

Bhutan



Submission to the United Nations Universal Periodic Review

Sixth Session of the UPR Working Group of the UN Human Rights
Council

(30 November - 11 December 2009)

Introductory Executive Summary

This Global Human Rights Defence Submission presents information on the Bhutan's Human Rights situation for the Universal Periodic Review Working Group of the Human Rights Council, and according to the 'General Guidelines for the Preparation of Information under the Universal Periodic Review'. In the first section is introduced a general assessment of the situation of human rights we have witnessed from our Organization, together with relevant Global Human Rights Defence considerations. In section two the framework of rights is analyzed through specific consideration of the acts of commission and omission against human rights in Bhutan, from the right to liberty and security of the person, the administration of justice, fair trial and prison conditions, minority rights, fundamental freedoms, participation rights and access to information, and the protection of family, labour, education, equality and non-discrimination. Finally relevant recommendations are issued, and an Annex for further reference of Global Human Rights Defence Bhutan is enclosed, with relevant activities and cases.

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1. General Framework of Global Human Rights Defence in Bhutan

This Submission is the result of the compilation of Global Human Rights Defence (GHRD) human rights information of Bhutan in our Head Office in The Hague. GHRD observations in Bhutan come from representatives and collaborators in the field, regional observers in India and Nepal, individual cases filed in the Organization, and individual resettlement programs along with other programs in the field. The GHRD Bhutan Chapter has been headed from 2005 by the representative of the Organization, assisted by a co-worker, along with camp volunteers and camp advisors, making up the total number of its force of 23 members, although at present in the process of being restructured.

GHRD representatives have witnessed numerous human rights violations, and through contact with Bhutanese collected numerous supporting testimonies of the situation in Bhutan prior to 1990s, and the situation of minorities in Bhutan, as in refugee camps from 1990s, to the present day. Our collaborating Organizations have also further declared the State repression against the minorities, especially Lhotshampas, either in the camps, or in the South part of Bhutan, particularly since the development of the 'one nation, one people' policy backed in the 'New Citizenship Act of 1985'.

GHRD, our national and regional observers, together with our collaborating organizations through advocacy and programs have witnessed numerous cases of arbitrary arrests, torture, degrading treatments, and harassment from Bhutanese security forces, deplorable prison

conditions, numerous failures of the right to a fair trial, forced evictions and destruction of property, signing of voluntary migration forms, confiscation of citizenship cards, termination of employment, closure of schools, restrictions in health services, among several bans on movement, information and essential commodities.

2. Commissions and Omissions against Human Rights in Bhutan

Liberty and Security of the Person

GHRD has recently witnessed numerous cases of arbitrary arrest, torture and degrading treatments and thus, a context of failure of the Kingdom of Bhutan to protect their population. In the context of threats by the opposing parties and before the past elections, the Government tightened the security measures, and deployment of police. Nevertheless, this instead of increasing the sense of security in the population, brought fears to locals, particularly in the South, surging from the intentions of young people mass-recruitment while¹, on the other hand, arbitrary arresting and charging on grounds of ‘anti-national activities’. Concretely, GHRD received reports of 30 cases of persons detained on grounds of involvement with the opposing parties by police and military forces in the South of Bhutan in 2007.

Furthermore, GHRD through advocacy and monitoring has witnessed the historical backing of this trend with numerous detentions and beatings, imposition of the national dress, legal proceedings only in Dzongkha language and with imposition of charges, both in the period of 1990-92 and in 1997. Specifically, in this tragic moment before mass-exile and after demonstrations. A great concern is for the situations around the Sharbhang Central School and the Gylephug Family Planning Centre, transformed into improvised army camps, where inhumane treatments and torture, threats and conditions of reclusion have been imposed for long time.

Administration of Justice, Rule of Law and Prison Conditions.

The above-mentioned were not brought before courts for trial, nor were family members allowed to visit or to know of their location, while children were left to take care of themselves after their parents were arrested. GHRD has received serious restrictions to access

¹ Statement of the Royal Bhutan Police Colonel Bato Tshering in the 87 National Assembly.

to their prison conditions. Evidence allocates these prisoners in Samtse State Jail, were they continue to be under suspicion of being submitted to torture and inhumane treatments.

This tendency of law enforcement in Bhutan has been corroborated by GHRD in other prisons such as in Thimpu, Gylephug and Samdrup Jongkhar State Jails, with multiple cases of ‘deteriorated’ convicts in poor mental and health conditions, as result of torture and degrading treatments. Moreover, GHRD has witnessed forced acceptance of allegations brought upon them. Convicts of all faiths are obliged to compulsory attendance at the Buddhist prayers when food is provided. In addition, some Hindu prisoners were forced to eat meat. Furthermore, several convicts were released under the condition that they leave the country under threats of re-arrest.

Minority Rights

The GHRD concerns for minority rights in Bhutan are for the Hindu and Nepalese, within the context of the Buddhist majority. These minorities are the main target group of human rights omissions and commissions from the Kingdom of Bhutan. Furthermore, these minorities suffered abuses that are extensive and resemble those of the refugee camps in Nepal, as manifested by the UN High Commissioner for Refugees mission, and identified in Bhutan’s relocation of refugees through third country resettlements in which GHRD has been in close participation. The cultural minorities mainly in the South of Bhutan receive the main and most serious breach of their rights exposed in this GHRD submission.

Fundamental Freedoms, Participation Rights and Access to Information

GHRD is concerned that only two political parties with broadly similar policies were allowed by the Government to register and stand for election. The claim of a democratic state can be questioned as the only established parties are led by close relatives and confidants of the King. No political parties, such as the National Front for Democracy in Bhutan in exile, were invited to take part in the elections. Repression to numerous ideologies is observed in Bhutan. Democracy defendants have been largely excluded, and many continue to languish both in exile and in Bhutan’s prisons. Furthermore, more than 100,000 Bhutanese were excluded from the elections. Bhutanese refugees in exile and/or political prisoners, and allegedly 80,000 citizens were deprived of their adult franchise on the pretext of not having ‘security clearance’, while the Kingdom of Bhutan has refused initiatives of international democratic monitoring.

Concerning press freedom, in Bhutan can only be achieved with journalists ‘showing responsibility’². As witnessed by GHRD, and collaborators such as the Association of Press Freedom Activists (AFPA) in Bhutan, the right of information is far to be achieved. Despite the fact that restriction on foreign newspapers have drastically decreased³ and foreign journalism has some access in Bhutan⁴, the Kingdom nevertheless has applied and intends to extend serious restrictions on the freedom and access to information. Furthermore, the majority of people do not have access to media, that together with high rates of illiteracy cause the major circumstances for the restricted public access to information. In Bhutan TV was banned until 1999 and all media censored and strictly controlled. In November 1st of 2007, the Bhutan InfoCom and Media Authority banned transmission of the sports channel and entertainment channels such as MTV, FTV, Aajtak, CNN, Fashion TV, Zee Network and several Indian channels because of the ‘eroding effect’ on Bhutanese culture. Furthermore the Government blocked two websites, the www.bhutantimes.com and www.bhutandaily.com due to ‘threats to the sovereignty’ of the Kingdom. Other publications such as the Bhutan Reporter, or the Bhutan Jagaran, are surviving thanks to foreign assistance, as provided by GHRD. As jointly observed with APFA Bhutan, some efforts have been intended such as training sessions from the Government to Government-owned and private media⁵. However, the legality on information through the Media Act and Constitution have little provisions that guarantee media freedom and the right to information, speech and expression⁶.

Protection of Family, Labour, Education and Equality and Non-Discrimination.

GHRD has witnessed severe restrictions since 1990 on citizenship rights in Bhutan, such as to obtain a national identity card, residential permits, and marriage certificates. After the protests of 1990, the No-Objection Certificate (NOC) or a police clearance was made

² Statement of Prime Minister Lyonpo Sangay Ngedup in 2006.

³ Indian and foreign newspapers are available at Paro, Thimpu, Puentsholing and few other cities.

⁴ Although Nationals are restricted to work with foreign media, recently media agencies like Indo Asian News Service, and British Broadcasting Corporation produce reports on Bhutanese events frequently.

⁵ 40 journalists were trained to cover elections, campaigns and events of the National Council and National Assembly, and in April 2007 as well on women and children issues.

⁶ Article 7 of the Constitution has provisions defending the rights and freedoms of information, press, thoughts and beliefs, however these provisions contain successive further restrictions like in Article 6 with the termination of citizenship if found speaking against the king, country, or ‘people’, exclusions of the press to the National Assembly and National Council and Members of the Parliament as regarded in Article 10, through disclosure of State information received, or under the general application of the emergency section of Article 33. In addition, the 2006 Media Act ignores consultation and security of journalists, empowers the non disclosure of information with negative impact on national interest in Article 13, and makes further suspensions under emergency situation through Article 14. Last although not least, Article 15 declares unlimited censorship on media contents.

mandatory to all Southern Bhutanese in order to work, obtain licences or attend school. According to the Association of Human Rights Activists in Bhutan, and the testimonies received, NOC was denied to the Southern Bhutanese and the majority of schools in Southern Bhutan were closed down, which deprived approximately 30,000 Southern Bhutanese school children of their right to education.

The participation of women in education is also reduced, and thus their independence and representation in governance. Furthermore, the marriage age increases the dependent position, being set at 15 years old. As argued by CEDAW, it is also worrying the large acceptance of stereotypes and traditional perceptions. Although there is some improvement in school enrolment and property rights of women in Bhutan, the main witnessed breaches of human rights by GHRD against women in Bhutan come from sexual abuse and trafficking, domestic and labour exploitation and violence, with limited access to work and policies. As also witnessed by Bhutan Women and Children Organization, the great majority of women in Bhutan are illiterate, and remains mostly engaged in agricultural activities. Especially in rural areas women suffer high mortality rates, health problems and restrictions to education, employment and decision-making. Nevertheless, the general context once again does not allow reliable statistics.

3. Recommendations

GHRD welcomes the official termination of absolute monarchy in Bhutan, however it is regretful that the democratic processes initiated have failed to uphold major democratic principles. In order to enable a human rights protective system and a democratic civil society to emerge in Bhutan, GHRD calls to end all arbitrary arrests and forms of torture, and recommends to the Government to ensure the right to a fair trial for all Bhutanese prisoners, while accepting responsibility of the Bhutanese citizens residing in Nepal, and thus removing all discriminatory policies affecting both minorities and refugee relatives. Furthermore, the Kingdom of Bhutan must reaffirm positive steps towards press freedom by ensuring and protecting information inspired by the principles of democracy and human rights through legality and practice, as a useful social educational instrument. The continuous repression of the opposition is a major obstacle for the emergence of democracy and human rights in Bhutan. The Kingdom of Bhutan must aspire to reconcile with all communities inside and

outside its borders, and assume international responsibility and assistance to ensure transition to a system of protection and promotion of human rights and democracy.

ANNEX: GLOBAL HUMAN RIGHTS SUPPORTING DOCUMENTS FOR FURTHER REFERENCES:

Major Cases

- Selection: List of relevant Cases supplementing UPR submission
- Selection: List of Arrests by Royal Bhutan Police / Army under Samchi District,

Projects and Actions

- Bhutanese Resettlement in the Netherlands
- The Bhutan Reporter
- Nobel Education Program I

*For more information on GHRD projects, actions and cases in Bhutan, visit our website:
www.ghrd.org*

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