

BHUTAN 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Bhutan is a democratic constitutional monarchy with King Jigme Khesar Namgyel Wangchuck as head of state and Prime Minister Lotay Tshering as head of government. In 2018 the country held its third general elections; approximately 71 percent of eligible voters cast their ballots. International election observers reported the elections were generally free and fair.

The Royal Bhutan Police is responsible for internal security. The Royal Bhutan Army is responsible for defending against external threats and has responsibility for some internal security functions, including counterinsurgency operations, protection of forests, and security for prominent persons. The Royal Bhutan Police reports to the Ministry of Home and Cultural Affairs, while the king is the supreme commander in chief of the Royal Bhutan Army. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

Significant human rights issues included credible reports of: restrictions on domestic freedom of movement and residence; and trafficking in persons.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corrupt practices.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution prohibits such practices, and there were no credible reports that government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Administration: Police administered the prison system. Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers in past years. Due to the COVID-19 pandemic, however, there were no monitoring visits this year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

By law, police may arrest a person if they have probable cause or a court-issued arrest warrant. Authorities generally respected the law. Police may conduct “stop and frisk” searches only if they believe that a crime has been committed. Arresting authorities must issue an immediate statement of charges and engage in reasonable efforts to inform the family of the accused. The law requires authorities to bring an arrested person before a court within 24 hours, exclusive of travel time from the place of arrest.

The law provides for prompt access to a lawyer and government provision of an attorney for indigent clients. Bail was available depending on the severity of charges and the suspect’s criminal record, flight risk, and potential threat to the public. In addition, bail may be granted after the execution of a bail bond

agreement. Police may hold remanded suspects for 10 days pending investigation, which courts may extend to 49 days. In cases of “heinous” crimes, this period may be extended to 108 days, should the investigating officer show adequate grounds. The law expressly prohibits pretrial detention beyond 118 days. The law empowers the Anti-Corruption Commission (ACC) to order the arrest of a person who committed, or who was about to commit, a corruption-related offense. The UN Working Group found that while there were some dedicated pretrial detention facilities for children, there were no dedicated pretrial detention facilities for adults. Police held pretrial detainees in police stations where pretrial detainees comprised the largest number of persons being held.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. The country’s courts generally functioned effectively, although Freedom House in its *Freedom in the World 2021* report stated the rulings of judges “often lack consistency, and many in the public view the judiciary as corrupt.”

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right. According to testimonies received by the UN Working Group, most defendants in criminal matters did not have access to legal representation at crucial stages of their proceedings: following arrest, during pretrial detention, and during their trial and appeal. Detainees were generally not aware of their right to a lawyer because they had not been informed of this right by police.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides the right to initiate proceedings for the enforcement of “fundamental rights” enumerated within its text, and individuals and organizations may seek civil remedies for human rights violations through domestic courts. The

law governs the resolution of criminal trials and civil litigation and states a suit may be initiated by a litigant or a member of the litigant's family. The law also provides for compensation to those detained or subjected to unlawful detention but later acquitted.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions; however, citizens seeking to marry noncitizens require government permission.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system contributed to freedom of expression, including for members of media.

Independent media were active and generally expressed a variety of views. The law does not provide specific protections for journalists or stipulate freedom of information, but there were no official restrictions on media. The law prohibits media outlets from affiliating with political parties and prohibits outlets from endorsing candidates during election periods.

Libel/Slander Laws: Conviction of defamation may carry criminal penalties. There was one case of defamation brought by the government during the year, which was dismissed by the High Court.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The law includes provisions for the government to restrict freedoms of peaceful assembly and association, although such measures were not implemented during the year.

Freedom of Association

The constitution provides for freedom of association, and the government respected it. The government permitted, pursuant to relevant election laws, the registration of political parties and nongovernmental organizations (NGOs) deemed “not harmful to the peace and unity of the country.” According to the *Freedom in the World 2022* report, local and international NGOs worked with relative freedom from official scrutiny, except for NGOs working on the status of Nepali-speaking refugees (see also section 5). By law, all NGOs must be registered with the government by a Bhutanese citizen. That person must disclose his or her family income and assets, provide his or her educational qualifications, and disclose any criminal record.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited freedom of movement and repatriation for some groups.

In-country Movement: The law establishes categories of residency, which determine whether a person requires a “route permit” to travel internally. Travel restrictions primarily affected resident foreigners, sometimes including the children of foreigners married to Bhutanese citizens.

Exile: The government continued to delay consideration of claims for residency by refugees in Nepal. Bhutan was the original source of these refugees when, in

the early 1990s, the government of Bhutan forced between 80,000 and 100,000 Nepali-speaking residents to leave Bhutan, following a series of decisions taken during the 1970s and 1980s establishing legal requirements for citizenship that excluded them.

After years of international efforts resulting in third-country resettlement of more than 100,000 refugees and their descendants, the UN Office of the High Commissioner for Refugees (UNHCR) reported that as of the end of the year, approximately 6,300 Nepali-speaking refugees from Bhutan remained in the two refugee camps UNHCR administers in Nepal. Approximately one-third of these refugees expressed interest in returning to Bhutan; however, there was no evidence the government accepted any applications by these refugees to return to Bhutan.

Citizenship: The citizenship of any naturalized citizen may also be revoked if that naturalized citizen “has shown by act or speech to be disloyal in any manner whatsoever to the king, country, and people.”

e. Protection of Refugees

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees; however, some refugees were deemed eligible for and received residence permits.

In the 1960s, the country sheltered Tibetan refugees who were initially located in seven settlements. According to the Central Tibetan Administration (CTA), the self-described “Tibetan exile administration” based in Dharamshala, India, a total of 1,298 Tibetan refugees lived in Bhutan in the year, compared with 1,847 persons in 2021.

Freedom of Movement: Some restrictions on movement exist based on categories of residency. Many Tibetan refugees faced obstacles in obtaining travel permits. There were reports the government did not provide the travel documents

necessary for Tibetan refugees to travel beyond India.

Access to Basic Services: The government stated Tibetan refugees had the same access to government-provided health care and education as citizens. There were reports, however, that some Tibetans were not permitted to enroll in public secondary and higher-level schools because they lacked security clearance certificates.

Durable Solutions: The Tibetan refugee population has been decreasing as Tibetan refugees obtain Bhutanese citizenship, according to the Department of Immigration.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

For a child to qualify for citizenship, both parents must be Bhutanese citizens. NGOs and media sources highlighted the existence of stateless children born to unwed mothers who were unable to prove the identity of the child's father.

Stateless persons are not eligible to obtain “no objection certificates” and police security clearance certificates, which were often necessary for access to public health care, employment, access to primary and secondary education, enrollment at institutions of higher education, travel documents, and business ownership. The National Commission for Women and Children (NCWC) stated, however, that children without citizenship were eligible for public educational and health services.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2018, the government successfully held national elections. Voter participation was estimated at approximately 66 percent in the first (primary) round and 71 percent in the second (general) round. International observers generally considered the elections free and fair. There were no reports of significant irregularities during the election process.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of historically marginalized groups in the political process, and they did participate. The law prohibits ordained members of the clergy, including Buddhist monks and nuns, from voting or participating in politics.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

Corruption: On August 22, a district court sentenced the former head of the Board of the National Cottage and Small Industry Development Bank and a contractor to three and one-half years each in prison for bribery.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, including when investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

According to international NGOs, local civil society organizations (CSOs) practiced self-censorship to avoid working on matters perceived as sensitive by the

government, including women's rights, the environment, and human rights problems related to the Nepali-speaking community. The government did not permit human rights groups established by the Nepali-speaking community to operate because these groups were categorized as political organizations that did not promote national unity.

Government Human Rights Bodies: The National Assembly's Human Rights Committee conducted human rights research on behalf of the National Assembly. The National Commission for Women and Children is the government body responsible for promoting the welfare of women and children and does grassroots work on topics ranging from gender-based violence to economic empowerment.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape and makes no reference to gender in its definition of rape. In cases of rape involving minors, sentences for conviction range from five to 15 years in prison. In extreme cases, a person convicted of rape may be imprisoned for life. Spousal rape is illegal and prosecuted as a misdemeanor. In January, the NCWC published the *Standard Operating Procedure for Gender-Based Violence Prevention and Response*, which lays out policies and procedures related to gender-based violence and the roles and responsibilities of the government and civil society in combating it.

The law prohibits domestic violence, including physical and sexual abuse. Physical abuse is prosecuted as battery; penalties for convicted perpetrators range from one month to three years' imprisonment. Sexual abuse is prosecuted as a corresponding sexual offense and is punishable by three to 15 years imprisonment. The law provides for increased sentences for conviction of second (and subsequent) domestic violence offenses.

Three police stations had protection units to address crimes involving women and children, and 11 police stations had officers specifically devoted to women and children's matters. The government operated a dedicated toll-free helpline to report violence against women and children. The government trained police on

gender abuse matters and cooperated with CSOs that undertook further efforts, including operation of a crisis and rehabilitation center. Freedom House reported that cultural taboos resulted in the underreporting of domestic violence.

Sexual Harassment: The law includes specific provisions that criminalize sexual harassment in the workplace. NGOs reported these provisions were generally enforced. According to UNICEF, the Royal Civil Service Commission operated the Civil Service Support Desk to address sexual harassment in the civil service. The commission designated points of contact to assist civil servants who experienced sexual harassment in the workplace. The NCWC is implementing an internal framework to address gender matters in the workplace, including preventing and responding to sexual harassment. Approximately 29 government agencies and local governments have adopted the framework. The NCWC and Royal Civil Service Commission conducted awareness programs on sexual harassment and related legislations.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

A lack of awareness of comprehensive sexual and reproductive health care contributed to unplanned early pregnancies, post-pregnancy complications, child abandonment, and financial instability. The World Bank reported equity and access to medical care for pregnant women in some remote rural areas was a challenge because of difficult terrain, leading to disparities in access to skilled birth attendants. The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception, however emergency contraception was not available as part of the clinical management of rape.

Discrimination: The law mandates the government eliminate all forms of discrimination and exploitation of women and girls, including trafficking, abuse, violence, harassment, and intimidation, at work and at home. The government generally enforced this law. The law is gender neutral and provides equal rights of property inheritance to female spouses and children.

Systemic Racial or Ethnic Violence and Discrimination

The constitution states no person shall be discriminated against based on race, sex, language, religion, or politics.

Although the country does not have an omnibus civil rights act, there are provisions prohibiting discrimination spread throughout various other acts. The law prohibits discrimination in the civil service in the areas of employment and career advancement. For example, the law states, “All eligible Bhutanese citizens shall have equal opportunity for employment and career advancement in the Civil Service on the basis of merit, qualification, fair and open competition without discrimination on the grounds of race, sex, language, religion, and other status.” The government generally enforced these laws and regulations.

In its *Freedom in the World 2022* report, Freedom House noted ethnic Nepali residents often could not obtain a police security clearance certificate; without that certificate, they faced difficulties in starting a business, enrolling in higher education, or obtaining passports or government jobs, and the process of registering property could also be lengthy for them. The government did not permit NGOs to work on matters involving the status of ethnic Nepalis. Ethnic Nepalis sometimes faced employment discrimination (see section 7.d.).

Children

Birth Registration: Under the constitution, a child born to parents who are both citizens by birth or by naturalization acquires citizenship. Birth registration was provided on a nondiscriminatory basis.

Education: The government provided 11 years of universal free education to children, but education was not compulsory.

Child Abuse: The law prohibits child abuse and provides for a range of penalties for conviction, depending on the type of abuse. In June, the High Court convicted a schoolteacher for child molestation and official misconduct and ordered prison sentences of three years and one year, respectively, for these offenses.

Child, Early, and Forced Marriage: The statutory minimum age of marriage is

18 for men and women.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, including child pornography, child sex trafficking, and the sale of children. Authorities generally enforced the law. The legal age of consent is 16 for both boys and girls.

Antisemitism

The country does not have a Jewish population and there were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law does not criminalize consensual same-sex sexual conduct.

Violence Against LGBTQI+ Persons: There were no reports of violence by government agents against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons.

Discrimination: The constitution provides for equal protection and application of rights but neither the constitution nor legislation explicitly protects individuals from discrimination based on their sexual orientation, gender identity or expression, or sex characteristics. Members of the LGBTQI+ community reported instances of discrimination and social stigma based on sexual orientation. Some LGBTQI+ CSOs cited their long-pending applications for legal registration, which would provide some government funding for their activities, as barriers.

Availability of Legal Gender Recognition: Distinct legal status and explicit

protections for transgender individuals are not provided for in the law. According to the NGO Pride Bhutan, the lack of a legal gender framework made it difficult for transgender persons to obtain government identity documents, obtain gender-affirming care, or marry.

Involuntary or Coercive Medical or Psychological Practices Specifically

Targeting LGBTQI+ Individuals: There were no reports of so-called conversion therapy.

Restrictions on Freedom of Expression, Association or Peaceful Assembly:

CSOs that advocated for greater legal protections for LGBTQI+ persons reported difficulties legally registering. Pride Bhutan and Queer Voices of Bhutan, two CSOs working on LGBTQI+ rights and advocacy, were not legally registered.

Persons with Disabilities

Persons with disabilities did not have equal access to education, health services, public building, and transportation. A CSO working on disability rights, the Disabled People's Organization of Bhutan (DPOB), stated there were difficulties for and social stigma towards persons with disabilities. The DPOB stated inaccessible infrastructure was one of the major issues faced by persons with disabilities.

Other Societal Violence or Discrimination

CSOs said persons with HIV or AIDS continued to face some social stigma, and many such persons were reluctant to reveal their health status due to fear of negative attitudes.

The government provided free medical and counseling services to persons with HIV or AIDS and maintained programs designed to prevent discrimination. The CSO Lhak Sam provided support to persons living with HIV and to their families and cooperated with the Ministry of Health to create and promote effective responses to HIV, AIDS, and their impacts.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right to form and join independent unions. Workers may form a union with the participation of at least 12 employees from a single workplace. There was no national trade union. The law does not mention the right to conduct legal strikes. Most of the country's workforce engaged in agriculture, a sector that was not unionized.

The law provides for the right of workers to bargain collectively with employers. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. Violators may face misdemeanor charges and be compelled to pay damages. The government effectively enforced applicable laws. Resources and remediation were reportedly adequate, and penalties were commensurate with those for similar violations. The law grants workers the right to pursue litigation. Information was unavailable to establish whether penalties were applied against violators for laws related to freedom of association and collective bargaining.

Freedom of association and the right to bargain collectively were respected by the government and employers, although there were few employee unions. No unions were formed during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, but the government did not always effectively enforce applicable laws. The law makes exceptions regarding prison labor, work that might be required during an emergency, and work required for "important local and public" celebrations. The law criminalizes trafficking for illegal but not exploitative, purposes.

Violations of law with respect to the worst forms of child labor, forced and compulsory labor, nonpayment of compensation, minimum working age, employing foreigners without a permit, and noncompliance with permits issued by the government are felonies for which the penalties for conviction are sentences of three to five years' imprisonment. Labor inspectors often mediated cases of

nonpayment of wages and withholding passports in lieu of civil or criminal investigations.

Officials relied on citizens to report forced labor of domestic workers directly to police. Relatives transported rural citizens to urban areas for employment in domestic work, which at times involved forced labor. Media reported instances of child labor within the restaurant and automobile workshop industries, some of which had indicators of forced labor.

The Ministry of Labor and Human Resources was responsible for registering foreign migrant workers, monitoring working conditions and recruitment agencies, and producing and disseminating pamphlets advising workers of their rights, including full and prompt payment of wages and their legal right to retain personal identity documents. *Drayangs* (karaoke bars), which were a sector where women were vulnerable to forced labor and labor rights abuses, were permanently closed by the government in January.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination for employees and job applicants based on race, color, sex, marital status, pregnancy, religion, political opinion, social origin, or involvement in a workers' association, including as an occupational health and safety representative, and mandates equal pay for equal work. The law does not address discrimination based on sexual orientation, gender identity, disability, or HIV and AIDS status. There were no categories or lists of jobs from which employment was prohibited to certain types of persons, and women were free to work in the same professions as men.

Some Nepali-speaking citizens could not obtain police security clearances, which

were required to obtain government jobs and licenses to run private businesses; ethnic Nepalis sometimes faced difficulty gaining employment.

Amnesty International reported that many LGBTQI+ individuals, especially those from marginalized backgrounds, faced discrimination in hiring and employment.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage was above the official poverty income level. According to the Ministry of Labor and Human Resources, there were two wage rates in the country: the national minimum wage rate and the national workforce wage rate. The national minimum wage rate applied to anyone working in the country, irrespective of nationality. The national workforce wage rate was higher but applied only to citizens.

The law defines the workday as eight hours per day with a one-hour lunch break, and employers are required to grant regular rest days, including a minimum of nine public holidays each year. Work above eight hours a day is mandated to be paid at 1.5 times the normal rate.

Occupational Safety and Health: Government occupational safety and health (OSH) standards were current and appropriate. Inspectors had the right to conduct unannounced inspections and were responsible for identifying unsafe conditions. Labor regulations grant workers the right to leave work situations that endanger their health and safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: The Department of Labor generally enforced minimum wage, work hours, and occupational health and safety standards effectively in the formal sector. Penalties, including payment of damages, were generally commensurate with other types of workplace violation fines, and inspection was sufficient.

Informal Sector: The economy was largely rural and agrarian, and the ratio of informal employment to total employment was relatively high; the World Bank estimates the informal labor rate at around 80 percent. The proportion of informal jobs, at 93 percent, was highest among workers with no schooling. Informal labor was also closely related to poverty. Nearly all workers (98 percent) from

households in the poorest quintile engaged in informal work. Government policies meant to improve the living conditions of workers rarely reached laborers in the informal economy.