

RIGHTS UNDER SHADOW

Status of Human Rights in Bhutan 2018

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THE MONITORING TEAM

Dr D N S Dhakal
Karma Dupthob
I P Adhikari
Gedun Choephel
Ram Karki
Subash Acharya

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Contact Address:

Boudha-6, Kathmandu, Nepal
Email: kdupthob@gmail.com
Post Box 5754, Kathmandu, Nepal

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Acronyms

- ACC:** Anti-Corruption Commission
- BKP:** Bhutan Kuen-Nyam Party
- CRC:** Convention on the Rights of the Child
- CSB:** Central Monastic Body
- DCCL:** Dungsam Cement Corporation Limited
- DCT:** Druk Chirwang Tshogpa
- DGT:** Druk Gaki Tshogpa
- DHI:** Druk Holding and Investment
- DKT:** Druk Kuenphen Tshogpa
- DNT:** Druk Nyamrup Tshogpa
- DPT:** Druk Phuensum Tshogpa
- ECB:** Election Commission of Bhutan
- GNH:** Gross National Happiness
- HDSB:** Hindu Dharma Samudaya of Bhutan
- ICRC:** International Committee of the Red Cross
- LDC:** Least Developed Country
- LGBT:** Lesbian, Gay, Bisexual, Transgender
- NA:** National Assembly

NC: National Council

NCWC: National Commission for Women and Children

NOC: No Objection Certificate

NRDC: National Resource Development Corporation

PDP: People's Democratic Party

RENEW: Respect, Educate, Nurture and Empower Women

RSF: Reporters without Border

RTI: Right To Information

SAARC: South Asian Association for Regional Cooperation

ToR: Term of Reference

UN: United Nations

UNDP: United National Development Programme

UNHRC: United Nations Human Rights Commission

UPR: Universal Periodic Review

VHP: Vishva Hindu Parishad

WB: World Bank

FORWARD

It is my pleasure to be a part of the team to bring out an annual human rights report on Bhutan. Bhutan has adopted a controlled democratic set up which can be considered an outcome of our post 1990 political and human rights campaign.

In 1998, King Jigme Singye Wangchuck was compelled to reinstitute the power vested by his father King Jigme Dorji Wangchuck to the National Assembly of Bhutan. He further evolved the idea to “guided” democracy eventually declaring the country in 2008 as Constitutional Monarchy. Now, Bhutan has a written constitution.

Because of this development Bhutan is freer than pre 1990 situation but yet it is a long way to go to achieve democracy as enjoyed in truly democratic system of governance. The checks and balances in the system are so weak that the “guided” democracy could easily turn into a permanent road block in the quest for true democracy in Bhutan.

As a team member of this fresh initiative to publish the annual human rights report in Bhutan. We will cover cultural rights, civil rights, minority rights and economic rights of Bhutanese people as seen by people in the opposition bench. It is hoped that such reports will be useful for self-evaluation of the people in the government and the need to do more for opening up the country for better governance.

I also congratulate the team members from the resettled Bhutanese communities for coming forward to join the publication team. We have a long way to go. There is a need for us to organise at global level a vibrant Bhutanese Diaspora which should not only be able to take care of its own interest but also help Bhutan and the Bhutanese people to make economic and social progress for which human rights protection is the central issue.

There is a need for us to work closely with journalists, academicians and politicians inside the country to anchor firmly the fruits of our three-decades-long struggle in Bhutan for which many of our compatriots have sacrificed their lives, have undergone rigorous prison terms, and lost everything that was owned and inherited. It becomes our responsibility to take forward from here. I call upon every Bhutanese both inside and outside the country to join hands with the team for ensuring that the future generation retains what has been achieved and adopt innovative approaches to take the reform processes to the conclusive end.

The role of those in power becomes central for such a transition. I also take this opportunity to request King Jigme Khesar Namgyel Wangchuck to remain open to the grievances of the public and initiate further reforms.

Once again, I congratulate Karma Dupthob, and I P Adhikari, resettled Bhutanese in Australia, for bringing together a committed team of Bhutanese to take forward this important task in the interest of the Bhutanese people, Bhutan and the humanity at large. Thank you everyone for joining the team for this noble cause. Let the team spirit shine.

Tashi Delek!

Dr D. N. S. Dhakal

Summary

A landlocked Himalayan kingdom sandwiched between China and India with 735,553¹ people living in 38,464 sqm of land, Bhutan is known for its new development philosophy of Gross National Happiness (GNH). This Least Development Country (LDC) will be graduating into Middle Income Country by 2023².



Trading Economics puts Bhutan's per capita PPP at US\$8,708 whereas World Bank puts at US\$3,110 as of 2017. World Bank says the poverty in the country has reduced from

12% in 2012 to 8.2% in 2017. According to UNDP, the Gini index, which measures inequality, has remained almost the same (0.36 in 2012 and 0.38 in 2017), showing the existing disparity between rich and poor. The current ruling government of Druk Nyamrup Tshogpa (DNT) which won the general election of 2018, promised to narrow this gap.

Bhutan embraced 'guided' democracy in 2008 and three democratic elections have been conducted thus far. The state of democracy is expected to strengthen gradually. However, due to lack of consistent and continued civic education, citizens' proactive contribution to

¹ 2017 Population and Housing Census of Bhutan, National Bureau of Statistics, Thimphu.

² Four countries on track to graduate from UN list of least developed countries, UN News, dated 18 March 2018 <https://news.un.org/en/story/2018/03/1005072>

advancing democratic practices is very slow. In spite of all the positivity in the country for a decade of democratic process, there is not a single registered human rights organization though human rights is the fundamental aspect of a strong democracy. The government projects the image that Buddhist kingdom with Buddhist ideals of non-violence and compassion in pursuance of Gross National Happiness would itself guarantees secure, peaceful environment with highest regard to human rights. The reality is otherwise. The Bhutanese state is like any other country that either overtly or covertly suppresses the rights of its citizens. The degree of suppression is the only difference. The rule of law is discriminately applied. The Bhutanese population faces similar struggles and hardships like in their neighbouring countries.

Bhutan faced the Universal Periodic Review (UPR) at UN Human Rights Council in 2009 and 2014. The numerous recommendations were submitted although most of them are yet to be implemented. The issues of Bhutanese refugees in Nepal are yet to resolve. 2018 was an election year in Bhutan. We witnessed several denial of political rights to the people or hindered their right to adult franchise.

Bhutanese get opportunity to exercise their political rights every five years through periodic elections. The event has projected as the means for some to get to power rather than educating the general mass on democratic practices. The citizens were taught how to vote during election – that too only during the first election held in 2007-08. The regime is still not confident in maturity of democratic process and intellectuality of the citizens to embrace this. Election Commission of Bhutan (ECB) continues to hamstring the aspiring political parties. Individual are restricted from expressing their political views in open.

In this report, the state of human rights of Bhutan citizens are examined.

State protection mechanism

Bhutan promotes itself as a Buddhist kingdom upholding the spirit of Buddhism which teaches non-violence and respect of all forms of life. Bhutan claims human right is ingrained as a way of life in the Buddhist Kingdom and that separate institutional mechanism is not necessary.

Article 7 of the Constitution of the Kingdom³ of Bhutan lists the rights entitled to Bhutanese citizens.

1. All persons shall have the right to life, liberty and security of person and shall not be deprived of such rights except in accordance with the due process of law.

2. A Bhutanese citizen shall have the right to freedom of speech, opinion and expression.

3. A Bhutanese citizen shall have the right to information.

4. 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.

5. There shall be freedom of the press, radio and television and other forms of dissemination of information, including electronic.

6. A Bhutanese citizen shall have the right to vote.

7. A Bhutanese citizen shall have the right to freedom of movement and residence within Bhutan.

8. A Bhutanese citizen shall have the right to equal access and opportunity to join the Public Service.

9. A Bhutanese citizen shall have the right to own property, but shall not have the right to sell or transfer land or any immovable property to a

³ Constitution of the Kingdom of Bhutan 2008, National Assembly, <http://www.nab.gov.bt/assets/templates/images/constitution-of-bhutan-2008.pdf> retrieved on 25 December 2018

person who is not a citizen of Bhutan, except in keeping with laws enacted by Parliament.

10. A Bhutanese citizen shall have the right to practice any lawful trade, profession or vocation.

11. A Bhutanese citizen shall have the right to equal pay for work of equal value.

12. A Bhutanese citizen shall have the right to freedom of peaceful assembly and freedom of association, other than membership of associations that are harmful to the peace and unity of the country, and shall have the right not to be compelled to belong to any association.

13. Every person in Bhutan shall have the right to material interests resulting from any scientific, literary or artistic production of which he or she is the author or creator

14. A person shall not be deprived of property by acquisition or requisition, except for public purpose and on payment of fair compensation in accordance with the provisions of the law.

15. All persons are equal before the law and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status.

16. A person charged with a penal offence has the right to be presumed innocent until proven guilty in accordance with the law.

17. A person shall not be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

18. A person shall not be subjected to capital punishment.

19. A person shall not be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence nor to unlawful attacks on the person's honour and reputation.

20. A person shall not be subjected to arbitrary arrest or detention.

21. A person shall have the right to consult and be represented by a Bhutanese Jabmi of his or her choice.

22. Notwithstanding the rights conferred by this Constitution, nothing in this Article shall prevent the State from subjecting reasonable restriction by law, when it concerns:

- (a) The interests of the sovereignty, security, unity and integrity of Bhutan;*
- (b) The interests of peace, stability and well-being of the nation;*
- (c) The interests of friendly relations with foreign States;*
- (d) Incitement to an offence on the grounds of race, sex, language, religion or region;*
- (e) The disclosure of information received in regard to the affairs of the State or in discharge of official duties; or*
- (f) The rights and freedom of others.*

23. All persons in Bhutan shall have the right to initiate appropriate proceedings in the Supreme Court or High Court for the enforcement of the rights conferred by this Article, subject to section 22 of this Article and procedures prescribed by law.

In a decade since entering into a democratic phase, Bhutan failed to get serious with human rights. Not only international human rights groups are not entertained in Bhutan, the country does not allow registration or operation of any organisation for human rights. The legislative body (National Assembly and National Council) have constituted the joint Human Rights and Foreign Relations Committee⁴ in parliament which is thought to have been assigned to look after the human rights issues of the Bhutanese people. Ironically, the terms of reference for the committee neither permits it to discuss or debate on any human rights issues nor can it accept any complaints or application from citizens related to human rights violations. According to National Assembly of Bhutan, the committee has the following ToR:

- a) Review and recommend amendments of the existing laws and policies relating to Foreign Relations and also propose new legislations;*
- b) Review Bhutan's engagement with bilateral countries, UN and international organizations including establishment of Embassies to ensure that Bhutan's foreign policies are consistent with its national objectives;*

⁴ The TOR as of 25 December 2018 - http://www.nab.gov.bt/en/committees/committee_members/3

- c) *Recommend measures to foster political, economic and trade ties with foreign nations;*
- d) *Recommend measures for protection of Bhutanese interests abroad; and*
- e) *Review and recommend Treaties and Conventions to be entered into by the government.*

The parliamentary committee is not entrusted for human rights though it bears the name. And this committee has never looked into any cases of human rights in last one decade.

Lack of any human rights groups or state apparatus means citizens have no options to seek justice if they feel their rights are being suppressed or denied. Social media becomes the ultimate platform for these people to spit venom against the government or their perpetrators. There are limitation on what people can express and if such voice ever reach to the authority and are addressed. Large chunk of the population does not have access to internet. Consequence is they accept to live by whatever has happened. In additional, the public service employees have limitation on what they can express through social media⁵ and public forums. Disobedience of the order means harsher punishment and termination from the job.

Political freedom

Bhutan became a constitutional monarchy in 2008 with the adoption of Constitution of the Kingdom of Bhutan on July 18, 2008. There are currently four registered political parties and legally operating.

⁵ Ministry cautions education personnel on using social media, Yangchen C Rinzin, Kuensel Corporation, <http://www.kuenselonline.com/ministry-cautions-education-personnel-on-using-social-media/>

The first registered political party to be formed was the Peoples' Democratic Party established on March, 2007⁶ with former Prime Minister Tshering Tobgay as party coordinator and fourth king's brother-in-law, Sangay Ngedup, former minister, as president. The People's Democratic Party (PDP) won 2 seats in 2008 elections⁷ becoming the smallest opposition in the world. In 2013, it won 32 seats⁸ in the National Assembly (NA) and formed the government for 2013-2108 period. In 2018 election, it failed to pass the primary round – meaning it does not have presence in the parliament.

The second political party to get registered is Druk Phuensum Tshogpa (DPT), formed on July 25, 2007 following merger between All Peoples' Party (Bhutan) and Bhutan Peoples' Unity Party, naming former minister Jigmi Y Thinley as the president. The DPT won 45 out of 47 NA seats in 2008 elections⁶ and formed the first ever elected government in Bhutanese history. However, in 2013 elections, it was trashed to 15 seats thus forming a stronger opposition. In 2018, it marginally increased its seats to 17 to continue as opposition party in the parliament.

The current ruling Druk Nyamrup Tshogpa (DNT) was registered on January 20, 2013 by Tenzin Lekphell, Dr. Tandin Dorji and Karma Dorji. In 2013 election, DNT obtained 17.04% of votes in the primary round, it finished third and therefore could not participate in the general election. In 2018 election, it won 30 out of 47 NA seats thus formed the government with Dr. Lotey Tshering as the third elected Prime Minister of Bhutan.

Bhutan Kuen-Nyam Party (BKP) was founded by Mr. Sonam Tobgay in 2013 but was unable to participate in 2013 primary elections after Election Commission of Bhutan did not grant the party registration. On May 6, 2013, The Election Commission of Bhutan (ECB) rejected the Letter of Intent of the party for failing to declare two candidates from Gasa district. The party joined the 2018 race but was ousted from primary round as it garnered only 9.8 % votes cast. The party will be allowed to participate election in 2023 but will not get state funding as

⁶ People's Democratic Party Manifesto 2018, PP 33, retrieved from 'Know the Parties' by Bhutan News Network, <http://www.bhutannewsnetwork.com/wp-content/uploads/2018/09/pdpmanifesto2018.pdf>

⁷ Results stunning, merry making for the DPT, Indra Adhikari, <http://www.ipajournal.com/2008/03/26/results-stunning-merry-making-for-the-dpt/>

⁸ Election Commission of Bhutan, <http://www.ecb.bt/NAGResult2013/> retrieved on 25 December 2018

it did not cross the minimum threshold of 10% votes. Without state funding, the candidates are very unlikely to get into field to contest.

Druk Chirwang Tshogpa (DCT) was founded by Lily Wangchuck in January 7, 2013 and secured only 5.90% of the votes cast in 2013 primary. The party was absorbed into DPT in the run up to 2018 election where only the party president received ticket to stand as DPT candidate for North Thimphu⁹ – and lost. Following the loss in 2013 the party had almost remained dormant – hardly any individuals renewing membership. It had become a one-person party. It has now become the



history.

Bhutan's People United Party headed by Sigay Dorji, was denied registration by the Election Commission of Bhutan in November 2007 by stating that the party lacked

"credible leadership of the caliber that is needed to run and manage the affairs of the nation or even the management of the group itself.the capacity to fulfill ... national aspirations, visions, and goals." There is no such stipulation in Election Act nor in the Constitution of the Kingdom of Bhutan whereby party has to demonstrate with documentary evidence that it has capacity to run the state affairs. The other founder of the party Yeshey Zimba had joined the powerful DPT. Sigay did not pursue his political ambition in following years.

Again the ECB denied the registration of Druk Gaki Tshogpa¹⁰ (DGT) as a political party in spite of party fulfilling the constitutional requirements on March 16, 2018. The ECB yet again has taken beyond its mandate by disqualifying the DGT on the grounds that the party's ideology is of general nature and candidates lack "leadership ability at the national level or experience of having held an office of public

⁹ Know your candidate: Thimphu, Kuensel Corporation, <http://www.kuenselonline.com/know-your-candidate-thimphu/>

¹⁰ Disqualification For Registration As A Political Party, Election Commission of Bhutan, <http://www.ecb.bt/?p=5852>

responsibility and authority at a certain level”¹¹. The ECB does not cite any legal provisions to substantiate and validate its decision. There are no such provisions in Bhutanese laws or constitution that potentially restrict aspiring political groups like DGT to participate in the election process. The party had requested registration not to participate in 2018 election but to engage in political process and discourses.

The founder of DGT, Cheku Dukpa – popularly known as Jackson Dukpa - filed the case against ECB in the court¹². The High Court gave the judgment favoring the ECB. He appealed the Supreme Court of Bhutan but withdrew¹³ his case on August 21, 2018, on eve of the hearing.

The ECB also rejected registration of the Druk Kuenphen Tshogpa¹⁴ (DKT) on July 28, 2018 founded by Jigme Drukpa. ECB once again reiterated its dissatisfaction with the party’s leadership capacity and competence.

By law Bhutanese enjoy adult franchise and right to form political party and participate in political processes irrespective of race, sex, religion, politics or other status. This freedom is restricted for religious personalities¹⁵. Each Bhutanese is endowed with right to stand for election or get elected. However, only natural born citizens having a formal university degree and married to Bhutanese citizens are allowed to stand for parliamentary elections as candidate. Political freedom is heavily contained. Estimated over 45,000 nuns, monks and other religious personalities are denied political freedoms to have their say in choosing leaders who govern them.

The Election Commission of Bhutan in 2018 even denied the lay monks (Gomchen) to vote in the election. On August 8, 2018, the ECB officials took away Voter Photo Identity Cards (VPICs) belonging to more than 15 Gomchens¹⁶ from a public meeting venue in Wangphu gewog in

¹¹ ECB denies registration for Druk Gaki Tshogpa, M B Subba, Kuensel Corporation, <http://www.kuenselonline.com/ecb-denies-registration-for-druk-gaki-tshogpa/>

¹² High Court hears Chheku Dukpa’s appeal, M B Subba, Kuensel Corporation, <http://www.kuenselonline.com/high-court-hears-chheku-dukpas-appeal/>

¹³ Jackson Drukpa withdraws his case from SC, Kuensel Corporation, <http://www.kuenselonline.com/jackson-drukpa-withdraws-his-case-from-sc/>

¹⁴ ECB rejects registration application of Druk Kuenphen Tshogpa, Sherub Dorji, Bhutan Broadcasting Service, <http://www.bbs.bt/news/?p=77242>

¹⁵ Article 3, section 3 of the Constitution of the Kingdom of Bhutan, http://ipajournal.com/uploads/2011/bhutanlaws/constitution/Constitution_English.pdf

¹⁶ Gomchens ineligible to vote: ECB, M B Subba, Kuensel Corporation, <http://www.kuenselonline.com/gomchens-ineligible-to-vote-ecb/>

Samdrupjongkhar district. Gomchens voted in the past elections, including the National Council elections, held on April 20, 2018.

The ECB unilaterally imposed the restriction on what party candidates can debate about. The foreign policies debate with regard to relations with China and India was prohibited. Yeshey Penjor,¹⁷ DNT candidate of Nubi-Tangsibji in Trongsa, Namgay Rinchen, DNT coordinator of Punakha, Samten Wangdi, registered member of DNT (Trashi Yangtse), Tendi Zangpo, Tshering Dargay, Kezang Norbu (PDP member in Samdrup Jongkhar) and Namsey Wangdi (PDP member in Pema Gatshel) were fined and censured by ECB for expressing foreign relations (about India) in WECHAT forums. There was no restriction on what issues candidates can discuss during 2008 and 2013 elections. Candidates had expressed their thoughts on domestic and foreign affairs. The ECB is constricting the issues for debates year after year instead of widening the issues with maturity of political process. The role of ECB in strengthening democracy is questionable and will be objectionable if such actions continue in future as well. The ECB must not demonstrate its loyalty to the influential leadership and the palace but to the spirit of the people and their right to adult franchise.

Kalay Dukpa, resident of Tsirang district was detained by ECB for two days on April 9 and 10 and interrogated. He had questioned the trustworthiness of the Electronic Voting Machine and the Postal Ballot System in WECHAT group discussion¹⁸. Courts and media would not question the ECB why individuals do not have right to expression opinions in about their doubts in the use of these machines. The role of ECB should rather be educate those individuals and build trust on the system. EVM are used in all elections in Bhutan and were donated by India.

There was report of allegation that senior armed forces officials were putting pressure on army personnel to vote against DPT¹⁹ during 2018 NA elections. Anyone voicing concern over such practices were paralysed²⁰. The armed forces (include Royal Bhutan Army, Royal

¹⁷ Update On Election Disputes, Election Commission of Bhutan, <http://www.ecb.bt/?p=6265>

¹⁸ ECB forwards Kalay Dukpa's case to OAG, Nirmala Pokhrel, Kuensel Corporation, <http://www.kuenselonline.com/ecb-forwards-kalay-dukpas-case-to-oag/>

¹⁹ All the King's men, Druk National Congress, <https://www.bhutanandnc.com/Article.htm>

²⁰ ECB bans DPT candidate from campaigning, Bhutan News Network, <http://www.bhutannewsnetwork.com/2018/10/ecb-bans-dpt-candidate-from-campaigning/>

Bhutan Police and Royal Body Guard) were forced to issue the statement in this regard to dissuade the alleged incidents. There were 11,500 postal ballot availed for armed forces.

The party candidates were not permitted to articulate party manifesto in local language or dialects other than national language Dzongkha. The people in south and east were especially handicapped in understanding party manifestos and pledges as majority of people hardly comprehend Dzongkha.

The Bhutanese election laws and constitution does not imagine for an independent candidacy in NA. The laws articulate NA being represented by two political parties only who are filtered through primary round. The law does not speak anything about such provision but approval of independent candidate is very unlikely given the trend set by ECB so far. The Bhutanese electorate is taught to vote only the party but not the independent candidate. Additionally, the laws have no provisions about the state funding should an individual express interest to stand as independent candidate. The state funding for parties makes is harder for individuals with no political affiliation to imagine for political career.

The political parties and individuals have not yet started any discussions about having options for independent politicians. This is impossible without amendments of the existing constitution. Ironically, amendment to the constitution might require Indian expertise as it required for drafting. The political circle and the intellectuals in the country are very unlikely to push for any amendments of the constitution at this stage until such green signal comes from the palace. They are more likely to advocate that it was not a requirement of Bhutan at this early stage of democratic practice though the constitution provides power to the National Assembly to make any amendments in the constitution.

Chart I: Outcome of National Assembly election 2008

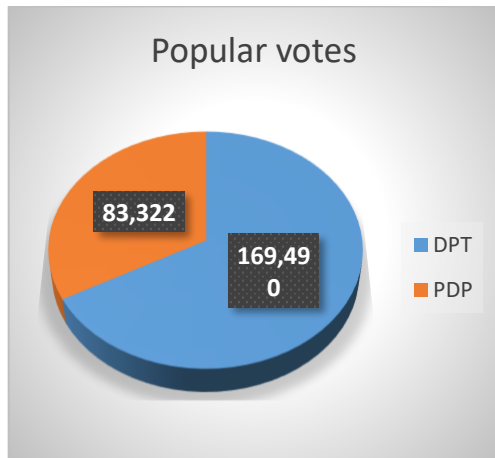
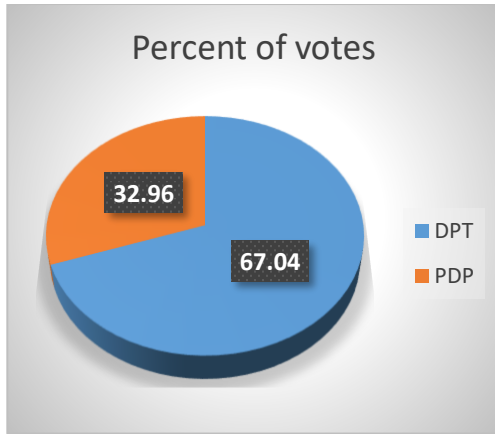


Chart II: Outcome of National Assembly elections 2013

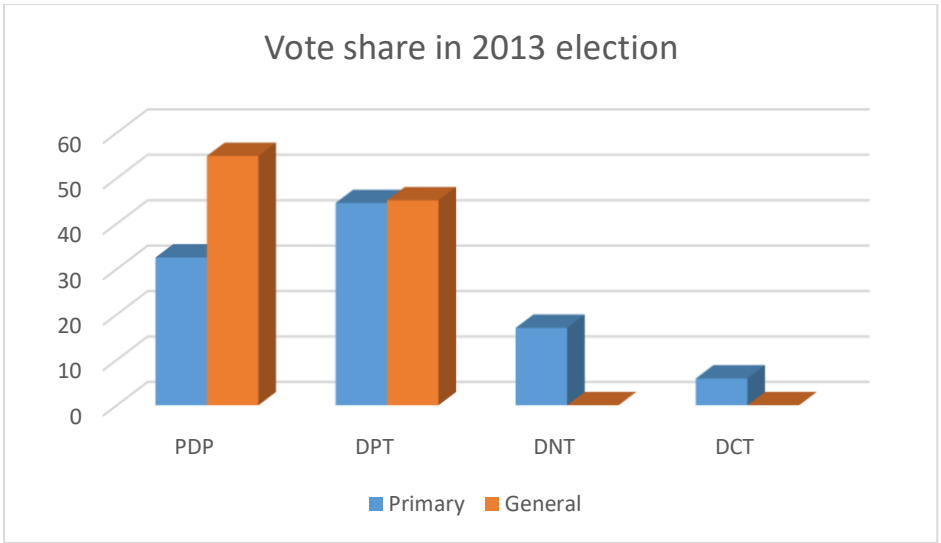
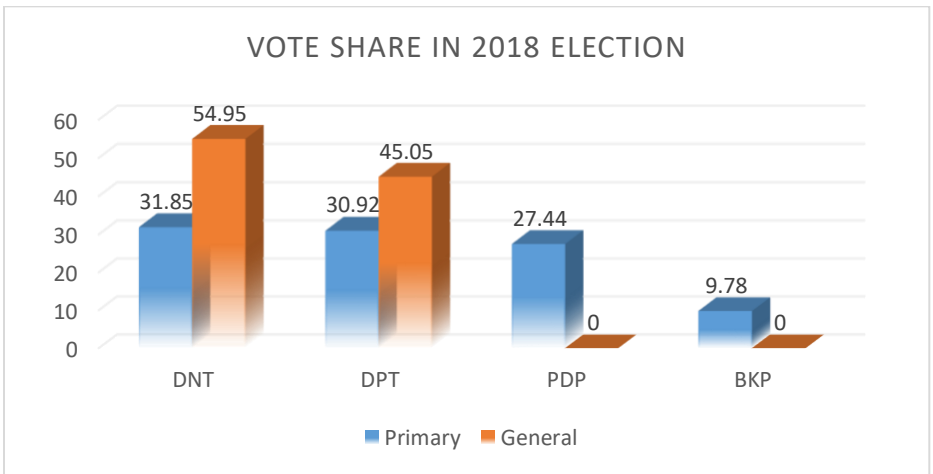


Chart III: Outcome of National Assembly elections 2018



Political parties operating in exile like Druk National Congress, Bhutan National Democratic Party and Bhutan Peoples' Party are not permitted

in the kingdom to participate in the political processes. Following the resettlement of Bhutanese in exile in western countries, these political parties have substantially reduced their activism and campaigns due to lack of manpower and financial resources.

The government continues to deny No Objection Certificate (NOC) to many who were alleged to have participated in 1990 and 1997-98 political dissidence. The denial of NOC means these individuals and their children are not entitled to get a job, start a business and send children to school.

Despite a decade of democratic governance, Bhutan continues to have dozens of political prisoners who had voiced their demand for political change in Bhutan in 1990s. The government has not given any information about their whereabouts, numbers and trial status. They have not been given access to any human right groups, international monitoring bodies or family members. Many secret prisons still remain tightly guarded and supervised by senior army officials.

Right to expression & freedom of information

Right to information and expression is tightly monitored and controlled by the state. Questioning the authority is taken as dissidence and betrayal to the country. Bhutan is not different to its neighbours where those in authority abuse their power in their favour. Additionally Bhutan is where you obey the order of the authority without question – be it bad or good. Loyalty rules over integrity.

Article 7 of the Constitution, Section 3 (fundamental rights) states, “A Bhutanese citizen shall have the right to information”. However, this

constitutional provision remains obscure and inactive with no political parties or politicians ready to actively engage in having a Right To Information (RTI) Act in place to ensure citizen's fundamental right to information is protected. The RTI bill was passed by National Assembly on February 5, 2014 but the upper house Nation Council (NC) failed to endorse saying it requires more discussion, amendments and changes. Ritu Raj Chhetri, the then Chairman of the Legislative Committee in NA, said 'it could be considered that the RTI bill is dead for this term (PDP government term 2013-18)²¹. The previous DPT government (2008-2013) had promised to pass the RTI act but failed do so. A decade has passed and still the RTI Act is in the back burner.

While NA appears liberal to widening the scope of RTI, the upper house does not budge from it's position that the act is not a need of the Bhutanese society at this stage. The decision is heavily influenced by few individuals in the NC who have closer link with royal family including the five members appointed by the king. The new party that was voted into power through 2018 election had hardly spoken about the need for an RTI Act. Thus, it is very unlikely this party would advocate or work out for enactments of the law.

Not just general public are shut to speak out, Bhutanese media practice self-censorship. Media does not cover news on many issues that government considers sensitive. The government subtly influences the media from any critical coverage of southern neighbour India fearing



such publicity might have repercussions on foreign policies. The media's duty of informing the public is highly circumscribed by the government. The media have to survive on government subsidy²² for advertisement and government takes this

means as an instrument to tame media to write in its favour.

²¹ No hope for RTI Act, Alka Katwal, Business Bhutan dated 27 April 2017

²² Govt. grants subsidy to private newspapers, Tshering Palden, Kuensel Corporation, <http://www.kuenselonline.com/govt-grants-subsidy-to-private-newspapers/>

In 2017, when India and China had a 73 days face off at Doklam, tri junction for Bhutan's sake, the Bhutanese media were instructed by the government not to cover this issues including the view point of Bhutanese citizens. Only government's short press release was covered while *The Bhutanese*, a private newspaper did covered the issues with information wholly picked from Indian media and elsewhere²³. There are eight media outlets and most of them survive with government largess in regard to tax exception, advertisements and subsidy²⁴. This put pressure on them to obey the government directives or else leave the market.

Journalists are denied information by police officials on crime reporting. The information is censored through the head office and local police personnel are restricted to talk to media. The head office determine what to publish and what not. The first hand report of crime science are denied to media and the public.

Criticism of influential public figure is not legally prohibited, except the royal family, but the critic would be dragged to lengthy and expensive court process that is beyond the capacity of the journalists or opinion writers. The Supreme Court of Bhutan judgment on defamation case on DPT vs Penjor Jigme Dorji²⁵ and Namgay Zam vs Sonam Phunstho²⁶ were withdrawn by respective plaintiffs on the eve of judgment day, depriving the Bhutanese people a precedent on such important cases. The judiciary rulings would have defined the freedom of expression including gray areas but it was deliberately coerced to withdraw the case, and thereby denying the people to have a reference or precedence.

Reporters Without Border (RSF) in its Press Freedom Index 2018 reported that the criminalizing of defamation and practicing of the self-censorship as main concerns in the Bhutanese media culture. RSF described Bhutan's media status as 'Stifling Self-Censorship'. On

²³ The third leg of Doklam, Tenzing Lamsang, *The Bhutanese*, <https://thebhutanese.bt/the-third-leg-of-doklam/>

²⁴ Private papers receive 50 percent subsidy, Phurpa Lhamo, Kuensel Corporation, <http://www.kuenselonline.com/private-papers-receive-50-percent-subsidy/>

²⁵ DPT to withdraw the case filed against Dasho Paljor J Dorji, Tshering Dorji, *The Bhutanese* <https://thebhutanese.bt/10413-2/>

²⁶ Sonam Phunstho withdraws defamation case against Namgay Zam and Dr Shacha Wangmo, Changa Dorji, *Bhutan Broadcasting Service* <http://www.bbs.bt/news/?p=66476>

August 6, 2018, Tsirang District Court²⁷ sentenced journalist from Kuensel based in Tsirang district, Nirmala Pokhrel²⁸ to three months in prison for libel. The judgment ordered the Kuensel reporter to pay Nu 45,000 in compensation to the victim and post an apology statement to the victim on Facebook. The fellow journalists did fundraise to pay the court in lieu of jail sentence.

The Journalist Association of Bhutan failed to act – not even issuing a statement in favour of its member²⁹. The International Federation of Journalist (IFJ) South Asia Coordinator Krishna Acharya said IFJ failed to act on the issue only because its partner in Bhutan did not respond to their repeated request for information about this case.

Further, JAB has become paralysed after top figures from the media fraternity abandoned the profession to be either politicians or joined the Bhutan Media Foundation, established and promoted by the palace. Many of the functions mandated to BICMA or supposed to be done by JAB has now been transferred to BMF³⁰. Journalists are more loyal to BMF than to their union JAB. The JAB has almost become non-existent in terms of activities or advocating press freedom and safety of the working journalists. Until the JAB remains loyal to government, the situation of media professionals would not improve and fairness in the news that media outlet carry. In a country where journalist themselves feel that their profession has lost attraction and is very unsafe³¹, there is hardly any meaning to claims Bhutan's media outlets are still surviving.

The country's state of media freedom has dropped. RSF³² pointed out that the adoption of the Bhutan Information Communications and Media Act in 2006 and the creation of a media regulatory authority have reinforced the government's armory of draconian legislation, which already included a national security law that punishes any attempt to

²⁷ Reporter sentenced for libel, Nangay Wangchuk, Bhutan Broadcasting Service, <http://www.bbs.bt/news/?p=101292>

²⁸ A Local Journalist Faces Defamation Charge For Facebook Post, Chencho Dema, Business Bhutan <http://www.businessbhutan.bt/businessbhutan/a-local-journalist-faces-defamation-charge-for-facebook-post/>

²⁹ Journalist under threat in Bhutan, Bhutan News Network, <http://www.bhutannewsnetwork.com/2018/08/journalist-under-threat-in-bhutan/>

³⁰ Trainings and sustainability top media issue, Leki Dema, Bhutan Today, <http://www.bhutantoday.com.bt/trainings-and-sustainability-top-media-issue/>

³¹ Situation Assessment of journalists in Bhutan, Journalist Association of Bhutan, Thimphu, http://www.jab.bt/wp-content/uploads/2017/09/SituationAssessment_final.pdf

³² RSF Press Freedom Index 2018

create misunderstanding or hostility between the government and people.

Agencies such as Election Commission of Bhutan (ECB), paralyse media on verbal command. During election period, it puts pressure on the management and editorial team of media house to have self-censorship. Such orders are not passed on written but are verbal in nature that leaves opportunities the commission to later claim it had never controlled media on what to cover or not. The political debates and discourses are controlled by ECB and media have to obey the order or face penalty³³. The JAB is loyal follower of the government and hardly advocates that media outlets have the right to cover issues political parties and their contestants bring up. The ECB also censored on what public can ask their leaders during these ‘controlled’ debates held in every electorate.

Religious freedom

The Constitution of Bhutan Article 3 Section 1 recognises Buddhism as a spiritual heritage of Bhutan. However, the section 3 states “Religious institutions and personalities shall remain above politics.” Read with Election Act Section 184 “A truelku, lam, any influential religious personality or ordained members of any religion or religious institutions excluding the laity, as determined/registered as religious organisations or religious personalities under the provisions of the Religious Organizations Act 2007, shall neither join a political party nor participate in the electoral process as they must remain above politics and cannot use their influence for the benefit of any party or

³³ JAB discourages arbitrary decisions against media houses, Tashi Dema, Kuensel Corporation, <http://www.kuenselonline.com/jab-discourages-arbitrary-decisions-against-media-houses/>

candidate.”³⁴ The only reason assumed is to avoid religious institutions to influence the political sphere and give win to political group that is not liked by the palace. They have been deprived of exercising their adult franchise. Bhutan is the only country where religious personalities are barred from voting in periodic elections – national or local.

The religious organisations such as associations, societies, foundations, charitable trust are registered under the Religious Organization Act, with the ministry of Home and Cultures Affairs. This Act however does not include the Central Monastic Body (CSB) and its subsidiaries.

Individuals or community groups are not permitted to construct new Buddhist monasteries in the country except the subsidiaries of Central monastic body.

Proselytising is outlawed in Bhutan. Conversion of religion, except conversion to Kagyurpa, is not allowed. Buddhism and Hinduism are the only accepted religions in the country. Other religions are not recognized.

The kingdom discriminates within the followers of Buddhism. The Nyingmapa followers predominately in eastern Bhutan are persecuted. The state supported CSB design programmes and activities that coerce Nyingmapa followers to convert to Drukpa Kagyurpa. The monastic body has assigned Lam Neten Karma Rangdol who travel villages across eastern districts with intent to proselytizing and converting people to Kagyurpa. The CSB also support religious functions in schools targeting children with intention to convert them into Kargyurpa followers at an early age^{35 36}.

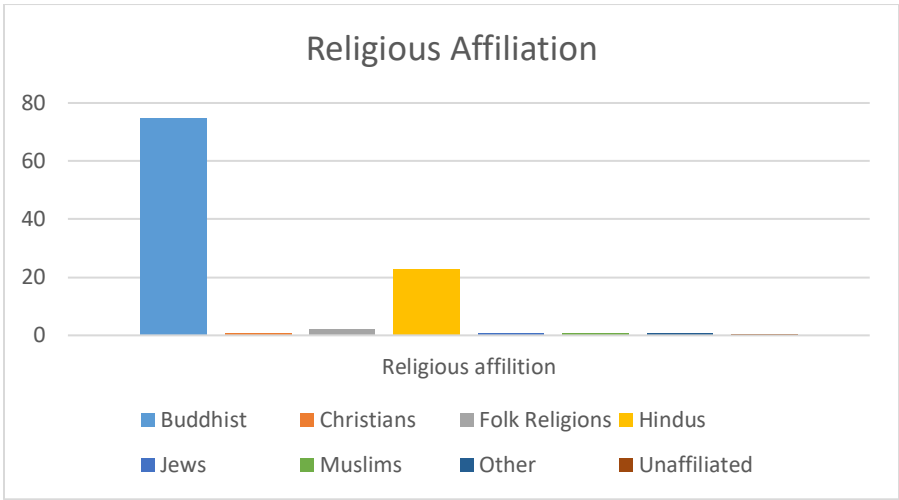
The Nyingmapa monks and gomchens who had staged demonstration in 1997 demanding the religious freedom were imprisoned or forced to flee. Over fifty of those Gomchens and their families currently live in Nepal as refugees. They are awaiting repatriation to their homeland.

³⁴ The institution of monarchy and religious establishment in Bhutan have historical power tussle. Monarchy regards the religious leaders such as incarnations of Shabdrung as threat to its survival. Prior to establishment of Monarchy in Bhutan, Shabdrung and his religious institution had controlled the political and religious life of the country.

³⁵ Students attend dharma programme, Kelzang Wangchuk, Kuensel Corporation, <http://www.kuenselonline.com/students-attend-dharma-programme/>

³⁶ Winter vacation to practice Buddhist tradition, Yangchen C Rinzin, Kuensel Corporation, <http://www.kuenselonline.com/winter-vacation-to-practice-buddhist-tradition/>

Hindu practitioner live predominately in southern Bhutan. All sub sects of Hindu are under the umbrella of Hindu Dharma Samudaya of Bhutan (HDSB), a religious organization, established in 2009 and registered with the Chhoedey Lhentshog, or the Commission for Religious Organisations of Bhutan. The activities of HDSB is heavily influenced by India-based Vishva Hindu Parishad (VHP) and directly monitored by the palace.



Source: *The Future of World Religions, Population Growth Projections, 2010-2050*, Pew Research Centre

The Christian community in Bhutan are denied the registration of their religion with the Chhoedey Lhentshog until now. The building of church is not allowed. Their Sunday mass and prayers are usually held in private homes. The Christian community are not permitted to practice their faith in public. The state has not allocated the official burial ground even though Wangsea sina and Dochula have become unofficial burial ground for them.

Bhutan has very small Muslim population. They have hardly been recognised or have come into limelight.

Minority issues



Bhutanese is a multi-ethnic community for centuries. There are number of small ethnic groups in the country such as Brokpa, Doya, Lepcha, and Tibetan. Hardly anyone knows them, let alone their culture and tradition.

The government has never released figures of Bhutanese population based on ethnic diversity. This comes from the policy statement from the palace that Bhutan cannot sustain multi-culturalism and multi-ethnicity. The draconian ‘one nation one people’ policy was part of this long-term vision of creating a country with one ethnic group. Lack of ethnic database has made it difficult for the donors to identify the need of individual community and provide support for their development. This also has impact on devising strategies to ameliorate the livelihood of special group of people.

The landmark moment for the minority community is when Dorji Tshering³⁷ from Merak-Sakteng (Brokpa community) became the Minister of Work and Human Settlement in the current cabinet. Until

³⁷ People of Merak-Sakteng overjoyed with first ever Minister, Damchoe Per, The Bhutanese, <https://thebhutanese.bt/people-of-merak-sakteng-overjoyed-with-first-ever-minister/>

then, no representative from their community had reached that seniority in politics and bureaucracy - let alone minister. However, this lone instance does not justify their exclusion in the national development agenda.

A large majority of southern Bhutanese, evicted in 1990s, have gone for resettlement to western countries, following the failure of fifteen rounds of Nepal-Bhutan bilateral talks that failed to repatriate single refugee. Bhutan blatantly flouted the Universal Declaration of Human Rights (Article 13) and the International Covenant on Civil and Political Rights (Article 12) that anyone evicted from the country have right to repatriate once conditions are normalised. In fact, Bhutan made every efforts to stop the process of third country resettlement whereby these resettled refugees will continue to hold the right to return to Bhutan if they wish.

In 2007, eight core countries³⁸ headed by the United States of America (USA) proposed the third country resettlement scheme. A total of 110,000 Bhutanese have been resettled in the United States and Canada, among other western countries. A total of approximately 6,500³⁹ Bhutanese refugees who remain in two camps in Jhapa, Nepal are now facing humanitarian crisis as the World Food Programme suspends its 26-year-old support⁴⁰. There is no clarity on how the fate of these remaining Bhutanese refugees would be decided. Of late, the refugees have been asked to fill in forms and express willingness if they wanted to return to Bhutan.

³⁸ Eight core countries are Australia, Canada, Denmark, Netherlands, New Zealand, England,

Norway, and the United States of America

³⁹ Bhutanese refugee issue resurfaces after provisions dry up, Anil Giri, The Kathmandu Post <http://kathmandupost.ekantipur.com/news/2018-12-05/bhutanese-refugee-issue-resurfaces-after-provisions-dry-up.html>

⁴⁰ Refugees request WFP not to stop food assistance, Arjun Rajbanshi, The Kathmandu Post, <http://kathmandupost.ekantipur.com/news/2018-11-23/refugees-request-wfp-not-to-stop-food-assistance.html>

Women issues

Bhutan has been the signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since August 31, 1981.

Women in Bhutan face same threat and abuse as women elsewhere in world. Rape, domestic violence, battery, sexual molestation are common problems that affects the Bhutanese woman and consequently the family life. The number of domestic violence cases being reported is increasing every year. That doesn't mean the domestic violence crime is growing. In fact, the growing number indicates that people are now more educated and aware of the law, and are seeking protection and justice from such a crime⁴¹.

Anesthetic technician at Jigme Dorji Wangchuck National Referral Hospital⁴² in Thimphu was arrested on 6 April, 2018 for raping a patient attendant after administering anesthetic drug to her on the pretext of drawing blood. On same day, Thimphu Police arrested Vice Principal⁴³ of a Charity school in Jemina, Thimphu for molesting nine female students aged between 11-15 years since 2017. Police released the pictures of both the suspects in its social media handle which is very uncommon. The Bhutanese media are always under pressure from the police not to reveal or publish the pictures and names of alleged suspects.

On May 24, 2018 Sarpang police had detained a 46-year-old Non-Commissioned Officer (NCO) of the Royal Bhutan Army from Wing IX in Pelrithang, Gelephu, for an alleged rape of a 9-year-old student. His pictures was not published.

⁴¹ Understanding and fighting domestic violence in the Bhutanese setting, Damchoe Pem, The Bhutanese, <https://thebhutanese.bt/understanding-and-fighting-domestic-violence-in-the-bhutanese-setting/>

⁴² Hospital staff accused of sexual assault, Kuensel Corporation <http://www.kuenselonline.com/hospital-staff-accused-of-sexual-assault/>

⁴³ Vice principal detained for child molestation, Dechen Tshomo, Kuensel Corporation, <http://www.kuenselonline.com/vice-principal-detained-for-child-molestation/>

A total of 35 cases of child sexual abuse this year was recorded by the RENEW⁴⁴ (Respect, Educate, Nurture and Empower Women), a non-profit organization dedicated to the empowerment of women and children in Bhutan, with specific attention to the survivors of domestic violence (DV) and Sexual & Gender Based Violence (SGBV). The NGO is run by the royal family.

The National Commission for Women and Children (NCWC) is government body which looks after issues relating to women and children's safety and concerns. However, the lack of legal practitioners in commission and protection officer in respective districts means, woman are less likely to get access to protection and assistance through state apparatus.

The NCWC launched Toll-free helplines early 2018⁴⁵ for victims of gender violence to report them quickly about the situation in an attempt to address the problem as early as possible. The commission has not reported anything if that has changed the way people reported gender violence and seek justice.

Female representation in politics is very minimal but improving. This year parliament has the largest women representation in comparison with earlier two elections - seven women have been elected out of 10 contesting. In 2008 four women were elected out of 10 contestants and in 2013, three women were elected out of 11 contesting. Following precedence of Tobgay-cabinet, new government only has one woman in the cabinet. Bhutan got its first female minister only in 2013. The reservation is mooted to fill women representation in politics, but women themselves have rejected quota in favor for woman meritocracy. The gender quota was a hot topic of discussion during Thinley-government. The Bhutanese women population have to dispel their mentality that prefer man over women in leadership role. The irony is that female electorate is larger than male yet the female members in the family follow instruction of their male counterpart in deciding whom to vote in elections. Female themselves prefer male to

⁴⁴ At least one child sexually abused a week this year, Nima, Kuensel Corporation <http://www.kuenselonline.com/at-least-one-child-sexually-abused-a-week-this-year/>

⁴⁵ Call 1098 to report violence against women and children, Tashi Dema, Kuensel Corporation, <http://www.kuenselonline.com/call-1098-to-report-violence-against-women-and-children/>

take leadership in state affairs because of their socio-cultural upbringing.

23-year-old civil servant in Gelephu⁴⁶, claimed she was discriminated during election duty based on her caste when she was deployed in remote Gongtsekha village of Jigmecholing gewog as a polling official in 2018 NA elections. Caste-based social hierarchy is still prevalent among the Hindus practitioners in southern Bhutan and caste based discrimination is common phenomenon. The country does not have laws that criminalise such discrimination or set up any state support mechanism to support the victims. The government hardly invest any resources to educate against such practices.

In addition, divorce, alienation and mental illness are highly prevalent among women population. The number of suicide incidences in the country have increased⁴⁷ from 92 in 2016 and 106 in 2017. Majority of those suicides are committed by young women. NCWC reported that many cases of gender-based domestic violence go unreported⁴⁸ as people don't feel the urgency to get support. Many such cases go unreported and remain undocumented. The inconsistency in laws provide avenues for culprits to avoid punishment.

Children issues

Bhutan ratified the Convention on the Rights of the Child (CRC) in 1990 and the two CRC Optional Protocols on the Sale of Children, Child

⁴⁶ Polling official allegedly discriminated based on caste in Sarpang, Tashi Dema, Kuensel Corporation, <http://www.kuenselonline.com/polling-official-allegedly-discriminated-based-on-caste-in-sarpang/>

⁴⁷ Suicide prevention plan under review, Dechen Tshomo, Kuensel Corporation, <http://www.kuenselonline.com/suicide-prevention-plan-under-review/>

⁴⁸ Violence against children unreported: NCWC, Phurpa Lhamo, Kuensel Corporation, <http://www.kuenselonline.com/violence-against-children-unreported-ncwc/>

Prostitution and Child Pornography; and on the Involvement of Children in Armed Conflict, in July 2009.

Bhutan is also a party to the Beijing Declaration and Platform For Action and the Yokohama Global Commitment made at the Second World Congress Against the Sexual Exploitation of Children since 2001.

While Bhutan was committing to the rights of child, it was under mission to convert thousands of children stateless by evicting them along with their parents in 1990. Legal provisions that citizenship can be granted only through father means a large number of young population in central Bhutan are stateless who cannot identify their father. These children are born of the night hunting culture prevalent in those community.

Molestation and sexual abuse of girl children is on the rise^{49 50 51 52} and culprits are handed down only petty fines or punishment⁵³. The government has not shown seriousness to address this issue so far. There are a very few initiatives taken to raise awareness about sexual abuse and gender violence⁵⁴.

Country experienced high rate of school dropouts in recent years⁵⁵. Children in remote villages, where they have to walk a long distance to reach school, children of nomadic communities and migrant populations, primarily leave school midway. The government has not designed any programmes to encourage these children to get back to school or see alternative such as vocational trainings.

⁴⁹ Gedu police detain two for rape of a minor, Kuensel Corporation,

<http://www.kuenselonline.com/gedu-police-detain-two-for-rape-of-a-minor/>

⁵⁰ Man sentenced to 9 and half years for rape of minor, Kuensel Corporation,

<http://www.kuenselonline.com/man-sentenced-to-9-and-half-years-for-rape-of-minor/>

⁵¹ At least one child sexually abused a week this year, Nima, Kuensel Corporation,

<http://www.kuenselonline.com/at-least-one-child-sexually-abused-a-week-this-year/>

⁵² Speech impaired minor sexually assaulted in Paro, Kuensel Corporation,

<http://www.kuenselonline.com/speech-impaired-minor-sexually-assaulted-in-paro/>

⁵³ OAG charges Bjemina VP to court, Tashi Dema, Kuensel Corporation,

<http://www.kuenselonline.com/oag-charges-bjemina-vp-to-court/>

⁵⁴ School in Gelephu initiates sexual abuse awareness programmes, Nirmala Pokhrel,

Kuensel Corporation, <http://www.kuenselonline.com/school-in-gelephu-initiates-sexual-abuse-awareness-programmes/>

⁵⁵ Enrollment declines in primary schools, Dechen Tsomo, Kuensel Corporation,

<http://www.kuenselonline.com/enrollment-declines-in-primary-schools/>

About 2,840 primary⁵⁶ age children are out of school or not enrolled in any forms of structured learning and it was an increase by about 1,800 primary age children in 2017. It also includes children with learning disabilities whose special needs are currently not catered to and those who have dropped out. There is no school that cater the need of disabled children except one recently opened school in Damphu, Tsirang.

Not all students who pass the year 10 get opportunity to continue their education. There are limited private institutions for higher education – majority are all controlled by the government. Private institutions provide education only upto Bachelors. The government controls anything beyond this. Every year when year 10 students get their results, they also get a cut off market who would not get the opportunity to enroll for higher education. Those who can afford, travel India and overseas for studies while those who cannot afford return to village to live as traditional farmer.

Employment and labour rights

Country does not have laws defining labour rights. The Labour and Working Conditions Act 2007 spells out about the requirement of work environment only. The state has now abolished the system of compulsory free labour but it does not recognise the need for any form of mechanism or legal instruments for protection of labour rights.

⁵⁶ Annual Education Statistics 2018, Ministry of Education, Bhutan

However, the Zapto Lemey (volunteer labour) phenomenon continues in eastern Bhutan villages and is highly misused by the local administration. Residents leave villages in growing number to avoid this ad nauseam voluntary labour service. The country also does not allow workers unions and the right to collective bargaining.

Despite government's claim of enough employment opportunities, the country is witnessing increasing unemployment rates⁵⁷. The Tobgay-government resorted to overseas destinations for employment as an alternative to address the problem. Today Bhutanese have started travelling to Japan and middle eastern countries for employment – that too in very poor conditions⁵⁸. The country is expected to get another 60,000 youths entering the job market in the next five years. The new government fought 2018 election sloganeering better employment opportunities. Few initiatives creating employment opportunities have sprout but did not provide create enough places for unemployed youths⁵⁹ ⁶⁰. Foreign Direct Investment projects⁶¹ created some relief for them but were absolutely inadequate. The government claimed there were enough employment opportunities but the claim is either not substantiated by fact or there is lack of connection between job seekers and employers. Few job fairs⁶² provided avenues to fill this disconnection. Lack of employment opportunities in the country means job seekers are desperate to go any destinations for employment – making them prone to scammers⁶³ and smugglers. Early in the year, two individuals were convicted of scams – giving fake assurances of job guarantee. The other reasons for increasing unemployment include young people distancing themselves from agriculture and farming. The government at times motivated job seekers to find employment

⁵⁷ Thimphu has highest unemployment rate, Rinchen Zangpo, Kuensel Corporation, <http://www.kuenselonline.com/thimphu-has-highest-unemployment-rate/>

⁵⁸ Expectation vs Reality: Bhutanese Workers in Qatar, Bhutan News Service, <https://www.bhutannewsservice.org/expectation-vs-reality-bhutanese-workers-in-qatar/>

⁵⁹ Jab-Chor—a platform for young entrepreneurs, Phurpa Lhamo, Kuensel Corporation, <http://www.kuenselonline.com/jab-chor-a-platform-for-young-entrepreneurs/>

⁶⁰ Bhutan National Startup weekend begins, Karma Cheki, Kuensel Corporation, <http://www.kuenselonline.com/bhutan-national-startup-weekend-begins/>

⁶¹ FDI created 4,871 jobs in Bhutan, Kezang Dechen, The Bhutanese, <https://thebhutanese.bt/fdi-created-4871-jobs-in-bhutan/>

⁶² 15th National Job Fair sees 53 exhibitors with 4,459 job vacancies, Damchoe, Pem, The Bhutanese, <https://thebhutanese.bt/15th-national-job-fair-sees-53-exhibitors-with-4459-job-vacancies/>

⁶³ Two sentenced in Gelephu visa scam, Tashi Dema, Kuensel Corporation, <http://www.kuenselonline.com/two-sentenced-in-gelephu-visa-scam/>

opportunities in agri-business⁶⁴. This remains uncertain until the country has capacity to go commercial farming and produce enough to export. Bhutan is an agricultural country but agriculture is regarded as a means of family sustenance not creating income-generating employment industry.

On May 3, 2018, scan café⁶⁵, a Business Process Outsourcing (BPO) company in Thimphu relieved 67 employee without notifications. It later laid off another nine⁶⁶. The ministry tried to intervene on behalf of aggrieved employees but to no avail. The terminated employees do not have their trade unions to fight in their favour. They cannot afford to fight a lengthy and expensive legal battle in courts.

On May 1, 2018, The Truckers' Committee Members of Bhutan⁶⁷ requested the Economic Affairs Ministry for government intervention to lift a ban that Dungsam Cement Corporation Limited (DCCL), company under Druk Holding and Investments (DHI), had imposed on trucks and drivers a year ago. About 45 to 80 trucks and drivers were banned by the company for directly ferrying sand to the consumers. DHI have been one of the main clients for truckers. These truckers has been punished for expressing protests against new provisions that all sand business transactions have to be routed through National Resource Development Corporation (NRDC). Truckers' livelihood and their rights were violated. They had no capacity to challenge this in the court and had to surrender to DCCL decision.

The working condition of labour at the road side, construction industry and hospitality remains poor – rather pathetic.

There are over 45,000 non- Bhutanese, mostly Indians, in country majority working in hydropower and construction projects. The rights of migrants and migrant workers are not enumerated in any Bhutanese law. The migrant laborers are strictly monitored about their job and

⁶⁴ The opportunities in the Agro Business, Damchoe Pem, The Bhutanese, <https://thebhutanese.bt/the-opportunities-in-the-agro-business/>

⁶⁵ MoLHR asks Scan Café to justify its decision to retrench employees, Yangchen C Rinzin, Kuensel Corporation, <http://www.kuenselonline.com/molhr-asks-scan-cafe-to-justify-its-decision-to-retrench-employees/>

⁶⁶ Scan Café to layoff nine more employees due to EU Data law, Tshering Delma, The Bhutanese, <https://thebhutanese.bt/scan-cafe-to-layoff-nine-more-employees-due-to-eu-data-law/>

⁶⁷ Truckers seek govt. intervention to lift ban, M B Subba, Kuensel Corporation <http://www.kuenselonline.com/truckers-seek-govt-intervention-to-lift-ban/>

movements. The migrant workers too are not allowed to form labour union to express their grievances. They would not have job guarantee and can be terminated from job at any time without notice and reason.

Because of poverty, more young women are driven to sex industry even though the profession is criminalised.

The earn and learn program that sends workers overseas for employment was misused for personal gain and abusing workers. Youths desperate to get employment were coned and cheated.⁶⁸ Many workers sent to Japan through this program have sought government intervention for their rights⁶⁹.

LGBT rights

The Penal Code of Bhutan 2004 section 213 criminalises homosexuality or other as unnatural sex and is a punishable offence under the law. The society does not accept their presence openly. Very few from the community have dared to declare their status. LGBT (Lesbian, Gay, Bisexual, Transgender) community in Bhutan comes out every year since 2016 to observe International Day Against Homophobia, Biphobia and Transphobia (IDAHOT) on May 17. About 118 LGBT⁷⁰ members have been registered with Lhak-Sam- a Civil Society Organisation

⁶⁸ Bhutanese reportedly coned to earn and learn in Malaysia, Dechen Tshomo, Kuensel Corporation, <http://www.kuenselonline.com/bhutanese-reportedly-conned-to-earn-and-learn-in-malaysia/>

⁶⁹ Earn and learn programme under review, Rinchen Zangmo, Kuensel Corporation, <http://www.kuenselonline.com/earn-and-learn-programme-under-review/>

⁷⁰ Social acceptance of LGBT community is growing in Bhutan, Passang Dorji, Bhutan Broadcasting Service, <http://www.bbs.bt/news/?p=96077>

(CSO) that caters to people living with HIV and others facing discrimination. The global acceptance of this gender is slowly penetrating to the Bhutanese society. The metropolitan community remains neutral thus playing role to in neutralising the existing negative view of the community in general.



Tenzin Gyeltshen, coordinator with Lhak-Sam (BNP+) said the social acceptance of LGBT community is growing in Bhutan but community members continue to face discrimination. Only a few of them have come public to tell the story about their sexuality⁷¹.

“A large number of gay and bisexual men refuse to seek services provided due to self-stigma, fear of being outcast, and due to the social construct,” he said.

The government has not shown any interest to amend the section 213 of Penal code and ensure the rights of the LGBT community is protected.

⁷¹ Bhutan’s first public Gay couple receive positive responses after coming out, Sonam Yangdon, The Bhutanese, <https://thebhutanese.bt/bhutans-first-public-gay-couple-receive-positive-responses-after-coming-out/>

Prison situation

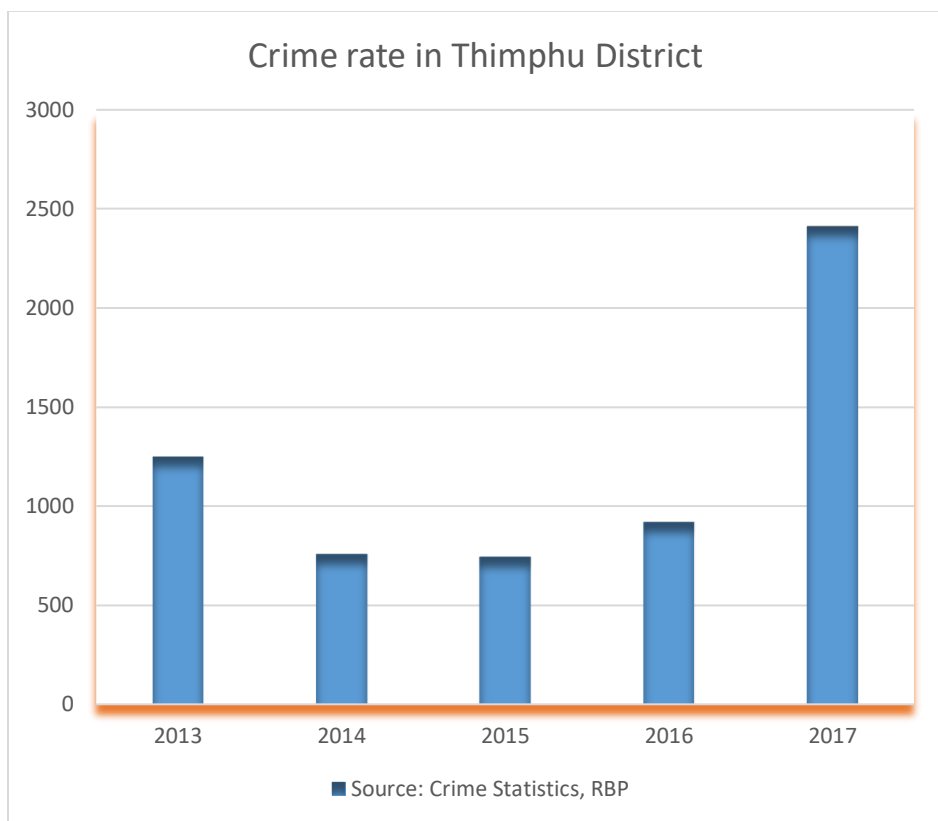
The Bhutanese prisons are the secret cells and hardest to access. Until the victims tell their story, no one knows what kind of punishment are being given to inmates. Apart from the Changgang central jail, the other prisons throughout the country lack adequate facilities for inmates. Both male and female inmates share same prison. The political prisoner are also kept with others charged with petty criminals and drug abusers. The International Committee of the Red Cross (ICRC) has suspended visiting Bhutanese prisons since 2012. There are 20 plus political prisoners who were arrested for demanding human rights and democracy in early 1990s and 2000s. They have been held without any fair trial and family access is strictly denied. Many families don't have any information if their family member is dead or still languishing in prisons.

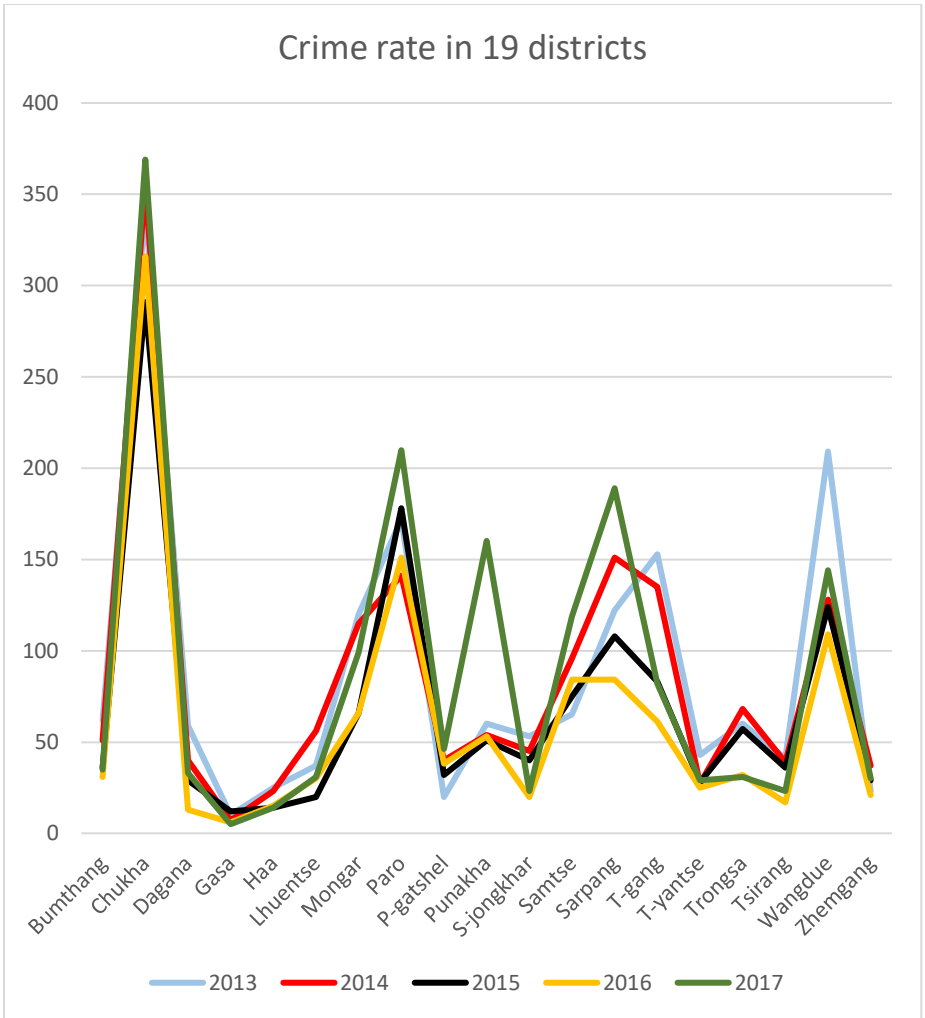
More often, the Anti-Corruption Commission (ACC) puts the detained suspected person of corruption at police prison. This not only violated human rights of the suspect but also made life in already over-crowded prisons more difficult. The intention of the prison sentences in the country is to punish the individual but not to make the person realise of his/her mistake and provide opportunity to become a better citizen.

The biggest flaw in Bhutanese jurisprudence is that the prisoner who are well rehabilitated following the completion of jail terms are denied NOC for considerable years making their livelihood even harder. In some cases, the Ministry of Home and Cultural Affairs will not issue NOC at all to some prisoner. The NOC is prerequisite in accessing the state welfare schemes, business license, passport, educations and others.

Security & crime

The country does not face any national security threat as such following the flush of Indian outlawed militants. However, the country faces territorial threats and the country has become the battleground for China and India to demonstrate their power. The case of Doklam is one and contentions continue in eastern borders as well.





Source: Crime Statistics, RBP

There is rise of robbery and mugging. Thimphu city alone recorded 763 cases of vehicle theft or robbery in 2018. The country sees increasing trending in crimes^{72 73}. The government has installed over

⁷² 4,942 youth arrested in the last five years, Tashi Dema, Kuensel Corporation, <http://www.kuenselonline.com/4942-youth-arrested-in-the-last-five-years/>

⁷³ Man gets five years for trafficking 241 SP+ capsules, Tshering Palden, Kuensel Corporation, <http://www.kuenselonline.com/man-gets-five-years-for-trafficking-241-sp-capsules/>

20 CCTV cameras around the city to control criminal activities. There is widespread usage of banned drugs specially Spasmoproxyvon Plus (SPP) capsules⁷⁴. The community has witnessed increasing number of crimes related to drugs and substance abuse^{75 76 77 78}. Stabbing⁷⁹ has become one of the pressing issues in capital and other cities⁸⁰. Police arrested over 44 individuals in less than two months who have direct or indirect link to substance trade⁸¹. The authorities have disallowed the youths from carrying knife as the only means to curb the violence. There are no reports or evidence to say that this ban has reduced the crime rates in the capital city. There are very few programs aimed at addressing this problem. Agencies such as Royal Bhutan Police⁸² and Bhutan Youth Development Fund are making minimal efforts to engage youths⁸³ that divert the mind of young people from crimes to creative activities.

From 2002 to 2017, a total of 840 cases on 'Missing of Person' were reported across the country. Human trafficking is suspected but officials deny. On July 15, 2018, an arrest of Sri Lankan travel agent⁸⁴ in

⁷⁴ Police detain man in smuggling case, Kuensel Corporation, <http://www.kuenselonline.com/police-detain-man-in-smuggling-case/>

⁷⁵ Three detained for mischief and battery, Kuensel Corporation, <http://www.kuenselonline.com/three-detained-for-mischief-and-battery/>

⁷⁶ 81 substance abusers caught in two months, Kuensel Corporation, <http://www.kuenselonline.com/81-substance-abusers-caught-in-two-months/>

⁷⁷ Five arrested with controlled substances, Dechen Tshomo, Kuensel Corporation, <http://www.kuenselonline.com/five-arrested-with-controlled-substances/>

⁷⁸ 383,756 SP capsules, 22,737 N10 tablets, 1,355 kg marijuana seized from 2014-17, Damchoe Pem, The Bhutanese, <https://thebhutanese.bt/383756-sp-capsules-22737-n10-tablets-1355-kg-marijuana-seized-from-2014-17/>

⁷⁹ Five arrested for stabbing a man, Kuensel Corporation, <http://www.kuenselonline.com/five-arrested-for-stabbing-a-man/>

⁸⁰ Man stabbed to death, Kuensel Corporation, <http://www.kuenselonline.com/man-stabbed-to-death-2/>

⁸¹ 44 people apprehended by Thimphu police for drugs in last 45 days, Damchoe Pem, The Bhutanese, <https://thebhutanese.bt/44-people-apprehended-by-thimphu-police-for-drugs-in-last-45-days/>

⁸² 44 youths in Phuentsholing come forward for Police Youth partnership program, Damchoe Pem, The Bhutanese, <https://thebhutanese.bt/44-youths-in-phuentsholing-come-forward-for-police-youth-partnership-program/>

⁸³ Why the Youth Center in Wangdue is popular with the local youth, Sonam Yangdom, The Bhutanese, <https://thebhutanese.bt/why-the-youth-center-in-wangdue-is-popular-with-the-local-youth/>

⁸⁴ Lankan held trying to 'traffic' three Bhutan women to Iraq, Narayan Namboodiri, The Times of India, <https://timesofindia.indiatimes.com/city/mumbai/lankan-held-trying-to-traffic-three-bhutan-women-to-iraq/articleshow/64593704.cms>

Mumbia, India revealed the possibility of 3 Bhutanese woman being trafficked to Iraq via Sri Lanka.

Conclusion

Bhutan has achieved a tremendous socio-economic development in the last decade. In a short span, the country has achieved several millennium development goals and SAARC development goals besides becoming only carbon negative country in the world, a remarkable achievement in the field of environment. In spite of such a positive development, people continue to live under siege mentality. People are still cautious in exercising their rights even though their rights are guaranteed under the constitution. The Bhutanese people have become accustomed to fear psychosis in their life. After a decade of democratic exercise and human rights discussions, people seldom become critical of the government in public forums. Instead of democracy, freedom and human rights getting institutionalised, the older way of living under fear has become the way of life. The networks of monarchy henchman continues to commend the awe respect due to deeply imbedded fear of repercussions on family, job security as was the case of those involved in the ousting of southern Bhutanese in the 1990s. Even now, the hard facts of anything within the country is very hard to come by. The people would not volunteer to put testimonials of their own human rights abuses. Reporting based on facts is challenging. People vent their ordeal in social media through anonymous accounts. But many of those accounts are based outside the country and at times, doubts arise as to their authenticity.

The Bhutanese statesman wants to portray the country as a paradise or the last Shangri-La on earth. And no crime can exist in paradise. The

story of GNH is presented to obscure the black side of the country's story⁸⁵.

There is, however, no doubt the country is slowly opening and the public broadening their understanding of democracy, adult franchise, democratic values and human rights. Unshackling of sieged psychology among people is a slow process. It is only expected that with time, experience, maturity and knowledge, the state of democracy and human rights will improve. Until such time, human rights and genuine GNH in the country leaves a lot to be desired.

⁸⁵ Read more of such story on 'Blacklisted in Bhutan' by Dr Rieki Crins, 'Pardeshi in Paradise' by Govinda Rizal etc

Annexure

List of political prisoners

Name	Quantum of Sentence
1. Tshewang Rixin	Life imprisonment
2. Rixin Wangdi	25 years and 3 months
3. Dorji Nidup	20 years 3 months
4. Ugyen Dorji	20 years and 9 months
5. Tashi Wangdi	13 years
6. Youngba	14 years
7. Ram Bahadur Chamling	24 years
8. Ganga Ram Dhakal	Life imprisonment
9. Bhakta Bahadur Chamling	36 years
10. Nar Bahadur Mongar	Life Imprisonment
11. Modhutar Mongar	Life Imprisonment
12. Suma Gurung	21 years
13. Tek Bahadur Mongar	24 years
14. Dan Bahadur Khaling	21 years
15. Dil Kumar Waling	21 years
16. Nadalal Tamang	43 years
17. Moni Kumar Pradhan	43 years
18. Prakash mongar	36 years
19. Santa Bir Moktan	16 years
20. Mongal Singh Ghallay	15 years
21. Kumar Gautam	Life Imprisonment
22. Hasta Bahadur Dewang	Life imprisonment
23. Suk Man Mongar	Life imprisonment
24. Birkha Bahadur Chettri	Life imprisonment
25. Govinda Neraula	Life imprisonment
26. Nandal Basnet	Life imprisonment
27. Om Nath Adhikari	Life imprisonment

28. Khagenra Khanal	Life imprisonment
29. Aita Raj Rai	Life imprisonment
30. San Man Gurung	Life imprisonment
31. Damber Pulani	43 years
32. Chatra Man Tamang	Life Imprisonment
33. Chandra Raj Rai	Life Imprisonment
34. Bhim Bhadur Rai	4 Life Imprisonment
35. Rup Narayan Chamling	15 years
36. Bala Ram Chamling	15 years
37. Pratab Singh Bhattaria	18 years
38. Nayendra Prasad Kharel	15 years
39. Ghanesam Gurung	15 years
40. Ragu Prasad Subba	18 years
41. Chandra Man Subba	18 years
42. Kharka Bahadur Rai	15 years
43. Ram Bahadur Kharalal	15 years
44. Ugyen Pelden	Life Imprisonment
45. Tendzin Gawa Zangpo	Life Imprisonment
46. Tashi Chogay	13 years