



2008 Human Rights Report: Bhutan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Bhutan is a democratic, constitutional monarchy with a population of approximately 700,000. During the year the country completed its transition from a hereditary monarchy. On July 18, the parliament formally adopted the constitution, originally drafted in 2003 and published in 2005. On March 24, citizens elected a national assembly of the new bicameral parliament, while elections in December 2007 installed the national council. 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. The civilian authorities generally maintained effective control of the security forces.

The transition to a parliamentary democracy helped the human rights situation to improve considerably; however, there were continued difficulties with the regulation of religion, and some discrimination against the ethnic Nepalese minority.

In January and February several bomb blasts hit the country's southern districts prior to the March 24 elections. The government blamed the blasts on Maoists and ethnic Nepalese rebels. A human rights group alleged that the government unlawfully detained 50 suspected Maoists in connection with the blasts, but there was no specific evidence to support this charge. On December 30, United Revolutionary Front of Bhutan (URFB) rebels attacked a group of forest workers, killing four persons.

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 or other disappearances.

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

The law prohibits such practices, however, in contrast to previous years, some human rights groups alleged that the army mistreated arrested cadres of the Bhutan Communist Party o– Marxist Leninist Maoist (BCP-MLM) after a string of bomb blasts prior to the March elections. The South Asia Human Rights Documentation Centre (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.

Prison and Detention Center Conditions

Prison conditions were reportedly satisfactory, and buildings and installations remained in fairly good condition. In November 2007 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 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 (MOU) in 1998. Authorities have been cooperative and allowed the ICRC unhindered access. The MOU is routinely renewed every year for the following year. The latest one is valid for one year starting October 20. However, the ICRC did not make their annual visit to the country due to the King's coronation celebration but planned to come in early 2009.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. However, a human rights group reported that 50 CPM-MLM cadres arrested in connection with the bomb blasts in January and February continued to be detained, although no information was available regarding their whereabouts or whether they had been charged.

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 security for important persons, and conducting counterinsurgency operations. 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 (ACC) is authorized to investigate.

Arrest and Detention

Under the law police may not arrest a person without a warrant, and in practice the police generally respected the law, which requires an immediate statement of the charge and a reasonable effort to inform the person's family. The authorities are required to 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. Unlike previous years, no ethnic-Nepalese or Bhutanese attempted to return to the country through camps in Nepal. There were no attempts to hold demonstrations on the border during the year. ICRC and the Nepal Red Cross Society continued to partially reimburse the travel fare for the families of detainees living in camps administered by the United Nations High Commissioner for Refugees (UNHCR) in Nepal wishing to visit their relatives detained in Chamgang. ICRC authorities offered families living in neighboring countries assistance to visit relatives held in the country. In addition, the ICRC relayed Red Cross messages between detainees and their families.

e. Denial of Fair Public Trial

In January 2007 the government passed the Judiciary Services Act (JSA), establishing the 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 JSA created a Supreme Court that has the responsibility of overseeing 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. 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, makes judicial appointments to the subdivisional 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.

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; there was one for each of the country's 20 districts.

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 in practice. 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 whether the accused is mentally sound and understands the consequences of such action. Defendants enjoy a presumption of innocence, and 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 tried criminal and civil cases 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.

The law provides for the right to representation in criminal cases, including state provision of counsel pro bono when the defendant cannot afford to pay. However, in practice there are no 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. 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.

Political Prisoners and Detainees

During the year the Human Rights Organization of Bhutan estimated that the government released four or five individuals who had been imprisoned for violence associated with political dissidence from 1991 to 1992. No ICRC visits took place during the year. However, in 2007 the government permitted ICRC regular access to 37 detainees and the ICRC monitored 41 newly registered cases, visiting 78 detainees in total. The ICRC facilitated the distribution of 120 Red Cross messages from family members to detainees.

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. Increasingly, younger citizens flouted this regulation.

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

In January and February a series of five explosions occurred, including one in the capital, Thimphu, which injured 11 persons. The government blamed the attacks on Maoists and ethnic Nepalese rebels, including the BCP-MLM, the Bhutan Tiger Force, and the URFB. Security forces on both sides of the border suggested that the Maoist groups frequently crossed into India to purchase weapons and explosives; consequently, during the year, both countries fortified the 250-mile border.

Ethnic Nepalese political organizations, such as the HUROB, claimed that security forces harassed persons in the southern part of the country.

On January 16, a Royal Bhutan Army (RBA) patrol exchanged fire with a group of militants in Lower Dhanessey, in Tsirang. RBA reported that the militants came from the refugee camps in Nepal.

On January 20, four bomb explosions occurred in four districts: Samste, Thimphu, Chukha, and Dagana. The URFB claimed responsibility.

On February 3, police reported that a bomb exploded behind the Renewal Natural Resources office in Ghmauney. There were no casualties. Near the scene of the explosion, police allegedly found BCP-MLM pamphlets threatening to disrupt the national assembly elections.

In March police reported that they raided two small Maoist camps in the jungles of the southern districts and arrested eight rebels, including a Maoist "commander." Police also claimed that they killed at least five suspected Maoists during several operations in the same month.

On March 13, police reported that Bik Bahadur Subba died while handling an explosive device at his house. Police claim that Subba was a member of BCP-MLM and was one of four militants responsible for planting two bombs in Dagapela on January 20.

On March 15, two blasts destroyed the base of an electric tower in Ahley village of the Chukha district. The tower transports hydropower from the Tala project to India. The URFB allegedly left pamphlets claiming responsibility.

On December 30, URFB rebels attacked a group of forest workers in the Sarpang district in southern part of the country. The rebels had planted an improvised explosive device on the road and opened fire on the workers after

the explosion. The attack killed four forest workers and injured two others.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, the government attempted occasionally to impede criticism and monitor political meetings.

Individuals were able to criticize the government publicly.

Several independent newspapers operated freely and published stories critical of the government. Foreign newspapers and magazines were available. In May 2007 the government proposed controls on advertising; after many unfavorable newspaper editorials, the government withdrew the proposal.

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. In April 2007 a private radio station, Radio Valley FM, began operations in English and Dzongkha. International organizations maintained that the operational 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 2007 bhutantimes.com reported that the government lifted its block on service within the country. Bhutannews.com was no longer operational at year's end. 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 constitution provides for the right to freedom of peaceful assembly and freedom of association, with the caveat that membership to associations that are "harmful to the peace and unity of the country" are excluded. In January 2007, according to SAHRDC, a group of ethnic Nepalese staged a protest in Phuntsholing as part of their continuing effort 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 in India.

NGOs that work on overtly political issues were not allowed to operate inside the country. In December 2007 the Samtse District Court in the southwest sentenced 30 members of the BPB-MLM, 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. Proselytism and forced conversion are barred under the National Security Act, which prohibits speech that promotes "enmity or hatred" between religious groups. Violation of the law 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 noncompulsory. 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 2008 [International Religious Freedom Report](http://www.state.gov/g/drl/rls/irf/rpt) www.state.gov/g/drl/irf/rpt.

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 and required travelers 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 government has agreed, in principle, to accept many into the country, they have declined requests to visit the refugee camps. In previous years many political dissidents freed under government amnesty stated they were released on the condition that they depart the country. The government denied this assertion. 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 government wrote the law specifically to deny citizenship to ethnic-Nepalese Bhutanese. Human rights groups also alleged that some ethnic Nepalese with relatives in the camps faced insurmountable bureaucratic challenges and were denied identification cards 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 provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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. According to Human Rights Watch (HRW), there were between 25,000 and 45,000 unregistered ethnic-Nepalese Bhutanese refugees living outside refugee camps in India and Nepal who also did 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 persons in the Nepali camps are genuine Bhutanese.

Stateless Persons

Implementation of a government conducted nationwide census in 1985 resulted in the denationalization 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 those who could not meet the harsher citizenship requirements as illegal immigrants. 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 "antinationalists," and the families of such persons, would forfeit their citizenship. The law permits re-application for citizenship after a two-year probationary period. The government re-issued 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 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 country completed its successful transition from a hereditary monarchy to a constitutional monarchy, marking the final step in the transition to a parliamentary democracy. National Assembly elections took place in March, and on July 18, the constitution was adopted. The constitution stipulates limited rights to change the government, a separation of powers, and protection of human rights.

Elections and Political Participation

In March 2007 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 2007 the ECB disqualified the Bhutan People's United Party, for "failing to prove its credibility" as a national political party because its candidates did not meet the education requirements. There was no action on its appeal. Activists reportedly were arrested in mid-2007 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.

The new constitution stipulates a bicameral parliament, and the Election Act specifies that a candidate must have at least a bachelor's degree to contest the parliamentary election. On March 24, voters elected the 47-member National Assembly, the lower house. The Druk Phensum Tshogpa won 44 out of 47 seats in which 80 percent of the 320,000 voters cast a ballot. HRW reported that the government excluded 13 percent of the population from voting because, as ethnic-Nepalis, 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 December 2007 elections for the National Council, voters elected three women, two Nepali speakers and 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. 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

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 anticorruption fraud alert system allowed citizens to post information on its Web site regarding corrupt practices. During 2007 the ACC received 283 complaints, mostly by civil servants, with 18 investigations underway. During the year the ACC received 1,576 complaints and investigated 34 cases involving 196 persons.

A 2007 Corruption Perception Survey underlined that 43 percent of the responding citizens perceived a rise in corruption during the past five years.

There is no law providing 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 was the only human rights monitoring group officially operating in the country. However, various civil society organizations function locally and informally. Several international NGOs recently started operations in the country.

In July the government condemned UNHCR for its failure to screen individuals entering camps in Nepal in the early 1990s to determine if they were genuine citizens and refugees. The demarche charged that individuals who entered the camps before screening and registration mechanisms were established are not citizens and are, with UNHCR's protection, using the camps as a base for terrorist activities against the country.

Section 5 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 should take appropriate measures to eliminate all forms of discrimination and exploitation of women, including trafficking, prostitution, abuse, violence, harassment, and intimidation both at work and at home, and generally the law is enforced. NGOs reported that women faced little overt discrimination and had equal access to health care, education, and public services. While there was no evidence that rape or spousal abuse were extensive problems, NGOs reported that many women did not report rape because of cultural taboos or because they were unaware of their rights.

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 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 2004 women constituted approximately 30 percent of the formal work force. Dowries were not customary, even among ethnic Nepalese Hindus.

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

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. Respect, Educate, Nurture and Empower Women, a new 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 April 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 ensure that victims receive appropriate care.

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 nonregistered ethnic-Nepalese Bhutanese 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 education. According to the United Nations Development Program's 2007 report, the primary school net enrollment rate was 82.1 percent. 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 only 18 percent of the students receiving study abroad scholarships were also female.

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, and reliable sources indicated that low numbers of individuals were trafficked both to and from the country, although exact numbers were difficult to ascertain due to a lack of NGOs and government officials working on this issue. There were no reported cases of trafficking within the country.

Persons with Disabilities

The law does not protect specifically the rights of citizens with disabilities; however, it directs 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 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 children with physical and mental disabilities. 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

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 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 contended that the government's employment claims are based on intentionally inaccurate numbers.

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.

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. Discriminatory measures with regard to ethnic minority communities continued.

Other Societal Abuses and Discrimination

Homosexuality is illegal in the country and punishable as a petty misdemeanor with a prison sentence ranging from one month to one year. There were no reported cases of such charges.

There is no mention of HIV/AIDS or language referring to discrimination based on illnesses in the constitution. However, these topics were not considered taboo in the country and the World Bank reported that the government discussed sexual health issues openly and positively.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form workers' associations; however, there were no associations 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 for 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. 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 law addresses issues such as minimum wage, sexual harassment, workers' associations, acceptable forms of child labor, and labor inspection regulations. In 2007 parliament passed a Labor Act which allows employees to form an association in one office if at least 12 employees join the association. The law was first tested on September 24, when Bhutan Telecom 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. The law does not allow for the formation of unions or for strikes.

The national minimum wage of 99.44 ngultrums (approximately \$2.50) per day plus various allowances paid in cash or kind provided a decent standard of living for a worker and family. In June the Ministry of Labor announced that it planned to form a committee that will 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 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 the 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.