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2009 Human Rights Report: Bhutan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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Bhutan is a democratic, constitutional monarchy with a population of approximately 700,000. The current king, Jigme Khesar Namgyel Wangchuck, is the head of state, and executive power is vested in the cabinet, headed by the prime minister, Jigme Thinley. The civilian authorities generally maintained effective control of the security forces.

Although constitutional democracy has helped to improve the human rights situation in the country, difficulties with the regulation of religion and some discrimination against the ethnic Nepalese minority remained.

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

The Human Rights Organization of Bhutan (HUROB) claimed the government was responsible for disappearances of alleged supporters of the Communist Party of Bhutan-Marxist, Leninist and Maoist (BCP-MLM), in Samchi in 2008. On February 25, HUROB reported that five cases submitted to the UN Working Group on Enforced and Involuntary Disappearances remained outstanding without a government response.

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

The law prohibits such practices, but some human rights groups alleged the army mistreated cadres of the BCP-MLM who were arrested after a series of bomb blasts prior to the March 2008 elections. HUROB also claimed police tortured persons arrested in connection with violence in refugee camps. The South Asia Human Rights Documentation Center (SAHRDC) received anecdotal information from Indian border towns that the government detained Maoist leaders and denied them food and medical treatment. There was no confirmation of these allegations by year's end.

Prison and Detention Center Conditions

Inmates and members of civil society reported that prison conditions generally were satisfactory, and buildings and installations were in fairly good condition. According to the 1982 Prison Act, men and women should be detained separately, and juveniles (younger than 18) should be kept separate from adults. NGOs were unable to determine if these laws were followed during the year. Authorities kept prisoners incarcerated for politically motivated crimes in areas separate from criminals.

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The government extended the International Committee of the Red Cross (ICRC) prison visits program. During the year the ICRC visited 86 persons held at the Chamgang Prison near Thimphu. None of the 86 persons was a woman or juvenile. At the time of the visit in January, Chamgan Prison authorities told the ICRC the prison held a total of 405 prisoners, including the 86 the ICRC visited.

During its July session, parliament passed the 2009 Prison Act to improve prison management.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. The SAHRDC stated that its contacts in the country reported officials continued to detain 50 BCP-MLM cadres arrested in connection with bomb blasts in January and February 2008. No information was available regarding their whereabouts or whether the government brought official charges against them.

Role of the Police and Security Apparatus

The Royal Bhutan Police (RBP) agency, which reports to the Ministry of Home and Cultural Affairs, was responsible for internal security. The Royal Bhutan Army (RBA) was responsible for external threats but also had responsibility for some internal security functions including conducting counterinsurgency operations, guarding forests, and providing security for important persons. The army and police both have procedures in place for conducting internal investigations of alleged officer misconduct; official courts of inquiry adjudicate the allegations. The king or other senior official makes the final determination of the outcome of a case.

The government adopted the Royal Bhutan Police Act of 2009 to help address police human rights abuses. Under the Act, a Police Service Board consisting of senior police personnel and a Ministry of Home and Cultural Affairs representative investigates cases of abuse; police officers can face criminal prosecution for human rights violations. The RBP has in place institutional reviews, human rights training for its personnel, and accountability procedures.

The Anti-Corruption Commission (ACC) is authorized to investigate cases of official corruption.

Arrest Procedures and Treatment While in Detention

Under the law police may not arrest a person without a warrant, and in practice the police generally respected the law. According to the law, authorities must issue an immediate statement of charges and engage in reasonable efforts to inform the family of the accused. Authorities are required to bring an arrested person before a court within 24 hours, exclusive of travel time from the place of arrest. Bail is available depending on the severity of charges, the suspect's criminal record, likelihood of flight, and potential threat to the public.

e. Denial of Fair Public Trial

In 2007 the government passed the Judiciary Services Act (JSA), establishing the formal separation of the judiciary from the executive. The JSA set professional standards for judges and other judicial service personnel. In practice the judiciary generally enforced the right to a fair trial. The National Judicial Commission (NJC) oversees the judiciary.

The JSA created a supreme court that has the responsibility to oversee the interpretation and application of the constitution. The judicial system consists of subdivisional courts, district courts, and a high court. The NJC nominates and the king confirms judges to the high court and 20 district court justices. The king may remove, suspend, or censure judges only at the request of the NJC. The chief justice of the high court, following recommendations of the Judicial Service Council, makes judicial appointments to the subdivisional courts.

The Office of Legal Affairs (OLA) is the judicial support department and it 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 criminal and civil sections.

As the lowest level of the judicial system, village headmen arbitrate disputes. Magistrates with responsibility for a block of villages review the decisions of village headmen. Defendants may appeal decisions rendered by magistrates to a district judge.

Trial Procedures

The law stipulates that defendants must receive fair and speedy trials, and the government generally respected this right in practice. A preliminary hearing must be convened within 10 days of registration of a criminal matter with the appropriate court. Before registering any plea, courts must determine whether an accused is mentally sound and understands the consequences of entering a plea. Defendants enjoy a presumption of innocence, and cases must be proved beyond a reasonable doubt to obtain convictions. There is no trial by jury. Punishments include imprisonment, probation, fines, or a requirement for restitution of losses. 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, except for cases involving family law and juveniles. The Civil and Criminal Procedure Code of Bhutan 2001 does not give defendants the right to question witnesses. Only the court can determine if there is a need to question witnesses, after which the prosecutor and defendants are allowed to conduct cross-examinations.

Courts tried criminal and civil cases under both customary law and the legal code. State-appointed OLA prosecutors are responsible for filing charges and prosecuting cases for offenses against the state. In other cases relevant organizations and departments of government file charges and conduct prosecutions. The law grants defendants and their attorneys access to state evidence.

Although most litigants represented themselves before the court, the law provides for the right to representation in criminal cases, including provision of counsel for defendants who cannot afford representation. In practice there were no known instances of the government providing free legal counsel to political opponents, and many citizens who were unable to afford representation did not receive professional legal assistance. The law states that defendants may choose legal representation from a list of government licensed advocates, and the government promoted the use of judiciary Web sites for legal information as a means of offering self-help to defendants. The OLA stated that most defendants sought

professional legal assistance only in serious criminal cases.

Political Prisoners and Detainees

The Society for Threatened Peoples reported to the Universal Periodic Review process of the UN Human Rights Council that at least 200 political prisoners remained imprisoned in the country. During the year, HUROB estimated the government released four or five individuals who had been imprisoned from 1991 to 1992 for violence associated with political dissent.

Several nongovernmental organizations (NGOs) asserted that, although some political prisoners were sentenced to life in prison, other sentences varied, and most ranged from three months to three years.

In March, 10 inmates engaged in a hunger strike to demand the release of all political prisoners, but in April authorities informed the ICRC that the prisoners had stopped the strike. Participants included Shantiram Acharya, who reportedly was arrested for taking photographs of an army outpost and charged for participating in "subversive activities," and N.L. Katwal, a political activist arrested for participation in a demonstration. The Association of Press Freedom Activists (APFA) alleged Acharya was kept in secret detention for two months and subsequently tortured by police. APFA also stated Acharya was convicted only because he could not afford a lawyer.

Civil Judicial Procedures and Remedies

Criminal matters and most civil matters are resolved under the Civil and Criminal Procedure Code (CCPC). The CCPC states that a suit may be initiated by a litigant or a member of the litigant's family. Questions of family law are governed by traditional Buddhist or Hindu law. Village leaders adjudicate minor offenses.

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

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

Human rights groups claimed the government interfered with individual rights by requiring all citizens, including ethnic minority members, to wear the traditional dress of the ethnic majority in public places. The government strictly enforced the law, however, only in Buddhist religious buildings, government offices, schools, official functions, and public ceremonies. Younger citizens increasingly refused to comply with this regulation.

The country implements criminal sanctions against sexual activity between consenting adults. For example, a person may be imprisoned for as long as one year for engaging in sodomy or "any other sexual conduct that is against the order of nature," but there were no reported prosecutions based on these charges. The Marriage Act bars non-Bhutanese individuals who are married to citizens from promoting a religion other than Buddhism.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Some bombings and sporadic killings occurred in parts of the country as a result of internal conflicts in 2008. There was no further information from investigations into these incidents.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press. The government attempted occasionally to impede criticism of it and to monitor political meetings.

In practice, individuals are permitted to criticize the government publicly, but the law prohibits criticism of the king and the political system.

Independent newspapers operated and published stories critical of the government, although some NGOs expressed concern about increasing government interference with independent media sources. NGOS reported that the government fined a media outlet for airing a discussion of taxi fares. The reports stated that the InfoCom and Media Authority (BICMA) interrogated editors of a newspaper following their publication of an article about government interference in the media.

In May a reporter from the country stated in his presentation at a regional conference in Nepal that it "was too early to say that Bhutan had freedom of press." The government allowed foreign broadcasts, and foreign newspapers and magazines were available. Private radio and television stations were active and expressed a variety of views, but media observers reported that the government may have limited the number of television stations as a result of high sales taxes and regulatory obstacles.

Internet Freedom

Individuals and groups generally were permitted to engage in peaceful expression of views via the Internet, although there were some reports of government restrictions. The government continued to monitor material on the Internet and blocked what it deemed pornographic. According to the SAHRDC's most recent figures, approximately 0.4 percent of the country's inhabitants used the Internet in 2008.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution provided for the right to peacefully assemble and for freedom of association, with the exclusion of membership in associations that are "harmful to the peace and unity of the country." All protesters must first obtain government approval before staging public demonstrations. It is not known whether the government denied any permits during the year.

Freedom of Assembly

The government did not allow NGOs that work on overtly political issues to operate inside the country. Security forces arrested citizens for taking part in peaceful prodemocracy demonstrations, and the government deported southern Bhutanese refugees who had been living in Nepal but who entered the country to demonstrate for the right to return.

Freedom of Association

The law provided for freedom of association, and the government permitted the registration of some political parties and organizations. The government did not permit political parties organized by ethnic Nepalese citizens. According to international NGOs, local civil society organizations censored themselves to avoid conflict with the government.

c. Freedom of Religion

Mahayana Buddhism is the basis of the state's spiritual heritage, but 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, subsidizing their monasteries and shrines, as well as providing financial aid for their 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, but the government declares most major Buddhist holy days to be state holidays. The king declared one major Hindu festival to be a national holiday.

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 but were not permitted to erect religious buildings or congregate in public. International Christian relief organizations and Jesuit priests were active in education and humanitarian activities, but several organizations reported that Christian religious services often had to be held in private in order to avoid harassment by authorities. Proselytism and forced conversion are barred under the National Security Act, which prohibits speech promoting "enmity or hatred" between religious groups. Violation of the law is punishable with a maximum of three years' imprisonment, although the extent of government enforcement of this provision is unknown.

According to dissidents living outside the country, the government permitted only Drukpa Kagyupa and Ningmapa Buddhist religious teachings in schools. Some dissidents stated that Buddhist prayer was compulsory in all government-run schools; the government contended Buddhist teaching was permitted only in monastic schools and religious teaching was forbidden in other schools. Local NGOs confirmed that students did take part in a prayer session each morning, but the prayers were nondenominational and noncompulsory. Government authorities occasionally asked job applicants to state their religion before entering them into public service. 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 denial of promotion for Hindus and Christians. The formal practice of Hinduism was permitted in government.

Societal Abuses and Discrimination

The country does not have a Jewish population, and there was no report of any anti-Semitic acts. For a more detailed discussion, see the 2009 *International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the government limited them in practice. The law does not address forced exile, but the government forced the majority of its Nepali-speaking population to leave the country in the early 1990s, following a series of steps taken during the 1970s and

1980s to deprive the Nepali-speaking population of their citizenship. The 2007 census indicated there were 108,000 persons living in refugee camps in Nepal administered by the Office of the UN High Commissioner for Refugees (UNHCR). In 2007 the government of Nepal announced it would allow resettlement of the refugees in foreign countries. As a result, resettlement began in 2007, and as of November more than 24,000 Bhutanese refugees had been resettled in foreign countries, with the majority (more than 21,000) in the United States. As of October, according to the UNHCR, almost 80,000 of the refugees had formally expressed interest in resettlement in other countries.

Despite the opportunity for large numbers of refugees to resettle to third countries, some residents in the camps in Nepal continued to demand, occasionally through hunger strikes, repatriation to the country. A human rights group active in the refugee camps registered several thousand refugees, many of them elderly, who had expressed their continued strong desire to repatriate.

The government continued to condemn the UNHCR for its failure to screen individuals who entered camps in Nepal in the early 1990s to determine whether they were genuine citizens of the country. The government maintained that individuals who entered the camps before the establishment of screening and registration mechanisms were not citizens and were using the camps as a base for terrorist activities against the country.

The government restricted emigration and prohibited the return of citizens who left the country. The country's revised 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 the government wrote the law specifically to deny citizenship to ethnic Nepalese Bhutanese. Human rights groups also alleged that some ethnic Nepalese who had relatives in the camps faced insurmountable bureaucratic challenges and were denied identification cards, compromising their citizenship status and preventing them from participating in the 2008 election process.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. Its laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. In practice, the government provided some protection against the expulsion or return of refugees to countries where their lives or freedoms would be threatened because of their race, religion, nationality, membership in a particular social group, or political opinion.

From 1990 to 1993, more than 80,000 ethnic Nepalese Bhutanese left the country and entered Nepal via India. Approximately 15,000 additional refugees fled Nepal to India, but the UNHCR did not accord them refugee status. According to Human Rights Watch (HRW), there were 25,000 to 45,000 unregistered ethnic Nepalese Bhutanese refugees living outside refugee camps in India and Nepal who did not have citizenship in the country, rendering these persons stateless. The government stated it is committed to receiving "genuine" refugees wishing to return voluntarily from the camps but also maintained that only a small number of persons in the Nepali camps are genuinely citizens.

Stateless Persons

Implementation of a nationwide government-conducted census in 1985 resulted in the denationalization of many ethnic Nepalese in the country because land ownership documents from 1958 were required to receive citizenship. The census

was repeated in 1988–1989 in the southern districts, and those who lost citizenship in 1985 were at that time permitted to reapply for citizenship provided they met certain conditions. The government then labeled as illegal immigrants those who could not meet the new, more stringent citizenship requirements. Beginning in 1990 the government expelled large numbers of ethnic Nepalese individuals under the 1985 citizenship law.

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 MHA later declared that any nationals leaving the country to assist "antinationals," and the families of such persons, would forfeit their citizenship. The law permits reapplication for citizenship after a two-year probationary period. The government reissues 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. There were no reports of successful application of this provision.

Some citizens alleged the government discriminated against ethnic Nepalese persons still living in the country by enacting and enforcing restrictive citizenship laws. These laws regulated the movement of ethnic Nepalese to different towns, monitored school attendance, regulated the buying and selling of property, and regulated engagement in business activities. The government also required ethnic Nepalese individuals to meet strict criteria to obtain citizenship, including security clearances to obtain No Objection Certificates (NOCs). Without citizenship, they were stateless and faced discrimination with regard to education, employment, and land ownership.

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

The country completed a successful transition from an absolute hereditary monarchy to a constitutional monarchy with a bicameral elected parliament in 2008, marking the final step in the transition to a parliamentary democracy. The law provides limited rights for changing the government, and it provides for a separation of powers.

Elections and Political Participation

In 2007 the government began allowing political parties to register under the terms of a draft constitution. Three parties registered with the Election Commission, which disqualified the Bhutan People's United Party (BPUP) for "failing to prove its credibility" as a national political party. The Election Commission indicated that BPUP candidates did not meet the commission's education requirements. The Election Act specifies that candidates for parliament must have earned at least a bachelor's degree to run for office. The government took no action in response to the party's appeal of the decision.

Other parties, such as the Druk National Congress, established in 1994, continued to claim that the government denied independent parties the ability to operate effectively. Both parties that participated in the 2008 National Assembly elections, the ruling Druk Phensum Tshogpa (DPT) party and opposing People's Democratic Party (PDP), had ties to the royal family. The government regarded political parties organized by ethnic Nepalese living in refugee camps as illegal, terrorist, and antinational in nature. These parties, which sought repatriation of refugees and democratic reforms, were unable to conduct activities inside the country.

In 2008 voters elected the first National Assembly which is the lower house of the parliament. The DPT won 44 out of 47 seats. Eighty percent of the 320,000 eligible voters cast ballots. HRW reported that the government excluded 13 percent of the population from voting because, as ethnic Nepalese, they were considered "non-nationals" in the 2005 census. Nonetheless, nine Nepali-speaking candidates were elected.

There are 25 members of the National Council, or upper house of parliament; the king appoints five members and the remaining members are elected. In 2007 elections for the National Council, voters elected three women, two Nepali speakers, one Hindu, and one Christian. International monitors judged the elections free and fair. Women constituted 26 percent of civil service employees and held more than 30 percent of positions at the Ministry of Foreign Affairs. There were no women on the high court, although there was one female judge in a district court. Women in parliament decreased from 9.3 percent in 2005 to 2.7 percent in 2008. There was no provision for allocating a set number or percentage of parliamentary seats for women or members of minority groups.

In September the government passed the Local Governments Act, which stipulates 20 local governments, one for each Dzongkhags (province). The act calls upon the local governments to provide social and economic services and to promote the development and well-being of constituents. The act does not provide these governments with legislative powers but grants them the authority to collect taxes, to make rules and regulations consistent with national legislation, and to receive funds from the national government to fulfill their duties. According to an NGO, elections for such local governments were to take place in October 2008, but political wrangling within the two houses of parliament delayed the passage of the act and in turn the elections. After the government failed to pass an elections act in July, the king requested an extraordinary sitting of both houses of parliament in September, at which time the act was passed. The date for local elections had not been scheduled by year's end.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. 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 Anti-Corruption Commission (ACC), established in 2006, allowed citizens to post information on its Web site regarding corrupt practices. According to the ACC's most recent report presented to parliament in 2008, it received 498 complaints in 2006, 791 complaints in 2007, and 287 complaints as of September 2008. It had investigated a total of 34 cases, forwarded a total of 37 cases to the Office of the Attorney General or other agencies, and passed judgment in 15 cases. The same report indicated that it took an average of 72 working days to begin an investigation following the submission of a complaint and an average of 37 working days to complete an investigation. According to a *Bhutan Observer* article published in November, 428 complaints were made during the year to the ACC. Although the number of complaints investigated was not mentioned, the ACC stated that it investigated 12 percent of complaints made between 2006 and 2009. Freedom House indicated during the year that local police and local officials engaged in significant acts of corruption.

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

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no independent human rights organizations operating in the country. The government regarded human rights groups established by ethnic Nepalese as political organizations and did not permit them to operate. The ICRC was the only human rights monitoring group officially operating in the country.

Various civil society organizations functioned locally and informally. The Civil Society Organization (CSO) Authority, established by the Civil Society Act of Bhutan 2007, became operational during the year. The government established the CSO Authority to oversee the accountability and transparency of CSO operations, and by year's end 33 organizations had

applied for CSO status with the Authority. Critics, including the Committee on the Rights of the Child, stated that they feared the CSO Act could result in restrictions on, rather than promotion of, independent civil society organizations. In 2008 the government created the Committee on Human Rights within the National Assembly to help promote human rights within the legislative processes, visit prison and detention centers, and submit findings and recommendations regarding human rights.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, sex, disability, language, or social status.

Women

The law mandates that the government take appropriate measures to eliminate all forms of discrimination and exploitation of women, including trafficking, prostitution, abuse, violence, harassment, and intimidation, at work and at home, and generally the law was enforced. The Committee on the Elimination of Discrimination against Women (CEDAW) reviewed the country during the year. CEDAW commended the government for establishing the National Commission on Women and Children (NCWC) Plan of Action for Gender and recognizing gender in the five-year plan of the Gross National Happiness Commission. CEDAW expressed concerns, however, that the constitution does not adequately define discrimination to include both direct and indirect forms. They also noted the government failed to adopt implementation legislation for its international treaty obligations related to women's rights or to provide adequate resources to the NCWC to allow it to operate effectively.

NGOs reported that women faced little overt discrimination and had equal access to health care, education, and public services. There was no evidence that rape or spousal abuse were extensive problems, but NGOs reported that many women did not report rape because of cultural taboos or because they were unaware of their rights. CEDAW expressed concern over reports of violence against women by their spouses or other family members and at work.

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. According to CEDAW, the government commissioned a report on violence against women, set up mobile police stations, trained police on gender issues, and allowed civil society groups to undertake further efforts including the opening of a crisis and rehabilitation center. CEDAW expressed concern about the large number of reported sexual harassment cases in the workplace.

Women were accorded respect in the traditions of most ethnic groups and participated relatively freely in the social and economic life of the country. Inheritance law provides for equal inheritance for sons and daughters, but traditional inheritance practices, which varied among ethnic groups, may be observed if the heirs choose to forgo legal challenges. Traditional inheritance laws for the majority of Buddhists stipulate that daughters inherit family land. As a result, 60 percent of rural women held land registration titles, accounting 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 2007 women constituted approximately 43.6 percent of the work force. Dowries were not customary in the country.

CEDAW expressed concern over the continued gender gap in secondary and higher education as well as in participation

and representation in public and political affairs.

Prostitution took place on a limited scale and mostly in border regions.

The country has no legal restrictions regarding the number, spacing, or timing of children, and there were no reports of coercion regarding reproduction. According to the World Health Organization's (WHO) 2005 report, the maternal mortality ratio was 450 per 100,000 live births, and 56 percent of births in 2006 were attended by skilled personnel. WHO also noted, "Death during pregnancy and within six weeks following delivery is very common among women of reproductive age." In 2000 WHO stated that contraceptive prevalence was at 31 percent and information about, and access to, contraception was readily available.

The law covered questions related to family issues, including divorce, child custody, and inheritance. The minimum age of marriage for women was 18. The law provided for equal treatment for men and women. Polygyny is allowed provided the first wife gives her permission. Polyandry was permitted but was rare. Marriages were arranged by the marriage partners themselves or by their parents. The law required registration of all marriages with the government.

The National Women's Association, one of the few registered NGOs, tried to encourage women to improve their living standards and socioeconomic status. The NCWC actively defended the rights of women and children during the year, although CEDAW questioned the limited resources of the NCWC and its potential lack of independence from government influence.

CEDAW expressed concern about the high numbers of women younger than 25 who have contracted HIV/AIDS. Respect, Educate, Nurture and Empower Women, an organization operating with funding and direction from the queen, focused on HIV/AIDS and other health issues to improve the lives of underprivileged and marginalized women. In 2007 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 provide appropriate care for victims of societal violence or discrimination.

Children

Under the constitution only children whose parents are both citizens become citizens at birth. According to the Bhutanese Refugee Support Group, existing citizenship laws contained inadequate provisions for a child to acquire nationality at birth, and persons who are designated as "non-nationals" (for example, ethnic Nepalese Bhutanese) are rendered essentially stateless. Births in remote areas are less likely to be registered. NGOs asserted births of children to nonregistered ethnic Nepalese Bhutanese may not be registered. The failure of timely birth registration had negative consequences and made it difficult for some children to access educational and other services.

The government provides 11 years of universal, free education to children who are recognized as citizens. Education is not compulsory, and some schools charged fees. According to the UN Development Program, the primary school net enrollment rate was 83.7 percent in 2007. The Ministry of Education reported that enrollment of girls at every level of general education has slowly but steadily increased since 2002. Girls comprised 49 percent of the enrollment in schools and, in several districts, the average surpassed 50 percent. Approximately 33 percent of university students were female and 18 percent of the students receiving scholarships to study abroad were female.

There is no law barring ethnic Nepalese children from attending school, but the government denied NOCs to children of

ethnic Nepalese the government claimed were antinationals, preventing them from accessing higher education. Minority children often were denied access to primary, secondary, and higher-level education when the government withheld a required "security clearance certificate." Members of exiled groups claimed the government discriminated against ethnic Nepalese Bhutanese secondary level students in distribution of educational advantages and benefits, particularly if the students were related to prominent dissidents or refugees. The government refuted this claim, stating that all scholarships were merit based.

Child abuse was rare. Although corporal punishment was banned in schools, there were some incidents in schools and monasteries.

Trafficking in Persons

The law prohibits trafficking in persons, and it appeared that few individuals were trafficked to or from the country, although exact numbers were difficult to ascertain because few NGOs and government officials worked on the issue. There were no reported cases of trafficking within the country, but CEDAW expressed concern that there was an increase in trafficking in persons in the country and that women had few protections to prevent them from being trafficked.

The Department of State's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law does not specifically protect the rights of citizens with disabilities, but it does direct the government to try to provide security in the "event of sickness and disability." There was no evidence of official discrimination against persons with disabilities in matters of employment, education, access to health care, or the provision of other state services. The law stipulated that new buildings must be constructed to allow access for persons with disabilities, but 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 schools, and foster community awareness and social integration. The approximately 21,894 (3.4 percent of the population according to the most recent estimates released in 2005) persons with physical disabilities living in the country lacked necessary infrastructure.

There are three special education institutes for students with disabilities including the National Institute for the Disabled in Khaling, which educates visually impaired children, and an education resource unit for the hearing impaired in Paro. There also were special education facilities in Thimphu designed to meet the needs of children who have physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to persons with disabilities.

National/Racial/Ethnic Minorities

An estimated 100,000 ethnic Nepalese Bhutanese left the country in the early 1990s, although the government asserted that a substantially smaller number departed. Ethnic Nepalese Bhutanese claimed they were subjected to discrimination and prejudice in employment, but the government stated they were proportionally represented in civil service and government jobs. Human rights groups outside the country contended that the government's employment claims are based on intentionally inaccurate numbers.

During the 1990s, the government resettled Bhotes (members of the dominant ethnic group of the country who speak Dzongkha and practice the Drukpa Kagyupa sect of Mahayana Buddhism) in the southern part of the country on land that ethnic Nepalese Bhutanese had vacated. Human rights groups maintained that this action prejudiced any eventual outcome of negotiations over the return of the ethnic Nepalese Bhutanese refugees to the country. The government indicated it occasionally resettled ethnic Nepalese from the south on more fertile land in other parts of the country.

The 1998 government dismissal of 219 employees who were relatives of "antinationalists" (refugee activists) continued to adversely affect the ethnic Nepalese Bhutanese resettlement. The forced retirement of refugee family members from government service and the resettlement of Bhotes on land that expelled ethnic Nepalese Bhutanese vacated in the south reinforced prejudice against the ethnic Nepalese Bhutanese. The government stated that these resettlement plans were part of a nationwide program to discourage migration to urban centers and to reduce the dependence of landless persons on migrant farming.

The law requires 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. The Committee on the Rights of the Child expressed concern about the rights of minority children, specifically those of Nepalese ethnic origin, to take part in their culture, practice their religion, or use their language.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Same-sex relationships are illegal in the country and punishable as a petty misdemeanor with a prison sentence ranging from one month to one year. Under Article 213 in Chapter 14 of the Penal Code, a person can be imprisoned for as long as one year for engaging in "sodomy or any other sexual conduct that is against the order of nature." There were, however, no reported cases of such charges.

Other Societal Violence or Discrimination

Different observers assessed varying levels of stigma associated with HIV/AIDS. Persons with HIV/AIDS received free medical and counseling services, and the government maintained programs meant to prevent discrimination.

Section 7 Worker Rights

a. The Right of Association

The law allows workers to form workers' associations; there were no new associations formed in the country during the year. The law does not allow for the formation of unions or for strikes.

In 2007 parliament passed the Labor and Employment Act of 2007, which allows employees to form an association in one workplace if at least 12 employees join the association. The law was first tested in September 2008 when national telecommunications employees decided to form an association after they accused management and the government of discriminatory behavior in promotions. There have been no subsequent updates on the formation of the association.

b. The Right to Organize and Bargain Collectively

The law does not authorize collective bargaining. The 2007 labor act grants workers the right to pursue litigation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The government prohibits forced or compulsory labor; however, there were reports that such practices occurred. The government required community service projects to build roads, schools, and hospitals. NGOs reported that, in southern areas of the country where Bhotas were resettled following the move of ethnic Nepalese Bhutanese, the ethnic Nepalese Bhutanese who remained were required to perform a disproportionate amount of compulsory labor. The government and NGOs stated 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, but child labor remained prevalent. The 2007 Labor and Employment Act allows for employment of children between the ages of 13 and 17 in environments that will not damage their health. Children younger than 18 often performed agricultural work and completed chores on family farms or worked in shops after school and during holidays. Girls were employed primarily as domestic workers, where they were vulnerable to abuse and exploitation. The government estimated 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 law addresses issues such as minimum wage, sexual harassment, workers' associations, acceptable forms of child labor, and labor inspection regulations. The national daily wage, also the de facto national minimum wage, was 100 ngultrum (\$2.07) per day, plus various allowances paid in cash or kind; it provided a minimal standard of living for a worker and family. In June 2008 the Ministry of Labor announced it would form a committee to examine the minimum wage in terms of employers' ability to afford the wage, employee productivity, type of work, and cost of living. The committee had not released its findings by year's end. The National Council passed a resolution urging the Ministry of Labor to fix a national minimum wage rather than relying on the national daily wage rate. The workday is defined as eight hours with a one hour lunch break, and employers must grant regular days of rest. Work in excess of this must be paid at one-and-one-half times the normal rate.

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