

Restraint of Political Freedom

Status of Human Rights in Bhutan 2022

The Bhutan Watch

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STATUS OF HUMAN RIGHTS IN BHUTAN 2022

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The Bhutan Watch

The Monitoring Team

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

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Contact Address:
PO Box 204
Smithfield, South Australia 5114
Email: bhutanwatchresearch@gmail.com

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ACRONYMS

ABS	Ability Bhutan Society
ACC	Anti-Corruption Commission
BBP	Build Bhutan Project
BBS	Bhutan Broadcasting Service
BCSE	Bhutan Civil Service Examination
BCSR	Bhutan Civil Service Regulation
BEO	Bhutan Employment Overseas
BNBL	Bhutan National Bank Limited
BTP	Bhutan Tendrel Party
CDO	Chief District Officer
CFO	Chief Forestry Officer
COVID	Corona Virus Disease
CSO	Civil Society Organisation
DCT	Druk Chirwang Tshogpa
DEO	District Education Officer
DNT	Druk Nyamrup Tshogpa
DPT	Druk Phuensum Tshogpa
DTT	Druk Thuendrel Tshogpa
ECB	Election Commission of Bhutan
GCBS	Gaedu College of Business Studies

JAB	Journalist Association of Bhutan
JDWNRH	Jigme Dorji Wangchuck National Referral Hospital
LG	Local Government
LGBRQ	Lesbian, gay, bisexual, transgender, intersex, queer
MOEA	Ministry of Economic Affairs
MOIC	Ministry of Information and Communication
MOICE	Ministry of Industry, Commerce, and Employment
MP	Member of Parliament
NCWC	National Commission for Women and Children
OAG	Office of the Attorney General
OC	Officer in Command
PDP	People's Democratic Party
PwD	Persons with Disabilities
RBP	Royal Bhutan Police
RCSC	Royal Civil Service Commission
RENEW	Respect Educate Nurture Empower Women
RSTA	Road Safety and Transport Authority
RUB	Royal University of Bhutan
UNPA	Plan of Action on the Safety of Journalists
USA	United States of America
USD	United States Dollar

FORWARD

We continued monitoring the human rights situation in Bhutan in 2022 as in previous years. The year witnessed, as in other countries, the relaxation of COVID-19 restrictions and opening of travel in and outside the country.

The government has not taken any initiative to improve the human rights situation in the country. The country lacks a monitoring mechanism and the presence of human rights activists. There's no mechanism to evaluate the actions of the government.

Unemployment, underemployment and lack of opportunities for the future have led to massive outmigration during the reporting period. Residents are increasingly looking for employment overseas, mostly in Australia and Canada. Unpaid labour continued under the banner of *De Suung* - service to the nation.

People are now preparing for another periodic election that will determine the current government's future. Two more parties have registered with the Election Commission of Bhutan (ECB) intending to contest in 2023. However, ECB has stricter provisions on who can become a candidate. Fresh graduates are systematically banned. Ironically, the young king who encouraged youths to take more responsibility when he ascended the throne has now sidelined youths from taking such responsibility, as the king grows older.

There is renewed concern over the deteriorating situation of access to free information. Already dying media face hurdles to get the critical information to write news. The situation is pushing towards a status quo of having only state-sponsored media, which basically passes information that the government dictates.

A small number of Bhutanese refugees in Nepal still waiting for repatriation. The relief agencies supporting the refugees are nowhere in sight. The refugees survive at the mercy of their friends and family members who have resettled, if at all.

At a time, the RGoB tightly conceals realities and shares the government's versions of clean records internationally, *The Bhutan Watch* has come forward, picked up the issue, and drilled peepholes to view the alarming human rights violations inside the country. This issue, like the past, deserves sincere encouragement and support from all the rights and justice, respecting individuals, organisations, and forums across the world.

May this endeavour of *The Bhutan Watch* help snowball support for:

- Immediately release all the political prisoners from jails in Bhutan and rehabilitate them in their original homes.
- Immediately repeal/withdraw the new provisions restricting individuals contesting the National Council and National Assembly elections in 2023.
- Improve electoral laws to allow individuals to contest the elections without being affiliated with any political parties.
- Restore government-revoked citizenship identity cards to the people living in the country.
- End gender-based violence and pave the way to end all forms of discrimination
- Repatriate Bhutanese refugees and their children from the refugee camps in Nepal and from exile and recognise the political parties functioning in exile for contesting elections there.
- Allow for the reunion of the separated family members and the creation of an environment for harmonious coexistence among and between the people within Bhutan and the world.

Thank You
The Bhutan Watch

EXECUTIVE SUMMARY

The democratic changes ushered by the royals allowing political parties to participate in the democratic process and represent the will of the people through periodic elections have hardly made any, if any, changes to the life of ordinary citizens.

The king is exercising more power than before to swirl the parties to his whims and anyone questioning his whims is eliminated. As the fourth periodic election is near, there's a likelihood of one of the oldest parties in the parliament Druk Phuensum Tshogpa (DPT) getting eliminated. This has been the attempt of the palace since 2013. Many leaders who contested previous elections under the DPT banner are encouraged to create a new party. The new party is focusing its attention on eastern districts where DPT has made its stronghold since its inception.

Over three dozen political activists, who were arrested for demanding democratic changes, are still in jail on charges of treason. The incarceration of democracy fighters in jail is ironically teasing the Bhutanese democracy and its purity.

Sexual abuse of women and girls had been a major issue in the last few years with the government failing to act. However, the issue is sometimes used as a weapon to victimise others – a special case on this issue is highlighted on this report.

The government is limiting the freedom of information, not only by a new law but also by creating a veil in the government system that restricts the flow of information. Journalists do not get access to government information and government officials speaking to the media are terminated from their jobs. Journalists' professional bodies raised concerns about the lack of access to information, however, were met with no response from the government.

The parliament has passed a law giving both royal projects – *Desuung* and *Gyalsung* – legal status. This, however, is outside of the purview of an elected government and the king has been granted full authority to force people into mandatory services for which they may not be paid, even though costs for all programmes are borne by the government treasury. The *Gyalsung* Act prescribed that all Bhutanese citizens, within the country or overseas, and under 35 years of age, must return to the country for mandatory/ voluntary services. Anyone failing to register for the service or remaining absent is fined the daily minimum national wage rate up to a maximum of ninety days.

The report covers the period from 1 January 2022 to 31 December 2022.

FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

The ECB issued new rules effective August 29 that have curtailed some of the political freedom constitution has guaranteed. Section 4.3.3.1 of the new 'Rules on Elections Conduct in the Kingdom of Bhutan 2022' mandates that a contestant has served 'in an office in the public/private sector with exemplary conduct and performance for 5 years for the assumption of office in the National Assembly, and for 10 years for the assumption of office in the National Council.'

Similarly, section 5.5 says, 'no political party or candidate shall announce or pledge, whether in a manifesto or campaign pledge or otherwise, any financial grants or projects without disclosing the means of financing such expenditure in any form or promises.'

And section 5.6 says, 'no political party or candidate shall make any unrealistic or unreasonable pledge or promise, whether in a manifesto or campaign pledge or otherwise, any fiscal or tax or financial changes which may result in the reduction of government revenues, without disclosing the means of how the political party or candidate intends to make such a reduction.'

Several other provisions of the rule weaken the role of political parties as they cannot operate without blessings from the ECB. The ECB has indirectly declared itself as the expert and power centre for all political activities and economic management of the country.

Concerns are now being raised about the new rules. These rules infringe on the provisions of the Election Act as well. As the commission dictates who should be the candidates or elected, it infringes on the sovereign rights of the citizens to elect individuals of their choice. Article 1.6 of the country's constitution gives sovereign power to the people to decide whom they trust. The constitution provisioned for educational qualification but not work experience – which outright rejected a fresh graduate to enter politics.

The ECB holds the right to accept or reject a manifesto of political parties, but it has no expertise to determine which of the promises are feasible. The term ‘unrealistic or unreasonable pledge or promise’ is subjective. The manifestos are future ambitions of political parties on which voters would assess if the promises made during elections are met and if the ruling party should get another mandate in the next election. If elected to rule, finding funds to fulfill pledges rests with political parties. Article 14 of the constitution authorises the government to levy or alter taxes as well as raise loans and seek grants in the public interest. The laws give voters, not the ECB, to scrutinise and evaluate the political party and their manifesto.

The educational and other qualifications can only be prescribed by the electoral laws, which need parliamentary approval as per Article 10.1 of the constitution. Any piece of ‘electoral laws’ that goes beyond the scope and authority of the parent legislation should be declared void. The new rule dictated by the ECB is completely beyond the boundaries of the delegated authority and the scope of section 35e of the Election Act.

The new election rules have come as a shock for many young aspirants. Some of the current Members of Parliament (MPs) had the opportunity to contest the election in the past with little or no work experience. The new rules have dashed the hopes of not only young and aspiring candidates but also self-employed people like educated farmers.

Two new political parties have been registered with the ECB with aims to contest the next election - Druk Thuendrel Tshogpa (DTT) and Bhutan Tendrel Party (BTP).

BTP applied for registration on 30 November 2022. The party had not received registration by end of December 2022. Pema Chewang was the proposed president of the party.

DTT elected Kinga Tshering its president and Chenga Tshering (PhD) its vice president during its first party convention held on May 2 in Paro. Kinga is a former DPT MP representing North Thimphu, who resigned in August

2016. Chenga had contested from Thrimshing-Kangpara constituency in Trashigang as DPT candidate.

The party applied to the ECB on May 26 to register as a new political party along with a tentative list of 47 candidates and 20 district coordinators. Party said it had 1,700 supporters across the country at the time of registration. The party opened its head office in Trashigang on September 6 - the first political party to officially declare its base in eastern Bhutan.

Dr Chenga Tshering is a candidate for the Thrimshing-Kangpara constituency. He has worked in livestock and agriculture sector for more than 20 years. Wangchuk, 50, is the party's candidate from the Nanong-Shumar constituency in Pemagatshel. He has worked in the education sector for 25 years and served as the District Education Officer (DEO) of Mongar from 2016 to 2018. 37-year-old Tashi will contest as Radhi-Sakteng candidate. He worked with the Bank of Bhutan for six years.

The party declared Mani Kumar Ghalay as its candidate from Tashichholing, and Deo Raj Galley from Ugyentse-Yoeseltse in Samtse, and Jampel Dorji from Sombaykha in Haa on December 4. Mani Kumar, 48, was a former Chief Planning Officer at the ECB and studied in the USA. Deo Raj, 47, was Chief Research Officer at the Royal Monetary Authority (RMA) and studied in the Netherlands. Jampel, 35, comes from the tourism and hospitality industry – mostly working overseas.

National Land Commission's Secretary, Pema Chewang joined DTT as a candidate from Kangling-Udzorong-Samkhar constituency in Trashigang.

A social media post by former National Council Chairperson Sonam Kinga, who currently leads king's project *Gyalsung* Infra, on his decision to explore possibilities of contesting the 2023 elections, came under the scrutiny of the ECB. The social media page 'Peldruk Pelbar' on which Kinga posted was taken down within a week but he defended his decision to say that 'Peldruk Pelbar' was not a political party but a political movement.

According to the ECB Social Media rules and regulations, any communication via telephone means including individual or bulk SMS, or

the internet including Telegram, Instagram, WhatsApp, Viber, WeChat, Twitter, Facebook, YouTube, Google Plus, blogs, websites, personal or official, individual or entity, textual or graphics, video or voice shall be determined as political advertising if the content pertains to elections, political views or positions, or in any way can be understood to be in support or against a candidate or party contesting elections.

On November 11, the People's Democratic Party (PDP) unveiled its 11 candidates for the NA elections scheduled for 2023.

Namgay Dorji, 34, will represent PDP and contest from Kabji-Talo constituency in Punakha. He worked with the foreign ministry for 12 years and was with the Multilateral Department before joining the party. The former MP Namgay Wangchuk is the party's candidate from Lingmu-Toewang constituency in Punakha. Sonam Tashi stands from Lamgong-Wangchang constituency in Paro. He contested as a National Council candidate in 2018. Lhendup Wangdi is contesting from the Bji-Katso-Uesu in Haa. He served as an Assistant Lecturer in Gaedu College of Business Studies (GCBS) and was running a business in Haa before joining politics.

Similarly, Kelzang Phuntsho is contesting from the Dewathang-Gomdar constituency in Samdrupjongkhar. He was the Chief Operations Officer of Link Unify, an IT company. He worked in the private sector for 16 years. Ugyen Lama stands from Dophuchen-Tading in Samtse. The 33-year-old engineer contested National Council in 2018. Pemba, who worked for Royal Bhutan Army for 10 years, stands from Bongo-Chapcha constituency, Chhukha. He had contested parliamentary elections in 2018.

Lhaba Lhaba will contest from Khatoed-Laya constituency, Gasa. The 29-year-old worked as a procurement officer with the Jigme Singye Wangchuck School of Law in Paro. Nanong-Shumar candidate is Pema Wangchuk worked in both the government and private sectors for 20 years. Wamrong candidate Yeshey Nidup was the chief engineer of Phuentsholing municipality prior to joining the party. Tshering will recontest from North Thimphu. He worked in media, construction, real estate and legislation.

The ECB on August 24 warned the PDP against the press release it issued on August 18. A copy of this ECB letter was sent to all other parties as a warning that they cannot issue a statement that forms part of ‘campaigning’. The ECB stated that the press release was found in violation of Article 268 of the Election Act and Section 10.1 of the Political Party Rules of the country.

Article 268 states the election campaign shall be permitted to commence from the date of issue of notification by a Royal Decree calling an election as announced or notified in the case of Local Government elections by the Election Commission and end 48 hours prior to the hour fixed for the commencement of poll for the election.

The PDP press release stated that the party replaced its tagline ‘Wangtse Chhirpel’ by ‘For a better Druk Yul - A promise we will deliver’ which was approved by the ECB in June.

The ECB had objected to the press release on the ground that some of the contents were allowed to be used only during campaign periods.

In October, ECB conducted a seminar for aspiring individuals who intended to contest the National Council election scheduled for April 2023. There were 131 aspirants, 125 male and six female, registered with the ECB and intending to contest. The current NC was constituted on 10 May 2018 and its five-year term will end on 9 May 2023.

The executives who have been ‘managed out’ through the leadership assessment by the Royal Civil Service Commission (RCSC) are not allowed to contest future elections. ECB met with party presidents to convey its decision. While civil servants who exit the service through voluntary resignation are eligible to contest elections, those dismissed or removed from the service are ineligible to stand as candidates.

The Election Act does not specify whether or not being ‘managed out’ from the public service is removal or dismissal. It was learnt that they were disqualified from contesting elections on the grounds that they were removed.

The Honorary Consulate of the Republic of Poland in Bhutan was inaugurated in Thimphu on September 13. Wangdi Jamyang has been named the first Polish Consul in the country. Bhutan and Poland established diplomatic relations on 29 November 2012.

The ECB held local government elections for 24 vacant seats on 5 May 2022. During the third LG elections conducted in December 2021, most wards (demkhongs) didn't have candidates to contest, and in a few wards the aspiring candidates were affiliated with a political party and their candidacy was dismissed. In some wards, the aspiring candidates had secured more 'No' votes than 'yes' votes. Out of the 1,044 chiwogs (villages) in the country, 1,024 elected their representatives during the third LG elections.

The Supreme Court on March 31 upheld the High Court's judgment and sentenced Khandu Wangmo to nine years in prison for her involvement in the mutiny. The concurrent sentence of nine years in prison was for abetting mutiny, criminal misappropriation of property, larceny by deception, illegal possession of a firearm, and impersonation of uniformed personnel.

She was also convicted of unauthorised utilisation of resources, illegal procurement of official documents, and harassment. The offences are graded misdemeanours and were given a six-months prison term for each offence. Wangmo has to serve a total sentence of 30 years, which includes the 21 years prison term for the sedition case.

CIVIL LIBERTIES

Freedom of media and right to expression

Editors from media houses expressed their concerns over the stonewalling of information from government agencies and constitutional bodies. These concerns were conveyed to the agencies by the Media Council of Bhutan in writing based on the submission from the editors, the Journalists' Association of Bhutan (JAB) and the media community over access to information.

Editors said that access to information has lately become restrictive, compounded by red-tapeism, leading to the journalists' inability to write stories of public interest with adequate clarity and depth.

Only two agencies —RCSC and the Supreme Court — responded to the Council. The RCSC maintained they never issued any directives to civil servants to not speak to the media but were working on streamlining access to information. The Supreme Court said all queries may be routed through their Media Unit.

A meeting of editors from both print and broadcast media in October concluded getting basic information must pass the layers of bureaucratic procedures. Despite repeated editorials and stories on access to the information published by Kuensel and other newspapers, the situation continues to deteriorate. For years journalists have been encouraging the public to be active in the media.

Country's High Court dismissed Penjore's appeal for compensation in a defamation case against the police on August 30, upholding the Thimphu District Court's judgment and denying compensation.

Penjore said he wanted to appeal to the Supreme Court seeking compensation, for official misconduct and failure to report a crime by the Office of the Attorney General (OAG) and Bhutan National Bank Limited's (BNBL) officials.

Penjore appealed to the HC in June requesting compensation from police for detaining him for 16 days and for the official misconduct and failure to report the crime by the OAG and the BNBL executive committee members.

Thimphu District Court's criminal bench II in May had dismissed the defamation case police filed against Penjore. RBP charged Penjore in November 2021 for allegedly defaming the OAG in a social media post. The court ruled that the information written by Penjore on his Facebook account was not fake and that his posts were in the interest of the public.

The judgment states that Penjore posted the truth about the case where OAG dismissed the allegation on the BNBL executive committee members. The police investigation report revealed that BNBL executive committee members were involved in the unlawful recruitment of 12 supporting staff at the BNBL in 2017. The court says that Penjore as an individual has the right to reveal the truth.

On 4 May 2021, Penjore posted “Shocking Bigger Crime at Bhutan’s OAG level- A Guilty Secret Cheating Case through Collusion- A National Shame” on his Facebook account “Penjore Penjore”. He asked the Attorney General and BNBL officials to resign over the staff recruitment. His post was based on news published by BBS.

Police arrested and detained Penjore in May 2021 for 16 days before the OAG charged him with sedition. Penjore claimed compensation for his arrest. However, the court ruled out that Penjore will not get the compensation as police arrested him to investigate the case.

With the closure of the defamation case against a citizen by the Royal Bhutan Police, an individual won the case but the nation lost its right to criticise the state agencies. Though the judiciary reassured the citizen's right to free speech in this case, it also opened a new trap, the ability of public institutions to sue citizens for defamation. Neither party, in this case, argued if the state agencies can sue individuals nor did the court dwell on this important aspect in light of the democratic set-up. Thus, this judgment is a

cause of concern among the public as now any government agency can sue individuals for defamation. Such an unprecedented decision further emboldens state agencies to take such steps against private citizens.

To help local government (LG) leaders use social media productively and be smart consumers, 26 LG leaders from 12 blocks in Tsirang attended a two-day media and democracy literacy training in June. Participants were trained on how to verify the news, use media as a tool for constructive feedback and discourse, and engage safely and responsibly on social media, among others. A study conducted by Bhutan Media Foundation in 2020 showed 90% of Bhutanese people are on social media, spending 163 minutes on average daily.

With zero death and physical attacks against journalists, Bhutan is one of the safest places to practice journalism in the region. At the South Asia Regional Consultation on the 10th Anniversary of the UN Plan of Action (UNPA) on the Safety of Journalists, six countries including Bhutan presented the status of the UNPA implementation in their respective countries.

Except for three recent cases of journalists facing intimidation and other threats, Bhutan presented that there were no physical attacks, killings, or journalists imprisoned.

The third internet gateway for Bhutan was finally agreed. India has, in principle, agreed to provide the third internet gateway at the rate Bhutan proposed. The internet cost for this gateway is USD 4.5/Mbps. Currently, the country is paying USD 7/Mbps for the Internet connection through the Siliguri corridor. The right to the internet is regarded as a fundamental right today. Bhutan has one of the most expensive and unreliable internet services in the region.

The economic affairs ministry demoted one of its employees for criticising the government's policies and actions on social media in April. The posts were made on Twitter and Facebook during the lockdown.

The ministry stated that they took administrative action against the employee for breaching the code of conduct. It also stated that public sector employees are required to refrain from making any statement that may have adverse effects on the policies or actions of the government.

In another case, two women foresters were issued a ‘compulsory retirement order’ on April 4 with benefits for talking to the media (appearing on television). On March 23, Bhutan Broadcasting Service (BBS) ran a story — ‘Seven foresters unhappy with excess staff deployment order appealed to secretary and RCSC.’ The two female foresters appeared on television to speak on the issue and the Chief Forestry Officer of the Department of Forests and Park Services also appeared on TV to clarify the deployment. However, the CFO was not terminated from the job.

Bhutan Civil Service Regulation (BCSR)’s clause 3.3.16 states that a civil servant shall refrain from making any statement of fact or opinion in the media (broadcast, print and online) or in any document, which may have adverse effects against the policies or actions of the royal government.

Travel and migration

Travel to and from India has become more restrictive following the inauguration of a new gate in Phuentsholing. Bhutanese travelling to India do not require a visa but the Bhutanese authorities have made it compulsory that any traveller to India must register at the immigration registrar at the gate and other border entry points. And those travelling to India for medical reasons were not allowed to return to Bhutan within seven days.

People travelling overseas use Paro International Airport. There have been no reports of people facing any trouble while travelling through the airport.

Amid the second covid-19 lockdown, the government ordered Nepali-speaking citizens living in their ancestral homes along the Indo-Bhutan border to find another land in the north and make arrangements to shift permanently and urgently.

The high command order could not be appealed, and thus the people were left with no option other than to fall pray at the mercy of the Mandals (gups or village assembly head) to get land equivalent to their original land. Gups took considerable bribes to identify land appropriate for building houses.

Compensation for the house was based on local market valuation whereas construction of a new house on the new land was far beyond this budget due to material and labour shortages. By the time this report is prepared the houses from where Lhotsampas were forced out are being used by people resettled from north-west Bhutan.

Several requests to allow them to live until the lockdown was over were ignored, citing that high command orders are non-changeable. The entire village was scattered all around the district because replacement land was available in small areas in different places, which were residual left out from settlers from northwest Bhutan in late 1990s.

Stateless and grant of citizenship

There are no official records yet, but unofficial records show some 80,000 Bhutanese remain stateless in the country. Over the past few years, the king has issued orders to grant citizenship to many of these individuals. The scheme has not reached everyone who remains stateless. The grant of citizenship has stagnated following COVID. The majority of those remaining stateless are relatives of the Bhutanese refugees.

While a large portion of the refugee population has now permanently settled in Global North countries, approximately seven thousand refugees in Eastern Nepal are waiting for repatriation. While large-scale eviction has not happened in the last 30 years, few individuals are still forced to leave the country under several pretences.

The statelessness amount resettled Bhutanese in Europe remains a critical community issue. The local law requires that individuals attained language qualification or similar other criteria which is not possible for community members who had never been to school in their lifetime. Efforts from the community leaders have not given any fruitful results yet.

One such latest case is of Parshuram Mahato from Samtse District. Mahato's family was ordered to leave the country in 2020 but his movement was restricted following COVID. When the lockdown ended, he was forced to leave the country in October 2022. He had been working as a teacher in a Bhutanese government school since 1972. The local government-issued document dated 4 August 1970 says Mahato is a resident of Bhutan. The family also owned land with a house in the country. Though The Bhutan Watch was unable to verify if Mahato family is a citizen of Bhutan, Bhutanese citizenship law stipulates that individuals working in government service are eligible for Bhutanese citizenship after 15 years of service.

Freedom of association and assembly

The constitution provides freedom of association or assembly, but the government holds the right to not allow any form of public. Other than a few social service organisations, Bhutan does not have any advocacy groups. The lack of human rights advocacy groups and trade unions means - individuals must pursue a lonely fight if his/her rights are infringed.

Civil society organisation – the term used to define non-governmental organisations are limited to north-western Bhutan or registered by people from that origin. Most large CSOs are under the command of the royal family and many of them are not legally registered with the CSO Authority.

Freedom of religions

There have been no cases of religious prosecution or religious conversion reported during the monitoring period. The constitution recognises Buddhism and Hinduism as official religions in the country. Christian community is growing but it is discouraged. The political leaders and the kings participate in both Hindu and Buddhist festivals.

DISCRIMINATION AND ABUSES IN SOCIETY

Minority Issues

With the inauguration of inclusive facilities on December 1, the Professional Development Centre in Tsirang is the first training centre that is Persons with Disabilities-friendly (PwD) in the country.

The main building, training hall, computer lab, dining room, and three-room hostel of the centre are now equipped with ramps with handrails, wide wheel-chair accessible sliding doors, furniture, unisex toilet, and tactile flooring. The modifications are made to the emergency exit doors, existing doors, and the reception counter.

According to the Population of Housing Census of Bhutan 2017, 2.1% of the Bhutanese population has some form of disability.

There were inclusive schools like Muenselling Institute, Khaling, and Changangkha MSS, among others, but Bhutan did not have a training centre that was PwD-friendly.

Bhutan ratified the UN Convention on the Rights of Persons with Disabilities in 2010, with a commitment to provide rights and social inclusion for the PwDs.

Ability Bhutan Society's (ABS) recent survey in Tsirang revealed that there are 975 people living with disabilities in the district. A team of enumerators led by two officials from the ABS conducted the survey from April to May as part of ABS's three-year project: "Engaging and empowering people with disabilities" in Zhemgang, Samtse, and Tsirang.

According to the ABS, the data collected across the 12 blocks in the districts showed a various range of disabilities, but hearing impairment was one of the prominent disabilities.

The need for policy interventions, mental health challenges, and authentic representation in the community of the lesbian, gay, bisexual, transgender, and queer (LGBTQ+) community were some of the topics discussed at the

Bhutan Echoes held in April. Representatives Tenzin Gyeltshen from Pride Bhutan, and Tashi Tshenten and Pema Dorji from QUEER Voices of Bhutan sat to speak of the issues at the Bhutan Echoes on April 25. Tashi Tsheten said that while the trans-community needed a legal gender recognition policy, for gays and lesbians, marriage equality rights were necessary.

Women Issues

A study by National Commission for Women and Children (NCWC) revealed that women working at hydropower sites, road, and bridge construction reported bullying and harassment at the workplace. The study revealed 9.23% of women in hydropower construction sites face sexual harassment, 12% in road construction sites and 11.11% in bridge construction sites. Anecdotes suggest that having a lot of male non-Bhutanese workers around increases the likelihood of gender-based violence against female workers and the girls and women who live close to the project sites.

Prime Minister Dr Lotay Tshering claimed that Bhutan does not have gender inequality. Currently, female participation in parliament is 16.5%, 12.6% in Local Government, 39.8% in civil service, and 18% at the executive level.

Bhutan ranks 130 out of 156 countries in the Global Gender Gap Report 2021, which uses indicators of political empowerment, health and survival, educational attainment, and economic participation and opportunity to assess the extent of gender parity.

Thimphu District Court on September 5 sentenced 53-year-old Kesang Wangchuk an officer at Royal Tutorial Project to 10 months in prison for sexually harassing his subordinate. He can pay in lieu of his prison term, on top of Nu 45,000 that the court ordered to pay the victim as compensation.

Bhutan Power Corporation terminated its director, Sandeep Rai, who was convicted of sexually harassing a support staff. Rai was convicted by the

Thimphu District Court on August 2 to eight months in prison, but he can pay Nu 30,000 in lieu of the imprisonment term.

Trashiyangtse District Court sentenced Jangchub Nyingpo, 43, from Toedtsho Gewog to life imprisonment on July 29 for statutory rape of his 10-year-old stepdaughter on multiple occasions. The court also ordered Jangchub Nyingpo, a father of four, to pay Nu 112,500 as compensation to the victim.

Mongar District Court on July 13 acquitted two women, a mother of a newborn and her neighbour, who took the child to the hospital claiming she found the newborn. Police in Mongar had charged the 45-year-old neighbour for providing false information after she took the infant to Mongar hospital claiming she found the infant abandoned in Changshingpek. Police investigation found the woman took the infant from a 29-year-old woman, who is her neighbour.

An assistant professor at the College of Science and Technology was accused of sexual harassment in January, by nine female students. The Royal University of Bhutan forwarded the case to the police. The assistant, who had been associated with the college for the last 30 years, was suspended following the allegations. Following increasing cases of sexual harassment in educational institutions, many other colleges reaffirmed their commitment to zero tolerance to such behaviour.

A 77-year-old woman in Thimphu was charged with the trafficking of a child - a 13-year-old non-Bhutanese girl. The case surfaced following the suicide of the girl in January. The woman illegally brought the child from India six to seven years ago as a maid.

In May, a couple – Dawa Dema and Karma Thinley from Trongsa – were charged with trafficking 44 women to the Middle East - by deceiving them with promises of attractive job opportunities. The couple allegedly trafficked the women to Iraq and Oman through their partners in the UAE, India, Iraq and Oman in 2018-19.

In the workplace, the victims were made to work for long hours without rest and some were even raped. Their passports were seized, and salaries were not paid. When they wanted to return, they were threatened and told to pay as high as USD 9000 to leave. Dema also demanded Nu 600,000 from them for their return. Dawa received between USD 1,100 and 2,200 per woman as commission in addition to monthly allowances from her main agent. The women were also charged Nu 400,000 as employment fees.

Dema was a businesswoman in Thimphu who failing to pay the debtors fled to New Delhi in 2015 where she worked at a travel agency until 2017 and reached Dubai as a victim of human trafficking herself. After working there as a housemaid for six months, she decided to work together with the agent. She then influenced three Indian women and sent them to Oman. After returning to New Delhi, she started working with a partner from Bangladesh.

Four years into its tenure, the DNT government has yet to fulfil its pledge to provide maternity allowances for female employees. The government said works are ongoing but rolling out the allowances would depend on the country's economy becoming better.

With the non-governmental organisation, Respect Education, Nurture, Empower Women (RENEW), establishing a community service centre in Tsirang, access to services is expected to improve for survivors of violence and gender-based violence in the district.

Children Issues

When children returned to classes in March 2022, they received one meal from their school kitchens, sourced from local farmers. Those in boarding schools received three meals as part of reducing malnutrition issues. Bhutan faces the triple burden of malnutrition with the co-existence of undernutrition, overnutrition and micronutrient deficiency. The government spends Nu 1,500 per child per month for the school feeding programme. There were around 101,800 students receiving at least one meal a day.

Police were hunting for a 19-year-old suspect who allegedly raped a 16-year-old child on May 1. The suspect was a student at a remote school who travelled to Samdrup jongkhar town for shopping and took the victim with him to look for their common friend. He allegedly raped the victim under the influence of alcohol.

Mongar District Court on April 19 sentenced a 23-year-old man to 20 years in prison for statutory rape. The convict, Tashi Dawa from Yusungpogola village in Khengkhar, raped the seven-year-old child in a maize mill shed on February 15. He was arrested on the same day and detained under Gyalpoishing Police Custody. Dawa had confessed. The judgment stated that although Dawa did not have a past criminal record, he was sentenced to 20 years to ‘deter others from committing the crime and to uphold community security’.

Wangdue District Court sentenced 21-year-old Kezang Norbu from Lauri in Samdrupjongkhar to nine years in prison for the rape of a minor on April 18. The victim was 14 years and 11 months during the time of the incident.

Panbang Sub-District Court April 14 sentenced Neten Wangchuk, 36 from Panbang to life imprisonment for the statutory rape of his nine-year-old stepdaughter in November 2021.

The minor was also a victim of domestic violence and faced sexual abuse for a long time. Her school friends helped to bring out the case and notify the authorities. The court also sentenced 38-year-old Sangay Gyeltshen, a neighbour of the minor, and landlord, to five years and six months for the attempt to rape the same minor, under the influence of alcohol. Convicts were ordered to pay Nu 45,000 and Nu 26,000 respectively as compensation to the victim.

Students in Samdrup jongkhar primary school study in the multipurpose hall, special education needs classroom and library due to classroom shortage.

The number of teachers either resigning or taking extraordinary leave from various schools in Chukha and Samtse has been increasing in the past few years worrying administrators. Officials don't know why the teachers choose to leave but their colleagues say they left for better options, including migrating to Australia. Between 2018 and 2022, 43 teachers took extraordinary leave in Chukha and a total of 27 teachers resigned during the same period. Eight of them resigned in 2022. In Samtse, 41 teachers including those on contract resigned between 2020 and 2021 and in 2022, at least 21 teachers left the job.

Wamrong Sub-District Court in August sentenced a 22-year-old man from Trashigang District to nine years in prison for the rape of a minor. Sonam Jamtsho, from Kurichilo in Lumang block met with the victim on social media, Facebook. The victim was 15 years old at the time of the incident in 2021. They lived as a couple in Babesa, Thimphu. The two then moved to his village. Jamtsho was also found guilty of physically abusing the victim. The girl was also a victim of domestic violence and he had beaten her.

The Bumthang District Court, in March, sentenced a 55-year-old man from Trashigang to three years and three months in prison for molesting his 12-year-old niece.

From January to July, the police recorded 42 cases of violence against children in the country. There were nine cases of child molestation; 23 cases of rape of a child above 12 years old; three cases each of child battery and abandonment of a dead infant; two cases of illegal abortion; and one case each of abandonment of an infant or a child and child abuse.

Cases of child abuse continue to increase in Tsirang, Bumthang, and Paro Districts. Of the 28 violence against cases reported until August, most were emotional and physical abuse by parents and relatives or someone they know.

Most of the violence cases against children in Samtse are related to sex. Starting 2019 until Mid 2022, the district saw a total of 38 violence against children, the highest being in 2021 with 14 cases.

Counsellors and principals of seven schools in Dagana were involved in suicide prevention and awareness programme in their communities across the district in June. Initiated by the district administration, the programme was introduced in the wake of rising suicide cases in the district.

Others

People who have come out of prison face challenges integrating into society and restarting their lives. The social dogma of tagging such a person as ‘bad’ is one thing they need to overcome but the bigger challenge is the legal discrimination they face – not getting ‘No Objection Certificate’.

In Bhutan, there is a serious challenge to own a home no matter how high one’s income is, especially for those working as employees in the government, corporate or private sectors. In Bhutan, the minimum wage is around Nu 4,500 while the rent is also similar to that amount, almost 100% of the salary.

Today, owning even a small plot has become the biggest status in society, particularly in urban areas. With no intervention from the government, a small section of the urban people is gradually owning a major portion of the private land, making it impossible for the rest to even become a part of urban ownership.

Financial inclusion is becoming even more difficult. With more individuals with financial assets and access emigrating overseas including Australia and Canada to build up their wealth, the marginalised section feels the pinch. Bhutanese migrating to Australia and Canada told *The Bhutan Watch*, survival in Bhutan has become more difficult with wealth concentrated to limited individuals.

EMPLOYMENT AND WORKERS' RIGHTS

Good jobs are scarce, and wages are low. One preferable scenario is that Bhutanese professionals – architects, lawyers, IT engineers, and travel agents, expand their business outside the country to improve employment opportunities for young aspirants and improve foreign currency reserves.

To support jobseekers and address the youth unemployment problem, the Ministry of Industry, Commerce, and Employment (MoICE) invested in skilling development and entrepreneurship programmes. The government's efforts to create opportunities for the growing unemployed young population have not been adequate. The process has been slow.

There are 199,111 young people – aged 15 - 24 - in Bhutan today, comprising 26% of the population. By the end of the 12th Plan, the National Statistics Bureau projects that about 62,743 students will enter the labour market looking for employment.

Investing in the first years of children's lives is critical, but we cannot assume that this will be sufficient to fully secure their long-term wellbeing and prosperity. We must invest across the continuum of the first and second decades of life.

Build Bhutan Project (BBP) engaged about 4,000 youth in the construction sector, against the target of 7,000 in two years. This include 1,739 youth engaged in the specialised firm, private construction, and hydropower projects and 2,121 youths were trained in various skilling programmes such as masonry, carpentry, electrical, painting, and welding. However, there are glimmer reports any of these youths gained full employment.

A skills development plan, basic entrepreneurship course, Build Bhutan Project, and youth engagement and livelihood programme, among others, are the initiatives to make them employable. The workforce report 2022 found that about 70% of jobseekers, both highly qualified and low-skilled individuals, actively seek overseas employment.

Of 25,198 jobseekers registered with the ministry from 2018 to June 2022, only 8,876 were placed and 4,810 were referred with a majority of them employed in government, autonomous and corporate sectors. The fiscal year of 2021-2022 saw the highest number of jobseekers with 12,682 of which the ministry facilitated the employment of 3,741.

In the reporting period, 1,796 graduates sat the Bhutan Civil Service Examination (BCSE) viva voce between October 19 and 27. But there were 651 slots in the civil service in 2022. A total of 3,486 graduates registered for PE and 2,543 appearing the exam, out of which 1,826 qualified for the final test – viva voce.

A three-day entrepreneurship festival, Druk Tshongrig Gatoen, to promote and celebrate social entrepreneurship, and intelligent business was held in the capital in October.

The Gowa programme organised by the regional labour office in Phuentsholing on June 22 brought together employers and job seekers. There were 299 jobs offered by 22 companies but only 106 jobseekers turned up. Sixteen companies offered to recruit “on the spot.” However, only four were recruited on the spot. Another 80 jobseekers were shortlisted for further interviews.

Thimphu TechPark organised a 15-day basic entrepreneur course for 31 laid-off bar employees in April. The labour ministry was providing skilling, upskilling, self-employment, and engagement opportunities for those affected by the closure of bars January 7. As part of the course, four business ideas were awarded a cash prize of Nu 50,000 to help them start their businesses.

The government aims to reduce the unemployment rate in the country from 4.8% to 3% in the financial year 2022-2023. The government allocated Nu 1,627 million in the financial year 2022-2023 for employment-related activities.

Failing to avail of any employment opportunities or adequate income for a manageable livelihood, people have increasingly sought greener pastures

overseas. More than 30,000 are overseas in 113 countries, mostly, in Australia. There are 10, 911 Bhutanese in Australia (as per government records), 9,519 in India, 3,184 in Kuwait, 1,356 in Thailand and 1,327 in the USA, among others. The unofficial records of Bhutanese in Australia crosses over 15,000 by end of December 2022. There are over 6,000 in Canada.

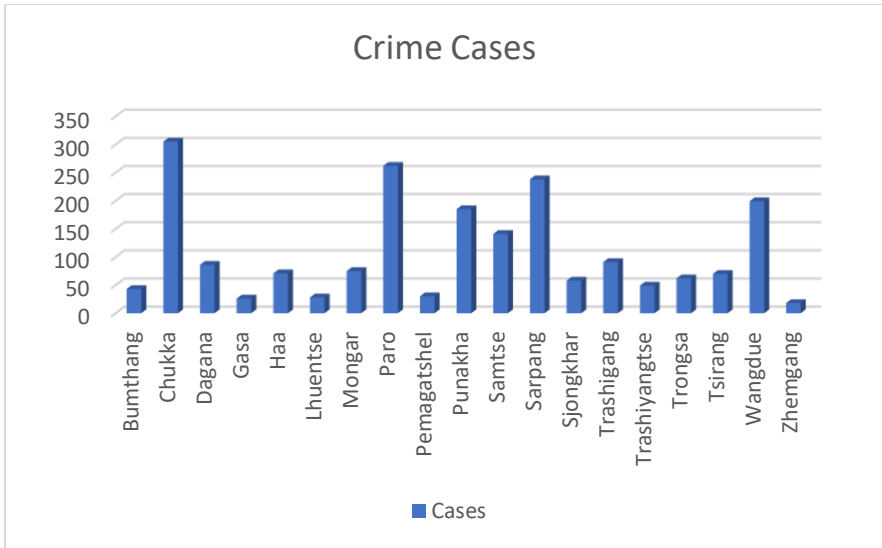
However, overseas employment has not been always safe for Bhutanese emigrants. Those travelling to the Middle East and Japan faced multiple troubles.

Thimphu District Court sentenced the two proprietors of Bhutan Employment Overseas (BEO) to seven years and 11 months in prison on April 14. The proprietors, Tenzin Rigden and Jurmey Tshewang, were found guilty of making bank false statements forging the seal and logo of a bank for 697 youth who went to Japan through the Learn and Earn programme. They were sentenced to five years in prison which is non-compoundable. The court slapped the proprietors with two years and 11 months prison term each for the making of fake payslips for the guardians of the youth. They can pay in lieu of the prison term.

The Ministry of Finance and the Ministry of Works and Human Settlement have submitted a proposal to raise the daily wage between Nu 420 and 450 a day. The current minimum daily rate is Nu 215.

CRIMES

The number of criminal offences increased in 2022 to 3,499 compared to 2,818 the previous year. The majority of the crimes were related to battery and substance abuse, followed by larceny, burglary and deceptive practice. Except for Punakha, Pemagatshel, Samdrupjongkhar, and Zhemgang, all other districts saw a rise in the number of criminal offences. The capital Thimphu saw the highest spike with 1,462 cases, an increase of 281 cases from 2021 (not included in the chart below for data clarity).



The Royal Bhutan Police (RBP) said they are increasing surveillance activities to control increasing incidents of drug trafficking and consumption with the formation of a national anti-drug task force.

In Bhutan, a person found in possession of up to 20 pieces, or tablets of prohibited narcotics is not prosecuted, given that the person presents to Bhutan Narcotics Control Authority-approved drop-in centre for detoxification, counselling, or treatment. Substance abuse, bullying, and neglect among youths in Phuentsholing are major challenges. Other districts have no good news to rejoice too. Thimphu Police saw 139 youths involved in drug-related cases between January and July 2022.

An elderly couple died in a house blaze on December 29 at Tsertsa under Trong Block in Zhemgang. The couple is suspected to have fallen asleep while the fire broke out. The man was 73 and the woman was 81 years old. Tsertsa is 50km from Zhemgang town, on the way to Panbang.

Police nabbed three out of the 10 detainees who escaped from the detention centre in Thimphu on November 22. Two were rearrested in Thimphu and the other escapee, an Indian, was apprehended at Takti Koti on the

Thimphu-Phuentsholing highway. The escapees were detained for drug trafficking, burglary, rape, and voluntary manslaughter cases.

The RBP said more Bhutanese have been the victims of online scams. Most of the scammers are from India with middlemen in Bhutan, aged 20 to 30, mostly college dropouts and unemployed youths.

The Thimphu District Court on August 11 directed the Ministry of Information and Communications Ministry, Road Safety and Transport Authority (RSTA), and the Ministry of Economic Affairs (MoEA) to compensate a female *De-sump* Nu 14.389M after an accident left her disabled for life, at the age of 25. This is the highest compensation paid to individuals in the recent history of Bhutan. The compensation was calculated considering the salary of Nu 12,000 per month for 45 years. The compensation includes medical expenses for her treatment, the cost of diapers for 45 years, travel expenses for treatment, compensation for loss of family life, attendant(s) monthly wage for 45 years, compensation for emotional distress, and punitive damages.

The *De-sump* was hit by a pick-up truck while in duty on 15 September 2020. Her legal counsel had claimed compensation of Nu 23.982M from five defendants- MoIC, RSTA, MoEA, the owner of the Gaki automobiles in Olakha and the owner of the pick-up truck. Police had earlier charged the driver, in 2021, for driving under the influence of alcohol. He was fined Nu 4,250 and was ordered to pay compensation of Nu 360,000 to the petitioner.

The RBP Gedu seized 17,400 SP+ capsules and 470 N10 tablets hidden inside a new water tank on a vehicle bound for Thimphu on June 14. In another case, the RBP Thimphu seized 18,184 SP+ capsules in two suitcases from Jungshina and arrested four people including two women.

Police detained former Trongsa Chief District Officer (CDO) Lhab Dorji and his family members in April after they attacked Anti-Corruption Commission (ACC) officials within the Supreme Court premises.

A 24cm long ‘Rambo knife’ was found in a trash bin at the Supreme Court after the incident. The ACC official suffered a cut on his left hand and bruises during the altercation. One of the commissioners was also allegedly assaulted.

The Supreme Court had convicted Dorji, his wife Karma Tshitim Dolma, former Mandal of Dragteng, Tenzin and former land surveyor of Trongsa, Narayan Dangal in the land case and sentenced them to prison terms ranging from 18 months to six years. They were convicted of forgery, official misconduct, solicitation, and deception, among other charges. Dorji and others had appealed to the Supreme Court against the verdict High Court.

Jigme Dorji Wangchuck National Referral Hospital’s (JDWNRH) food inspection team intercepted visitors delivering several types of illicit drugs in April - packed in meal boxes meant for patients and attendants. Hospital officials said there were Spasmoproxyvon Plus (SP+) and hashish, beer, coke, and mouth fresheners. The person delivering the food was not arrested.

National Council intends to keep discussing the proposed amendment in RBP Act by National Assembly members which stated that the duties of the RBP shall be to detect cases, identify offenders and where appropriate, apprehend offenders, investigate and forward the cases to the Office of Attorney General for prosecution; charge sheet and prosecute in subsequent. NC members objected to forwarding cases to OAG.

WATER WOES

The water shortage is growing in Wamrong Trashigang. More than eight hoteliers and about 25 shopkeepers in Wamrong have been facing continued water shortages that affected their business.

The drinking water shortage for residents of Dzamlingzor village in Gosarling block has deteriorated in recent years due to the increased population. After their plea to secure safe and reliable drinking water for 52

households did not get through to the authorities, the locals have come to their own rescues. They appointed a caretaker from within the community and are paying him Nu 8,000 a month to ensure continued water supply to the residents.

Farmers of Ramjar were smiling after the *De-Suung* national service irrigation water project came as a relief to their acute water shortage. Around 50 *De-suups* laid pipes and constructed three reservoirs that cost Nu 13.7 million. The irrigation water project reaches 107 acres of dry land and 66 acres of wetland benefitting more than 333 households.

The residents from four villages under Uzorong block in Trashigang now have supply water with *De-suups* constructing 13 tanks and the supply lines. The project was completed at the cost of Nu 28.458M.

Bhutan Living Standard Survey 2017 reports 99.5% households have access to the improved water supply. One of the Key Performance Indicators (KPI17.1) of the 12th Five Year Plan targets that both urban and rural households will have access to 24 hours supply of “safe/piped” drinking water in the dwelling. The piped water supply from a natural source to the dwelling may not always mean access to safe drinking water.

SPECIAL CASE: D B CHHETRI

Child molestation is not a new form of crime in Bhutan. However, this has taken a new twist in how the cases are used to influence court decisions and take revenge against personal grudges. The case of Dil Bahadur Neopani Chhetri – mostly known as DB Chhetri - from Tsirang is a litmus test for the Royal Bhutan Police, Bhutanese judiciary and the RGOB to ensure proper the shreds of evidence are looked at and injustice is not delivered.

Case Introduction

The Annual Human Rights Report by The Bhutan Watch last year focused on the heightening culture of molestation of girls and young women and to

which the authorities have remained incompetent to address it properly. While it is important for the state apparatus to be readily available for assistance when victims look for it, the abuse of authority by the individuals in power jeopardises the system and its sanctity.

The case of DB Chhetri is the testimony of widespread Bhutanese culture where the judiciary system can be easily manipulated and influenced by those in power to convict individuals for revenge. This case is another tipping point of continued injustice that southern Bhutanese still face in the country.

The court case started on 19 December 2019 and on 19 July 2021, Chhetri was convicted by the district court. The High Court convicted him on 30 November 2021 and the Supreme Court on 4 April 2022.

Who is Chhetri?

Over the span of 32 years of his service, Chhetri served in 11 schools in Pemagatshel, Lhuentse, Wangduephodrang, Chukkha and Tsirang districts, as a teacher, headteacher, vice principal and principal. In 2016 he was transferred to Gosarling Primary School in Tsirang as a teacher. In 2018, he was entrusted with the responsibility of acting principal when the then principal Tek Bahadur Kharka was transferred to a different school following a misunderstanding with Ugyen Zangmo, a contracted teacher in the school.

The previous Kharka requested special consideration following a scuffle with Zangmo to get transferred to a different school in a mid-academic session, which is not generally allowed. When Chhetri was asked to lead the school, he made repeated requests to the District Education Office (DEO) to not appoint him owing to his age. However, he was forced to take responsibility, as per DEO sources.

Who is Zangmo?

Ugyen Zangmo, originally from Trashigang, was a contract teacher at the school for about 5 years. Her father serves in Royal Bhutan Police and is based in Gelephu. Prior to being transferred to Gosarling, she briefly worked at a school in Paro. She had a child while serving in Gosarling

school but was never married. She was allegedly dating the police officer (Office Commanding) who led the investigation and charging against Chhetri. Department of Education did not renew her contract with the school. When she left the job, she eloped with a building contractor in Tsirang and the couple currently lives in Thimphu. The contractor is not legally divorced from his first wife.

Issue at hand

Chhetri, 56, was convicted for the molestation of ten schoolchildren while on duty. The case is of complex nature involving kids from Year 2 and 3 (aged 8 or 9) and a contracting teacher Zangmo who is alleged to have coached the kids to say Chhetri pinched their private parts.

Officer in Command (OC) of the Police in the district at the time Chhaten handled the whole proceedings of the charges. It is alleged that he had manipulated the case and documents to favour Zangmo with whom he had relations.

Zangmo and Chhetri were not on good terms. Zangmo was earlier dragged to court for abusing students. There had been few instances of student complaints against her. Chhetri as acting principal had given a notice to Zangmo that her employment contract with the school would not be renewed. Zangmo reportedly assaulted Chhetri in April 2018 following the announcement. This was the turning point for Zangmo to prepare revenge against him.

According to a teacher in the school, on 1 November 2019, Chhetri and a teacher in the same school, Tshering Tobgay had arguments. He said under the influence of alcohol, Tobgay verbally abused Chhetri. 'It nearly turned into a physical fight'.

On 6 November 2019, RBP personnel and staff members of the National Commission for Women and Children (NCWC¹) visited the school, a day after the agency filed a child molestation complaint to RBP in Tsirang. The

¹ NCWC does not have any Nepali speaking staff.

team took statements from the children. Three parents were present when statements from children were taken and only two of them signed the paper.

Zangmo had organised a private session with kids two days prior to the arrival of the police and NCWC staff. Zangmo reportedly coached the kids about 'good touch and bad touch' and coached them to say Chhetri touched them in the private parts to the police. Zangmo had asked them to say this to the police otherwise their parents would be arrested.

Chhetri was questioned by the visiting personnel and was asked to write a statement.

Date:-

Mr. Dil Bdr. Chhetri Neopanya 54 Mr. Late & Yarn Bdr. Neopanya

Name:- DoB:- Fathers name:-

Village:- Tshdingkhar Gewog:- Nil Dzongkhag:- 11811003569

H/No:- 8A-11/M/27 T/No:- CID#

Occupation:- Teacher Present address:- Gosaling school

Statement recorded by:- self

Name of PS:- Tsirang In connection with.


I Mr Dil Bdr. Chhetri Teacher of Gosaling pry. school under Tsirang Dzongkhag would like to give the true statement. It has stated by the Police Personals that I have molested the school Girls. I have worked under the ministry of Education.

for 31 years and I was asked to write the statement for the mistreatment of the students. I as a teacher I have to give the parental care to my children. but I never sit on the chair while and discipline correction. I always go around give them the guide by holding their hand, keeping hands on their back. Pinching them on their nose, to the ears ticks. as. Kamjendal.

a simple punishment for my small children. I have never gone on negative as being a teacher. for the shaping of our future generation to be a productive citizen. I always talk to my teachers ^{friends} to be always positive and give

parental care as we are given the
allowances and be a model for the public.
As if needed your honour could kindly
consult with my previous for V.P. Hr. kada.
Tshiraug Tee a.s and to principal Tek Bdr
khanka. kikorthing P.S. Tshiraug.

Witness.
karmachoden:
Karmachoden.


Dil Bahadur Chhetri Neopenay,
Teacher Gosaling P.S.
H.# 1762000

Later in the afternoon, Chhetri was arrested without a formal arrest warrant. He was taken to the local police station and was instructed to write a new statement that would match the details contained in complaints filed on behalf of the kids.

Allegedly OC refused to accept the first five statements Chhetri prepared. When the statement to match the complaints was ready, he was asked to read and video record, with the help of a procurement officer at the police station.

Chhetri reported being unwell in the evening but was taken to a hospital only the next day. He reported breathing difficulties, memory loss, anxiety and depression. Doctors said he was not fit for confessions under such

health conditions. These were signs of mental and physical torture that Chhetri faced at the police station.

Later that day, the police asked him to write a new statement, and this time Chhetri declined to accept guilt. Both statements were presented to the Tsirang District Court. Police registered the case against him in court after 26 days of arrest. No permission was taken from the court to hold him in detention for additional investigation. During this time, Chhetri's relatives wrote to the Crime Department of RBP in Thimphu to change the investigation team. The request was ignored.

Evidence

One main shred of evidence used to convict Chhetri was his written statement to the police on November 6. The other evidence was the complaints received on behalf of the ten school children. Tsirang District Court's verdict was based on the commonality of these statements. NCWC has not clarified when the complaints were filed against Chhetri and whether it took reasonable steps to verify the legibility and authenticity of the complaints. There have been no reports of NCWC officials meeting with the children and their parents or other witnesses of the incidents before police registered the court case.

Local media quote Chhetri's son Jit Kumar saying, 'My father first wrote a statement where he did not admit guilt, and the OC crumpled the statement up and threw it in the dustbin asking him to write it again, saying it does not match with what the students said. My father wrote a second and third one, and again the OC again threw them in the dustbin saying it does not match what the students said. After the third statement was thrown away, the OC scolded my father a lot and told him that if his statement does not match that of the students then it will be very difficult to solve the case.'

Chhetri's lawyer Ritu Raj Chhetri failed to mention in his first and second court submissions that his customer was forced to confess by the police. Nor did DB Chhetri. However, Ritu Raj mentioned during later hearings that the confession was taken under duress. The court appears that his non-admission to forced confession was accepted as the confession of guilt.

Chhaten initially declined to talk about the incident to local media but later refuted the allegations that he had forced Chhetri to write several statements. There had been no evidence to prove either side is correct. However, by principles of natural law and international practice, a self-incriminating confession before the police is not accepted by a court as evidence.

Statements of the 10 children

The other main evidence that led to the conviction of Chhetri was complaints filed on behalf of the 10 children, saying they were pinched in their private parts and statements police and NCWC officers took on November 6. The complaints were taken by Zangmo and were submitted to NCWC and forwarded to the local police station. Later during the hearing, the parents of these kids forwarded a written statement to the court stating that Chhetri had not molested their children, and in fact, their children were coached by Zangmo to say so. The court rejected the parents' statement on the basis that the parents were not present when the incident happened in the school.

The court proceedings

On 19 April 2021, when Chhetri was away from school for a two-day workshop at Kuruthang, Tsirang Court ferried the kids from the school to the court without the knowledge of their parents. Court officials took statements from kids who refused to say they were molested by their principal. They provided written statements clearing Chhetri of any wrongdoing. The children told the judge that they were all scared of Zangmo as she was very strict, and she used to beat them too. The kids appeared nervous in the Court.

The next day, parents and kids were called to the Court again. Three of the parents were not present and Dzongkha teacher Phub was asked to be the guardian of those absent parents. Parents and kids were jointly asked to write the statement. None of them admitted that their kids were molested by Chhetri. However, none of that statement was attached to the case file and reached High Court.

Local newspaper *The Bhutanese* claimed that Chhetri confessed his mistake during the initial hearing in the district court. However, the 156-page court verdict nowhere mentions this.

District court did not call Zangmo and another teacher Tobgay to the court for their statement. They were, however, called during the High Court hearing, and were asked for their statements.

Zangmo in her written statement said that she had heard about Chhetri molesting children, but had never seen it while Tobgay said he was not aware of any molestation until the day the police visited the school.

On 19 July 2021, the district court gave the verdict against Chhetri, slapping him with over 30 years in jail and over Nu 900,000 in financial restitution to the alleged victims.

Chhetri appealed to the High Court against the verdict in November. The court partially overturned the lower court's ruling and sentenced him to a concurrent prison term of 10 years and six months by increasing his offence from fourth-degree to second-degree felony. The court also asked him to compensate the victims. As per the Penal Code of Bhutan, a felony of the second degree is given a minimum of nine years and a maximum of 15 years jail sentence (Article 9).

The High Court in November 2021 reduced the punishment and gave him a concurrent sentence of 10 years and six months and described the case to be second-degree. The case then reached the Supreme Court. As per the sources, the Supreme Court never organise hearings on the case. On 4 April 2022 when Chhetri and his lawyer were called for a hearing in Supreme Court, they were rather handed down a pre-prepared verdict (judgment No. Ngontho-om-21-741) upholding the decision of the High Court.

Police investigations and legal provisions

Though new evidence surfaced, the police department failed to pick up the file for review and ensure citizens are not victimised by personal relations.

The police department failed to use the common logic that a review is required by an independent person when the previous reviewing officer had alleged relations with the person associated with the case that relates to the conflict of interest.

Rather Supreme Court came forward with a statement to say the judiciary is not ready for a review of the case. Supreme Court Registrar General said there would be no 'reinvestigation' and that the court found Chhetri was proven to be guilty beyond a reasonable doubt.

On April 26 the NCWC urged the public to refrain from documenting and sharing content related to children. The notification came after a video went viral on Facebook related to these affected children.

The interview on 12-minute video went asking students about the conflict among Chhetri, Zangmo and Tobgay before the molestation case surfaced in the school in 2019. Students, with their faces blurred, were made to recount the event and how they were coerced by Zangmo to accuse Chhetri.

There were no medical documents proving molestation presented to the court. The judgement says Chhetri molested and harassed children for only six months while working as an officiating principal, which was unscientific. Harassments and molestations don't begin and end in a set time period. If Chhetri was a serial molester, he will have a history in past schools and also in Tsirang while working as teacher.

In this case, the RBP has not maintained the standard ethics that are prescribed in the law. Royal Bhutan Police Act 2009 Article 39 spells out the institution's code of conduct for police officers. Articles 39a, b, c, g and i are critical. 39c says, 'It should neither be used for personal benefit nor be divulged to other parties', 39g prescribes that police should be fair and impartial in dealing with the public and 39i specifies that police should never abuse their authority.

However, the case of abuse of authority is faded out by Article 69 that gives authority to police to arrest a person without a warrant, if the police officer

believes on reasonable grounds, that the person has just committed or is committing the offence or is wanted for any criminal offence.

The case of Chhetri also comes in conflict with Article 91 of the act. Article 91e says, ‘the investigator shall safeguard the rights of the suspect including the right to remain silent’. Chhetri was forced to make a statement by the police officer.

Police and Supreme Court are forcing to shut the case while the RBP Act allows any case to be opened. Article 109 of the act says, ‘any cold case can be reopened as and when new evidence is found’.

The court decisions also failed to look into Articles 23a, c and e of the penal code of Bhutan – the mitigating circumstances. Mitigating circumstances for sentencing include (a) The defendant has no record of a prior criminal conviction, (c) The crime is committed accidentally and (e) The crime is committed under circumstances that the defendant believed of having a reasonable justification or extenuation for the conduct.

Further the court verdict the case was a second-degree felony. However, the Article 203 of the Penal Code prescribes child molestation as a fourth-degree felony. Article 11 of the code says, ‘A defendant convicted of a felony of the fourth degree shall be sentenced to a term of imprisonment, a minimum of which shall be three years and a maximum of which shall be less than five years.’

Article 84 of the code specifies conditions for valid consent. A victim’s consent shall be valid only, if (a) The victim is capable of giving consent, (b) The consent is not obtained by fraud, duress, compulsion, or coercion; or (c) The victim giving consent has authority to do so. In Chhetri’s case, the children were not capable of giving consent while teachers who attend court and RBP’s visit to the school have no authority to give consents. Evidence Act of Bhutan Article 53 says, ‘at every stage in a legal proceeding, a child shall testify only in the presence of the child’s parent’, which has not happened in this case.

Evidence Act of Bhutan, Article 41 says ‘Oral evidence as to the contents of a document that is or could be produced in court is not admissible unless and until the party proposing to prove the contents shows that the genuineness of the document is in question and the court determines that oral evidence about the content of the document is not unduly prejudicial to a party and is in the interest of justice’. The court has validated Chhetri’s video statement taken by the police as basis to give verdict.

Termination from job

On 28 April 2022 Chhetri was terminated from the service as a Teacher with immediate effect on grounds that he was convicted of a second-degree felony for molestation, as per Chapter 3 of Bhutan Civil Service Rules and Regulation 2018 section 3.3.14.

The termination notice says, ‘Chapter 19 section 19.12.5 of BCSR 2018 states that “A civil servant shall be terminated from service if he is convicted by the court of law for a criminal offence of a misdemeanour and above for offence related to the discharge of official functions”. Mr. Dil Bahadur Chhetri has sexually harassed his students having no regard to section 2.13 (they refrain from any form of abuse-verbal, physical or psychological) and section 2.14 (they shall refrain from any form of sexual harassment (verbal or physical) of the code of conduct for the teacher. Violation of sections 2.13 and 2.14 of the code of conduct for teachers by the convict is tantamount to an offense related to the discharge of official functions which resulted in the termination of Mr. Dil Bahadur Chhetri's service.’

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