

HUMAN RIGHTS & JUSTICE IN BHUTAN

Shadow Report on
First Universal Periodic Review of Bhutan

December 2009

Prepared by

I. P. Adhikari
Raju Thapa

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Preface

First time in its history, Bhutan is talking human rights with international community. The country that used to advocate for one culture and one tribal group for Bhutan is now in hot seat to talk on rights of minorities, ethnic groups, women, children etc. The Human Rights Council will interrogate this tiny Himalayan kingdom, rarely known the world before, on instruments and programs in the field of protection of human rights of its citizens.

In its recent history, the country experienced two mass evictions – one in early 1950s that went unnoticed and the other in 1990s that drew world attention. Bhutan is the only country in world to evict largest number of people in terms of its national population. One fifth of the national population today lives as refugees in Nepal and India. Some of these refugees are being resettled to western countries since 2008.

The human rights violations in Bhutan continue despite the country moves into parliamentary democracy last year. To prove that it is defender of human rights, a delegation from Bhutan will speak to world community in Geneva on December 4 without actually mentioning the Bhutanese refugee impasse and the human rights violations in 1990.

Initially we have prepared this report as an alternative report on 'First Universal Periodic Review of Bhutan' at Human Rights Council. However, the document was not accepted saying it came very late. Thus, we decided to publish the comprehensive shadow report and it became bulky. We hope this report will help to internationalize the problem of Bhutan and inspire all the freedom fighters to stand in favor of promoting and protecting human rights of minorities in Bhutan.

Authors

Acknowledgement

The fight for human rights and equality in Bhutan seems to be unending in near future. This report has come out as yet another result of the continuing fight.

We are thankful to teams of the Association of Press Freedom Activists, Bhutan and Human Rights Without Frontiers, Nepal for their valuable contributions. Our appreciations also go to Bhutanese friends in exile who are involved in Human Rights Without Frontiers.

Our thanks to two friends in Thimphu who gave us valuable information and details about human rights violations. We cannot forget Vidhyapati Mishra (Kathmandu), Durga Giri (Germany), Karma Dupthob (New Delhi), Govinda Rizal (Japan), Manish Thapa and Sreyasa Mainali (CPDS TU) who provided us facts, suggestions and recommendations while preparing this report.

We thank Sanjay Kunwar for designing this book.



LIST OF ACRONYMS

BICMA	Bhutan Information, Communication and Media Authority
BBS	Bhutan Broadcasting Service
BHTF	Bhutan Health Trust Fund
CCPC	Civil and Criminal Procedure Code of Bhutan
CDO	Chief District Officer
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CHR	Commission on Human Rights
CPB (MLM)	Communist Party of Bhutan (Marxist, Leninists, Maoists)
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
DPT	Druk Phuensum Tshogpa
FYP	Five Year Plan
GDP	Gross Domestic Product
GER	Gross Enrolment Ratio
GNH	Gross National Happiness
HRC	Human Rights Council
HRW	Human Rights Watch

ICERD	International Convention on the Elimination of all form of Racial Discrimination
ICRC	International Committee of the Red Cross
ICT	Information and Communications Technology
JVT	Joint Verification Team (of Nepal and Bhutan)
ILO	International Labor Organization
MDGs	Millennium Development Goals
MFA	Ministry of Foreign Affairs
NCWC	National Commission for Women and Children
NER	Net Enrolment Ratio
NFE	Non-Formal Education
NJC	National Judicial Commission
NOC	No Objection Certificate
OC	Officer in Charge
OHCHR	Office of the High Commissioner for Human Rights
PC	Preparatory Committee
PDP	Peoples Democratic Party
PHCB	Population and Housing Census of Bhutan
RBP	Royal Bhutan Police
RENEW	Respect, Educate, Nurture and Empower Women

SAARC	South Asian Association for Regional Cooperation
SDG	SAARC Development Goals
UNICEF	United Nations Children’s Education Fund
UNDP	United Nations Development Program
UPR	Universal Periodic Review
URFB	United Revolutionary Front of Bhutan
VAW	Violence Against Women
VHW	Village Health Worker
WCPU	Women and Child Protection Unit
WGAD	Working Group on Arbitrary Detention
YDF	Youth Development Fund

Some Dzongkha words

Dzongda: Chief District Officer

Dzongrab: Assistant Chief District Officer

Gup: Block headman, (southern Bhutanese call – Mandal)

Chorten/lhakhang: Buddhist shrines

Tsa-Wa-Sum: King, Country and People

Drizlam namzha: the national etiquette prescribing gho and kira as the compulsory dress for all Bhutanese citizens

1. Introduction

A century old absolute monarchical rule in Bhutan ended in 2008 when the country decided to adopt parliamentary system of government as a result of increasing international pressure and the democratic movement by Bhutanese citizens in exile. Parliamentary elections were held in 2007 and 2008, and the first elected government was installed in April 2008. For the first time in its history, Bhutan adopted a written constitution on July 18, 2008. Against the backdrop of these major changes, the country continues to experience the bleak picture of human rights and social justice.

Being the newest democracy in the world, there were big aspirations and expectations from the public that new system would heal the age-old wounds. The first democratically elected government has repeatedly declared that its primary task is to lay the firm foundations for a democracy that is vibrant, irreversible and best suited to the historical, cultural and socio-political ground realities of Bhutanese society.

This report is being prepared as an alternative to the state report of Bhutan presented at the UN Human Rights Council on December 4 without mentioning any incidences of human rights violations in that country. This report will be a showcase of failure of the elected government to adhere with the very essence of the democratic values and human rights. Under the veil of Gross National Happiness, Bhutan continues inhuman practices even after accepting democracy and open politics.

This report has been prepared in the same format the government submitted to the UN Human Rights Council with the view to ease comparative studies on how Bhutan continuously defend itself on

human rights violation issues. Some contents from the state report have been included here, wherever necessary.

The report begins with a brief background of the country, intended to provide the reader with the general understanding on Bhutan and the challenges it has been facing as a landlocked and least developed country.

In a statement, the Ministry of Foreign Affairs mentioned that government will hold consultation with relevant stakeholders like government agencies, Civil Society Organizations (CSOs) and the private sector while preparing its human rights report in accordance with the General Guidelines for the preparation of the Universal Periodic Review (UPR) contained in document A/HRC/6/L.24. Under the coordination of the Ministry of Foreign Affairs, the government had constituted a Preparatory Committee (PC) and a drafting group from within the PC members. The MFA said it conducted a comprehensive briefing on the UPR for PC members and concerned government officials. The briefing covered all aspects of the UPR process, including principles and objectives; outcome of review; adoption of outcome; follow-up process; and Bhutan's preparations.

The government said information on the UPR and the draft National Report were uploaded on the MFA website www.mfa.gov.bt, with hyperlinks to websites of the UPR, Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR) to maximize public awareness. There are no reports of any consultation and review meetings being held by the government with concerned stakeholders as part of preparing its report. Considering the number of internet users, its availability in a rugged-terrain-country and low level of public consciousness about human rights due to centuries of isolation, public awareness on UPR through websites would be a mere excuse.

2. Country Information

2.1 Background

Bhutan is a landlocked, least developed country situated in the eastern Himalayas, at the northern border of South Asia sub-continent. It is bordered on the east, south and west by India and on the north by Tibet (China). Bhutan was unified under one rule in the seventeenth century by Zhabdrung¹ Ngawang Namgyel (considered as the first theocratic ruler of Bhutan), who established the dual system of governance whereby authority was shared between a secular and a religious leader. The Je Khempo looked after religious matters while Deb (also called Desi) looked after administrative and political issues. In 1907, Bhutan ended its theocracy to become a monarchical kingdom with the declaration of Ugyen Wangchuck as the first hereditary King. The country is currently ruled by the fifth king of the Wangchuk dynasty – Jigme Khesar Namgyal Wangchuk, enthroned in November 2008. Bhutan subdued the calls for democracy twice, first in 1950s and then in 1990s but finally accepted it as the ultimate form of governance in 2008. In both the incidences, large number of citizens were evicted.

2.2 Constitution

Adopted on July 18, 2009, the Constitution of Bhutan has 35 Articles. The constitution has given most powers to the King (Article 2). The constitution has centralized the power to king in such a manner that the elected government has no authority even to grant citizenship to Bhutanese (Article 6 [4]). There are some other objectionable provisions under citizenship section, which are directly derived from the Citizenship Act 1985, the biggest

¹ In some instances, the name is also spelled as Shabdrung but refers the same person

instrument to make over 100,000 citizens stateless. However, interesting features of the constitution include the retirement age of the King (65 years) and requiring the government to maintain a minimum of 60 percent of total land area under forest cover at all times. Additionally, the constitution denies citizenship to any individual Bhutanese who has spoken against Tsa Wa Sum (King, Country and People). Article 2 of the constitution gives so much of power to the king that he holds an executive position instead of a ceremonial role that king is expected to have in parliamentary democracy.

2.3 Government

In principle, the executive authority is vested in the Prime Minister and the Cabinet formed by the bigger party in the parliament, elected for a term of five years. However, in practice the monarchy has influential role in taking important decisions.

2.4 Legal System

The constitution is the supreme law of the Kingdom². All people are treated equal before the law³ and ensures that people are not deprived of their rights⁴ arbitrarily or unfairly. Though the government claims judiciary is independent; it has no records of questioning any government actions and it has no authority to question any actions of the royal family members. The constitution has provisioned for a Supreme Court, as the highest body of appeal. However, the government has delayed in its formation⁵, thus delaying justice delivery to the people. On the eve of presenting state report to the UN, the king announced

² Article 1 (9) of the Constitution of the Kingdom of Bhutan

³ Article 7 (15) of the Constitution of the Kingdom of Bhutan

⁴ Article 7(1) of the Constitution of the Kingdom of Bhutan

⁵ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=10868>

Royal Commission for proposing a new Chief Justice⁶. The formation of the commission contradicts with the constitution (Article 21[17]). Practically, the highest court of appeal, in the absence of this court rests at the King (last year 25 cases were forwarded to the king for final verdict). There are no authorities in the country today having authorized to interpret constitution during the hours of need. In one instance last year, the government invited Indian lawyer to explain what Bhutanese constitution says⁷ regarding roles of the upper house – National Council.

Constitution says, the judiciary comprises of the Supreme Court, the High Court, District and Sub-Divisional Courts and such other Courts and Tribunals that may be established from time to time by the King on the recommendation of the National Judicial Commission (NJC). The commission is yet to be formed. Each court has its own jurisdiction defined under the Civil and Criminal Procedure Code (CCPC) of Bhutan. The CCPC is yet to incorporate provisions defining the roles and jurisdiction of the Supreme Court since this institution wasn't established when CCPC was promulgated. As per Article 10 (25) of the constitution, all international instruments acceded to by the government and ratified by Parliament are deemed to be the law of the Kingdom unless otherwise inconsistent with the constitution. Thus, Bhutan overrides international convention by its laws and constitution if they contradict with the provisions of the conventions. Section 29 of the CCPC also states that the Courts shall apply international conventions, covenants, treaties and protocols that are duly acceded by the government and ratified by Parliament.

⁶ <http://www.bhutannewsservice.com/main-news/nation/kings-initiatives-for-picking-up-chief-justice/>

⁷ (<http://www.bhutanobserver.bt/2009/bhutan-news/01/bill-splits-parliament.html>
<http://www.americanchronicle.com/articles/view/91862>)

The framework for the protection of human rights consists of the Constitution of Bhutan, Acts passed by the Parliament, court decisions or jurisprudence and customs and traditional practices. There are no human rights mechanism, no human rights organizations and not a single representative of the international human rights monitoring bodies. The government discourages visit by the international human rights delegations as well who intend to observe the human rights situation in person.

Cases of abuse of power don't reach the courts because, observers say, victims, especially from the rural and less educated ones, are more afraid of the judges than risk taking it up with them. The judges, they say, are especially harsh and verbally abuse them, instilling fear instead of faith in the system. People also ask if there are legal mechanisms to provide justice or ensure civil lawsuits against perpetrators. Abuses of power are also done by dzongdas, dzongrabs, gups and other officials⁸.

2.5 Languages

Dzongkha is the national language and English is the medium of instruction in schools and the language of communication in government offices. Nepali was part of the curriculum until 1990 before the government introduced 'one nation one people' policy to dominate all other ethnic groups, languages and culture, thus pressuring people other than Drukpa Buddhists to follow Buddhist culture and accept Dzongkha as the language of communication. Dzongkha was invented in 1969, a derivative of the Tibetan language. In line with the "One Nation, One People" policy, the constitution is silent with regard to the cultural diversity of the country. The constitution only mentions about the

⁸ Kuensel, May 19, 2009

national language Dzongkha, completely ignoring the other 23 languages spoken in Bhutan⁹.

2.6 Geography

Bhutan has a total land area of 38,394 km² of which 72.5 percent of the total area is under forest cover presently. Before 2007, the official records in Bhutan mentioned that its total area was 46,500 km². Part of a northern district has been ceded to China (*See map in annex*). Mahendra P. lama also reported that Bhutan proposed one of its districts to be ceded to India¹⁰. The terrain ranges from tropical foothills in the south to extremely rugged mountains in the north.

2.7 Population

When Bhutan joined United Nations in 1971, total population of the country mentioned in its document was 1.4 million. The 2005 census puts the figure at 534,000 and projected figure for 2008 was 658,888¹¹. There are several alterations made in the population figures over these years¹². The government has not yet answered the reasons behind the continued decrease in population while most of its neighboring countries have increasing rates. There is urgent need that an international delegation is sent to Bhutan for human audit and to look after the fact behind decreasing population.

Majority of the population inhabits the rural parts of the country. The population of Bhutan can be broadly categorized into three

⁹ NRC Reports: Bhutan, Issue 1/2008

¹⁰ Paper for the volume in *The Politics, Human Rights and Implications of Protracted Refugee solutions*, Mahendra P. Lama brought out by Oxford university, UN University (Tokyo) and the Center for International Studies, Massachusetts Institute of Technology (US), June 2007

¹¹ Population and Housing Census of Bhutan (PHCB) 2005

¹² <http://countrystudies.us/bhutan/18.htm>

ethnic groups – Ngalongs, Sarchops and Nepalis though there are some smaller tribal groups comprising around 15 percent of the population. However, the country has not conducted census based on ethnicity thus making it difficult to mention exact population of certain ethnic groups. People in north-east and north-west speak one or the other form of Tibeto-Burman language (Ngalong speak Dzongkha and Sarchops speak Tshangla). Both these groups follow Mahayana Buddhism. People in southern Bhutan speak Nepali and are mainly Hindus.

2.8 Gross Domestic Product

Though the government advocates for Gross National Happiness and stresses for measuring the national development in terms of happiness, it still accepts GDP as an important tool to measure the national prosperity. The national GDP for 2007 was estimated at US\$ 1.1 billion¹³.

2.9 Human Development Index

Bhutan ranks 131 in the Human Development Index 2008, and falls in the category of Medium Human Development.

¹³ http://devdata.worldbank.org/AAG/btn_aag.pdf

3. Politics and Reforms

3.1 Political Institutions

The winds of independence in India also penetrated into Bhutan; voices were raised in Bhutan for democratic reforms in early 1950s. However, they lived no longer. They were silenced within the few years. The call compelled the rulers to initiate changes. The most notable reforms initiated by the Third King Jigme Dorji Wangchuk after the movement include establishment of the National Assembly¹⁴ in 1953 and the ministerial cabinet, under his chairmanship, in 1968. The National Assembly was composed of elected representatives, government officials and representatives from the clergy. This set in motion for slight change in the absolute regime. The democratization process received negative momentum after the enthronement of the Fourth King Jigme Singye Wangchuk in 1972. The Fourth King devoted 34 years of his reign to set-up every political and public institution whereby all authority revolves around him, democratic institutions badly misused and a number of racist policies were introduced.

Unable to bear the undue pressure of racist laws and discrimination, the southern Bhutanese raised banners for political reforms and equal treatment in 1990. The call for democracy and respect for human rights were termed as ‘act of treason’, and anti national movement. Exclusive census was carried out in the southern districts with the intention to flush out Nepali speaking population. Thousands of Nepali-Bhutanese were arrested, killed, tortured and given life sentences. Over 100,000 citizens were evicted alleging them of being illegal immigrants. They, failing to get shelter in India, took asylum in Nepal. Interestingly, the Joint

¹⁴ The Lower House of the bicameral legislature established after 2008 reforms is also called National Assembly

Verification Team (JVT) composed of officials from Nepal and Bhutan governments in Khudunabari camp in Nepal proved that around 75 percent¹⁵ of the refugees have valid documents to prove their Bhutanese nationality.

3.2 Devolution of power

In 1998, Fourth King relieved himself from chairing the meetings of cabinet. Under new system, prime minister was selected on rotational bases from among the ministers to chair the cabinet. Under this system, the Prime Minister was the Head of Government and took office for a term of one year amongst the Cabinet Ministers. However, devolution of power to district level has not begun. The recent decision of the government to withdraw the power of local authorities to issue Security Clearance Certificate (SSC), instead of making it simpler, and centralized to home ministry, is an instance of counter-devolution of power.

3.3 Making of the Constitution

In September 2001, the Fourth King issued a Royal Decree to draft a written Constitution for Bhutan that would, *inter alia*, provide a basis for the creation of a democratic political system. A 39-member committee, composed of government, judicial, religious institutions and National Assembly members, was formed. The committee was headed by the then chief justice Sonam Tobgye¹⁶, who has not attained formal education on law. A group of Indian legal experts were invited to assist in the task. The committee released the first draft of the constitution in March 2005.

¹⁵ The Kathmandu Post June 19, 2003

¹⁶ Retired as chief justice on November 14, 2009

To some extent, people's participation was called upon to discuss the draft constitution. The constitution prepared in English and Dzongkha was distributed to people. In October 2005, the Fourth King opened the first public consultation on the draft constitution in Thimphu, the capital city. King and the then crown prince themselves participated in some of the district discussions. The draft was also posted online; unfamiliar terms were explained and anyone from inside or outside the country could post comments directly to the drafting committee. The public consultations were an open process where king, accompanied by the members of the drafting committee, held discussions on the draft constitution, soliciting views and comments on every aspect of the draft. The Fourth King traveled to seven districts while King Jigme Khesar (then crown prince) covered other 13 districts to chair the consultations. The consultations were completed on May 27, 2006.

Besides suggestions compiled from within the country, Bhutanese citizens living in exile had also sent their suggestions and recommendations. However, the government rejected the suggestions from exile. Even the constitution drafted by 'National Front for Democracy' was completely ignored.

The people were, in fact, confused with the provisions in constitution. The Bhutanese who live in rural areas are mostly illiterate. Dzongkha, the national language, has no adequate vocabulary to translate the original meaning of legal words in the constitution. The translators had picked Tibetan words making it more complicated for Dzongkha and Tshangla speakers to understand the constitution. The constitution was not translated into Nepali and Nepali-Bhutanese in the southern districts having no knowledge of English and Dzongkha did not participate in the consultations. Even today, this large population does not know the full content of the constitution. Association of Press Freedom

Activists (APFA) – Bhutan, operating from exile in Nepal, translated the constitution into Nepali and posted it online for public benefit.

The Constitution of the Kingdom of Bhutan was adopted by the first session of the parliament and was promulgated by the King on July 18, 2008. With this, Bhutan formally became a Parliamentary Democracy and Constitutional Monarchy.

3.4 Political Parties

Political parties were formed in 1950¹⁷. They were banned. Only after several years, with announcement of dissolution of the parties, their leaders were allowed to return to the country. Again in 1990¹⁸, few political parties were formed. The then government reacted to them with terrorist tag.

With the announcement to hold general elections by 2007 end, new political parties began to be formed. The first party announced after this notification was Peoples Democratic Party, led by Sangey Ngedup, maternal uncle of the present king. Second party to register with the Election Commission was Druk Phunsum Tshokpa under the leadership of Jigmi Thinley¹⁹. Third party in the foray – Bhutan National United Party – was denied registration by the commission on pretext that it did not have enough graduate candidates to run the election and that its policies are against the spirit of the constitution²⁰. By March 2007, four months prior to the closure of formal registration, only two political parties were given permission for contesting the election.

¹⁷ Bhutan State Congress was one of the leading political party during 1950s

¹⁸ Bhutan People's Party, Bhutan National Democratic Party and Druk National Congress are some of the parties formed after 1990 democratic demonstrations in southern districts.

¹⁹ Thinley was home secretary during the 1990 crackdown on democratic rallies in southern districts and was one of the advocates that Bhutan does not need democracy

²⁰ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=9467>

These two parties contested first general elections held in March 2008.

To prepare people for voting, two rounds of Mock Elections were held in 2007. The primary round of mock election, held on April 21, 2007²¹, had a 50.9 percent and the general round, on May 28, 2007²² recorded a 57.17 percent voter turnout. Some assumptive names were chosen to represent political parties and students stood as political leaders.

3.5 Elections

First in its history, on December 31, 2007, the country held elections of 20 members to the National Council, or the Upper House. Each district has a member to this House. By-election for the Upper House was held on January 29, 2008. The average voter turnout was 48.5 percent²³. As per constitutional provisions, king appointed five persons for the National Council on March 30, 2009, thereby completing the formation of the National Council. The National Council is an apolitical house that has legislative and review functions.

Elections to the National Assembly in all 47 constituencies were held on March 24, 2008. DPT won in 45 seats while PDP getting 33 percent votes in the elections secured only two seats in the National Assembly. The voter turnout was 79.4 percent.²⁴ The fact that only those with a formal university degree are allowed to stand in national elections and excluded many from participating²⁵.

²¹ http://news.bbc.co.uk/2/hi/south_asia/6578421.stm

²² <http://www.thestar.com/News/article/219222>

²³ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=10235>

²⁴ Bhutan elections: Fact Sheet by UNDP Bhutan, March 25, 2008

²⁵ NRC Reports: Bhutan, Issue 1/2008

The constitution stipulates for two rounds of elections – primary and general round – in case more than two parties are in the field. Since there were only two parties contesting the election in 2008, only the general round of elections to the National Assembly were held. According to the constitution²⁶, in primary round of elections all registered political parties can participate. The elections in 2008 were observed by 52 National Observers, 42 International Observers and 124 media personnel representing 74 international media agencies²⁷. Most of the international observers were Thimphu-based officials of the United Nations Development Program (UNDP) and Indian officials. The only observer from third country was an election commissioner from Australia. Observers noted that the elections fulfilled the international standards.

The country denied voting rights to thousands of Nepali speaking population who failed to obtain security clearance on accusation of having relatives in the refugee camps of Nepal or had involved in the 1990 demonstrations. Around 80,000 Nepali speaking citizens were not allowed to vote claiming they are non-citizens.²⁸ The monks and nuns were also restricted from voting. The government speculates that voting rights to monks would politicize the secular religious institution.

3.6 Formation of first elected government

The DPT won a landslide majority winning 45 of the 47 seats in the National Assembly. The PDP, with two seats forced to stay as opposition. Initially, the two elected members of the opposition

²⁶ Article 15 (5), (6) of the constitution

²⁷ there was no formal call from the election commission for international observation missions

²⁸ <http://www.apfanews.com/stories/bhutanese-minority-excluded-from-historic-vote-reproduction/>

party had tendered resignation alleging irregularities in the election process²⁹. However, they later agreed on a compromise. The winning party announced the new cabinet in April 2008³⁰.

3.7 Post election era

The new government repeatedly said it is fully conscious of the historic responsibility which has come along with its victory to entrench the values and culture of democracy in order to make it irreversible. However, in several instances the ruling party has pushed its agenda through parliament taking advantage of the miniature opposition. The apolitical Upper House was given lesser role in taking important decisions. The Lower House passed resolution like supporting political parties financially from national treasury which is against the provision in constitution³¹. Similarly, the overwhelming majority for the ruling party made it easy for deciding through parliament to distribute money to its parliamentarians in the name of Constituency Development Grant³². Only very few of the parliamentarians have so far made use of the grant of Nu 10 million³³. The ruling party failed to hear the opposition in such critical issues. The opposition party opposed both the ideas³⁴. The Upper House also objected the decision of the Lower House³⁵. However, they remain neglected.

Another note-worthy development has been the manner in which the National Council has acted perhaps conscious of the modest opposition as an alert and active house of review and has

²⁹ <http://www.apfanews.com/stories/pdp-mps-might-resign-from-parliament/>

³⁰ <http://www.bbs.com.bt/DPT%20announces%20new%20Cabinet%20Ministers-Printerfriendly.html>

³¹ <http://www.bhutanobserver.bt/2008/readers-voices/10/state-funding-for-parties-necessary.html>

³² <http://www.apfanews.com/stories/na-members-get-cash-for-%E2%80%98constituency-development%E2%80%99/>

³³ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=13877>

³⁴ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=12535>

³⁵ <http://www.bhutanobserver.bt/2009/bhutan-news/04/cdg-approval-shocks-nc.html>

questioned the constitutionality of several decisions taken by the National Assembly such as CDG and financial assistance to the political parties.

Media play important role in democracy. Though the government encouraged expansion of the media industry, it attempted to keep it under government control. The instances include:

When Prime Minister Jigmi Thinley talked to media on his honeymoon period (100 days in the government), he shouted at journalists not to ask so many questions³⁶. In another instance, the media regulator Bhutan InfoComm and Media Authority (BICMA) warned, interrogated and fined journalist of state owned Bhutan Broadcasting Service (BBS) for televising a public phone call in a live debate when the caller criticized Information and Communication Minister Nandalal Rai³⁷. The BICMA also interrogated a Kuensel reporter who wrote against BICMA action on BBS³⁸.

As expected in any new system, the parliament is yet to demarcate role and jurisdiction of the Upper and Lower Houses. The roles and responsibilities, between the two houses of the parliament on certain matters need to be clearly spelt out to avoid tussle in future. These include whether the Upper House has the authority in approving financial bills and on some of the cabinet decisions. The government this year endorsed its budget only through the National Assembly.

³⁶ <http://www.apfanews.com/stories/pm-faces-media-criticizes-it-media/>

³⁷ <http://asiapacific.ifj.org/en/articles/fine-on-bhutan-broadcaster-contravenes-spirit-of-media-freedom>

³⁸ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=11903>

4. Commitments for international instruments

Bhutan signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on July 17, 1980 and ratified it on August 31, 1981. Bhutan presented its combined initial through sixth periodic reports to the CEDAW Committee only in January 2003. The Committee considered the report at its 30th Session in January 2004. Bhutan submitted its seventh periodic report in September 2007 and the Committee considered the report at its 44th Session on July 23, 2009.

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 Prostitution and Child Pornography; and on the Involvement of Children in Armed Conflict, in July 2009. Bhutan submitted its initial report to the CRC Committee in February 1999. At the 715th and 716th meetings of the CRC committee held on June 5, 2001, the Committee considered the initial report of Bhutan and adopted the concluding observations. Bhutan submitted its second report in March 2007 and the Committee considered this report in September 2008.

Bhutan has also signed the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in March 1973. However, the country is yet to ratify it. Recalling the story of racial discrimination launched after 1980s, there is urgent need that Bhutan must ratify the ICERD at the earliest possible. The ratification will also ensure no ethnic discrimination under democratic veil.

Bhutan is a member of the South Asian Association for Regional Cooperation (SAARC) and is scheduled to host the 16th SAARC Summit in April 2010 in Thimphu. Under SAARC, Bhutan has

ratified the Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia; the Convention on Prevention and Combating Trafficking in Women and Children for prostitution in September 2003; and SAARC Code for the Protection of Breastfeeding and Young Child Nutrition in August 2003. Further, it has signed the SAARC Social Charter in January 2004, which among others, calls for the promotion of the status of women and promotion of the rights and well-being of the children.

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 in 2001. The updates on implementation of these commitments by Bhutan are not available. The government has also not formed any committee or commissions for implementation of the Beijing declaration and Yokoham commitments on women rights.

5. National Instruments and Specific Groups

5.1 The Constitution

The Constitution, promulgated on July 18, 2009 guarantees and protects the human rights of every citizen and provides remedies if those rights are infringed upon or violated. Article 7 of the constitution specifically guarantees human rights including right to life, liberty and security of persons, right to freedom of speech, expression and opinion, and freedom of thought, conscience and religion.

The constitution further says, such rights cannot be abridged except by the due process of law. Article 9 (3)(5)(6) of the constitution obligates the state to create a civil society free of oppression and to protect human rights and dignity, and to ensure fundamental rights and freedom of people; to provide justice through fair, transparent and an expeditious process; and, to provide legal aid to secure justice.

There are no legal mechanisms or agencies for implementation of these commitments. The constitution speaks nothing about the mechanism for protection and promotion of human rights. The traditional mindset of the bureaucracy and the political leadership towards human rights has not changed even after the change in political system. Rallies and demonstrations are still daunted and trade unions are lawfully discouraged³⁹. Government attempted occasionally to impede criticism and monitor political meetings⁴⁰. Opposing voices are not tolerated, criticism are regarded as unethical behavior.

³⁹ Torrefy of Democratic Values: *commenting on budding democracy of Bhutan*, Association of Press Freedom Activists (APFA)-Bhutan, 2009 page 19

⁴⁰ <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119133.htm>

The situation in the southern districts deteriorated at the advent of the coronation of the fifth king Jigme Khesar Namgyal Wangchuk and centenary celebration of the monarchy in later half of the 2008. While the coronation celebration was held in Thimphu, fear and panic governed most southern districts as local authorities inhibit people from traveling from village to village in view of the growing violence in these districts to which the government blames communist groups operating from exile⁴¹.

5.2 Gross National Happiness

Bhutan claims Gross National Happiness (GNH) is its guiding principle of development philosophy. It further claims GNH principally safeguards the rights of individual citizens. The theory advocates the principles of equality of all human beings, human's interconnectedness with other living beings and the rights and responsibilities that must guide human conduct, which are basic norms of Buddhist principles. Thus, GNH is renamed version of the Buddhist philosophy. The constitution says the state must "... strive to promote those conditions that will enable the pursuit of Gross National Happiness⁴²."

In theory, GNH seeks to maximize the happiness of individuals, by creating an enabling environment for them to achieve their full potential as human beings by forging an alternative path that goes beyond the conventional income-based measures of development. The GNH says spiritual and cultural needs of the people must be integrated into development equation.

GNH in practice promotes only Buddhism, the cult acclaimed as national religion. The philosophy revolves around its four pillars - the first pillar, economics, aspires towards sustainable and

⁴¹ <http://www.apfanews.com/stories/movement-of-people-in-south-under-scanner-nation>

⁴² Article 9 (2) of the constitution

equitable socio-economic development and advocates that the present development formula does not compromise the right to development of future generations. It also advocates that socio-economic development should be sustainable to ensure every person benefits from development activities.

The second pillar of GNH is obstacle to freedom of religion. Through the advocacy for preservation and promotion of cultural and spiritual heritage of the people, state lends support to only the Drukpa Kagyupa sect of Buddhism. While Christianity is openly discouraged, Hinduism is sidelined. State financially supports for promotion of Buddhism through construction of monasteries and chortens while other religions in the country do not get state funding. This reflects the lack of protection of cultural rights in one hand and the discriminatory approach of the state on the other.

The conservation of the environment is the third pillar of the GNH theory and Good Governance as the fourth pillar gives responsibility to the state in acting as an efficient, transparent and ethical dispenser of public services. This also requires accountability on the part of political leaders and demands transparency in all government and political institutions.

One of the primary agenda of the government through propagation of Gross National Happiness is to lessen the gap between poor and rich – that is to maintain equality. The decision of the government for lofty increment of salary for civil servants and cold response from the private sector to raise the salary at par with government changes has widened the gap between income earners, thereby widening the rich-poor gap⁴³. The burgeoning Bhutanese instigated by rapid urbanization has widened the rich-

⁴³http://www.bhutanimes.bt/index.php?option=com_content&task=view&id=1033&Itemid=1

poor gap further, since most poor live in most inaccessible remote areas in the district, where government facilities are absent.

The government increased the salary of the civil servants in its effort to attract talents into government service but failed to prove efficient in controlling the inflation in market caused by the salary hike that was already fueled up by the international economic crisis and POL price rise. Market prices were merely controlled and consumers continued to be hit by the soaring prices. The government asked the house owners not to raise rents and shopkeepers not to raise the prices of daily consuming goods after the salary were raised⁴⁴ but the call was ignored. Absence of government agency or mechanism to check or administer the implementation of government orders made little wage earners suffer more.

Poverty stricken people are rarely cared. As we read the story of former government employees begging in Thimphu city, the obvious question arises is whether these retired civil servants have been given pension upon retirement⁴⁵. The country has poor social security policies and instruments. The government has neither policies nor plans to establish old age homes or provide old age pension for elderly survival. The saddest part is the utter absence of social benefit and protection in the country where happiness philosophy is talked day and night.

5.3 Legislative Framework

The newly elected parliament has passed a few laws during the last three sessions. The fourth session started on November 20⁴⁶ and will continue till December 11. Some of the laws passed in the last three sessions include the Royal Bhutan Police (RBP) Act, the

⁴⁴ <http://www.trade.gov.bt/morenews.php?id=45>

⁴⁵ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=12166>

⁴⁶ <http://www.businessbhutan.bt/?p=420>

Prison Act and Local Government Act which is expected to further professionalize police service, prison management and building democratic institution at the local level respectively.

To deal with the specific issues separately, the two houses formed 21 committees. National Assembly committees include legislative, human rights, cultural, labor and employment, women and children, poverty reduction, media and ICT, youth and sports and educational development while committees in the National Council⁴⁷ are legislative, new economic and well being, social and cultural affairs, environmental and natural resources and good governance.

Though the lower House has established a Committee on Human Rights to have a prominent role of parliament in the promotion and protection of human rights, it hasn't dealt single case related to human rights so far. The committee also failed to monitor the human rights situation across the country. As per laws, its functions include to review and recommend amendments to the existing laws and policies relating to human rights and also propose new legislation, to visit prison cells and detention centers to investigate any incidences of human rights violations and gather information from victims when directed by the Speaker or the House, to review and report on the status of implementation of National Assembly resolutions related to human rights by the government and other agencies, and to carry out responsibilities related to human rights referred to by the House and submit its findings, opinions and recommendations. The human rights committee of the parliament led by Damcho Dorji including the other member Ugyen Wangdi, Prem Kumar Gurung and Tshering Tenzin has carried out not a single duty listed out here.

⁴⁷ <http://www.nationalcouncil.bt/subpage.php?pagecode=2&code=98>

5.4 The judiciary

In principle, Bhutan has expressed its commitment to the rule of law and the right to a fair, impartial and independent trial. The constitutional provisions provide for equality before law and equal and effective protection by the law. However, in practice discrimination still prevails in field. The government do not provide lawyers to defend the case of those who have been facing sentences since 1990 or 1997 while relatives of Bhutanese refugees fail to get a lawyer since government publicly discourage lawyers not to defend such cases⁴⁸. The government says defendant has the right to access government-held evidence and the state provides free legal service to an indigent accused where the interest of justice so requires and to ensure that justice is not denied to any person by reason of economic or other disabilities. However, the court rarely entertains any defense from alleged persons if the government has filed cases on charges of acting against king, country and people.

Besides the constitution, the CCPC also mentions about the right to fair trial in civil and criminal proceedings. The CCPC provides for rights to appeal against the decision of a judge. Despite government claims that judiciary incorporates international standards in its decision making, appointment of a chief justice of the High Court without formal legal background evidently shows how effective the legal system in Bhutan is.

The current government has in several instances made efforts to undermine the role of judiciary. Constitution provides authority to the judiciary for final explanation of the constitution. However, when DPT-dominated National Assembly debated on whether state can fund the political parties bypassing constitution, the

⁴⁸ http://news.bbc.co.uk/2/hi/south_asia/7845006.stm

government did not consult the judiciary for explanation. The government also did not consult judiciary if the constitution provides authority to Upper House to have say and vote in passing financial bills including national budget.

5.5 Media freedom

Freedom House in its report credited 3.72 points out of 7 in this aspect to Bhutan⁴⁹. This projects the poor status of media freedom in the country.

Article 7 (2) of the constitution states that citizens shall have right to speech and expression but Article 6(3)(e) restricts people speaking against Tsa-Wa-Sum (king, country and people). The state has been authorized to seize citizenship if citizens are found speaking against Tsa-Wa-Sum⁵⁰.

Constitution states, “A Bhutanese citizen shall have the right to freedom of speech, opinion and expression” and “There shall be freedom of the press, radio and television and other forms of dissemination of information, including electronic media”. The government repeatedly said that a free and independent media is vital for a vibrant democracy.

State-owned Kuensel comes out six days a week since May this year. There is yet another daily – Bhutan Today – which started its publication in 2008. The country also has three weekly papers – Bhutan Observer, Bhutan Times and Business Bhutan. Besides, the Bhutan Broadcasting Service, the national broadcasting agency which has a TV channel and a radio station, three FM radio stations began operating - one in 2006, one in 2007 and the other in 2008 – and cover Thimphu and a few other districts. There are

⁴⁹ Countries at Crossroads 2007, a report by Freedom House

⁵⁰ Citizenship Act 1985

no private television channels. There are no Nepali-language newspapers and radios and except in BBS radio, none of the other media outlets have incorporate Nepali-language programs and sections.

Though the government encourages expansion of the media industry, it attempted to keep it under government control.

When Prime Minister Jigmi Thinley talked to media on his honeymoon period (100 days in the government), he shouted at journalists not to ask so many questions⁵¹. In another instance, the media regulator Bhutan InfoComm and Media Authority (BICMA) warned, interrogated and fined journalist of state owned Bhutan Broadcasting Service (BBS) for televising a public phone call in a live debate when the caller criticized Information and Communication Minister Nandalal Rai⁵². The BICMA also interrogated a Kuensel reporter who wrote against BICMA action against BBS⁵³.

The private media are not functioning independently. The management strictly imposes business interests thus compelling the journalists to work for investors' promotion and not really as public informers. The internal conflict between the journalists and the management came into public through the resignation of seven journalists including its editor from Bhutan Times weekly very recently⁵⁴. The media persons feel that such phenomenon is certain to repeat in future if government did not take proactive step to ensure independent role for editorial staffs in media⁵⁵. The international media groups showed concerned over the

⁵¹ <http://www.apfanews.com/stories/pm-faces-media-criticizes-it-media/>

⁵² <http://asiapacific.ifj.org/en/articles/fine-on-bhutan-broadcaster-contravenes-spirit-of-media-freedom>

⁵³ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=11903>

⁵⁴ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=13786>

⁵⁵ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=13795>

development⁵⁶. No remedies have been sought so far that management will not import its interest on editorial staffs while filing news in future.

5.6 Civil liberties

US department in its annual report 2006⁵⁷ noted that following human rights problems remained noteworthy: limited right to change government; restrictions on assembly and association; restrictions on freedom of religion, limited political expression, restrictions on political parties and discrimination against the ethnic Nepali minority. Similarly, the 2008 report noted that individuals were unable to criticize government publicly. The internet freedom was monitored⁵⁸.

The newly adopted constitution has promoted Buddhism as the state faith⁵⁹. Though Hindus are not directly attacked, Christianity is openly discouraged. Two Christian families were physically attacked and kicked out of their homes after they chose to follow Christianity in April 2008. These two families were Christianized by Gospel for Asia missionaries Lali Bharose and Ekta Surgari⁶⁰.

The government arrested two Christians on January 7, 2006 and released⁶¹ on July 29 same year, who were imprisoned on charges of proselytism. Despite that Christian community continues to enlarge in the country⁶².

Those arrested were 'Benjamin' (Buddha Mani Dungana) and 'John' (Purna Bahadur Tamang). They were arrested from Paro

⁵⁶ <http://asiapacific.ifj.org/en/articles/mass-resignations-in-bhutan-s-daily-newspaper-raise-concerns>

⁵⁷ <http://www.state.gov/g/drl/rls/hrrpt/2006/78870.htm>

⁵⁸ <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119133.htm>

⁵⁹ Article 3(1) of the constitution of the kingdom of Bhutan

⁶⁰ <http://www.apfanews.com/stories/two-christian-families-attacked/>

⁶¹ <http://www.apfanews.com/stories/two-christians-released-in-bhutan/>

⁶² http://www.bhutanimes.bt/index.php?option=com_content&task=view&id=1644&Itemid=1

on charges of sharing the video gospel with non-Christian families. There was sharp criticism from international community after the court sentenced them up to 3.5 years of jail term. Court ordered the jail term in June. Benjamin received a prison sentence of three-and-a-half years, while John was sentenced to three years⁶³.

Similarly, a group of Christians in Pugli under Gomtu geog in Samtse have accused the gup for harassing them on the basis of their faith⁶⁴.

Against the resolutions of the earlier National Assembly giving equal status to Hinduism and Buddhism, the constitution does not mention anything about Hinduism. By constitution, the country has been declared a Buddhist kingdom.

At present situation, Human Rights Watch observed that southern Bhutanese children are deprived of nationality and identity, denied right to return to one's own country, discriminated, including in access to education, health care, and landownership⁶⁵. Bhutan also denied right of ethnic or linguistic minorities to enjoy their own culture and use their own language (under one nation one people policy). Sexual violence and other abuses against girls and women have not ended. The cases of rape increased sharply in recent years⁶⁶.

New York-based international human rights monitoring watchdog Human Rights Watch reported that "Bhutanese Nepali speakers who still live in Bhutan told that 15 years after the mass eviction of their fellow ethnic Nepalis, they continue to suffer discrimination in almost all aspects of their daily lives, including in education, health, employment, and land ownership. Some have been denied

⁶³ <http://www.apfanews.com/stories/bhutan-jails-two-christians/>

⁶⁴ http://www.bhutantimes.bt/index.php?option=com_content&task=view&id=1472&Itemid=1

⁶⁵ "Last Hope: The Need for Durable Solutions for Bhutanese Refugees in Nepal and India," vol. 19, no. 7(C), May 2007

⁶⁶ <http://www.americanchronicle.com/articles/view/87675>

citizenship cards following the latest census in 2005 and are now effectively stateless in their own country⁶⁷.”

The only two parties – DPT and PDP – enjoyed freedom to organize rallies, though they themselves agree not to choose that alternative in the first general election, and political campaigns but they restricted the contenders of the local elections⁶⁸, from campaigning, reaching out to the people seeking votes, telling their plans. The National Assembly approved the government proposal to restrict any form of campaign during the local elections⁶⁹, thus curtailing the political liberties that Bhutan began to see last year only.

⁶⁷ Discrimination against Ethnic Nepali Children in Bhutan, HRW, Sept 2007

⁶⁸ Government announced its plan to hold by mid 2009 but has not done so far

⁶⁹ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=10679>

5.7 Specific Groups

5.7.1 Women

Traditionally, women in Bhutan enjoy equal status with men. But in newer roles, women participation is very rare. The government has made little efforts to bring up women. Owing to the fact that the literacy rate for women is low and their lack knowledge in new fields, government has not set up any plans or policy for improvement of women's status. Large parts of the country are matrilineal, except in southern districts, and women not only inherit property, but also have substantive decision-making power over property and family matters. This does not apply in economic, legal and political issues which are generally occupied by males.

A study⁷⁰, noted that despite the absence of any overt gender discrimination in Bhutanese society, there are still fairly well ingrained traditional perceptions and stereotypes that accentuate male superiority.

Women also constitute most number of victims of domestic violence and rape. In the last few years, several rape cases of minor girls surfaced⁷¹. In some parts of the country, women also face the challenges of night hunting: males entering into houses where only female live for forced sexual relations. There are hundreds of children born out of such relations⁷². There is only a single unit under Royal Bhutan Police (RBP) in Thimphu to deal with domestic violence while most such incidences occur in rural areas and are rarely reported to central police authority.

⁷⁰ First Gender Pilot Study in Bhutan, conducted jointly by the Royal Government and the UN agencies in Bhutan in 2001

⁷¹ <http://www.americanchronicle.com/articles/view/87675>

⁷² GNH and Child Rights by Buddha Mani Dhakal in 'Gross National Happiness: Bhutan is yet to consolidate happiness principle' published by APFA-Bhutan, November 2008

The 10th Five Year Plan (2008-2013) provides some policy measure making is mandatory for all sectors to effectively mainstream gender issues into their policies and programs and to maintain gender disaggregated data. In the five year period, the government plans to invest Nu 64 million for involvement of women in development activities. The National Plan of Action for Gender has been talked about for several years and is expected to give gender and women's empowerment in all national plans and policies, but failed to get implemented even after five years it was drafted.

The 1979 Convention on the Elimination of All Forms of Discrimination Against Women, ratified by Bhutan in 1981, which prohibits discrimination of women when it comes to passing on nationality, is the other convention that the country has ratified. The Bhutanese distinction between F4, (Non-national women married to Bhutanese men, and their children), and F5, (Non-national men married to Bhutanese women, and their children), clearly breaks this convention. Since the ratification of the convention, the government has not abided by its CEDAW obligation to provide citizenship and prevent statelessness when non-Bhutanese woman is married to a Bhutanese national.

Further, the government has made thousands of people stateless, including 80,000 still living in the country. The government does not provide citizenship to these women, alleged to be non-national, when married to Bhutanese having citizenship. This has accentuated complications leading to an increase in number of stateless children since the government does not entertain children born from such mothers from taking citizenship of Bhutan.

5.7.2 Children

Bhutan made commitments for right of the child when it signed the Convention on the Rights of Child in 1990. In an effort to comply with the convention, some pro-children provisions have been incorporated in constitution, penal code and CCPC, though very late.

The constitution guarantees the right to free education up to grade X for all children of school going age. Access to technical, professional and higher education is based on merit. Some reports also claimed that Bhutan made progress towards realizing the Millennium Development Goals (MDGs) related to achieving universal primary education and ensuring gender equality in education.

For these, government has established few community primary schools and provided free text books, stationery, boarding facilities and school feeding programs, especially in rural and remote areas. According to government records, Net Primary Enrolment Rate (NER) is 92 percent, an increase of 19 percent since 2005. Gender parity index in education is at 1.01 for primary and 1.02 for basic level in 2009.

However, shortly after signing the CRC, the government citing some political disturbances in southern districts closed down all schools in six districts. The closure of schools continued for over two decades. Only last year, very few schools are opened in southern districts⁷³.

Around one or two schools have been opened in each district and practically it is impossible for all children to attend school in such

⁷³ . Kuensel, January 7, 2009)

<http://www.kuenselonline.com/modules.php?name=News&file=article&sid=11769>

a distance. In contrast, the government made commitments to open schools ensuring that children must not walk for more than half an hour to reach school. For two decades children from southern Bhutan failed to see any schools and today only handful of children attend. Thousands of children in southern Bhutan were left out of school. Some richer parents send their children for study in India.

Even today, government has discriminatory action on providing free education to all children. To enroll children in school, parents need to produce no objection certificate (NOC) provided by the local authorities. Local officials are reluctant to provide NOC to Nepali-speaking Bhutanese citizens especially those who have relatives in refugee camps in Nepal. CRC obliges (Article 7) the state parties to maintain birth registration of all children born within the territory and provide citizenship to these children. However, the government has not maintained birth registration of children whose both parents aren't given Bhutanese citizenship. Shortly after signing the CRC, instead of maintain birth registration and ensuring their legal right to Bhutanese nationality, Bhutan evicted thousands of children along with their parents. This compounded to more stateless children. The Citizenship Act 1985 has not been domesticated in line with the CRC to prevent stateless children.

Only after the second session of the parliament, lawmakers representing southern Bhutan talked about the census categorization of Bhutan since 1990 and difficulties posed by the provision of No Objection Certificate (NOC)⁷⁴.

Home Minister Minjur Dorji assured that the NOC and other difficulties faced by southern Bhutanese would be resolved⁷⁵ on

⁷⁴ <http://www.apfanews.com/stories/na-members-take-up-southern-bhutan-problem-nation/>

⁷⁵ http://www.bhutantimes.bt/index.php?option=com_content&task=view&id=970&Itemid=1

the last day of winter session of the National Assembly. No action has ever been taken on the issue.

The Penal Code and CCPC have some provisions for child-friendly legal procedures. The provisions also outline sentencing of children and allows for the court to release a child on probation or for the child to return home while the presence is not required in the court. In a few instances, police personnel have been given training on women and child-friendly procedures and they provide counseling to children. Child offenders are kept in separate detention centers with rehabilitation facilities.

The government prevents children taking private tuition thus preventing weaker students to improve their performances. In 2002, the national education conference decided to ban tuition for students saying that it will affect the quality of teaching and students' concentration in the classroom⁷⁶.

Punishment children face in schools discourages children to attend classes. "Corporal punishment is still happening in Bhutan today, even in our schools, despite new policies being introduced by the education ministry," said NCWC secretariat services chief, Norbu Gyaltshen⁷⁷.

5.7.3 People with disabilities

There are 21,894 persons⁷⁸, accounting 3.4 percent of the total population, with one or more disabilities. According to government records, 6,476 of them had disability at birth and 15,867 persons developed disability later in life. Sex disaggregated data for types of disabilities (overall male proportion 54 percent, female 46 percent) does not reveal any wide gender disparity

⁷⁶ BBS, August 20, 2009

⁷⁷ Kuensel, November 17, 2009

⁷⁸ Population and Housing Census of Bhutan, 2005

except with regard to sight and movement disabilities, the latter of which may be due to gender division of labor.

Bhutan has not yet signed the Convention on the Rights of Persons with Disabilities. The government has integrated few disability related programs into its socio-economic development plans. Currently, there are three schools that cater to children with special needs. Youth Development Fund (YDF) runs few projects for disables, mostly concentrated in capital city. Access to formal education for people with disabilities is very low.

The hospitals, health clinics, parliament, government offices, schools and other public offices are not disable-friendly. There is no special quota for providing job security to the disables and they rarely attended any skill development trainings. Public awareness programs on disabilities are perfectly absent.

5.7.4 The National Commission for Women and Children (NCWC)

The RGoB approved the establishment of the National Commission for Women and Children (NCWC) in January 2004 after several rounds of discussions in the Coordination Committee Meetings (CCM) of the Council of Ministers for a national structure to spearhead the execution of RGoB's obligations towards addressing women and children concerns and meeting obligations under the CEDAW and CRC. The NCWC was formally launched by the Prime Minister on May 6, 2004 and the secretary of the ministry of health was appointed as the Chairperson of the commission, which functions with a separate secretariat.

The NCWC is an autonomous agency entrusted with the mandate of addressing the concerns of children and women; receiving and investigating reports on violations of rights of children and women; coordinating submission of periodic country reports and

activities related to international and regional treaty bodies; reviewing issues, policies and legislations pertaining to children and women and advising government; and acting as the 'Rights Watch' arm of the government.

The agency lacks adequate funding from the government compelling it to stay within few cities in northern districts. Failure of the agency to reach out to the people is reflected by the fact that it has not received a single complain about trafficking though the agency chair accepts human trafficking from the country⁷⁹. Young girls are trafficked across the border⁸⁰.

5.7.5 Civil Society Organizations

The parliament passed the Civil Society Organization Act of Bhutan 2007 in 2008. According to the act, the government has very recently announced the formation of a CSO Authority⁸¹. Its mandate include implementing the provisions of the Act including overseeing the formation and functioning of CSOs to ensure the accountability and transparency in their operations. Currently, 33 organizations including the ones already functioning as CSOs, have applied for CSO status with the Authority. None of them have been given legal certification so far. Even before the enactment of the Act, CSOs made their presence felt by supporting key areas and needs of a changing society. Interestingly, most of the CSOs established before the change in political system are led by royal family members or their relatives and they are mostly concentrated in capital city.

⁷⁹ http://www.bhutanimes.bt/index.php?option=com_content&task=view&id=1048&Itemid=1

⁸⁰ <http://www.bhutannewsservice.com/main-news/human-trafficking-in-bhutan/>

⁸¹ <http://www.bhutanobserver.bt/2009/bhutan-news/04/civil-society-organization-authority-established.html>

6. Public Awareness on Human Rights

There is no agency entrusted to overseeing the status of human rights and launch programs for public awareness. The NCWC organized few trainings on CRC, CEDAW, gender and development for law enforcement officials, judiciary, parliamentarians, local government officials, media and youth and children. Sensitizations on girls trafficking were also conducted in few instances. Study tours to Sri Lanka and Thailand were organized for the police and judiciary personnel to review women and child-friendly procedures, and assess how and to what extent they could be adopted in Bhutan.

The Royal Court of Justice conducted a campaign titled ‘Know the Law to Protect Your Rights’ to raise awareness of law in some schools and educational institutions, emphasizing issues related to rights and duties of children for better protection of rights. The NCWC with UNICEF conducted a child rights and protection training for monks, principals and heads of monastic institutions.

Human rights, CRC and CEDAW have not been integrated into the formal school curriculum. In absence of the human rights groups and effective presence of the UN agencies in the country, issues of human rights go unheard. The government has not given any international NGOs to assess the human rights situation in the country independently. Most of the human rights groups prepare their reports without letting the government know until they publish their reports. Human rights monitoring in Bhutan is absent.

7. Royal Bhutan Police (RBP)

The RBP is responsible for maintaining law and order, and preventing crime. This is the largest security force in the country. The parliament has recently enacted Royal Bhutan Police Act of 2009 to define roles and responsibilities of police personnel in society. The Police Service Board consisting of senior officers and a representative from the Ministry of Home and Cultural Affairs has been entrusted to review and conduct inquiries and investigates of cases involving abuse of powers by the police. The RBP Act also gives authority to police chief to take actions and make inquiries as suggested by the board reports. According to the act, the RBP functions under Ministry of Home while the chief of command of the force is King himself.

By law, police are not immune from criminal prosecution for any violation of human rights. However, in the last few years only, several cases of harsh punishment by police personnel in detention centers were reported in an effort to force the accused confess their crimes. In the post 1990 era, thousands of members from opposition groups were arrested, detained and killed through merciless torture and punishment in jails. The government resorted to military crackdown in 1997 demonstrations in eastern districts. Over 120 monks were arrested and some have been given prison sentences up to 15 years⁸². Today, over 100 people arrested during 1990 and 1997 demonstrations still serve prison sentences in Bhutan. Many died in prison, by torture or lack of medical treatment⁸³. In one very recent instance, the police forced a detainee to drink urine⁸⁴.

⁸² <http://www.state.gov/g/drl/rls/hrrpt/1999/437.htm>

⁸³ <http://www.amnesty.org/en/library/asset/ASA14/003/1992/en/9a9e32d4-ed92-11dd-95f6-0b268ecef84f/asa140031992en.pdf>

⁸⁴ Bhutan Times, January 11, 2009. see annex for the full story

The government is providing militia training to young people across the country (statement of the RBA colonel Bato Tshering in the 87th National Assembly) in the wake of violence in the last few years preparing them as counter force⁸⁵.

There are possibilities that these could engulf the country into insurgency as communist rebels continue their mission for armed struggle and even seeking support from Indian insurgents. The Indian insurgents who were flushed out of Bhutan in 2003 have publicly announced their support the Bhutanese communist to make armed attacks⁸⁶.

The RBP has vowed to make changes in the way it used to behave in the past⁸⁷. Reality behind the possible change in behavior is questionable since the current police chief was the main person behind major human rights violations during the 1990 evictions spree. RBP is trying to improve its public service image by undertaking institutional reviews and through various training courses on human rights for its personnel. The accountability mechanisms that are provided in the RBP Act are yet to be operational.

The police personnel are not trained well in human rights protection. Several instances have appeared where police was involved in torture and harassment to individuals without any misconduct.

The confession of police chief Col Kipchu Namgyal (chief of Royal Bhutan Police since April 19, 2008 now promoted as Brigadier) at the National Assembly session that police force

⁸⁵ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=11747>
http://www.bhutantimes.bt/index.php?option=com_content&task=view&id=987&Itemid=1
<http://www.apfanews.com/stories/police-preparing-counter-terror-squad/>

⁸⁶ http://www.thaindian.com/newsportal/uncategorized/assam-rebel-group-vows-support-for-maoists_100275413.html

⁸⁷ Kuensel, 22 September 2009 (Kinga Dema)

cannot protect human rights⁸⁸ is the glaring example to showcase the scenario of continued human rights violations by police authority. The new Police Act was enacted without any jaws to restrict the police authority from human rights violations⁸⁹. For instance:

Gyeltshen, a mechanic from Lhuentse, was locked up for eight months and allegedly tortured, and Palden Dorji, an ex-soldier from the same district, was imprisoned for 13 months. And in the Trashigang case a police OC slapped and threatened a taxi driver.

In all these cases, it was discovered that there was no case or evidence against the victims, their fundamental rights under the constitution violated and clear legal processes not followed. Compensations paid were also minimal and the cases never reached court⁹⁰.

The social violence has increased in the last few years and the government failed to act proactively to curb it. Cases of murder, suicide and rape have become common⁹¹.

⁸⁸ <http://www.apfanews.com/stories/police-cannot-protest-human-rights-police-chief/>

⁸⁹ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=11688>

⁹⁰ Kuensel, May 19, 2009 and May 8, 2009

⁹¹ see for example Kuensel, March 28, 2009 and November 19, 2009

8. Bhutan-UN human rights bodies relations

Of late, Bhutan has taken interest in UN human rights activities, particularly through the Commission on Human Rights (CHR) and the Human Rights Council (HRC). Bhutan served as a member of the CHR for three terms from 1995-2000 and from 2004-2006. Bhutan is not a member of HRC. Bhutan also participated at Ministerial level in the World Conference on Human Rights in Vienna⁹² and the World Conference on Racism in Durban⁹³ and its Review Conference⁹⁴.

Bhutan invited Mr. Jose Ayala Lasso, the first High Commissioner for Human Rights to visit the country in August 1994. During his visit, the High Commissioner had discussions with government officials on the situation of human rights in Bhutan. The government requested the High Commissioner for assistance of the Centre for Human Rights (now the OHCHR) in advancing the national implementation of international human rights norms in Bhutan.

The Technical Cooperation Project BHU/95/AH/20 – Strengthening National Human Rights, resulting from the High Commissioner’s visit, was implemented by the OHCHR from 1997-2001. The total project cost was US\$300,600 including the government’s in-kind contribution of US\$10,000. Through this project, Bhutan made some efforts to strengthen the administration of justice, train law enforcement officials on the theoretical aspects and practical implications of international human rights standards, and to support Bhutan’s capacity to report under international human rights instruments and its

⁹² <http://www.ohchr.org/EN/ABOUTUS/Pages/ViennaWC.aspx>

⁹³ <http://www.un.org/WCAR/>

⁹⁴ <http://www.un.org/durbanreview2009/>

understanding of international human rights norms and obligations. Under the Project, the following activities were undertaken:

- a) Seminar for High Court Judges on International Human Rights Standards;
- b) Training Course for paralegals in Bhutanese criminal procedure and international human rights standards on the administration of justice;
- c) Training course for police on human rights and law enforcement;
- d) Training course for district judges on judicial structures;
- e) Training of Judges on administration of justice and human rights through an OHCHR fellowship program in cooperation with the Human Rights Centre of Essex University;
- f) Training of policewomen on human rights of detainees through an OHCHR fellowship program in cooperation with the Human Rights Centre of Essex University; and
- g) Fellowships to relevant government officials on treaty accession and reporting obligations.

At the end of the Project, the OHCHR engaged an independent expert, to carry out a Project Evaluation Mission.

Similarly, Bhutan invited the Working Group on Arbitrary Detention (WGAD)⁹⁵ to visit the country in October 1994, delegation headed by the Group's Chairman-Rapporteur, Mr. Louis Joinet along with two of its members, Mr. L. Kama and Mr.

⁹⁵ refer E/CN.4/1995/31/Add.3, dated: 16 December 1994 for WGAD report on Bhutan

K. Sibal. The WGAD was invited to visit Bhutan in connection with cases of arbitrary detention during 1990. During the visit of the delegation, the government did its all to pretend that detainees in the jails are treated well. According to Tek Nath Rizal (*the former advisor to the king who served 10 years in prison*), situation in detention centers and jails improved little since the visit of the delegation⁹⁶. However, the government, for the show, took great care in cleanliness, facilities, treatment and care of the detainees during the visit of the delegation. The Bhutan government has not yet spoken about the human rights abuses carried out after 1990.

The WGAD delegation made a follow-up visit⁹⁷ to Bhutan in April 1996 by Mr. Louis Joinet, Chairman-Rapporteur. The government had guided his delegation only to selective detention centers. The WGAD followed-up on the recommendations it had made on the administration of justice; visited courts, prisons and selected police stations in other provinces outside the capital; and re-evaluated the case that the WGAD had declared as non-arbitrary during its first visit.

The government invited Mr. Miguel Alfonso Martinez, Special Rapporteur for Human Rights and Human Responsibilities, to Bhutan in September 2002. He interacted with relevant officials of the government for the preparation of his final report E/CN.4/2003/105⁹⁸ dated 17 March 2003 on the study requested by the CHR in its resolution 2000/63, and submitted pursuant to ECOSOC decision 2002/277.

Cooperation between Bhutan and the International Committee of the Red Cross (ICRC) began with the signing of a five-year

⁹⁶ Torture killing me softly by Tek Nath Rizal published by Human Rights Without Frontiers Nepal, 2009

⁹⁷ refer E/CN.4/1997/4/Add.3, dated: 13 June 1996 for WGAD follow up report on Bhutan

⁹⁸ [http://www.unhchr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/52c520c7be26d11dc1256d040055f1b0/\\$FILE/G0312023.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/52c520c7be26d11dc1256d040055f1b0/$FILE/G0312023.pdf)

Memorandum of Understanding between the government and ICRC in November 1993. This MoU, which has been renewed annually since its expiry in 1998, allows the ICRC to visit all persons arrested or detained for offences against national security though there was no visit by ICRC officials to Bhutan during 2008⁹⁹. According to interaction with ICRC officials, Bhutan has restricted them for talking with the prisoners regarding the reasons for jail sentences. During a personal communication with ICRC officials, it has been revealed that movement of ICRC delegation and ways of interaction with the prisoners are strictly monitored. The ICRC delegation is virtually a failure after it was given right not more than to exchange letters between prisoners in Bhutanese jails and their relatives in Bhutanese refugee camps in eastern Nepal. As of June 2009, the ICRC had conducted 27 visits to Bhutan but failed to reach all detention centers.

Till this report was prepared, the ICRC has conducted approximately 14 seminars/workshops on implementation of international humanitarian law with specific focus on the 1949 Geneva Conventions and the 1997 Ottawa Convention for relevant law enforcement and government officials of Bhutan.

⁹⁹ <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119133.htm>

9. Challenges

9.1 Poverty

Despite some progress in poverty reduction over the years, 23.2 percent of the population still lives below the poverty line. The national target to reduce the population to 15 percent by the end of tenth plan is challenging. Diversion of large amount of resources for rehabilitation of the earthquake victims and delay in implementation of the tenth plan add challenges to meet the goals. The prevalence of poverty is the biggest obstacle to achieving Bhutan's vision of a happy society. This is further exacerbated by the fact that 98 percent of the poverty-stricken population reside in rural areas, where accessibility is rare. Increasing external debts counters the decreasing number of poor people in the country. Each Bhutanese now has debt of Nu 48,000 and it is expected to increase to 66,000 by 2011¹⁰⁰. Lack of education and awareness entail significant constraints.

9.2 Problems of Access

Lofty mountains, terrains and hills make up the country. In addition, the small population is scattered in large rural settlements. This adds constraints to delivering government services on time. Facilitating services in sectors such as health, education, electricity and safe drinking water is extremely difficult and expensive.

9.3 Unemployment

With an estimate of 12,900 young women and men unemployed¹⁰¹, the country continues to face increasing

¹⁰⁰ <http://www.apfanews.com/stories/one-citizen-carries-48-000-debt-economy/>

¹⁰¹ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=13681> also see: <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=13441>

unemployment problems. Each year, around 14,000 young people¹⁰² enter the market while government has been able to provide employment to around 10 percent of these graduates. The national unemployment rate has increased from 1.4 percent in 1998 to 3.7 percent in 2007 and then to 4 percent in 2009¹⁰³. More than 6,300 (60 percent) unemployed youth today are between the ages of 15 and 24. Youth comprise nearly 23 percent of the country's population.

Off-loading the corporate employees as directed by the Druk Holding and Investment (DHI) and such other factors have further increased the unemployment problem in the country at an alarming rate¹⁰⁴.

It is expected that by 2013, the number of youth will increase to 194,417 (male – 102,530 and female – 91,888). Labor force surveys reveal that youth unemployment is growing at the rate of 0.44 percent (male – 0.21 percent and female – 0.68 percent) annually. The PHCB 2005 shows youth unemployment at 6.19 percent (male – 5.53 percent and female – 7.19 percent). The increasing trend of rural-urban migration aggravates the existing youth unemployment problem. The PHCB 2005 shows urban unemployment rate of 10.7 percent (male – 5 percent and female – 16.3 percent). Today, approximately 10,000 job seekers are still unemployed.

With the increase in young people seeking overseas job, thugs have appeared in the market to cheat them. In few instances, the job seekers were cheated and looted. The government has remained mum over the issue¹⁰⁵.

¹⁰² Labor Force Survey, 2009

¹⁰³ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=13328>

¹⁰⁴ <http://www.apfanews.com/stories/ricbl-brings-retirement-schemes-to-lay-off-staffs/>

¹⁰⁵ http://www.bhutantimes.bt/index.php?option=com_content&task=view&id=1643&Itemid=1

9.4 Bhutanese refugees

One of the major claims that Bhutan repeatedly makes is illegal immigration. It is stated that since the country began development activities in 1960, large number of people from neighboring countries migrated to this country. After an exclusive census carried out in southern districts in late 1980s, government mentioned that the country has around 125,000 illegal immigrants. In a planned eviction carried out in early 1990s, over 130,000 Nepali speaking people were flushed out of the country. Many of them took shelter in Nepal while some settled in India in disguise. Two decades after the mass eviction, the government still says there are around 80,000 illegal immigrants.

The government forced to sign, to almost all, the voluntary migration form before leaving the country to these evicted people. Besides, the local authority also seized the documents that people have which can prove their Bhutanese nationality to ensure they will not be able to produce in future.

Since the beginning of 1990, king and the government had mentioned that only around 33 percent of the refugees taking shelter in the UNHCR-managed camps in Nepal are genuine Bhutanese. The two countries, Nepal and Bhutan, after 16 rounds of bilateral talks finalized mechanism for verification of the refugees. Despite the fact that Bhutan government had confiscated documentary proofs of the refugees while forcing them to leave the country, refugees produced enough documents during the joint verification in Jhapa. The result of the verification stunned Bhutan government and sought several excuses to keep itself away from any further talks with Nepal. The result showed that 75 percent¹⁰⁶ of the refugees have evidences to prove their

¹⁰⁶ The Kathmandu Post June 19, 2003

Bhutanese nationality. The tactics of the Bhutanese tyrant to confiscate documents and then term illegal immigrants failed to get proven while working practically in field. Even during the verification process, the Bhutanese officials demanded that refugees handover the original documents to them.

Bhutanese refugees made several self-attempts for voluntary repatriation. India that stands between Nepal and Bhutan emerged as the greatest obstacles to their repatriation. India allowed evicted Bhutanese to cross its land and take shelter in Nepal but denies way for their repatriation. Though in earlier instances, India said Bhutanese refugee is a bilateral issue between Nepal and Bhutan, it finally accepted that it is an international issue¹⁰⁷. In one of the attempts, the Indian security forces opened fire at the Bhutanese refugees in Nepal-India border when the refugees were marching peacefully towards Bhutan. One of the demonstrators was shot dead¹⁰⁸. Shortly after that Indian foreign minister said repatriating 100,000 refugees will create 'democratic imbalance' in Bhutan¹⁰⁹.

The Citizenship Act 1985 is a foolish document that Bhutan prepared and forcefully implemented. The law demands that one has to produce documents of the living in Bhutanese on or before 1958 to prove anyone being Bhutanese. However, the Ministry of Home and the agency for official records, was established only in 1968. And interestingly, it is only for the Nepali-speaking people in southern districts who have to produce their documents to prove they were in Bhutan before 1958. For Bhutanese from other places are regarded as Bhutan just with their races. Even

¹⁰⁷ <http://www.southasiaanalysis.org/%5Cnotes4%5Cnote389.html>

¹⁰⁸ <http://www.apfanews.com/stories/ssb-shot-one-arrests-rights-activists>

¹⁰⁹ <http://www.hindustantimes.com/News-Feed/nepal/Pranab-s-remarks-ruffle-Bhutan-leaders/Article1-229253.aspx>

those southern Bhutanese who produced such documents failed to get genuine citizenship certification but were forcefully evicted.

In general, people of the specific nation state may be classified as national or non national. In Bhutanese case, the Nepali speaking population was categorized into seven groups and only one group is actually termed as genuine citizens.

Bhutan not only denies taking back the 75 percent people who were proved Bhutanese through verification, but also accuses Nepal of camping these refugees without any screening. Nepal and the UNHCR had put a screening camp at Kakarvitta, border with India from where refugees entered Nepal, for more than four years from 1990. Having committed blunder and gross human rights violations, the notoriety of Bhutan has not ended and continues to give lip service of its commitments for solving the issue.

During 1988 census, the government categorized the citizens into seven groups. There were/are no national or international legal instruments authorizing Bhutanese government to categorize citizens into seven groups. The seven groups are:

- F1 – Genuine Bhutanese
- F2 – Returned Migrants (those who had left Bhutan but returned)
- F3 – Drop-outs (those who were not available during the time of census)
- F4 – A non-national woman married to a Bhutanese man
- F5 – A non-national man married to a Bhutanese woman
- F6 – Adoption Cases (Children legally adopted)
- F7 – Non-nationals (Migrants and illegal settlers)

After the census, the government ordered Nepali-speaking, except those who fall under F1 category, to leave the country immediately. Army was mobilized throughout the southern districts. Arrest, torture and rapes were rampant. Those included in F2-F7 categories were denied right to work and no objection certificate. Absence of NOC means children are not entitled to attend schools, parents are not entitled for any works – public or private.

As a signatory to CRC, Bhutan has the obligation to provide citizenship to all those children born in the country after ratifying CRC convention in 1990. Bhutan violated this basic provision of the CRC.

Bhutan after its 2005 census announced to provide citizenship to genuine Bhutanese and a residency card for non-Bhutanese. Many Nepali-speaking Bhutanese still living in Bhutan did not receive a citizenship card after the 2005 census¹¹⁰. Instead, the government introduced new citizenship card and urged the people to submit the old ones in order to receive new one. Through this, the government further seized citizenship of many southern Bhutanese. The motive behind the new citizenship is to invalidate the citizenship that Bhutanese refugees carry.

9.4.1 Life in camps and resettlement

The life in camp is absolutely a prison-like. Work permits are not given and ration supplied by the donors is hardly sufficient to keep them alive. The announcement of the Core-Group¹¹¹ to resettled some 70,000 of the Bhutanese refugees taking asylum in Nepal as a gesture to end the two-decade long impasse, brought

¹¹⁰ NRC reports: Bhutan, Issue 1/2008

¹¹¹ Core Group includes US, Australia, Canada, New Zealand, Denmark, Norway and the Netherlands

division among refugees. While majority of them choose to be resettled, seeing no prospects of getting repatriated to homeland, others opposed the proposal on the ground that it will provide a certificate for Bhutanese regime for further eviction of Nepali-speaking people and legitimize its claim of illegal immigration. Political parties, more precisely the underground communist and military groups, have been opposing resettlement. The division among the refugees invited conflict that took lives of two youths^{112 113}.

The local authority arrested no one for the incident. The probe committee formed for investigation of the incident failed to carry out its responsibilities. The report it prepared was not made public. The failure of the authority to snatch the culprits of the pre-resettlement incidents encouraged the armed groups to continue their activities. This gave rise to impunity in the camps.

Despite opposition, the resettlement process started in March 2008¹¹⁴. According to the UNHCR office in Kathmandu, by the end of September 2009, around 20,000 refugees have been resettled in third countries, largest of them in United States.

9.5 Violence and disappearance

Bhutan resorted into state terrorism in early 1990s to flush over 120,000 of its citizens. The incident of killing, murder, rape, burning of houses, arrest, torture, kidnap, beating, misbehavior in the southern Bhutanese by army personnel deployed by the government are beyond count¹¹⁵. Dozens of people are still facing jail sentences in Bhutan for speaking for democracy, human rights

¹¹² <http://www.apfanews.com/stories/another-youth-dies-at-police-firing-in-camp/>

¹¹³ <http://www.apfanews.com/stories/secy-interview-sparks-tense-one-dies-dozens-injured/>

¹¹⁴ <http://www.nepalnews.com/archive/2008/mar/mar10/news14.php>

¹¹⁵ Shangrila without human rights by AHURA-Bhutan, 1996

and equality. (*See annex for list of political prisoners arrested in 1990 and 1997 still serving sentences*)

Bhutan at that time had no laws, no constitution. The parliament was a rubber stamp of the monarchy. The government was headed by the king. And all laws were to fulfill the royal interest. Whatever king spoke used to be the law of the land. People had no strength of speaking against or even raise a question. Any opposition to the government was termed an act of treason and working against the tsa wa sum (king, country and people). People arrested right after the pro-democracy demonstrations in southern districts were charged of treason and terrorism through a law, Penal Code, promulgated in 1992.

Even after the end of active monarchy and establishment of parliamentary democracy, people are still reluctant in using their rights, the psychological fear inculcated in the last two decades. The ministers, senior officials, police and army personnel in the democratic set up are derived from the same absolute regime. It is a mockery to hope that the same people who opposed democracy some years back can now handle the democratic institutions and strengthen its values.

After Nepal and Bhutan failed to find solution of the refugee crisis in two decades through 16 rounds of bilateral talks, the hope for getting justice through peaceful means began to disappear in the hearts of refugees. The young generation increasingly became worried about their future. The only alternative for them to seek justice was through armed violence. It was not an interest of the young generation in refugee camps when they see no future in Nepal's camps. The insurgency in Nepal, that managed to appear successful in terms of paralyzing state power, added fuel to the frustrated young generation of the refugee community. As a result a group of young people decided to take up arms and began

mobilizing others for military trainings. In the last few years, they carried out some armed activities in Bhutan. They have declared their intention to enter the country to achieve their political aims through violent means, including an armed revolution to destabilize the government. In the past two years, these groups have been responsible for 15 bomb blasts¹¹⁶ inside Bhutan, some of which were aimed at discouraging people from participating in Bhutan's first elections. Even after the elections, the violence continued. The underground group by the name United Revolutionary Front of Bhutan (URFB) killed four forest security personnel in a landmine blast¹¹⁷. In October 2009, an army bunker was attacked in southern Bhutan by an unknown group¹¹⁸. Several armed groups have come to the surface by the name Druk Leopard, Refugee Liberation Army, Bhutan Tiger Force, two factions of the Communist Party of Bhutan (Marxists, Leninists, Maoists).

After the first few explosions, Bhutan mobilized security forces to search for the rebels. Though the government blames refugees for all the explosions carried out so far but has arrested more than three dozen people from the southern districts. Their whereabouts are unknown. It was once reported quoting the police chief that five of them have been shot dead by the police in unknown places¹¹⁹.

The RBP arrested at least 39 people from Samtse district between May 25, 2007 and June 19, 2007 allegedly involved in subversive political campaign inside Bhutan¹²⁰. The government has accused

¹¹⁶ For further reading, see One year of democracy and national security by R. P. Subba in Torrefy of democratic values: commenting on budding democracy in Bhutan published by APFA-Bhutan, April 2009

¹¹⁷ <http://www.reuters.com/article/latestCrisis/idUSB595776>

¹¹⁸ <http://www.bhutanobserver.bt/2009/bhutan-news/10/rba-bunker-attacked.html>

¹¹⁹ http://news.bbc.co.uk/2/hi/south_asia/7292343.stm

¹²⁰ For instance see Hindustan Times February 21, 2008

these villagers of hatching plots for armed revolt against the regime. However, the accused have not been presented before the courts for trial, nor are their family members allowed to visit. The status of where are they detained and under what conditions has not been known to this day.

Informal communications proved that a majority of the detainees were kept at the Samtse jail and are given heavy torture and are treated inhumanly, in initial days. There are even reports many children are now living alone after their parents were arrested. Some of them were arrested late at night without issuing arrest warrants while few students were arrested from the school premises. (*The list of arrested people is given in the annex*). The Bhutan government has also disappeared the general secretary of Druk National Congress (Democratic), who was arrested by the India police in Assam on November 10 2008. After the expiry of the 90 days in Gauhati central jail, he was granted bail by Subhabrata Datta, Special Judicial Magistrate (CBI Court) on March 20 after Tenzing deposited IRs 10,000. But Tenzing continued to remain in jail because he was facing another arrest warned from Despur. This case was registered on October 9 but Police diary show that Tenzing was arrested on December 29. In the second case, Tenzing was granted bail on expiry of 90 days in jail on March 31 by M. Deb, Additional chief judicial magistrate. His wife stood bailer at the court depositing IRs 10,000.

However, he was rearrested by the Assam Police from Gauhati and Bhutan police officers court premises soon after he was released on April 6 at around 5:35 pm local time. Since then, his whereabouts is still unknown.

9.6 Poverty reduction and employment

According to government statistics, poverty has been reduced from 36.3 percent in 2000 to 23.3 percent in 2007. The government plans to reduce it to 15 percent by 2013. However, the country may not be able to bring it to zero by 2015 as mandated by the MDGs.

To avoid food crisis, the government has initiated a number of targeted interventions including development of Bhutan National Food Security Strategy and demarcation of fertile agriculture land under a protection scheme to enhance domestic food production. But with expansion of the hydropower project construction, large area of fertile land has been incorporated into project areas, restricted for cultivation, leading to more cut in the food production. The country heavily depends on India for agricultural products.

Proving employment to growing youth population is the greatest challenge for Bhutan owing to its small market and few industries. Unemployment in Bhutan is mainly an urban phenomenon while rural areas continue to face severe labor shortage. People deny returning to rural areas due to lack of facilities such as transport, IT, entertainment, health, etc. Since last two years, government started job fairs¹²¹ in Thimphu and few other prominent cities that provided jobs to some hundreds youngsters. The government intake for civil service is low¹²² and private sector is expanding at very slow pace creating small number of vacancies¹²³. The government has also

¹²¹ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=10284>

¹²² <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=10353>

¹²³ During seventh job fair in Thimphu in October this year, Construction Association of Bhutan entertained only 100 job seekers and not all were recruited

started providing trainings, entrepreneurship courses and apprenticeship for job-seekers¹²⁴ that may help get jobs.

9.7 Education and Gender

Modern education was first introduced in the country in the early 1960s with the launch of the first five year plan. Until then, only monastic education was available in the country. Education had been the priority for government since then. However, the new government has reduced the share of budget to education compared to other sectors.

From just 11 schools with 400 students in 1960, the education system has now grown to over 564 schools and institutes with 175,061 students taught by 7662 teachers.

The government statistics show that there is heavy increase in enrolment and the country is on track to achieving universal primary education. The Gross Primary Enrolment Ratio (GER) is currently 114 percent and NER is 92 percent with a target to achieve near 100 percent by the end of the Tenth FYP. This statistics is suspicious and erroneous because it is evident that large numbers of children in southern districts are out of school due to failure of their parents to obtain security clearance and NOC from local authorities and closure of the schools for last two decades.

The education sector has many constraints and challenges. These include, *inter alia*, teacher shortage; enormous pressure on limited facilities at secondary level; ensuring quality education while enhancing enrolment; and adopting an inclusive approach to education for children with physical disabilities and learning difficulties.

¹²⁴ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=10971>

The government provides free education up to Class X. Besides tuition, stationery, textbooks, sports items, boarding facilities and meals are provided free based on needs. Efforts are also made to establish community schools to ensure that all children have access to education in remote areas.

The Non-Formal Education program was introduced in the early 1990s with the objective of eradicating illiteracy. Currently, there are 13,160 learners taught by 756 instructors in 688 NFE centers. Very few of these NFE centers are located in six southern districts where Nepali-speaking Bhutanese live. The national literacy rate is currently assessed at 59.5 percent and the target is to achieve 70 percent by the end of the current plan period.

The Continuing Education Program offers adults, who left school before completing their secondary education, the opportunity to upgrade their qualifications.

These two programs have been identified to receive the “Honorable Mention” of the UNESCO Confucius Prize for Literacy in September 2009 in Paris for their emphasis on literacy as well as for their focus on adults and out-of-school youth, particularly women and girls.

9.8 Health

Health care is free, but has to produce security clearance to get the service. Bhutan’s healthcare system is based on the primary healthcare approach. Universal child immunization was achieved in 1991, leprosy and iodine deficiency disorders eradicated in 1997 and 2003 respectively. Tobacco ban is another important step

towards improving health situation¹²⁵. However, the parliament is still in divergent view whether the state should ban tobacco.

HIV/AIDS is spreading at an alarming rate¹²⁶. The public awareness program to reduce the spread of the disease is not a priority for the government, however free health care commitment has been reinforced with its inclusion in the constitution. To ensure long term sustenance of healthcare services in Bhutan, the Bhutan Health Trust Fund was established in 2004. The trust targets to achieve US\$ 24 million reserve through the contributions of the government at part with the contributions of donors.

¹²⁵ http://news.bbc.co.uk/2/hi/south_asia/4012639.stm

¹²⁶ http://www.unicef.org/infobycountry/bhutan_statistics.html#55

10. State Commitments

Bhutan has made the following commitments to international community after introducing parliamentary democracy in 2008.

- Bhutan is committed to continue participating actively in all UN human rights activities with the objective of drawing on international best practices that can be incorporated into relevant domestic policies and legislations.
- Cognizant of the clear benefits of working in close collaboration with CSOs, the government is committed to fostering ever closer ties with CSOs to ensure that the programs achieve the set objectives.
- The government is committed to addressing the issue of domestic violence.
- Bhutan became an Observer to the International Labor Organization (ILO) in June this year with a view to becoming a member in the near future.
- The government is currently studying and reviewing other human rights instruments and commits to sign them after making necessary institutional arrangements. As Bhutan's capacity is enhanced, it will in the near future look forward to ratifying the other international human rights instruments.

11. Conclusions and recommendations

If the government of Bhutan is sincere to its commitments, it should eliminate all discrimination against Nepali-speaking population with guarantee that no more will be evicted in future. The government must abolish the system to ensure that all Bhutanese citizens receive new citizenship cards without discrimination, and allow all adult Bhutanese citizens to register as voters and entertain all children in schools scrapping the NOC provisions.

The international community must work towards repatriation of Bhutanese refugees who are not willing to resettle in third countries ensuring their right to housing, land and property restitution.

The Bhutanese government must invite the UN High Commissioner for Refugees (UNHCR) to establish its office in Bhutan in order to facilitate the return and reintegration of refugees who wish to return.

Also, there is need for establishment of the United Nations Office of the High Commissioner for Human Rights (OHCHR) in order to monitor and protect the human rights. If the international community continues to keep silent over human rights violations in this tiny Himalayan kingdom, it is impossible for genuine Bhutanese to get justice. Human rights in Bhutan will be a far cry. Human rights watch dogs must end traditions to subscribe the government version of human rights situation in the country and take initiative for their own presence in the field.

Nepal should guarantee respect for the right to freedom of movement for refugees, and authorize their right to seek employment in Nepal.

Bhutan, India and Nepal should ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt implementing asylum laws and regulations to avoid statelessness in this region. These countries must also ratify the 1954 Convention Relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.

The Core Group countries should urge Bhutan to accept the return of Bhutanese refugees under proper international monitoring and provide fertile grounds that resettled Bhutanese are given the status of Non Resident Bhutanese. They should also ask Bhutan to ensure that further expulsion of ethnic Nepalis is unacceptable. The international community should urge Bhutan to immediately stop its policy of discrimination on ethnic grounds and scrap all racist policies.

Annex

1. Some important incidences

A. Missing¹²⁷

Shantiram Acharya, journalist associated with The Bhutan Reporter, monthly and Jagaran, fortnightly, has been missing since January 16, 2007 after he was arrested by the Royal Bhutan Police (RBP) from Gedu inside Bhutan. RBP has accused that Acharya (21), a resident of Bhutanese refugee camp in Beldangi-II under Sector 'D', was a Bhutanese Maoist militant. However Communist Party of Bhutan (CPB-MLM) has said he was never affiliated with them. His whereabouts is never known since his arrest. He has been given seven and half years of jail sentence¹²⁸.

B. Life inside Bhutanese jails

Dhan Kumar Rai (43), arrested during the peaceful demonstration in 1991 (inside Bhutan), was released in November 2008. He spent his troublesome days inside Chamgang Central Jail in Thimphu and others. While in jail, he received such torture that made him mentally disturbed. He had to get admission at Thimphu General Hospital for treatment.

Rai is the founding general secretary of Bhutan People's Party (BPP), one of the oldest political parties, currently operating from exile in Nepal for establishing democracy in Bhutan.

Rai's family members, who are living in Khudunabari camp in Nepal, were never allowed to meet him before July 2007. In mid-July 2007, with the initiative of International Committee of Red

¹²⁷ Fifth Annual IFJ Press Freedom Report for South Asia (2006-2007), page: 29

¹²⁸ <http://asiapacific.ifj.org/en/articles/ifj-calls-for-leniency-for-journalist-jailed-in-bhutan>

Cross (ICRC), his four of the family members - parents, and two younger brothers - were allowed to meet him in the hospital bed in Thimphu.

Suman, younger brother of Dhan Kumar Rai, after meeting his brother told that his brother's health status was deteriorating. Doctors at the Thimphu General Hospital had diagnosed that he had suffered from acute heart problem and remained mentally unsound due to physical and mental torture.

C. Evicted

After 12 years of imprisonment, the Druk regime forced Buddha Man Rai leave the country. He arrived Jhapa to re-unite with his evicted family in Khudunabari camp. Rai (31) from Sarkitar in Samtse district had entered Bhutan as part of the pamphleteering campaign by the Bhutan National Democratic Party (BNDP) in 1995. He was arrested on September 3, 1995 from Samtse check post while returning to India after the campaigns.

For initial seven years, he was kept at the Samtse jail and then later transferred to Thimphu, Geleypug and Samdrup Jongkhar jails. Rai explains the pathetic conditions inside the jails where the inmates spend all days with nothing to read, write or see. He says the Lhotsampas once arrested are forced to accept the allegations clamped and if not, they should face severe torture – physically and mentally.

People from all faiths have to compulsorily attend the Buddhist prayers before breakfast and dinner. Neither the human rights organizations nor the humanitarian bodies including the UN are allowed to visit the inmates.

His jail term terminated on September 3, 2007 but has to remain there until September 10 for no one arrived to receive him. He

was not given food for two days. On September 10 Rai was told to leave the jail on conditions that he would immediately leave the country. The authorities had threatened him of re-arresting if found inside Bhutan.

D. En mass arrest

The RBP arrested at least 39 citizens from Samtse district between May 25, 2007 and June 19, 2007 inside Bhutan allegedly involved in political campaign. The government accused these villagers of hatching plots for armed revolt against the regime.

A majority of the detainees are kept at the Samtse jail and are given heavy torture and treated inhumanly. However, status of few of them has not been known. There are even reports that family members have not been given accessibility and many children are now living alone after their parents get arrested. Some of them were arrested at late mid night without issuing arrest warrant while a few of them, students, were arrested from the school premises.

E. “I drank my urine”

Written by Tashi Wangmo in Bhutan Times weekly

Man detained for eight months on suspicion, allegedly denied food and water, handcuffed throughout, and punched on ribcage says he has nothing against the police

Jan 11, 2009-Thimphu: A week after the parliament discussed humane treatment of prisoners, a man who languished eight months in police lockup on suspicion charges is opening up about his plight.

Gyeltshen, a mechanic at the National Resource Development Corporation Ltd. in Thimphu, who was on a visit to his wife's village at Ladrong in Lhuentse, was arrested on April 22 last year as the police suspected he stole religious artifacts from a private lhakhang nearby.

To make him confess to the crime, Gyeltshen said he was not given food or water for about a week though the recently passed Prison Act states every prisoner should be provided three square meals a day.

When he thought he would die of thirst and could not get a drop of water Gyeltshen knew he had no other way.

"I drank my urine," he said.

"I don't know what the police procedures are for detaining and punishing the suspects, but, what is done is done," said the father of six who has almost resigned to the pain and humiliation he went through for a crime he did not commit.

The police chief, Colonel Kipchu Namgyel, said, under section 165 of the Civil and Criminal Procedure Code the police make arrests with or without warrant based on circumstances. "There are no limitations for time period on detention; usually it is up to 90 days but based on the circumstances, it can go on for more days."

Gyeltshen lives in Thimphu while his wife lives in Phuentsholing with their six children.

The 35-year-old, whose five children in Phuentsholing had to leave school because he was in the cell, says he has nothing against the police.

He just wants the lhakhang caretaker who told the police that he suspected him in the theft to be charged. Gyeltshen has filed a case at the Lhuentse Court against the caretaker.

Between May 15 and 22 last year, Gyeltshen said he was handcuffed from the back, and a stick was placed horizontally from arm to arm. The stick was then tied to the ceiling. “I received four slaps and six blows on my left ribcage from the police,” said Gyeltshen.

On May 23, Gyeltshen’s wife was also arrested suspecting her as an accomplice. While under detention, the wife had to work as a laborer for the construction of police quarters.

However, Colonel Kipchu Namgyel said the police don’t manhandle the public. “If anyone proves that he/she was tortured by the police then I will take it up legally,” he said.

After the stolen artifacts were recovered in December last year, Gyeltshen and his family were released on December 22 after the police found no substantial evidence against him.

With no money in hand, and increasing debts including house rent, Gyeltshen returned to Thimphu, still bearing the handcuff marks on his wrists.

The Prison Bill states that someone under trial can be handcuffed while being transferred from one place to another as he can become violent, pose risks of injury to self and others, or abscond.

Colonel Kipchu Namgyel said suspects involved in crimes against national security and for stealing religious artifacts are handcuffed for security reasons.

What is worrying Gyeltshen now is not his honor or the time he had to spend in prison. He is concerned whether the school where his five children studied will take them back as they have lost classes for months.

Asked about the Lhuentse officer in-charge who arrested Gyeltshen, the police chief said he is on training outside the country.

“He is a smart and judicious officer,” said Colonel Kipchu Namgyel.

2. Bhutan maps

Old Map



New Map



3. Political prisoners in Chemgang jail arrested post 1997

Name	Age	Father	Arrest date	Arrest place	Address	Sentence
Tshewang Rizin	55	Dorji Wangdi	7-31-1998	Tanalung Gate	Bumthang	Life
Tashi	42	Khotsa Youngba	18-10-1998	Tashigang Bridge	Gomdhar, Samdrup Jongkhar	15 years
Nidup Phuntsho	28	Tshewang Rixin	27-7-1998	Thimphu	Bumthang	17 years
Rixin Wangdi	29	Sangay Dorji	25-6-1999	Thimphu	Dramatsi, Mongar	25 yrs 3 mths
Leki Dorji	29	Pema	25-6-1999	Thimphu	Dramatsi, Mongar	15 yrs 9 mths
Dorji Nidup	36	Kunzang Dorji	4-8-1998	Thimphu	Saktang, Trashigang	20 yrs 3 mths
Ugyen Dorji	48	Tempa Gyaltshen	4-8-1998	Thimphu	Ramjar, Trashigang	20 yrs 9 mths
Sherub Phuntsho	27	Sangay Dorji	9-8-2007	Yangphu (Gomdar)	Gomdar, S/Jongkhar	7 years
Tashi Wangdi	27	Tshangpa Gyalden	6-8-2007	Yangphu (Gomdar)	Gomdar, S/Jongkhar	13 years
Youngba	53	Dorji	5-8-2007	Yangphu (Gomdar)	Gomdar, S/Jongkhar	14 years

Lek-je	30	Dorji	5-8-2007	Yangphu (Gomdar)	Gomdar, S/Jongkhar	6 years
Dorji Tashi	25	Kacha	9-8-2007	Yangphu (Gomdar)	Gomdar, S/Jongkhar	3 years
Tashi Chogay	31	Dungkar	6-8-2007	Yangphu (Gomdar)	Gomdar, S/Jongkhar	4 years
Sonam Norbu	31	Nera	6-8-2007	Yangphu (Gomdar)	Gomdar, S/Jongkhar	3 years
Phurba Gyaltshen	39	Aga	5-8-2007	Yangphu (Gomdar)	Gomdar, S/Jongkhar	4 years

4. Detainees who are charged of being communist cadres

Name	Age	Sex	Father's Name	Address	Date of arrest	Thar m No.	Remarks
Shree Ram Chhetri*	52	m	Lal Bdr. Chhetri	Ghumaun ey Kataray	25-05-007	296	Binita Chhetri (11) and Arbind Chhetri (08)**
Lal Bahadur Chhetri*	75	m	-	-do-	14-06-007	-do-	Lal Bahadur was the Ex. DYT member
Meera Chhetri	45	f	-	-do-	-do-	-do-	
Amrita Chhetri	20	f	Shree Ram Chhetri	-do-	-do-	-do-	
Arjun Chhetri*	23	m	-do-	-do-	19-06-007	-do-	This student of Drukyul HSS, Paro, was arrested from school.
Paras Chhetri*	21	m	Hari Bahadur Chhetri	-do-	-do-	-do-	
Chandra* Bahadur Ghalley	50	m	-	-do-	01-06-007	280	Village head man (Chhokpa)
Indra Bahadur Ghalley	37	m	-	-do-	-	182	Whereabouts unknown from May 25 2007
Uma Devi Ghalley	36	f	-	-do-	14-06-007	286	Birkha Raj (13), Deo Raj (11), Bhim(09), Roshan Kumar (03)**
Tara Bir Ghalley*	22	m	Dhan Bahadur Ghalley	-do-	-do-	-	Their parents are disabled
Binda Maya Ghalley	20	f	-do-	-do-	-do-	-	
Duk Maya Chhetri	20	f	Damber Bahadur Chhetri	-do-	-do-	399	
Dik Bir Chhetri*	25	m	Ran Bahadur	-do-	-do-	-	

			Chhetri				
Bed Raj Ghalley	23	m	-	-do-	-	277	Where about unknown from 25 th May 2007.
Nar Bahadur Ghalley	67	m	-	-do-	-	308	Whereabouts unknown from May 25 2007
Devi Maya Ghalley	35	f	-	-do-	-	-do-	
Puspalal Ghalley*	18	m	Nar Bahadur Ghalley	-do-	-	-do-	
Durga Lepcha*	40	m	-	-do-	14-06-007	292	Lha Tshering (15), Phup Tshering (10), Dhikuti (mad) (45)**
Thaka Wati Lepcha	38	f	-	-do-	-do-	-do-	
Phul Maya Chhetri	19	f	R. K. Chhetri	-do-	-do-	276	
Tula Ram Ghalley*	18	m	Jit Bahadur Ghalley	-do-	-do-	285	
Padam Bahadur Rai	32	m	-	-do-	-	281	Whereabouts unknown from May 25 2007
Meena Rai	25	f	-	-do-	-	-do-	
Reshna Rai	06	f	Padam Bahadur Rai	-do-	-	-do-	
Rosy Rai	03	f	-do-	-do-	-	-do-	
Kumar Rai*	23	m	-	-do-	19-06-007	-do-	
Bal Bahadur Ghalley*	60	m	-	Nainital Kadu	25-05-007	-	
Jeet Bahadur Ghalley*	28	m	Bal Bahadur Ghalley	-do-	-do-	-	
Tej Kumar Ghalley	52	m	-	-do-	-do-	-	
Pralhad Chhetri	40	m	-	-do-	-do-	-	
Menu	38	f	-	--do-	28-	-	

Chhetri					05-007		
Nima Tamang	25	m	-	-do-	25-05-007	-	
Pema Tamang	42	m	-	-do-	28-05-007	-	
Dhan Bir Ghalley	50	m	-	-do-	-do-	-	
Hem Kumar Sansayshi	34	m	-	-do-	-do-	-	
Ratan Magar	50	m	-	Ghumaune Suntalabari	25-05-007	-	
Kaji Man Rai	36	m	-	-do-	26-05-007	-	
Rudra Subba	30	m	-	Khuchidaina	30-05-007	-	
Hema Devi Sunwar	18	f	-	Chengma ri Kataray Chengma ri	16-06-007	-	Arrested from Ghumaaney SS

As of August 2007, compiled by APFA-Bhutan

* are currently in Chengang jail

** these children are left without care as their parents are arrested

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