

# BHUTAN

## EXECUTIVE SUMMARY

Bhutan is a democratic, constitutional monarchy whose king, Jigme Khesar Namgyel Wangchuck, is the head of state, with executive power vested in the cabinet, headed by Prime Minister Jigme Thinley. The country held its first general election for the National Assembly in 2008, and an EU election-monitoring team declared that it met international standards and was free and fair. During the year local nonpartisan elections were held, with Danish election observers reporting no significant irregularities. Security forces reported to civilian authorities.

Principal human rights problems included the regulation of religion, limitations on activities that the government viewed as undermining national identity and stability, and continued government delays in implementing a process to identify and repatriate refugees in Nepal with legitimate Bhutanese citizenship claims. One nongovernmental organization (NGO) reported some cases of human trafficking.

There were no reports of impunity for government security forces.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

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

#### **b. Disappearance**

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

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

The constitution prohibits such practices, but during prison visits the National Assembly's Human Rights Committee (NAHRC) said they witnessed police officials handcuffing prisoners to a pole before beating them.

## **Prison and Detention Center Conditions**

In July the Royal Bhutan Police (RBP) reported 1,001 prisoners in seven prisons in the country, including 32 women and 48 children. According to the police, although there are no separate prisons designated for women and children, women are held separately at detention centers and children at rehabilitation or juvenile centers. During prison visits the NAHRC observed cramped prison cells and a lack of adequate toilets, recreational facilities, or proper ventilation, lighting, electric fans, blankets, and mattresses. The committee recommended improving infrastructure and facilities; building separate prisons for men, women, and juvenile delinquents; reducing overcrowding; establishing informal education centers; and setting up health clinics.

Authorities generally allowed prisoners to observe religious practices, although there were unconfirmed reports that since July one official in Chamgang Central Jail no longer allowed Christian prisoners to conduct group prayers. According to police officials, prisoners had access to potable water and informal education and were able to elect their block representatives.

The government continued to permit the International Committee of the Red Cross (ICRC) prison visits for persons detained in relation to crimes against the security of the state. In January 2010 the ICRC visited approximately 80 detainees (mostly Nepali speaking) and conducted prison visits at Chamgang Central Jail. However, since that time the ICRC has not conducted prison visits, and at year's end it continued to await clarification from the government on the types of detainees it is allowed to access. NGOs reported that prison conditions were satisfactory overall, and one senior police official stated that prisoners have access to televisions. The government did not grant other international human rights groups prison access.

Visitors were allowed reasonable access to prisoners and detainees. According to the ICRC, during the year the government allowed 38 families from the refugee camps in Nepal access to their relatives in Chamgang Central Jail near Thimphu. One NGO stated that the government treated visitors fairly, assisting with transportation to and from Thimphu to the jail and providing them special accommodation.

### **d. Arbitrary Arrest or Detention**

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

## **Role of the Police and Security Apparatus**

The RBP, which reports to the Ministry of Home and Cultural Affairs, is responsible for internal security. The Royal Bhutan Army is responsible for defending against external threats but also has responsibility for some internal security functions, including counterinsurgency operations, guarding forests, and providing security for prominent persons. The army and police have procedures in place for conducting internal investigations of alleged officer misconduct. Official courts of inquiry adjudicate the allegations. The king or a senior official makes the final determination of the outcome of a case. There were no reports that impunity was a problem.

Under the Royal Bhutan Police Act of 2009, a Police Service Board, made up of senior police personnel and a Ministry of Home and Cultural Affairs representative, investigates cases of abuse. Police officers can face criminal prosecution for human rights violations. The RBP has institutional reviews, human rights training, and accountability procedures for its personnel. The Civil and criminal procedure code (CCPC) also provides an avenue to check on any abuse of power in criminal investigations by an investigating officer of the RBP.

## **Arrest Procedures and Treatment While in Detention**

Under the law, police may not arrest a person without a warrant or probable cause, and in practice, police generally respected the law. According to the law, authorities must issue an immediate statement of charges and engage in reasonable efforts to inform the family of the accused. The law requires authorities to bring an arrested person before a court within 24 hours, exclusive of travel time from the place of arrest. Bail is available depending on the severity of charges and the suspect's criminal record, flight risk, and potential threat to the public. The law provides for prompt access to a lawyer provided by the state.

Amnesty: In February the king granted amnesty to one prisoner, Nandalal Tamang, due to health conditions.

## **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. The Judiciary Services Act establishes the formal separation of the judiciary from the executive, setting

professional standards for judges and other judicial service personnel. In practice the judiciary generally enforced the right to a fair trial. The National Judicial Commission (NJC) oversees the judiciary.

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

### **Trial Procedures**

The law stipulates that defendants must receive fair and speedy trials, and the government generally respected this right in practice. A preliminary hearing must be convened within 10 days of registration of a criminal matter with the appropriate court. Before registering any plea, courts must determine whether an accused is mentally sound and understands the consequences of entering a plea. Defendants enjoy a presumption of innocence, and cases must be proved beyond a reasonable doubt to obtain convictions. The government has prescribed a standing rule for all courts to clear all cases within a year. There is no trial by jury, as the country has an inquisitorial judicial system.

Punishments include imprisonment, probation, fines, or a requirement for restitution of loss. Defendants have the right to appeal to the High Court and may make a final appeal to the king, who traditionally delegates the decision to the Royal Advisory Council. During prison visits, the NAHRC found cases where the appeal process was not respected. Trials are generally conducted publicly. The law grants defendants and their attorneys access to state evidence. Only the court can determine if there is a need to question witnesses, after which the prosecutor and defendants are allowed to conduct cross-examinations.

Courts try criminal and civil cases under the legal code. State-appointed prosecutors for the attorney general are responsible for filing charges and prosecuting cases for offenses against the state. In other cases relevant organizations or government departments file charges and conduct prosecutions.

Although most litigants represented themselves before the court, the law provides for the right to representation in criminal cases, including provision of counsel for defendants who cannot afford representation. The law states that defendants may choose legal representation from a list of licensed advocates, and the government promoted the use of judiciary Web sites for legal information as a means of

offering self-help to defendants. There were no reports that any groups were denied the right to trial.

### **Political Prisoners and Detainees**

NGOs claimed there were at least 76 political prisoners in Chamgang Central Jail in Thimphu, and possibly more. Police records show 75 political prisoners who have been charged for crimes against the security of the state. Since January 2010 the government has released 11 political prisoners, including one amnesty granted by the king.

### **Civil Judicial Procedures and Remedies**

The CCPC governs the resolution of criminal trials and civil litigation and states that a suit may be initiated by a litigant or a member of the litigant's family. The CCPC provides for compensation to people detained or subjected to unlawful detention but later acquitted. Often, local or community leaders assist in resolving minor disputes.

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

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

The law requires citizens to adhere to a national dress code in government buildings during daylight hours, but the government allowed individuals to wear casual dress in public.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

##### **Status of Freedom of Speech and Press**

The law provides for freedom of speech and press.

Freedom of Speech: The constitution provides for freedom of speech including for members of the press, and the government generally respected these rights in practice.

Freedom of Press: According to Freedom House's annual report, the media law adopted in 2006 helped to establish two independent radio stations but did not provide specific protections for journalists or guarantee freedom of information. Since 2008 the government has pushed for freedom of the press, including establishing a monthly "meet the press" between the prime minister and the press.

In a media development assessment launched by the government in August, media sources suggested that while there is commitment at the highest levels to provide the media with information, some media professionals continued to find it difficult to get access to information from bureaucrats and public officials, especially on issues of corruption and violations of the law.

### **Internet Freedom**

Individuals and groups generally were permitted to engage in peaceful expression of views via the Internet. Government officials stated that the government did not block access, restrict content, or censor Web sites.

### **Academic Freedom and Cultural Events**

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

### **b. Freedom of Peaceful Assembly and Association**

#### **Freedom of Assembly**

While the constitution provides for the right to assemble peacefully, the government restricted this right. Government officials said they discouraged public protests or assemblies, as they disturb the peace and can lead to public instability. All protesters must obtain government approval before staging public demonstrations. There were reports that the government did not allow public assembly by Christian groups. NGOs reported that no demonstrations occurred during the year.

#### **Freedom of Association**

The constitution provides for freedom of association, and the government permitted the registration of some political parties and organizations, but only those “not harmful to the peace and unity of the country.” The government regarded political parties organized by Nepali-speaking refugees in refugee camps in Nepal as illegal, terrorist, and antinational in nature. The ICRC was the only international human rights monitoring group officially operating in the country. There were reports that most of the NGOs in Bhutan operated under the umbrella of the royal family. The 2007 Civil Society Organization Act requires all new NGOs to register with the government.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the government limited freedom of movement and repatriation in practice.

Exile: The law does not address forced exile, but the government forced approximately 90,000 Nepali-speaking persons to leave the country in the early 1990s, following a series of steps taken during the 1970s and 1980s to deprive the Nepali-speaking population of its citizenship. This population of 90,000 lived in refugee camps in southeastern Nepal and grew to approximately 108,000 over the years with children born in the camps. There were no reported cases of forced exile during the year. There continued to be government delays in implementing a process to identify and repatriate refugees in Nepal with legitimate claims to Bhutanese citizenship.

At year’s end, of the 90,000 Bhutanese refugees, 54,995 remained in Nepal in refugee camps administered by the Office of the UN High Commissioner for Refugees (UNHCR), compared with 72,242 in 2010. In 2007 the government of Nepal announced resettlement of the refugees. As of December 31, 58,529 Bhutanese refugees had been resettled in foreign countries, of which 49,085 were resettled in the United States.

The government continued to criticize the UNHCR for its failure to screen individuals who entered camps in Nepal in the early 1990s to determine whether they were genuine citizens of the country. The government maintained that individuals who entered the camps before the establishment of screening and registration mechanisms were not citizens and were using the camps as a base for terrorist activities against the state.

Citizenship: The law provides for revocation of the citizenship of any naturalized citizen who “has shown by act or speech to be disloyal in any manner whatsoever to the king, country, and people.” The law permits reapplication for citizenship after a two-year probationary period. The government reissues citizenship upon successful completion of the probation period and a finding that the person in question is not responsible for any act against the government.

### **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

The Central Tibetan Administration (CTA) reported that from the 1960s Bhutan had sheltered approximately 3,000 Tibetan refugees who were initially located in seven settlements in Bhutan. The Bhutan government reported that the Tibetans were integrated and that approximately 1,500 had applied for and received Bhutanese citizenship. The CTA is not allowed to have any official presence in Bhutan and could not provide social and economic assistance to Tibetans in Bhutan. The government stated that the Tibetan refugees are permitted the same access to government-provided health care and education as Bhutanese citizens. Tibetans were discouraged from voting in the CTA elections, with government officials telling Tibetans that it would make them ineligible for future Bhutanese citizenship. Many Tibetan refugees had accepted Bhutanese citizenship, and many continued to seek citizenship. Tibetan refugees were permitted to travel to India freely, but there were unconfirmed reports that some could not obtain security clearances for government jobs, enroll in higher education, or obtain licenses to run private businesses. There were also reports that the government did not provide travel documents to enable some Tibetan refugees to travel beyond India. Tibetans have access to free health care and education in the same fashion as local citizens.

### **Stateless Persons**



Implementation of a nationwide government census in 1985 resulted in the denationalization of many Nepali-speaking individuals within the country because land-ownership documents dated before 1958 were required to retain citizenship. The census was repeated in 1988-89 in the southern districts, and those who lost citizenship in 1985 were at that time permitted to reapply for citizenship provided they met certain conditions. The government then labeled as illegal immigrants those who could not meet the new, more stringent citizenship requirements. Beginning in 1990, under the 1985 citizenship law, the government expelled large numbers of Nepali-speaking individuals, many of whom resided in refugee camps in Nepal. According to NGOs, stateless persons remain resident in Bhutan, mainly in the south, but the number is unknown. Stateless persons cannot obtain No Objection Certificates and Security Clearance certificates, which limited access to employment, business ownership, and school attendance at higher-level institutions.

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

In 2008 the country completed a successful transition from an absolute hereditary monarchy to a constitutional monarchy with a bicameral elected parliament, marking the final step in the transition to a parliamentary democracy. The law provides limited rights for changing the government, and it provides for a separation of powers.

#### **Elections and Political Participation**

The constitution provides the right for citizens peacefully to change their government, and citizens exercised this right in practice.

Recent Elections: From January through July, the government held nonpartisan local elections at the district and subdistrict levels, with 1,128 candidates elected. A woman was elected to head one of 205 subdistricts in the country. A new round of local elections took place in December to fill one-quarter of the unfilled local positions (371 out of 1,499), and 304 candidates were elected.

In 2008 voters elected the country's first National Assembly, the lower house of the parliament. The ruling Druk Phensum Tshogpa (DPT) party won 45 of 47 seats. Human Rights Watch reported that the government excluded 13 percent of the Nepali-speaking population from voting because they were considered

“nonnationals” in the 2005 census. International monitors reported that the elections were generally free and fair with no reports of irregularities during the election process.

Political Parties: The constitution states that political parties shall promote national unity and shall not resort to regionalism, ethnicity, and religion to incite voters for electoral gain. Political parties are required to be broad based with cross-national membership and are not permitted to receive money or any assistance from foreign sources. During the year political parties experienced debt challenges, as they could not sustain their operations solely on membership dues. The government provides funding only for general elections.

In 2007 the government began allowing political parties to register under the terms of a draft constitution. Three parties registered with the Election Commission, which disqualified the Bhutan People’s United Party (BPUP) for “failing to prove its credibility” as a national political party. The Election Commission indicated that BPUP candidates did not meet the commission’s education requirements. The Election Act specifies that candidates for parliament must have earned at least a bachelor’s degree to run for office. The government took no action in response to the party’s appeal of the decision.

The Druk National Congress, established in 1994 by Bhutanese refugees in exile, continued to claim that the government denied independent parties the ability to operate effectively. The government regarded political parties organized by Nepali-speaking individuals living in exile in refugee camps as illegal, terrorist, and antinational in nature. These parties, which sought repatriation of refugees and democratic reforms, were unable to conduct activities inside the country.

Participation of Women and Minorities: Women comprised 31.6 percent of civil servants. Ten members of parliament were women, including six in the National Council and four in the National Assembly. There was one woman on the High Court, and one female judge at the district court. Female parliamentarians increased from 9 percent in 2005 to 14 percent during the year.

The Election Commission reported there were 20 Nepali-speaking minorities in parliament, 15 in the National Assembly and five in the National Council. One Hindu and one Christian also served in the National Council.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. In July the government passed the Anti-Corruption Act, which is based on the UN Convention against Corruption, expands the Anti-Corruption Commission's (ACC) mandate to cover the private sector, and enhances the ACC's investigatory powers and functions. The government took an active role in addressing the issue through the public accounts committee in the National Assembly and the Royal Audit Authority, which monitored the use of government funds. The government's ACC is authorized to investigate cases of official corruption and allows citizens to post information on its Web site regarding corrupt practices. The ACC reportedly had a backlog of 350 complaints.

No law provides for public access to government information.

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

According to international NGOs, local civil society organizations practiced self-censorship to avoid conflict with the government, and the majority of them focused on social issues, including women's rights or environmental issues. The government regarded human rights groups established by the exiled Nepali-speaking minority as political organizations and did not permit them to operate.

UN and Other International Bodies: The ICRC was the only international human rights monitoring group officially operating in the country. It did not conduct prison visits during the year.

Government Human Rights Bodies: The Civil Society Act of Bhutan 2007 established the Civil Society Organization (CSO) Authority. The government mandated the CSO Authority to oversee the accountability and transparency of civil society operations, and various civil society organizations functioned locally and informally.

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

The constitution prohibits discrimination on the basis of race, sex, disability, language, religion, politics, or social status.

#### **Women**

Rape and Domestic Violence: The law contains a clear definition of criminal sexual assault and specifies penalties. In cases of rape involving minors, sentences range from five to 17 years in prison. In extreme cases, a rapist may be imprisoned for life. NGOs reported that many women did not report rape because of cultural taboos or because they were unaware of their rights. Spousal rape is illegal.

Three police stations across the country house Women and Child Protection Units to address crimes involving women and children. The law prohibits domestic violence. Penalties against offenders of domestic violence range from a jail sentence of a minimum of one month to a maximum of three years. Offenders are also fined a daily minimum national wage of 90 days. According to the Committee on the Elimination of Discrimination against Women (CEDAW), the government commissioned a report on violence against women, set up mobile police stations, trained police on gender issues, and allowed civil society groups to undertake further efforts, including the opening of a crisis and rehabilitation center. The CEDAW committee expressed concern over reports of violence against women by their spouses or other family members and at work. According to the 2010 National Statistics Bureau, 68 percent of women surveyed justified domestic violence as permissible if they forgot to cook or were not taking good care of their children.

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

Reproductive Rights: The country has no legal restrictions regarding the number, spacing, or timing of children, and there were no reports of coercion regarding reproduction. According to World Health Organization estimates, the maternal mortality ratio in 2008 was 200 deaths per 100,000 live births. The 2011 National Statistics Bureau report showed that 64.5 percent of births occurring between 2008 and 2010 were assisted by skilled personnel. The National Statistics Bureau reported that contraceptive use by women was 65.6 percent among married women or women in civil unions, 30.2 percent amongst women ages 15-19, and 56.5 percent of women ages 20-24.

The law covers questions related to family issues, including divorce, child custody, and inheritance. The minimum age of marriage for women is 18. Polygamy is allowed provided the first wife gives her permission. Polyandry is permitted but is rare. Marriages were arranged by the marriage partners themselves or by their parents. The law requires registration of all marriages with the government.

Discrimination: NGOs reported that women faced little overt discrimination and had equal access to health care, education, and public services, including for HIV/AIDS treatment and services. Women were accorded respect in the traditions of most ethnic groups and participated relatively freely in the social and economic life of the country. Inheritance law provides for equal inheritance for sons and daughters, but traditional inheritance practices, which varied among ethnic groups, may be observed if the heirs choose to forgo legal challenges. Traditional inheritance laws for the majority of Buddhists stipulate that daughters inherit family land. Tradition dictates that the most capable member of the family runs the household, which often resulted in the mother or eldest daughter holding this position. Within the household, men and women were relatively equal. Employers generally paid women in unskilled jobs slightly less than men in the same positions. According to the government's 2009 Labor Force Survey Report, 46 percent of the country's workforce was female. Dowries were not customary in the country.

The law mandates that the government take appropriate measures to eliminate all forms of discrimination and exploitation of women, including trafficking, abuse, violence, harassment, and intimidation, at work and at home, and generally the law was enforced. CEDAW expressed concerns that the constitution does not adequately define discrimination to include both direct and indirect forms and noted that the government failed to adopt implementation legislation for its international treaty obligations related to women's rights or to provide adequate resources to the National Commission on Women and Children (NCWC) to allow it to operate effectively.

The National Women's Association, a local NGO, tried to improve women's living standards and socioeconomic status, and the NGO Respect, Educate, Nurture, and Empower Women promoted and advocated for women's rights and political participation. The NCWC actively defended the rights of women and children during the year, although CEDAW questioned the limited resources of the NCWC and its potential lack of independence from government influence. One of the women's NGOs reported concerns for the increased number of young girls, some of whom were possibly underage, working in bars and discotheques.

## **Children**

Birth Registration: Under the constitution, only children whose parents are both citizens become citizens at birth. According to the Bhutanese Refugee Support

Group, existing citizenship laws contained inadequate provisions for a child to acquire nationality at birth, and persons who are designated as “nonnationals” are rendered essentially stateless (see section 2.d.). Births in remote areas are less likely to be registered. NGOs asserted that births of children to nonregistered Nepali-speaking individuals may not be registered.

Education: The government provides 11 years of universal, free education to children. One of the Ministry of Education’s objectives is to achieve 100 percent enrollment in primary education. The Education Ministry found that 4 to 6 percent of school-age children were not in school during the year. Education is not compulsory.

Child Abuse: Child abuse was rare. Corporal punishment is banned in schools, and there were no reported incidents in schools and monasteries.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The country does not have a Jewish population, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State’s annual Trafficking in Persons Report at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law does not specifically protect the rights of citizens with disabilities, but it does direct the government to try to provide security in the “event of sickness and disability.” There was no evidence of official discrimination against persons with disabilities in matters of employment, education, access to health care, or the provision of other state services. The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but the government did not enforce the law consistently. Under the Disability Prevention and Rehabilitation Program, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities into schools, and foster community awareness and social

integration. The approximately 22,000 persons with physical disabilities living in the country (3.4 percent of the population according to 2005 estimates) lacked necessary infrastructure. There is no government agency specifically responsible for protecting the rights of persons with disabilities.

There were three special education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates visually impaired children, and an education resource unit for the hearing impaired in Paro. There were also special education facilities in Thimphu designed to meet the needs of children who have physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to persons with disabilities. A new NGO, the Disabled Persons' Association of Bhutan, was formed in September to change public perception of disability and assist persons with disabilities.

### **National/Racial/Ethnic Minorities**

Organizations representing exiled Nepali-speaking Bhutanese claimed that Nepali-speaking Bhutanese were subjected to discrimination and prejudice in employment, but the government stated they were proportionally represented in civil service and government jobs.

English and Dzongkha languages are the mediums of instruction taught in all schools. The Committee on the Rights of the Child expressed concern about the rights of minority children, specifically the Nepali-speaking minority, to take part in their culture, practice their religion, or use their language.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Although there are no laws that explicitly prohibit same-sex sexual activity, laws against "sodomy or any other sexual conduct that is against the order of nature" exist. Under the penal code, a person can be imprisoned for as long as one year for engaging in such acts. One government official noted that prosecution under this law is rare, as criminal intent must be proven by the prosecution. There were no reported cases of such charges.

### **Other Societal Violence or Discrimination**

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law allows workers to form workers' associations but does not allow for the formation of unions or for strikes. The law allows employees to form an association in one workplace if at least 12 employees join the association. According to a development agency, there is no national trade union in the country.

The law authorizes a workers' association to negotiate a collective bargaining agreement with employers. The 2007 Labor and Employment Act grants workers the right to pursue litigation.

The Human Rights Organization of Bhutan stated that there was a drivers' association and a tour guides' association.

### **b. Prohibition of Forced or Compulsory Labor**

The government prohibits forced or compulsory labor, and there were no confirmed reports that forced or compulsory labor occurred.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

According to the law, the minimum age of employment is 18. However, the law allows for employment of children between the ages of 13 and 17 in environments that will not be harmful to their health or safety. Children younger than 18 often performed agricultural and construction work, completed chores on family farms, or worked in shops and restaurants after school and during holidays. Girls were employed primarily as domestic workers, where they were vulnerable to abuse and exploitation. UNICEF estimated that 19 percent of children between ages five and 14 were child laborers. Labor inspectors operating under the Ministry of Labor and Human Resources enforce child labor laws.

### **d. Acceptable Conditions of Work**



The law addresses issues such as minimum wage, sexual harassment, workers' associations, acceptable forms of child labor, and labor inspection regulations. According to civil society, the national minimum wage rate was Nu 3,000 (\$67) per month, and the labor minister stated that half the country's workers earned more than the minimum wage. The workday is defined as eight hours with a one-hour lunch break, and employers must grant regular days of rest. Work in excess of this must be paid at 1.5 times the normal rate.

All citizens are entitled to free medical care. The government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability, and in the event of death, their families were entitled to compensation. Labor regulations grant workers the right to leave work situations that endanger their health and safety.