



Bhutan

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Bhutan is a hereditary monarchy with a population of approximately 700,000. In 2005 King Jigme Singye Wangchuck announced plans for a new constitution and in 2006 transferred power to his son, Crown Prince Jigme Khesar Namgyel Wangchuck. The new king governed during the first part of the year with the support of the National Assembly (lower house of parliament), a cabinet, and a Council of Ministers (upper house of parliament). In July a majority of the Council of Ministers resigned, the National Assembly dissolved itself, and a caretaker government oversaw government functioning until the new constitution goes into effect. Political parties were legalized and a newly formed Election Commission was created in preparation for the upcoming elections and subsequent transition to a constitutional monarchy. On December 31, elections took place for the new upper house, the National Council, as laid out in the plan for political transformation.

As head of state the king is responsible for the country's security and sovereignty. The civilian authorities generally maintained effective control of the security forces.

Although the government's human rights record improved during the year, some problems remained. There were limitations on freedom of assembly; regulation of freedom of religion; limited political expression; and some discrimination against the ethnic Nepalese minority.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

Prison and Detention Center Conditions

Prison conditions reportedly were satisfactory, and buildings and installations remain in fairly good condition. In November the International Committee of the Red Cross (ICRC) visited the Lodrai sub-district jail and Chamgang central jail. In both locations authorities kept prisoners incarcerated for politically motivated crimes in areas separate from common criminals. The ICRC stated that the government was open and forthright during its prison visits.

The government extended the ICRC prison visits program for an additional year, as it had done annually since the government and the ICRC signed a five year Memorandum of Understanding in 1998. Authorities were cooperative and allowed the ICRC unhindered access to prisons.

As of 2006, the ICRC replaced its biannual checks with annual visits.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Royal Bhutan Police, under the control of the Ministry of Home and Cultural Affairs, was responsible for internal security. The Royal Bhutan Army was responsible for external threats but also some internal security responsibilities, such as guarding forests, providing VIP protection, and conducting counterinsurgency operations. There were no reports of impunity involving the security forces during the year. The army and police both have internal investigative procedures, and a court of inquiry undertakes the investigation of any allegation of inappropriate conduct. If a case arises, the king or another senior official makes the final decision. In corruption cases, the Anti-Corruption Commission is authorized to investigate.

Arrest and Detention

Under the law police may not arrest a person without a warrant, must immediately inform the accused of the charge, must make a reasonable effort to inform the person's family of the arrest, and must bring an arrested person before a court within 24 hours, exclusive of travel time from place of arrest. Bail is available depending on the severity of charges, the suspect's past criminal record, likelihood of flight, and potential threat to the public. The police generally respected the law in practice. As in the previous year, Indian border authorities sent an undetermined number of ethnic-Nepalese Bhutanese who attempted to return to the country back to camps in Nepal. A few returned to the country and staged demonstrations in Phuntsholing, but on all occasions they were eventually sent back. ICRC and the Nepal Red Cross Society continued to reimburse partially the fare for the families of the detainees living in camps administered by the United Nations High Commissioner for Refugees (UNHCR) in Nepal wishing to visit their relatives detained in Chamgang. Families living in neighboring countries were offered assistance by ICRC to visit relatives held in the country. In addition, ICRC relayed Red Cross messages between detainees and their families. During the year and with the support of ICRC, relative visited six detainees.

e. Denial of Fair Public Trial

In January the government passed the Judiciary Services Act, establishing for the first time formal separation of the judiciary from the executive. The act established conduct standards for judges and other judicial service personnel. In practice the judiciary generally enforced the right to a fair trial. The judiciary is overseen by the National Judicial Commission (NJC).

The judicial system consists of sub-divisional courts, district courts, and a high court. The Judiciary Services Act created a Supreme Court that was given the responsibility of overseeing the interpretation and application of the constitution. Local headmen and magistrates hear cases at the sub-divisional and district levels. Appeals may be made to a six-member high court (also known as the Royal Court of Justice). From the high court, a final appeal may be made to the king. Only the king can pardon or commute a sentence. The king appointed judges to the high court and 20 district courts on the recommendation of the NJC. The judges may be removed, suspended, or censured by the king only at the request of the NJC. The chief justice of the high court, using recommendations of the Judicial Service Council, made judicial appointments to the sub-divisional courts.

The Office of Legal Affairs (OLA) is the judicial support department of the government and conducts state prosecutions, drafts and reviews legislation, and renders legal counsel. The OLA consists of a legal services division with domestic, international, and human rights sections, and a prosecution division with both a criminal and civil section.

Trial Procedures

The law stipulates that defendants receive a fair and speedy trial, as long as it does not limit the ability of the accused to prepare an adequate defense, and the government generally respected these conditions. A preliminary hearing must be convened within 10 days of registration with the appropriate court. Before any guilty or no contest plea is registered, the court must determine that the accused is mentally sound and understands the consequences of such action. Defendants enjoy a presumption of innocence, and all cases must be proved beyond a reasonable doubt. Juries were not used. Punishments included imprisonment, probation, fines, or restitution. Defendants have the right to appeal to the high court and may make a final appeal to the king, who traditionally delegated the decision to the Royal Advisory Council. Trials were conducted publicly, except for family law and cases involving juveniles.

Citizens generally had the right to a fair trial. Courts adjudicated criminal cases and a variety of civil matters under both customary law and the legal code. State-appointed OLA prosecutors filed charges and prosecuted cases for offenses against the state. In other cases the relevant organizations and departments of government filed charges and conducted the prosecution. Defendants and their attorneys had access to government-held evidence.

Defendants may choose legal representation from a list of government-licensed advocates. The government stressed the utility of judiciary Web sites for legal information as a means of self-help. The OLA stated that most defendants sought legal assistance only in serious criminal cases. The Jabmi (paralegal) Act of 2003 established the right to representation in criminal cases, including state provision of counsel pro bono when the defendant cannot afford to pay. Legal counsel is not free in most cases, and many citizens who were unable to afford representation did not receive professional legal assistance. There are 72 lawyers, most of whom are employed by the government, currently practicing in the country.

Village headmen, who have the power to arbitrate disputes, constituted the bottom rung of the judicial system. Magistrates with responsibility for a block of villages reviewed the decisions of village headmen. Magistrates' decisions could be appealed to district judges, of which there was one for each of the country's 20 districts.

Political Prisoners and Detainees

Six detainees were released during the year after the completion of their sentences for violence associated with political dissidence from 1991 to 1992. The government permitted ICRC regular access to the remaining 37 detainees, and the ICRC monitored 41 newly registered cases, visiting 78 detainees in total. A few days after its visit, the ICRC learned that the nine female detainees held in Chamgang had been released and transferred to their village of origin.

Several nongovernmental organizations (NGOs) asserted that while some of the detainees were sentenced to life in prison, other sentences varied and most ranged from three months to three years.

Civil Judicial Procedures and Remedies

Criminal matters and most civil matters are resolved by application of the 17th century legal code as revised in 1957 and 2001. Precedence is not used in the delivery of justice. Questions of family law are governed by traditional Buddhist or Hindu law. Minor offenses are adjudicated by village headmen.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

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

Human rights groups claimed that the government interfered with individual rights by requiring all citizens, including minorities, to wear the traditional dress of the ethnic majority in public places. The government strictly enforced the law only for Buddhist religious buildings, government offices, schools, official functions, and public ceremonies; otherwise, the government enforced this law sporadically, and people commonly wore nontraditional dress throughout the country.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

In July 2006 the National Assembly adopted the Information, Communications and Media Act that contains provisions to ensure the freedom of speech and press. Individuals were able to criticize the government publicly; however, the government did at times attempt to impede criticism and monitor political meetings.

Several independent newspapers operated freely and published stories critical of the government. Foreign newspapers and magazines were available. In May the government proposed controls on advertising; after many unfavorable newspaper editorials, the government withdrew the proposal.

In April a private radio station, Radio Valley FM, began operations in English and Dzongkha.

The government allowed foreign broadcasts. Private radio and television stations were active and expressed a variety of views, although the government may have limited the number of television channels available. International organizations maintain that the cable costs were often more prohibitive than government restrictions. The government did not censor content.

Internet Freedom

Individuals and groups could generally engage in peaceful expression of views via the Internet, although there were some reports of government restrictions. The government blocked access to two news sites, bhutantimes.com and bhutannews.com. Government officials said forum discussions on bhutantimes.com were too critical of Minister Sangey Nidup, maternal uncle of the king. In August, bhutantimes.com reported that the government lifted its block on service within the country. The government continued to monitor material on the Internet and blocked what it deemed

pornographic.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law does not provide for freedom of assembly, and the government restricted this right in practice. On January 2, according to the South Asia Human Rights Documentation Centre, a group of ethnic Nepalese staged a protest in Phuntsholing as part of their continuing efforts to pressure the government to resolve the Bhutanese refugee problem in Nepal. Police arrested the demonstrators and handed them to the Jaigaon police of West Bengal. Nongovernmental groups that work on overtly political issues are not allowed to operate inside the country. On December 8, the Samtse District Court in the southwest sentenced 30 members of the Communist Party of Bhutan (Marxist-Leninist-Maoist), based in Nepal, for alleged acts of sedition. In recent years security forces arrested citizens for taking part in peaceful prodemocracy demonstrations. They also arrested and deported Southern Bhutanese refugees living in Nepal who entered and demonstrated inside the country for the right to return home.

Freedom of Association

The law provided for freedom of association, and the government permitted the registration of some political parties and organizations. However, the government did not permit political parties organized by ethnic Nepalese citizens. According to international NGOs, local civil society organizations attempted to balance criticism of the government to foster a mutually comfortable working relationship.

c. Freedom of Religion

Mahayana Buddhism is the state religion; however, the law provides for freedom of religion. There were allegations that the government restricted this right in practice.

The government favored the Drukpa Kagyupa and Ningmapa Buddhist groups through subsidization of monasteries and shrines, as well as aid for monks. The government stated its actions were in accordance with a 1956 agreement following its seizure of Buddhist land for redistribution to landless citizens. Societal pressure to practice Buddhism was not apparent. Major Buddhist holy days are state holidays. The king declared one major Hindu festival a national holiday, with royal family participation.

NGOs reported that the government required permission to build religious temples but rarely granted it for non-Buddhist buildings. Followers of religions other than Buddhism and Hinduism were free to worship in private homes but could not erect religious buildings or congregate in public. International Christian relief organizations and Jesuit priests were active in education and humanitarian activities. Under the National Security Act (NSA), proselytism and forced conversion are barred. The law further prohibits speech that promotes "enmity or hatred" between religious groups. Violation of the NSA is punishable with up to three years' imprisonment, although government enforcement of this provision was unclear.

Societal Abuses and Discrimination

According to dissidents living outside the country, the government permitted only Drukpa Kagyupa and Ningmapa Buddhist religious teaching in schools. Some dissidents claimed that Buddhist prayer was compulsory in all government-run schools; however, the government contended that Buddhist teaching was permitted only in monastic schools and that religious teaching was forbidden in other schools. Local NGOs confirmed that although students took part in a prayer session each morning, it was nondenominational and not compulsory. Government authorities occasionally asked applicants to state their religion before rendering public services. The government required all civil servants to take an oath of allegiance that did not have religious content but was administered by a Buddhist Lama. There were no reports of Hindus and Christians in government service being denied promotions.

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

The formal practice of Hinduism is permitted.

For a more detailed discussion, see the 2007 [International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for these rights, but the government limited them in practice. In districts along the Chinese and Indian borders, the government administered highway checkpoints where persons were required to show their citizenship identity cards.

The law does not address forced exile. Although the government officially does not use formal exile, there were over 100,000 ethnic Nepalese Bhutanese living in refugee camps in Nepal and India after a government campaign in the 1980s forced them out of the country. While the GOB has agreed, in principle, to accept many into the country, they have declined requests to visit the refugee camps and begin active screening programs. In previous years many political dissidents freed under government amnesties stated they were released on the condition that they depart the country. The government denied this. Many of those released subsequently registered at refugee camps in Nepal, while some relocated to India.

The government restricted emigration and prohibited the return of citizens who left the country. The country's citizenship laws state that persons who have left the country of their own accord, without the knowledge or permission of the government, or whose names are not recorded in the citizenship register maintained in the Ministry of Home Affairs (MHA), would not be considered citizens of the country. Some dissidents and human rights groups claimed that the law was created specifically to deny citizenship to ethnic-Nepalese Bhutanese. Human rights groups also allege that some ethnic Nepalese with relatives in the camps faced insurmountable bureaucratic challenges and were denied IDs for procedural reasons. As a result, these individuals were unable to participate in the election process.

Protection of Refugees

The law does not provide for granting asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice, the government generally provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

From 1990 to 1993, more than 80,000 ethnic-Nepalese Bhutanese entered Nepal. Approximately 15,000 additional refugees fled Nepal to India, but UNHCR did not accord them refugee status. Human Rights Watch reported that there were between 25,000 and 45,000 unregistered ethnic-Nepalese Bhutanese refugees living outside refugee camps in India and Nepal who also do not have Bhutanese citizenship, rendering these persons stateless. The government has stated its commitment to receiving "genuine" refugees wishing to return voluntarily from the camps but maintains that only a small number of people in the Nepali camps are genuine Bhutanese.

The law permits re-application for citizenship after a two-year probationary period. The government re-issues citizenship upon successful completion of the probation period and a finding that the person in question is not responsible for any act against the government.

Stateless Persons

Implementation of a government-conducted nationwide census in 1985 resulted in the denaturalization of many ethnic-Nepalese Bhutanese. The census was redone in 1988-1989 in the southern districts. At that time, persons were required to present land ownership documents from 1958. Those who then lost citizenship under the 1985 law were permitted to re-apply for citizenship provided that certain conditions were met. The government considered as illegal immigrants those who could not meet the harsher citizenship requirements. Beginning in 1988 the government expelled large numbers of ethnic-Nepalese Bhutanese under the 1985 citizenship law.

The law provides for the 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 of Bhutan." The MHA later declared that any nationals leaving the country to assist "antinationals," and the families of such persons, would forfeit their citizenship.

There were allegations that the government sponsored discrimination targeted at the remaining ethnic-Nepalese Bhutanese living in the country through restrictive citizenship laws. Ethnic-Nepalese Bhutanese must meet very strict criteria to be considered "genuine" Bhutanese and obtain citizenship and security clearances in the form of No Objection Certificates (NOCs); without citizenship they are stateless and face discrimination with regard to education, employment, and land ownership.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully. The country is a monarchy with sovereign power vested in the king. However, in 2005 the government released a draft constitution stipulating a parliamentary monarchy with limited right to change the government, a separation of powers, and protection of human rights. The government

stated it would enact the constitution in 2008 and continued to establish institutions required by the draft constitution.

Elections and Political Participation

In March the government began allowing political parties to register for the first time under terms of the draft constitution. Three parties registered with the Election Commission of Bhutan (ECB). In November the ECB disqualified the Bhutan People's United Party (BPUP), for "failing to prove its credibility" as a national political party because its candidates did not meet the education requirements. The BPUP is appealing the action. Activists reportedly were arrested in mid-year for putting up posters and other campaign materials for unregistered political parties. The government regarded political parties organized by ethnic-Nepalese Bhutanese living in Nepalese refugee camps as illegal, terrorist, and antinational. These parties, which sought the repatriation of refugees and democratic reforms, were unable to conduct activities inside the country.

In April and May the country held a two-phase mock poll to familiarize voters, politicians, and officials with the electoral process. The mock elections were supervised by international observers from India, Australia, and the UN.

The new constitution calls for a bicameral parliament. Elections for the National Council, or upper house, took place on December 31. Three women, two Nepali-speakers, one Hindu and one Christian, were elected. International monitors, including from the United States and Australia, observed the elections. They were judged free and fair. Average voter turnout was 55 percent. Lower house elections are scheduled to follow on March 24, 2008. There are 47 parliamentary constituencies in the country. The Election Act specifies that a candidate must have at least a bachelor's degree to contest the parliamentary election.

Women constituted 26 percent of civil service employees, and women held more than 30 percent of positions at the Ministry of Foreign Affairs. There are no women on the high court, although there is one female judge in a district court. There was no provision for allocating a set number or percentage of parliamentary seats for women or members of minority groups.

Government Corruption and Transparency

According to the World Bank's Worldwide Governance Indicators, government corruption was not a serious problem. The government took an active role in addressing the issue through the public accounts committee in the National Assembly and the Royal Audit Authority, which monitored the use of government funds. The anticorruption fraud alert system allowed citizens to post information on its Web site regarding corrupt practices. In 2005 the king created an Anti-Corruption Commission (ACC) by royal decree. In July 2006 the government passed the Anti-Corruption Bill creating a framework for investigating and prosecuting corruption. The bill allows the government to freeze assets of suspects, blacklist companies from participating in government tenders, revoke licenses, and manage anticorruption policies. During the year the ACC received 283 complaints, mostly by civil servants, with 18 investigations underway at year's end.

There is no law providing for public access to government information; however, NGOs reported that the government regularly provided unclassified information upon request.

Section 4 Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of

Human Rights

There were no legal human rights organizations in the country. The government regarded human rights groups established by ethnic-Nepalese Bhutanese as political organizations and did not permit them to operate in the country. The ICRC is the only human rights monitoring group officially operating in the country. However, various civil society organizations function locally and informally. A small number of large international NGOs recently started operations in the country.

ICRC representatives conducted an annual prison visit, and the government provided them unhindered access to detention facilities, including those in southern Lhotsampa districts.

Section 5 Discrimination, Societal Abuses, and Trafficking in

Persons

The law does not prohibit discrimination on the basis of race, sex, disability, language, or social status.

Women

The law does not specifically prohibit domestic violence against women; however, the provisions of criminal law generally cover such crimes. Women have the same legal rights as men, and NGOs reported that women faced no overt discrimination and had equal access to health care, education, or public services. There was no evidence that rape or spousal abuse were extensive problems. However, NGOs reported that many women did not report rape because of cultural taboos or because they were unaware of their legal options.

The law contains a clear definition of criminal sexual assault and specifies penalties. In cases of rape involving minors, sentences range from five to 17 years in prison. In extreme cases a rapist may be imprisoned for life. Spousal rape is illegal. There were few reported instances of sexual harassment.

Women were accorded respect in the traditions of most ethnic groups and participated freely in the social and economic life of the country. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be observed if the heirs choose to forego legal challenges. For example, traditional inheritance laws for the majority of Buddhists stipulate that daughters inherit family land. As a result, 60 percent of rural women hold land registration titles. These inheritance practices favoring daughters accounted for the large number of women who owned shops and businesses. Tradition dictates that the most capable member of the family runs the household, which often resulted in the mother or eldest daughter holding this position. Within the household men and women were relatively equal. Employers generally paid women in unskilled jobs slightly less than men in the same positions. In 2004 women constituted approximately 30 percent of the formal work force. Dowries were not customary, even among ethnic Nepalese Hindus.

The law covers questions related to family issues, including divorce, child custody, and inheritance. The minimum age of marriage for women is 18 years. The law provides for equal treatment for men and women. Polygamy is allowed provided the first wife gives her permission. Polyandry is permitted but rare. Marriages may be arranged by the marriage partners themselves as well as by their parents. The law requires that all marriages be registered.

The National Women's Association of Bhutan tried to encourage women to improve their living standards and socio-economic status. A National Commission for Women and Children (NCWC) actively defended the rights of women and children during the year. RENEW (Respect, Educate, Nurture and Empower Women), a new organization operating with funding and direction from the queen, focuses on HIV/AIDS and other health issues to improve the lives of underprivileged and marginalized women. In April the government established the Women and Child Protection Unit, run by female police officers in collaboration with the NCWC. The unit provides a setting for women to voice problems freely and works to ensure that victims receive appropriate care.

Prostitution takes place on a limited scale, mostly in border towns.

Children

The law provides for children's rights, and the government's policies generally supported these provisions. Child abuse was rare. Terrain and settlement patterns prevent all births from being registered. NGOs assert that children of non-registered ethnic-Nepalese Bhutanese also may not have their births registered. The failure of timely birth registration has negative consequences, as children may find it more difficult to obtain citizenship cards.

The government provides 11 years of universal, free, and compulsory primary school education, and primary school enrollment has increased approximately 4.2 percent per year since 1995. The Ministry of Education reported that enrollment of girls at every level of general education (except government schools) is approximately 48 percent. In 2006, 79 percent of girls were enrolled in primary school. The participation rate for all children between the ages of six and 12 in primary schools was approximately 80 percent. Completion rates for girls continued to surpass those of boys.

There is no law barring ethnic-Nepalese Bhutanese children from attending school; however, the government denied NOCs to children of ethnic-Nepalese Bhutanese whom the government claimed were antinationals, thus denying them higher education. Exile groups claimed that the government discriminated against ethnic-Nepalese Bhutanese secondary-level students in distribution of educational advantages and benefits, particularly if they were related to prominent dissidents or refugees. The government refuted this claim, stating that all scholarships were merit based.

Trafficking in Persons

The law prohibits trafficking in persons under Article 154 and 155 of the 2004 Bhutan Penal code. Reliable source indicated that low numbers of individuals were trafficked both to and from the country but exact numbers were difficult to ascertain due to a lack of NGOs and government officials working on this issue.

Persons with Disabilities

The law does not specifically protect the rights of citizens with disabilities; however, there was no evidence of official discrimination against persons with disabilities in matters of employment, education, access to health care, or in the provision of other state services. The law stipulates that new buildings must be constructed to allow access for persons with disabilities; however, the government did not enforce the law consistently. Under the Disability Prevention and Rehabilitation Program, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities into normal schools, and foster community awareness and social integration.

There are special educational institutes for students with disabilities. The National Institute for the Disabled in Khaling educates visually impaired children, and there is a deaf education resource unit in Paro. There are special education facilities in Thimphu to meet the needs of physically and mentally challenged children. While there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund grants benefits to persons with disabilities.

National/Racial/Ethnic Minorities

In the late 1980s and early 1990s, the government committed numerous abuses against the ethnic-Nepalese Bhutanese minority. This led to the departure or involuntary expulsion of an estimated 100,000 ethnic-Nepalese Bhutanese, although the government asserted that a substantially smaller number left. The government claimed it was concerned about the rapid influx and associated political agitation of the ethnic-Nepalese Bhutanese. Ethnic-Nepalese Bhutanese claimed they were subject to discrimination and prejudice in employment, while the government insisted they were proportionally represented in civil service and government jobs. Human rights groups outside the country contend that the government's claims are based on intentionally inaccurate numbers.

The law requires that the national dress be worn for official occasions and as a school uniform and that the Dzongkha language be taught as a second language in all schools. No instruction in Nepali as a second language was required or offered. After the expulsion of many ethnic-Nepalese Bhutanese in the early 1990s, discriminatory measures with regard to ethnic minority communities continued.

The government resettled Drukpa Bhutanese in the southern part of the country on land vacated by the ethnic-Nepalese Bhutanese. Human rights groups maintained that this prejudiced any eventual outcome of negotiations over the return of the refugees to the country. The government maintained that it occasionally resettled Lhotsampa from the south on more fertile land in other parts of the country. In the same fashion, the government's one-time-only policy on the forced retirement of refugee family members in government service and the resettlement of Drukpa on land vacated by expelled ethnic-Nepalese Bhutanese in the south reinforced prejudice against the ethnic-Nepalese Bhutanese. The government argued that the resettlement scheme was part of a nationwide program to discourage migration to urban centers and reduce the dependence of landless persons of migrant farming.

Other Societal Abuses and Discrimination

Homosexuality is illegal in Bhutan and is punishable as a petty misdemeanor with a prison sentence ranging from one month to one year. There were no reported cases of anyone charged under the statutes.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form or join unions; however, there were no labor unions operating in the country during the year.

b. The Right to Organize and Bargain Collectively

The law does not authorize collective bargaining. The Labor and Employment Act of 2007 grants workers the right to litigate. Workers do not have the right to strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The government prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. The government required community service to build local roads, schools, and hospitals. NGOs reported that in southern areas of the country where Drukpas were resettled following the move of ethnic-Nepalese Bhutanese, remaining ethnic-Nepalese Bhutanese were required to perform a disproportionate amount of compulsory

labor. The government and NGOs stated that rural workers often volunteered to work on national projects and were paid slightly above the minimum wage.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children; however, child labor was prevalent. There is no minimum age for employment. The Labor and Employment Act of 2007 allows employment of children between the ages of 13 and 17 in environments that would not damage their health. Children under 18 often performed agricultural work and chores on family farms and shops after school and during holidays. The number of children working in restaurants, automobile shops, and homes has increased. Girls are occasionally employed as domestic workers, where they are vulnerable to abuse and exploitation. NGOs estimated that there were approximately 45,000 persons under 18 who were working. Labor inspectors operating under the Ministry of Labor and Human Resources enforced child labor laws sporadically.

e. Acceptable Conditions of Work

The Labor and Employment Act of 2007 addresses issues such as minimum wage, sexual harassment, worker's associations, acceptable forms of child labor and labor inspection regulations. The national minimum wage of roughly \$2.50 (99.44 ngultrums) per day plus various allowances paid in cash or kind provided a decent standard of living for a worker and family. The workday is defined as eight hours with a one hour lunch break, and employers must grant regular days of leisure. Work in excess of this must be paid at one and one-half times normal rates.

All citizens are entitled to free medical care. The government transported persons who could not receive adequate care within the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability, and in the event of death, their families are entitled to compensation. Existing labor regulations do not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.



[BACK TO TOP](#)