

Bhutan | Freedom House

POLITICAL RIGHTS: 29 / 40 (+1)

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

King Jigme Khesar Namgyel Wangchuck formally succeeded his father in 2008. The monarch is head of state, appoints a number of high officials in consultation with other bodies, and retains a waning degree of influence over ministerial positions. The king nominates the leader of the majority party in the elected National Assembly to serve as prime minister. The 2018 elections for the National Assembly, held in September and October, were free and fair, and resulted in a sizable victory for the opposition DNT. After the DNT's victory, the king appointed Lotay Tshering as prime minister.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The constitution provides for a bicameral Parliament, with a 25-seat upper house, the National Council, and a 47-seat lower house, the National Assembly. Members of both houses serve five-year terms. The king appoints five members of the nonpartisan National Council, and the remaining 20 are popularly elected as independents; the National Assembly is entirely elected. Elections for the upper house in April 2018 saw record turnout; some observers ascribed the higher turnout to reforms designed to encourage voting and make casting ballots easier for residents, such as a new system of voting by post. The National Assembly elections were held in two rounds in September and October, with the two parties that won the most support in the first round advancing to the second. The DNT, which launched in 2013, won 30 out of 47 seats, followed by the Bhutan Peace and Prosperity Party (DPT), which won 17 seats. The ruling People's Democratic Party (PDP) did not advance to the runoff.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Elections are administered by the Election Commission of Bhutan (ECB). The commission is thought to act impartially, although some of its regulations regarding which parties can compete in elections are controversial.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Citizens must receive government approval to form political parties. Obtaining approval is difficult, and the government has denied registration to several newly formed parties. In March 2018, for example, the ECB rejected the registration application of the newly formed Bhutan Happiness Party, claiming there were irregularities in its membership list.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The opposition has a realistic chance to increase its support through elections. In 2018, the DNT won control of Parliament for the first time, and another opposition party, the DPT, finished second, despite having won no seats in 2013.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

India still has a strong influence over the choices of Bhutanese voters and politicians. In 2013, just before the

parliamentary elections, India withdrew subsidies for oil and kerosene. Many observers viewed the decision as retaliation for the DPT government's move toward closer ties with China and an attempt to swing the elections toward the PDP. China does not have an official diplomatic relationship with Bhutan but has assiduously courted Bhutanese leaders in recent years, especially since a 2017 standoff between China and India over territory claimed by both Bhutan and China.

The royal family also retains significant influence. Most members of the political elite, including members of Parliament, steadfastly support the king and are hesitant to take any positions in direct opposition to the royal family.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4 (+1)

Electoral rules stipulate that political parties must not be limited to members of any regional, ethnic, or religious group. There is no party that represents Nepali speakers. Citizenship rules are strict, and many Nepali-speaking people have not attained citizenship, effectively disenfranchising them. International election monitors have noted that Nepali speakers have been turned away from voting.

Women are underrepresented in public office, but the proportion of women in the National Assembly increased from 8 percent to 15 percent following the 2018 elections. Although no women were elected to the National Council in the 2013 elections, in 2018 two women won seats; men won eighteen. Traditional customs inhibit women's political participation. The electoral reforms introduced for the year's polling also boosted turnout, including among women. The government has supported several programs to empower women and increase their engagement in politics.

Score Change: The score improved from 1 to 2 because recent procedural reforms resulted in somewhat greater turnout among women in the 2018 elections, and more women were elected to Parliament.

C. FUNCTIONING OF GOVERNMENT: 9 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Bhutan has made a successful transition from a system in which the monarch and his advisers dominated governance to one in which policies and legislation are mostly determined by elected officials.

India still has an influence on policymaking in Bhutan, and China has also become an important player in recent years. India provides significant foreign aid to Bhutan. As a result, the Bhutanese government is hesitant to make policies that will upset the relationship with India. In a 2017 incident that highlighted the impact of Bhutan's powerful neighbors, India sent troops to confront Chinese military personnel attempting to build a road on the Doklam plateau, on territory claimed by both Bhutan and China. Indian and Chinese troops withdrew after a tense three-month standoff.

C2. Are safeguards against official corruption strong and effective? 3 / 4

The government generally enforced anticorruption laws effectively. The 2006 Anti-Corruption Act established whistle-blower protections. The Anti-Corruption Commission (ACC), which had its role strengthened and expanded in 2011, is tasked with investigating and preventing graft, and has successfully prosecuted several high-profile cases.

Nepotism and favoritism in public procurement and government employment remained a problem in 2018.

C3. Does the government operate with openness and transparency? 3 / 4

Although Bhutan lacks comprehensive freedom of information legislation, the government has strengthened transparency by making the salaries of officials public and making the central and local budgets more open to review. A right to information law passed by the National Assembly in 2014 was designed to put the onus on government officials and agencies to release information. However, the National Council did not approve the bill, and by the end of 2018 it had yet to win final passage.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a

country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / 0

The government has for decades attempted to diminish and repress the rights of ethnic Nepalis, forcing many of them to leave Bhutan. The government expelled a large percentage of Nepali speakers in the early 1990s; in 1992, well over 100,000 refugees living in Nepal were denied reentry to Bhutan. A resettlement effort aimed at transferring the refugees to other countries began in 2007, resulting in the resettlement of the majority of refugees, but over 6,500 people remained in camps in Nepal at the end of 2018.

CIVIL LIBERTIES: 30 / 60 (+3)

D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16

D1. Are there free and independent media? 2 / 4

While there are multiple private media outlets, many depend on advertising from state bodies, and Bhutan's media environment remained subject to a high degree of self-censorship, especially regarding criticism of the royal family. Powerful individuals can use defamation laws to retaliate against critics. In August 2018, a journalist was sentenced to three months in prison for libel, after she posted on Facebook about a woman who allegedly mistreated her stepdaughter.

In 2017, the Bhutan Information Communications and Media Act was passed, replacing a 2006 law. The government said it would strengthen the independence of the media and promote a free and vibrant media industry. The legislation mandated the establishment of an independent body called the Media Council, which was formed in August. The council monitors the media to determine which content is harmful or offensive. Press freedom advocates fear that the new body will further erode press freedom and contribute to greater self-censorship.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The constitution protects freedom of religion, but local authorities are known to harass non-Buddhists. While Bhutanese of all faiths can worship freely in private, people experience pressure to participate in Buddhist ceremonies and practices.

Christian churches have often been unable to obtain registration from the government, which means that they cannot raise funds or buy property, placing constraints on their activities. Christian children are sometimes not allowed into schools based on their religion.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Few restrictions on academic freedom have been reported. However, Bhutanese university students are often hesitant to speak out on controversial political issues and practice self-censorship. Students, in conducting research, tend to receive negative feedback for posing questions that could be considered offensive or too blunt.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Freedom of expression is constitutionally guaranteed and generally respected. However, under the National Security Act, speech that creates or attempts to create "hatred and disaffection among the people" or "misunderstanding or hostility between the government and people," among other offenses, can be punished with imprisonment. The broad language of the law makes it vulnerable to misuse.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12 (+1)

E1. Is there freedom of assembly? 2 / 4

The constitution guarantees freedom of assembly, but this right is limited by government-imposed restrictions. Public gatherings require government permission, which is sometimes denied. Curfews and restrictions on the location of demonstrations also serve to curtail assembly rights.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4 (+1)

Nongovernmental organizations (NGOs) that work on issues related to ethnic Nepalis are not allowed to operate, but other local and international NGOs work with increasing freedom on a wide range of issues. Under the 2007 Civil Society Organization Act, all new NGOs must register with the government. Registration is granted to NGOs that are determined by the government to be “not harmful to the peace and unity of the country.”

Score Change: The score improved from 1 to 2 because nongovernmental organizations have been able to work with relative freedom in recent years.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The constitution nominally guarantees the right of workers to form unions, but the right to strike is not legally protected. Workers may bargain collectively, and antiunion discrimination is prohibited. Most of the country’s workforce is engaged in small-scale agriculture and is therefore not unionized.

F. RULE OF LAW: 8 / 16 (+2)

F1. Is there an independent judiciary? 3 / 4

The independence of the judiciary is largely respected. Senior judges are appointed by the king on the recommendation of the National Judicial Commission. However, the rulings of judges often lack consistency, and many people view the judiciary as corrupt.

F2. Does due process prevail in civil and criminal matters? 2 / 4 (+1)

Although the right to a fair trial is largely guaranteed and arbitrary arrest is not a widespread problem, plaintiffs and defendants in civil disputes often represent themselves. Many people who are unable to repay debts are held in detention, which is considered arbitrary under international law. Overall, however, the rule of law and due process has improved substantially in civil and criminal matters. In recent years, Bhutan’s courts have functioned with a relatively high degree of effectiveness.

Score Change: The score improved from 1 to 2 due to gradual gains in the quality of civil and criminal legal proceedings.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4 (+1)

The civilian police force generally operates within the law, and incidents of excessive force are rare. In recent years, the crime rates have generally been low. However, insurgents from the Indian state of Assam sometimes enter Bhutan and undermine security. Occasional instances of kidnapping and robbery occur along the border with India.

Score Change: The score improved from 1 to 2 due to low crime rates and a lack of other significant threats to physical security in recent years.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The constitution protects against discrimination based on sex, race, disability, language, religion, or societal status. However, Nepali-speaking people reportedly face employment discrimination and other forms of bias.

LGBT (lesbian, gay, bisexual, and transgender) people experience societal discrimination and social stigma, and there are no specific legal protections for transgender people. Same-sex sexual activity remains a criminal offense and can be punished with up to a year in prison, although the law is not generally enforced. Despite recent gains, discrimination in employment and education persists for women in Bhutan.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Bhutanese citizens generally have the freedom to travel domestically and internationally. However, the government has established different categories of citizenship, which restricts foreign travel for some. These restrictions reportedly have the greatest effect on Nepali speakers. Bhutanese security forces sometimes arrest Nepali people seeking to enter the country.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Individuals generally have rights to own property and establish businesses, but the process of registering a new business can be cumbersome and hinder business development. Some ethnic Nepalis who lack a security clearance certificate face difficulties in starting a business. The property registration process can also be lengthy.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Reports of domestic violence have increased in recent years. Societal taboos lead many incidents of rape and domestic violence to go unreported. Child marriage still occurs with some frequency; according to UNICEF data from 2017, 26 percent of women are married before age 18.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Female household workers, who often come from rural areas or India, are vulnerable to forced labor and other abuse, as are foreign workers in the construction and hydropower sectors. Child labor continued to be a problem in 2018, mostly in the agriculture and construction sectors. Girls often served as household workers and were vulnerable to abuse.

Sex trafficking remained a problem in 2018, and the government's enforcement efforts were inadequate to address it effectively; no prosecutions for trafficking were reported during the year. However, the government has provided funds for an NGO that helps shelter victims of trafficking.