

Immigration Detention in Bahrain

About the Global Detention Project

The Global Detention Project (GDP) is a non-profit research centre based in Geneva, Switzerland, that investigates the use of detention in response to global migration. The GDP's aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) facilitating accountability and transparency in the treatment of detainees; and (3) encouraging scholarship in this field of immigration and refugee studies.

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Abstract

Wracked by sectarian conflict and with a growing expat population that now outnumbers citizens, Bahrain has struggled to develop humane policies for its foreign workers. Although the country has adopted labour reforms and set up new rights-related institutions, observers say there is a significant gap between stated intentions and reality on the ground.

Introduction

The Kingdom of Bahrain, an island nation and the smallest of the Gulf States, relies heavily on foreign workers. Since 2010, immigrants have outnumbered citizens, accounting for more than 51 percent of the country's population and nearly 80 percent of its work force.¹ Recurring tensions between "locals" and "expats" have spurred heated public debate that at times reaches "xenophobic pitch."²

Bahrain has also been wracked by sectarian conflict. Although the country is ruled by a Sunni monarchy, it is the only Gulf country with a Shia majority. During the "Arab Spring" uprisings in 2011, social tensions spilled over into major anti-government protests, which were violently suppressed by the country's Sunni-dominated military.³ Since then, the country has experienced a number of additional violent protests. According to civil society reports, at the end of 2014 some 4,000 people remained in detention or prison in Bahrain for crimes "related to thought, expression, and assembly."⁴

Sectarian and migration politics can overlap in Bahrain. A newspaper from the region reported in 2012: "Several migrant workers have been killed in the last two years. Those opposing the current government accuse the regime of killing migrants in order to defame the revolution and provoke tensions, while the government accuses the 'Shia' of taking revenge on the regime by killing workers."⁵

These social challenges notwithstanding, the country has attempted to cultivate a reputation as being a leading reformer among Gulf countries in terms of its labour laws, having introduced a number of reforms as well as amnesties for undocumented migrant workers in recent years. In contrast to its

¹ Bahrain Labour Market Indicators, Quarterly Report Q4 2013, http://blmi.lmra.bh/2013/09/data/lmr/Table_03.pdf; The Human Trafficking Project, "Amnesty Offered to Illegal Workers Under Bahrain's New 'Easy Exit Strategy' Campaign in Response to its Growing Expatriate Population," 10 March 2010, <http://www.traffickingproject.org/2010/03/amnesty-offered-to-illegal-workers.html>.

² Rob Franklin, "Migrant Labor and the Politics of Development in Bahrain," Middle East Research and Information Project, Volume 15, <http://www.merip.org/mer/mer132>.

³ Agence France-Presse, "Human rights groups denounce US resumption of military aid to Bahrain," The Guardian, 30 June 2015, <http://www.theguardian.com/world/2015/jun/30/human-rights-groups-denounce-us-resumption-of-military-aid-to-bahrain>.

⁴ Bahrain Institute for Rights and Democracy (BIRD), Americans for Democracy and Human Rights in Bahrain (ADHRB), and the Bahrain Center for Human Rights (BCHR). "Assessing the Human Rights Situation in Bahrain: A Shadow Report on Bahrain's Implementation of its ICCPR Obligations." 2014.

http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BHR/INT_CCPR_NGO_BHR_18393_E.pdf.

⁵ Al-Akhbar, "Gentrification and Xenophobia in the Gulf," 29 November 2012, <http://english.al-akhbar.com/node/14172>.

neighbours, Bahrain has also established several rights-related institutions since 2011, including a Prisoners and Detainees Rights Commission (PDRC).⁶

However, despite close cooperation and capacity-building from the UK's Her Majesty's Inspectorate of Prisons (HMIP) and a series of unannounced visits to places of detention, the PDRC has come under intense criticism from human rights groups (see the section on "Detention Monitoring and Access to Detention Centres" below).⁷ According to these groups, there is a significant gap between stated intentions and reality on the ground, leaving migrant workers to face many of the same challenges and hardships as those in other countries in the region, including with respect to detention and deportation.⁸

Helping aggravate these problems is what some observers see as a "culture" of indifference and superiority in Bahraini society with respect to foreign workers. Said one trade union leader in Bahrain during a 2014 interview: "The Gulf/Khaleeji citizen, unfortunately, believes that it is normal for migrant workers to suffer. The Khaleejis believe that they are being hospitable when offering them a job in their country. Even when they empathize with the migrant workers, this empathy is more like pitying migrant workers. This empathy does not come from the belief that they should have the same rights as he/she does, such as a fair wage, decent housing, healthy nutrition, and a good job."⁹

The country's foreign labour population is comprised mainly of migrants from India, Pakistan, Nepal, Sri Lanka, Bangladesh, Indonesia, and the Philippines, many of whom come to the country to work as domestic workers or as unskilled labourers in the construction and service industries. Unskilled workers are often exploited because they tend not to protest unfair working conditions, making them particularly vulnerable to forced labour and sexual exploitation. According to the U.S. State Department, government officials and local NGOs "report that abuse and sexual assault of female domestic workers are significant problems in Bahrain; however, strict confinement to the household and intimidation by employers prevent these workers from reporting abuse."¹⁰

There are long-standing concerns regarding the situation of foreigners in Bahrain who are held in administrative detention pending deportation. As early as 2001, the UN Working Group on Arbitrary Detention noted that non-citizens placed in administrative detention face a very different legal situation than foreigners incarcerated for criminal offenses and highlighted abuses in the labour system that led to detention and expulsion.¹¹

There has also been an alarming rise in suicide rates among migrant workers.¹² The cause of suicides is generally linked to the poor financial condition of workers, especially those who acquire debts they are unable to pay off. The U.S. State Department reports that during 2013 "40 suicides among migrant workers in Bahrain were reported, especially those from India, allegedly due at least in part

⁶ Royal Decree No. 61/2013, <http://www.bna.bh/portal/en/news/577880>; Association for the Prevention of Torture, "Bahrain: Independent members key to new Prisoners' Rights Commission," 17 September 2013, http://www.apt.ch/en/news_on_prevention/independent-members-key-to-new-prisoners-rights-commission-in-bahrain/#.VkcmVLRrfdk.

⁷ Bahrain Institute for Rights & Democracy and Americans for Democracy & Human Rights in Bahrain, September 2015, <http://www.adhrb.org/2015/09/bird-and-adhrb-publish-report-on-prisoners-and-detainees-rights-commission-fundamentally-flawed/>.

⁸ Human Rights Watch, Bahrain: Abuse of Migrant Workers Despite Reforms," 30 September 2012, <https://www.hrw.org/news/2012/09/30/bahrain-abuse-migrant-workers-despite-reforms>.

⁹ Karim Radhi (Secretariat of the General Federation of Workers Trade Unions in Bahrain), Interview with Migrant-Rights.org, 15 June 2014, <http://www.migrant-rights.org/2014/06/we-need-to-revise-our-khaleeji-culture-in-order-to-change-the-realities-faced-by-migrant-workers-an-interview-with-bahrains-union-leader-karim-radhi/>.

¹⁰ U.S. State Department, 2013 Trafficking in Persons Report - Bahrain, 19 June 2013.

¹¹ UN Working Group on Arbitrary Detention, "Report of the Working Group on Arbitrary Detention on its visit to Bahrain (19-24 October 2001)," United Nations, 5 March 2002.

¹² Abdelhadi Khalaf, "Poverty, poor conditions drive Gulf migrant workers to Suicide," Al-Monitor, 29 September 2013, <http://www.al-monitor.com/pulse/culture/2013/09/migrant-workers-gulf-suicide.html>.

to conditions of forced labour and debt bondage, including the withholding of wages and passport confiscation.”¹³

To develop this report on immigration detention in Bahrain, the GDP submitted requests for information to numerous sources, including government agencies and foreign embassies, and corresponded with several civil society groups, individual activists, journalists, and lawyers representing migrant workers. Most official sources failed to respond to our requests, with the exception of the Bahraini Ombudsman’s Office and the Prisoners and Detainees Rights Commission (PDRC). Although it provided only minimal information and was unable to provide any detention statistics, the Ombudsman helped clear up some questions concerning where people are detained in Bahrain and was among the few official bodies in the entire Gulf region that responded, at least in part, to successive requests for information.

Laws, Policies, and Practices

Bahrain is a constitutional monarchy. Article 19 of the 2002 Constitution includes safeguards against unlawful detention. It provides that “A person cannot be detained or imprisoned in locations other than those designated in the prison regulations covered by health and social care and subject to control by the judicial authority.”¹⁴

The key norms regulating immigration-related detention in Bahrain are provided in the Aliens Immigration and Residence Act of 1965 (amended by Law No. 21 of 1980)¹⁵ and also in Law No. 19 of 2006, Regulating the Labour Market.¹⁶

Grounds for detention and deportation. Article 26(4) of the Immigration and Residence Act provides detention measures for any alien against whom a deportation order has been issued. Detention can be ordered by the General Director of Police and Public Security.

Articles 25 and 26 of the 1965 Immigration and Residence Act provide grounds for deportation, which can be ordered when it is considered to be in the “public benefit” or when the person has been convicted of crimes and imprisoned.

A broadly phrased blanket provision in Article 30 states: “Immigration functionary or any policeman in his official uniform may arrest, without order, any person who has committed or suspected for a sound reason to have committed a crime under this law or may arrest a person liable to arrest in accordance with any provision of this law.”

Criminalisation. Article 29(1) of the Immigration and Residence Act as amended provides a penalty for illegal entry: Any person who enters Bahrain illegally can be punished by imprisonment for a period of not less than six months.

Length of detention. The Immigration and Residence Act does not provide a limit on the length of time a person can remain in administrative immigration detention. According to Article 26(4): “Any alien against whom a deportation order is issued may be detained ... until dealt with in accordance with subsection (1) of this article (i.e. deported).

¹³ U.S. State Department, 2013 Trafficking in Persons Report - Bahrain, 19 June 2013, <http://www.refworld.org/docid/51c2f3d916.html>.

¹⁴ Constitution of the Kingdom of Bahrain, Adopted on 14 February 2002, <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/68652/73580/F575258090/BHR68652.pdf>.

¹⁵ Aliens (Immigration and Residence) Ordinance, 1965, https://www.ecoi.net/file_upload/1504_1218114048_aliases-immigration-and-residence-act-last-amended-15-september-1980.pdf.

¹⁶ Law no. 19 for the year 2006 Regulating the Labour Market, <http://www.lf.bh/docs/LMRA-Law-English.pdf>.

Length of detention can be highly variable. According to an activist with Bahrain’s Migrant Workers Protection Society (MWPS), detention can last as little as two weeks or as long as several months depending in part on the willingness of the sponsor to cooperate and whether an investigation is required to verify a grievance. If, for instance, a sponsor fails to complete formalities allowing a worker to leave and refuses to produce the worker’s passport, then the worker’s Embassy has to issue an “Emergency Certificate” or “Out Pass” for the worker. This “Emergency Certificate” or “Out Pass” must then be taken to the Immigration Directorate of the Ministry of Interior, who can approve an exit visa. The process is prolonged further in cases where sponsors demand money to recover recruitment costs from a worker who has left their employment prior to the termination of the contract.¹⁷

Asylum seekers. Bahrain is not a signatory to the 1951 Convention on Refugees or its 1967 Protocol. There is no domestic legislation granting asylum or refugee status, and the government has not established a system for providing protection to refugees. The UN High Commissioner for Refugees (UNHCR) covers Bahrain through its office in Saudi Arabia. According to UNHCR, only a very small number of people are registered with it and residing in Bahrain as refugees.¹⁸

Trafficked persons. Bahrain’s anti-trafficking law, Law No. of 1 of 2008 with Respect to Trafficking in Persons, prohibits all forms of trafficking and provides for the admission of victims to shelters if necessary (art 5 (5)).¹⁹ However, reports indicate that the government makes little effort to investigate or prosecute trafficking offenses and tends to treat potential cases of forced labour as labour disputes instead of as serious crimes.²⁰

This apparent failure to treat trafficking cases seriously makes foreign workers vulnerable to abuses, as well as to detention and deportation. As the U.S. State Department reported in 2013, “The government continued to lack systematic procedures to identify victims among vulnerable groups, such as migrant domestic workers who have fled their employers or women arrested for prostitution, putting trafficking victims at risk for being punished for employment or immigration violations, and subjected to detention or deportation. Government officials failed to recognize that some contract violations or salary disputes (including withholding of salaries) are indicators of forced labour and required further investigation.”²¹

In 2012, the government established a domestic violence shelter to accommodate victims of trafficking. Like similar shelters in Qatar (and in contrast to those in Kuwait, which operate as de facto detention centres), these shelters appear to be non-secure, allowing women to leave at will and unchaperoned. However, most trafficking victims reportedly seek shelter at their embassies.²²

“The participation of victims in investigation and prosecution of traffickers,” according to the U.S. State Department, “is hampered due to fear, ignorance of the law, distrust of the legal system and lengthy court procedures, the inability to afford legal representation, lack of interpretation, and fear of losing residency permits during proceedings.”²³

Migrant workers who flee abusive employers are frequently charged as “runaways” and sentenced to detention and deported. Following her visit in 2006, the UN Special Rapporteur on Trafficking recommended that “Screening and identification procedures of trafficked persons in detention

¹⁷ Mehru Vesuvala (Migrant Workers Protection Society), Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 23 December 2013.

¹⁸ UNHCR, “2015 UNHCR subregional operations profile - Middle East,” <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4862d6>.

¹⁹ Law No. 1 of 2008 with respect to Trafficking in Persons, http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=81806.

²⁰ U.S. State Department, 2013 Trafficking in Persons Report - Bahrain, 19 June 2013, <http://www.refworld.org/docid/51c2f3d916.html>.

²¹ Ibid.

²² Ibid.

²³ Ibid.

centres be systematic. Alternative arrangements, other than deportation or detention centres, should be considered to safely house identified trafficked persons.”²⁴

Minors. There appears to be little available information concerning immigration-related detention of children. However, rights groups have expressed concern about the custodial care of all minors (not just immigrants) who have been arrested or detained. Independent human rights groups have repeatedly denounced the treatment of minors in the country’s prisons, including physical beatings using rubber hoses as well as slapping and kicking, use of torture during interrogations, verbal abuse often of a sectarian nature, and extreme psychological trauma.²⁵

In its June 2014 publication “Locked Inside a Nightmare: Voices from Bahraini Prisons,” the Bahrain Centre for Human Rights (BCHR) reported that during the first half of 2014 it “documented more than 70 cases of children who have been arrested. While some of them have been released, others remain in detention. At the end of May, a judge ordered one-week detention against two young children—an 11-year-old and a 13-year-old—on charges of ‘illegal gathering.’ Children as young as 13 have been sentenced to prison on charges of terrorism in trials that lacked any evidence and despite the fact that the Bahraini law does not define prison punishment for children below the age of 15 in the event of a criminal conviction.”²⁶

Previously, in 2012 Amnesty International published a report about the arrest and incarceration of children, some as young as 13, for suspected participation in anti-government protests.²⁷

Minors appear to be regularly detained alongside adults. A 2013 report by the Bahraini Ombudsman’s Office stated that children between the ages of 15-18 were confined in a ward alongside men in a situation of extreme overcrowding in Jaw Prison²⁸, which rights groups claim is regularly used as a deportation centre holding migrants awaiting removal from the country.²⁹

It is worth noting that, as with other Gulf countries, unmarried foreign women in Bahrain who become pregnant are subject to arrest and detention.³⁰ This raises the possibility that these women not only give birth in carceral settings, but also that they serve time in prison and then remain in detention with their new-borns until they can be deported, a practice common across the Gulf region (see, for instance, the GDP’s reports on Kuwait and Qatar).

Adherence to international norms. Bahrain holds the best record among Gulf countries with respect to ratification of core human rights treaties, together with Kuwait. It ratified the International Covenant on Civil and Political Rights (ICCPR) in 2006 and the Convention against Torture (CAT) in 1998, both of which are directly relevant to immigration-related detention. However, Bahrain has never reported on its implementation of the ICCPR and only recently submitted a long-overdue report on CAT in September 2015.³¹

²⁴ Human Rights Council, “Report of the Special Rapporteur on trafficking in persons, especially women and children, Sigma Huda Addendum Mission to Bahrain, Oman and Qatar,” United Nations. A/HRC/4/23/Add.2 25 April 2007, <http://www.ohchr.org/EN/Issues/Trafficking/Pages/visits.aspx>.

²⁵ U.S. State Department, Country Reports on Human Rights Practices, <http://www.state.gov/j/drl/rls/hrrpt/>.

²⁶ Bahrain Centre for Human Rights and the Bahrain Youth Society for Human Rights, “Locked Inside a Nightmare: Voices from Bahraini Prisons,” 9 June 2014, <http://bahrainrights.org/sites/default/files/Prison%20Report%20-%20FINAL%20II.pdf>.

²⁷ Amnesty International, “Bahrain: halt detention, abuse, and torture of children,” 16 December 2012, <http://www.amnesty.org/en/news/bahrain-halt-detention-abuse-and-torture-children-2013-12-13>.

²⁸ Ombudsman, Ombudsman’s Report on the visit To the Correction and Rehabilitation Centre (Jau Prison) Report No. 1, 3-5 September 2013, http://www.bahrainrights.org/sites/default/files/file_attach/Ombudsman_Inspection_Report.pdf.

²⁹ Bahrain Institute for Rights and Democracy, Email Correspondence with Michael Flynn (Global Detention Project), 7 September 2015 – 13 November 2015.

³⁰ UK Foreign and Commonwealth Office, “Living in Bahrain,” 9 October 2013, <https://www.gov.uk/guidance/living-in-bahrain>

³¹ Committee against Torture, “Consideration of reports submitted by States parties under article 19 of the Convention under the optional reporting procedure - Second periodic reports of States parties due in 2007:

Like the other Gulf countries, Bahrain has not ratified a number of other human rights instruments that have provisions relevant to immigration detention, namely the International Convention on Protection of the Rights of all Migrant Workers, the Convention Relating to the Status of Refugees, and the Optional Protocol to CAT (OPCAT), which mandates the establishment of national preventive mechanisms to visit all places of detention.

The country has also appeared to have ambivalent relationships with UN human rights mechanisms. For instance, although it hosted the UN Working Group on Arbitrary Detention for a 2001 visit, more recently, in 2013, it called off a visit by the UN special rapporteur on torture.³²

Detention monitoring and access to detention centres. Although it has not ratified OPCAT, Bahrain has taken steps to set up monitoring mechanisms. In 2013, it established the PDRC to monitor places of detention, verify the conditions of inmates, and prevent torture and ill-treatment.³³ As of December 2015, the PDRC had published nine reports on unannounced visits to various prisons and law enforcement facilities (which are available online). However, none of the reports discussed immigration-related detention.³⁴ The Ombudsman's office informed the GDP that it expected the PDRC to complete an inspection of an immigration detention centre during the course of 2015, but no report had been released by the time of this publication.³⁵ The Ombudsman office likewise provides public reports on visits to prisons in its annual reports, which are also available online.

The government has received capacity-building assistance from the United Kingdom to improve its prison monitoring. The UK provided a £1.5 million reform assistance package to the country in 2014 to strengthen “human rights and the rule of law, including torture prevention and capacity building of the Ombudsman's Office for the Ministry of Interior.”³⁶ The UK HMIP has also organized trainings and inspection visits for PDRC members.

However, the PDRC has come under criticism from civil society groups, who argue that it lacks independence, is plagued by institutional weaknesses, and has methodological flaws. In September 2015, Americans for Democracy & Human Rights in Bahrain (ADHRB) and the Bahrain Institute for Rights and Democracy (BIRD) jointly published [a report](#) critiquing the work of the PDRC titled “Fundamentally Flawed: A Review of Bahrain’s Prisoners and Detainees Rights Commission.”³⁷ They concluded: “Bahrain established the PDRC in September 2013, as part of a series of reforms ostensibly designed to counteract the human rights violations that have characterized Bahrain’s political situation since 2011. While Bahrain has not ratified the OPCAT, it established the PDRC to be a National Preventive Mechanism in line with the Protocol’s vision. However, as detailed in the report, the PDRC fails to meet several key standards outlined by the OPCAT. Most notably, the PDRC’s institutional framework prevents independence; several of the PDRC’s members are from the same judicial and public prosecution office responsible for the sentencing of prisoners of

Bahrain,” Date received: 29 September 2015, (available in Arabic only), http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=BHR&Lang=EN.

³² Human Rights Watch, “Bahrain: Allegations of Severe Prisoner Abuse,” 6 May 2015, <https://www.hrw.org/news/2015/05/06/bahrain-allegations-severe-prisoner-abuse>.

³³ Royal Decree No. 61/2013, <http://www.bna.bh/portal/en/news/577880>.

³⁴ Prisoners and Detainees Rights Commission, “Events and Activities,” <http://www.pdrc.bh/events-and-activities/>.

³⁵ Bahrain Ombudsman Office--International Cooperation and Development Directorate, Multiple Emails with Michael Flynn (Global Detention Project), 12 October 2015.

³⁶ UK Parliament. “Bahrain: Written question – 218821,” 15 December 2014, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-12-15/218821/>.

³⁷ Bahrain Institute for Rights & Democracy and Americans for Democracy & Human Rights in Bahrain, “Fundamentally Flawed: A Review of Bahrain’s Prisoners and Detainees Rights Commission,” September 2015, http://www.adhrb.dreamhosters.com/wp-content/uploads/2015/09/PDRC_Fundamentally-Flawed.pdf.

conscience. Further, PDRC inspections have failed to examine substantial and credible allegations of torture emerging from Bahrain's prison system."³⁸

Because of severe on-going problems in Bahraini detention centres and prisons, civil society groups have called on the United Kingdom to halt its reform work with the government. In a joint May 2015 report, BIRD, ADHRB, and the BCHR said: "In light of the ineffectiveness of the PDRC and the lack of meaningful reform within Bahrain's judicial system and police force, and the continued use of torture, BIRD, ADHRB and BCHR recommend that the UK end its assistance programme and shift all technical assistance to the responsibility of the United Nations and its Special Procedures."³⁹

Commenting on these criticisms, one source who asked to remain anonymous said that although it is understandable that civil society groups are concerned and frustrated with the slow pace of reforms, it is important to put Bahrain in perspective and to recognize the steps that have been made. In particular, the source pointed to the fact that Bahrain is one of the few Gulf countries to make any effort at setting up monitoring bodies that make public reports and also cautioned that "it wouldn't take much for the PDRC to be buried."⁴⁰

Government-related monitoring bodies are not the only ones given access to prisons and detainees in Bahrain. The International Committee of the Red Cross (ICRC) can access prisons and it visited inmates at Jau Prison in 2012.⁴¹ The GDP was also informed that embassy staff and family members are able to visit detainees, although reports indicate that at Jau prison staff routinely and without advance warning cancel visits.⁴² It appears that civil society groups are finding it increasingly difficult or impossible to visit detention facilities. One source who works with the Migrant Workers Protection Society told the GDP that they used to have access to detainees but as of a "couple of years" only embassy staff are able to visit detainees.⁴³ Also, Human Rights Watch's lead researcher on their 2012 report stated that during their investigation in Bahrain they were unable to visit an immigration detention centre because the government told them that "there is no such thing."⁴⁴

Access to information. Accessing specific information on detention/deportation matters in Bahrain is difficult, although arguably not as difficult as in other Gulf countries because of the public availability of the reports produced by the PDRC. Nevertheless, because of the government's lack of transparency and particularly given its clampdown on civil society since the 2011 protests, it is very difficult to obtain basic details about detention and incarceration practices. The government ministries themselves are non-responsive. Sending country embassies also are reluctant to share information. The information the GDP was able to obtain regarding detention practices came from reviewing press reports and reports issued by NGOs, interviewing activists and human rights workers, and corresponding with labour leaders and journalists. Additionally, the Ombudsman's Office and the PDRC were helpful in confirming some sites of detention.⁴⁵

³⁸ Bahrain Institute for Rights & Democracy and Americans for Democracy & Human Rights in Bahrain, Press Release, 2 September 2015, <http://www.adhrb.org/2015/09/bird-and-adhrb-publish-report-on-prisoners-and-detainees-rights-commission-fundamentally-flawed/>.

³⁹ BIRD, ADHRB, and the Bahrain Center for Human Rights (BCHR), "Inside Jau: Government Brutality Inside Bahrain's Central Prison," May 2015, <http://birdbh.org/wp-content/uploads/2015/06/Inside-Jau.pdf>.

⁴⁰ Anonymous source, Phone conversation with Michael Flynn (Global Detention Project), 22 September 2015.

⁴¹ International Committee of the Red Cross, "Bahrain: ICRC begins visits to detainees," 7 February 2015, <https://www.icrc.org/eng/resources/documents/interview/2012/bahrain-detention-interview-2012-02-07.htm>.

⁴² BIRD, ADHRB, and BCHR, "Inside Jau: Government Brutality Inside Bahrain's Central Prison," May 2015, <http://birdbh.org/wp-content/uploads/2015/06/Inside-Jau.pdf>.

⁴³ Mehru Vesuvala (Migrant Workers Protection Society), Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 23 December 2013.

⁴⁴ Mani Mostofi, HRW Researcher (U.S.), Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 16 December 2013.

⁴⁵ Bahrain Ombudsman Office--International Cooperation and Development Directorate, Multiple Emails with Michael Flynn (Global Detention Project), 24 September 2015 - 10 November 2015.

There also appears to be little availability of up-to-date comprehensive statistics concerning detention or incarceration rates. The most recently available statistics provided by the World Prison Brief concerning the numbers of foreigners in Bahraini prisons is from 2005, at which time just over 30 percent of the total prison population was comprised of foreigners.⁴⁶ In its correspondence with the GDP, the Ombudsman's Office stated that it did not have "exact numbers of the detainees ... in each facility ... as they were not in the inspection plan."⁴⁷

Foreign workers. Bahrain is one of the few countries in the GCC to have tried to implement substantive reforms in its sponsorship scheme. In 2006, the Labour Market Regulatory Authority (LMRA) was established with a mandate to regulate, among other things, recruitment agencies, work visas, and employment transfers. Its duties include issuing work visas, licensing recruiters, and educating workers and employers about their rights and obligations.⁴⁸ The law governing work permits, the licensing of recruitment agencies, employment transfers, etc. is Law No. 19 of 2006.

Article 23(A) and (B) of Law No. 19 (2006) provides that no foreigner may work in Bahrain and no Bahraini may employ a foreigner unless a work permit has been issued in accordance with the provisions of the law.

One of the significant reforms Bahrain made to its sponsorship scheme was to allow workers to move from one employer to another without the first employer's consent. However, Article 25 of Law No. 19 (2006), which allows for this, also states that a worker may not enjoy this right if there has been a violation of the terms of his employment. Some human rights organizations have stated that this provision grants a sponsor the ability to control the worker's transfer as it is easy for a sponsor to allege that a worker has violated the terms of a contract.

In general, there has been concern by human rights organizations and NGOs monitoring migrant labour conditions in Bahrain that the implementation of reforms is lagging. For example, a 2011 study by the Bahrain government's LMRA found that 65 percent of migrant workers had not seen their employment contract and that 89 percent were unaware of their terms of employment upon arrival in Bahrain.

Many labour recruitment agencies in Bahrain and source countries require workers to pay high recruitment fees, a practice that makes workers highly vulnerable to forced labour once in Bahrain. The LMRA study found that 70 percent of foreign workers borrowed money or sold property in their home countries in order to secure a job in Bahrain. Some Bahraini employers illegally charge workers exorbitant fees to remain in Bahrain working for third-party employers (under the "free visa" arrangement). In previous years, the LMRA has estimated that approximately 10 percent of migrant workers were in Bahrain under illegal "free visa" arrangements—a practice that can contribute to debt bondage—while source country embassies put the figure at 20 percent.⁴⁹

In a 2012 report titled "For a Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda," Human Rights Watch (HRW) highlighted some of the shortcomings in the implementation and enforcement of labour reforms, including: charging of recruitment fees, passport confiscation and restrictions on mobility (especially for domestic workers), unpaid wages and low wages, excessive workload, poor accommodation and food, physical and psychological abuse, and sexual abuse (especially for domestic workers).⁵⁰

⁴⁶ World Prison Brief, "Bahrain," <http://www.prisonstudies.org/country/bahrain>.

⁴⁷ Bahrain Ombudsman Office--International Cooperation and Development Directorate, Multiple Emails with Michael Flynn (Global Detention Project), 24 September 2015 - 10 November 2015.

⁴⁸ See LMRA home page: <http://portal.lmra.bh/english/portal>.

⁴⁹ LMRA home page: <http://portal.lmra.bh/english/portal>.

⁵⁰ Human Rights Watch, For A Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda, 1 October 2012. See: <http://www.hrw.org/sites/default/files/reports/bahrain1012ForUpload.pdf>.

These difficult conditions have led to increasing rates of suicides among migrant workers. Statistics from the Health Ministry indicate that expatriates account for almost three quarters of suicides in Bahrain.⁵¹

The issue of detention is not addressed in any detail in the HRW report, though the potential for detention is mentioned (for example, if a worker is reported to the police for “absconding,” or failing to secure the sponsor’s permission before exiting the country).⁵²

Following her visit in 2006, the UN Special Rapporteur on Trafficking recommended that “migrant workers in detention centres be informed of the reasons of their arrest in a language they understand, be provided with legal assistance if requested, be allowed to make a local or international phone call, and have access to their embassies.”⁵³

Detention Infrastructure

Bahrain has two main facilities for immigration-related detention: the Al Eker Detention Centre, which is a newly established dedicated immigration facility for male detainees that is apparently only intended for temporary use until a permanent finality is established; and the Isa Town Women’s Detention Centre, which holds female remand prisoners and appears to also house the Women’s Immigration Removal Centre.⁵⁴

For many years, Bahrain also reportedly operated the Asry Detention Centre (also known as Al Hidd) as a dedicated immigration facility. According to sources, immigration detainees at Asry appear to have been moved to the Al Eker facility at some point in 2014 or 2015. However, the GDP has received conflicting reports about this. For instance, BIRD told the GDP: “Our people on the ground have all said that the immigration detention facility is in Al Asry/Hidd as you referred to before. Your [information that] detainees have moved to Al Eker ... seems to be the most up to date information, however we haven’t managed to corroborate it on our end unfortunately. It is not public information so individuals are still not aware of this facility [Al Eker].”⁵⁵

In addition, various civil society groups told the GDP that people who are arrested for immigration-related reasons or have served prison sentences can remain in prison as they await deportation, including at the county’s central jail, Jau Prison, and the Dry Dock Detention Centre.⁵⁶ Immigration detainees apparently are not segregated from the rest of the prison population.⁵⁷

The PDRC and the Ombudsman’s office failed to respond to direct questions seeking corroboration of claims about immigration-related detention in prisons. However, reports about the use of these facilities as deportation prisons date back many years. For instance, after its 2001 visit to Bahrain,

⁵¹ Human Rights Watch, *For A Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda*, 1 October 2012. Page 55.

⁵² Human Rights Watch, *For A Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda*, 1 October 2012. Page 78.

⁵³ Human Rights Council, “Report of the Special Rapporteur on trafficking in persons, especially women and children, Sigma Huda Addendum Mission to Bahrain, Oman and Qatar,” United Nations, A/HRC/4/23/Add.2, 25 April 2007, <http://www.ohchr.org/EN/Issues/Trafficking/Pages/visits.aspx>.

⁵⁴ Bahrain Ombudsman Office--International Cooperation and Development Directorate, Multiple Emails with Michael Flynn (Global Detention Project), 24 September 2015 - 10 November 2015.

⁵⁵ Bahrain Institute for Rights and Democracy, Email Correspondence with Michael Flynn (Global Detention Project), 17 November 2015.

⁵⁶ Bahrain Institute for Rights and Democracy, Email Correspondence with Michael Flynn (Global Detention Project), 7 September 2015 – 13 November 2015; and Bahrain Center for Human Rights, Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 19 January 2014.

⁵⁷ Bahrain Center for Human Rights, Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 19 January 2014.

the UN Working Group on Arbitrary Detention (WGAD) reported that on the day of its visit to Dry Dock there were “several hundred political prisoners” but “a mere four foreigners in administrative detention, all of whom were serving light sentences and awaiting expulsion from Bahrain.”⁵⁸

Finally, labour activists in Bahrain told the GDP that police stations often serve as the initial sites of detention for migrant workers who are apprehended. However, in cases of runaway female workers, the police often seek to place the detainees directly in a shelter operated by the Migrant Workers Protection Society (MWPS) or to contact embassies instead of confining them in prisons or jail cells. Women staying at the MWPS shelter are, for their own safety, encouraged not to leave the shelter on their own and to take a chaperone with them if they need to go shopping or undertake other errands.⁵⁹

Detention conditions. Reports from local media outlets, human rights NGOs, foreign governments, and Bahrain’s official rights institutions all indicate that overcrowding is a recurring and serious problem in many of Bahrain’s detention centres and prisons.⁶⁰ Additionally, all of the facilities reportedly used for immigration purposes have been the subject of numerous complaints regarding the material conditions of the facilities and the poor treatment of detainees.⁶¹

According to the U.S. State Department, during 2014 “Local human rights groups, including the unlicensed Bahrain Center for Human Rights (BCHR), Bahrain Human Rights Society (BHRS), and the Shia opposition political society al-Wifaq’s Freedom and Human Rights Department reported authorities sometimes mistreated detainees, including youth, during interrogations and denied medical treatment to injured or ill detainees and prisoners. Reports indicated the MOI interrogated detainees about involvement in either sanctioned or unsanctioned protest activity, postings to social media, association with individuals known to law enforcement, recent travels, and participation in religious activities, sometimes with the intent of extracting confessions. Detainees reported mistreatment at official interrogation facilities. Local human rights groups claimed the most serious mistreatment took place at the MOI’s Criminal Investigation Directorate (CID), but also named the following MOI facilities: Isa Town Detention Center for Women, Dry Docks Detention Center, and Jaw Prison.”⁶²

Dry Dock. In its report on an unannounced visit to the Dry Dock Detention Centre on 21-24 April 2014, the PDRC found that the facility was at that time holding 991 inmates and had a capacity of 1,020. There were 108 detainees between the ages of 15-18 and 226 prisoners were non-Bahraini. While minors were separated from the rest of the prison population, the PDRC expressed concern that staff at the facility were not properly trained to handle the special needs of various detainee groups, including notably minors and foreigners. The PDRC found a number of other pressing problems, including severe lack of medical care, insufficient information in foreign languages, lack of cleanliness in cells, no suitable waiting rooms for visits, shortage of telephones and other communications means, failure to install surveillance cameras throughout the facility, no educational materials, and no written procedures for the legal use of force.⁶³

⁵⁸ UN Working Group on Arbitrary Detention, “Report of the Working Group on Arbitrary Detention on its visit to Bahrain (19-24 October 2001),” United Nations, 5 March 2002.

⁵⁹ Mehru Vesuvala (Migrant Workers Protection Society), Email exchange with Parastou Hassouri (Global Detention Project), Global Detention Project. Geneva, Switzerland, 23 December 2013.

⁶⁰ Gulf Digital News, “Fresh Push for Prison Reforms,” 29 May 2014, <http://archives.gdnonline.com/NewsDetails.aspx?date=04/07/2015&storyid=377996>.

⁶¹ Bahrain Centre for Human Rights and the Bahrain Youth Society for Human Rights, “Locked Inside a Nightmare: Voices from Bahraini Prisons,” 9 June 2014, <http://bahrainrights.org/sites/default/files/Prison%20Report%20-%20FINAL%20II.pdf>.

⁶² U.S. State Department, 2014 Country Reports on Human Rights Practices - Bahrain, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/>.

⁶³ Prisoners and Detainees Rights Commission, “Unannounced Visit to the Dry Dock Detention Centre: April 21-24, 2014,” [http://www.pdrc.bh/mcms-store/pdf/e4ee2979-2a5d-4572-ac7f-8e231291e585_Unannounced%20visit%20to%20the%20Dry%20Dock%20Detention%20Centre%20\(DDDC\).pdf](http://www.pdrc.bh/mcms-store/pdf/e4ee2979-2a5d-4572-ac7f-8e231291e585_Unannounced%20visit%20to%20the%20Dry%20Dock%20Detention%20Centre%20(DDDC).pdf).

There have been numerous accusations of torture at Dry Dock. In one case, a blogger named Naji Fateel was sentenced to 15 years of prison after being convicted of belonging to an opposition group. In July 2013, shortly after a court of appeals upheld his sentence, “local human rights groups released photographs showing marks on Fateel’s body consistent with torture. According to human rights groups, authorities in 2013 subjected Fateel to electric shocks, beating, simulated drowning, sexual harassment, the threat of rape, sleep deprivation, and standing for long periods while in detention at the CID and Dry Docks prison.”⁶⁴

Isa Town. During its visit to Bahrain in 2001, the WGAD investigated operations at the Isa Town Women’s Detention Centre. According to its report, “All women deprived of their liberty are held at Isa Town prison, which housed 24 inmates on the day of the visit, of whom six had been convicted. Convicted prisoners are segregated from the other categories of detainees (remand prisoners and foreigners being held pending expulsion).”⁶⁵

During 18-20 January 2015, the PDRC carried out an unannounced visit at Isa Town. It reported that there were 65 detainees at the time of its visit, but the centre had a capacity of 122. There were only two minors in detention at the time as well as one mother and child. The vast majority of detainees (58) were non-Bahrainis. Although it found many conditions of detention to be adequate—including ventilation, medical care, lighting, and bedding—it reported a number of inadequacies, including insufficient staff, insufficient use of foreign languages, insufficient recreation and outdoor exercise, and uncleanliness. Also worth noting, the report stated that staff were adequately trained to assist pregnant women detained at the centre, which indicates that unmarried foreign women who become pregnant are likely detained at this facility (for more on this issue, see the section on “Minors” above).⁶⁶

In its 2014-2015 annual report, the Ombudsman reported that one woman committed suicide at the “Women’s Immigration Removal Centre,” which appears to be a part of the Isa Town facility. According to the report: “The Independent Ombudsman was notified by the Directorate of Reform and Rehabilitation that Ms. B, a foreign national detainee in the Immigration Removal Centre, had died by suicide. Ms. B was being held at the Centre for being in Bahrain illegally and the Ombudsman established that she had been told that she would be deported on 18 March 2015. Ms. B died by hanging whilst in an Immigration Centre bathroom.”⁶⁷

Jau (Jaw) Prison. Also known as the Central Prison, Jau Prison is the largest and arguably the most controversial prison facility in Bahrain. The extent to which it is used for immigration-related reasons is unclear. After its 2001 visit, the WGAD did not report any administrative or deportation uses at Jau, stating only that “Prisoners serving long-term sentences are housed” there. More recently, however, rights groups indicate that Jau confines people who are awaiting deportation after they serve their sentences.⁶⁸

A 2013 report by the Bahraini Ombudsman’s Office stated that minors between the ages of 15-18 were confined in a ward alongside men in a situation of extreme overcrowding in Jau Prison. The

⁶⁴ U.S. State Department, 2014 Country Reports on Human Rights Practices – Bahrain, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/>.

⁶⁵ UN Working Group on Arbitrary Detention, “Report of the Working Group on Arbitrary Detention on its visit to Bahrain (19-24 October 2001),” United Nations, 5 March 2002.

⁶⁶ Prisoners and Detainees Rights Commission (PDRC), Unannounced Visit to Women’s Detention Centre, 18-20 2015, http://www.pdrc.bh/mcms-store/pdf/ff5eab3f-b462-4426-80c1-fed95034150e_WDC-English%20edited.pdf.

⁶⁷ Ombudsman of the Kingdom of Bahrain, “Second Annual Report: 2014-2105,” Kingdom of Bahrain, 2015 (unofficial translation by the Independent Ombudsman’s Office), <http://ombudsman.bh/mcms-store/pdf/Annual%20Report%20English%202015.pdf>.

⁶⁸ Bahrain Institute for Rights and Democracy, Email Correspondence with Michael Flynn (Global Detention Project), 7 September 2015 – 13 November 2015; and Bahrain Center for Human Rights, Email exchange with Parastou Hassouri (Global Detention Project), Geneva, Switzerland, 19 January 2014.

Ombudsman reported that at the time of its visit, there were 1,608 prisoners at the facility, although it had a maximum capacity of only 1,201.⁶⁹ A May 2015 report jointly published by three civil society groups claimed that “at least 2,700 inmates” were being held at the facility.⁷⁰

Jau is notorious for having terrible conditions and there have been repeated allegations over many years of severe abuse of prisoners, as numerous national and international human rights groups have reported.⁷¹ The serial mistreatment and terrible conditions of detention have spurred numerous revolts among inmates. According to the U.S. State Department, “In April [2014] human rights groups reported authorities abused and mistreated detainees at Jaw Prison, and activists reported many prisoners went on hunger strike to protest their mistreatment. On April 30, the government stated publicly that the Public Prosecution questioned 236 prisoners and that a medical professional examined detainees who alleged mistreatment. Also on April 30, Bahrain News Agency reported prisoners had gathered outside their cells aim[ing] to raise a riot ... in an attempt to capture a number of police officers to use them as hostages for their escape attempt.”⁷²

In their joint 2014 report “Locked Inside a Nightmare: Voices from Bahraini Prisons,” the Bahrain Centre for Human Rights and the Bahrain Youth Society for Human Rights described the Jau (“Jaw”) thusly: “Jaw Prison is made up of nine buildings. Building eight and nine were recently built. Political and prisoners with criminal cases with lengthy prison sentences are held in Building One. Prisoners sentenced in drug related cases are held in Building Two. Building Three is a mix of prisoners sentenced in criminal cases and political prisoners between the age of eighteen and twenty-one. Building Four is also a mix of political prisoners and prisoners sentenced in criminal cases. People sentenced in traffic cases and fraud are held in Building Five. Building Six is designated for children, whereas Building Seven is only for those sentenced in the case known as the ‘Bahrain13.’ Buildings Eight and Nine are for non-Bahraini prisoners. The cells at Jaw Prison are reported to be unclean and overcrowded. The cells are assigned with so many prisoners that several prisoners such as human rights defender Naji Fateel are forced to sleep on the floor in the corridors. For example, in Building Three, there are small, medium and large cells. The small cells are fit to hold two people, but have four. The medium sized cells are fit to hold four people but have seven. The larger cells are fit to hold ten people but have contained up to eighteen.”⁷³

Al Eker. There is no information available about the Al Eker dedicated immigration detention facility. After the GDP received information from the Ombudsman’s office confirming the existence of this facility in November 2015, we reported this to Bahraini civil society groups, who expressed surprise. One group asked people they know who live in Al Eker, but no one had heard of it.⁷⁴ The facility is apparently only intended to be used temporarily.

⁶⁹ Ombudsman, Ombudsman’s Report on the visit to the Correction and Rehabilitation Centre (Jau Prison) Report No. 1, 3-5 September 2013,

http://www.bahrainrights.org/sites/default/files/file_attach/Ombudsman_Inspection_Report.pdf.

⁷⁰ BIRD, ADHRB, and the Bahrain Center for Human Rights (BCHR), “Inside Jau: Government Brutality Inside Bahrain’s Central Prison,” May 2015, <http://birdbh.org/wp-content/uploads/2015/06/Inside-Jau.pdf>

⁷¹ BIRD, ADHRB, and the Bahrain Center for Human Rights (BCHR), “Inside Jau: Government Brutality Inside Bahrain’s Central Prison,” May 2015, <http://birdbh.org/wp-content/uploads/2015/06/Inside-Jau.pdf>; see also, Human Rights Watch, “Bahrain: Allegations of Severe Prisoner Abuse,” 6 May 2015, <https://www.hrw.org/news/2015/05/06/bahrain-allegations-severe-prisoner-abuse>.

⁷² U.S. State Department, 2014 Country Reports on Human Rights Practices – Bahrain, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/>.

⁷³ Bahrain Centre for Human Rights and the Bahrain Youth Society for Human Rights, “Locked Inside a Nightmare: Voices from Bahraini Prisons,” 9 June 2014,

<http://bahrainrights.org/sites/default/files/Prison%20Report%20-%20FINAL%20II.pdf>.

⁷⁴ Bahrain Institute for Rights and Democracy, Email Correspondence with Michael Flynn (Global Detention Project), 7 September 2015 – 13 November 2015.

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