

## Bahrain's "Third Millennium Slavery"

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Scars of severe beating were clear on the chest and shoulders of Salma Bijoum, three months after she fled the home of her abusive employer. Now, the domestic helper is waiting for a court decision to be able to return to her family in Haidarabad.

Bijoum, 35, tasted all kinds of cruel treatment and humiliation at the hands of her employer's wife during her 45-day stay. She was beaten and kicked on regular basis for no obvious reason. She was beaten for not cleaning the house well, for sitting on the carpet and for drinking cold water. She neither got adequate meals nor a salary. Then came the day she decided to run away: she was asked to sweep the floor using a broom but she could not as her arms had become so swollen from beating. When she declined, the lady of the house beat her with an iron rod. She bled.

The case of Bijoum is not rare in a country where many employers violate the human rights of their domestic helpers. Abuse includes bad language, deprivation from basic requirements like proper accommodation, meals, rest time and monthly wages. Others are insulted, beaten, sexually harassed and raped, according to statements by domestic workers and police records.

Foreign domestic workers in Bahrain represent 4.2% of Bahrain's total population of 1.1 million people. They live in closed houses, making it nearly impossible to penetrate these places to see how they live, or whether they get their full legal rights.

The Philippines Housing Center says it sometimes receives around 20 complaints a day from nationals who claim they have been abused by employers. Worst off are those who do not have embassies in Manama to help out.

The problem does not lie in bad treatment alone and having to adapt to a new life with local families that hail from different backgrounds and carry diverse sets of values.

In Bahrain, however, the problem of domestic workers has an extra dimension. The problem starts with job placement agents in their native countries and their counterparts in Bahrain, who are looking for employees. This is followed by legal loopholes in the employer-employee working contract. And the problem is further compounded by a weak inspection system to verify a minimum level of compliance with the contract.

The Labor Law does not list the rights of domestic workers. Lengthy and diverse procedures implemented in case of abuse, make it almost impossible for the employee to take legal action. And most domestic laborers are ignorant about their rights and how to define abuse.

When Bijoum escaped her employer's residence screaming for help, the driver of a labor transport vehicle took her to a police station.

Bijoum is considered lucky. Signs of abuse and torture have to be fresh and clear to constitute evidence of torture. Moreover, the driver who dropped her off at the police

station, called a journalist who published a story on her plight. This gave her case publicity, which in turn generated public pressure.

“We should work according to our employer’s will, whenever he so wishes, without a day off,” said Bijoum. “This is the slavery of the Third Millennium.”

Bijoum’s employer, who accused her of theft and of running away, ended up paying her for the days she spent working at his house after he came under pressure from the Society for Protecting Expatriate Labor. But the criminal side of Bijoum’s ordeal is still at the court, while she lives in a hostel run by the Society until the verdict is issued.

Qamarunnisa Rasoul, 40, arrived in Bahrain from India in 1996 to work for an affluent family. But the lady of the house was hard to please, tyrannical and cruel, she says.

She received her wages for the first two years only. The family expanded after the marriage of their children. She ended up serving three households. After two years, she decided to serve for another two years to provide for her mother, brother and husband, who is relying on her wage to build a family house. But she was left in deep shock after her employer stopped paying her wages, claiming he was saving the money and will give her a lump sum when she leaves.

The employer haggled with her from one year to another, refusing to “set her free”. She spent 14 years with them, stuck between the cruelties of her "madam", deliberate daily humiliation and working from 6 a.m. until past midnight.

Rassoul’s forehead bears scars of a deep cut from a broken mirror she bumped into while running away from her employer who was trying to beat her. Another scar stands out on her nose, allegedly from the TV remote control unit thrown at her when she asked for permission to get some rest because she was sick that day.

Her plight complicated further when her employer confiscated her phonebook. Her contacts with India were cut off. When her family called, the employer said Rassoul No longer worked from them. The employer took all letters that arrived from India. Rassoul’s husband gave up and got married to another woman. Rassoul also lost contact with her mom and brother.

One day, a person arriving from her hometown started looking for her, based on an address provided by her family. A worker in the neighborhood told him Rassoul was still alive. Arrangements were made for her to run away to the Indian Embassy.

When I asked Rassoul why she did not think of running away earlier she said she did not have the money, let alone the embassy address. Rassoul’s wages accumulated over the years to reach (\$25,132) – that is assuming her starting salary of \$159 a month had not changed. And she is still waiting for the court ruling.

Kankahma Lakshmi, from India, appeared in bad shape. Deep wounds cause by a sharp instrument, decorated her arms. She had worked for a five-member Bahraini family, all working except for the youngest, 15.

In between every sentence she uttered, Lakshmi would tell me she "wants to go home". She had been working around the clock to meet the needs of every family member, each with different work and sleep schedules. "They did not hesitate to wake me up any time to do anything". She did not receive any wages for seven months.

The miserable domestic worker collapsed when I asked her if she had been raped during her stay with that family. Lakshmi asserts that she will never accept to be a domestic helper after what she went through.

Salma Bijoum, Qamarunnisa Rassoul and Kankamha Lakshmi are three examples of an unspecified number of domestic workers who have experienced abuse by employers in Bahrain after arriving here in search of money and to provide a better future to their impoverished families.

Many borrow money to buy a ticket. And many women are unaware about the various forms of abuse waiting them, including work needs and conditions. There is no prior agreement in writing to bind both parties. Their knowledge is too limited to enable them inquire about their duties and rights. They are tossed around by officials and labor agents.

The lucky ones end up with "civilized families" who treat them humanely. The less lucky ones fall in the hands of families who consider the worker a labor machine, with no feelings or rights.

The labor law does not cover domestic workers. A loose employer-employee contract governs bilateral ties. The terms of the contract vary from one labor agent to another. The terms of the contract do not cover the rights of the worker.

Foreign laborers hail from different cultures. They do not pass through orientation courses before they travel abroad. They are not told what to do and where to go in case of abuse.

At the house of their new employer, they are mostly not allowed to leave the premises and cannot communicate with the outside world. The quality of their life depends on the mood and humanity of the employer.

Over the past decade, the number of domestic workers has increased at an annual rate of 11.7% to form 14 per cent of the overall force in the labor market. In the second quarter of 2010, their number stood at 51,981. Females represent 62% of domestic labor. The rest includes males who work as drivers or on farms.

The majority come from the Philippines (28%), followed by Ethiopia (20%), Indonesia (18%), India (15%) and Sri Lanka (13%). The rest hail from Bangladesh and Nepal.

The oil boom of 1973 fuelled economic growth increased per capita income and pushed more women to join the local work force thus creating demand for foreign domestic workers.

Bahraini women, who are among the highest educated in the region, forms 13% of the total work force.

It is difficult to obtain cumulative figures for all complaints submitted by domestic workers because there are many parties who receive complaints and there are no clear and specific standards to classify complaints received at police stations and shelters.

Officials at a refuge centre at the Philippines Embassy, established in 1987, say they have sheltered 112 workers in 2010 and often deal with 20 complaints a day. The national Society for the Protecting Expatriate Labor, set up in 2005, opened a safe home, or “Dar Al-Aman” in 2007. The home deals with all women who suffer from some form of violence, cases of human trafficking and prostitution.

Abused foreign workers represent 50% of the 120 women taking shelter there.

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

Lieutenant Colonel Maryam Khalfan, Director of the Community Service Police says delay in reporting the harm inflicted on the employee by the employer often obstructs the assertion of the harm, due to the absence of scars and signs.

According to Nora Flaifel, chair of the Action Committee at the Society for the Protection of the Expatriate Labor, most complaints received from domestic workers are related to withholding the salary, or irregular payment. This is asserted by figures from the Ministry of Labor, which got 59 complaints from workers who did not get any salary pay – around 35% of a total number of 168 complaints recorded during the first nine months of the current year.

“Dar Al-Aman”, which also provides psychological support to abused women, said it received 93 cases of no salary payment from 2008 and until the third quarter of this current year – 40% of the cases that have sought refuge there. Those who sustained physical harm represented 38% of the cases followed by 22% who underwent sexual harassment and rape.

Since its creation, the Society for the Protection of the Expatriate Labor dealt with 470 cases ranging between physical, sexual and psychological harm.

Dr. Hameed Al-Yamani, psychology consultant at Dar Al-Aman, says the anguish experience by migrant workers who leave behind their families, is further compounded by abuse at the hands of employers.

As a result many of his patients develop Psychosis, a psychological disorder close to Schizophrenia.

Many foreign laborers borrow extensive money to travel abroad in search of a better life.

Soba Pathacroloso, from India (37 years), provides a clear example. She arrived in Bahrain two weeks earlier. Mehro, a volunteer at the Society, said she suffers from "a severe culture shock, because she came from a desolate and poor village in

Haidarabad. She borrowed about 50 Bahraini Dinars to pay the local agent so he could secure her a job abroad. Now she is unable to cope with the sudden change and wants to go back.

Lakshmi paid 41,700 Indian Rupees (\$928) to the lender, at an interest rate of 30% a month. According to a recent American report,<sup>i</sup> “70% of the expatriate laborers borrowed or sold their houses to make sure they obtain work in Bahrain.” This financial dilemma makes the workers accept compulsory work in bleak conditions in order to repay large debts back home. Others cannot tolerate the situation and prefer to go back to where they came from.

The local agents paint a rosy picture of life in Bahrain. But as soon as they get there, they face a different reality. Salaries are often less than what they were promised. Then employers are told by agents that the money they had paid to get the helper covers the first three month salaries in violation of the regulations.

According to the same American report,<sup>ii</sup> - based on information from the Bahraini Labor Market Regulation Commission -- 65% of expatriate foreign labor did not see their work contracts, and 85% are unaware of work conditions when they arrive in Bahrain.

Debt constraints, ignorance of rights and duties, poverty and illiteracy compel the worker to tolerate inhumane treatment, hoping their nightmare will end soon.

### Work Contracts

Bahraini work permits give the employer space to ignore the basic international rights of workers including the right to rest, to annual vacation and regular pay. Their passports are confiscated by the employer

The contract text varies from one office to another. And there are different non-binding forms obtained from the Ministry of Labor.

For example, all contract items found on the on Ministry of Labor forms or on two other forms collected from employment offices in 2010, were violated, or did not include items on the rights of workers.

On contract was signed on an official letterhead. Another came in the form of paper stating that the “worker agrees to work at the employer’s house as a worker for two years without any holidays or official leave.”

A third contract had the name of the employment agency typed on top, and item 11 mentioned that “working hours are not specified, as the worker will be treated like a family member. The worker shall have the right to a weekly leave of half a day, but she does not have the right to leave her employer’s house alone on her day of leave.”

In the Ministry of Labor form, the idea of a leave is cancelled completely. All three contracts stipulate that the worker needs a leave of absence every two years, but none of them says it should be a fully-paid leave.

The three contracts say that in case the condition of working diligently is violated, the employer shall have the right to take the appropriate disciplinary measures. But the word "appropriate" is left with no definition.

Domestic laborers are not covered by the Labor Law of 1976 and subsequent amendments. Draft amendments dealing with annual leave and minimum wage; have been waiting in parliament since 2006.

When the domestic laborer is abused, lawyers can use laws dealing with crime, the penal code and lately, the law for combating trafficking in persons<sup>iii</sup>.

The court procedures take time because the ministries of interior, justice and labor are involved in implementing various laws.

Once the case goes through the criminal court, it is sent to civilian courts to push for the worker's rights. Often laborers drop the case to be able to return home, says Ms. Jaber.

The law in Bahrain is not an instrument for protection against harm, but rather an instrument for rectifying the effects of harm. There are two other challenges that make this umbrella ineffective. The domestic workers are unaware of their rights and of the need to keep evidence in case they were harmed. And there is no legal fast track.

Abdullah Abdel Latif, Under Secretary at the Ministry of Foreign Affairs says Bahrain has "enough legislation to protect this group (laborers), but this group is required, when exposed to harm, to consult or request assistance, whether from official parties in the Kingdom or their embassies to obtain all their material or moral rights through legal channels."

Abdellatif said domestic workers are not covered by the Labor Law, but they can use the Criminal law to ensure their rights, especially when it comes to dealing with "assault on the integrity of their bodies".

If there is a violation of the terms and provisions of the employer-employee contract, they can go to civilian courts. If the harm is compulsory work, the criminal law and the law against trafficking in persons criminalize this act. The more stringent penalty in any of the two laws is applied."

Abdel Latif said that any resident including laborers, have to inform immigration officers upon departure that their employers still owe them money. This means the government bans the employer from traveling until he/she pay the outstanding dues.

Moreover, the labor law exempts domestic workers from 2009 amendments dealing with "cancellation of the sponsor" – a clause which put an end to "slavery" of the foreign labor by employees.

Migrant workers are now able to move from one employer (sponsor) to another if they found a better job opportunity, but domestic helpers are still bound by the sponsorship system.

In case he/she run away from the employer's house, the sponsor rushes to submit a "notification of disappearance", which, in itself, is considered a violation. Or, the employer can accuse the run away of theft, often requiring lengthy procedures that play to his/her advantage.

In 2010, domestic workers filed 43 cases of physical assault and rape against their employees, while sponsors filed 1865 cases against their employers, mostly dealing with theft and running away.

The International Labor Organization is pushing Gulf Arab states to include domestic workers in the labor law or draft a separate law to set the working age at 18, specify a wage, and guarantee one day off a week and the right to keep personal travel documents.

Meanwhile, countries exporting domestic laborers are taking measures to protect the rights of their citizens in countries where abuse remains rampant.

The Indian Embassy has set \$265 as minimum monthly salary for any national working as domestic helper in Bahrain. It also asks the employer to deposit money in a bank in case any misunderstandings arise with the employee. It requests that employee to show he/she has a minimum of \$26,520 in his/her bank account.

But these measures have failed to rectify the situation as they are not compulsory and many employees go directly to work for the employer without passing through the embassy. So far, the embassy has registered 110 such agreements.

The Philippines has made it extremely difficult for their nationals to leave for Bahrain and other countries in the region. It compels those seeking to work in the Gulf in general to attend workshops to explain their legal rights. They also get contact numbers. This explains the high number of complaints received by the embassy of the Philippines in Manama.

Sri Lanka has started running a similar program.

Experts suggest other solutions. The Ministry of Labor, which issues work permits, could impose requirements that compel every foreign domestic worker to have proper documents approved officially.

They should also show certificates they are fit, both physically and psychologically, to work.

The Domestic Workers' Protection Society is pushing for employers to open a bank account for their employees to prove that they are depositing a monthly salary. It is also lobbying for fast track legal procedures, to cut down on the period of waiting and expenses paid.

Other activists are suggesting that the Anti-Trafficking in Persons Committee, composed of ministerial and civil parties, readies leaflets introducing migrant workers to their rights upon arrival in Bahrain.

The committee is also preparing an integrated media campaign to raise public awareness to the plight of human trafficking.

The employer-employee contract remains the most important document to safeguard bilateral rights. Hence, it needs to be worded carefully, and standardized to guarantee rights and duties for both.

Ms. Matar comments here: “My experience shows that the intentions of the Ministry of Labor alone are not enough”.

\* *This investigation was completed with support and supervision from ARIJ network: Reporters for an Arab Investigative Journalism (www.arij.net)*

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<sup>i</sup> Bahrain (Tier 2) – Bahrain Trafficking in Person – The 2010 Trafficking in Person June 2010 USA Government.

<sup>ii</sup> Bahrain (Tier 2) – Bahrain Trafficking in Person – The 2010 Trafficking in Person June 2010 USA Government.

<sup>iii</sup> Law No.(1) for the year 2008 regarding Human Trafficking.