



Institute on Religion and Public Policy Report:

Religious Freedom in the Kingdom of Bhutan

Executive Summary

The religious freedom situation for certain ethnic groups, most notably ethnic Nepalese Hindus, is precarious. Hindus and Christians face problems in their efforts to obtain building permits for new religious facilities and places of worship. There is a royal decree which bans proselytism and mostly affects Christians. Despite these abuses of religious freedom the overall situation is improving.

Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

History of Religious Freedom and Politics in Bhutan

Until the mid-1960s the Kingdom of Bhutan was one of the most isolated nations in the world. Bhutan lacked many facets of modern statehood including technology, transportation, and a legal framework designed to protect fundamental freedoms including religious freedom. The current ruling family, the Wangchucks, came to power in 1907 when Ugyen Wangchuck was declared the hereditary ruler by a council of Buddhist monks. Bhutan has been ruled by members of the Drukpa sect of Buddhism since the mid 16th century, and the Wangchuck family continues that line of rule. His son, King Jigme Dorji Wangchuck, began Bhutan's move to modernity by instituting democratic reforms that resulted in a national legislature and Bhutan's acceptance into the UN. King Jigme Singye Wangchuck, the third king in the Wangchuck line, ascended the throne in 1972 and continued his father's policies of modernization. He began a "one nation, one people" campaign in an effort to preserve traditional Bhutanese culture while allowing modernization to seep into the country. However, this policy quickly became a justification for discrimination against ethnic and religious minorities, particularly the ethnic Nepalese Hindus living in the southern portions of the country. This discrimination led to large numbers of southern Bhutanese, ethnic Nepalese, and political dissidents fleeing Bhutan and going to

refugee camps in Nepal and India. The dispute over their nationality and repatriation remains unresolved.

Despite these ethnic and political disputes, Bhutan's move to modernity has been relatively peaceful. In addition to his "one nation, one people" policy, King Jigme Singye Wangchuck determined that modernization must continue at a rate and in a manner compatible with Bhutanese culture. Thus, he implemented one of the most unique aspects of Bhutan's development, the Gross National Happiness (GNH) campaign. GNH is a serious and concerted effort to modernize Bhutan while recognizing its rich and unique culture. As part of his continuing modernization and democratization efforts, the King put forth a proposed constitution in 2005.

Legal Status

King Jigme Singye Wangchuck released a draft of the constitution in 2005, and in an effort to encourage national discussion it was distributed to the entire population for comment. Some of the biggest concerns dealt with religious freedom. Many citizens were concerned that opening the country to outside influences would undermine Buddhism and Bhutan's cultural heritage. The King and other government officials involved in the drafting process responded by stating that religious liberty was essential and emphasized that peace and tolerance were fundamental aspects of the Buddhist principles upon which Bhutanese culture is built. The constitution that was finally enacted in early 2008 contains provisions intended to address these issues. It changes the system of government from an absolute monarchy to a democratic constitutional monarchy, creates a national legislature, and provides for the separation of powers. Although the king is still the head of state, executive power rests with the Lenghye Zhungtshog (Council of Ministers), legislative power rests with the Parliament, and judicial power rests with the Royal Courts of Justice. The King retains many of his powers, but he is now subject to many restrictions as well. He must abdicate at the age of 65 and the national assembly may force abdication if he is incapable of performing his duties or violates the Constitution.

Article 7(4) specifically provides for religious freedom by stating, "[a] Bhutanese citizen shall have the right to freedom of thought, conscience, and religion. No person shall be compelled to belong to another faith by means of coercion or inducement." However, the Constitution also protects Bhutan's spiritual heritage and culture. Articles 3 and 4 recognize the importance Buddhism has played in the history of the country and makes the king the protector of all religions. Although Article 4 declares that, "[t]he State shall recognize culture as an evolving dynamic force and shall endeavor to strengthen and facilitate the continued evolution of traditional values and institutions that are sustainable as a progressive society," both Article 3 and 4 place duties on the public and the state that could easily lead to religious based discrimination. Article 3(3) declares that all, "religious institutions and personalities" must "promote the spiritual heritage of

the country.” It further states that religion and politics must be kept separate. The spirit in which the constitution was drafted seems to indicate that these provisions were included to protect religious minorities and provide for religious freedom while simultaneously recognizing Bhutan’s unique spiritual and cultural heritage. However, requiring religious institutions to promote the country’s spiritual heritage could lead to government imposed duties that may violate a person’s faith. Furthermore, the constitution establishes that the government will financially support the Buddhist community, which means that a citizen’s taxes will be used to support a religious community. The potentials for religious discrimination contained in the new constitution are subtle and may not lead to any infractions, but continued observation is necessary to ensure Bhutan abides by international standards.

As part of Bhutan’s attempts to improve democracy they have made changes to other laws, but these changes are not always positive changes for religious freedom. The king promulgated a Royal Decree prohibiting proselytism and the National Security Act prohibits speech that promotes religiously based violence or tensions. Furthermore, in an attempt to enforce the Constitutional provision requiring the separation of religion and politics, the government passed a law in 2007 prohibiting Buddhist monks from voting or running for political office, which some monks protested. Disenfranchising an entire section of the population based on religious grounds likely violates international standards.

On the other hand, Bhutan’s attempt to modernize its legal system and instill the rule of law in all its citizens is having positive effects on some laws. The Marriage Act was amended in 1996 to provide Bhutanese citizens with a fair, impartial, and non-religious avenue to resolve family law disputes. Previously most citizens would resolve these issues according to Buddhist or Hindu precepts.

Specific Instances of Religious Discrimination

Bhutan is historically a Buddhist country that received its greatest influences from Tibet. As a result the most prominent forms of religion are the Drukpa Kagyupa and Nyingmapa disciplines, which are schools of Mahayana Buddhism, and are officially protected in the Constitution. While the northern populations are culturally tied to Tibetans, those in the south carry ties to Indian and Nepalese culture. In fact, about one quarter of Bhutan’s population is ethnic Nepalese. There were disputes over allegedly illegal Nepalese immigrants, many of whom have been deported and are now living in U.N. refugee camps. Bhutan’s southern populations, with their ties to Nepal and India, primarily practice Hinduism. All other religious groups, including Roman Catholics and Protestants, constitute less than one percent of the population.

The government’s support and promotion of the traditional Drukpa and Nyingmapa sects has led to subtle pressure on non-Buddhists to adhere to Buddhist

principles. One of the biggest restrictions on the free practice of religion is the government's restrictions on constructing religious buildings. Although adherents to other religious groups were allowed to worship freely in their homes, they were not allowed to construct any new buildings or congregate in public. All new construction requires a government license, and many ethnic Nepalese complain that Buddhist temples are given preference in the licensing process. The last time a license was granted to build a Hindu temple was in 1990.

The greatest area of humanitarian concern in Bhutan is the ethnic Nepalese refugees. Many ethnic Nepalese, most of whom are Hindu, living in Bhutan in the 1980s and 1990s were expelled or left due to discrimination. At first the government claimed they were all illegal immigrants, but later recognized that a small portion of these refugees were legitimate citizens. Despite this recognition, the government still has not allowed their return. One issue preventing their return is that the government has already resettled other Bhutanese citizens onto the land vacated by the deported Nepalese. Although this dispute is not overtly based on religious grounds, it does contain a religious element and must be addressed by the government to continue Bhutan's legitimate move toward democratization and religious freedom.

In conformance with the government's plan to continue developing and opening the country, missionaries are no longer barred from entering. The government has made significant progress in modernizing Bhutan and encouraging an environment of religious freedom. However, Bhutan must continue its diligent efforts to promote religious freedom. Proselytism remains illegal, except for Buddhists. Christian groups suffer the most from this law. In 2006 two Bhutanese citizens, who were Christian, were arrested for showing a video about Jesus in the home of non-Christians. They were sentenced to a three year prison term, but were released seven months later. Fear of outside influences, especially Christianity, is endemic in the minds of most Bhutanese. During the constitutional drafting process the King and other government officials held discussion sessions around the country to address citizens' concerns. One of the most common issues raised was the fear that by allowing for religious freedom the traditional aspects of Bhutanese culture, including Buddhism, would be undermined and discord would grow. This was based partly on observations of other countries where "one of the main causes of political conflicts is the clash of religious interests." The King and other officials addressed these concerns by stating that fundamental rights, especially religious freedom, are critical aspects of Bhutan's development and are compatible with the Buddhist precepts of "equality, peaceful co-existence, and tolerance." Despite these underlying policy ideals Christians continue to face moderate levels of religious discrimination.

One of the most unique facets of Bhutan's push to modernization is the Gross National Happiness campaign. It is intended to create a balance between spiritual and material development that will allow modernization to continue in conformance with Bhutanese culture. The four pillars of GNH are 1) the

promotion of equitable and sustainable socio-economic development, 2) the preservation and promotion of cultural values, 3) the conservation of the natural environment, and 4) the establishment of good governance. Former King Jigme Singye Wangchuck began this program in 1972 so he could ensure his country would develop an economy and culture based on Buddhist values that would encourage both spiritual and material growth. Criticisms of GNH center on the subjective nature of happiness and lack of generally accepted measurement criteria. However, there is a growing global recognition of GNH as useful measurement tool, and according to a 2007 study from the University of Leicester, Bhutan is ranked as the 8th happiest nation in the world despite its extremely low GDP. This model of development, which focuses on non-material elements and is based on improving quality of life while respecting nature and culture, has served Bhutan well and is gaining international recognition.

Conclusion

Bhutan is using its Buddhist heritage as the primary source for the principles upon which its modernization is based. In addition to providing official recognition for their “spiritual heritage” the new Constitution provides for religious freedom. Some religious liberty issues remain unresolved. The process for obtaining construction licenses should be made more transparent so it will be applied equitably to all religious groups. The Royal decree banning proselytism must be overturned, and the National Security Act should be amended to make the speech restrictions narrowly tailored to their purpose of preventing violent uprisings and disputes. With continued international engagement and support the Bhutanese government will be able to address these issues and continue to foster an environment of “peaceful co-existence” among all religious groups.