1998 Country Human Rights Practices Report

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Bhutan is a monarchy without a constitution or a bill of rights. The Wangchuk Dynasty of hereditary monarchs has ruled the country since 1907. King Jigme Singhye Wangchuk, on the throne since 1972, has continued efforts toward social and political modernization begun by his father. In recent years, Bhutan has made significant progress in education, health, sanitation, and communications, and an increase in elected representatives and their role in decisionmaking. In June the King introduced term limits for his Council of Ministers and proposed measures to increase the role of the National Assembly in the formation of his Government. The judiciary is not independent of the King.

Approximately two-thirds of the government-declared population of 600,000 is composed of Buddhists with cultural traditions akin to those of Tibet. The Buddhist majority comprises two principal ethnic and linguistic groups: the Ngalongs of western Bhutan and the Sharchops of eastern Bhutan. The remaining third of the population, the majority of whom are Hindus, live in the southern districts. Bhutanese dissident groups claim that the actual population is between 650,000 and 700,000 and that the Government underreports the number of ethnic Nepalese in the country. The rapid growth of this ethnic Nepalese segment of the population led some in the Buddhist majority to fear for the survival of their culture. Government efforts to tighten citizenship requirements and to control population growth in the southern districts, where most of the ethnic Nepalese live, led to ethnic conflict and repression of ethnic Nepalese in southern districts during the late 1980's and early 1990's. Tens of thousands of ethnic Nepalese left Bhutan in 1991-92, many forcibly expelled. Approximately 91,000 ethnic Nepalese remain in refugee camps in Nepal and upwards of 15,000 reside outside the camps in the Indian states of Assam and West Bengal. The Government maintains that some of those in the camps were never citizens of Bhutan, and therefore have no right to return. In 1998 the Government began resettling Bhutanese from other regions on land vacated by refugees in southern Bhutan. A National Assembly resolution adopted in 1997 prohibits still-resident immediate family members of ethnic Nepalese refugees from holding jobs with the Government or the armed forces. In early 1998, the Government implemented the resolution, and had dismissed 429 civil servants by November, when implementation of the resolution was discontinued.

The Royal Bhutan Police, assisted by the Royal Bhutan Army, including those assigned to the Royal Body Guard, and a national militia, maintain internal security. Some members of the government security forces committed human rights abuses against ethnic Nepalese.

The economy is based on agriculture and forestry, which provide the main livelihood for 90 percent of the population and account for about half of the gross domestic product. Agriculture consists largely of subsistence farming and animal husbandry. Cardamom, citrus fruit, and spices are the leading agricultural exports. Cement and electricity are the other important exports. Strong trade and monetary ties link the economy closely to that of India. Hydroelectric power production provides tourism and revenue for Bhutan. Industries, although the Government limits foreign tourist arrivals for tourist infrastructure and environmental reasons by means of pricing policies. Bhutan is a poor country. The gross national product (GNP) per capita is estimated to be $470.

The Government significantly restricts the rights of the Kingdom's citizens. The King exercises strong, active, and direct power over the Government. Citizens do not have the right to change their government. The Government discourages political participation and now permits judges and lawyers to practice only after a period of training in the kingdom's new judicial academy. The Government has made significant economic and social modernization since 1958 and 1965. In late 1998, the Government formed a special committee of jurists and government officials to review the country's basic law and propose changes. Programs to build a body of written law and to train lawyers are progressing. Prior to the 1998 reorganization of the judiciary, the King was the ultimate judge in most cases. The Government restricts freedom of the press, of assembly, and of association. It also restricts worker rights. Citizens face significant limitations to their rights to a fair trial, freedom of religion, and privacy. Private television reception has been banned since 1989. In July the Government initiated steps to renew negotiations with the Government of Nepal on procedures for the screening and repatriation of ethnic Nepalese in the refugee camps, and the two governments held a series of meetings during the second half of the year. Amnesty International also sent a delegation to the country in November. The Government claims that it has prosecuted government personnel for unspecified abuses committed in the early 1990's; however, public indications are that it has done little to investigate and prosecute security forces members responsible for torture, rape, and other abuses committed against ethnic Nepalese residents.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings in 1998. Human rights groups allege that Gomchen Karma, a Buddhist monk arrested in October 1997 during a peaceful demonstration in eastern Bhutan, was shot and killed by a government official. The Government states that the shooting was accidental, that the official responsible has been suspended from duty and charged in connection with the incident, and that his case was being heard at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

There were no confirmed reports of torture during the year.

According to the Center for the Treatment of Victims of Torture, numerous ethnic Nepalese refugees attempting to return to Bhutan were captured by security forces, tortured, and sent back across the border. Instances of torture of ethnic Nepalese were reported in the Bhutan press on occasion in 1996. There were no such cases in 1998.

Refugee groups credibly claim that persons detained as suspected dissidents in the early 1990's were tortured by security forces, who also committed acts of rape. During those years, the Government's ethnic policies and the crackdown on ethnic Nepalese political agitation created a climate of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. The Government denies these abuses but also claims it has investigated and prosecuted those responsible for the abuses of authority during the period. Details of these cases have not been made public, and there is little indication that the Government has adequately investigated or punished any security force officials involved in the widespread abuses of 1989-92. Human rights groups allege that a Buddhist monk arrested in October 1997, Thinley Dezor Kenpo, was tortured in custody in 1997.

Prison conditions are reportedly adequate, if austere. In 1993 the International Committee of the Red Cross began a program of visits to prisons in the capital, Thimphu. In 1994 a new prison in Chemgang was opened. Together, these events contributed to a substantial improvement in conditions of detention over those that existed until a few years ago. Bhutanese human rights groups active outside the country maintain that prison conditions outside of Thimphu remain oppressive.

The Government and the ICRC signed a new Memorandum of Understanding in September, extending the ICRC prison visits program for another 5 years. During the same month, an ICRC team visited 54 inmates in Chemgang central jail and 127 inmates in Thimphu district jail.

d. Arbitrary Arrest, Detention, or Exile

Under the Police Act of 1979, police may not arrest a person without a warrant and must produce an arrested person before a court within 24 hours of arrest, exclusive of travel time from place of arrest. Legal protections are incomplete, however, due to the lack of a fully elaborated criminal procedure code and to deficiencies in police training and practice. Arbitrary arrest and detention remain a problem. Incommunicado detention is known to occur. Incommunicado detention of suspects in custody was a problem in 1997 and earlier years. In 1997 and 1998 the ICRC had access to detainees, but the ICRC had never been allowed to meet with family members. Human rights groups have helped to allay the public fears of those detained in connection with political dissidence and violence in southern Bhutan in 1991-92. 1,685 were ultimately amnestied, 58 are serving sentences after conviction by the High Court, 9 were acquitted by the High Court, and 71 were released after serving prison sentences.

Four persons were arrested in February 1997 in Trashi and charged with involvement in seditious activities. They were convicted by the High Court and are currently serving prison sentences. Human rights groups allege that in July and August 1997, the Royal Bhutan Police (RBP), in and around Samdrup Jongkar town in the east arrested some 50 suspected supporters of a Bhutanese dissident group active outside the country. The Government states that only 16 persons were arrested during this period and that they have been charged with involvement in seditious activities and are awaiting trial. Many were said to be supporters of one-time Druk National Congress (DNC) and United Front for Democracy in Bhutan (UFD) leader Rongthong Kunley, who had been arrested in Calcutta, India, and extradited to Bhutan on request by Bhutanese authorities. Dorji Rinzin of Calcutta and journalist Tek Nath Rizal were also extradited to Bhutan to face charges of fraud, nonpayment of loans, and incitement to violence. The original Bhutanese extradition request included a third charge, "anti-national activities," but this was later dropped when it became clear that Indian law would consider his extradition for political activity illegal. Human rights groups contend that the charges brought against Dorji are politically motivated and constitute an attempt by the government to suppress his prodemocracy activities. In June an Indian court granted Dorji bail, but placed restrictions on his movements.

Amnesty International (AI) reported that some of those arrested are feared to be at risk of torture. Bhutanese human rights groups outside the country claim that the arrests, including those of several Buddhist monks, are aimed at impeding legislation on the eastern, Sharchop ethnic group, which has a distinct ethnic and religious identity. The Government denies that it has such a policy; many government officials, including the current Head of Government, Foreign Minister Jigme Thinley, and the Chief Justice of the High Court, are Sharchops.

Human rights activists allege that police arrested as many as 50 persons participating in a peaceful demonstration in eastern Bhutan in October 1997. The Government acknowledged that 58 persons whom it described as "terrorists" were serving sentences one year's end for crimes committed against ethnic Nepalese. It stated that a total of 134 persons were arrested in connection with the October 1997 disturbances in eastern Bhutan; of that number, more than one-half either had been tried and acquitted or had been released after serving short sentences.

Although the Government does not formally use exile as a form of punishment, many accused political dissidents freed under Government amnesties say that they were released on the condition that they depart the country. Many of them subsequently resettled in refugee camps in Nepal. The Government denies this.

e. Denial of Fair Public Trial

There is no written constitution, and the judiciary is not independent of the King.

The judicial system consists of district courts and a High Court in Thimphu. Judges are appointed by the King on the recommendation of the Chief Justice and may be removed by him. Village headmen adjudicate minor offenses and administrative matters.

Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17th century and revised in 1965. For offenses against the State, state-appointed prosecutors file charges and prosecute cases. In other cases, the victims or their organizations and families are charged with prosecuting the case. Defendants are supposed to be presented with written charges in language that they understand and given time to prepare their own defense. This practice, however, is not always followed, according to some political dissidents. In cases where defendants cannot write their own defense, courts assign judicial officers to assist defendants. A legal education program is gradually training a body of lawyers who have received formal training in Bhutan or abroad. Village headmen, who have the bottom rung of the judicial system, Magistrates can review their decisions, each with responsibility for a block of villages. Magistrates' decisions can be appealed to district judges, of which there is one for each of the country's 20 districts. The High Court in Thimphu is the country's supreme court. Its decisions can be appealed to the King.

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 to be conducted in open hearings; however, there are allegations that this is not always the case in practice.

Questions of family law, such as marriage, divorce, and adoption, are traditionally resolved according to a citizen's religion: Buddhist tradition for the majority of the population and Hindu tradition for the ethnic Nepalese; however, the Government states that there is no formal law that governs these matters.

Some or all of the approximately 75 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991-92, may be political prisoners.

Tek Nath Rizal, an ethnic Nepalese and internationally recognized political prisoner, remained in prison. Tek Nath Rizal was arrested in 1988 in Nepal and extradited to Bhutan, where he was held in solitary confinement in Wangdiphodrang military prison until his 1992 conviction for "anti-national" crimes, including writing and distributing political pamphlets and attending political meetings. His conviction cited the 1993 National Security Act, although it had not yet been passed. A United Nations Human Rights Commission Working Group on Arbitrary Detention that visited Bhutan in 1994 at the Government's invitation determined that Rizal had received a fair trial and declared his detention "not to be arbitrary."

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

There are no laws providing for these rights. The Government requires all citizens, including ministries, to wear the traditional dress of the Buddhist majority when visiting Buddhist religious buildings, monasteries, government offices, and in schools and when attending official functions and public ceremonies. According to human rights groups police regularly conduct house-to-house searches for suspected dissidents without explanation or legal justification.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government restricts freedom of speech and of the press.

The country's only newspaper is a government-run weekly newspaper with a circulation of 10,000. Bhutanese human rights groups state that government ministries regularly review editorial material and have the power to, and regularly do, suppress or change content. They allege that the board of directors nominally responsible for editorial policy is appointed by and can be removed by the Government. Kuensel, which publishes simultaneous editions in the English, Dzongkha, and Nepali languages, supports the Government but does occasionally report criticism of the King and Government policies in the National Assembly. Indian and other foreign newspapers are available.

The Government bans all private television reception in the country. Since 1989 all television antennas and satellite receiving dishes have been ordered dismantled.

The Government radio station broadcasts each day in the four major languages (Dzongkha, Nepali, English, and Sharchop).

English is the medium of instruction in schools and the national language, Dzongkha, is taught as second language. The teaching of Nepali as a second language was discontinued in 1990.

b. Freedom of Peaceful Assembly and Association

The Government restricts freedom of peaceful assembly and association. Citizens may engage in peaceful assembly and association only for purposes approved by the Government. Although the Government allows civic and business organizations, there are no legal political parties. The Government regards parties organized by ethnic Nepalese exiles--the Bhutan People's Party (BPP) and the Bhutan National Democratic Party (BNDP)--as well as the Druk National Congress (DNC)--as "terrorist and anti-national" organizations and has declared them illegal. These parties do not conduct activities inside the country. They seek the repatriation of refugees and democratic reform.

c. Freedom of Religion

Buddhism is the state religion. The Government subsidizes monasteries and shrines and provides aid to about a third of the Kingdom's 12,000 monks. That part of the monastic establishment following the school of Buddhism practiced by the western Ngalong ethnic group enjoys statutory representation in the National Assembly and in the Royal Advisory Council and is an influential voice on public policy. Citizens of other faiths, mostly Hindus, enjoy freedom of worship but may not proselytize. Under the law, conversions are illegal.

The King has declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize, but international Christian relief organizations and Jesuit priests are active in education and humanitarian activities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens traveling in border regions are required to show their citizenship identity cards at immigration check points, which in some cases are located at a considerable distance from what is in effect an open border with India. By treaty, citizens may reside and work in India.

Bhutan is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. See Section 5 regarding the ethnic Nepalese refugee situation.

The Government states that it recognizes the right to asylum in accordance with international refugee law; however, it has no official policy regarding refugees, asylum, first asylum, or the return of refugees to countries in which they fear persecution.

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

Citizens do not have the right to change their government. Bhutan is a monarchy with sovereign power vested in the King. However, there are elected or partially elected assemblies at the local, district, and national levels, and the Government purports to encourage decentralization and citizen participation. Since 1969, the National Assembly has had the power to remove ministers, who are appointed by the King, but it has never done so. Political authority resides ultimately in the King and decisionmaking involves only a small number of officials. Major decisions are routinely made by officials subject to questioning by the National Assembly, but the National Assembly is not inclined to have overturned any decisions reached by the King and government officials. In June the King introduced term limits for his Council of Ministers and proposed measures to increase the role of the National Assembly in the formation of his Government. The National Assembly elected a new Council of Ministers in accordance with the new rules.

Political parties do not legally exist, and their formation is discouraged by the Government as unnecessarily divisive. The Government prohibits parties established abroad by ethnic Nepalese (see Section 2.b.).

The National Assembly, established in 1953, has 150 members. Of these, 105 are elected by the people, 10 are selected by a part of the Buddhist clergy, and the remaining 35 are appointed by the King to represent the Government.

The procedures for the nomination and election of National Assembly members are set out in an amendment to the country's Basic Law proposed by the King and adopted by the 73rd session of the National Assembly in 1995. It provides that in order to be eligible for nomination as a candidate for election to the National Assembly, a person must be a citizen of Bhutan, be at least 25 years of age, not be married to a foreign national, not have been terminated or compulsorily retired from Government service, not have been convicted of an offense involving moral turpitude, not have committed a serious crime, not have no criminal record or any criminal case pending against him, have respect for the nation's laws, and be able to read and write in Dzongkha (the language, having different dialects in eastern and western Bhutan, spoken by Bhutanese Buddhists).

Each National Assembly constituency consists of a number of villages. Each village is permitted to nominate one candidate but must do so by consensus. There is no provision for self-nomination and the law states that "no person...may campaign for the candidate of his choice." If more than one village within a constituency puts forward a candidate, an election is conducted by the district development committee, and the candidate obtaining a simple majority of votes cast is declared the winner. Individuals do not have the right to vote. Every family in a village is entitled to one vote in elections. The law does not make clear how a candidate is selected if none achieves a simple majority. It does state, however, that if a tie occurs between the candidates in the election, drawing of lots shall be resorted to. The candidate whose name is drawn shall be deemed to be elected.

Bhutanese human rights activists claim that the only time individual citizens have any involvement in choosing a National Assembly representative is when they are asked for their consensus approval of a village candidate by the village headman. The name put to villagers for consensus approval by the headman is suggested to him by district officials, who in turn take their direction from the central Government. Consensus approval takes place at a public gathering. There is no secret ballot and no provision for absentee voting.

The Assembly enacts laws, approves senior Government appointments, and advises the King on matters of national importance. Voting is by secret ballot, with a simple majority needed to pass a measure. The King may not formally veto legislation, but may return bills for further consideration. The Assembly occasionally rejects the King's recommendations or delays implementing them, but in general, the King has enough influence to persuade the Assembly to approve legislation that he considers essential or desirable. The Assembly also approves the Government's nominees for Cabinet office from among senior government officials and force them to resign by a two-thirds vote of no confidence. The National Assembly has never compelled any government official to resign. The Royal Civil Service Commission is responsible for disciplining subministerial level government officials and has removed several following their convictions for crimes including embezzlement.

In June, the King issued a decree setting out several measures intended to increase the role of the National Assembly in the formation and dissolution of his Government. The decree, later adopted by the 76th session of the National Assembly, provides that all cabinet ministers be chosen from among the members of the National Assembly and that the roles and responsibilities of the cabinet ministries were to be spelled out. Each cabinet minister is to be elected by simple majority in a secret ballot in the National Assembly from among candidates nominated by the King. The King is to select nominees for Cabinet office from among senior government officials holding the rank of secretary or above. The King is to award the portfolios of his ministers, whose terms will be limited to 5 years, after which they must pass a vote of confidence in the National Assembly in order to remain in office. Finally, the decree provided that the National Assembly, by a two-thirds vote of no confidence, could force the King to abolish one ministry. In the wake of the decree, the National Assembly elected a new Cabinet of Ministers consistent with adopting the decree. The Government has denied these human rights groups maintain that since only the King may nominate candidates for cabinet office, their election by the National Assembly is not a significant democratic reform.

Women are underrepresented in government and politics, although they have made small but visible gains. Three women hold seats in the National Assembly.

All major ethnic groups, including ethnic Nepalese, are represented in the National Assembly. There are 16 "southern Bhutanese" in the National Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no legal human rights nongovernmental organizations (NGO's) in Bhutan. The Government regards human rights groups established by ethnic Nepalese exiles--the Human Rights Organization of Bhutan, the People's Forum for Human Rights in Bhutan, and Bhutan Education and Relief Services for Refugees in Nepal--as terrorist organizations. Amnesty International (AI) visited Bhutan in 1992 to investigate and to report on the alleged abuse of ethnic Nepalese. In late November, AI again sent a delegation to the country; by year's end, it had not published a report on the visit.

ICRC representatives continue their periodic prison visits, and the Government has allowed them access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The chairman and members of the United Nations Human Rights Commission Working Group on Arbitrary Detention visited Bhutan for a second visit to Bhutan in May 1996 as a follow-up to an October 1994 visit. In addition to meetings with government officials, members of the working group visited prisons and interviewed prisoners in Thimphu, Phuntsoling, and Samtse.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Ongoing government efforts to cultivate a national identity rooted in the language, religion, and culture of the Ngalong ethnic group constrain cultural expression by other ethnic groups. In the 1980's and early 1990's, concern over rapid population growth led to political agitation in the southern districts. The Government responded by forcibly expelling tens of thousands of ethnic Nepalese, many of whom were forcibly expelled.

The Government claims that ethnic and gender discrimination in employment is not a problem. It claims that ethnic Nepalese fill 22 percent of government jobs, which is slightly less than their proportion of the total population. Bhutanese human rights groups active outside the country claim that ethnic Nepalese actually make up about 35 percent of Bhutan's population and that the Government underreports their number. Women are accorded respect in the traditions of most ethnic groups; however, persistence of traditional gender roles apparently accounts for the low proportion of women in government employment. Exile groups claim that ethnic and gender discrimination is a problem.

Women

There is no evidence that rape or spousal abuse are extensive problems. Kuensel reported that charges of rape or attempted rape were brought in at least one case. However, a conviction and sentence were not reported.

There are credible reports by refugees and human rights groups that security forces raped large numbers of ethnic Nepalese women in southern Bhutan in 1991 and 1992. According to Amnesty International, some women were said to have died as a result. In one independent survey of 1,779 refugee families, 26 percent of the respondents cited rape, fear of rape, or threat of rape as a prime reason for their departure from Bhutan. The Government has denied these reports.

Rape was made a criminal offense in 1953, but that law had weak penalties and was enforced poorly. In 1993 the National Assembly adopted a revised rape act with clear definitions of criminal sexual assault and stronger penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life.

Women comprise 48 percent of the population and participate freely in the social and economic life of the country. Forty-three percent of enrollment in school is female, and 16 percent of civil service employees are women. Inheritance law provides for equal (female) and double (male) shares, respectively, of inheritance. Women do not participate in the Government's ethnic groups, may be observed that here chooses to forego legal challenges. Dowry is not practiced, even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters are said to account for the large numbers of women among owners of shops and businesses and for an accompanying tendency of women to drop out of higher education. Female students have reportedly been growing in response to government policies. Women are increasingly found among senior officials and private sector entrepreneurs, especially in the tourism industry. Women in unskilled jobs are generally paid slightly less than men.

Polygyny is sanctioned provided the first wife gives her permission. Marriages may be arranged by partners themselves as well as by their parents. Divorce is common. Recent legislation requires that all marriages must be registered and favors women in matters of alimony.

Children

The Government has demonstrated its commitment to child welfare by its rapid expansion of primary schools, health-care facilities, and immunization programs. The mortality rates for both infants and children under 5 years have dropped dramatically since 1989, and primary school enrollment has increased at 9 percent per year since 1991, with enrollment of girls increasing at a yet higher rate. In 1995 the participation rate for boys and girls in primary schools was estimated at 77 percent, with the rate of completion of 7 years of schooling at 60 percent for girls and at 59 percent for boys. Children enjoy a privileged position in society and benefit from international development programs focused on maternal and child welfare.

A study by UNICEF found that boys and girls receive equal treatment regarding nutrition and health care and that there is little difference in child mortality rates between the sexes. Government policies aimed at increasing enrollment of girls have increased the proportion of girls in primary schools from 39 percent in 1990 to 43 percent in 1995.

There is no social pattern of abuse against children.

People with Disabilities

There is no evidence of official discrimination toward people with disabilities but the Government has not passed legislation mandating accessibility for the disabled.

National/Racial/Ethnic Minorities

Ethnic Nepalese have lived in southern Bhutan for centuries, and the early phases of economic development at the turn of the century brought a large influx of additional ethnic Nepalese. In the late 1980's, concern over the increase in the population and political agitation among ethnic Nepalese prompted aggressive government efforts to assert a national culture, to tighten control over southern regions, to control illegal immigration, to expel ethnic Nepalese, and to promote national integration. Early efforts at national integration focused on assimilation, including financial incentives for intermarriage, education for some students in regions other than their own, and an increase in development funds in the south.

Beginning in 1989, more discriminatory measures were introduced, aimed at shaping a new national identity, known as Drukpa. Drukpa is based on the customs of the non-Nepalese Ngalong ethnic group predominant in western Bhutan. Measures included a requirement that national dress be worn for official occasions and as a school uniform, the teaching of Dzongkha as a second language in all schools, and an end to instruction in Nepali as a second language (English is the language of instruction in all schools). Also, beginning in 1988, the Government refused to renew the contracts of tens of thousands of Nepalese guest workers. Many of these workers had resided in Bhutan for years, in some cases with their families.

Citizenship became a highly contentious issue. Requirements for citizenship were first formalized in the Citizenship Law of 1958, which granted citizenship to all adults who owned land and had lived in Bhutan for at least 10 years. In 1985, however, the Government began a series of "peace marches" from Nepal to Bhutan to assert their right to return to Bhutan. The marchers who crossed into Bhutan in August, November, and December 1990 were immediately detained and deported by Bhutanese police. In the December 1990 incident, police reportedly used force against the marchers. Peace marches were also held in 1998. A resolution adopted by the National Assembly in July 1997 prohibits the still-resident family members of ethnic Nepalese refugees from holding jobs with the Government or in the armed forces. Under the resolution, those holding such jobs were to be involuntarily retired. The Government made clear that for the purposes of this resolution, family member would be defined as a parent, a child, a sibling, or a member of the same household. The Government states that 429 civil servants, many of them ethnic Nepalese, were retired compulsorily in accordance with the July 1997 National Assembly resolution. The program was terminated in November. The Government states that those forced to retire were accorded retirement benefits in proportion to their years of government service. The Government also began a program of resettling Buddhist Bhutanese from other regions of the country on land in southern Bhutan vacated by the ethnic Nepalese now living in refugee camps in Nepal. Human rights groups maintain that this action prejudices any eventual outcome of negotiations over the return of the refugees to Bhutan. The Government maintains that this is not its first resettlement program and that Bhutanese citizens who are ethnic Nepalese from the south are sometimes resettled on more fertile land in other parts of Bhutan.

Section 6 Worker Rights

a. The Right of Association

Trade unions are not permitted, and there are no labor unions. Workers do not have the right to strike, and the Government is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively

There is no collective bargaining in industry. Industry accounts for about 25 percent of the gross domestic product, but employs only about 1 percent of the labor force. The Government sets all wages in small, state-owned industries.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Government abolished its system of compulsory labor taxes in December 1995. Laborers in rural development schemes previously paid through this system will now be paid regular wages. There is no evidence to suggest that domestic workers are subjected to coerced or bonded labor. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The law sets the minimum age for employment at 18 years for citizens and 20 years for noncitizens. A UNICEF study suggested that children as young as 11 years are sometimes employed with road-building teams. The law does not specifically protect the rights of children, but the Government does provide free and compulsory primary school education, and 77 percent of the school-age population is enrolled. Children often do agricultural work and chores on family farms. There is no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern Bhutan that were closed in 1990 remain closed today. The closure of the schools acts as an effective barrier to the ability of the ethnic Nepalese in southern Bhutan to obtain a primary education.

e. Acceptable Conditions of Work

A circular effective February 1, 1994, established wage rates, rules and regulations for labor recruiting agencies, and regulations for payment of workmen's compensation. Wage rates are periodically revised, and range upward from a minimum of roughly $1.50 (50 ngultrums) per day for unskilled and skilled laborers, with various allowances paid in cash or kind in addition. This minimum wage does provide a decent standard of living for a worker and family in the local context. The workers' rights and benefits are those of the Bhutan Labor Law. Work in excess of this must be paid at one and one-half times normal rates. Workers paid on a monthly basis are entitled to 1 day's paid leave for 6 days of work and 15 days of leave annually. The largest salaried work force is the government service, which has an administered wage structure last revised in 1988 but supplemented by special allowances and increases since then, including a 25 percent increase in July 1997. Salaries range from more than 50 times the Bhutan national average to less than one-half of the average. Nationally, there are 100 small units, 652 "mini" units, and 651 cottage industry units. The Government favors a family-owned farm policy; this, along with Bhutan's rugged geography and land laws that prohibit a farmer from selling his last five acres result in a predominantly self-employed agricultural work force. Workers are entitled to free medical care and pay only for meals in the hospital. Workers are entitled to a pension in the event of death, their families are entitled to compensation. Existing labor regulations do not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.