

**The report of (BHRWS) Stakeholder submissions to the Universal Periodic Review for the state of Bahrain (updated for the second UPR cycle)**  
**November 2011**

**TRAVEL BAN VICTIMS IN BAHRAIN**

**EXECUTIVE SUMMARY:**

The State of Bahrain was under review on 7 April 2008, and considered the recommendation made during the interactive dialogue, and agreed on the:

- 1- **The recommendation of the Netherlands reflected in paragraph 40, Bahrain would inform the Human Rights Council in the next review of Bahrain that will be held after four years on the status of adoption of new legislation on female domestic workers.**

But a number of individual expatriates and some of them female domestic workers in Bahrain, who have debts, are being travel banned through a court case against them which orders them to pay the amount. However, Bahrain's Immigration Department refuses to renew the residency of individuals who have a travel ban. This means that they cannot get a work permit in the country, which in consequence means that they cannot work to pay off the debt and are left destitute for years—sometimes living on the streets. Our agency has been approached to help 30 such victims, but it is believed that there are more than 4,000.

**So far the state of Bahrain did not adoption of new legislation on female domestic workers since 2008.**

**MAIN ISSUE:**

- The very action of travel banning an individual stops them from paying the debt.
- Often the expatriate has not been paid by his employer according to contract and that is why debt occurs
- According to law - travel ban should be used only if the individual is a 'flight risk' and in many cases this is being deemed the case only because they are expatriate.
- Travel bans are being used by international banks without prior agreement

with their customer – violating the International Code of Banking Practice.

- Travel ban stop individuals from going about their every day business and often causes an individual to lose their job if they cannot travel for work.
- There is no law in Bahrain that says if you have a travel ban you cannot be allowed a work permit – this is being used by individual discrimination.
- Travel ban victims who are also not allowed to work and earn anything, sometime for years, are brought to destitution and cannot afford housing or food.
- There is no social security for expatriates

#### **CONTINUED CHALLENGES:**

##### **Lack of Response:**

Victims have approached various Bahrain Government departments to make them aware of this issue but there is no solution.

While Bahrain's Minister of Human Rights is making representation to the United Nations in October 2011 that Bahrain is giving the highest priority to Human Rights issues, in August 2011 BHRWS presented information on these cases to The Ministry of Human Rights using one case as an example, but as of today (16<sup>th</sup> November 2011) there absolutely no response from them.

##### **Government Inter-departmental lack of Cohesion:**

Victims are having to contact individual government departments, but getting no response at each. There seems to be no interface or co-ordination between government departments on the issue.

##### **Employers at fault:**

Employers in Bahrain are often not paying salaries to expatriates, claiming cash flow difficulties. There is no punishing for the same and the judicial system does not take this into account when they are assessing claims for monies owed.

##### **Judicial System Failure:**

Employers are therefore, getting away with non-payment of salaries, with no action against them. This can be for months at a time and leaves employees subject to travel ban the court when they cannot pay, credit cards, loans or home rental etc. In such circumstances, when the affected employee wants to leave the contract because of this, they are then wrongly accused by that employer of running away from their employment contract and travel banned.

# جمعية البحرين لمراقبة حقوق الإنسان

*Bahrain Human Rights Watch Society (BHRWS)*

## **LOOKING FORWARD:**

**We ask that all the cases of human rights violations by travel bans, that we have recorded with us are immediately resolved and recompense made for suffering caused.**

**Given the lack of response to this situation from Human Rights Ministry in Bahrain, we ask that all statements from Bahrain on their performance on human rights should be verified – showing data and individual cases having been review and action taken to a satisfactory conclusion.**

We would like to see immediate responses on human rights issues – and flowing communication from Bahrain's Human Right's Ministry to Human Rights Organizations.

We would like to see Bahrain Government Departments put processes in place to allow them to work in cohesion to the resolution of such cases and for the immediate elimination of human suffering.

We ask that the Bahrain Human Rights Ministry develops a 'Best Practice' module for handling Human Rights issues. One which gives information to its peers on ALL reported violations of human rights and corresponding outcomes and solutions.

We ask that Bahrain gives priority to human suffering initiating a Grievance Mechanism to be set up for human rights issues that have not been resolved by the Human Rights Ministry in Bahrain in a timely manner, can be registered and resolved immediately.

We ask that a complete review of policies and government procedures regarding employers and employee contracts be undertaken in order to set up a process to identify and punish rogue employers. The process should allow a confidential register of expatriates that have not been paid, and government action to be taken on such employers. Also travel bans should not be place on victims registered on this list.

In the instance where travel bans are legitimately placed on people, they should be allowed the opportunity to work in Bahrain.

**The state of Bahrain must adoption of new legislation on female domestic workers ASAP.**