

Bhutan 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Bhutan during the year.

Significant human rights issues included credible reports of: political prisoners or detainees; substantial interference with the freedom of association; and restrictions on freedom of movement.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

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, including extrajudicial killings, during the year.

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 and law prohibited such practices, and there were no credible reports that government officials employed them.

Prison and Detention Center Conditions

According to a report issued by nongovernmental organization (NGO) Human Rights Watch (HRW) in September, a former prisoner who was released from Chemgang Prison in August after serving 29 years reported that prisoners faced food shortages and received inadequate medical care. The government denied these claims, stating that conditions in the country's prisons were good and prisoners' material and psychological needs were being met. No international or independent observers visited prisons in the country during the year.

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

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers in past years. There were no monitoring visits during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law provided that police could arrest a person if there was probable cause or a court-issued arrest warrant. Police were permitted to conduct “stop and frisk” searches only if they believed a crime had been committed. The law required arresting authorities to issue an immediate statement of charges and engage in reasonable efforts to inform the family of the accused. The law required authorities to bring an arrested person before a court within 24 hours, exclusive of travel time from the place of arrest. Authorities generally respected the law.

The law provided 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 might be granted after the execution of a bail bond agreement. Police might hold remanded suspects for 10 days pending investigation, which courts might extend to 49 days. In cases of “heinous” crimes, this period might be extended to 108 days,

should the investigating officer show adequate grounds. The law expressly prohibited pretrial detention beyond 118 days. Authorities generally respected the law.

e. Denial of Fair Public Trial

The constitution and law provided for an independent judiciary, and the government generally respected judicial independence and impartiality. The courts generally functioned effectively, although NGO Freedom House reported the rulings of judges “often lack[ed] consistency, and many in the public view[ed] the judiciary as corrupt.”

Trial Procedures

The law provided for the right to a fair and public trial, and the judiciary generally enforced this right. Detainees were often not aware of their right to a lawyer because they were not informed of this right by police.

Political Prisoners and Detainees

In March the HRW called on the government to free 37 prisoners who were convicted between 1990 and 2010 of a range of national security offenses including “conspiring, attempting, soliciting, abetting or committing offenses against the Tsa-Wa-Sum (‘king, country and people’),” which was defined under the law as a political offense. The HRW reported in September that the government did not provide adequate food, clothing, or medical care to

political prisoners.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

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

The constitution and law prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

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

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

Libel/Slander Laws: Under the penal code, defamation carried criminal penalties. International observers noted that such laws could be misused to unduly constrain freedom of expression. There were no cases of prosecution for defamation during the year.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedom of Peaceful Assembly and Association

The constitution and law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Association

In September the Civil Society Organizations Authority (CSOA) ordered the Bhutan Civil Society Network (BCSN), an informal association of CSOs, to close its office and cease operations on the grounds it was acting in contravention of the CSOA's mandate and authority. In October the CSOA announced that CSOs would be required to maintain an endowment fund of Nu 3 million (\$36,000), explaining the fund would generate interest the CSOs could use to meet recurrent expenses. Several CSOs criticized the new requirement, saying the government had not consulted adequately with stakeholders prior to implementing it and noting the possibility some CSOs

could be forced to shut down if they were unable to raise the required funds. CSOs and international observers expressed concern the shutdown of the BCSN and new endowment fund requirement for CSOs were signals the government was shrinking the space for civil society.

According to Freedom House's *Freedom in the World 2023* report, NGOs working on matters related to ethnic Nepalis were not allowed to operate. The law required that all NGOs be registered with the government by a citizen of the country, who was required to disclose their family income and assets, provide their educational qualifications, and disclose any criminal record.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

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

The law provided 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 established categories of residency, which determined whether a person required a “route permit” to travel internally.

Travel restrictions primarily affected resident foreigners, sometimes including the children of foreigners married to citizens of the country.

Foreign Travel: Freedom House reported that, while citizens generally had the freedom to travel internationally, restrictions on that freedom that applied to different categories of residency most greatly affected Nepali speakers.

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 forced between 80,000 and 100,000 Nepali-speaking residents to leave the country, following a series of decisions taken in the 1970s and 1980s that established 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 Office of the UN High Commissioner for Refugees (UNHCR) reported that as of March, more than 6,300 Nepali-speaking refugees from Bhutan remained in Nepal. Approximately one-third of these refugees had expressed interest in returning to Bhutan; however, there was no evidence the government of Bhutan accepted any applications by these refugees to return.

e. Protection of Refugees

The government cooperated with the 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 did not provide for the granting of asylum or refugee status, and the government had not established a system for providing protection to refugees.

In the 1960s, the country sheltered Tibetan refugees who were initially located in seven settlements. According to the Central Tibetan Administration, the self-described “Tibetan exile administration” based in Dharamshala, India, a total of 1,786 Tibetan refugees lived in Bhutan during the year.

Freedom of Movement: Some restrictions on movement existed 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: There were reports that although all students had access to primary education, a small number of children who were stateless lacked access to the documentation necessary to enroll in higher education.

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

f. Status and Treatment of Internally Displaced Persons (IDPs)

Not applicable.

g. Stateless Persons

The country contributed to statelessness because, under the constitution, for a child to qualify for citizenship at birth, both parents were required to be Bhutanese citizens. All births were registered, regardless of the parents' citizenship, and persons who did not have Bhutanese citizenship could obtain it, regardless of their gender or ethnicity, after living in the country for 15 years.

Stateless persons were 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. But children without citizenship were eligible for primary public educational and health services.

Section 3. Freedom to Participate in the Political Process

The constitution provided 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

Abuses or Irregularities in Recent Elections: National Council elections were widely reported to be fair and free of abuses and irregularities.

Section 4. Corruption in Government

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

Corruption: In August the judiciary suspended two high court justices for deliberate miscarriage of justice in a case in which the prison sentences of two convicted drug smugglers were overturned following a private hiking trip involving one of the justices, the attorney general, and the father of one of the defendants. The Prime Minister's Office dismissed the attorney general in September after an independent investigatory committee determined the attorney general had breached the code of conduct governing his position.

Section 5. Governmental Posture Towards

International and Nongovernmental Monitoring and

Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups.

According to international NGOs, some local CSOs avoided 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.

As part of the government's bureaucratic and civil service reform efforts, the National Commission for Women and Children (NCWC), a previously autonomous body responsible for protecting the rights and interests of women and children, was subsumed under the Ministry of Education and Skills Development in late 2022. In 2022 the PEMA Secretariat assumed responsibility for providing key services previously provided by the NCWC,

including case management services, women and child helpline services, adoption services, and alternative care services. According to reports, PEMAS successfully took over these service functions. In a report submitted for the Committee on the Elimination of Discrimination Against Women 86th Session in October, however, CSOs and gender equality advocates expressed deep concern at the previously autonomous NCWC's reduction to a division under the department mandated to provide educational services. They cited concerns this would hinder the NCWC's ability to fulfill its mandate as custodian of important national acts on gender-based violence and child protection and the country's lead agency on gender equality.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape and did not refer to gender in its definition of rape. In cases of rape involving minors, sentences for conviction ranged from five to 15 years in prison. In extreme cases, a person convicted of rape could be imprisoned for life. Spousal rape was illegal and prosecuted as a misdemeanor.

In 2022 the NCWC published the *Standard Operating Procedure for Gender-Based Violence Prevention and Response*, which laid out policies and procedures related to gender-based violence and the roles and responsibilities of the government and civil society in combating it, including

referral to shelters and service providers. The CSO RENEW worked with survivors of domestic violence and gender-based violence and helped them become financially stable and emotionally independent. RENEW operated a hotline for victims of violence and human trafficking. The law prohibited domestic violence, including physical and sexual abuse. Physical abuse was prosecuted as battery; penalties for convicted perpetrators ranged from one month to three years' imprisonment. Sexual abuse was prosecuted as a sexual offense and was punishable by three to 15 years' imprisonment. The law provided for increased sentences for conviction of second (and subsequent) domestic violence offenses. CSOs maintained that the maximum penalty for marital rape was disproportionately low and called on the government to ensure marital rape was addressed on the same level as other forms of rape.

Three police stations had protection units to address crimes involving women and children, and 14 police stations had officers specifically devoted to women and children's matters. Police continued to build capacity and expressed a commitment to expand protection units to each of the country's 20 districts. The government operated a dedicated toll-free helpline to report violence against women and children. The government and RENEW trained local government officials, judges, law enforcement agencies, and 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.

Discrimination: The law mandated 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 law prohibited 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. The law mandated equal pay for equal work. 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. The government generally enforced these laws. The law was gender neutral and provided equal rights of property inheritance to women spouses and children.

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. The World Bank reported equity and access to medical care for pregnant women in some remote areas were challenges because of difficult terrain. There were geographic 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 and postexposure prophylaxis.

Systemic Racial or Ethnic Violence and Discrimination

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

Although the country did not have an omnibus civil rights act, there were provisions prohibiting discrimination spread throughout the law. The law prohibited discrimination in the civil service in the areas of employment and career advancement. The government generally enforced these laws and regulations.

In its *Freedom in the World 2023* 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.

Children

Child Abuse: The law prohibited child abuse and provided for a range of penalties for conviction, depending on the type of abuse. The government

enforced the laws effectively.

Child, Early, and Forced Marriage: The statutory minimum age of marriage was 18 for men and women. The government effectively enforced the law.

Sexual Exploitation of Children: The law prohibited 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 was 16 for both boys and girls.

Antisemitism

The country did not have a Jewish population and there were no known reports of antisemitic incidents.

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: Amendments to the penal code that came into effect in 2021 decriminalized same-sex sexual conduct. The law did not criminalize

consensual same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behaviors.

Violence and Harassment: There were no reports of violence by government or nongovernment agents against lesbian, gay, bisexual, transgender, queer, intersex, or other sexual minority (LGBTQI+) persons.

Discrimination: The constitution provided for equal protection and application of rights, but neither the constitution nor legislation explicitly protected individuals from discrimination based on their sexual orientation, gender identity or expression, or sex characteristics. The law did not explicitly protect LGBTQI+ couples and their families and did not grant them rights equal to rights of other persons. Members of the LGBTQI+ community reported instances of discrimination and social stigma based on sexual orientation. Some LGBTQI+ CSOs cited the duration of their long-pending applications for legal registration as examples of discrimination. A study conducted in 2022 observed that members of the LGBTQI+ community reported experiencing longer wait times for health services than members of the general population.

Availability of Legal Gender Recognition: Distinct legal status and explicit protections for transgender individuals were 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. According to the

International Lesbian, Gay, Bisexual, Trans and Intersex Association World Database, it was possible to change one's name by submitting a form and a psychiatrist's certificate confirming a person's gender dysphoria and a supporting letter from a civil society organization to the Department of Civil Registration and Census.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of forced or involuntary so-called conversion therapy on adults or minors to try to change a person's sexual orientation or gender identity or expression.

Restrictions of 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 buildings, and transportation because of inaccessible infrastructure, among other matters. There was no law on disabilities. The Disabled People's Organization of Bhutan conducted awareness trainings on national policies regarding persons with disabilities.

Other Societal Violence or Discrimination

CSOs reported that 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. There were no reports of violence or discrimination against persons with HIV or AIDS.

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 provided workers the right to form and join independent unions. Workers could form a union with the participation of at least 12 employees from a single workplace. There was no national trade union. The law did 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 provided for the right of workers to bargain collectively with

employers. The law prohibited antiunion discrimination and required reinstatement of workers fired for union activity. Violators faced misdemeanor charges and could 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 granted workers the right to pursue litigation. Information was unavailable on 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

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 (see section 6)

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 Industry, Commerce, and Employment, 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 defined the workday as eight hours per day with a one-hour lunch break, and employers were required to grant regular rest days, including a minimum of nine public holidays each year. Work for more than eight hours a day was mandated to be paid at 1.5 times the normal rate.

Occupational Safety and Health: Government occupational safety and health (OSH) standards were appropriate. Inspectors had the right to conduct unannounced inspections and were responsible for identifying unsafe conditions. Labor regulations granted workers the right to leave work situations that endangered 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. The economy was largely rural and agrarian, and the ratio of informal employment to total employment was relatively high; the World Bank estimated the informal labor rate at approximately 80 percent.