



U.S. DEPARTMENT OF LABOR
BUREAU OF INTERNATIONAL LABOR AFFAIRS



BAHRAIN
LAWS GOVERNING EXPLOITATIVE CHILD
LABOR REPORT

September 2005

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Introduction

This report on the laws of Bahrain governing exploitative child labor has been prepared pursuant to section 2102(c)(9) of the Trade Act of 2002 (“Trade Act”) (Pub. L. No. 107-210). Section 2102(c)(9) provides that the President shall:

with respect to any trade agreement which the President seeks to implement under trade authorities procedures, submit to the Congress a report describing the extent to which the country or countries that are parties to the agreement have in effect laws governing exploitative child labor.

The President, by Executive Order 13277 (67 Fed. Reg. 70305), assigned his responsibilities under section 2102(c)(9) of the Trade Act to the Secretary of Labor and provided that they be carried out in consultation with the Secretary of State and the U.S. Trade Representative. The Secretary of Labor subsequently provided that such responsibilities would be carried out by the Secretary of State, the U.S. Trade Representative and the Secretary of Labor (67 Fed. Reg. 77812).

Exploitative Child Labor

There is no universally accepted definition of the term "exploitative child labor." Under article 2(3) of the International Labor Organization (ILO) Convention 138, Minimum Age for Admission to Employment, the minimum age of admission into employment or work in any occupation “shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15.” Countries whose economies and educational facilities are insufficiently developed may initially specify a minimum legal working age of 14 when ratifying the convention. Additionally, under article 7(1), “National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is – (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.” Countries that have specified a minimum legal working age of 14 may permit the employment or work of persons 12 to 14 years of age on light work as defined in article 7(1). Examples of such light work may include work in a family business, on a family farm, after school, or in legitimate apprenticeship opportunities and other work that is similarly not hazardous and that does not affect a child's attendance at school.

While there is no universal definition for exploitative child labor, the ILO has defined the “worst forms” of child labor in ILO Convention 182, Worst Forms of Child Labor. Under article 3 of ILO Convention 182 the term the “worst forms of child labour” comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.¹

According to Convention 182, the types of work referred to under article 3(d) “shall be determined by national laws or regulations or by the competent authority”² Article 2 of the Convention states that “the term child shall apply to all persons under the age of 18.”³

This report relies primarily on information from the Department of State in Washington, D.C. and the U.S. Embassy in Bahrain and from other U.S. Government reports. It also relies upon a wide variety of reports and materials originating from Bahrain, international organizations and nongovernmental organizations (NGOs). In addition, the report draws on consultations held in Bahrain by U.S. Department of Labor officials and a U.S. interagency team with Bahraini government officials, representatives of worker and employer organizations, and NGOs pursuant to Section 2102(c)(7) of the Trade Act.⁴ Finally, the report also makes use of information submitted in response to a Department of Labor request for public comment published in the *Federal Register*.⁵

Child Labor Laws and Enforcement

The Labour Law for the Private Sector of 1976, as amended, establishes 14 years as the absolute minimum age for employment in Bahrain.⁶ The Labour Law for the Private Sector applies to both national and foreign workers, including children, in the private sector.⁷ The law does not apply (with the exception of certain provisions regulating foreign workers) to workers, including children, who are employed as domestic servants, perform specified agricultural work, or work

¹ International Labor Organization, *C182 Worst Forms of Child Labour Convention, 1999*, Articles 2, 3 and 4, available at <<http://www.ilo.org/ilolex/english/newratframeE.htm>>.

² *Ibid.*, Article 4.

³ *Ibid.*, Articles 2 (italics and bold omitted). ILO Recommendation 190 on the worst forms of child labor provides certain guidelines that countries should consider in determining what constitutes a worst form of child labor under Article 3(d). See International Labor Organization, *R190 Worst Forms of Child Labour Recommendation, 1999*, available at <<http://www.ilo.org/ilolex/english/newratframeE.htm>>.

⁴ The consultations were held January 26-28, 2004.

⁵ U.S. Department of Labor, “Request for Information Concerning Labor Rights in Bahrain and its Laws Governing Exploitative Child Labor,” 68 *Federal Register*, 62328-62329 (November 3, 2003). The Department received one comment, from the AFL-CIO, in response to this notice.

⁶ *The Labour Law for the Private Sector (1976)*, promulgated by Amiri Decree Law No. 23 of 1976, available at <<http://www.bah-molsa.com/english/index.asp>> [hereinafter *Labour Law for the Private Sector*], Article 50, available at <<http://www.bah-molsa.com/english/chap8.htm>>; see ILO, *Review of Annual Reports-The Effective Abolition of Child Labor: Bahrain*, GB.277/3/2, 23-24. For a discussion of the incidence and nature of child labor in Bahrain, see Section V.D. of U.S. Department of Labor, *Bahrain: Labor Rights Report*, Washington, DC, 2005.

⁷ *Labour Law for the Private Sector*, Article 1, as amended by Legislative Decree No. 14 of 1993 With Respect to Amending the Labour Law for the Private Sector Promulgated by Legislative Decree No. 23 of 1976, available at <<http://www.bah-molsa.com/english/sec2-14.htm>> [hereinafter Legislative Decree No. 14 of 1993].

in enterprises owned by immediate family members.⁸ Bahrain's labor ministry grants and reviews work permits for foreigners, and such permits may only be granted to persons 18 years of age and older.⁹

The Labour Law for the Private Sector establishes special requirements for the employment of children ages 14 to 16. Children ages 14 to 16 may not be employed in hazardous conditions; may not work overtime or at night; may not work on a piecework basis; and in any case may not work for more than four consecutive hours or more than six hours per day. They must also be granted annual leave of not less than a full month, which they are not allowed to waive.¹⁰

A subsidiary order enacted under the provisions of the Labour Law for the Private Sector prohibits children under the age of 16 from working in more than 25 hazardous professions, and sets a maximum allowable weight of 20 kilograms for children ages 14 to 16 to carry as part of their work.¹¹ In addition, children ages 14 to 16 must obtain authorization from the Ministry of Labour (MOL)¹² and undergo a medical examination prior to their admission to employment.¹³

MOL is responsible for implementing and enforcing child labor laws and regulations.¹⁴ The Labour Law for the Private Sector provides for the inspection of workplaces and for legal sanctions against employers found in violation of child labor laws.¹⁵ Violators of the law or its implementing regulations are subject to fines of not less than 50 dinars (US\$132) and not more than 200 dinars (US\$526) for each occurrence and each worker. The same penalties apply to any person acting as a guardian of a juvenile who permits his or her employment in violation of the provisions.¹⁶ MOL inspectors effectively enforce child labor legislation in the industrial sector; however, child labor outside the industrial sector is reportedly monitored less effectively.¹⁷

⁸ *Labour Law for the Private Sector*, Article 2, as amended by Legislative Decree No. 14 of 1993; see also "Rights Guide for Expat Workers," *Gulf Daily News*, April 4, 2004. There have been reports of illegal underage domestic service workers, who have entered the country with false documents indicating they were adults. Since Bahraini labor laws were designed to protect citizens working in the formal sector, domestic service work by foreigners falls outside the jurisdiction of current inspection mechanisms. See U.S. Embassy- Manama Official, email communication, May 17, 2004; see also section VI of this report for a discussion of law and practice with respect to foreign workers in Bahrain.

⁹ Labor Consultations between Ministry of Labor and Social Affairs officials and U.S. Government officials, January 28, 2004.

¹⁰ *Labour Law for the Private Sector*, Articles 49-55.

¹¹ Bahrain Ministry of Labor and Social Affairs, *Subsidiary Legislation Enacted under the Provisions of the Labour Law For the Private Sector, 1976 Promulgated by Amiri Decree Law No. 23 of 1976*, Article 1, available at <<http://www.bah-molsa.com/english/index.htm>>.

¹² In January 2005, the Ministry of Labour and Social Affairs (MOLSA) divided into two agencies: the Ministry of Labour (MOL) and the Ministry of Social Affairs. See Labor Officer, U.S. Embassy-Manama, electronic communication, August 20, 2005. Although the Labour Law for the Private Sector refers to MOLSA, the term MOL is used throughout the text of this report in order to be consistent and to reflect the current situation.

¹³ *Labour Law for the Private Sector*, Article 51; see also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention- Bahrain*, CRC/C/11/Add.24, Geneva, July 23, 2001, para. 322; available at <<http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/44969d49c6f79b0ec1256ae2004f05e6?OpenDocument&Highlight=0,bahrain>>.

¹⁴ *Labour Law for the Private Sector*, Article 147.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, Article 163. As of August 14, 2005, US\$1.00=0.38 dinars.

¹⁷ U.S. Department of State, *Country Reports-2004: Bahrain*, Section 6d. See also AFL-CIO, *Labor Rights and Child Labor Laws in Bahrain*, prepared by the American Federation of Labor and Congress of Industrial Organizations, in

Prostitution is illegal under the Penal Code, and encouraging a child less than 18 years of age to enter into prostitution is punishable by two to 10 years of imprisonment depending on the age of the victim.¹⁸ Bahraini authorities actively enforce the laws against prostitution, including child prostitution, procuring and pimping. Violators are dealt with harshly and can be imprisoned or, if the violator is a non-citizen, deported.¹⁹ In some cases, authorities reportedly return children arrested for prostitution and other illicit activities to their families rather than prosecute them, especially for the first offense.²⁰ Bahraini law does not specifically prohibit trafficking in children, but there are several statutes under which traffickers can be prosecuted, including laws on kidnapping, forced prostitution, and coercion.²¹

Forced or compulsory child labor also is prohibited by the Constitution,²² and the Government enforces this prohibition effectively.²³ There is no compulsory military service in Bahrain. The minimum age for enlistment into the Bahraini Defense Force is 15 years.²⁴

The Government of Bahrain ratified ILO Convention 182 on March 23, 2001. It has not ratified ILO Convention 138, Minimum Age.²⁵

response to U.S. Department of Labor, *Federal Register Notice* (November 3, 2003), "Request for Information Concerning Labor Rights in Bahrain and its Laws Governing Exploitative Child Labor," December 18, 2003.

¹⁸ Penal Code of Bahrain, Articles 324-329, as cited in The Protection Project, "Bahrain," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*. See *Legislation of Interpol member states on sexual offences against children: Bahrain*, Interpol, [database online, available at <<http://www.interpol.int/public/Children/SexualAbuse/NationalLawsold/csaBahrain.asp>>.

¹⁹ U.S. Department of State, *Country Reports-2004: Bahrain*, Section 5.

²⁰ U.S. Department of State, *Country Reports-2003: Bahrain*, Section 5.

²¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention- Bahrain*, CRC/C/11/Add.24, para. 336.

²² *Constitution of the Kingdom of Bahrain*, (February 14, 2002), Articles 13c and 18, available at <<http://www.bahrain.gov.bh/images/constitutione.pdf>>.

²³ U.S. Department of State, *Country Reports-2004: Bahrain*, Section 6d.

²⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention- Bahrain*, CRC/C/11/Add.24, para. 302.

²⁵ ILO, *Ratifications by Country*, in ILOLEX [database online], available at <<http://www.ilo.org/ilolex/english/newratframeE.htm>>.