

# **BHUTAN 2017 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bhutan is a democratic, constitutional monarchy. King Jigme Khesar Namgyel Wangchuck is the head of state, with executive power vested in the cabinet, headed by Prime Minister Lotay Tshering. In September and October, the country held its third general elections, in which approximately 71 percent of eligible voters cast their ballots. International election witnesses reported the elections were generally free and fair.

Civilian authorities maintained effective control over the security forces.

Human rights issues included continued incarceration of Nepali-speaking political prisoners; the existence of defamation laws that could be used to retaliate against critics; restrictions on freedom of assembly and association; restrictions on domestic and international freedom of movement for some residents; the government's refusal to readmit certain refugees who asserted claims to Bhutanese citizenship; and child labor.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices, and there were no reports that government officials employed them.

## **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: According to police, there were no separate prisons designated for women and children.

Administration: Police administer the prison system. Authorities conducted proper investigations of credible allegations of mistreatment. In November 2017 police recommended action against personnel accused of abusing an inmate. There was no available information regarding recordkeeping on prisoners.

Independent Monitoring: No international human rights groups sought access to monitor prisons during the year. The International Committee for the Red Cross (ICRC) has not renewed its memorandum of understanding with the government since 2012 and did not actively revisit the issue during the year, although the ICRC continued to facilitate family visits for around 23 prisoners.

### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

### **Role of the Police and Security Apparatus**

The Royal Bhutan Police (RBP) is responsible for internal security. The Royal Bhutan Army (RBA) is responsible for defending against external threats but also has responsibility for some internal security functions, including counterinsurgency operations, protection of forests, and security for prominent persons. The RBP reports to the Ministry of Home and Cultural Affairs, and the king is the supreme commander in chief of the RBA.

Civilian authorities maintained effective control over the RBA and the RBP, and the government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving security forces during the year.

### **Arrest Procedures and Treatment of Detainees**

Under the law, police may only arrest a person with a court-issued warrant or probable cause. Police generally respected the law. Police may conduct “stop and frisk” searches only if a reasonable suspicion that a crime has been committed exists. Arresting authorities must issue an immediate statement of charges and engage in reasonable efforts to inform the family of the accused. The law requires authorities to bring an arrested person before a court within 24 hours, exclusive of travel time from the place of arrest. The law provides for prompt access to a lawyer and government provision of an attorney for indigent clients. Bail is available depending on the severity of charges and the suspect’s criminal record, flight risk, and potential threat to the public. In addition, bail can be granted after the execution of the bail bond agreement. Police can hold remanded suspects for 10 days pending investigation, which courts can extend to 49 days. In cases of “heinous” crimes, the period can then be extended to 108 days should the investigating officer show adequate grounds. The law expressly prohibits pretrial detention beyond 108 days. The Anticorruption Act empowers an Anticorruption Commission to arrest, in accordance with the country’s broader civil and criminal code, a person having committed or about to commit a corruption-related offense. The arrested individual must make a court appearance within 24 hours.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

The law stipulates that defendants must receive fair, speedy, and public trials, and the government generally respected this right. A court must hold a preliminary hearing within 10 days of registration of a criminal matter. Before registering any plea, courts must determine whether the accused is mentally sound and understands the consequences of entering a plea. Defendants benefit from a presumption of innocence, have the right to confront witnesses, and cannot be compelled to testify. Convictions require that cases be proven beyond a reasonable doubt. The government has prescribed a standing rule for courts to clear all cases within a year of the case filing. The country has an inquisitorial judicial system and has no jury trials. The law stipulates a defendant’s right to plead or defend himself or herself in person and that a defendant’s right to a speedy trial not limit his or her time to prepare a defense.

Defendants have the right to appeal to the High Court and may make a final appeal to the king, who traditionally delegates the decision to the Royal Advisory Council. Trials are conducted publicly, although a court can order that press and the public be removed from the courtroom for part or all of the trial in the interest of justice. While the law does not require that defendants in criminal trials receive the free assistance of an interpreter, in practice interpreters are provided free of charge or the proceedings are conducted in a language the defendant understands. The court must provide the opportunity for the parties to present relevant evidence, including witness testimony. Prosecutors and defendants are allowed to conduct direct and cross-examination.

Cases are tried pursuant to the Civil and Criminal Procedure Code (CCPC). State-appointed prosecutors for the attorney general generally are responsible for filing charges and prosecuting cases for offenses against the state. In some cases other government departments, such as the Anticorruption Commission (ACC), file charges and conduct prosecutions.

The law provides for the right to representation. Although representation occurred frequently in criminal cases, in civil cases most defendants and plaintiffs represented themselves. The law states that criminal defendants may choose legal representation from a list of licensed advocates. The government promoted the use of judiciary websites for legal information as a means of self-help for defendants.

### **Political Prisoners and Detainees**

Family members of prisoners, previously estimated at two dozen, are allowed to meet their relatives and receive a travel allowance paid by the ICRC. Most political prisoners were Nepali-speaking persons associated with protests in the early 1990s. Government officials claimed that those remaining in prison were convicted of having committed violent crimes during demonstrations. The government reported that as of December 2016, there were 57 prisoners serving sentences resulting from convictions under the National Security Act or its related penal code provisions. No international monitors sought access to these prisoners. Since 2010 the government has released 47 political prisoners, including one granted amnesty by the king.

### **Civil Judicial Procedures and Remedies**

The constitution provides the right to initiate proceedings for the enforcement of “fundamental rights” enumerated within the text, and individuals and organizations

may seek civil remedies for human rights violations through domestic courts. The CCPC governs the resolution of criminal trials and civil litigation and states a suit may be initiated by a litigant or a member of the litigant's family. The CCPC also provides for compensation to those detained or subjected to unlawful detention but later acquitted. Often local or community leaders assisted in resolving minor disputes. As plaintiffs and defendants often represented themselves in civil matters, judges typically took an active role in investigating and mediating civil disputes.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and the government generally respected these prohibitions.

Citizens seeking to marry noncitizens require government permission. Government workers are barred from receiving promotions in the case of marriage to a noncitizen. In case such a government worker is employed in the defense or international relations sector, automatic discharge is required.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression.

Freedom of Expression: Defamation can carry criminal penalties, and citizens were cautious in their expression, especially as it related to criticism of the royal family or government practices.

Press and Media Freedom: Independent media were active and generally expressed a variety of views. The media law does not provide specific protections for journalists or guarantee freedom of information. The media law also prohibits media outlets from supporting political parties and prohibits outlets from endorsing candidates during the election period. In its *Freedom in the World 2018*, Freedom House noted private media outlets relied heavily on government advertisements for revenue.

Censorship or Content Restrictions: Reporters Without Borders (RSF) reported that the creation of a new Media Council under the Information Communications and Media Act contributed to greater self-censorship, although the body had not yet been put into force. For example, journalists noted media generally practiced self-censorship during the election period on particularly sensitive issues such as foreign policy and national security.

Libel/Slander Laws: In its *Freedom in the World 2018*, Freedom House noted powerful individuals could use defamation laws to retaliate against critics, citing the case of a prominent journalist who left the country in early 2017 after a businessperson filed a defamation lawsuit against her.

## **Internet Freedom**

The government generally did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Government officials stated the government did not block access, restrict content, or censor websites. Freedom House reported the government occasionally blocked access to websites containing pornography or information deemed offensive to the state. Such blocked information typically did not extend to political content. The International Telecommunication Union estimated the number of internet users in 2017 at 48 percent of the population. By contrast, the *Annual Statistics 2018* of the Ministry of Information and Communications estimated the number of internet users in 2017 at 93 percent of the population.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom and cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The government restricted freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

While the constitution provides for the right to assemble peacefully, the government restricted this right. The law permits the government to control the public's right to assembly "to avoid breaches of the peace" by requiring licenses,

prohibiting assembly in designated areas, and declaring curfew. The penal code prohibits “promotion of civil unrest” as an act that is prejudicial to the maintenance of harmony among different nationalities, racial groups, castes, or religious groups.

### **Freedom of Association**

The constitution provides for freedom of association, and the government permitted the registration of some political parties and organizations that were deemed “not harmful to the peace and unity of the country.” Many of the nongovernmental organizations (NGOs) in the country maintained formal or informal connections to members of the royal family. In its *Freedom in the World 2018* report, Freedom House stated the government did not permit the operation of NGOs working on the status of Nepali-speaking refugees but that other local and international NGOs worked with increasing freedom from official scrutiny. Under the law, all NGOs must register with the government. To register an NGO, an individual must be a citizen, disclose his or her family income and assets, provide his or her educational qualifications, and disclose any criminal records.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited freedom of movement and repatriation. Freedom of movement was sometimes restricted based on location of permanent residence. Additionally, the government is generally reluctant to repatriate Nepali-speaking refugees who currently live outside of the country.

The government cooperated with the Office of the High Commission for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

**In-country Movement:** The law establishes different categories of citizenship and determines whether a person may be granted a “route permit” to travel internally, which primarily affected those foreigners married to a Bhutanese citizen and their children and those who are permitted to reside in Bhutan to conduct business.

Foreign Travel: The law establishes different categories of citizenship under which foreign travel is restricted. NGOs reported these restrictions primarily affected ethnic Nepalis, although children of single mothers who could not establish citizenship through a Bhutanese father also were affected. Citizens are required to obtain a security clearance certificate to obtain a passport.

Exile: In the early 1990s, the government reportedly forced between 80,000 and 100,000 Nepali-speaking residents to leave the country, following a series of decisions taken during the 1970s and 1980s establishing legal requirements for Bhutanese citizenship.

As of September, after years of international efforts resulting in the resettlement of thousands of refugees, UNHCR reported approximately 6,500 Nepali-speaking refugees remained in the two refugee camps it administered in Nepal.

There continued to be delays in government consideration of claims to Bhutanese citizenship by refugees in Nepal.

Citizenship: The law provides for revocation of the citizenship of any naturalized citizen who “has shown by act or speech to be disloyal in any manner whatsoever to the king, country, and people.” The law permits reapplication for citizenship after a two-year probationary period. The government can restore citizenship after successful completion of the probation and a finding that the individual was not responsible for any act against the government.

### **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

The Central Tibetan Administration (CTA) reported that since the 1960s, the country had sheltered Tibetan refugees who were initially located in seven settlements. Tibetan officials reported the Tibetans had largely successfully integrated into society. According to the CTA’s 2017-18 annual report, 1,847 Tibetan refugees lived in Bhutan; approximately 1,654 of them have refugee resident permits. No current records indicate any of these refugees hold work permits. The CTA did not have an official presence in the country and did not provide social and economic assistance to Tibetans in Bhutan. Authorities keep

the country's border with China closed, and Tibetans generally did not transit the country en route to India. The Tibetan population was decreasing as Tibetan refugees adopt Bhutanese citizenship, according to the Department of Immigration.

Freedom of Movement: Tibetan refugees reportedly have difficulties traveling within and outside the country.

Employment: Reports suggested some Tibetan refugees and some Nepali-speaking Bhutanese citizens could not obtain security clearances for government jobs, enroll in higher education, or obtain licenses to run private businesses. According to previous information from the CTA, 13 Tibetan refugees have received licenses to run businesses. The CTA also said that while Tibetan refugees are not eligible for government employment, a few Tibetan refugees worked as teachers and health-care providers under temporary government contracts.

Access to Basic Services: The government stated Tibetan refugees have the same access to government-provided health care and education as citizens.

Durable Solutions: Tibetan refugees could travel to India, although many faced obstacles in obtaining travel permits. There were also reports the government did not provide the travel documents necessary for Tibetan refugees to travel beyond India.

The government continued to delay implementing a process to identify and repatriate refugees with claims to Bhutanese residency or citizenship.

### **Stateless Persons**

A nationwide census in 1985 resulted in a determination that many Nepali-speaking persons in Bhutan were not citizens, effectively rendering them stateless. The government alleged they were not citizens because they could not prove they had been resident in the country in 1958. Officials repeated the census in 1988-89 in the southern districts. During the second round of the census, those who were deemed not to be citizens in 1985 could apply for citizenship provided they met certain conditions. The government categorized those who did not meet the new criteria as illegal immigrants and expelled them. According to NGOs, an unknown number of Nepali-speaking stateless persons remained in the country, mainly in the south. Officials conducted the last census in 2017. While records do not show any figures on stateless persons, informed sources estimated 1,000 families are stateless.

For a child to qualify for Bhutanese citizenship, both parents must be Bhutanese citizens. NGOs and media sources highlighted the existence of stateless children born to unwed mothers who were unable to prove the identity of the father of the child. According to 2014 NGO reports, more than 700 children born in the country were not recognized as Bhutanese citizens because their fathers' nationality was undocumented. Nonetheless, the government claimed that 20 children in the kingdom fell into this category. In May 2017 the UN Committee on the Rights of the Child urged the government to end discrimination against children based on ethnic origin, particularly in access to education.

Stateless persons cannot obtain “no objection certificates” and security clearance certificates, which are often necessary for access to public health care, employment, access to primary and secondary education, enrollment at institutions of higher education, travel documents, and business ownership. The National Commission for Women and Children stated children without citizenship were eligible for public educational and health services.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The government successfully held national elections in September and October. Voter participation stood at approximately 66 percent in the first round and 71 percent in the second. International witnesses generally considered the elections free and fair. There were no reports of significant irregularities during the election process.

Political Parties and Political Participation: The constitution states that political parties shall promote national unity and shall not resort to regionalism, ethnicity, or religion to incite voters for electoral gain. Political parties are required to be broad based, have a national membership, not be limited to a particular regional or other demographic constituency, and not receive money or other assistance from foreign sources. The government provided funding only for general elections and maintained rigid guidelines on party financing. Four parties contested the 2018 elections.

Participation of Women and Minorities: Women were underrepresented in public office. Women occupied 15 percent of the seats in the National Assembly. Seven of the 10 women candidates who contested the National Assembly election won, up from three in the previous election. There are also four women in the National Council or upper house.

As part of the country's strict separation of religion from politics, the law barred ordained members of the clergy, including Buddhist monks and nuns, from participating in politics. This prohibition meant clergy could not vote or run for office. No other laws limit the participation of women and members of minorities in the political process.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

Corruption: The government took an active role in addressing official corruption through the Public Accounts Committee in the National Assembly and the Royal Audit Authority, which monitored the use of government funds. The ACC is authorized to investigate cases of official corruption and allows citizens to post information on its website regarding corrupt practices. The ACC reportedly faced resource constraints. The constitution enables the ACC to act as an independent body although its investigative staff was primarily civil servants answerable to the Royal Civil Service Commission. Based on the UN Convention against Corruption, the 2011 Anticorruption Act expands the mandate of the ACC to cover the private sector and enhances the ACC's investigatory powers and functions.

The 2017 ACC report detailed 155 complaints of "abuse of functions," 30 of embezzlement, five of bribery, and 20 other related corruption offenses. Approximately one-fourth of corruption complaints emanated from the local government. In May, the Office of the Attorney General charged 12 people for embezzlement and fraud in a banking scandal under the Anti-Corruption Act 2011.

Financial Disclosure: The law requires public servants, and persons working for NGOs using public resources, their spouses, and dependents to declare their income, assets, and liabilities.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. According to international NGOs, local civil society organizations practiced self-censorship to avoid issues perceived as sensitive by the government. Sensitive issues included women's rights and environmental issues. The government reportedly did not permit human rights groups established by the Nepali-speaking community to operate by categorizing them as political organizations that did not promote national unity (see section 2.b., Freedom of Association).

The United Nations or Other International Bodies: The government did not renew its agreement with the ICRC allowing the ICRC to make prison visits to persons detained for crimes against the security of the state after the agreement expired in 2013. The ICRC continued to engage with the government to facilitate prison visits for Bhutanese refugees living in Nepal. In May 2017 the ICRC helped launch the Bhutan Red Cross Society. Several humanitarian training activities took place following the launch.

Government Human Rights Bodies: The National Assembly Human Rights Committee conducted human rights research on behalf of the National Assembly. The Civil Society Organization (CSO) Authority has the legal authority to regulate civil society operations. Of the 42 registered CSOs, 34 were categorized as public-benefit organizations and eight as mutual-benefit organizations.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The penal code makes no reference to gender in its definition of rape. In cases of rape involving minors, sentences range from five to 15 years in prison. In extreme cases a person convicted of rape may be imprisoned for life. Spousal rape is illegal and prosecuted as a misdemeanor. The Office of the Attorney General (OAG) stated that in the last four years, it received 44 cases of child molestation, according to a June press report. It issued charges in 38 cases, of which 23 resulted in convictions.

The law prohibits domestic violence. Penalties for perpetrators of domestic violence range from a prison sentence of one month to three years. Offenders also are fined the daily national minimum wage of approximately three dollars for 90 days. Three police stations housed women and child protection units to address crimes involving women and children, and eight police stations housed desks with officers specifically devoted to women and children's issues. In a case that drew significant public attention, the OAG in May filed charges against a man accused of raping a woman who was returning home from work. The government trained police on gender issues, and allowed civil society groups to undertake further efforts, including operation of a crisis and rehabilitation center.

Sexual Harassment: The Labor Employment Act has specific provisions to address sexual harassment in the workplace. NGOs reported these provisions were generally enforced.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for equal inheritance for sons and daughters. In some areas, however, traditional inheritance practices stipulate inheritance is matrilineal and that daughters inherit family land. It is not normal practice for daughters to assume their father's name at birth or their husband's name upon marriage in most of the country.

The law mandates the government take appropriate measures to eliminate all forms of discrimination and exploitation of women, including trafficking, abuse, violence, harassment, and intimidation, at work and at home. The government generally enforced this law.

## **Children**

Birth Registration: Under the constitution, only children whose parents are both citizens of Bhutan acquire Bhutanese citizenship at birth. Parents must register a birth before a child turns one year old, after which a petition must be filed with the king to be granted citizenship. Civil society groups noted disproportionate barriers to citizenship faced by Nepali-speaking Lhotshampa communities and the wives of non-Bhutanese citizens.

Education: The government provides 11 years of universal free education to children, although education is not compulsory. Gender parity at the primary level

has been achieved. Girls have unequal access to the country's secondary and tertiary schools because of their distance, their lack of adequate sanitation, and transportation difficulties.

Child Abuse: The law prohibits child abuse and provides for a minimum penalty of one year's imprisonment for perpetrators.

Early and Forced Marriage: The statutory minimum age of marriage for both men and women is 18. Statistics from the 2010 Bhutan Multiple Indicator Survey (BMIS) Report indicated that 31 percent of marriages occurred before the age of 18 and 7 percent before the age of 15.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, including child pornography, child prostitution, and the sale of children. Authorities generally enforced the law. The legal age of consent is 16 for both boys and girls.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

The country does not have a Jewish population, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution specifically protects the rights of citizens with disabilities. Legislation directs the government to attend to the security of all citizens in the "event of sickness and disability." The law requires that new buildings allow access for persons with disabilities, but the government did not enforce this

legislation consistently. There were reports hospitals were generally accessible to persons with disabilities but residential and office buildings were not.

No government agency had specific responsibility for protecting the rights of persons with disabilities.

### **National/Racial/Ethnic Minorities**

The law establishing different categories of citizenship and governing domestic and international travel restrictions primarily affected ethnic Nepalis and foreign-born individuals. Reports suggested that some Tibetan refugees and some Nepali-speaking Bhutanese citizens could not obtain security clearances, which are required to obtain a passport, secure government jobs, enroll in higher education, or obtain licenses to run private businesses. The government claimed Nepali speakers were proportionally represented in civil service and government jobs. In its *Freedom in the World 2018* report, Freedom House stated the government did not permit the operation of NGOs working on the status of Nepali-speaking refugees.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The constitution guarantees equal protection of the laws and application of rights but does not explicitly protect individuals from discrimination based on their sexual orientation, gender identity or expression, or sex characteristics. Laws against “sodomy or any other sexual conduct that is against the order of nature” exist. The penal code imposes penalties of up to one year in prison for engaging in prohibited sexual conduct.

Members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community reported instances of discrimination and social stigma based on sexual orientation. One woman who sold food for a living reported instances of customers refusing to purchase her products due to her gender identity, according to a May media report.

The law does not provide any distinct legal status for transgender individuals, nor does it provide explicit protections.

### **HIV and AIDS Social Stigma**

While NGOs claimed persons with HIV/AIDS faced no widespread stigma, observers noted such persons feared being open about their condition.

The government provided free medical and counseling services to persons with HIV/AIDS and maintained programs meant to prevent discrimination.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions. Workers can form a union with the participation of at least 12 employees from a single workplace. There is no national trade union. The law does not mention the right to conduct legal strikes. Most of the country's workforce engages in agriculture, a sector that is not unionized.

The law provides for the right of workers to bargain collectively with employers. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. Violators may face misdemeanor charges and be compelled to pay damages.

The government effectively enforced applicable laws. Resources, inspections, and remediation were adequate, and penalties for violations were sufficient to deter violations. The law grants workers the right to pursue litigation.

Freedom of association and the right to bargain collectively were respected, although there were few employee unions. No unions formed during the year.

The Ministry of Labor and Human Resources, Department of Labor, in its *Annual Report 2017-2018*, noted it had achieved all of its internal performance targets despite a shortage of officers and funding.

In the Department of Labor's *Annual Report 2017-2018*, noted 24 labor inspectors conducted 2,256 inspections, issued 179 improvement notices, and imposed 20 penalties. The ministry received reports of 497 workplace disputes, of which 239 were forwarded to the court system, and 172 were resolved. The complaints received ranged from nonpayment of wages, termination without notice, resignation without notice, and other issues.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits most forms of forced or compulsory labor, and the government effectively enforced applicable laws. The law makes exceptions with regard to prison labor, work that might be required during an emergency, and work required for “important local and public” celebrations. The penal code criminalizes trafficking for illegal, but not exploitative, purposes. Violations of the labor law with respect to worst forms of child labor, forced and compulsory labor, improvement notice, prohibition notice, nonpayment of compensation, minimum age of admission into employment, employing foreigners without permit, and not complying with permits issued by the government are felonies subject to three to five years’ imprisonment. Resources, inspections, and remediation were adequate, and penalties were sufficient to deter violations.

Government officials acknowledged domestic servants working in private homes where the Ministry of Labor and Human Resources has no jurisdiction may be subject to forced labor. Officials relied on citizens to report forced labor of domestics directly to police.

Migrant workers from India who worked in the country’s construction and hydropower sectors and Indian women and girls who worked in domestic service or as caregivers were vulnerable to forced labor. Ministry of Labor and Human Resources noted approximately 54,972 migrants worked in the country as of June, mostly from India. Young, rural citizens were transported to urban areas, generally by relatives, for domestic work, and some of these individuals were subjected to domestic servitude. Unconfirmed reports suggested that girls who worked as domestic servants and entertainers in *drayungs* (karaoke bars) were subjected to labor trafficking through debt and threats of physical abuse.

Also see the Department of State’s annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The minimum age for employment is 13, and the minimum age for hazardous work is 18. Children younger than age 18 are prohibited from working in dangerous occupations, including mining, construction, sanitary services, carpet weaving, or serving in bars.

While child labor laws were enforced, the Ministry of Labor and Human Resources reported that limited resources placed constraints on the number of inspections conducted and inspectors employed. Penalties included up to nine years of nonbailable imprisonment and were generally sufficient to deter violations.

Children performed agricultural and construction work, completed chores on family farms, or worked in shops and restaurants after school and during holidays. Child labor also occurred in hotels and automobile workshops. Girls were employed primarily as domestic workers, where they were vulnerable to abuse and exploitation.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits employment discrimination for employees and job applicants and prescribes equal pay for equal work. Of the 497 workplace disputes, three were categorized as discrimination. Nepal-based organizations representing refugees claimed that Nepali-speaking Bhutanese were subject to discrimination with respect to employment and occupation (see section 6, National/Racial/Ethnic Minorities).

#### **e. Acceptable Conditions of Work**

The national minimum wage is greater than the national poverty level. The law defines the workday as eight hours per day with a one-hour lunch break, and employers are required to grant regular rest days; however, these laws were sometimes difficult to enforce. According to one media report, although the government extended maternity leave three more months in 2016, most organizations in the private sector had not implemented the new rule. Work in excess of the legal workday must be paid at 1.5 times the normal rate.

Government occupational safety and health standards are current and appropriate. Labor regulations grant workers the right to leave work situations that endanger their health and safety without jeopardy to their employment.

The government generally enforced minimum wage, work hours, and occupational health and safety standards, fines and imprisonment effectively in the formal sector. Such penalties generally were sufficient to deter violations. The number of

labor inspectors was insufficient to cover the country's industries. Labor regulations were not effectively applied in the informal sector. The Ministry of Labor and Human Resources, in its *Annual Report 2017-2018*, noted 90 accidents took place during the period, of which 33 were fatal. Such workplace accidents took place predominantly in the construction and manufacturing sectors.