminal Courts.

## Protection

The determinants which fall under ‘Determinants relevant to all 4Ps’ all apply to protection. A detailed discussion of victim protection is contained below, detailing the particularities of determinants in relation to the citizenship, gender, race, and age of victims.

The **strength of diplomatic relations** is a determinant affecting the level of protection available for victims, due to the opportunities for the government – or lack thereof – to collaborate with victims’ embassies. The LMRA said that the lack of “diplomatic [and] consular services to African workers”, in particular, hinders the Bahraini Government’s anti-trafficking response due to the difficulties “relating to repatriation or issuance of travel documents”.<sup>120</sup> Indeed, the EPC has found processing cases involving African workers ‘tricky’ as some African countries, such as Cameroon and The Gambia, do not have embassies in Bahrain.<sup>121</sup> The 2020 TIP report confirms that these workers are “particularly vulnerable to trafficking”.<sup>122</sup> In contrast, workers whose countries have strong diplomatic relations with Bahrain, such as the Philippines, are the least exploited in Bahrain, according to an FGD participant.<sup>123</sup> A U.S. correspondence noted as early as 2004 that “the Philippine Embassy [have] the most active worker protection program” in the country.<sup>124</sup> Indeed, Bahrain has been able to strengthen these relationships through initiatives such as the Abu Dhabi Dialogue, an inter-governmental forum between the GCC and 11 Asian ‘sending’ countries to enhance

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<sup>117</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>118</sup> Ibid.

<sup>119</sup> Interviewee 2406 (Virtual, 24 June 2021).

<sup>120</sup> LMRA (Written answers, 12 October 2021).

<sup>121</sup> Gulf Insider, ‘Bahrain: 25,000 Cases Handled at Expat Protection Centre and Shelter’ (21 January 2020), <<https://www.gulf-insider.com/bahrain-over-25000-cases-handled-at-expat-protection-centre-and-shelter/>> accessed 3 July 2021.

<sup>122</sup> United States Department of State (2020), 91-92.

<sup>123</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>124</sup> Embassy Manama, ‘Annual Anti-Trafficking in Persons (TIP) Report: Bahrain’, Cable No. 04MA-NAMA339\_a, dated 11 March 2004, <[https://wikileaks.org/plusd/cables/04MA-NAMA339\\_a.html](https://wikileaks.org/plusd/cables/04MA-NAMA339_a.html)> accessed 9 September 2021.

labour migration governance through dialogue and collaboration, although no such diplomatic channels have been established with many sub-Saharan African countries.<sup>125</sup> Therefore, the **strength of diplomatic relations** is both a positive and negative determinant, as the Bahraini Government relies, to a degree, on consular support to protect victims.

## Prevention

The determinants which fall under ‘Determinants relevant to all 4Ps’ all apply to prevention.

## Partnership

### Domestic partnerships

The LMRA indicated that “building strong key partnership alliances with all stakeholders” was integral to harmonising Bahrain’s counter-trafficking strategy where the government has partnered with local civil society organisations and NGOs to combat trafficking.<sup>126</sup> For instance, the NCCTIPs contains representatives from three local NGOs.<sup>127</sup> In the years before the Migrant Protection Shelter in Northern Sehla was established, the government would refer victims of trafficking to the MWSP shelter.<sup>128</sup> As one journalist put it, Bahrain “encourages NGOs” as the government needs them as a “parallel arm” for the protection of victims.<sup>129</sup> Marietta Dias, a founding member of MWPS and Chairperson for eight years, expressed that NGOs were integral in bringing victims and crimes to the attention of the government.<sup>130</sup>

Nonetheless, the government’s partnerships with civil society organisations and NGOs have major limitations and have been especially strained since the 2011 Arab Spring protests. The determinants for these limitations are Bahrain’s **political culture** and a **lack of democratic institutions**, leading to sensitivity around human rights issues. Speaking out against the government can lead to reprisals, but even implicit criticism can lead to organisations being marginalised. Indeed, the Bahrain Centre for Human Rights operated a Migrant Worker’s Group in the early 2000s, however, the NGO was banned in 2004 after its former President publicly criticised the Prime Minister.<sup>131</sup> Subsequently, most NGOs we contacted to request

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<sup>125</sup> Abu Dhabi Dialogue, ‘About Abu Dhabi Dialogue’ (2018), <<http://abudhabidialogue.org/ae/about-abu-dhabi-dialogue>> accessed 12 October 2021.

<sup>126</sup> LMRA (Written answers, 12 October 2021).

<sup>127</sup> Article 8, Law No.1 of 2008.

<sup>128</sup> Participant 2, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>129</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>130</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>131</sup> Human Rights Watch, ‘Bahrain: Activist Jailed After Criticising Prime Minister’ (28 September 2004), <<https://www.hrw.org/news/2004/09/28/bahrain-activist-jailed-after-criticizing-prime-minister>> accessed 8 September 2021.

interviews expressed concern about participating and questioned the aim of our research, before rejecting our offers to participate.

A key example of this dynamic of marginalisation is the MWSP's short-lived partnership with the NCCTIPs. When the NCCTIPs was established in 2008, MWPS was invited to be part of the Committee, along with two other NGOs. Marietta Dias noted that the two other NGOs within the Committee – the Bahrain Women's Union and the Bahrain Human Rights Society<sup>132</sup> – were not working in the field of anti-trafficking, and that at the time the Committee held only a loose understanding of what trafficking meant. Similarly, many individual committee members have no recognisable background in anti-trafficking. When the NCCTIP came under the authority of the LMRA, MWPS were removed from the Committee and replaced without explanation. Ms. Dias' best guess as to why they were not kept on was that the MWPS "ask[ed] questions" and "wanted the right answers". Indeed, she notes that MWPS were "the only ones contributing constructively for what the Committee was instructed to do".<sup>133</sup> We can infer that MWPS were removed from the NCCTIPs as they sought a minimum standard of accountability from the majority-governmental Committee. As a non-governmental entity, this likely crossed an unspoken but well-understood political line in Bahrain. A U.S. embassy correspondence states that the MPWS "operates as a legal grey area", attempting to advocate for victims "while trying to avoid political advocacy that could turn the government against them".<sup>134</sup>

As one journalist told us, NGOs are frustrated, as their voice is "not acknowledged or acted upon".<sup>135</sup> An FGD participant corroborated this by saying that the suggestions made by NGOs are not taken into account by government bodies, despite NGOs' willingness to participate in policy-making and legislative processes. "Even if [NGOs] want to [be involved in these processes], they're not allowed to", they told us, saying that the government constricted the role of NGOs to be 'band-aids' for deeper structural issues, rather than approaching NGOs as partners integral to fully addressing those issues.<sup>136</sup> They also stated that "Parliament [is] not strong enough to stand for" the reforms requested by NGOs such as MWPS;<sup>137</sup> again, this refers to Bahrain's **political culture and lack of democratic institutions**, where the Parliament's decisions require ratification by the royally appointed Shura Council. Due to these two negative determinants, it cannot be said that the role of civil

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<sup>132</sup> Embassy Manama, 'Embassy Manama's Input for Bahrain TIP Report', cable No. 09MANAMA107\_a, dated 22 February 2009, <[https://wikileaks.org/plusd/cables/09MANAMA107\\_a.html](https://wikileaks.org/plusd/cables/09MANAMA107_a.html)> accessed 9 September 2021.

<sup>133</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>134</sup> Embassy Manama Wikileaks cable (February 2009).

<sup>135</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>136</sup> Participant 2, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>137</sup> Ibid.

society organisations and NGOs are a key determinant which influences government action. Rather, the pre-requisites to civil society action are the financial backing of **individual officials**, the tacit approval of the political class (a result of Bahrain's **political culture**) and the education in anti-trafficking provided by international monitoring materials, such as the U.S. TIP report.

### **International and regional partnerships**

The key determinant driving Bahrain's international partnerships is enhancing the country's **international and regional reputation**. Partnerships influenced by this determinant include those with **international organisations**, such as the IOM and UNDOC, as well as officials across the Middle East and North Africa (MENA).

An interviewee said that "the government is [...] keen to maintain and strengthen its reputation as a leader in counter-trafficking in the Middle East".<sup>138</sup> They noted Bahrain's leading role in the annual Government Forum to Combat Trafficking in Persons in the Middle East, first established in 2019 under the patronage of Bahrain's King Hamad al-Khalifa, where Bahrain was appointed as the Forum's permanent Secretary General.<sup>139</sup> The aim of the Forum is to convene delegations from across the region, as well as the U.S., U.K., IOM and UNODC to "commit to common initiatives to combat TIP".<sup>140</sup> Indeed, in March 2021, Saudi Arabia adopted an almost identical policy of 'Flexi Permits' for its migrant workers through what is called the 'Labour Relation Initiative', allowing them to be self-sponsored after a year within the *kafala* system.<sup>141</sup> We can infer, therefore, that Bahrain has genuine influence in the region's labour and migration policies. The interviewee also linked this determinant of **regional reputation** to the establishment of the Regional Centre for Excellence (RCE) in 2019, a "regional hub for expertise and training" to combat trafficking in persons developed in cooperation with the IOM and UNDOC.<sup>142</sup> The aim of the RCE, the interviewee said, was to "lead the way for improvements in both policy and practice, at the national and regional levels", setting standards for combatting trafficking across the MENA region by enabling regional experts to share best practice.<sup>143</sup> Dr. Hatem Aly, the UNODC Representative for the GCC, referred to the RCE as a "nucleus of home-grown solutions" that could be "standardise[d]" and "regionally implement[ed]" to create a "critical mass of

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<sup>138</sup> Interviewee 2407 (Virtual, 27 July 2021).

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> 'Saudi Arabia Announces Labour Relation Initiative' (4 November 2020), *Asharq Al-Aswat*, <<https://english.aawsat.com/home/article/2605281/saudi-arabia-announces-labor-relation-initiative>> accessed 8 September 2021.

<sup>142</sup> United States Department of State (2020), 90.

<sup>143</sup> Interviewee 2407 (Virtual, 27 July 2021).

[trained] practitioners” who could effectively combat trafficking.<sup>144</sup> This suggests that the RCE aims to position Bahrain not only as a regional forum for anti-trafficking, but also as a thought-leader in innovative solutions to anti-trafficking.

A statement by Ausamah Al Absi enables us to begin **sequencing these determinants**. In his statement, he linked the establishment of the RCE to Bahrain’s Tier 1 ranking on the U.S. TIP Report. He said that there had been an “increase of delegates from regional governments visiting Bahrain to see first-hand how Bahrain executes its anti-trafficking framework, and that Bahraini officials have been sought out and invited abroad as trainers”.<sup>145</sup> This quote suggests that Bahrain’s elevation in its **international reputation**, through becoming the first and only Tier 1-ranked nation in MENA, triggered the attention of other countries in the region, who were presumably seeking to improve their own U.S. TIP Report statuses. In turn, this offered Bahrain the opportunity to strengthen its position as a regional anti-trafficking leader in order to cement its **regional reputation**. In Bahrain, this meant inaugurating the RCE, requiring partnership with **international organisations** such as the IOM and UNDOC – identified as a determinant by an interviewee<sup>146</sup> – and which further enhanced Bahrain’s international and **regional reputation**. Therefore, initial boosts in reputation – in this case triggered by the TIP Report – have attracted further opportunities for Bahrain to continually cement its reputation both regionally and internationally.

## Particulars of determinant by form of exploitation

### Trafficking for the purpose of sexual exploitation

As noted previously, the fact that almost all of Bahrain’s human trafficking prosecutions and convictions in recent years have been against sex traffickers suggests that action against trafficking for the purpose of sexual exploitation has been prioritised above forced labour and other abuses.

Several interviewees and focus group participants told us that the concept of human trafficking as a whole is often conflated and associated with prostitution. These interviewees included a local activist,<sup>147</sup> a journalist,<sup>148</sup> and an NGO worker.<sup>149</sup> The local activist, in contact with women labelled as victims of sex trafficking in the EPC’s shelter, told us that some

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<sup>144</sup> ‘Bahrain to establish regional anti-trafficking centre (22 June 2019), *Bahrain News Agency*, <<https://www.bna.bh/en/Bahrain-to-establish-regional-anti-human-trafficking-centre.aspx?cms=q8FmFJgiscL2fwlzON1%2BDIQWWJ6uPMXRzpiCmYBq56k%3D>> accessed 17 July 2021.

<sup>145</sup> Ibid.

<sup>146</sup> Interviewee 2406 (Virtual, 24 June 2021).

<sup>147</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>148</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>149</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).



of those women did not view themselves as trafficking victims, but instead saw themselves as sex workers. They had been labelled as victims without claiming they had been exploited.<sup>150</sup> The activist explained that this was not a case of proactive identification by the NRM, indeed, NGO workers have faced difficulties in getting the shelter to accept abused workers which had not been formally identified as victims (see 'Sex and gender identity'). Rather, this was an imposition of victim status. This conflation is further evidenced by the treatment of female victims in comparison to male victims, discussed in 'Victim Profile'. The **conflation of human trafficking with sex trafficking**, explored further below, is a negative determinant which disadvantages victims of other abuses.

A positive determinant with regards to combatting sexual exploitation is the maintenance of Bahrain's **regional reputation**. In 2009, Manama was named the 8<sup>th</sup> 'Sin City' in the world by *AskMen* magazine, referring to the capital as a place Saudi Arabians go to "kick back" and "pick up prostitutes", which it claims were "widely available".<sup>151</sup> Interviewees told us that sex trafficking in Bahrain is commonly conflated with prostitution.<sup>152</sup> Local newspapers were in uproar about the ranking, and condemned prostitution in Bahrain as a scourge against public decency and national reputation. *AlArabiya* emphasised that Bahrain should not tolerate such a stain on its reputation and that the "Morality Protection Police" were "cracking down on crimes against public morals".<sup>153</sup> Indeed, the anti-trafficking unit at the Department of Investigation and Criminal Evidence is explicitly called the Department of Combatting Trafficking and Protection of Public Morals. Meanwhile, *AlAswat* wrote of the "moral deterioration of the tourism sector", calling for it to be 'cleaned up'.<sup>154</sup> Ultimately, as a socially conservative region, any association with prostitution is taboo and un-Islamic. In this sense, **religion** is a determinant in relation to trafficking for the purpose of sexual exploitation, where anti-sex trafficking efforts can better align Bahrain with its national and regional Islamic identity. Therefore, taking strong action against prostitution, and by extension sex trafficking, is both politically convenient and culturally urgent: it is likely to shore up popular support, maintain Bahrain's **regional reputation**, and achieve other goals such as maintaining Tier 1 status on the TIP Report. As one interviewee told us, combatting sex trafficking is grounded in Bahrain's "legal and social framework"<sup>155</sup> – in direct contrast to forced labour, as discussed below.

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<sup>150</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>151</sup> 'Manama, Bahrain: Sin Cities' (April 2009), *AskMen*, <[https://www.askmen.com/top\\_10/travel/top-10-sin-cities\\_8.html](https://www.askmen.com/top_10/travel/top-10-sin-cities_8.html)> accessed 17 July 2021.

<sup>152</sup> Participant 2 and 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>153</sup> Ali Rabi, 'Bahrain combatting sex trafficking after being classified on the list of global 'Sin Cities'' (April 2009), <<https://www.alarabiya.net/articles/2009/04/03/69838>> accessed 17 July 2021 (our translation).

<sup>154</sup> Malik Abdullah, 'Chinese and Thai women control half of the prostitution market in Bahrain' (7 May 2010), <<http://www.alwasatnews.com/news/415678.html>> accessed 17 July 2021 (our translation).

<sup>155</sup> Interviewee 2406 (Virtual, 24 June 2021).

Initially, we identified sectarianism as a potential determinant. If human trafficking is viewed by some as being synonymous with sex trafficking, as argued above, then participants in an online forum blamed prostitution in Bahrain on “Shia Persians”. Furthermore, forum commenters characterised Shias as promoters of “immoral sex” and adultery, and made reference to *nikah mut’ah*, or temporary ‘pleasure marriages’.<sup>156</sup> A practice within Twelver Shia Islam, *nikah mut’ah* involves a verbal marriage contract specifying a finite length for the marriage, where the man subsequently pays the woman money. This practice has been described as ‘legalised’ prostitution and has been linked to the sex trafficking of women and children.<sup>157</sup> Considering the discrimination against Shias in Bahrain – both structurally and through individual biases – we speculated whether this sectarianism lens was leading anti-sex trafficking efforts to be prioritised. Nonetheless, a local activist told us that the opinions expressed in this forum are fringe views, and that he had not heard of prostitution being associated with Shias or Shi’ism, rather, there the common stereotype is that Americans and Saudis are most associated to prostitution.<sup>158</sup> Therefore, we conclude that sectarianism is most likely not a determinant of anti-trafficking.

## Trafficking for the purpose of forced labour

An interviewee told us that the government’s response against forced labour “may affect the national economy”, where the country’s **economic situation** is a negative determinant hindering political will to combat forced labour.<sup>159</sup> Indeed, Bahrain’s **economic situation** has been dire for many years, particularly in relation to public debt. As a result of low oil prices since 2014, “Bahrain’s fiscal and external vulnerabilities have steadily increased”.<sup>160</sup> In 2018, Bahrain received \$10bn of financial aid from its GCC allies so that it could avoid a credit crunch and currency devaluation.<sup>161</sup> Low oil prices and the coronavirus pandemic have been described as “twin shocks” which has “battered” Bahrain’s economy, where gross public debt rose to 133% of GDP in 2021.<sup>162</sup> Meanwhile, the 2021 Index of Economic

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<sup>156</sup> ‘A shameful scandal: the Shiites have brought Bahrain to the eight place among the countries of the world in the sex trade and prostitution’ (April 2009), <<https://www.ye1.org/forum/threads/358942/>> accessed 17 July 2021 (our translation).

<sup>157</sup> Fariba Parsa, ‘Temporary marriage in Iran and women’s rights (13 January 2021), *Middle East Institute*, <<https://www.mei.edu/publications/temporary-marriage-iran-and-womens-rights>> accessed 17 July 2021.

<sup>158</sup> Interviewee 1109 (Virtual, 11 September 2021).

<sup>159</sup> Interviewee 2406 (Virtual, 24 June 2021).

<sup>160</sup> ‘Depleted FX reserves cause economic crisis’ (2017), *Euler Hermes Economic Research*, <[https://www.eulerhermes.com/content/dam/onemarketing/ehndbx/eulerhermes.com/en\\_gl/erd/newsimport/pdf/CR-Bahrain-Dec17.pdf](https://www.eulerhermes.com/content/dam/onemarketing/ehndbx/eulerhermes.com/en_gl/erd/newsimport/pdf/CR-Bahrain-Dec17.pdf)> accessed 20 August 2021.

<sup>161</sup> Reuters, ‘GCC averts Bahrain debt crisis with \$10bn aid package’ (7 October 2018), *Gulf Business*, <<https://gulfbusiness.com/gcc-averts-bahrain-debt-crisis-10bn-aid-package/>> accessed 20 August 2021.

<sup>162</sup> ‘Bahrain’s economic to grow 3.3% this year, must cut public debt – IMF’ (14 February 2021), *Reuters*, <<https://www.reuters.com/article/bahrain-economy-imf-int-idUSKBN2AE09E>> accessed 20 August 2021.

Freedom ranked Bahrain's fiscal health as amongst the lowest in the world.<sup>163</sup> Taking legal and regulatory action against the sectors where forced labour is most prevalent – such as the construction sector, which accounts for 7% of Bahrain's GDP<sup>164</sup> – is politically and economically sensitive, as companies benefit from the exploitation of their workers and may not be able to stay afloat otherwise. The interviewee argued that such action could threaten the “stability of the relationship between the [Bahraini] regime and businessmen”.<sup>165</sup> This was echoed by our focus group participants, such as local activist<sup>166</sup> and NGO worker.<sup>167</sup>

One example is the government's relationship with the Cypriot construction company G.P. Zachariades (GPZ), whose “main client was the Bahraini [G]overnment”.<sup>168</sup> When the government began delaying pay in 2016, the firm then delayed payments to its employees. In July 2019, the firm closed its operations in Bahrain, still owing 18 months of wages to numerous employees. Migrant Rights reported that officials from the Ministry of Labour and Social Development (MLSD) urged workers to continue working without wages on government projects, promising payment upon completion. As of 2021, former GPZ workers are still stranded in Bahrain waiting for payment – Migrant Rights attributes the government's “slow response” to its “deep entanglement” in the project.<sup>169</sup> A similar dynamic occurred when workers from the Bahrain Services & Maintenance Co. B.S.C(c) (BASMA) – a company with multi-million-dollar security contracts with the Bahraini Government - organised a protest in June 2020 against labour abuses.<sup>170</sup> As videos of the protests circulated on **social media**, the MLSD denied that they occurred.<sup>171</sup> An activist noted that in these situations, the government “can't be neutral”.<sup>172</sup> Therefore, government **business interests** are another neg-

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<sup>163</sup> The Heritage Foundation and the Wall Street Journal, ‘2021 Index of Economic Freedom: Bahrain’ (2021), <<https://www.heritage.org/index/country/bahrain>> accessed 20 August 2021.

<sup>164</sup> Ministry of Finance and National Economy, ‘Bahrain Economic Quarterly: Q1 2021’ (June 2021), <[https://www.mofne.gov.bh/Files/cdoc/CI1749-CI1745-\[EN\]%20MoFNE%20-%20BEQ%20report%202021%20\(Q1\).pdf](https://www.mofne.gov.bh/Files/cdoc/CI1749-CI1745-[EN]%20MoFNE%20-%20BEQ%20report%202021%20(Q1).pdf)> accessed 20 August 2021, 7.

<sup>165</sup> Interviewee 2406 (Virtual, 24 June 2021).

<sup>166</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>167</sup> Participant 2, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>168</sup> Migrant Rights, ‘G.P. Zachariades workers still unpaid and stranded in dire conditions in Bahrain’ (20 February 2021), <<https://www.migrant-rights.org/2020/02/g-p-zachariades-workers-still-unpaid-and-stranded-in-dire-conditions-in-bahrain/>> accessed 11 September 2021.

<sup>169</sup> Ibid.

<sup>170</sup> ‘Protesting migrant workers in Bahrain's O&G sector face abuse and threats’ (14 September 2021), *Migrant Rights*, <<https://www.migrant-rights.org/2021/09/protesting-migrant-workers-in-bahraings-og-sector-face-abuse-and-threats/>> accessed 11 September 2021.

<sup>171</sup> Noor Zahra, ‘Claims of expat workers’ protest denied’ (7 June 2020), *Gulf Daily News*, <<https://www.gdnonline.com/Details/824739/Claims-of-expat-workers-protest-denied>> accessed 11 September 2021.

<sup>172</sup> Interviewee 1109 (Virtual, 11 September 2021).

ative determinant hindering action on forced labour, enabled by Bahrain's **economic situation**. Non-government **business interests**, too, potentially hinder government counter-trafficking efforts. In January 2021, MPs passed a bill – later rejected by the Shura Council – which would have increased the time workers were required to work for an employer before being able to transfer from one year to three years. MP Mahmoud Saleh justified the proposal on the basis that it would create “stability for entrepreneurs” and “protect the rights of Bahraini businessmen”.<sup>173</sup>

As discussed further in ‘Part III(d): Perpetrator Profile’, the **economic situation** also means it is more politically convenient to enforce anti-trafficking laws on non-citizens and individuals, as opposed to citizens and business entities.

## Trafficking for other exploitative purposes

### Domestic servitude

**Cultural norms** are a negative determinant which impedes government enforcement and implementation of migrant domestic workers' rights. The most recent 2021 U.S. TIP Report stated that because of “cultural norms surrounding privacy in homes [...] labour inspectors faced difficulties conducting unannounced inspections of migrant domestic workers' accommodations and investigating allegations of abuse in the absence of an official complaint”.<sup>174</sup> Marietta Dias,<sup>175</sup> as well as a local activist,<sup>176</sup> told us that migrant domestic workers who ran away to make complaints at police stations were often simply handed back to their abusive employers without further investigation. In July 2021, seven “runaway Ethiopian housemaids” were arrested for absconding, along with 29 other migrant domestic workers who were arrested for working on an hourly basis, therefore “violating [LMRA] regulations”. The *Bahrain News* article reporting the arrests made no mention of human trafficking risk factors.<sup>177</sup> Marietta Dias said that “in all probability”, these workers would not be “interviewed or processed in any way” to ascertain if they were victims.<sup>178</sup> This is corroborated by the 2021 TIP Report, which writes that the LMRA's “identification mechanism” was not “universally employ[ed] [...] amongst vulnerable groups, such as domestic workers [and]

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<sup>173</sup> Migrant Rights, ‘Bahrain’s parliament passes a bill to restrict labour mobility for migrants’ (15 January 2021), <<https://www.migrant-rights.org/2021/01/bahrains-parliament-passes-a-bill-to-restrict-labour-mobility-for-migrants/>> accessed 11 September 2021.

<sup>174</sup> United States Department of State (2021), 106.

<sup>175</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>176</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>177</sup> ‘Two held for helping runaways’ (28 July 2021), *Gulf Daily News*, <<https://beta2.gdnonline.com/Details/962411/Two-held-for-helping-runaways>> accessed 20 August 2021.

<sup>178</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

migrants who fled employers”.<sup>179</sup> The NRM identification mechanism would involve “referral to concerned authorities for investigation”, according to the NRM booklet.<sup>180</sup> Such investigations would require interviews with the migrant domestic workers’ householders, asking questions about private domestic matters, which would violate cultural sensitivity about domestic privacy. According to an interviewee, the government “tackles [domestic servitude] with caution” due to these sensitivities.<sup>181</sup>

## Particulars of determinants according to trafficked persons’ profile

### Sex, Gender Identity and Sexual Orientation

As explained in above, the concept of human trafficking as a whole is conflated with sex trafficking in Bahrain. This is illustrated and evidenced by the treatment of female victims of sex trafficking in comparison to male victims of other abuses. A 2009 U.S. embassy correspondence noted that suspected victims referred by the police were “nearly always women”.<sup>182</sup> In the same year, the embassy wrote that the government “focused on women as the most likely victims” and “all the shelters in the country are for women”.<sup>183</sup> A local activist told us that he had only seen female victims in the EPC shelter, despite there being a separate section for men.<sup>184</sup> Marietta Dias of MWPS expressed that it was very difficult to get victims of abuses other than sex trafficking (such as non-payment of salary) into the EPC shelter.<sup>185</sup> An FGD participant corroborated this.<sup>186</sup> Dias said that the shelter was not willing to initially accept these victims and then start investigations afterwards. After trying to put forward these victims to the shelter, MWPS were told the shelter is only for women forced to work in brothels. Ultimately, Ms. Dias told us that most individuals being named victims of trafficking were those forced into prostitution.<sup>187</sup> This is in spite of the NRM pamphlet’s list of ‘human trafficking indicators’ including indicators such as “receive little or no payment”, “be forced to work under certain conditions”, “have no access to their earnings”,

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<sup>179</sup> United States Department of State (2021), 106.

<sup>180</sup> LMRA, ‘The National Referral Mechanism for Victims of Trafficking in Persons’ (February 2017), 14.

<sup>181</sup> Interviewee 2406 (Virtual, 24 June 2021).

<sup>182</sup> Embassy Manama, ‘Interim Report on Human Trafficking’, cable No. 09MANAMA652\_a, dated November 16 2009, <[https://wikileaks.org/plusd/cables/09MANAMA652\\_a.html](https://wikileaks.org/plusd/cables/09MANAMA652_a.html)> accessed 9 September 2021.

<sup>183</sup> Embassy Manama, ‘Embassy Manama’s Input for Bahrain TIP Report’, cable No. 09MANAMA107\_a, dated 22 February 2009, <[https://wikileaks.org/plusd/cables/09MANAMA107\\_a.html](https://wikileaks.org/plusd/cables/09MANAMA107_a.html)> accessed 9 September 2021.

<sup>184</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>185</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>186</sup> Participant 2, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>187</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

and “be unable to negotiate working conditions”.<sup>188</sup> Therefore, there is a gulf between official policy – which adopts a more expansive view of trafficking – and practice. Therefore, to be more precise, the **conflation of human trafficking with sex trafficking** in practice is a negative determinant which hinders protection of both male and female victims of other abuses. Differences between policy and practice can be attributed to the **agency of individual officials**, itself a result of Bahrain’s **political culture** – therefore, these determinants occur earlier in the sequence, enabling the **conflation of human trafficking with sex trafficking** to take effect as a determinant.

Regarding migrant domestic workers, 85% of whom are female,<sup>189</sup> a discussion of **cultural norms** as a negative determinant can be found in ‘Domestic servitude’.

## Age

A correspondence written by the U.S. embassy in Bahrain in 2006 reports that “there is no evidence that trafficking of children is an issue in Bahrain”,<sup>190</sup> while another in 2009 states that there is no trafficking of children for the purpose of sexual exploitation in Bahrain.<sup>191</sup> The 2009 correspondence noted that “on rare occasions” minors have entered Bahrain on falsified documents, but the context of how they obtained these documents is unclear.<sup>192</sup>

## Race and ethnic origin and other criteria

An interviewee told us that the NRM treated “all victims and potential victims in the same manner”, describing it as a “systemised tool which doesn’t allow cases to be offered different levels of protection and assistance”.<sup>193</sup> This was reiterated by the LMRA.<sup>194</sup> In contrast, another interviewee we interviewed said that if victims are Bahraini, there is “internal pressure” in the government to take “faster and more effective” action.<sup>195</sup> Nonetheless, our review of media sources did not find reference to Bahraini victims within Bahrain itself, but only in Saudi Arabia.<sup>196</sup>

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<sup>188</sup> LMRA, ‘The National Referral Mechanism for Victims of Trafficking in Persons’ (February 2017), 17.

<sup>189</sup> Interviewee 2407 (Virtual, 27 July 2021).

<sup>190</sup> Embassy Manama, ‘Bahrain Anti-Trafficking Response 2006’ (14 March 2006), cable No. (06MANAMA389\_a), <[https://wikileaks.org/plusd/cables/06MANAMA389\\_a.html](https://wikileaks.org/plusd/cables/06MANAMA389_a.html)>, accessed 8 September 2021.

<sup>191</sup> Embassy Manama, ‘Embassy Manama’s Input for Bahrain TIP Report’, cable No. 09MANAMA107\_a, dated 22 February 2009, <[https://wikileaks.org/plusd/cables/09MANAMA107\\_a.html](https://wikileaks.org/plusd/cables/09MANAMA107_a.html)> accessed 9 September 2021.

<sup>192</sup> Ibid.

<sup>193</sup> Interviewee 1208 (Virtual, 12 August 2021).

<sup>194</sup> LMRA (Written answers, 12 October 2021).

<sup>195</sup> Interviewee 2406 (Virtual, 24 June 2021).

<sup>196</sup> United States Department of State (2020), 263.

## Particulars of determinants according to perpetrator profile

### Citizenship (Citizen versus non-Citizen)

In 2016 the first Bahraini national was convicted of forced labour,<sup>197</sup> while in 2017, a police officer was convicted of complicity in a sex trafficking ring – “the first known case of a government official being held criminally accountable for complicity in a trafficking crime”, according to the 2018 U.S. TIP Report.<sup>198</sup> Between 2017 to 2018, 18% of convicted perpetrators were Bahraini nationals.<sup>199</sup>

An interviewee stated that the government aimed to prosecute all perpetrators regardless of their personal characteristics, whether related to citizenship, race and ethnic origin, migration status, sexual orientation, or gender identity.<sup>200</sup> A journalist specialising on migrant rights issues echoed this view, stating that there was no discrimination within legislation, the Constitution, or in the government’s official stance to prosecuting perpetrators, reiterating that the laws are “clear and fair”.<sup>201</sup> This was again corroborated by Marietta Dias, who held that there is equality under the law.<sup>202</sup> Indeed, Bahrain’s anti-trafficking legislation makes no distinction between national and non-national perpetrators. Furthermore, Labour Law No. 83 prohibits discrimination against workers on the basis of nationality, race, or religion, including discrimination based on levels of salary.<sup>203</sup> Ms. Dias said that it is only with implementation that Bahrain “hits a wall”.<sup>204</sup> Another interviewee told us that the cases where Bahraini nationals are convicted are “exceptional” and that certain classes of Bahrainis – namely the most wealthy and privileged – may be given more favourable treatment by law enforcement.<sup>205</sup>

The journalist argues that individual discretion amongst police officers and officials are the root cause of Bahraini perpetrators being given more favourable treatment, sometimes escaping liability completely.<sup>206</sup> As discussed in ‘Part III(b): Domestic servitude’, multiple interviewees reported that workers who made complaints were often handed back to their Bahraini sponsors without further investigation. The importance of individual discretion has been

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<sup>197</sup> United States Department of State (2017), 87.

<sup>198</sup> United States Department of State (2018), 86.

<sup>199</sup> UNDOC (2020), 6.

<sup>200</sup> Interviewee 2407 (Virtual, 27 July 2021).

<sup>201</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>202</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>203</sup> Article 29, Labour Law No.83.

<sup>204</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>205</sup> Interviewee 2406 (Virtual, 24 June 2021).

<sup>206</sup> Interviewee 0408 (Virtual, 4 August 2021).



further supported by Marietta Dias. She told us that MWPS members have an informal grading system amongst themselves as to which police stations cooperate in relation to trafficking abuses.<sup>207</sup> Therefore, there is a lack of procedures and training within police stations and other anti-trafficking government bodies which ensures consistent and fair decision making. In contrast, the LRMA said that the close partnership between the government and anti-trafficking bodies ensures “coherence” of responses across these bodies.<sup>208</sup> The **agency of individual officials** and Bahrain’s **political culture** has already been explored in ‘Part III(a): Determinants relevant to all 4Ps’, where these determinants accumulate decision-making power in individuals, rather than standardised systems.

Finally, an activist said that **racial stereotyping** could be a determinant impacting the number of migrants of certain nationality convicted of human trafficking crimes. For instance, he states that there is a widely held stereotype that paints Bangladeshis as more likely to commit crimes.<sup>209</sup> In June 2018, the murder of a local imam saw segments of the local population call for a ban on Bangladeshi migrants to Bahrain.<sup>210</sup> In the weeks following the murder, 3,766 Bangladeshis were deported from Bahrain,<sup>211</sup> while an MP argued that the perpetrator should be executed without a trial.<sup>212</sup> The killing echoed another murder committed by a Bangladeshi migrant in 2008, which at the time led to the Interior Minister banning Bangladeshis from obtaining work permits.<sup>213</sup> This earlier murder led to some Bahraini officials, including an MP, demanding that the entire Bangladeshi population in Bahrain (over 106,000 at the time) be deported.<sup>214</sup> Ultimately, “government officials have repeatedly claimed Bangladeshi immigrants are behind the nation’s growing crime problems”.<sup>215</sup> The disproportionate governmental response against Bangladeshi migrants suggests that racial stereotypes and biases may be a determinant impacting the proportions of the nationalities being convicted for trafficking. As a result, greater enforcement action could be taken against Bangladeshis. Between 2017 and 2018, 39% of all convicted perpetrators were

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<sup>207</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>208</sup> LMRA (Written answers, 12 October 2021).

<sup>209</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>210</sup> Mohamed Aldaaysi, ‘Murder and the Vilification of a Community: Bangladeshi Migrant Workers in Bahrain’ (1 July 2019), *London School of Economics (LSE) Blog*, <<https://blogs.lse.ac.uk/mec/2019/07/01/murder-and-the-vilification-of-a-community-bangladeshi-migrant-workers-in-bahrain/>> accessed 21 August 2021.

<sup>211</sup> ‘Bahrain deports 3,766 Bangladeshi workers since August’ (3 July 2019), *Newagebd*, <<https://www.newagebd.net/article/77296/onelink.to/nagadapp>> accessed 21 August 2021.

<sup>212</sup> Council of Representatives, ‘The 17<sup>th</sup> regular session of the 5<sup>th</sup> legislative term – Council of Representatives, April 9 2019’, <<https://www.youtube.com/watch?v=8Ds0kmDx664&t=7392s>> accessed 21 August 2021.

<sup>213</sup> Amy Glass, ‘Bahrain extends Bangladeshi ban’ (28 May 2008), *Arabian Business*, <<https://www.arabianbusiness.com/bahrain-extends-bangladeshi-ban-49248.html>> accessed 21 August 2021.

<sup>214</sup> ‘Bahrain bans Bangladeshis after murder’ (29 May 2008), *AlArabiya*, <<https://english.alarabiya.net/articles/2008%2F05%2F29%2F50617>> accessed 21 August 2021.

<sup>215</sup> Glass (2008).

Bangladeshi.<sup>216</sup> The activist told us that positive stereotypes were also widespread, such as Filipinos being the ‘best’ nannies, and therefore less enforcement action might be taken against migrants with positive stereotypes attached to their nationality.<sup>217</sup>

### **Companies versus natural persons**

As discussed in Labour exploitation, the **economic situation** in Bahrain is a negative determinant which hinders government action against corporate bodies. Article 3 of Law No.1/2008 sets out criminal penalties for “corporate persons”, including company chairpersons and directors, who commit trafficking in their own name or benefit from said trafficking.<sup>218</sup> Nonetheless, there have been no convictions to date against “corporate persons” for trafficking offences in Bahrain. As argued previously, acting against business entities perceived to be of high economic importance is politically sensitive, especially in government projects.

### **Gender**

In 2017, seven convicted perpetrators were female and 14 were male. In 2018, four convicted perpetrators were female and 13 were male.<sup>219</sup> Reviewing media reports around convictions, it is difficult to establish trends around the gender of perpetrators. Women have been arrested for both trafficking for the purpose of sexual exploitation as well as forced labour.

## **Particulars of determinants by type of trafficking**

### **Internal v International trafficking**

Trafficking does not occur solely within Bahrain’s borders – all identified cases of trafficking in Bahrain involve the crossing of international borders.<sup>220</sup>

### **‘Incoming’ v ‘outgoing’ v ‘transit’**

#### **Bahrain as a ‘destination’ country**

All other sections of the report relate to Bahrain’s position as a ‘destination’ country, and therefore those arguments will not be repeated here. Nonetheless, this section merits a discussion of Bahrain’s relationship, as a ‘destination’ country, with ‘source’ countries.

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<sup>216</sup> UNODC (2020), 6.

<sup>217</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>218</sup> Article 3, Law No.1 of 2008.

<sup>219</sup> UNDOC (2020), 5.

<sup>220</sup> Embassy Manama Wikileaks cable (February 2009).

As discussed previously, key determinants in combatting trafficking is **the level of immigration into the country**, in tandem with the **economic situation in Bahrain**. As explained in 'Part III(b): Labour exploitation', Bahrain's economy is struggling with mounting public debt. Simultaneously, Bahrain's national population does not provide a sufficient labour force to "fully take advantage of the [...] resources generated by oil".<sup>221</sup> Therefore, a large migrant workforce is necessary to populate the large number of jobs that Bahraini nationals are generally not willing to do – in other words, "dirty, dangerous, difficult, and demeaning work".<sup>222</sup> Sectors such as construction, reliant on low-paid labour, could not be sustained without substantial numbers of migrant workers immigrating to Bahrain. When a ban was imposed by Bahrain on issuing work visas to Bangladeshis in 2008, Samir Nass – chairman of the Bahrain Chamber of Commerce and Industry (BCCI) – spoke out against the ban on the basis that small contracting businesses "who rely on the cheap labour from Bangladesh" would be hardest hit and find it difficult to survive.<sup>223</sup> Therefore, it is considered imperative for Bahrain to maintain a positive relationship with source countries to ensure a steady flow of migration to the country.

Such relationships can be either strengthened or broken by Bahrain's approach to human trafficking and migrant rights more generally. In 2015, Bangladesh temporarily banned its citizens from working in Bahrain, citing the continual violation of its citizens' rights in the country.<sup>224</sup> The ban was reinstated in 2018 for the same reason; at the time, the Bangladeshi Embassy reported that it received at least 50 complaints each day by its citizens of late payment or non-payment of wages. The Bangladeshi Government was adamant that it would only lift the ban once an agreement was reached with the Bahraini Government which would protect the interests of Bangladeshi workers.<sup>225</sup> Similarly, Ethiopians were prohibited by their government from seeking work in GCC countries between 2013 and 2018,<sup>226</sup> while Indonesia did the same in 2015.<sup>227</sup> Therefore, the **fear of backlash from**

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<sup>221</sup> Philippe Fargues, 'Immigration without inclusion: non-nationals in nation building in the Gulf States' (2011), *Asian and Pacific Migration Journal* 20:3-4, 281.

<sup>222</sup> Ullah et al., 'Xenophobia in the GCC countries: migrants' desire and distress' (2020), *Global Affairs*, 205.

<sup>223</sup> Glass (2008).

<sup>224</sup> 'Bangladesh bans its nationals from working in Bahrain' (4 March 2017), *Prothomalo*, <<https://en.prothomalo.com/bangladesh/Bangladesh-bans-its-nationals-from-working-in>> accessed 21 August 2021.

<sup>225</sup> Ibid.

<sup>226</sup> Walk Free, 'Ethiopia's new migration policy: a positive step but continued scrutiny needed' (14 July 2019) <<https://www.walkfree.org/news/2019/ethiopias-new-migration-policy-a-positive-step-but-continued-scrutiny-needed/>> accessed 11 September 2021.

<sup>227</sup> Asia Times staff, 'Indonesians defy government ban to work in Bahrain' (27 August 2018), *Asia Times*, <<https://asiatimes.com/2018/08/indonesians-defy-government-ban-to-work-in-bahrain/>> accessed 11 September 2021.

**source countries** – and the subsequent economic consequences (discussed above) – is potentially a positive determinant, the fear itself stemming from Bahrain’s **economic situation** and the subsequent need to maintain **the level of immigration into the country**. Nonetheless, this argument was tempered by a local activist, who expressed that worker bans instigated by source countries were ineffective in stopping the flow of migration to Bahrain. The activist said such bans are easily circumvented by desperate migrants, who can easily obtain forged documents and enter through third countries, such as Egypt for the Ethiopia ban<sup>228</sup> and Malaysia for the Indonesia ban.<sup>229</sup> Indeed, Bahrain was the favoured destination in the GCC by Indonesian migrants in 2018, despite their government’s ban,<sup>230</sup> and Bahrain saw an “greater influx” of Ethiopian migrants the same year Ethiopia’s ban was instituted.<sup>231</sup> Therefore, it is important not to overstate the influence of the **fear of backlash from source countries** as a determinant, as in reality the economic consequences are minimal in comparison to the impact of Bahrain’s own bans.

Bahrain’s 2008 ban on Bangladeshis suggests a tension, however, between these three positive determinants (**economic situation, the level of immigration into the country, and to a lesser extent, fear of backlash from source countries**) and the negative determinant of **national security**. As Aldaaysi argues, migrants are “painted both as a security threat and a necessity for economic growth”, with “the latter ultimately trumping the former.”<sup>232</sup> The political rhetoric of public security following the 2008 and 2018 murders by Bangladeshi citizens had sought to vilify and punish all Bangladeshis in Bahrain. Yet, in stark juxtaposition to this rhetoric, the Shura Council (the royally appointed house of the National Assembly) in January 2019 rejected a law which would make criminal background checks a pre-requisite for obtaining a migrant work permit. The Council justified their decision on the basis that such checks would impede investment into the country.<sup>233</sup> **National security**, in tandem with **racial stereotyping**, can be conceived of as a determinant in its own right as the perception of heightened threat, especially against Bangladeshis, has increased the vulnerability of those workers (considering the surge in deportation following the murder) and may lead to a greater focus on Bangladeshi perpetrators at the expense of other perpetrators (see Citizenship (Citizen versus non-Citizen)).

### Bahrain as a ‘country of origin’?

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<sup>228</sup> Interviewee 1109 (Virtual, 11 September 2021).

<sup>229</sup> Asia Times staff (2018).

<sup>230</sup> Ibid.

<sup>231</sup> United States Department of State (2014), 88.

<sup>232</sup> Aldaaysi (2019).

<sup>233</sup> ‘The Shura Council rejects the requirement that foreign workers are free of a criminal record before being allowed into Bahrain’ (January 2019), *Manama Post*, <<http://www.manama-post.com/news/2019071126/الشورى-يرفض-اشتراط-خلو-العامل-الأجن>> accessed 11 September 2021 (our translation).

As stated previously, Bahrain is not considered a ‘country of origin’, or a ‘source country’, for trafficking, and is classified as a ‘net receiving’ country.<sup>234</sup> Interviewees were not able to comment on reports that Bahraini women had been identified as victims of trafficking in Saudi Arabia,<sup>235</sup> and we were not able to find domestic media sources which addressed these reports. Considering that Bahraini media is State controlled, this may suggest a lack of political will to address this issue, or that these incidents do not amount to a pattern that justifies a coordinated policy response. The latter argument is more likely. As one interviewee told us, the government takes stronger action against trafficking when victims are Bahraini.<sup>236</sup>

### Bahrain as a ‘transit’ country?

Bahrain has been described by the UN Special Rapporteur on Trafficking in Persons as a destination country, as well as “in some instances” a ‘transit country’ for trafficking for the purpose of sexual exploitation.<sup>237</sup> Again, interviewees were not able to comment on these reports, and we were not able to find domestic media sources which addressed Bahrain’s role as a transit country.

## Particulars of determinants by stage of response

### Acknowledgment and prioritisation of trafficking as a policy issue

The scale of reforms in recent years suggests that trafficking has been acknowledged as a policy issue. As early as 2004, the U.S. embassy reported that the Bahraini Government “acknowledges at the highest levels that trafficking is a problem, and there exists the political will to address it”.<sup>238</sup>

A related question is the recognition of the need to reform the *kafala* system itself. The 2011 U.S. TIP Report states that the government has “pledged for several years to end the [kafala] system”.<sup>239</sup> Similarly, in 2008, Bahrain’s Crown Prince at the time and current Prime Minister Sheikh Salman bin Hamad Al-Khalifa, publicly stated that the “greatest protection for workers is the elimination of the sponsorship system”.<sup>240</sup> Furthermore, an interviewee

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<sup>234</sup> Walk Free Foundation (2020), 175.

<sup>235</sup> United States Department of State (2020), 263.

<sup>236</sup> Interviewee 2406 (Virtual, 24 June 2021).

<sup>237</sup> UN General Assembly Human Rights Council, ‘Report of the Special Rapporteur on trafficking in persons, especially women and children, Sigma Huda – Mission to Bahrain, Omar, and Qatar’ (25 April 2007), <[https://archive.crin.org/sites/default/files/attachments/sr\\_bahrain\\_oman\\_qatar\\_trafficking.pdf](https://archive.crin.org/sites/default/files/attachments/sr_bahrain_oman_qatar_trafficking.pdf)> accessed 12 September 2021, 2.

<sup>238</sup> Embassy Manama Wikileaks cable (March 2006).

<sup>239</sup> United States Department of State (2011).

<sup>240</sup> Defferious (2009).

told us that the “gradual abolition” of *kafala* is an “achievement” of the Bahraini Government.<sup>241</sup> All this suggests that abolition is a policy goal with sufficient political will. As *kafala* is one of the main enablers of human trafficking in Bahrain, abolition would be transformative for Bahrain’s anti-trafficking strategy.

A policy which has had the effect of weakening the *kafala* system is Bahrain’s Flexi Permit scheme – a permit system which allows migrants to work in Bahrain without a sponsor after one year of sponsored employment, effectively placing them outside the *kafala* system. Furthermore, it has enabled tens of thousands of undocumented migrants to be regularised. Nonetheless, the aim of the policy was not to reduce the vulnerabilities of migrant workers – indeed, it is important to note that workers under the Flexi Permit scheme face new kinds of vulnerabilities, such as financial responsibility for their own accommodation and utilities as living costs rise.<sup>242</sup> Rather, the scheme aimed to increase government revenues at a time of budgetary crisis, as workers must pay to obtain a Flexi Permit.<sup>243</sup> A study estimated that the annual revenue generated by the Permit was BD18,284,000 (£44,498,438).<sup>244</sup> Other rationales were reducing hiring costs for businesses by creating a gig economy and ending the ‘free visa’ black market – an illegal practice where a worker pays an employer for sponsorship while performing work for others.<sup>245</sup> This suggests that determinants of other government policies – such as Bahrain’s **economic situation** driving the need to raise government revenues, leading to the Flexi Permit – have the *indirect* effect of weakening the *kafala* system, and therefore placing workers outside of its specific vulnerabilities. In an effort to formulate a terminology for this dynamic, such determinants may be called ‘indirect’ determinants.

Another policy which would have the indirect effect of weakening *kafala* is Bahrain’s policy of nationalisation, which aims to increase the numbers of nationals in the country’s workforce. An activist explained that the determinant driving the ‘Bahrainisation’ policy was the need to alleviate social discontent in the wake of the 2011 Arab Spring protests, where better jobs for Bahrainis was a key demand of the protesters.<sup>246</sup> Indeed, the Bahrain *intifida* of the 1990s – a period of prolonged civil unrest between 1994 and 1999 – was partially

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<sup>241</sup> Interviewee 2407 (Virtual, 27 July 2021).

<sup>242</sup> Migrant Rights, ‘One year since launch: Has Bahrain’s Flexi-Permit lived up to its hype?’ (20 August 2021), Migrant Rights, <<https://www.migrant-rights.org/2018/08/one-year-since-launch-has-bahrains-flexi-permit-lived-up-to-its-hype/>> accessed 19 July 2021.

<sup>243</sup> Interviewee 1109 (Virtual, 11 September 2021).

<sup>244</sup> ‘Gulf News publishes study of the Bahrain Chamber of Commerce and Industry on the Flexi Permit’ (23 February 2020), Akhbar AlKhaleej, <<http://www.akhbar-alkhaleej.com/news/article/1219616>> accessed 12 September 2021.

<sup>245</sup> Migrant Rights (August 2021).

<sup>246</sup> Interviewee 1109 (Virtual, 11 September 2021).

driven by unemployment amongst Bahrainis.<sup>247</sup> Bahrainisation would have the effect of weakening *kafala* as it would mean challenging the dominant economic paradigm of cheap, foreign labour driving the nation's economy. We note that we do not consider the 'Bahrainisation' policy to be a determinant itself, as we have found no evidence explicitly linking the policy to the abolition of *kafala*. While progress on 'Bahrainisation' has been slow,<sup>248</sup> it is another situation where the determinants of other policies have an indirect effect on anti-trafficking efforts. Arguments relating to the negative determinants of government and non-government **business interests** (Labour exploitation) and Bahrain's **economic situation** (International trafficking) apply equally to the abolition of *kafala*.

## Adoption of legislation and policy and setting up of institutions or mechanisms

The determinants influencing the adoption of Bahrain's anti-trafficking law (Law No.1/2008) have been discussed in 'Determinants relevant to all 4Ps'. The determinants influencing the establishment of anti-trafficking institutions have been discussed in relation to the RCE, ECP and the NRM.

## Allocation of resources and capacity building

Allocation of resources is discussed above in relation to the NCTIPs and RCE. Capacity building is discussed in 'Partnership' in relation to the RCE.

## Implementation and enforcement of law, policy, and practice

The lack of appropriate enforcement and implementation was a common theme echoed by interviewees and non-state focus group participants, from a local activist<sup>249</sup> and Marietta Dias<sup>250</sup> to a U.S. Embassy official.<sup>251</sup> The determinants impeding government action, such as the country's **economic situation** and its impact on the lack of forced labour (discussed above), may be equally impeding implementation and enforcement. Challenges to enforcement are also discussed above in relation to the wide discretion police officers are given in decision-making, pointing to **agency of individual officials** and Bahrain's **political culture** as negative determinants.

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<sup>247</sup> Ibid.

<sup>248</sup> Thamer Tayfour, 'Bahrainisation at Slow Pace in Private Sector' (8 September 2018), *The Daily Tribune: News of Bahrain*, <<https://www.newsofbahrain.com/bahrain/46704.html>> accessed 14 September 2021.

<sup>249</sup> Interviewee 1109 (Virtual, 11 September 2021)

<sup>250</sup> Marietta Dias, co-founder, Migrant Workers Protection Society (Virtual, 18 August 2021).

<sup>251</sup> Interviewee 0308 (Virtual, 3 August 2021).



## Establishment of partnerships (including with civil society organisations and the private sector)

The determinants influencing the Bahraini Government's partnerships with civil society organisations, international organisations, and regional actors are explored in 'Partnership'.

## Monitoring and evaluation of anti-trafficking efforts and reporting

The role of international monitoring reporting as a determinant is discussed in 'Determinants relevant to all 4Ps'. There is no local, institutional reporting of anti-trafficking efforts in Bahrain, apart from media reporting. Monitoring is conducted by the NRM, whose findings are published in media and, on occasion, in UNDOC reports. The NCCTIPs "reviews the actions and measures taken to combat trafficking by all the [anti-trafficking] bodies [...] on a regular basis",<sup>252</sup> while the NRM conducts reviews of its efforts in combatting trafficking and the effectiveness of those efforts.<sup>253</sup> An interviewee has said that the digitalisation of the NRM will enable "data analysis", allowing for trends to be identified.<sup>254</sup> However, these statistics have not been made available to the public.

## Sustainability

A local activist expressed confidence that anti-trafficking institutions such as the NRM and Victim Assistance Fund (VAF) are "here to stay", despite the questions about their effectiveness. Nonetheless, they were concerned about the sustainability of the Flexi Permit scheme and specifically expressed concerns about the costs of the scheme.<sup>255</sup> As of 2021, the costs of the scheme for a one-year permit are BD432 (£828).<sup>256</sup> Yet, of the migrants registered with Bahrain's Social Insurance, 71% (302,784) earn less than 200BD (£103) a month,<sup>257</sup> while some migrants earn as little as BD35 (£67) a month.<sup>258</sup> Many migrants, therefore, cannot afford the Flexi Permit fees, especially if their income has been withheld for many months.<sup>259</sup> With the stability of the economy in question, especially in light of the budgetary demands of the pandemic, these fees could increase. Furthermore, the activist also cited the widespread unpopularity of the scheme, causing backlash amongst the business community,

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<sup>252</sup> LMRA (Written answers, 12 October 2021).

<sup>253</sup> Interviewee 1208 (Virtual, 12 August 2021).

<sup>254</sup> Ibid.

<sup>255</sup> Interviewee 1109 (Virtual, 11 September 2021).

<sup>256</sup> LMRA, 'Flexi Permit' (13 September 2021) <<https://lmra.bh/portal/en/page/show/325>> accessed 14 September 2021.

<sup>257</sup> Social Insurance Organisation, 'Statistical Report 2021 - Quarter 1' (April 2021), <[https://www.sio.gov.bh/reports/pdf/Statistical\\_Report\\_Q1\\_2021.pdf](https://www.sio.gov.bh/reports/pdf/Statistical_Report_Q1_2021.pdf)> accessed 26 September 2021

<sup>258</sup> HRW (2012), 4.

<sup>259</sup> Migrant Rights (February 2021).

MPs, and Shura Council members.<sup>260</sup> Another interviewee – a leading figure in Bahrain’s business community – argued that businesses have suffered, and have even been made bankrupt, because of the Flexi Permit policy.<sup>261</sup> They said that Flexi Permit workers often trained with Bahraini businesses, only to leave and poach Bahraini businesses customer bases and undercut their competitors, a view echoed by MPs.<sup>262</sup> The interviewee concluded that the Flexi Permit system could only be sustainable with more regulations and control.<sup>263</sup> In 2020, the BCCI published its findings from its study on the impact of the Flexi Permit. The findings were scathing, concluding that the Permit had an overall delirious effect on Bahraini employers and the economy.<sup>264</sup> While the study put forward recommendations for reforming the Permit, it noted that the “abolition” of the Flexi Permit system “would not affect Bahrain’s international obligations regarding human rights standards and trafficking in persons.”<sup>265</sup> The fact that an influential government body has subtly advocated the abolition of the Flexi Permit – justified on the basis that it creates virtually no positive changes for migrant workers – puts into question the future of the policy and the impact of reform or abolition on migrants currently holding the Permit.

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<sup>260</sup> Interviewee 1109 (Virtual, 11 September 2021).

<sup>261</sup> Interviewee 1209 (Virtual, 12 September 2021).

<sup>262</sup> Migrant Rights (January 2021).

<sup>263</sup> Interviewee 1209 (Virtual, 12 September 2021).

<sup>264</sup> *Akhbar AlKhaleej* (2020).

<sup>265</sup> *Ibid.*

# Focus: The EPC

The EPC is described in 'Part II: Stakeholder map'. The Centre is a single point of contact between security authorities, civil society organisations, the NRM, the shelter, the NCCTIPs, the IOM, the RCE, the NIHR, and victim support services such as the human trafficking hotline and medical teams.

## Determinants

Due to our difficulties in securing interviews with government officials, it is not possible for us to analyse with certainty the determinants which led to the creation of the EPC. Our non-State interviewees, understandably, could not comment on the government's motivation for establishing the Centre.

Nonetheless, it is possible to speculate the positive determinants by considering the past negative determinant which impeded the creation of the Centre, and more specifically the migrant shelter within the EPC. In 2004, Dr. Dhafer al Umran, Ministry of Foreign Affairs (MFA) Director of Bilateral Relations, told the U.S. that the establishment of a victim protection shelter was in contemplation of the government. However, he explained that the MIO and MLSO delayed its establishment because "no one had the expertise to 'do it right'".<sup>266</sup> Therefore, the low **level of expertise** in relation to anti-trafficking policy in Bahrain has been a negative determinant to establishing the protective services at the EPC, at least during the early to late 2000s. We may infer, then, that greater expertise in anti-trafficking is a positive determinant influencing the EPC's establishment.

## Concerns linked to the EPC

Concerns relating to the difficulty of getting victims of non-sex trafficking crimes into the shelter are explored in 'Part III(c): Sex and gender identity'. To summarise, multiple interviewees expressed difficulties in getting victims of abuses other than sex trafficking into the EPC shelter, where MWPS was told by a worker at the shelter that it was only for women forced to work in brothels. Interviewees note that they have only ever seen female victims in shelter, although there is a separate section for male victims.

A local activist expressed concerns about the lack of coordination between bodies within and outside the EPC, and namely the duplication of the anti-trafficking efforts between them.<sup>267</sup> For instance, the EPC has a '995' labour abuse hotline. Nonetheless, the Central

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<sup>266</sup> Embassy Manama Wikileaks cable (15 September 2004).

<sup>267</sup> Interviewee 1109 (Virtual, 11 September 2021).

Investigation Department (CID) – a government body external to the LMRA and EPC – established its own, separate anti-trafficking hotline in 2021. He told us there was a lack of clarity about the different functions of the two hotlines, and that he has dealt with cases relating to trafficking for the purpose of sexual exploitation where the CID brought forward a case without the EPC’s knowledge. Nonetheless, the activist expressed that the LMRA-led bodies in the EPC, such as the NRM and the shelter, did generally share information with the other organisations within the ECP, namely the IOM and UNDOC offices.<sup>268</sup>

## Relevance of these examples as representative of broader determinants

The increased **level of expertise** which potentially enabled the EPC’s creation could be linked to the **agency of individual officials** such as former LMRA CEO Ausamah Al Absi, or the influence of **international organisations**. Nonetheless, without input from government officials themselves, it is difficult to determine the EPC’s relevance to broader determinants with certainty.

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<sup>268</sup> Ibid.

# Focus: The NRM

The NRM, established in 2016, is described in ‘Stakeholder map’. An interviewee described the NRM as the most “widely and most effectively used” anti-trafficking tool in Bahrain, spanning “identification, case documentation, case confirmation by the prosecution and courts, protection and assistance offered, reintegration, and voluntary return of the victim”.<sup>269</sup> NRM procedures engage with other key anti-trafficking trafficking stakeholders, such as the police, the EPC shelter, and Trafficking in Person Prosecutor’s Office.<sup>270</sup> In 2018, the NRM was digitised to enhance “speed, efficiency, consistency, and accuracy of following up [with] cases”.<sup>271</sup>

## Determinants

A journalist who attended a press conference announcing the NRM’s launch recalled officials saying that the NRM was adapted from other similar mechanisms around the world, which the Bahraini Government studied as it developed its national mechanism.<sup>272</sup> Again, this suggests that the **level of expertise** is a potential determinant – more specifically, expertise as examples of best practice from abroad. Furthermore, the government collaborated with the IOM and UNDOC to establish the NRM.<sup>273</sup> Therefore, this expertise also came from **international organisations**.

Furthermore, the LMRA said that King Hamad bin Isa Al Khalifa and Prime Minister and Crown Prince Salman bin Hamad Al Khalifa gave specific instructions to establish the NCCTIPs and specialised directories, such as the GPD and PID within the NRM. Therefore, the **agency of individual officials** is a key determinant which led to the development of the NRM.

## Concerns linked to the NRM

Concerns relating to NRM procedures not being applied uniformly to migrant domestic workers and ‘absconding’ workers is discussed in ‘Domestic servitude’. To summarise, migrant workers who run away from their employers are often handed back to their abusers by the police without investigation; many are arrested for ‘absconding’. An interviewee expressed that it would be unlikely for these workers to be interviewed or put through any

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<sup>269</sup> Interviewee 1208 (Virtual, 12 August 2021).

<sup>270</sup> LMRA (February 2017), 10-16.

<sup>271</sup> UN Sustainable Development Goals, ‘Expat Protection Centre’, <<https://sustainabledevelopment.un.org/partnership/?p=30918>> accessed 20 July 2021.

<sup>272</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>273</sup> United States Department of State (2017), 79.

formal process, such as the NRM identification procedure, to ascertain if they were victims. The lack of uniformity of approach by the NRM in relation to vulnerable groups, such as domestic workers, has been documented in the U.S. TIP Report.

## Relevance of these examples as representative of broader determinants

The role of **international organisations** is discussed in detail in 'Determinants relevant to all 4Ps'. To summarise, pressure from **international organisations** helped justify reforms internally within government ministries, subsequently empowering officials to initiate reform. Organisations such as the International Parliamentary Union have also influenced Bahrain's Parliament. In the context of the NRM, **international organisations** collaborated with government directly, rather than simply exerting pressure from outside the country.

# COVID-19

## Impact on anti-trafficking efforts

The LMRA stated that COVID-19 did not impact Bahrain’s capacity to combat trafficking as a result of the “robust and comprehensive systems” of identification, investigation, and prosecution “set [up] before the outbreak of the pandemic”.<sup>274</sup> Another interviewee said that the government recognised and anticipated the increased vulnerability of workers during the pandemic, and therefore “anti-trafficking efforts increased almost immediately”.<sup>275</sup> Indeed, during the pandemic, the government established specialised counter-trafficking bodies such as the PPO, TIP chamber of the Criminal Courts, CTP, a CID anti-trafficking hotline, as well the OPVW in order to protect victims and witnesses who provide information that may put them at risk. The government took the following various measures to reduce the vulnerability of migrant workers:

- During the first months of the pandemic, the government launched a donation campaign called *Feena Khair* (There is Good in Us) where \$15m (£10.83m) of proceeds was allocated to supporting the most vulnerable migrants impacted by the pandemic.<sup>276</sup>
- In March 2020, Business Continuity Plans were created to “guarantee all protective services were available” to workers, enabling the continuation of grievance procedures labour lawsuits, and dispute resolution.<sup>277</sup>
- In April 2020, the LMRA announced that it was waiving fees for issuing and renewing work permits for migrants for 3 months.<sup>278</sup> It also announced a 9-month amnesty for migrant workers to regularise their residency status in the country without any fee.<sup>279</sup> An interviewee reported that workers who benefitted from the amnesty included those with terminated or expired permits, as well as those on ‘free visas’

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<sup>274</sup> LMRA (Written answers, 12 October 2021).

<sup>275</sup> Interviewee 1208 (Virtual, 12 August 2021).

<sup>276</sup> Ibid.

<sup>277</sup> LMRA (Written answers, 12 October 2021).

<sup>278</sup> Migrants Rights, ‘Bahrain’s Amnesty: In name and little else’ (22 July 2020), <<https://www.migrant-rights.org/2020/07/bahraains-amnesty-in-name-and-little-else/>> accessed 13 August 2021.

<sup>279</sup> LMRA, ‘LMRA launches a grace period for violating workers’ (3 April 2021), <<http://blog.lmra.bh/ar/2020/04/03/هيئة-تنظيم-سوق-العمل-تطلق-فترة-سماح-للم-#more-9952>> accessed 13 August 2021.



working in violation of their permits.<sup>280</sup> In contrast, Migrant Rights reported that only those whose visas expired benefitted in practice.<sup>281</sup>

- In April 2020, the LMRA cut Flexi Permit fees by 60-78%, enabling more workers to self-sponsor under the scheme and renew their existing Flexi Permits, therefore reducing the previous barriers to entry.<sup>282</sup>
- The government waived electricity and water bills for three months in 2020 – therefore, landlords were initially lenient about the inability of many migrants to pay rent at the beginning of the pandemic.<sup>283</sup> An interviewee said that the government’s financial support of business meant that many migrants did not lose their jobs and got paid on time.<sup>284</sup> The extension of the waiver between September and November 2020, however, excluded migrants and only applied to nationals.<sup>285</sup>
- In June 2020, the government launched a digital platform called Talent Portal, designed to connect employers with job seekers to enable workers affected by the pandemic to be re-hired.<sup>286</sup>
- In May 2021, the LMRA initiated the Wage Protection System, requiring private sector employers with over 500 employees to pay workers’ wages through banks licenced by the Central Bank by bank transfer – this means that the LMRA have a record of all employees and when they received their salaries, enhancing the “transparency” of employment relationships.<sup>287</sup> The second phase of implementation, covering enterprises with 50 to 499 employees, began on September 1<sup>st</sup>, while the final phase, covering all enterprises, begins from January 1<sup>st</sup> 2022.<sup>288</sup>

Another interviewee – rather than arguing that counter-trafficking efforts improved – told us that the pandemic “has not hindered counter-trafficking efforts”; instead, they stated that it has delayed “progress due to the practical challenges”.<sup>289</sup> They attributed the overall

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<sup>280</sup> Interviewee 1208 (Virtual, 12 August 2021).

<sup>281</sup> Migrant Rights (July 2020).

<sup>282</sup> Ibid.

<sup>283</sup> Migrant Rights, ‘Migrants in Bahrain face an eviction crisis amid Covid-19 pandemic’ (15 September 2020), <<https://www.migrant-rights.org/2020/09/migrants-in-bahrain-face-an-eviction-crisis-amid-covid-19-pandemic/>> accessed 13 August 2021.

<sup>284</sup> Interviewee 1208 (Virtual, 12 August 2021).

<sup>285</sup> Migrant Rights (September 2020).

<sup>286</sup> Interviewee 1208 (Virtual, 12 August 2021).

<sup>287</sup> LMRA (Written answers, 12 October 2021)

<sup>288</sup> LMRA, ‘General Questions about Wages Protection System’ (2021), <<https://lmra.bh/portal/en/faq/category/8>> accessed 12 October 2021.

<sup>289</sup> Interviewee 2407 (Virtual, 27 July 2021).

decrease in prosecution between 2020 and 2021, as well as the decrease in victims who received protective services, to the “practical challenges associated with the digitalisation of administrative procedures”.<sup>290</sup> Indeed, in 2020, the EPC shelter and the courts shut down temporarily, where only urgent cases were dealt with during that period.<sup>291</sup>

Finally, an activist told us that despite the initiatives outlined above, the situation on the ground has rapidly deteriorated between 2020 and 2021.<sup>292</sup> Another interviewee believed that the government’s counter-trafficking response during the pandemic was ineffective.<sup>293</sup> Migrant Rights reported that the “many businesses continued to [...] reduce pay by 50% [...] or stopped paying their employees altogether, despite government support.”<sup>294</sup> Migrant workers were also excluded from policies which subsidised the salaries of private sector workers between March and August 2021.<sup>295</sup> Furthermore, the voting patterns of MPs in 2021 suggests that protecting vulnerabilities of migrants during the pandemic was not a widely held concern. As discussed in ‘Part III(b): Domestic servitude’, a bill was passed by MPs in January to restrict migrants’ labour mobility.<sup>296</sup> In February 2021 a bill was unanimously passed by MPs which would have required ‘absconding’ domestic workers to “reimburse their sponsors, pay for their own repatriation costs, and punish those sheltering them with jail and fines”.<sup>297</sup> Rather than COVID-19 acting as a deterrent for passing such a bill, the MP leading this proposal, Khaled Bouanq, justified the penalties on the basis that ‘absconding’ domestic workers will spread diseases such as COVID-19 into local communities. While we have not been able to find out why the bills were rejected by the Shura Council, Migrant Rights anticipated that the bill would be rejected based on Bahrain’s aim to enhance its **international reputation**.<sup>298</sup>

### Shifts in government priorities

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<sup>290</sup> Interviewee 2407 (Virtual, 27 July 2021).

<sup>291</sup> Interviewee 0408 (Virtual, 4 August 2021).

<sup>292</sup> Interviewee 1109 (Virtual, 11 September 2021).

<sup>293</sup> Interviewee 2406 (Virtual, 24 June 2021).

<sup>294</sup> Migrant Rights (July 2020).

<sup>295</sup> Bahrain News Agency, ‘Government to support Bahrainis’ salaries in 12 sectors’ (22 June 2021), <<https://www.bna.bh/en/GovernmenttosupportBahrainissalariesin12sectors.aspx?cms=q8FmFJgiscL2fwlzON1%2BDn1tdiloDD36HYDywjTHJ8w%3D>> accessed 20 September 2021.

<sup>296</sup> Migrant Rights (January 2021).

<sup>297</sup> Migrant Rights, ‘“Stricter action against absconding domestic workers”: Proposal in Bahrain’s Parliament steeped in falsehoods’ (February 2021), <<https://www.migrant-rights.org/2021/02/stricter-actions-against-absconding-domestic-workers-proposal-in-bahrain-parliament-steeped-in-falsehoods/>> accessed 11 September 2021.

<sup>298</sup> Ibid.

Interviewees, including the LMRA, noted that government priorities shifted towards containing outbreaks of COVID-19 amongst migrants, where protecting the health of potential victims of trafficking became a new priority.<sup>299</sup> An activist said that resources which may normally have gone towards counter-trafficking measures such as identification and inspection have gone towards public health measures, such as vaccinations.<sup>300</sup> Furthermore, in response to Bahrain's June 2021 surge in COVID-19 cases, Bahrain became the only country in the GCC to begin vaccinating irregular migrants, of which an estimated 70,000 live without documentation in the country.<sup>301</sup> The LMRA emphasised that migrants' "right to receive medical care" was upheld irrespective of their legal status.<sup>302</sup>

In relation to the type of response, an interviewee told us that the government's anti-trafficking priorities did not shift during the pandemic in relation to a specific type of response, and that the response "continued to focus on the forms of exploitation most prevalent in the region, i.e., sexual exploitation and forced labour".<sup>303</sup>

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<sup>299</sup> LMRA (Written answers, 12 October 2021).

<sup>300</sup> Participant 7, non-state actors Focus Group Discussion (Virtual, 28 July 2021).

<sup>301</sup> Migrant Rights, 'Bahrain includes irregular migrants in its Covid-19 vaccination drive' (27 June 2021), <<https://www.migrant-rights.org/2021/06/bahrain-includes-irregular-migrants-in-its-covid-19-vaccination-drive/>> accessed 13 August 2021.

<sup>302</sup> LMRA (Written answers, 12 October 2021).

<sup>303</sup> Interviewee 2407 (Virtual, 27 July 2021).

# Conclusion

In conclusion, we have identified and developed 13 new determinants to capture Bahrain's specific experience of anti-trafficking efforts.

The positive determinants most commonly identified by interviewees and FGD participants were Bahrain's **regional and international reputation**, where Bahrain now seeks to cement its position as a regional leader in counter-trafficking efforts. To elevate its reputation, Bahrain worked with **international organisations** in order to align itself with the **international legal framework**. Nonetheless, Bahrain's **political culture and lack of democratic institutions** has meant that non-governmental influence has largely been international, where civil society organisations and media have been less able to influence government decision-making, albeit having some influence on the courts.

The most influential negative determinant overall is Bahrain's **economic situation**. Without alleviating the fiscal crisis, the government is less incentivised to combat forced labour by intervening with **business interests**, especially against government contractors. Swift and decisive action on forced labour should be taken against government contractors despite the financial incentives to deny or deflect responsibility. Meanwhile, as a positive determinant, the **economic situation** has also necessitated the maintenance of **the level of immigration into the country**, therefore requiring more positive relationships with source countries through commitments to anti-trafficking. Nonetheless, **fear of backlash from source countries** is still minimal, considering the ease of circumventing punitive action by these countries. Therefore, Bahrain's **economic situation** is more of a negative than a positive determinant.

Analysing the particularities of determinants, the prioritisation of female victim of trafficking for the purpose of sexual exploitation is linked to the **conflation of human trafficking with sex trafficking**, as well as **religion and regional reputation**, where it is more politically, economically, and socially convenient to take strong enforcement action against sex traffickers. It is vital that victims of forced labour and domestic servitude be offered equal access to protective services, such as access to the EPC's shelter. A broadened awareness of trafficking beyond sexual exploitation requires Bahrain to continue to train officials, and especially law enforcement, on victim identification and protection, in order to create a uniformity of standards across different agencies and police stations. Bahrain's strong relationships with **international organisations** should help enable this. Regarding perpetrator profiles, the disproportionate government response against Bangladeshis, as well as increased racist rhetoric by officials, following the murders of 2008 and 2018 suggests Bangladeshis are penalised more strongly than other nationalities as a result of **racial stereotyping**. We recommend anti-racism training amongst officials to dispel both positive and negative stereotypes about certain nationalities of migrants.

The struggles of the Bahraini Government to combat trafficking in persons during the COVID-19 pandemic have revealed the inadequacy of surface-level policy changes, be it through the establishment of specialised agencies to large-scale fundraising campaigns. The transformation of Bahrain's anti-trafficking efforts can only be achieved on the back of wholesale economic reform. The slow progress of the Bahrainisation policy, as well as the backlash from the business community against the Flexi Permit, illustrate the difficulties of reforming Bahrain's economy in tandem with the dismantlement of the *kafala* system. Without tackling the fiscal crisis, the pandemic's burden on the national budget will only make these goals more difficult to achieve moving forward.

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# List of Determinants

We have sought as far as possible to use the terminology as set out in the list of potential determinants within BIICL’s ‘research tools’ document. Where these determinant codes have been used, they have been highlighted in **green** throughout this report.

We found it necessary to develop new determinants to capture Bahrain’s specific experience. These determinants are highlighted in **purple**.

## Determinant Codes

<b>BIICL determinants</b>	<b>+ve/-ve</b>	<b>Page</b>
<b>Economic situation</b>	+ve, -ve	9, 24, 30-31, 36, 38-39, 41-42, 51
<b>International reputation</b>	+ve	9, 22-23
<b>International legal framework</b>	+ve	23-24, 51
<b>The level of immigration into the country</b>	+ve	24, 38-39, 51
<b>International pressure</b>	+ve	22
<b>The role of the media</b>	+ve	25
<b>Lack of democratic institutions</b>	-ve	26-27, 51
<b>Political culture</b>	-ve	9, 24, 26-27, 33, 35, 42, 51
<b>New determinants</b>	<b>+ve/-ve</b>	<b>Page</b>
<b>Agency of individual officials</b>	+ve, -ve	9, 24, 35, 42, 46-47
<b>Strength of diplomatic relations</b>	+ve, -ve	26
<b>Level of expertise</b>	+ve, -ve	9, 45-47
<b>Moral responsibility</b>	+ve	23
<b>Regional reputation</b>	+ve	23, 25, 27-29, 51
<b>International organisations</b>	+ve	9, 22, 24, 28, 43, 46-47, 51
<b>Religion</b>	+ve	29, 51
<b>Social media</b>	+ve	25, 31
<b>Business interests</b>	-ve	9, 31, 42, 51
<b>Conflation of human trafficking with sex trafficking</b>	-ve	9, 25, 29, 33
<b>Fear of backlash from source countries</b>	-ve	38-39, 51

<b>National security</b>	-ve	39
<b>Cultural norms</b>	-ve	9, 17, 31, 33
<b>Racial stereotyping</b>	-ve	9, 36, 39, 51

## Sequencing

Where possible, we have sequenced determinants in relation to certain outcomes. A summary of determinant sequencing can be found in the table below. We note that this is a simplified illustration which should be read in tandem with their respective explanations, and that all determinants likely interplay together.

<b>Outcome</b>	<b>D1</b>	<b>D2</b>	<b>D3</b>	<b>Page</b>
Justification to pursue anti-trafficking as a policy issue	<b>Political culture</b>	<b>Agency of individual officials</b>	<b>International organisations, international pressure</b>	24-25
Civil society action	<b>Political culture</b>	<b>Agency of individual officials</b>	N/A	27
Adherence to the international legal framework around TIP	<b>Political culture</b>	<b>Agency of individual officials</b>	<b>International legal framework</b>	24
International partnerships	<b>International reputation</b>	<b>Regional reputation</b>	<b>International organisations</b>	28
Failure of anti-trafficking response on government-contracted projects	<b>Economic situation</b>	<b>Business interests</b>	N/A	30-31
Failure of officials to identify forced labour risk factors in practice	<b>Political culture</b>	<b>Agency of individual officials</b>	<b>Conflation of human trafficking with sex trafficking</b>	33
Use of anti-trafficking efforts to maintain positive relationships with source countries	<b>Economic situation</b>	<b>Level of immigration into the country</b>	<b>Fear of backlash from source countries</b>	38-39

### 'Indirect' determinants

Below, we explain a dynamic by which the determinants of other policies, which are not related to human trafficking, have an indirect effect on government anti-trafficking efforts. We have termed the determinants of these policies 'indirect' determinants, which we set out below.

Policy	Determinants	Direct impact	Indirect impact on anti-trafficking efforts
Flexi Permit	<b>Economic situation (+ve)</b>	Increasing government revenue	Weakening the <i>kafala</i> system by creating an alternative non-sponsored route to employment
Nationalisation of the workforce ('Bahrainisation')	<b>Political culture (+ve)</b> <b>Economic situation (+ve)</b> <b>Business interests (-ve)</b>	Alleviating social discontent	Weakening the <i>kafala</i> system by challenging the paradigm of cheap, foreign labour driving the economy



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