



Druk National Congress

Bhutan

E-21, First Floor, Kalkaji, New Delhi-110019

Phone : 26472636, 65641453 Fax : 26472636 E-mail : dnc@ndf.vsnl.net.in

Boudha, Kathmandu, Nepal, P.O. Box : 5754 Tel. : +977-1-4479997

E-mail : dnc2006@gmail.com Website : www.bhutandnc.com

Submission of a report
On the
Prevailing situation in Bhutan
By the
Druk National Congress (DNC)
To the 6th Session
Of the
Human Rights Council Working Group
On the
Universal Periodic Review
Of the
Government of Bhutan's
Human Rights Report

Contents	page number
INTRODUCTION	2
POLITICAL CHANGE	3
VOTING RIGHTS	3
HUMAN RIGHTS	3
JUDICIARY	4
MEDIA	4
RIGHT TO LIFE, LIBERTY AND SECURITY OF THE PERSON	5
POLITICAL PRISONERS	5
CUSTODIAL DEATHS AND DISAPPEARANCES	5
WOMEN AND CHILDREN RIGHTS	5
CONCLUSION	6

INTRODUCTION: Bhutan, a Mahayana Buddhist kingdom in the foothills of Eastern Himalayas, wedged between India in the East, South and West, and China in the North, became a member of the United Nations in 1971.

After a century of rule under absolute hereditary monarchy of the Wangchuk dynasty, established on December 17, 1907, with the help of the then British mission in India, the fourth king Jigme Singye Wangchuk abdicated and handed down the throne to the next heir, prince Jigme Khesar Namgyel Wangchuk, as the 5th king, also paving the way for constitutional monarchy.

Bhutan's first Constitution was drafted and adopted by its first elected Parliament in its first session in July 2008.

A delegation from Bhutan comprising one former and another incumbent minister, joined by officials from Foreign Ministry, Office of the Attorney General, Gross National Happiness (GNH) Commission, Officials from Bhutan's permanent representative in Geneva, the Education Ministry, and the National Commission on Women and Children (NCWC), altogether 12 members are going to attend and present the Bhutan Human Rights report to the Human Rights Council for Universal Periodic Report in Geneva due on 4th December 2009. The heavyweight Bhutanese delegation evidences the importance Bhutan is placing on portraying a clean image.

The report will be reviewed by 47 members of the Human Rights Council Working Group. The Universal Periodic Review Group will be assisted by a group of three nations that comprises of India, Madagascar and Uruguay.

Bhutan does not have a Human Rights Commission. In such a situation, any government's normally one-sided account of the human rights situation in its country must be taken with a large pinch of salt. Without a direct counteraction from the opposition or Bhutanese dissidents, it will be convenient for the Bhutanese delegation to smother the actual facts.

It will also be easier for the Bhutanese delegation to vend its report in with India, which is actually well aware of the real situation in Bhutan and also of the Bhutanese refugee problem, but whose official stand as of now is to support the Bhutanese Government, out of obvious political compulsions. Other two members of the group having little knowledge on Bhutan will only add to this scenario.

In the backdrop of this situation, the Druk National Congress (DNC), a Bhutanese political party in exile striving for the establishment of a full-fledged inclusive democracy and also instrumental in bringing the present political change in Bhutan to pass, and has been campaigning and advocating for ensuring human rights in Bhutan as enshrined in the UN Declaration of Human Rights and other covenants and conventions, would like to present its concerns in the areas where the Bhutan Government deliberately conceals facts pertaining to human rights and participatory multi-party democracy.

POLITICAL CHANGE: Bhutan has transitioned from absolute Monarchy to Constitutional Monarchy. This change however, is not a natural voluntary transition by the regime as claimed by it, but is the result of the struggle of the Bhutanese people, the political parties, human rights and social organizations in exile, and the support of the international community, particularly the people of India and Nepal.

Moreover, it is still exclusive in formation and absolute in governance. Only two political parties, the Peoples' Democratic Party (PDP) led by the brother-in-law of the king, and the Druk Pheunsum Tshogpa (DPT) led by the father-in-law of one of the princesses, were allowed to participate in the elections. The Election Commission rejected the registration of a third party on a silly pretext of being unable to fulfill an election criterion. Political parties in exile and Bhutanese refugees in exile, were also excluded from taking part in the elections. A cleverly camouflaged provision in the Constitution gives the Monarch unequivocal powers to overrule the decision of the Parliament, thereby undermining the very processes of democratic governance.

VOTING RIGHTS: Monks and religious personalities were deprived of voting rights. The Bhutanese falling in categories other than F1 and F4 and about 80,000 relatives of the refugees still living in Bhutan were also deprived of their right to vote. It is not surprising that that the Bhutanese refugees in exile were also left out of this process.

HUMAN RIGHTS: Although the Bhutanese Government claims to have fulfilled and committed to respect International covenants and conventions, in reality the situation remains appalling. It has signed and ratified only two International covenants on Committee on the Elimination of Discrimination against Women (CEDAW) on 31st August 1981 and committee on Rights of the Child on 1st August 1990 and is not party to any other covenants and conventions. In absence of a Human Rights Commission or any institution to counteract human rights violations and without close monitoring by any international human rights group, the Government's unilateral report is likely to be distorted and manipulated to suppress many of the flagrant human rights violations,

especially by the security forces in the southern and eastern Bhutan that invites criticism. The people in the grass roots are largely still unaware of human rights and still carry the notion of traditional obedience and do not report or approach the authorities for justice, fearing that they may be subject to harassment, which they will if they do.

The Bhutanese refugee imbroglio is also a testament to the human rights record of the Government. After years of denial that Bhutanese were ever evicted from Bhutan, the joint verification team of Bhutan and Nepal found more than 75% of the refugees to be Bhutanese nationals. But instead of returning to their homes they now find themselves being resettled in foreign lands. This began during the time of absolute monarchy but nothing seems to have changed with democracy, the policies have essentially remained the same, giving credence to the fact that the former regime is still calling the shots.

JUDICIARY: The judiciary in Bhutan is not independent of royal interference. There is no system of taking the service of a defense advocate when the case is related to criminal matters and matters related to treason. The only form of defense coming from the accused, all such cases are decided ex-parte by the Court.

MEDIA: The Bhutanese media is not free of Government censorship. It cannot report on any issues that are sensitive or contradictory to the Government's stand, particularly with regard to the excesses of the Government machinery. There are four media publications, the Kuensel, Bhutan's first newspaper and the mouth piece of the Government, and three private news papers of which two started publication in 2006, and the third in 2008. Though they are privately owned and seem independent, but again when it comes to matters which are of concern to the Government, their hands are tied. They have so far not dared to publish a single report on the excesses of police or the civil authorities, or of any anti-people policies or record of the Government.

In addition to these four publications, there is also the Bhutan Broad Casting Service (BBS) which runs both the radio and a TV channel and is run by the Government. There are also three FM radio stations covering some parts of Bhutan. However they are also no more than Government mouth pieces and function under the strict scrutiny of the Government.

Although foreign publications are available for the people to read, no outside reporters are freely allowed to cover the daily news except those invited by the Government to write its version.

RIGHT TO LIFE, LIBERTY AND SECURITY OF THE PERSON: The relatives of the refugees, political and human rights activists are constantly under surveillance, with their telephones bugged and their mail and correspondences censored. Refugee relatives cannot go inside Bhutan to meet their kith and kin and no one inside Bhutan can maintain open communication or personal contact with their refugee relatives in the refugee camps. If the Government discovers such goings on, the relatives are accorded harsh physical punishment or are threatened to leave the country. He/she is blacklisted denied any Government facilities which others are entitled to. There is no any guarantee of life and security. The police or security forces can any time arrest any body without warrant and houses can be searched in the name of security.

POLITICAL PRISONERS: There are more than 200 political prisoners incarcerated in various prisons since 1990 and 1997 after the peaceful demonstrations in southern and eastern Bhutan. The reason of their incarceration is treason for demanding human rights and democracy. They have not been released even after declaration of democracy, holding of elections and the instating of the Parliament. Except the ICRC's access to the Chemgang jail annually and a few visits to Lodrai jail, where political prisoners are kept, no other International or Internal organizations have access to know about their conditions. To show the outside world and earn good rapport of the ICRC, Chemgang jail in Thimphu is well maintained even with proposal of providing conjugal room for married prisoners. The condition of prisons and prisoners in other jails in the twenty districts are sub-human and many prisoners are kept in solitary confinement and incommunicado and are subject to harsh mental and physical suffering.

CUSTODIAL DEATHS AND DISAPPEARANCES: There were many deaths in custody in the period of 1990 to 1999 in Dadimakhang police jail in Thimphu, Chemgang, Chirang, Gelegphug, Sarbhang and Samdrupjonkhar. Reportedly the causes of deaths were due to deprivation of food, water, torture and lack of medical treatment. The Government till date has not communicated to the relatives or handed over the dead bodies for funeral rites according to the custom and tradition. Neither has the Government disclosed the names of such persons or the cause of death. All cases therefore are tantamount to either custodial deaths or arbitrary disappearances in custody. And there are no any reports of any action being taken by the Government on the perpetrators and those responsible for such inhuman treatment of the prisoners. The international community also did not show much interest to delve into this.

WOMEN AND CHILDREN RIGHTS: Bhutan has signed and ratified the Committee on the Elimination and Discrimination against Women(CEDAW) and the Committee on Rights of the Child(CRC) in 1981 and 1990. Although Bhutan has committed to improve the status

of the women almost 30 years ago and protect the rights of the child 20 years ago in the UN, the rights of women and children in Bhutan is much below the acceptable mark. Women are unequally represented in the Government and the private sector and very few are in decision making positions. Due to lack of knowledge about their rights, they are prone to physical and sexual abuse in the work place and domestic violence is prevalent. Many such cases go unreported.

Regarding the rights of the child and state responsibility, the officials of the National Commission for Women and Children (NCWC) on the occasion of International Children's Day celebration on 14th November 2009, lamented that Bhutan has not made much inroads into development of child rights, though the CRC was ratified in 1990. There is lack of awareness and insufficient state and political commitment. According to survey of the NCWC, there are about 55,000 children who do not attend school as most of them are in the rural areas. They are liable to be used as child labourers, domestic servants and prone to sexual abuse. The NCWC also stated that a major impediment towards the implementation of CRC is the absence of a national plan or comprehensive law on child rights. Since 1990 and up till today more than 20,000 southern Bhutanese children were deprived of education and personal development because of mandatory condition to produce a No Objection Certificate (NOC) or Security Clearance Certificate (SCC) from the police which was not issued to children of refugee relatives or any one who had taken part in the political demonstrations of 1990 and 1997. The NCWC also projected only the general report and data but not the classified case of southern Bhutanese children affected by discriminatory government policies and ethnic segregation.

CONCLUSION: The purpose of this brief report is to bring to the fore the actual human rights situation in Bhutan, the objective of which is to initiate a wide ranging effort in assisting the Bhutanese government in setting up adequate infrastructure to ensure the protection of peoples' rights and also ensure its delivery, and to also work to empower the Bhutanese people to effectively ensure this for themselves.



Rongthong Kunley Dorji
President.