

BHUTAN 2021 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 chief executive. 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 are responsible for internal security matters. 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 report 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. Members of the security forces committed no known abuses.

Significant human rights issues included credible reports of political prisoners; the existence of criminal libel and slander laws; restrictions on freedom of peaceful assembly and association; restrictions on domestic and international 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

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

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

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

Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

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

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers; however, due to the COVID-19 pandemic, there were no monitoring visits during the 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, and the government generally observed these requirements.

In its preliminary findings conducted during a 2019 visit to the country, the UN Working Group on Arbitrary Detention (the UN Working Group) noted significant progress had been made on the arbitrary deprivation of liberty since prior visits in

1994 and 1996.

Arrest Procedures and Treatment of Detainees

By law police may arrest a person if they have probable cause or a court-issued arrest warrant. Police 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 UN Working Group visited the country in 2019, observing more than 20 places of detention and confidentially interviewing more than 150 detained individuals. A large majority of detainees interviewed confirmed they had appeared before a judge for their first remand hearing within 24 hours of their arrest, which the UN Working Group noted was “a remarkable achievement.”

The law provides for prompt access to a lawyer and government provision of an attorney for indigent clients. Bail is 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 having committed, or who is 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 they comprised the largest number of detainees.

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

Defendants benefit from a presumption of innocence, have the right to confront witnesses, and may not be compelled to testify. The law stipulates defendants receive fair, speedy, and public trials, and the government generally respected this right. Before registering any plea, courts must determine whether the accused is mentally sound and understands the consequences of entering a plea. A court must hold a preliminary hearing within 10 days of the filing of criminal charges. There is a standing government rule that courts clear all cases within a year of case filing. The law stipulates a defendant’s right to be present at trial to plead or defend himself or herself and that a defendant’s right to a speedy trial not limit his or her time to prepare a defense. Although trials are open to the public, a court may order that media and the public be removed from the courtroom for part or all trial proceedings in the interest of justice.

The law provides for the right to representation. Although representation occurred frequently in criminal cases, in civil cases most defendants and plaintiffs represented themselves. The law states that criminal defendants have the right to confront witnesses and may not be compelled to testify. They may choose legal representation from a list of licensed advocates. 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. In many cases defendants could not afford to retain a lawyer. The government promoted the use of judiciary websites for legal information as a means of self-help for defendants. While the law does not require that defendants in criminal trials receive the free assistance of an interpreter, interpreters are provided free of charge, or the proceedings are conducted in a language the defendant understands. The court must provide the opportunity for the parties to present relevant evidence, including witness testimony. Prosecutors

and defendants are allowed to conduct direct and cross-examination.

Defendants have the right to appeal to the High Court and Supreme Court.

Political Prisoners and Detainees

There were prisoners serving sentences resulting from convictions under the National Security Act or its related penal code provisions. Most political prisoners are Nepali-speaking persons associated with protests in the early 1990s.

Government officials claimed that those remaining in prison were convicted of violent crimes during demonstrations.

Citing interviews of these prisoners by the UN Working Group, the civil society network World Alliance for Citizen Participation stated that several prisoners were serving life sentences with no prospect of release unless granted amnesty. Family members of prisoners were allowed to meet their relatives and received a travel allowance paid by the International Committee for the Red Cross.

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 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.

Freedom of Expression for Members of the Press and Other Media, Including Online 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, although there were no official restrictions on media. The law also prohibits media outlets from affiliating with political parties and prohibits outlets from endorsing candidates during the election period.

Libel/Slander Laws: Conviction of defamation may carry criminal penalties. The *Freedom in the World 2021* report noted, “powerful individuals can use defamation laws to retaliate against critics.”

Internet Freedom

The government generally 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.

Academic Freedom and Cultural Events

There were no reported government restrictions on academic freedom and cultural events besides countrywide restrictions on public gatherings due to the COVID-19 pandemic.

b. Freedoms of Peaceful Assembly and Association

The law includes provisions for the government to restrict freedoms of peaceful

assembly and association, although the implementation of such measures was not common.

Freedom of Peaceful Assembly

While the constitution provides for the right to assemble peacefully, the government retains the right to restrict assembly. The law prohibits “promotion of civil unrest” as an act that is prejudicial to the maintenance of harmony among different nationalities, racial groups, castes, or religious groups and permits the government to control the public’s right of assembly “to avoid breaches of the peace” by requiring licenses, prohibiting assembly in designated areas, and instituting curfews. Apart from COVID-19-related restrictions, there were no reports of restrictions on public gatherings or assembly during the year. Freedom House noted government permission for public gatherings was “sometimes denied.”

Freedom of Association

The constitution provides for freedom of association, and the government permitted the registration of political parties pursuant to relevant election laws and nongovernmental organizations (NGOs) deemed “not harmful to the peace and unity of the country.” According to the *Freedom in the World 2021* report, local and international NGOs worked with increasing freedom from official scrutiny, except for NGOs working on the status of Nepali-speaking refugees. By law all NGOs must be registered with the government by an individual who must be a citizen, disclose his or her family income and assets, provide his or her educational qualifications, and disclose any criminal record (see also section 5).

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.

Foreign Travel: Children of single mothers who could not establish citizenship through a Bhutanese father sometimes faced difficulties acquiring travel documents for travel outside the country. Citizens require a security clearance certificate from police in order to obtain a passport.

Exile: The government continued to delay consideration of claims for residency in the country by refugees in Nepal. In the early 1990s, the government reportedly forced between 80,000 and 100,000 Nepali-speaking residents to leave the country, following a series of decisions taken during the 1970s and 1980s establishing legal requirements for citizenship.

After years of international efforts resulting in the resettlement of thousands of refugees, 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 remained in the two refugee camps it administered in Nepal. Approximately one-third of these refugees expressed interest in traveling to Bhutan.

Citizenship: Civil society groups noted barriers to retention of citizenship faced by Bhutanese spouses of noncitizens. According to the constitution, “If any citizen of Bhutan acquires the citizenship of a foreign State, his or her citizenship of Bhutan shall be terminated.” 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. Status and Treatment of Internally Displaced Persons

Not applicable.

f. 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.

Since the 1960s Bhutan has sheltered Tibetan refugees who were initially located in seven settlements. According to the Central Tibetan Administration (CTA) 2017-18 annual report, the most up-to-date information available, 1,847 Tibetan refugees lived in the country; approximately 1,650 of them had refugee resident permits. The Tibetan refugee population was decreasing as Tibetan refugees adopted Bhutanese citizenship, according to the Department of Immigration.

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.

Employment: While Tibetans and other noncitizens are not eligible for government employment, the CTA reported that several refugees received business licenses and others found public-sector employment through temporary government contracts.

Access to Basic Services: The government stated Tibetan refugees had the same access to government-provided health care and educations 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 government continued to delay implementing a process to review claims to Bhutanese residency by refugees located outside the country and did not accept referrals for voluntary repatriation from UNHCR.

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 may not 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 round and 71 percent in the second round. International observers generally considered the elections free and fair. There were no reports of significant irregularities during the election process. Amid the COVID-19 pandemic, in June the Election Commission conducted by-elections for National Assembly seats for the Mongar and Nganglam constituencies and in November 2020 for the Chhoekhor Tang constituency.

Participation of Women and Members of Minority Groups: No law limits

participation of women or members of minority 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.

Women were underrepresented in public office. Women occupied eight seats (17 percent) in the 47-member National Assembly. Seven of the 10 female candidates who contested 2018 National Assembly elections were elected, an increase from three in the previous election. One of the three recent by-elections had a female candidate elected to the National Assembly. There were three women in the 25-member upper house or National Council.

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: In April a district court sentenced two former bank employees convicted of embezzlement to 11 years' imprisonment each. The former bank employees were convicted for forging and tampering with the account information of 67 clients between 2012 and 2019.

The government took an active role in addressing official corruption through the Public Accounts Committee in the National Assembly and the Royal Audit Authority, which monitored the use of government funds. The ACC is authorized to investigate cases of official and private sector corruption and allows citizens to submit information to its website regarding corrupt practices. The constitution enables the ACC to act as an independent body, although its investigative staff were primarily civil servants answerable to the Royal Civil Service Commission. The ACC has the authority to suspend the registration of civil society organizations under investigation.

The 2019 ACC report detailed 165 complaints of "abuse of functions," 13 of embezzlement, nine of bribery, and 148 other related corruption offenses. In June the Good Governance Committee of the National Assembly submitted the *Anti-*

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, 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 practiced self-censorship to avoid matters perceived as sensitive by the government. These included women's rights, the environment, and human rights problems related to the Nepali-speaking community. Because the government categorized human rights groups established by the Nepali-speaking community as political organizations that did not promote national unity, these groups were not permitted to operate.

Government Human Rights Bodies: The National Assembly Human Rights Committee conducted human rights research on behalf of the National Assembly. The Civil Society Organization Authority has the legal authority to regulate civil society operations. Of 53 registered civil society organizations, 42 were categorized as public-benefit organizations and 11 as mutual-benefit organizations.

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. According to

the Office of the Attorney General (OAG) *2020 Annual Report*, in 2019 there were 12 reported sexual offenses committed against women, including five cases of rape. A 2017 NCWC report stated that more than two in five women experienced at least one form of sexual, physical, psychological, or economic violence.

The law prohibits domestic violence, including physical and sexual abuse. Physical abuse is prosecuted as battery under the penal code, and penalties for convicted perpetrators range from one month to three years' imprisonment. Sexual abuse is prosecuted as a corresponding sexual offense, and punishable if convicted by three years' 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 civil society groups 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, although reports have increased in recent years. Between January and April 2020, there were 97 reported cases of domestic violence. Between December 2020 and January 15, there were 223 reported cases of gender-based violence. The increase in cases was reportedly due to enforced confinement and other COVID-19 pandemic measures.

Sexual Harassment: The law includes specific provisions to address 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 has designated points of contact to assist civil servants who experience sexual harassment in the workplace. The NCWC developed 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, postpregnancy complications, child abandonment, and financial instability. In 2020 more than 237 cases of teenage pregnancy were reported. The World Bank reported that 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 NCWC and a government funded NGO provided shelter, and medical and counseling services to women and girls who are survivors of violence, including sexual violence.

Discrimination: The law mandates the government take appropriate measures to 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 that 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 spread throughout various other acts prohibiting discrimination. 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 2021* report, Freedom House stated that ethnic Nepali residents who lacked a police security clearance certificate sometimes faced difficulties in starting a business and that the process of registering property could also be lengthy. The government did not permit NGOs to work on matters involving the status of ethnic Nepalis, and ethnic Nepalis sometimes faced employment discrimination (see section 7.d.).

Children

Birth Registration: Under the constitution, a person born to parents who are citizens by birth or by naturalization acquires citizenship.

Education: The government provides 11 years of universal free education to children, although education is not compulsory.

Child Abuse: The law prohibits child abuse and provides for a range of penalties for conviction depending on the type of abuse. According to the OAG 2020 *Annual Report*, 67 sexual offenses committed against children were recorded in 2020, including 42 cases of rape and 14 cases of child molestation. 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 each offense.

Child, Early, and Forced Marriage: The statutory minimum age of marriage is 18 for men and women.

Sexual Exploitation of Children: The law prohibits 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.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child->

Abduction/for-providers/legal-reports-and-data/reported-cases.html.

Anti-Semitism

The country does not have a Jewish population, and there were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

Persons with disabilities did not have equal access to education, health services, public building, and transportation on an equal basis with others. Several government policies and guidelines, however, supported persons with disabilities. For example, the Gross National Happiness Commission adopted the *National Policy for Persons with Disabilities*, the Ministry of Education instituted standards for inclusivity regarding children with disabilities, and the Ministry of Works and Human Settlement adopted guidelines for “differently abled friendly construction” that state that infrastructure should provide access to persons with disabilities.

Social stigma and stereotyping of persons with disabilities was widespread.

HIV and AIDS Social Stigma

While NGOs claimed persons with HIV or AIDS faced no widespread stigma, there were reports such persons were reluctant to reveal their conditions due to fear of negative public attitudes.

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

Acts of Violence, Criminalization, and Other Abuses Based on

Sexual Orientation and Gender Identity

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. In December 2020 the parliament amended the law against “unnatural sex” to state, “Homosexuality between adults shall not be considered unnatural sex.”

Members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community reported instances of discrimination and social stigma based on sexual orientation. According to the LGBTQI+ rights NGO Pride Bhutan, during the year it received 47 reports of discrimination, 27 reports of social stigma, 19 reports of violence, and 16 reports of bullying from members of the LGBTQI+ community.

The law does not provide distinct legal status for transgender individuals, nor does it provide explicit protections.

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 is no national trade union. The law does not mention the right to conduct legal strikes. Most of the country’s workforce engages in agriculture, a sector that is 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 commensurate with other forms of workplace discrimination.

The government effectively enforced applicable laws. Resources and remediation were adequate, and penalties were commensurate with those for similar violations.

The law grants workers the right to pursue litigation.

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. Resources, inspections, and remediation were adequate, and penalties were commensurate with other analogous crimes. In addition labor inspectors often mediated cases of nonpayment of wages and withholding passports in lieu of civil or criminal investigations. Penalties for forced or compulsory labor were commensurate with other analogous crimes.

Officials relied on citizens to report forced labor of domestic workers directly to police.

Due to the worsening COVID-19 pandemic in neighboring countries, in April the government temporarily suspended the admission of foreign workers. The Ministry of Labor and Human Resources is 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. While *drayangs* (karaoke bars) continued to be a sector where women were vulnerable to sex trafficking, forced labor, and labor rights abuses, during the year legislation was passed that mandated contracts for drayang employees that incorporated provision against abuse. Also see the Department of State’s annual

Trafficking in Persons Report at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum age for employment is 13, and the minimum age for hazardous work is 18. Children younger than age 18 are prohibited from working in dangerous occupations, including mining, construction, sanitary services, carpet weaving, and serving in bars.

While child labor laws were generally enforced, the Ministry of Labor and Human Resources reported that a shortage of inspectors trained specifically in child labor violations placed constraints on the number of child-labor inspections conducted during the year. Penalties for conviction included up to nine years' imprisonment, commensurate with sentences for conviction of analogous crimes.

Education is not compulsory, which contributed to the number of children working. Children performed agricultural work, completed chores on family farms, or worked in shops and restaurants after school and during holidays. Child labor also occurred in hotels and automobile workshops. Girls were employed primarily as domestic workers, where they were vulnerable to abuse and exploitation.

Also 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/AIDS status. There are no categories or lists of jobs from which employment is prohibited to certain types of persons, and women are

free to work in the same professions as men.

The government did not consistently enforce the law. Some Nepali-speaking citizens could not obtain police security clearances, which are required to enroll in higher education and to obtain passports, government jobs, and licenses to run private businesses. The government did not permit NGOs to work on matters involving the status of ethnic Nepalis, and ethnic Nepalis sometimes faced employment discrimination.

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 is above the official poverty income level. According to the Ministry of Labor and Human Resources, there are two wage rates in the country: the national minimum wage rate and the national workforce wage rate. The national minimum wage rate applies to anyone working in the country, irrespective of nationality. The national workforce wage rate is higher but applies 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 of more hours than the legal workday is mandated to be paid at 1.5 times the normal rate.

Occupational Safety and Health: Government occupational safety and health standards are current and appropriate. Inspectors have the right to conduct unannounced inspections and are 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.

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: There was no information available on any informal sector activity in the country.