

BHUTAN 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Bhutan is a democratic, constitutional monarchy. The king of Bhutan, Jigme Khesar Namgyel Wangchuck, is the head of state, with executive power vested in the cabinet, headed by Prime Minister Tshering Tobgay. In July 2013 the country held its second general elections, in which the former opposition People's Democratic Party gained a majority of the seats in the National Assembly, resulting in the country's first democratic transfer of power to the opposition. International election observers reported the elections were generally free and fair. Authorities maintained effective control over the security forces.

Principal human rights problems included discriminatory treatment of religious and ethnic minorities and the refusal by the government to readmit certain refugees in Nepal with legitimate Bhutanese citizenship claims.

Other human rights problems included continued incarceration of Nepali-speaking political prisoners arrested for alleged participation in antigovernment protests in the early 1990s, domestic violence, rape, restrictions on freedom of assembly and association, restrictions on freedom of expression, human trafficking, social stigma against persons with disabilities, laws prohibiting consensual same-sex sexual activity, and reports of abuse of domestic workers.

There were no reports of impunity by government security forces.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances, abductions, or kidnappings.

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 them.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards.

Physical Conditions: The government reported 1,119 prisoners incarcerated as of December. According to police, although there were no separate prisons designated for women and children, authorities held women separately at detention centers and children at rehabilitation or juvenile centers. Police stated that prisoners had access to potable water and ad hoc informal education and health programs and were able to elect their prison-block representatives. Nongovernmental organizations (NGOs) stated that food in prisons was adequate and did not report any shortages. During prison visits in 2012, the parliamentary National Assembly Human Rights Committee (NAHRC) observed cramped prison cells and a lack of adequate toilets, recreational facilities, proper ventilation, lighting, electric fans, blankets, and mattresses. The NAHRC recommended improving infrastructure and facilities; building separate prisons for men, women, and juveniles; reducing overcrowding; establishing informal education centers; and setting up health clinics. In 2014 the members of the NAHRC said that prison conditions were generally good, citing the presence of informal education programs, courses on yoga and meditation, and daily physical fitness programs.

Administration: Police administer the prison system; there was no available information regarding recordkeeping on prisoners. The penal code permits alternative sentencing for crimes other than felonies, including fines in lieu of imprisonment, community service, and conditional release. Authorities generally allowed prisoners to observe religious practices.

Officials allowed visitors reasonable access to prisoners and detainees. According to the International Committee of the Red Cross (ICRC), during the year the government allowed 15 families from refugee camps in Nepal access to their relatives in Changang Central Jail near Thimphu, compared with 23 families in 2013. Access remained difficult due to the successful resettlement programs that moved refugee families from Nepal to third countries. One NGO stated the government treated visitors fairly, assisting with transportation to and from Thimphu and the jail and providing them special accommodation.

Prisoners may file complaints through a prisoners' committee.

Independent Monitoring: Under the terms of an expired agreement with the government, the ICRC had been permitted to make prison visits to persons detained for crimes against the security of the state. The agreement has not been renewed, and the ICRC did not make any prison visits during the year. The government did not grant other international human rights groups prison access.

Improvements: In response to the NAHRC's 2012 report, the Royal Bhutan Police (RBP) began a program that selects qualified prisoners to participate in rehabilitation and supervised, paid work programs at selected sites including a farm and a historic monastery under renovation. The government reported that 410 prisoners – more than 35 percent of the total prison population – took part in the open-air program.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The RBP is responsible for internal security. The Royal Bhutan Army (RBA) is responsible for defending against external threats but also has responsibility for some internal security functions, including counterinsurgency operations, guarding forests, and providing security for prominent persons. The RBP reports to the Ministry of Home and Cultural Affairs, and the king is the supreme commander in chief of the RBA.

Civilian authorities maintained effective control over the army and police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year. The army and police have procedures to conduct internal investigations of alleged personnel misconduct. Official courts of inquiry adjudicate the allegations. The king or a senior official makes the final determination on the outcome of a case.

By law the Police Service Board, made up of senior police personnel and a Ministry of Home and Cultural Affairs representative, investigates cases of abuse. Police officers can face criminal prosecution for human rights violations. The RBP

has institutional reviews, human rights training, and accountability procedures for its personnel. The Civil and Criminal Procedure Code (CCPC) also provides an avenue to check on any abuse of power in criminal investigations by an investigating officer of the RBP.

Arrest Procedures and Treatment of Detainees

Under the law police may only arrest a person with a court-issued warrant or probable cause. Police generally respected the law. Police may perform “stop and frisk” searches only with a reasonable suspicion that a crime has been committed. 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 is available depending on the severity of charges and the suspect’s criminal record, flight risk, and potential threat to the public. Remanded suspects can be held in police custody for 10 days pending investigation, which the court can extend to 49 days, and then again to 108 days in cases involving “heinous” crimes, should the investigating officer show adequate grounds. The law expressly prohibits pretrial detention beyond 108 days. Detainees may pursue a writ of habeas corpus to obtain a court-ordered release.

Amnesty: The king granted amnesty to 52 prisoners as of October.

e. Denial of Fair Public Trial

The government generally respected the constitutional provision for an independent judiciary. The Judiciary Services Act establishes the formal separation of the judiciary from the executive and sets professional standards for judges and other judicial service personnel. The judiciary generally enforced the right to a fair trial. The National Judicial Commission (NJC) oversees the judiciary and consists of the Supreme Court’s chief justice and senior associate justice, the chairperson of the National Assembly’s Legislative Committee, and the attorney general.

The Supreme Court oversees the interpretation and application of the constitution and serves as the highest appellate authority. The NJC nominates judges to the High Court and 20 district court justices, subject to confirmation by the king. The king may remove, suspend, or censure judges only at the request of the NJC.

Trial Procedures

The law stipulates that defendants must receive fair and speedy trials, and the government generally respected this right. A preliminary hearing must be convened within 10 days of registration of a criminal matter with the appropriate court. Before registering any plea, courts must determine whether the accused is mentally sound and understands the consequences of entering a plea. Defendants enjoy a presumption of innocence, have the right to confront witnesses, and cannot be compelled to testify; cases must be proved beyond a reasonable doubt to obtain convictions. The government has prescribed a standing rule for all courts to clear all cases within a year of the case filing. The country has an inquisitorial judicial system, and there is no trial by jury.

Punishments include imprisonment, probation, fines, or a requirement for restitution of loss. Defendants have the right to appeal to the High Court and may make a final appeal to the king, who traditionally delegates the decision to the Royal Advisory Council. Trials are conducted publicly, although a court can order that press and the public be removed from the courtroom for part or all of the trial should limiting publicity be in the interest of justice. The law grants defendants and their attorneys access to state evidence. 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.

Cases are tried pursuant to the CCPC. State-appointed prosecutors for the attorney general generally are responsible for filing charges and prosecuting cases for offenses against the state. In some cases other government departments, such as the Anti-Corruption Commission (ACC), file charges and conduct prosecutions.

The law provides for the right to representation. Although this was followed in practice in criminal cases, in civil cases most defendants and plaintiffs represented themselves. The law states that criminal defendants may choose legal representation from a list of licensed advocates. The government promoted the use of judiciary websites for legal information as a means of self-help for defendants. There were no reports that any groups were denied the right to trial.

Political Prisoners and Detainees

NGOs claimed that there were at least 63 political prisoners in Chamgang Central Jail in Thimphu, out of a total prison population of 537. Most political prisoners

were Nepali-speaking persons associated with protests in the early 1990s against government actions revoking their citizenship. The government reported that as of December there were 55 prisoners serving sentences resulting from convictions under the National Security Act or its related penal code provisions. Since 2010 the government has released 14 political prisoners, including one who was granted amnesty by the king.

Civil Judicial Procedures and Remedies

The CCPC governs the resolution of criminal trials and civil litigation and states that a suit may be initiated by a litigant or a member of the litigant's family. The CCPC also provides for compensation to those detained or subjected to unlawful detention but later acquitted. Often local or community leaders assisted in resolving minor disputes. As plaintiffs and defendants often represented themselves in civil matters, judges typically took an active role in investigating and mediating civil disputes.

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

The constitution states that a person "shall not be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence, nor to unlawful attacks on the person's honor and reputation." The government generally respected these prohibitions.

As part of the government's policy and constitutional mandate to maintain Bhutanese culture, the law requires citizens to wear traditional Bhutanese dress in government facilities during daylight hours, but there are otherwise no public dress codes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press. Citizens could publicly and privately criticize the government without reprisal.

Freedom of Speech: The constitution provides for freedom of speech including for members of the press. Nonetheless, citizens were cautious in their expression, especially as it related to criticism of the royal family or government practices.

Press Freedoms: The media law does not provide specific protections for journalists or guarantee freedom of information. The media law also prohibits media outlets from supporting political parties. Media sources suggested that while there was commitment to media freedom at the highest levels, some media professionals continued to find bureaucrats unwilling to share information, especially on issues of corruption and violations of the law. Independent media outlets relied heavily on government advertisements for revenue, and most news outlets struggled to generate sufficient revenue to operate.

Censorship or Content Restrictions: In its *Freedom in the World 2014* report, Freedom House reported that journalists practiced self-censorship. Several journalists said self-censorship was tied to advertising revenue and a desire to avoid stories that could be perceived by the government as affecting the “internal harmony” of the country. There were no reports of official intimidation or threats directed at journalists.

Internet Freedom

According to the most recent statistics from the Ministry of Information and Media, the country had approximately 135,000 internet subscribers in 2012, while an estimated 23 percent of the population had access either through home subscriptions or at offices, internet cafes, or on mobile devices. The government generally permitted individuals and groups to engage in peaceful expression of views via the internet. Government officials stated the government did not block access, restrict content, or censor web sites. Freedom House reported the government occasionally blocked access to websites containing pornography or information deemed offensive to the state. Such blocked information typically did not extend to political content.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom and cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

While the constitution provides for the right to assemble peacefully, the government restricted this right. The 1992 National Security Act permits the government to control the public’s right to assembly “to avoid breaches of the

peace” by requiring licenses, prohibiting assembly in designated areas, and declaring curfew. The penal code 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. The government reported there were no prosecutions under the National Security Act or related provisions of the penal code. Government officials stated they discouraged public protests or assemblies because they disturbed the peace and could lead to public instability. During the year permission was granted for one gathering memorializing children who drowned during flooding.

Freedom of Association

The constitution provides for freedom of association, and the government permitted the registration of some political parties and organizations that were deemed “not harmful to the peace and unity of the country.” There were reports that many of the NGOs in the country maintained formal or informal connections to members of the royal family. In its *Freedom in the World 2014* report, Freedom House stated that NGOs working on the status of Nepali-speaking refugees were not permitted to operate.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited freedom of movement and repatriation. Freedom of movement often was restricted along ethnic lines. Rules established differences in citizenship categories and determined whether a person may be granted a “route permit” to travel internally, obtain a passport for international travel, and obtain a security clearance certificate authorizing departure from the country.

Exile: The law does not address forced exile, and there were no reported cases of forced exile during the year. In the early 1990s, the government forced approximately 90,000 Nepali-speaking Bhutanese persons to leave the country, following a series of steps taken during the 1970s and 1980s to deprive the Nepali-

speaking population of citizenship. As of September, after years of international resettlement efforts, approximately 25,000 Nepali-speaking Bhutanese refugees remained in two refugee camps in Nepal administered by the Office of the UN High Commissioner for Refugees (UNHCR). The government continued to criticize the UNHCR for its failure to screen individuals who originally entered these camps to determine whether they had genuine claims to Bhutanese citizenship. The government maintained that individuals who entered the camps before the establishment of screening and registration mechanisms were not citizens and that some were using the camps as a base for terrorist activities against the state.

Emigration and Repatriation: There continued to be delays in government implementation of a process to identify and repatriate Bhutanese refugees in Nepal.

Citizenship: The law provides for revocation of the citizenship of any naturalized citizen who “has shown by act or speech to be disloyal in any manner whatsoever to the king, country, and people.” The law permits reapplication for citizenship after a two-year probationary period. The government can restore citizenship after successful completion of the probation and a finding that the individual was not responsible for any act against the government. No data was available on how many Nepali-speaking Bhutanese persons who remained in the country after the early 1990s applied for and regained citizenship.

Protection of Refugees

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.

The Central Tibetan Administration (CTA) reported that since the 1960s the country had sheltered Tibetan refugees who were initially located in seven settlements. The government reported that the Tibetans were integrated into Bhutanese society and that approximately 1,600 had applied for and received Bhutanese citizenship. The National Statistics Bureau reported that in 2012 there were 2,648 non-Bhutanese Tibetans residing in the country, from which 993 held work permits. The CTA did not have an official presence in the country and did not provide social and economic assistance to Tibetans in Bhutan. Bhutan’s border with China was closed, and Tibetans generally did not transit Bhutan en route to India. The Tibetan population in Bhutan was not increasing.

Employment: There were unconfirmed reports that some Tibetan refugees and some Nepali-speaking Bhutanese citizens could not obtain security clearances for government jobs, enroll in higher education, or obtain licenses to run private businesses.

Access to Basic Services: The government stated that Tibetan refugees are permitted the same access to government-provided health care and education as citizens, and access was given in practice. According to the CTA, 13 Tibetan refugees have received licenses to run businesses. The CTA also said that while Tibetan refugees are not eligible for jobs with the government, a few Tibetan refugees have been hired as teachers and health-care workers under temporary contracts.

Durable Solutions: Tibetan refugees were permitted to travel to India, although many faced obstacles in obtaining travel permits. There were also reports the government did not provide travel documents to enable some Tibetan refugees to travel beyond India. The government continued to delay implementing a process to identify and repatriate Bhutanese refugees in Nepal.

Stateless Persons

Implementation of a nationwide census in 1985 resulted in the denaturalization of many Nepali-speaking Bhutanese individuals because they lacked land-ownership documents predating 1958, which were required to retain citizenship. The census was repeated in 1988-89 in the southern districts. During the second round of the census, those who lost citizenship in 1985 were permitted to reapply for citizenship provided they met certain conditions. Those who could not meet the new criteria were categorized by the government as illegal immigrants and expelled to refugee camps in Nepal. According to NGOs an unknown number of Nepali-speaking stateless persons remained in the country, mainly in the south. NGOs and media sources also highlighted the existence of children rendered stateless when they were born to unwed mothers who were unable to prove the identity of the father of the child. According to NGO reports, more than 700 children born in the country were not recognized as Bhutanese citizens because the nationality of their fathers was undocumented. Stateless persons cannot obtain “No Objection Certificates” and security clearance certificates, which, according to reports, were often necessary for access to public healthcare, employment, access to primary and secondary education, enrollment at institutions of higher education, travel documents, and business ownership.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: The government successfully held national elections in July 2013. Voters elected the country's second National Assembly, the lower house of parliament. The opposition People's Democratic Party won 32 of 47 seats, ousting the former ruling party, the Druk Phensum Tshogpa. International observers generally considered the elections free and fair; there were no reports of significant irregularities during the election process.

Political Parties and Political Participation: The constitution states that political parties shall promote national unity and shall not resort to regionalism, ethnicity, or religion to incite voters for electoral gain. Political parties are required to be broad based, have a national membership, not be limited to a particular regional or other demographic constituency, and not receive money or other assistance from foreign sources. In order to run for office, party candidates must possess a university degree and resign from a civil service job if held. Individuals who resign from the civil service cannot re-enter the service. While only two political parties contested the 2008 national elections, five parties contested the 2013 elections. The government provided funding only for general elections and maintained rigid guidelines on party financing.

The Druk National Congress (DNC), established in 1994 by Bhutanese refugees in exile, continued to claim the government did not allow independent parties to operate freely. The DNC was unable to conduct activities inside the country.

Participation of Women and Minorities: According to NGO contacts, women constituted 33 percent of civil servants as of September 2013. There were three female parliamentarians elected to the National Assembly. The king separately appointed two female parliamentarians in the National Council, who did not represent a specific constituency. One female justice served on the Supreme Court. Women led two parties, the Druk Chirwang Tshogpa and the Druk Nyamrup Tshogpa (DNT). Following the elections in July 2013, the government appointed the former head of the DNT, Lyonpo Dorji Choden, as the country's first

female minister, heading the Ministry of Works and Human Settlement. The United Nations in Bhutan worked with the government to encourage more women to participate in political activity.

As part of the country's strict separation of religion from politics, the law barred ordained members of the clergy, including Buddhist monks and nuns, from participating in politics, including voting and running for office.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. The 2011 Anti-Corruption Act, which is based on the UN Convention against Corruption, expands the mandate of the ACC to cover the private sector and enhances the ACC's investigatory powers and functions.

Corruption: 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 corruption and allows citizens to post information on its website regarding corrupt practices. The ACC reportedly faced resource constraints. The constitution enables the ACC to act as an independent body, although its investigative staff was primarily civil servants answerable to the Royal Civil Service Commission.

Financial Disclosure: The law requires public servants, and persons working for NGOs using public resources, their spouses, and dependents to declare their income, assets, and liabilities.

Public Access to Information: The constitution mandates a right to information; however, no law provides for public access to government information. Several ministries publish laws, regulations, budgets, and other relevant information on websites to enhance transparency.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

According to international NGOs, local civil society organizations practiced self-censorship to avoid issues perceived as sensitive by the government. Sensitive issues included women's rights and environmental issues. The government

reportedly did not permit human rights groups established by the Nepali-speaking community to operate in the country, categorizing them as political organizations that did not promote national unity.

The United Nations or Other International Bodies: An agreement between the government and the ICRC allowing the ICRC to make prison visits to persons detained for crimes against the security of the state expired in 2013. The ICRC continued to engage with the government to facilitate prison visits for Bhutanese refugees living in Nepal. The United Nations has a resident coordinator in Bhutan, and UN organizations, including the UN Development Program and UN Children's Fund, have a strong presence.

Government Human Rights Bodies: The National Assembly Human Rights Committee conducts human rights research on behalf of the National Assembly. The Civil Society Organization (CSO) Authority has the legal authority to regulate civil society operations. Since 2010 the CSO Authority has registered 38 civil society organizations in the country.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, sex, disability, language, politics, or social status. The government generally respected these prohibitions in practice, though societal discrimination existed.

Women

Rape and Domestic Violence: The law defines criminal sexual assault and specifies penalties. In cases of rape involving minors, sentences range from five to 15 years in prison. In extreme cases a person convicted of rape may be imprisoned for life. According to NGOs, cultural taboos and the fact that survivors were unaware of their rights resulted in underreporting of rapes. Spousal rape is illegal. A harmful traditional practice enabling rape was the practice of "night hunting" (bomena) practiced mainly in the eastern parts of country. In night hunting a man climbs into a single woman's window to have sex with her; in some cases the woman does not know the man, and in some cases she does not consent.

The law prohibits domestic violence. Penalties for perpetrators of domestic violence range from a prison sentence of one month to three years. Offenders are also fined the daily minimum national wage for 90 days. Police stated that they encouraged women to reconcile with their allegedly abusive husbands and couples

to pursue mediation, before they file criminal charges for domestic violence. Three police stations across the country housed Women and Child Protection Units to address crimes involving women and children. The government commissioned a report on violence against women, set up mobile police stations, trained police on gender issues, and allowed civil society groups to undertake further efforts, including the opening of a crisis and rehabilitation center. The UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about reports of violence against women by their spouses or other family members and at work. According to the 2010 Bhutan Multiple Indicator Survey (BMIS), 68.4 percent of women believed certain behavior justified domestic violence. The NGO Respect, Educate, Nurture, and Empower Women (RENEW) operated a domestic violence center in the capital. The Domestic Violence Prevention Act authorized the National Commission for Women and Children (NCWC) to develop and implement programs to prevent domestic violence, rehabilitate survivors, and conduct studies.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is not a traditional practice in the country, and there were no reports of FGM/C. The law does not specifically criminalize FGM/C.

Sexual Harassment: The Labor Employment Act has specific provisions to address sexual harassment in the workplace. CEDAW expressed concern regarding the large number of reported sexual harassment cases in the workplace.

Reproductive Rights: The country has no legal restrictions regarding the number, spacing, or timing of children, and there were no reports of coercion regarding reproduction. Modern contraception was available and legal. According to women's rights NGOs, the quality and availability of reproductive health services were good. They also noted that there were generally no prohibitions against women accessing sexual and reproductive healthcare. The National Statistics Bureau reported that in 2011, skilled medical personnel assisted with 70 percent of births. The rate of contraceptive use was 65.6 percent among married women or women in civil unions, 30.2 percent among girls and women ages 15-19, and 56.5 percent among women ages 20-24. According to the World Bank, the maternal mortality ratio in 2013 was 120 deaths per 100,000 live births. The 2014 *Annual Health Bulletin* noted there were significant improvements in infant mortality because of increased access to skilled personnel and a greater prevalence of institutional deliveries.

Discrimination: The law provides for equal inheritance for sons and daughters. Traditional inheritance laws stipulate that inheritance is matrilineal and that daughters inherit family land and daughters do not assume their father's name at birth or their husband's name upon marriage. Within the household, men and women enjoyed relatively equal status. Employers generally paid women in unskilled jobs slightly less than men in the same positions. According to the government's 2013 *Labor Force Survey Report*, 58.9 percent of females participated in the workforce, a decrease of 4.3 percent from the previous year. Male participation increased from 65.7 percent in 2012 to 72.1 percent in 2013. The majority of citizens did not practice dowry exchange.

The law mandates the government take appropriate measures to eliminate all forms of discrimination and exploitation of women, including trafficking, abuse, violence, harassment, and intimidation, at work and at home, and the government generally enforced the law. CEDAW expressed concern that the constitution does not include prohibitions on both "direct and indirect" forms of discrimination. CEDAW also noted that the government failed to adopt implementing legislation for its international treaty obligations related to women's rights or to provide adequate resources to the NCWC to allow it to operate effectively.

The NGO National Women's Association worked to improve women's living standards and socioeconomic status. RENEW, another NGO, also promoted and advocated for women's rights and political participation. The NCWC actively defended the rights of women and children during the year, although CEDAW expressed concern about the limited resources of the NCWC, its lack of independence, and susceptibility to government influence.

Children

Birth Registration: Under the constitution, only children whose parents can both be proven to be citizens of Bhutan acquire Bhutanese citizenship at birth. According to the Bhutanese Refugee Support Group, existing citizenship laws caused certain children to be categorized as "nonnationals," essentially rendering them stateless (see section 2.d.). Births in remote areas were less likely to be registered.

Education: The government provides 11 years of universal free education to children, although education is not compulsory. While gender parity at the primary level has been achieved, distances to the country's secondary and tertiary schools, lack of adequate sanitation, and transportation difficulties contributed to

girls' unequal access to secondary and higher education. The law requires proof of birth registration for children to attend school. Children of non-Bhutanese residents may enroll with a copy of a parent's work permit, employer letter, and documentation from the Department of Immigration. Because of documentation requirements, children of unregistered residents did not have adequate access to education.

Child Abuse: Reports of child abuse were rare. The law prohibits child abuse and provides for a minimum penalty of one year's imprisonment for perpetrators. Corporal punishment is banned in schools, and there were no reported incidents in monasteries.

Early and Forced Marriage: The statutory minimum age of marriage for both men and women is 18. Statistics from the 2010 BMIS indicated that 30.8 percent of marriages occurred before age 18, and 6.7 percent before age 15. In 2010, 15.2 percent of girls and young women ages 15-19 were either married or in a civil union. While child marriage has become less common in urban areas, in remote villages there were reports of secret marriage ceremonies involving girls younger than 15. Child marriage took place in all regions, but the incidence was higher in the western and central areas of the country.

The government initiative *Youth Friendly Health Services* sought to prevent child marriage. It conducted community outreach and awareness campaigns to alert communities to the dangers of child marriage.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is not a traditional practice, and there were no reports of FGM/C. The law does not specifically criminalize FGM/C.

Sexual Exploitation of Children: The law prohibits sexual exploitation, including child pornography, child prostitution, the sale of children, and child trafficking. 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.

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 www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution specifically protects the rights of citizens with disabilities. Legislation directs the government to attend to the security of all citizens in the “event of sickness and disability.” The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but the government did not enforce this legislation consistently. There were reports that hospitals were generally accessible to persons with disabilities, but residential and office buildings were not.

Under the *Disability Prevention and Rehabilitation Program*, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities in schools, and foster community awareness and social integration. There were approximately 22,000 persons with physical disabilities (3.4 percent of the population, according to a 2005 estimate) in the country. There was no government agency specifically responsible for protecting the rights of persons with disabilities.

There were special-education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates children with vision disabilities, and an education resource unit in Paro for persons with hearing disabilities. Children with disabilities often attended mainstream schools, although the resources needed to accommodate them varied among school districts. There were also special education facilities in Thimphu designed to meet the needs of children with physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to such persons. An NGO, the Disabled Persons' Association of Bhutan, was formed in 2011 with the goal to change the public perception of disability and assist persons with disabilities. In December 2014 the government observed the UN International Day of Persons with Disabilities, attended by the queen and other officials.

According to the *Bhutan Observer*, in rural areas there was widespread discrimination against persons with disabilities, and some parents did not send children with disabilities to school.

National/Racial/Ethnic Minorities

Organizations representing exiled Nepali-speaking Bhutanese claimed that Nepali-speaking Bhutanese were subjected to discrimination and prejudice in employment. The government claimed Nepali speakers were proportionally represented in civil service and government jobs.

English was the medium of instruction in all government schools. Dzongkha, the national language, was taught as an additional subject. Sharchopkha, Bumphthapkha, Khenkha, Nepali, and Tibetan were also spoken in the country. The UN Committee on the Rights of the Child expressed concern about the ability of minority children, specifically the Nepali-speaking minority, to maintain their cultural practices, observe their religion, or use their language.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution guarantees equal protection of the laws and application of rights but does not explicitly protect individuals from discrimination on the basis of sexual orientation or gender identity. Laws against “sodomy or any other sexual conduct that is against the order of nature” exist. Under the penal code, a person can be imprisoned for as long as one year for engaging in prohibited sexual conduct. In response to recommendations to decriminalize same-sex sexual conduct during the country’s Universal Periodic Review, the government stated the law “has never been evoked since its enactment for same sex acts between two consenting adults. These provisions can be reviewed when there is a felt need for it by the general population.”

Homosexuality is a traditionally taboo subject, and the lesbian, gay, bisexual, and transgender (LGBT) population has historically remained out of public view without an organized advocacy community. During the year, however, several LGBT groups established a public presence via social media. There were no NGOs in the country explicitly associated with LGBT issues. There were no reports of violence directed against members of the LGBT community, although social bias was present.

A small transgender community exists in the country, and transgender individuals faced social stigma. The law does not provide any distinct legal status to transgender individuals, nor does it provide explicit protections.

HIV and AIDS Social Stigma:

While NGOs claimed that while there was no widespread HIV/AIDS-related stigma, persons with HIV/AIDS did suffer from self-stigmatization and feared being open about their condition.

Persons with HIV/AIDS received free medical and counseling services, and the government maintained programs meant to prevent discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions. Workers are permitted to 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.

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, inspections, and remediation were adequate, and penalties for violations were sufficient to deter violations. The law grants workers the right to pursue litigation.

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

The Ministry of Labor and Human Resources encouraged employee organization by conducting awareness-raising activities about employee rights during routine labor inspections. One NGO commented on the existence of associations of professional drivers and tour guides.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, and the government effectively enforced applicable laws. The law makes exceptions with regards to prison labor, work that might be required during an emergency, and work required for “important local and public” celebrations. The penal code criminalizes trafficking for illegal, but not exploitative, purposes. Violations of the labor law are felonies subject to three to five years’ imprisonment. Resources, inspections, and remediation were adequate, and penalties were sufficient to deter violations.

Government officials acknowledged there may be forced labor among domestic servants working in private homes where the Ministry of Labor and Human Resources has no jurisdiction. Officials relied on citizens to report forced labor of domestics directly to the police.

Migrant workers from India who worked in the country’s construction and hydropower sectors and Indian women and girls who worked in domestic service or as caregivers were vulnerable to forced labor. Young, rural citizens were transported to urban areas, generally by relatives, for domestic work, and some of these individuals were subjected to domestic servitude. Girls who worked as domestic servants and entertainers in *drayungs*, or karaoke bars, were subjected to labor trafficking through debt and threats of physical abuse. In some cases employers forced girls to sign five-year contracts prohibiting them from quitting and housed the girls in hostels.

See the Department of State’s annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 18, although the law permits employment of children between the ages of 13 and 17.

Labor inspectors operating under the Ministry of Labor and Human Resources enforced child labor laws effectively, although civil society groups cited cases of children working in conditions harmful to their health and safety. The NCWC conducted baseline studies and raised awareness among relevant ministries on child labor. Resources, inspections, and remediation were adequate, and penalties were sufficient to deter violations.

Children performed agricultural and construction 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. An estimated 19.6 percent of children between ages five and 14 were engaged in some form of child labor in 2011. The BMIS established that 18.4 percent of the labor force in 2010 consisted of children under 18.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits employment discrimination for employees and job applicants with respect to recruitment, dismissal, transfer, training, and demotion, but there were no distinctions of protected classes. The law also proscribes equal pay for equal work. In general the government enforced these provisions. Organizations representing exiled Nepali-speaking Bhutanese, however, claimed that Nepali-speaking Bhutanese were subject to discrimination with respect to employment and occupation (see section 6). Employers also generally paid women in unskilled jobs slightly less than men in the same positions (see section 6).

e. Acceptable Conditions of Work

The national minimum wage ranged from Nu 100 to Nu 125 (\$1.58-\$1.98) per day. According to the government, all workers were above the minimum wage. The law defined the work day as eight hours per day with a one-hour lunch break, and employers were required to grant regular rest days. Work in excess of the legal work day must be paid at 1.5 times the normal rate. The official national poverty level was Nu 1,705 (\$28) per month.

All citizens are entitled to free medical care. At its expense the government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability. Upon the death of a citizen, family members are entitled to compensation.

The government generally enforced minimum wage, work hours, and occupational health and safety standards effectively across all sectors. The lack of sufficient labor inspectors was a problem, particularly in combatting child labor. The

government employed 25 labor inspectors appointed to posts in Thimphu and four permanent regional offices, who were assisted by technical experts. The government also posted labor inspectors to field offices located at major construction sites such as hydropower plant projects. According to a 2012 Ministry of Labor and Human Resources report compiled with the assistance of the World Health Organization, there were insufficient labor inspectors to adequately cover the country's industries. The report stated that in 2010 there were more than 24,745 reported work-related injuries, more than double the number in the previous year.

Labor regulations grant workers the right to leave work situations that endanger their health and safety.