

Bahrain's Forgotten Workers



*A Status Report on Labor Discrimination
and Forced Dismissals since 2011*



Americans for Democracy
& Human Rights in Bahrain

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Americans for Democracy & Human Rights in Bahrain

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Americans for Democracy & Human Rights in Bahrain (ADHRB) is a non-profit, 501(c)(3) organization based in Washington, D.C. that fosters awareness of and support for democracy and human rights in Bahrain and the Arabian Gulf.

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Contents

Key Findings	4
Introduction	5
I. Background	6
II. Total Number of Dismissed Workers	6
III. Complaints and the Reinstatement Process	7
IV. Abusive Reinstatement Practices, Discrimination, and Reprisals against Workers	11
V. Current Status of Reinstatements	17
VI. Conclusion and Recommendations	18

Key Findings

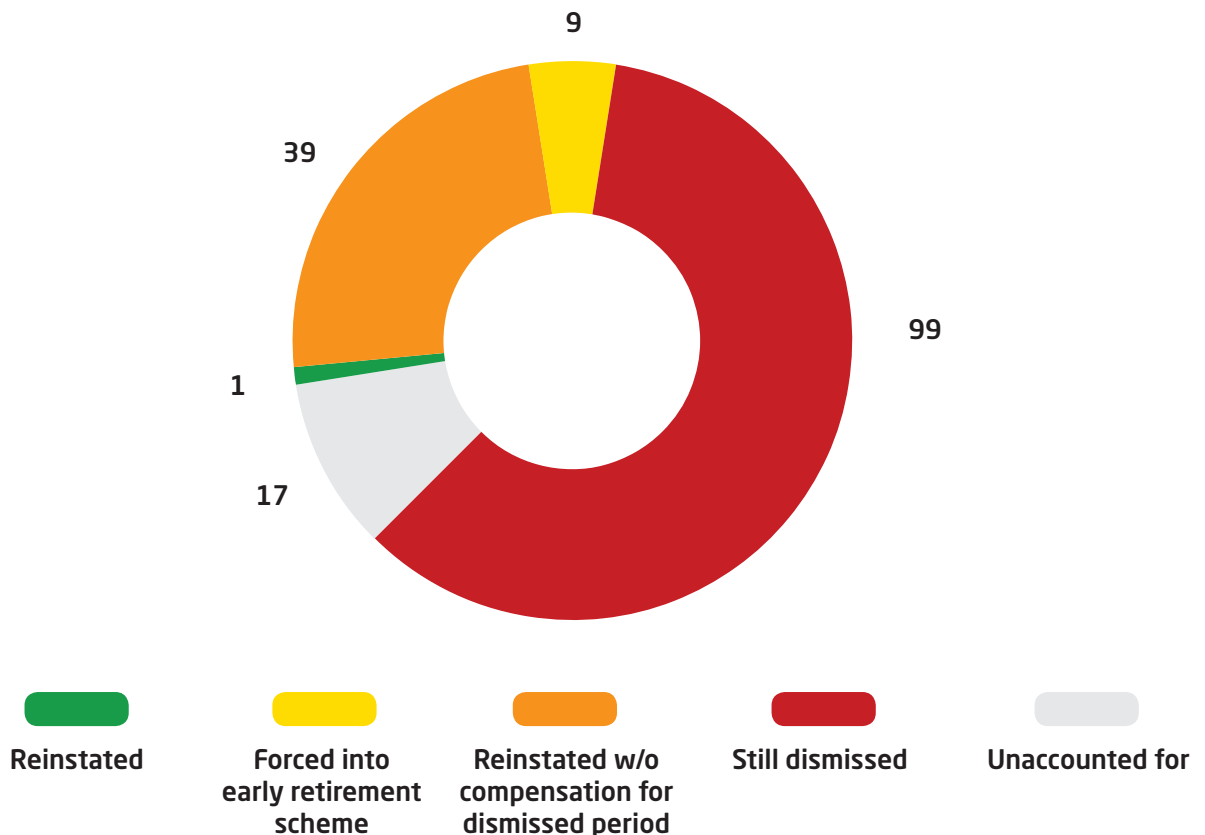
In 2011, Bahraini authorities arbitrarily dismissed approximately 4,500 workers from their jobs because of their alleged participation in strikes and pro-democracy protests.

In 2012 and 2014, the Government of Bahrain signed successive International Labour Organization (ILO) agreements designed to ensure the reinstatement of these workers.

The 2014 agreement identified 165 cases that had yet to be addressed. Despite indications that positive progress was being made, new evidence compiled by Bahraini labor activists suggests that the vast majority of these cases remains unresolved. Additionally, many of the reinstatements that have occurred fail to meet the conditions laid out in the ILO-backed agreements. Of the 165 cases, current reports indicate that:

- 99 workers remain dismissed
- 39 were reinstated without agreed-upon compensation
- 9 were forced into early retirement
- 17 remain unaccounted for
- 1 is fully reinstated with compensation

Reinstatement Status since 2014 Tripartite Agreement



Introduction

Beginning in February 2011, mass pro-democracy demonstrations took place across Bahrain. The government's use of extreme force to suppress the gatherings killed dozens,¹ but the authorities also leveraged their influence on the economy to punish citizens who called for reform. In the immediate months after the first protests – and also in the years since – Bahraini officials harassed and dismissed thousands of students, workers, and trade union representatives in reprisal for their alleged involvement in the protest movement. The International Trade Union Confederation (ITUC) described the government's campaign as “an economic massacre following the deplorable human massacre.”²

As international organizations started to file official complaints over the mass dismissals, the Government of Bahrain gradually began to reinstate some of the affected workers. In early 2012, the government signed a Tripartite Agreement backed by the International Labour Organization (ILO) committing to restore those dismissed to their previous positions. By 2014, however, the Tripartite Committee that was established under the agreement – consisting of the Bahraini government, the General Federation of Bahrain Trade Unions (GFBTU), and the Bahrain Chamber of Commerce and Industry (BCCI) – identified 165 cases that remained unresolved. The parties reached a Supplementary Tripartite Agreement that year to rectify this final set of dismissals.

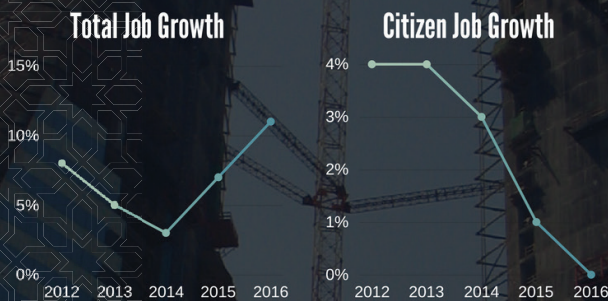
Yet more than two years later, Americans for Democracy & Human Rights in Bahrain (ADHRB) has received credible reports from local labor activists that well over half of these workers remain dismissed from their positions. Of those that have been reinstated, many have been deprived full compensation and benefits as afforded to them under the Tripartite Agreements.

ADHRB's new report, *Bahrain's Forgotten Workers*, provides a status update on the implementation of the Tripartite Agreements, as well as a broader look at labor discrimination in Bahrain. It specifically highlights systemic abuses faced by many migrant workers and by the kingdom's Shia majority community, with an added examination of the extreme employment bias exhibited by the Bahraini security forces. Ultimately, the report concludes that the Government of Bahrain has failed to fully implement the Tripartite Agreement and has continued to facilitate discrimination against workers on the basis of their political views, religious beliefs, or national origin.

BAHRAIN

POPULATION, ECONOMY & LABOR

POPULATION: 1,317,602 (2015)
GDP: \$32 BILLION (2015)
GNI PER CAPITA: \$19,840 (2015)
BUDGET: \$9.47 BILLION (2015)



21.9%

Poverty Rate

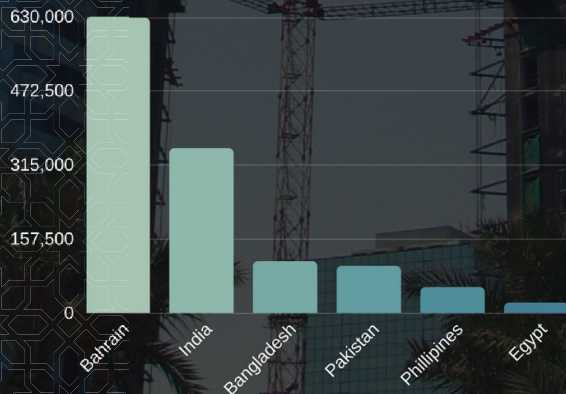
4/7.4%

Gov. Unemployment Rate/World Bank Unemployment Rate

-0.8%

Job Growth for Bahraini Citizens

Total Population by Nationality



Sources:

¹ Bahrain's Population - by nationality, BQ, 2015, <https://goo.gl/qZDrPS>

² Bahrain Labour Market Indicators, LMRA, 2016, <https://goo.gl/LdBluq>

³ Bahrain passes 2015-16 budget, Reuters, 2015, <https://goo.gl/V33tJl>

⁴ BTI 2016 - Bahrain Country Report, Gütersloh: Bertelsmann Stiftung, 2016, <https://goo.gl/juYR2n>

I. Background

After Bahraini security forces began violently attacking protesters in mid-February 2011, the GFBTU threatened repeated general strikes to protest the government's actions. The GFBTU suspended plans for a major strike on 20 February following the initial withdrawal of military forces, but public and private sector strikes continued unabated. High-end estimates indicated that up to 85 percent of Bahraini workers participated in the strike. On 15 March, Bahrain's king declared a State of National Safety, which included a prohibition on trade union activity. In response, the GFBTU called for further strikes, which lasted until 22 March. Throughout this period specific trade groups like the Bahrain Teacher's Association (BTA) similarly engaged in mass, peaceful strikes. Over the ensuing weeks and months, the Government of Bahrain dismissed hundreds of public sector employees for participating in these strikes and in pro-democracy demonstrations, and it put pressure on private companies to carry out similar dismissals. Subsequent interviews and reports have indicated that these dismissals were carried out along sectarian lines, and that the penalties fell almost exclusively on Shia workers.³

II. Total Number of Dismissed Workers

During the second half of 2011, a variety of sources issued differing reports about the dismissals as information became available. As a result, there are discrepancies concerning the total number of dismissed workers depending on the date and source of the given report. By the time the Bahrain Independent Commission of Inquiry (BICI)⁴ released its report at the end of 2011, however, a general consensus held that more than 4,000 workers had been dismissed. The BICI report documented 4,407 cases,⁵ and that same number was cited in the US Department of State's 2011 Human Rights Country Report for Bahrain.⁶ A later report released by the US Department of Labor's Office of Trade and Labor Affairs (OTLA) placed the total number of dismissals at 4,537.⁷ In March 2012, the Government of Bahrain agreed that the total number of workers affected was "over 4,200."⁸ According to recent academic literature on Bahrain's political situation, "conservative estimates [indicate] at least 4,500 people, 2,500 from the private sector and 2,000 from the public sector, were fired for responding to the strike calls and for participating in protests."⁹ These estimates do not include dozens of medical personnel targeted for similar reprisals.¹⁰

III. Complaints and the Reinstatement Process

The earliest official action taken in response to the dismissals came in April 2011. At this time, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) submitted a report to the US OTLA alleging that the Government of Bahrain failed to comply with its commitments under Article 15.1 of the US-Bahrain Free Trade Agreement (FTA).¹¹ Article 15.1 reaffirms each country's commitment to the 1998 ILO Declaration,¹² which in turn obligates states to respect the fundamental right to freedom of association and non-discrimination, among other rights.¹³ The OTLA responded in 2012 and agreed with crucial components of the AFL-CIO's submission.¹⁴

In mid-2011, the Government of Bahrain established a High Level Special Committee to review cases of dismissed private sector employees. The Committee reportedly found 571 of the more than 1,600 dismissals it reviewed to have been unlawful,¹⁵ but it had no legal authority to order the reinstatement of these workers.¹⁶ Several other Bahraini officials and government ministries also issued directives to reinstate workers, but these too lacked legal authority.¹⁷ Progress on reinstatement moved very slowly at this stage, and by December 2011 the Government of Bahrain reported that less than 800 dismissed private sector workers had been reinstated.¹⁸

The most important early development in the reinstatement process came in June 2011 at the 100th session of the ILO Conference. During this session, ILO Workers' Delegates presented a complaint against the Government of Bahrain under Article 26 of the ILO Constitution.¹⁹ The complaint focused on the large-scale dismissal of workers on the basis of their political opinions and trade union affiliation, and asserted that Bahrain was in violation of ILO Convention 111 of 1958, which it ratified in 2000.²⁰

In March 2012, in response to the ILO complaint, the Government of Bahrain signed a Tripartite Agreement with the GFBTU and the BCCI.²¹ This accord established agreed-upon figures concerning dismissals and committed all three parties to ensuring the reinstatement of the dismissed workers by 30 May 2012.²² The Government of Bahrain accepted that 2,050 public sector workers and more than 2,200 private sector workers had been dismissed from their jobs.²³ The Agreement also laid out the terms of these workers' reinstatements, and included measures to provide compensation and social insurance payments for the periods of dismissal.

When this agreement was signed, the Bahraini government claimed that a large majority of public and private sector workers had already been reinstated or were in the process of reinstatement.²⁴ By the end of

continued on page 11

Migrant Workers' Rights in Bahrain

Although the Bahraini government has instituted new policies aimed at protecting the rights of expatriate workers, they have yet to fundamentally alter the exploitative system of migrant employment in the country. The kingdom continues to be a destination for human trafficking, and employers continue to subject migrants to abusive working and living conditions. With the significant exception of expatriates recruited for service in Bahrain's security forces (see page 12), foreign workers commonly experience abuse, including racial discrimination.¹ ADHRB has extensively documented these trends across the Arab Gulf in *Living as Commodities: Human and Sex Trafficking in the GCC*.²

In May 2009, the Bahraini government announced that it would repeal the *kafala* system – a comprehensive framework for sponsoring and monitoring migrant workers – and replace it with a policy of directly sponsoring migrants through the government's Labor Market Regulatory Authority (LMRA).³ This new system, which was meant to be in place by August 2009, would purportedly grant workers greater freedoms and protections, such as allowing them to unilaterally leave their employers and look for new employment.⁴ That same year, however, Human Rights Watch found that the authorities failed to properly enforce the system and that much of the *kafala* structure remained intact.⁵ The NGO Migrant Rights reported that, while the legislation was progressive in the context of Gulf labor practices, migrant workers in Bahrain continued to find “the process of changing jobs without employer consent confusing and time-consuming, bogged down by bureaucratic obstacles.”⁶ Moreover,

in 2011, the government scaled back these original reforms and instituted new regulations requiring migrant workers to stay with their current employer for at least a year until they could seek other options.⁷ The 2011 update was reportedly meant to appease employers, and it effectively reinstated one of the most abusive aspects of the *kafala* system.⁸

The *Alsharq al-Awsat* newspaper reported in December 2016 that the Bahraini government would officially abolish the *kafala* system starting in April 2017, ostensibly acknowledging that the *kafala* system remains intact.⁹ Yet in its February 2017 National Report to the UN's Universal Periodic Review (UPR) Working Group, the government described the reported "abolition" more as a smaller-scale test program: "In April 2017, a pilot scheme will be introduced granting work permits without a sponsor to 48,000 foreigners...in this way, Bahrain seeks to eliminate the causes of violation of the employment system, concealment and the black market in visas and work permits. This system will correct the situation of 8 per cent of the workers on the Bahraini labour market [sic]."¹⁰ Although this measure would represent a positive step toward alleviating migrant worker abuses associated with the *kafala* system, the government has not provided additional information on its launch or progress. Reports also indicate that the 48,000 permits will be granted over the course of two years, so it is unclear how many – if any – workers have received permits since April 2017.¹¹ Furthermore, the National Report did not include additional statistics on the remaining migrant workers whose situation still required "correcting" or how such cases would be addressed. Migrants Rights notes that the pilot program may

MIGRANT WORKERS IN BAHRAIN

Demographic Trends

Bahrain's economy relies on foreign workers. Approximately 38,000 more expatriates entered the workforce in 2015 than in 2014, and the government announced that it would be facilitating self-sponsorship

for 48,000 expatriates in 2017 and 2018. Nevertheless, expatriates disproportionately work in low-skill sectors and often experience severe violations of their rights.

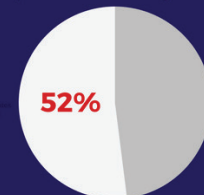
EXPATRIATE WORKFORCE

Expatriates make up 52% of Bahrain's approx. 1.3 million residents, which is about 685,000 people.

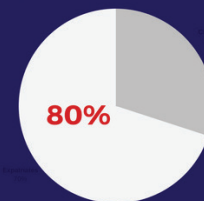
Expatriates make up an even larger proportion of the workforce, accounting for as high as 80% of those employed.

In late 2016, gov. records indicated 630,071 expatriates were employed, contrasted with just 157,119 Bahraini citizens.

Proportion of Population



Proportion of Workforce



39

PERCENT

of new work permits issued in 2015 were in the construction sector.

20

PERCENT

of new permits were in wholesale and retail trade.

12

PERCENT

of new permits were in each of the following sectors: 1) manufacturing, 2) hotels, 3) restaurants.

Sources:

"Bahrain reports 6% rise in expat employment," *Arabian Business*, 2015, <https://goo.gl/Ly8tFg>

"Bahrain's Population - by nationality," BQ, 2015, <https://goo.gl/qZDrPS>

"Bahrain Labour Market Indicators," LMRA, 2016, http://blmi.lmra.bh/2016/12/mi_dashboard.xml

also allow employers to avoid providing benefits to foreign workers, and that it may encourage other employers to revoke sponsorships in order to evade such costs: “Workers will have to pay all the annual fees for work permits (BD 200, USD530) and health care (BD 144, USD 381). These are costs that would have been borne by the employer. Moreover, they are expected to pay BD 30 (USD 80) a month to the Labor Market Regulatory Authority, which is a huge gain for the country.”¹² The annual healthcare fee is compounded by another new law requiring workers to pay an additional BD 7 each time they seek medical treatment.¹³

Foreign workers and victims of human trafficking regularly experience violations stemming from this officially repealed, yet deeply institutionalized system. In recent years, the Government of Bahrain has instituted some additional migrant labor reforms, but these remain insufficiently enforced. There are over 600,000 expatriates living in Bahrain, mostly involved in the construction, trade, manufacturing, and domestic service industries. In 2012, the LMRA instituted a new labor protection law intending to curb labor-related abuses, but it has been slow to fully implement it. Migrant workers continue to hold strikes and protests over withheld wages, for example. In 2015, almost 200 Indian, Pakistani, and Bangladeshi construction workers protested over three months’ worth of missing pay.¹⁴ One Pakistani construction worker explained the extent of the harm caused by the still-widespread practice: “We have decided not to return to work until we get our salaries as we are finding it difficult to survive, we have expenses and families waiting for money as many of us are the only earning members in our families.”¹⁵

Moreover, if they are in fact paid, migrant workers are not eligible for Bahrain’s public sector minimum wage and typically make only a fraction of a similarly skilled citizen’s income.¹⁶ In 2011-2012, average migrant worker wages actually dropped by .5 percent, contrasting with 9% growth for Bahrainis;¹⁷ in late 2016, the wage gap between nationals and non-nationals increased to BD 317 (approximately \$840) in the major private sector employment areas (construction; trade; hotels and restaurants; and manufacturing).¹⁸ This disparity and its attendant problems are further exacerbated by the general exclusion of migrant workers from the social welfare system provided for Bahraini citizens employed in the public sector, which lowers the latter’s overall cost of living. Additionally, migrant workers often receive wages that are significantly lower than those promised to them before they moved to Bahrain. Many workers also pay preliminary fees worth months of their prospective wages in order to secure positions in Bahrain, causing them to arrive in the country with substantial debt. The absence of a minimum wage exacerbates the negative effects of direct abuses like wage withholding and contract substitution, heightening a migrant worker’s risk of falling into de facto debt bondage.¹⁹

Migrant workers continue to experience poor living conditions in Bahrain. The labor law provides assurances for certain standards of living for migrants and outlines consequences for employers who commit serious violations.²⁰ However, the Labor Ministry reported in 2015 that at least 1 in 10 registered Bahraini labor camps did not meet these standards and deemed them “unsafe.”²¹ These camps typically feature overcrowding, unsanitary plumbing, and a lack of emergency exits.²² Nevertheless, Labor Ministry Under-Secretary Sabah al-Dossary, who reports that his division does over 500 inspections of work camps per year, did not forward any cases to the public prosecution as his office did not detect any offenses considered “serious.”²³

Additionally, the government does not oversee a large proportion of migrants’ living conditions, as unregistered and illegal labor camps are widespread throughout Bahrain.²⁴ Officials are reportedly in the process of instituting regulations aimed at preventing the creation of these illegal camps by imposing fines and jail sentences for any landlords or employers implicated in their creation.²⁵ Still, the government

acknowledged in 2014 that migrants inhabited at least 600 unregistered buildings in Manama alone; between 2012 and 2014, 26 Bangladeshi migrant workers died in three separate fires that broke out in unregistered housing facilities.²⁶ According to the Migrant Workers Protection Society, overcrowding remains a particular problem in both the “unsafe” registered camps and the unregistered camps, where they have found as many as “35 people crammed in three rooms,” exceeding the legal limit of eight persons per room.²⁷

In June 2014, Migrant Rights reported that 2,000 migrant garment workers went on strike to call for better conditions, such as improved healthcare, food, and wages.²⁸ The employers assented to a small wage increase, but the government responded by arresting and deporting 12 Bangladeshi nationals that it alleged had organizing the strike.²⁹ The Institute for Global Labour and Human Rights (IGLHR) documented an even higher number, reporting that the authorities deported more than 70 Sri Lankan, Indian, and Bangladeshi workers for their participation in the strike.³⁰ The IGLHR also reported that, toward the end of the strike, Bahraini security forces and managers from the MRS Fashions garment factory “entered the workers’ dormitories, threatening them to return to work or be forcibly deported.”³¹ Although its Bahraini facilities closed in 2016, MRS Fashions supplied major US retailers such as Wal-Mart and JC Penney.³² Employees and NGOs have accused the company’s managers of beating workers and withholding both their wages and their passports.³³ The IGLHR found that MRS management also “routinely and illegally deports guest workers who speak up” or attempt to organize.³⁴ Like other forms of assembly, association, and expression in Bahrain, the government has criminalized labor organizing for migrant workers.³⁵

Foreign domestic workers are not formally protected under the labor law.³⁶ Although the government did promulgate Law No. 36 of 2012, the Labour Law for the Private Sector, the vast majority of its provisions do not apply to “domestic servants and persons regarded as such namely gardeners, house security guards, nannies, drivers and cooks for carrying out their job duties for the benefit of an employer or his relatives.” There is no section in Law No. 36 of 2012 specifically regarding domestic workers, nor are they protected under a separate law.³⁷ The resultant lack of oversight has allowed employers to routinely secure exploitative contracts with domestic workers, which are almost exclusively women from Africa and Southeast Asia. The Bahrain Ministry of Labor and Social Development offers a model contract for employers of domestic laborers, however the 2014 UN Report on Women found that 65 percent of migrant women had never seen a labor contract, and almost 90 percent were not aware of the terms of their employment.³⁸ On average, these contracts require that domestic laborers work 108 hours per week, and employers regularly confiscate their passports.³⁹ When domestic workers flee their employer and/or their sponsor, they find themselves unprotected by the law and are often prosecuted for breaking their contracts and absconding.⁴⁰

In 2015, the Bahraini government reportedly placed a new legislation that specifically applies to domestic workers under consideration.⁴¹ Although the Labor Ministry’s al-Dossary had initially indicated that the laws were likely to be instituted in the near future, the government has not released an update on the progress of the law.⁴² Moreover, in February 2017, the LMRA announced that Bahrain and India – the single largest source country for migrant labor in the kingdom – were reviewing a proposal to terminate a previous arrangement that aimed to protect domestic workers from employer abuse such as physical violence or the arbitrary withholding of payment.⁴³ Indian migrant rights organizations have strongly criticized the proposal, noting it would leave some 15,000 Indian women working in Bahrain with even less opportunity for redress.⁴⁴ In the absence of new legislation to safeguard the rights of domestic workers, the cancellation of the policy could signal a further deterioration of migrant protections in Bahrain.

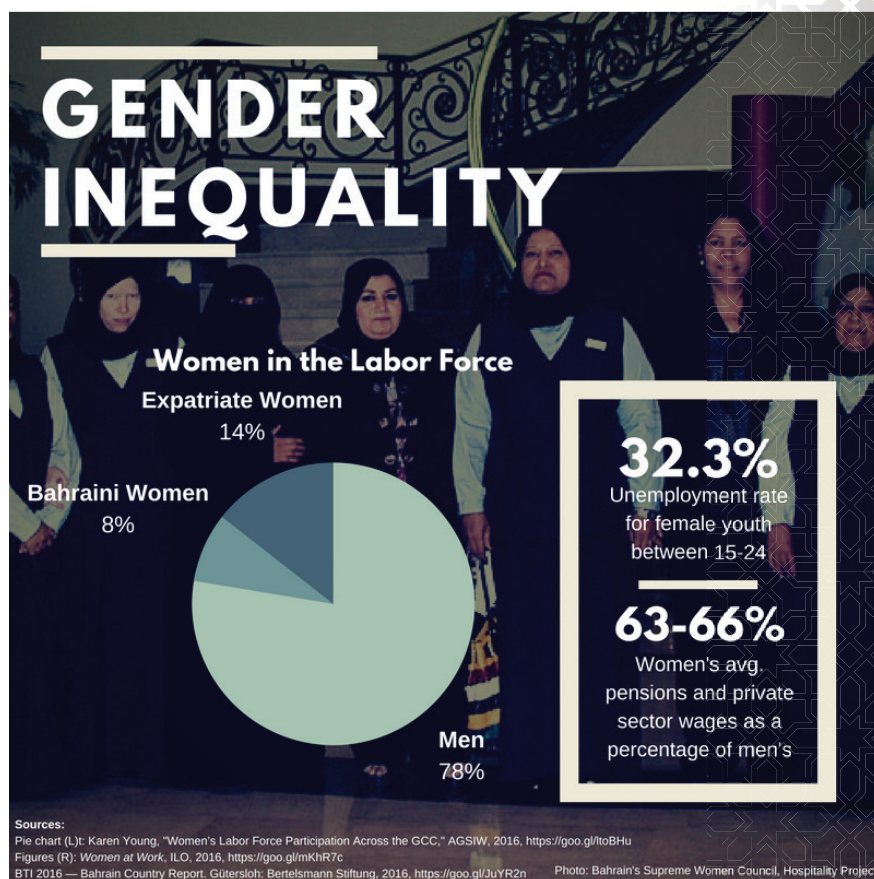
2012, the Government of Bahrain claimed that 100% of public sector workers and 99% of private sector workers had returned to their jobs.²⁵ At the same time, the GFBTU maintained that several hundred cases remained unresolved.²⁶ These discrepancies continued into 2013. That June, the ITUC released its 2013 Countries at Risk report, in which it noted the GFBTU's assessment that 657 workers remained dismissed.²⁷

In March 2014, the parties signed a Supplementary Tripartite Agreement aimed at achieving a final settlement of all cases.²⁸ It identified 165 remaining cases²⁹ and set out terms for their resolution and reinstatement.³⁰ These terms, as in the first agreement, included measures aimed at resolving issues of compensation and social insurance payments. Upon the signing of this agreement, the ILO closed the complaint against Bahrain that had been ongoing since 2011.

IV. Abusive Reinstatement Practices, Discrimination, and Reprisals against Workers

While measures have been taken to ensure the proper reinstatement of many public and private sector workers, numerous reports have found that employers in Bahrain continue to engage in illegal or unfair reinstatement practices. As early as August 2011, the ITUC reported that employers had begun requiring dismissed workers to abstain from any future political activity – including taking part in legal cases against the Bahraini government or re-joining trade unions – as a precondition for returning to work.³¹ The US Department of State has noted that employers have imposed other reinstatement conditions including demotions, reductions in responsibility, and docked wages.³² Some employers have reinstated workers under a “final warning” status, which permits employers to terminate employees on short notice.³³ Preconditions such as these fail to meet the terms of reinstatement contained in the Tripartite Agreements. Many also represent violations of international protections for freedom of association and assembly. Furthermore, these illegal or unfair reinstatement practices have negatively impacted workers' incomes, benefits, and job security.³⁴ In its recent 2016 Human Rights Report for Bahrain, the US State Department indicated that such abuses continue.³⁵

In addition to attaching abusive preconditions to reinstatements, public and private sector employer have engaged in discriminatory hiring and promoting practices since the mass dismissals in early 2011.³⁶ The ILO Workers' Delegates reported in their June 2011 Article 26 Complaint that



hiring practices in Bahrain had become marked by an “explicitly stated preference for specific workers on such grounds as opinion, belief, trade union affiliation and national extraction.”³⁷ Bahraini workers have similarly alleged that some employers display an anti-Shia prejudice when hiring replacement workers, exclusively recruiting Sunni employees even when they lack credentials or specific job-related skills.³⁸ More generally, independent academic studies have confirmed systemic sectarian employment bias in the Bahraini public sector. A survey of public sector employment in Bahrain conducted by Justin Gengler, Senior Researcher at the Social and Economic Survey Research Institute at Qatar University, found that “a Sunni is far more likely to have a job in the public sector, conditional on employment, than a Shi’i of identical employment relevant attributes” such as age, education, and gender.³⁹ For the approximately 35-40% of working-age Shia with a secondary education or less, the study found that “inequality in both the opportunity and nature of public-sector employment is more than an anecdotal impression colored by political orientation – it is an empirical reality...The entire selection process for [public sector] employment itself seems to operate in a fundamentally different manner according to a citizen’s sectarian affiliation.”⁴⁰ For example, “whereas a Shi’i of primary or lower education is estimated to have only a 23 percent conditional probability of being employed in the state sector, Sunnis of the same education level are effectively guaranteed a government position.”⁴¹ Shia are particularly underrepresented in the civil service and are virtually barred from entry to the security forces. Moreover, the study found that perceived “political allegiance... secures material benefits” such as preferential public sector employment.⁴²

The Government of Bahrain also excessively restricts labor organizing and has amended the country’s labor laws in ways that undermine the position of the GFBTU and its members. Public sector employees are prohibited from

continued on page 16

Sectarian Discrimination in Bahrain’s Security Forces

Bahrain’s security apparatus exhibits the most extreme discriminatory hiring practices in the public sector. The various security services, which are some of the largest employers in Bahrain,⁴⁵ largely refuse to hire Shia as a matter of informal policy.⁴⁶ According to a leaked diplomatic cable from 2006, King Hamad explained the country’s military recruitment procedures to American officials in explicitly sectarian terms: “as long as [Iranian Ayatollah Ali] Khamenei has the title of Commander in Chief, Bahrain must worry about the loyalty of Shia who maintain ties and allegiance to Iran.”⁴⁷ In addition to sectarian prejudice, these practices reflect the historical origins of the country’s modern armed forces under British colonial authority, at which time they were staffed primarily with Sunni South Asian recruits and overseen by British officers.⁴⁸ The reliance on foreign manpower persisted through independence in 1971, with the emerging Bahrain Defense Force (BDF) officer corps largely staffed by Jordanians and the police force supervised by British expatriates, such as Ian Henderson.⁴⁹

While the BDF does not produce official employment figures, the BICI estimated that the BDF employed around 12,000 people in 2011, including a substantial number of foreign personnel. Educated guesses put the percentage of Shia citizens in the BDF at less than five, and the number of foreign-born Sunni personnel at as much as 50.⁵⁰ Similarly, a 2009 leak from the National Security Agency (NSA), Bahrain’s primary intelligence agency which was implicated in torture and extrajudicial killing in 2011,⁵¹ suggested that the percentage of Shia in its workforce did not exceed four percent, and that the majority of those who were

employed worked in non-supervisory positions or as informants.⁵² Justin Gengler's national survey found that "not a single Shi'i [sic] of those randomly sampled for interview reported working for the police or armed services" compared to 17 percent of working Sunni male respondents.⁵³ In 2015, estimates placed Shia at approximately 2-5 percent of all security personnel, contrasted with the country's Shia population of between 58-70 percent.⁵⁴ As in the NSA specifically, and the public sector more generally, those Shia individuals that are employed in the broader security services often occupy non-sensitive roles in the lower rungs of the hierarchy.⁵⁵ Ebrahim Sharif, the Sunni leader of the secular Wa'ad political society, testified that there was not a single Shia ranked higher than a brigadier in the Ministry of Defense in 2011,⁵⁶ and there are no Shia members of the Supreme Defense Council, the country's highest security body.

In addition to military and intelligence units, the government has also specifically failed to integrate Shia into the Ministry of Interior (MOI) police forces. Of the approximately 20,000-30,000 people currently estimated to be employed by the MOI, only 2,000-3,000 are Shia and most work in administrative roles. In 2011, the MOI pledged to create thousands of new jobs in the Coast Guard, Traffic Directorate, and Civil Defense, among other security agencies.⁵⁷ The government claims these hires were drawn from a cross-section of the population, but it has not released demographic information on officers to the public. On the contrary, there are reports that the MOI requires job candidates to produce documents that provide proof of sect, and that it additionally requires Shia candidates to produce "a certificate of good behavior."⁵⁸ Recent job advertisements for the MOI request that applicants submit their marriage certificates and those of their parents, for example. This is not a standard hiring practice in Bahrain, but marriage certificates are among the few documents that clearly display an individual's sect.⁵⁹ Further, as noted by the NGO Bahrain Watch, even if Shia were successfully integrated into these divisions of the MOI, this would not achieve the ultimate goal of preventing sectarian violence as the Coast Guard and Traffic directorates play little substantive role in the policing of Shia communities.⁶⁰

To this end, in 2012, the government announced plans to form a new community policing program comprised of 500 recruits "from all communities."⁶¹ According to the Bahraini government, a total of 1,500 community police had graduated from the Royal Police Academy by 2015.⁶² While the US State Department reported in 2016 that its "contacts have confirmed that Bahraini Shia have been among those integrated into the community police and the police cadets" it found that this integration has not occurred "in significant numbers."⁶³ Moreover, the Project on Middle East Democracy (POMED) determined that these new units play only a "marginal" policing role,⁶⁴ thereby succumbing to the same problems as the ostensive integration programs for the Coast Guard, Traffic Directorate, and Civil Defense. Activists in Bahrain additionally report that community police personnel are unarmed and typically operate under the strict supervision of standard security forces; community police are known to man checkpoints while armed MOI officers observe from nearby vehicles, for example.⁶⁵

Aside from the limited number of Shia community police, there is no evidence to suggest that the government has taken further steps toward incorporating Shia into the security forces. This is especially true of the BDF and the NSA.⁶⁶ Rather, the government has purposefully exacerbated this disparity by hiring large numbers of foreign-born Sunni personnel.⁶⁷ Over the past two decades – as hundreds of Shia have been arbitrarily denaturalized⁶⁸ – Bahraini authorities have granted citizenship to tens of thousands of foreign Sunnis from countries like Syria, Jordan, Yemen, and Pakistan.⁶⁹ While many of these expatriates find employment in the judiciary or the school system, the vast majority serve in the security forces. As revealed by a former adviser to the Cabinet Affairs Ministry, Dr. Salah al-Bandar, in 2006,⁷⁰ the government has granted citizenship to at least 100,000 foreign Sunnis in the last 15-20 years, with an accelerated pace

of naturalization since 2011.⁷¹ The path to expedited political naturalization for security officers – often earned through demonstrated loyalty to the monarchy – remains a key hiring incentive that “is virtually impossible for other migrants in the country.”⁷²

Just before the uprising in 2011, the pro-government media outlet Gulf Digital News noted that approximately 40 percent of MOI employees were foreign nationals.⁷³ This proportion appears to have only increased during the state of emergency between March and May, when the government recruited over 2,500 former soldiers from Pakistan for service in both the MOI’s riot police and the National Guard,⁷⁴ a paramilitary force estimated to be several battalions in size.⁷⁵ According to Al-Jazeera, this move represented a 50 percent increase in the strength of these two units.⁷⁶ None of the new recruits were Shia.⁷⁷ Advertisements for positions in Bahrain’s security forces were seen in Pakistan in 2014, and a Pakistani newspaper reported that over 10,000 Pakistani nationals were serving in them that same year.⁷⁸ Just Pakistanis make up at least 18 percent of the Royal Bahraini Air Force and a third of the police force.⁷⁹ Similarly, leaked documents listed the names and salaries of 499 Jordanian police officers employed by the MOI in 2014, and other reports estimated that up to 2,500 former Jordanian policemen work in one of the Bahraini security agencies.⁸⁰

Moreover, the government typically provides naturalized Sunni security personnel with social services that it has increasingly deprived of local Shia communities.⁸¹ Gengler notes that “new foreign recruits for the army and security

BAHRAIN'S FORGOTTEN WORKERS

SECTARIAN DISCRIMINATION IN THE SECURITY SECTOR

Bahrain's security apparatus is one of the largest employers in the country, but it is also marked by the most extreme forms of sectarian hiring discrimination. Despite accounting for some 60-70% of the population, Bahrain's Shia community is effectively barred from employment in the security services, and the government increasingly hires foreign-born Sunni recruits to fill the ranks.

2-5% OF ALL SECURITY PERSONNEL ARE SHIA.



<5% **~50%**
SHIA CITIZENS FOREIGN NATIONALS

BAHRAIN DEFENSE FORCE PERSONNEL DEMOGRAPHICS

4% OF THE NATIONAL SECURITY AGENCY IS SHIA



>40%

OF MINISTRY OF INTERIOR POLICE PERSONNEL ARE FOREIGN NATIONALS

SECURITY FORCE DEMOGRAPHICS

2-5% Shia



95-98% Sunni

services, namely Sunnis from Pakistan, Yemen, Syria, Jordan, and elsewhere” receive priority selection for government benefits such as housing.⁸² The government has created free self-contained housing projects for the majority of foreign security personnel complete with their own “consumer outlets”⁸³ that include shops and restaurants run predominantly by other expatriates.⁸⁴ In contrast, many Bahraini Shia live in the peri-urban surroundings of Manama and in more rural villages which are characterized by “unpaved roads, battered houses, and dysfunctional sewage systems.”⁸⁵ As of 2016, there were more than 50,000 people on the waitlist for public housing and a backlog of applications that was estimated to take at least 15 years to process.⁸⁶ Academic K.T. Abdulhameed also finds that the designated compounds for security personnel also segregate “them to a large extent from the indigenous Bahraini population living in towns and villages where the security forces are often stationed for duty,” fostering sectarian and racial tensions.⁸⁷ This divide is further exacerbated by the fact that a large proportion of South Asian security personnel speak only elementary Arabic.

Notably, although expatriate security personnel generally receive preferential treatment over the country’s marginalized Shia communities, South Asian recruits do face some discrimination within the armed services. Just after independence, it was commonplace in Arab Gulf militaries that South Asian “migrants filled the bottom ranks...officers recruited from other areas of the Arab world served above them, and British (and American advisors) held the top positions.”⁸⁸ A comparable hierarchy largely remains in place in Bahrain, with an increased emphasis on citizenship status. Abdulhameed’s interviews with several Pakistani members of Bahrain’s security services in 2012 affirmed that “officer ranks are held by indigenous Bahrainis, while the positions below are held by naturalised Bahrainis, and the bottom ranks by foreign recruits [sic].”⁸⁹ Much of the officer corps is made up of members of the royal family, especially at the highest ranks – the minister of interior, the minister of defense, and the commanders of both the BDF and the Royal Guard are all Al Khalifas; the latter is Sheikh Nasser bin Hamad Al Khalifa, the king’s son, who is accused of personally torturing detainees in 2011. According to the personnel interviewed by Abdulhameed, naturalization effectively functions as a prerequisite for career advancement. Conversely, non-naturalized members of the lower ranks are at risk of deportation if they disobey orders or are accused of any infraction: in 2013, the government deported at least 180 Pakistani soldiers for allegedly “violating the disciplinary norms.”⁹⁰ A Pakistani officer stressed that the decision was a purely “administrative matter” rather than a “political” one, but he did not reveal the alleged transgression.⁹¹



forming their own dedicated unions⁴³ and, while they may join private sector unions, they are unable to participate in collective bargaining.⁴⁴ The private sector labor law, meanwhile, fails to prohibit anti-union discrimination and does not require the reinstatement of workers fired for union activity.⁴⁵ In 2012, the government further constrained the establishment of trade unions and enacted measures aimed at preventing trade union leaders involved in the 2011 strikes and protests from future union activity.⁴⁶ The 2012 amendment also gave Bahrain's minister of labor, rather than the trade unions, the right to decide which trade federation will represent workers in national-level bargaining and international forums.⁴⁷ In 2014, the Government of Bahrain additionally undermined the GFBTU by removing all explicit mention of the union from Bahrain's private sector labor law.⁴⁸ This move appears to empower the Bahrain Labor Union Free Federation (BLUFF), a second umbrella labor organization that splintered from the GFBTU in 2012 after pro-government groups accused the latter of links to the opposition. According to Human Rights Watch, the six unions that formed the BLUFF all belong to "large firms in which the government holds substantial or even controlling interest,"⁴⁹ and other reports indicate that the federation's leadership actively supported the mass dismissals in 2011.⁵⁰ BLUFF immediately faced allegations of labor code violations and has been described by AFL-CIO leadership as an "absolutely blatant attempt to split the union movement" and "a real step backward."⁵¹

Apart from formal restrictions, the authorities have additionally targeted trade union officials and medical professionals in reprisal for their involvement in strikes and protests. For example, Bahraini security forces arrested BTA leaders Jalila al-Salman and Mahdi Abu Dheeb in March and April 2011 after they encouraged teachers to strike in solidarity with pro-democracy protesters⁵² (an estimated 90% of all teachers participated⁵³). Bahraini authorities subjected both al-Salman and Abu Dheeb to torture, including repeated beatings and prolonged solitary confinement.⁵⁴ On 25 September 2011, a military court sentenced al-Salman and Abu Dheeb to three and ten years in prison, respectively, on charges that included "inciting hatred towards the regime," and "calling on teachers to stop working and participate in strikes and demonstrations."⁵⁵ Al-Salman was eventually released from prison in November 2012,⁵⁶ while Abu Dheeb remained imprisoned until April 2016.⁵⁷ Adding to reprisals against academic union leaders, professors and teachers remain at particular risk of dismissal over their political views.⁵⁸

Bahraini authorities specifically targeted public sector medical personnel in 2011, initially arresting more than 60 medics and dismissing more than 150 from their jobs.⁵⁹ Several were ultimately imprisoned for treating injured demonstrators, including Dr. Ali al-Ekri. Bahraini police arrested Dr. al-Ekri in March 2011 while he was operating on a teenage boy at Salmaniya Medical Complex (SMC), the country's largest public hospital.⁶⁰ Security forces tortured Dr. al-Ekri in order to extract a false confession, after which a court sentenced him to five years in prison.⁶¹ He completed his sentence and was released in March 2017.⁶² The authorities also arrested, tortured, and imprisoned Dr. Mahmood Asghar and Dr. Ghassan Ahmed Ali Dhaif, among others, over their treatment of injured protesters; since their release, they have faced hiring discrimination.⁶³ Security forces have similarly targeted Ebrahim Demistani, paramedic and leader of the Bahrain Nursing Society, after he provided treatment to protesters.⁶⁴ Demistani was tortured and forced to watch the torture of other detained medical personnel, including Dr. al-Ekri and Dr. Rula al-Saffar.⁶⁵ Courts sentenced Demistani to three years in prison, and he was released in 2015 after serving this sentence. Demistani's children have also been targeted – one of his sons, Ali, was killed in 2011 and another, Jaffer, is currently serving a seven-year prison sentence for "illegal gathering."⁶⁶ In November 2016, the government summoned Dr. al-Saffar – whose 2011 prison sentence was overturned in 2012 – for interrogation over accusations related to her activism and

social media messages.⁶⁷ Most recently, authorities reportedly arrested a medic, Abbas Asfoor, after he provided emergency care to Mustafa Hamdan, an 18-year-old who was shot in the head by masked security forces in January 2017; Hamdan died of his wounds on 24 March, and Asfoor reportedly remains in detention.⁶⁸

The government has prevented a number of dismissed medical professionals from returning to their jobs in the public sector. For example, Bahraini police interrogated Dr. Taha al-Derazi over his treatment of wounded protesters in 2011 and ultimately forced him to retire from his position at SMC in January 2012.⁶⁹ Dr. al-Derazi has continued to face judicial harassment and received a six-month prison sentence for “illegal gathering” in 2017; he is currently at liberty awaiting an appeal hearing in April.⁷⁰ Bahrain’s Ministry of Health (MoH) has refused to reinstate Dr. Ahmed Omran to his previous leadership positions within the MoH, and the government has prevented Dr. Asghar and Dr. Fatima Salman Hassan Haji from returning to work.⁷¹ The government suspended Dr. Nabeel Hasan Tammam, the former chairman of the Otorhinolaryngology Department at SMC, for a year before reinstating him at half of his prior salary.⁷² As of January 2017, Bahraini authorities have prevented at least ten medical professionals from returning to work, with some forced into early retirement schemes.⁷³

V. Current Status of Reinstatements

In its 2014 Progress Report on the implementation of its second-cycle United Nations (UN) Universal Periodic Review of Human Rights (UPR) recommendations, the Government of Bahrain stated that 91 of the 165 cases had been resolved, appearing to represent significant headway toward successfully implementing the terms of the final Tripartite Agreement. Similarly, the US State Department found that all three parties to the Agreement continued to report “positive progress” on reinstatements in 2015.⁷⁴

However, current reports from Bahraini labor activists contradict these earlier claims. Credible evidence suggests that 99 of the 165 cases identified by the Tripartite Committee remain dismissed and unresolved.⁷⁵ Additionally, Bahraini authorities have allegedly arrested and tortured at least one of these dismissed individuals for filing a complaint with the UN. Nine others have been forced into early retirement schemes, and another 17 remain unaccounted for.

Of the 40 reinstatements that did occur, 39 have failed to meet the conditions stipulated by the Tripartite Agreements. The individuals concerned did not receive the compensation that they were owed for the periods of their dismissal, including recompense for their social insurance coverage for the period of interrupted services. Moreover, the government has not established an



official mechanism to address discrimination, as mandated by the agreements.

In 2017, the ILO published an Observation under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – which the June 2011 Workers’ Delegates complaint claimed Bahrain was contravening – noting that the Bahraini government had provided “no information” concerning full worker reinstatement and requesting that it “indicate what specific measures have been taken to implement the Tripartite Agreement of 2012 and the Supplementary Tripartite Agreement of 2014 towards the full application of the Convention, and to inform on the current situation concerning the financial claims or compensation; the provision of social insurance coverage and the reinstatement of the 165 workers dismissed during the 2011 peaceful demonstrations.”⁷⁶ The ILO also requested information concerning practical measures taken by the Bahraini government to prevent labor discrimination based on political opinion, noting that Bahrain’s labor law pertaining to the civil service “does not include a prohibition on discrimination.”⁷⁷

VI. Conclusion and Recommendations

The Government of Bahrain has yet to demonstrate that it has reinstated all arbitrarily dismissed workers and adhered to the terms of the Tripartite Agreements. On the contrary, both the recent ILO observation and the evidence provided by Bahraini labor activists suggest that the government has failed to reinstate the workers identified by the Tripartite Committee. Moreover, the authorities have eliminated neither labor discrimination against the Shia community nor abuse and exploitation of migrant workers. Such discrimination is further aggravated by direct reprisals against medical personnel, union activists, and other persons for organizing or simply doing their jobs. ADHRB therefore finds that the Government of Bahrain has so far proven unable or unwilling to implement the Tripartite Agreements and end labor discrimination.

Following from the concerns expressed in the ILO Observation, ADHRB calls on the Government of Bahrain to:

- Take immediate and meaningful steps to uphold its commitments under the Tripartite Agreement of 2012 and the Supplementary Tripartite Agreement of 2014, including by reinstating still-dismissed workers and ensuring that all reinstated workers receive compensation according to the terms of the aforementioned Agreements;
- Prohibit in law and practice all forms of discrimination in both public and private sector employment, including discrimination based on religion, political opinion, national origin, and trade union affiliation;
- Ensure labor laws comply with the principles of freedom of association and collective bargaining, including by: allowing public sector employees to form their own trade unions; lifting undue restrictions on the right to strike; and providing substantive collective bargaining rights to workers; and
- End all forms of reprisal against individuals for exercising their rights to free expression, assembly, and association, including participating in union activity, or upholding the principle of medical neutrality.

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