2000 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2001

Bhutan is ruled by a hereditary monarch, King Jigme Singye Wanchuk, who governs with the support of a National Assembly and a Council of Ministers; there is no written constitution to protect fundamental political and human rights. Power passed to the King in 1988 when the King has continued efforts toward social and political modernization begun by his father. In the last few years, Bhutan has improved rapidly services in education, health care, sanitation, and communications, with parallel but slower development of the rule of law and democratic institutions. In the past year, Bhutan has adopted new measures to transfer power from the King to the National Assembly. The judiciary is independent of the King.

Approximately two-thirds of the government-declared population of 600,000 persons is composed of Buddhists with cultural traditions akin to those of Tibet. The Buddhist majority consists of two principal ethnic and linguistic groups: the Ngalongs of the western part of the country and the Sharchops of the eastern part of the country. The remaining third of the population, ethnic Nepalis, most of whom are Hindus, live in the country's southern districts. Bhutanese dissident groups claim that the actual population is between 650,000 and 700,000 persons 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 institute policies designed to preserve the cultural dominance of the Ngalong ethnic group, to change citizenship requirements, and to control illegal immigration resulted in political protests and led to ethnic conflict and repression in southern Bhutan during the late 1980's and early 1990's. Tens of thousands of ethnic Nepalese left the country in 1991-92, many of whom were expelled forcibly. According to U.N. High Commission for Refugees (UNHCR), there were 98,269 ethnic Nepalese in 7 refugee camps in eastern Nepal as of late June; upwards of 15,000 reside outside of Nepal, most in the United States. Bhutan's ethnic Nepalese refugees have been the subject of a U.S. Government-sponsored third country resettlement program since 1993. The Government of Bhutan has made no significant progress in allowing the repatriation of refugees from the camps in Nepal, which some claim will complete ethnic cleansing in Nepal, which some claim will complete ethnic cleansing in Bhutan. The Government's 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. Nepali-speaking students have been expelled from schools and already had been denied civil servant jobs. Human rights abuses continued in the past year.

The Royal Bhutan Police (RBP), assisted by the Royal Bhutan Army, including those assigned to the Royal Body Guard, and a national militia, maintain internal security. Some members of these 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 (GDP). Agriculture largely consists 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 and sales to India are the country's most promising source of foreign exchange. However, the country's rugged terrain and remote settlements impede the development of modern transportation and communications. Tourist arrivals are limited by means of pricing policies. Bhutan is a poor country. The gross national product per capita is estimated to be $470.

The Government's human rights record remained poor, and problems remain in several areas. 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 parties, and there are no elections at the local level. There were reports that security forces beat ethnic Nepalese refugees who entered the country to demonstrate. Arbitrary arrest and detention remain problems, and reports of torture and abuse of persons in detention continue. Impunity for those who commit abuses also is a problem. Judges serve at the King's pleasure, and the Government limits significantly the right to a fair trial. Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17 century and revised and modernized in 1959 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. In April the Government established a Department of Legal Affairs, which is projected to be functioning fully by mid-2001; it is a result of the review of the Basic Law. Programs to deal with the ethnic Nepalese refugees in Nepal continued. The Government's 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. Nepali-speaking students have been expelled from schools and already had been denied civil servant jobs. Human rights abuses continued in the past year. Bhutan's ethnic Nepalese refugees in Nepal continued to report human rights abuses committed against them by Bhutanese security forces before they left Bhutan in 1991-92. Nepali-speaking students have been expelled from schools and already had been denied civil servant jobs. Human rights abuses continued in the past year.

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

The Government claims that it has prosecuted government personnel for unspecified abuses committed in the country, but there is no evidence that it has done little to investigate and prosecute security force officials accused of human rights abuses 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 confirmed reports of political or other extrajudicial killings during the year. Human rights groups allege that in 1998 a government official shot and killed Gomchen Karma, a Buddhist monk arrested in October 1997 during a peaceful demonstration in the eastern part of the country. The Government stated 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 as of September.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits torture and abuse; however, human rights advocates state that in practice security forces ignore these provisions. No one was prosecuted in connection with violating prohibitions against torture during the year. There were reports that security forces captured numerous ethnic Nepalese refugees who had entered the country to demonstrate and beat them with rifle butts, sticks, and bamboo poles. Between 1989 and 1992, the police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5). In the past, there have been reports that ethnic Nepalese refugees who attempted to return to their country were tortured. Refugee newspapers published in Nepal allege that Nima Gyeltsen, a prisoner detained since 1997 without charge or trial in Zhiron Nangwylang jail in Thimphu, died in 1999 after being subjected to torture during his incarceration.

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 caused widespread perceptions of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. The Government has stated that these abuses occurred but denied that it has investigated and prosecuted three government officials for unspecified abuses of authority during that period. Details of these cases have not been made public, and there is little indication that the Government has investigated allegations of abuses by security forces in the southern districts during the period of the abuses of 1990-92.

Prison conditions reportedly are adequate, if austere. In 1993 the International Committee of the Red Cross (ICRC) began a program of visits to prisons in the capital, Thimphu. In 1994 a new prison in Chengsang was opened. Together, these two centers contributed to a substantial improvement in conditions of detention over those that existed previously. However, 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 1998, extending the ICRC prison visits program for another 5 years. The ICRC conducted two prison visits during the year, as it has done for each of the past 8 years, and received unhindered access to prisons during the year.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. 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. Investigation and prosecution of a case may take place after the person has been arrested and detained. However, according to deficiencies in police training, prosecutors, and judges, pretrial detention of suspected militants was a serious problem in 1991 and 1992, but the initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members has helped to allay this problem. Of those detained in connection with political dissidence and violence in southern areas in 1991-92, 1,688 persons were ultimately arrested, 28 are serving sentences after conviction by High Court, 9 were acquitted by the High Court, and 71 were released after serving prison sentences.

Human rights groups claim that in August 1997, the Royal Bhutan Police 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) leader Tek Nath Rizal, who was released from prison in 1996 after serving 17 years in jail. In April 1997, following the issuance of an extradition request by the Calcutta police authorities, Dorji Ejeus extradition proceedings in India and persists return to Bhutan to face charges of fraud, nonpayment of loans, and incitement to violence. The original Bhutanese extradition request included a third charge, "antinational activities," but this later was dropped when it became clear that Indian law would prevent his extradition for such a charge. 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 1998, an Indian court granted Dorji bail, but placed restrictions on his movements. Dorji's extradition case still is pending in the Indian courts. According to an Amnesty International report released in 1999, 30 persons were still being held in prison on suspicion of being members or supporters of the DNC.

Amnesty International has reported that some of those arrested are feared to be at risk of torture (see Section 1 c.). Bhutanese human rights groups outside the country claim that the arrests, including those of several Buddist monks, are aimed at imposing Ngalong norms on the eastern, Sharchop community, which have a distinct ethnic and religious identity. The Government denies that it has such a policy; many government officials, including both the former Head of Government, Yeshey Zimba and Home Affairs Minister Lyonpo Jigme Thinley, are Sharchops.

Some of 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 (see Section 1.e.).

Although the Government does not use formally 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 those 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 the King. Village headmen adjudicate minor offenses and administrative matters.

The Department of Legal Affairs, which was established in April, is projected to be fully functional by mid-2001. At a future date, the Government expects to create a Ministry of Law and Justice and an Attorney General's office within the Department of Legal Affairs. At present, the Department is composed of a Legal Services Division (which eventually is to become the Ministry of Law and Justice) with domestic, international, and human rights sections; and a Prosecution Division which eventually is to become the Attorney General's office in the Ministry of Law and Justice.

Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17 century and revised in 1958 and 1965. For offenses against the State, state-appointed prosecutors file charges and prosecute cases. For other cases, the injured organizations or individuals file charges and prosecute cases. Defendants have the right to be present at their trial and to confront their accusers. Defendants are supposed to be presented with written charges that they understand and given time to prepare their own defense. However, this practice 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. There were reports that defendants were intimidated into pleading guilty, and that they chose from a list of 150 government-licensed and employed advocates to assist with their defense; however, it is not known how many defendants actually receive such assistance. A legal education program gradually is building a body of persons who have received formal training in the law abroad. Village headmen, who have the power to arbitrate disputes, make up the bottom rung of the judicial system. Bhutanese, each with responsibility for a village, elect village headmen to review their decisions. Magistrates' decisions can be appealed to district judges, of which there is 1 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 in fact they are heard in camera.

Questions of family law, such as marriage, divorce, and adoption, traditionally are 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 stated that it does not have a formal law that governs these matters.

Some of 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 (see Section 1.d.).

On December 17, 1999, the King pardoned 200 prisoners to mark National Day; all reportedly were released. Among them were 40 persons convicted of "antinational" offenses, including prominent ethnic Nepalese dissident and former parliamentarian Tek Nath Rizal, who had been in prison since 1996. Many of those who were released had been held in detention without charge for periods of up to 3 years. Many were released on the condition that they would not engage in antinational crimes, including writing and distributing political pamphlets and attending political meetings. He was convicted under the 1993 National Security Act, although at the time of his conviction the act had not yet been passed. However, a U.N. Human Rights Commission delegation that visited the country in April 1998 reported that the Government's invitation demonstrated that Rizal had received a fair trial and declared his detention "not to be arbitrary." During the latter part of the year, Rizal was granted permission to leave Bhutan to receive medical treatment in Calcutta, India. He had not left Bhutan by year's end.

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

There are no laws providing for these rights. The Government requires all citizens, including minorities, to wear the traditional dress of the Buddhist majority when visiting Buddhist religious buildings, monasteries, or 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 publication is the weekly Kuensel, which is directly controlled by the Government. Kuensel, which publishes articles in English, Dzongkha, and Nepali, generally follows the Government's policy and can be removed by the Government. Kuensel, which publishes simultaneous editions in the capital, Thimphu, and in Phuntsholing, and it reportedly has a circulation of 10,000 copies. The Government's Information and Broadcasting Department operates the Cable News Network (CNN). In late 1999 the Government began licensing cable operators to provide service in Thimphu and Paro, and cable television is available. The Government radio station broadcasts each day in the four major languages (Dzongkha, Nepali, English, and Hindi). The Government inaugurated the country's first Internet service provider, Druknet, in June 1999.

English is the medium of instruction in schools and the national language, Dzongkha, is taught as a 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 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 independent political public and political pressure groups exiles--the Bhutan People's Party and the Bhutan People's Democratic Party--as well as the Druk National Congress--as "terrorist and antinational" 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

The Government limits freedom of religion. The Drukpa branch of the Kagyupa School of Mahayana Buddhism is the state religion. About two-thirds of the population practice either Drukpa Kagyupa or Ningmapa Buddhism. The Drukpa branch is practiced predominantly in the western and central parts of the country, which are inhabited mainly by ethnic Ngalongs (descendants of Tibetan immigrants who predominate in government and the civil service, and whose political norms have been decisive in the country's development). The Ningmapa branch is practiced predominantly in the eastern part of the country, although there are adherents in other areas, including the royal family. Most of those living in the east are ethnic Sharchops--the descendants of those thought to be the country's original inhabitants. The Government subsidizes monasteries and shrines of the Drukpa sect and provides aid to about one-third of the Kingdom's 2,000 active Buddhist monks. The Government provides financial assistance for the construction of Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. In the early 1990's, the Government provided funds for the construction of new Hindu temples and centers of Sanskrit and Hindu learning and for the renovation of existing temples and places of Hindu learning. The Drukpa branch enjoys statutory representation in the National Assembly through 12 seats in the upper house, which are reserved for the Drukpa clergy. The Government also provides funds for the construction of Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. In the early 1990's, the Government provided funds for the construction of new Hindu temples and centers of Sanskrit and Hindu learning and for the renovation of existing temples and places of Hindu learning. The Drukpa branch enjoys statutory representation in the National Assembly through 12 seats in the upper house, which are reserved for the Drukpa clergy. The Government also provides funds for the construction of Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. The Government's 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. Nepali-speaking students have been expelled from schools and already had been denied civil servant jobs. Human rights abuses continued in the past year.

Citizens travelling to border regions are required to carry their citizenship identity cards at immigration checkpoints, which in some cases are located at a considerable distance from the nearest town. Citizens are required in the Kingdom's southern districts to wear the traditional dress of the Buddhist majority when visiting Buddhist religious buildings, monasteries, or 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 publication is the weekly Kuensel, which is directly controlled by the Government. Kuensel, which publishes articles in English, Dzongkha, and Nepali, generally follows the Government's policy and can be removed by the Government. Kuensel, which publishes simultaneous editions in the capital, Thimphu, and in Phuntsholing, and it reportedly has a circulation of 10,000 copies. The Government's Information and Broadcasting Department operates the Cable News Network (CNN). In late 1999 the Government began licensing cable operators to provide service in Thimphu and Paro, and cable television is available. The Government radio station broadcasts each day in the four major languages (Dzongkha, Nepali, English, and Hindi). The Government inaugurated the country's first Internet service provider, Druknet, in June 1999.

English is the medium of instruction in schools and the national language, Dzongkha, is taught as a 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 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 independent political public and political pressure groups--the Bhutan People's Party and the Bhutan People's Democratic Party--as well as the Druk National Congress--as "terrorist and antinational" 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

The Government limits freedom of religion. The Drukpa branch of the Kagyupa School of Mahayana Buddhism is the state religion. About two-thirds of the population practice either Drukpa Kagyupa or Ningmapa Buddhism. The Drukpa branch is practiced predominantly in the western and central parts of the country, which are inhabited mainly by ethnic Ngalongs (descendants of Tibetan immigrants who predominate in government and the civil service, and whose political norms have been decisive in the country's development). The Ningmapa branch is practiced predominantly in the eastern part of the country, although there are adherents in other areas, including the royal family. Most of those living in the east are ethnic Sharchops--the descendants of those thought to be the country's original inhabitants. The Government subsidizes monasteries and shrines of the Drukpa sect and provides aid to about one-third of the Kingdom's 2,000 active Buddhist monks. The Government provides financial assistance for the construction of Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. In the early 1990's, the Government provided funds for the construction of new Hindu temples and centers of Sanskrit and Hindu learning and for the renovation of existing temples and places of Hindu learning. The Drukpa branch enjoys statutory representation in the National Assembly through 12 seats in the upper house, which are reserved for the Drukpa clergy. The Government also provides funds for the construction of Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. The Government's 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. Nepali-speaking students have been expelled from schools and already had been denied civil servant jobs. Human rights abuses continued in the past year.

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 73 session of the National Assembly in 1995. It provides that in order to be eligible for nomination, a candidate 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 for misconduct from government service, not have committed any act of treason against the King, the populace, and country, have no criminal record or any criminal case pending against him, have respect for the country's laws, and be able to read and write Dzongkha, the official language of the country, and to speak and write English, the language of instruction in schools.

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 candidacy or canvass through other means. 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 is nominated to stand for election to the National Assembly. If no candidate receives a majority of votes, the District Development Committee is to vote on the candidates, and the candidate receiving a simple majority. However, it does state that in case of a tie among the candidates in the election, a selection shall be made through the drawing of lots. The candidate whose name is drawn shall be deemed to be elected.

Human rights activists claim that the Government has used the nomination process to prevent prodemocracy activists from being nominated for the National Assembly. The Government denies that it has done so. Each 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. Human rights activists state that there is no secret ballot.

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 he considers essential. The Government's 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. Nepali-speaking students have been expelled from schools and already had been denied civil servant jobs. Human rights abuses continued in the past year.

In June 1998, 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 76 session of the National Assembly, provided that the Government would be formed from the majority party in the National Assembly and that the cabinet ministers were to be selected from the elected members of the National Assembly. Each cabinet member would be subject to 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 determine the portfolios of the cabinet members. The King is to select the Speaker of the National Assembly from among the members in the National Assembly. The King is to remove the Speaker from office, if requested by a two-thirds vote of no confidence, can require the King to abdicate and to be replaced by the next in the line of succession. After adopting the decree, the National Assembly elected a new cabinet of ministers consistent with the decree. Human rights groups maintain that the Government's 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. The King also removed himself as Chairman of the Cabinet of Ministers in 1998; Foreign Minister Jigme Thinley was elected to that position by the National Assembly for 1 year, and was replaced by Minister for Health and Education Sangay Ngedup in July 1999.

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

Minorities are fully represented in the National Assembly, although they are underrepresented in the National Council (also known as Lhothokpa) 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 (NGOs) in the country. 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 the Association of Human Rights Activists--Bhutan--as political organizations and does not permit them to operate in the country. Amnesty International visited Bhutan in 1992 to investigate and to report on the alleged abuse of ethnic Nepalese. In late November 1998, Amnesty International again sent a delegation to the country and later released a report.

ICRC representatives continue twice yearly prison visits, and the Government has allowed them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The chairman and members of the U.N. Human Rights Commission Working Group on Arbitrary Detention visited the country in May 1998 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, Phuntsholing, and Samtse.

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

Drukpa government policies to preserve the cultural dominance of the Ngalong ethnic group in the country and culture of the Ngalong ethnic group restrict cultural expression by other ethnic groups. In the late 1980's and early 1990's, the Government instituted policies designed to preserve the cultural dominance of the Ngalong ethnic group. It also committed many abuses against the ethnic Nepalese, which led to the departure of tens of thousands of ethnic Nepalese from the country; many ethnic Nepalese were expelled forcibly. According to U.N. High Commission for Refugees (UNHCR), there were 98,269 ethnic Nepalese in 7 refugee camps in eastern Nepal as of late June; upwards of 15,000 reside outside of Nepal, most in the United States. Bhutan's ethnic Nepalese refugees have been the subject of a U.S. Government-sponsored third country resettlement program since 1993. The Government claimed that the rapid population growth of ethnic Nepalese was a result of illegal immigration by the ethnic Nepalese. 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. Women have equal rights under the law and participate in all aspects of the country's economy. However, the Government claims that the Government underreports their number, because 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. However, there are credible reports by refugees and human rights groups that security forces raped large numbers of ethnic Nepalese women in the southern area of the country in 1990-92. According to international observers, some women reportedly 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 the country. 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 committed between 1990 and 1992, in some cases, victims received no justice.

Women constitute 48 percent of the population and participate freely in the social and economic life of the country. Approximately 43 percent of enrollment in school is female, and 16 percent of civil service employees are women. Inheritance law provides for equal inheritance by men and women. However, in practice, women do not inherit property equally with men. Women have equal rights under the law, but they are underrepresented in government officials even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters reportedly 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. However, female enrollment in secondary schools has increased rapidly, perhaps in response to government policies. Women increasingly are found among senior officials and private sector entrepreneurs, especially in the tourism industry. Women in unskilled jobs generally are paid slightly less than men.

Polygamy is sanctioned provided the first wife gives her permission. Marriages may be arranged by the marriage partners themselves as well as by their parents. Divorce is common. Recent legislation requires that all marriages must be registered; it also bowns 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 declined significantly since 1989. The Government provides free and compulsory primary school education, and primary school enrollment has increased at 9 percent per year since 1991, with enrollment of girls increasing at an even higher rate. In 1995 the participation rate for children in primary schools was estimated at 72 percent, with the rate of completion of 7 years of schooling at 60 percent for girls and at 59 percent for boys. There is no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese 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 areas to obtain a primary education. Children enjoy a privileged position in society and benefit from international development programs focused on health and education. Government statistics show that infant mortality is 105 per 1,000 live births, and that 1 in 21 years of age, respectively, are expected to survive to age 5 years and to complete primary school. Children are required to wear the traditional dress of the Buddhist majority when visiting Buddhist religious buildings, monasteries, or 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.

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 their enrollment in primary schools from 39 percent in 1990 to 43 percent in 1995.

There is no societal pattern of abuse against children.

People with Disabilities

There is no evidence of official discrimination toward disabled persons but the Government has not passed legislation mandating accessibility for the disabled. Societal discrimination against the disabled is a problem.

National/Racial/Ethnic Minorities

Ethnic Nepalese have lived in the southern part of the country 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 number of ethnic Nepalese in the country became the Government's stated justification for its efforts to preserve a national culture, to change citizenship requirements, to control illegal immigration, to combat insurgency, and to repress 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 focus 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-ethnic Nepalese Ngalong ethnic group predominant in the northern part of the country. Measures included a requirement that all citizens wear the traditional Drukpa dress, including a national 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 the country for years.

During the mid- and late 1980's, citizenship became a highly contentious issue. Requirements for citizenship first were formulated in the Citizenship Law of 1958, which granted citizenship to all adults who owned land and had lived in the country for at least 10 years. However, in 1985 the Government began to implement a new set of citizenship rules and regulations that were more restrictive than those of the 1958 citizenship law. The Government was conferred citizenship on children whose father was a citizen under the 1958 law, the 1985 law required that both parents be citizens in order to confer citizenship on a child, and that persons seeking to prove citizenship through their own or their parents' citizenship in 1958 had to produce documentary evidence. The Government also required that persons who had obtained citizenship under the 1958 law had to produce the documentation required by the 1985 law. The 1985 law permits residents who lost citizenship under the 1985 law to apply for naturalization if they can provide residence during the 15 years prior to that time. The Government declared all residents who could not meet the new citizenship requirements to be illegal immigrants.

The 1985 Citizenship Act also provides for the 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 of Bhutan." The Home Ministry, in a circular notification in 1990, advised that "any Bhutanese nationals leaving the country to assist and help the antinationals shall no longer be considered as Bhutanese citizens, such people's family members living in the country for generations were expected to "persuade their relatives to return." Human rights groups allege that these provisions were used widely to revoke the citizenship of ethnic Nepalese who subsequently were expelled or otherwise departed from the country. Beginning in 1988, the Government expelled large numbers of ethnic Nepalese through enforcement of the new citizenship laws.

Conducted by secret police, the Government's census operation in southern districts in September 1990. The protests were spearheaded by the newly formed Bhutan People's Party, which demanded full citizenship rights for ethnic Nepalese, the reintroduction of Nepali as a medium of education in the south, and democratic reforms. Characterizing the BPP as a "terrorist" movement backed by Indian sympathizers, the authorities crushed the protests with force and arrested hundreds of ethnic Nepalese. Many were released after being beaten and threatened by the authorities. Many ethnic Nepalese were subsequently expelled or forced into Nepal. There were credible reports that many ethnic Nepalese activists were beaten and tortured while in custody, and that security forces committed acts of rape. There also were credible reports that militants, including BPP members, attacked and killed some of the ethnic Nepalese who had been forced to return to Bhutan. The exact number of the victims of the violence is not known, but it reportedly was in the hundreds.

Beginning in 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and take refuge in Nepal. Many were expelled forcibly. According to Amnesty International, entire villages sometimes were evicted en masse in violation of an attempt to ensure that the expulsions were not arbitrary. Many ethnic Nepalese reported that they were given only a few days to prepare their affairs and leave their homes. Many refugees were reduced to begging in order to survive. Many ethnic Nepalese were forced to leave the country without being able to sell their property, according to NGO reports. 2,500 refugees already were camped in Nepal, and reportedly arrival rates were increasing. The UNHCR began providing food and shelter in September of that year, and by year's end, the number of refugees had increased to 18,000. Refugees continued to arrive in 1992 and 1993, and by August 1993 the UNHCR had registered 93,000 refugees in 7 camps in eastern Nepal. Many of the refugees reported being beaten and threatened by security forces before they left Bhutan. The Government declared all residents who could not meet the new citizenship requirements to be illegal immigrants.

Ethnic Nepalese political groups in exile complain that the revision of the country's citizenship laws in 1985 denaturalized tens of thousands of former residents of Bhutan. They also complain that the new laws have been applied selectively and make unfair demands for documentation on a largely illiterate group in a country that only recently has adopted basic administrative procedures. They claim that many ethnic Nepalese whose families have been in the country for generations were expected to "persuade their relatives to return." The Government denies this and asserts that a three-member village committee--typically ethnic Nepalese in southern districts--certifies in writing that a resident is a Bhutanese citizen in cases where documents cannot be produced.

Conducted by secret police, the Government's census operation in southern districts in September 1990. The protests were spearheaded by the newly formed Bhutan People's Party, which demanded full citizenship rights for ethnic Nepalese, the reintroduction of Nepali as a medium of education in the south, and democratic reforms. Characterizing the BPP as a "terrorist" movement backed by Indian sympathizers, the authorities crushed the protests with force and arrested hundreds of ethnic Nepalese. Many were released after being beaten and threatened by the authorities. Many ethnic Nepalese were subsequently expelled or forced into Nepal. There were credible reports that many ethnic Nepalese activists were beaten and tortured while in custody, and that security forces committed acts of rape. There also were credible reports that militants, including BPP members, attacked and killed some of the ethnic Nepalese who had been forced to return to Bhutan. The exact number of the victims of the violence is not known, but it reportedly was in the hundreds.

In March 1996, refugees began a series of "peace marches" from Nepal to Bhutan to assert their right to return to Bhutan. Bhutanese police immediately detained and deported the marchers who crossed into Bhutan in August, November, and December 1996. In the December 1996 incident, police reportedly used force against the marchers. Such marches also were held in 1998 and 1999; the marchers charge that the police assaulted them during each incident. Human rights groups allege that in August 1997, security forces beat ethnic Nepalese refugees who had entered the country to demonstrate. Between 1989 and 1992, the police assaulted them during each incident, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5). In the past, there have been reports that ethnic Nepalese refugees who attempted to return to their country were tortured. Refugee newspapers published in Nepal allege that Nima Gyeltsen, a prisoner detained since 1997 without charge or trial in Zhiron Nangwylang jail in Thimphu, died in 1999 after being subjected to torture during his incarceration.

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 caused widespread perceptions of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. The Government has stated that these abuses occurred but denied that it has investigated and prosecuted three government officials for unspecified abuses of authority during that period. Details of these cases have not been made public, and there is little indication that the Government has investigated allegations of abuses by security forces in the southern districts during the period of the abuses of 1990-92.

Prison conditions reportedly are adequate, if austere. In 1993 the International Committee of the Red Cross (ICRC) began a program of visits to prisons in the capital, Thimphu. In 1994 a new prison in Chengsang was opened. Together, these two centers contributed to a substantial improvement in conditions of detention over those that existed previously. However, 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 1998, extending the ICRC prison visits program for another 5 years. The ICRC conducted two prison visits during the year, as it has done for each of the past 8 years, and received unhindered access to prisons during the year.

a. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. 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. Investigation and prosecution of a case may take place after the person has been arrested and detained. However, according to deficiencies in police training, prosecutors, and judges, pretrial detention of suspected militants was a serious problem in 1991 and 1992, but the initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members has helped to allay this problem. Of those detained in connection with political dissidence and violence in southern areas in 1991-92, 1,688 persons were ultimately arrested, 28 are serving sentences after conviction by High Court, 9 were acquitted by the High Court, and 71 were released after serving prison sentences.

Human rights groups claim that in August 1997, the Royal Bhutan Police 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 invol