

# Bhutan - Human Rights Scorecard <sup>1</sup>

Bhutan, a landlocked country in Asia, is located within the Himalayas and is bordered by China and India. The territory was never colonized and developed a distinct national identity based on Buddhism. Transitioning from absolute monarchy to constitutional monarchy in 2008, Bhutan held its first election in a two-party system. Although Bhutan ranked first in economic freedom and was the least corrupt country in 2016, the country exhibits one of the lowest indicators of socioeconomic development.

**Official language:** Dzongkha

**Ethnic groups:** Ngalops & Sharchops (55%), Lhotshampa (45%)

**Government:** Unitary parliamentary constitutional monarchy

- King: Jigme Khesar Namgyel Wangchuck

- Prime Minister: Tshering Tobgay

**Death penalty:** Abolished and prohibited

**Population:** 770,000

**Life expectancy:** 69.47 years

**Under-5 mortality:** 33.08 per 1000

**Adult literacy:** 59.5 percent



## Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

### Human Development (UNDP Human Development Index (HDI)) <sup>2</sup>



**0.607 – Medium Human Development** <sup>3</sup>

According to the UNDP, the Bhutanese had a gross national income per capita of \$7,081, and could expect to have on average 12.5 years of schooling. However, other countries with comparable gross national incomes per capita tend to have a much higher HDI.

## Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

### Freedom from arbitrary or unlawful deprivation of life



**Respected** <sup>4</sup>

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

### Freedom from disappearance



**Respected** <sup>5</sup>

There are no reports of disappearances in Bhutan.

### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



**Respected** <sup>6</sup>

The constitution prohibits such practices, and there were no reports that government employing them.

### Freedom from arbitrary arrest or detention



**Respected** <sup>7</sup>

The law prohibits such actions, and the government generally observed these prohibitions.

### Freedom from denial of fair public trial



**Respected**<sup>8</sup>

The constitution provides for an independent judiciary, and the government generally respects such provisions.

### Freedom from arbitrary interference with privacy, family, home or correspondence



**Respected**<sup>9</sup>

The constitution prohibits such interferences, and the government generally respects such provisions.

## Section 3: Respect for Civil Liberties

*Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.*

### Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>10</sup>



**Score: 30.73, Rank: 84 / 179 – Partially controlled, limited or intimidated**<sup>11</sup>

Although most of the media is publically owned, there are a few private outlets. Pluralism seems to be developing and foreign journalists with accreditation can operate freely. 2016 legislation encourages self-censorship and restricts the freedom of journalists and media.

### Freedom from academic censorship



**Respected**<sup>12</sup>

There are no governmental restrictions on academic freedoms.

### Freedom of peaceful assembly and association



**Partially respected**<sup>13</sup>

Although the constitution allows peaceful assembly, the government occasionally restricts this right.

### Freedom of religion



**Partially respected**<sup>14</sup>

Although the constitution and laws provide for freedom of religion in Bhutan, the government limits non-Buddhist missionary activity and the construction of non-Buddhist religious buildings, while restricting the celebration of some non-Buddhist religious festivals.

### Freedom of movement



**Partially respected**<sup>15</sup>

Although the law provides for freedom of movement, foreign travel, emigration and repatriation, these freedoms are often restricted along ethnic lines.

### Protection of refugees and stateless persons



**Largely disrespected**<sup>16</sup>

The law does not provide for the granting of asylum or refugee status. The government is not establishing a system for the protection of refugees.

### Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>17 18</sup>



**4 / 7 – Partly free**<sup>19</sup>

Although citizens can publicly and privately criticize the government without fear of reprisal, defamation can carry criminal penalties. In addition, the media is prohibited from supporting political parties.

## Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

### Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>20</sup>



**3 / 7 – Partly free**<sup>21</sup>

Although the government has blocked internet access to certain websites, it did not extend to political content. The government permits the registration of some political parties and organizations that are deemed “not harmful to the peace and unity of the country.”

## Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>22</sup>



**Score: 65%, Rank: 27 / 175 – Limited corruption**<sup>23</sup>

Although there are isolated reports of government corruption, the law provides criminal penalties for such actions.

## Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



**Partially respected**<sup>24</sup>

Defamation can carry criminal penalties, especially if it is related to criticism of the royal family or government practices.

## Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

### Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)<sup>25</sup>



**No threat listed – Limited dangers to minorities**<sup>26</sup>

According to Minorities Rights Group International, Bhutan does not have any ethnic minorities that face an immediate threat of violence.

### Rights of women (*World Economic Forum Gender Gap Index*)<sup>27</sup>



**Score: 46.4%, Rank: 92 / 142 – Very unequal rights**<sup>28</sup>

Women in Bhutan actively participate in fields such as medicine, teaching and administration. There are a number of areas, such as political participation, which are in need of reform. There is a need to encourage further female electoral and political participation.

### Rights of Children (*KidsRights Index Overall Score*)<sup>29</sup>



**Score: 78.5%, Rank: 50 / 165 – Somewhat protected**<sup>30</sup>

Child-specific sections are included in the Constitution and the Penal Code to safeguard the welfare and interests of children.

### Rights of persons with disabilities



**Partially respected**<sup>31</sup>

Although the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, there was no government agency specifically responsible for protecting the rights of persons with disabilities.

## Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



### Partially respected<sup>32</sup>

Although organizations in Nepal claimed that employers discriminated against Nepali-speaking Bhutanese seeking employment, the government claimed Nepali speakers were proportionally represented in civil service and government jobs.

## Freedom from abuse and discrimination based on sexual orientation or gender identity



### Largely disrespected<sup>33 34</sup>

Laws against “sodomy or any other sexual conduct that is against the order of nature” exist. The lesbian, gay, bisexual, transgender, and intersex (LGBTI) population has historically remained out of public view without an organized advocacy community.

## Section 8: Workers’ Rights

*Workers’ rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.*

### Rights to freedom of association and to collective bargaining



#### Respected<sup>35</sup>

The government effectively enforced applicable laws regarding the rights of workers to form and join independent unions.

### Freedom from forced or compulsory labour



#### Largely disrespected<sup>36</sup>

The government has acknowledged that there is forced labour among domestic servants working in private homes where it has no jurisdiction. The government notes the rise of cross border human smuggling through illegal agents.

### Freedom from forced labour for children, and a minimum age of employment



#### Respected<sup>37</sup>

Children under the age of 18 are prohibited from working in dangerous occupations.

### Right to acceptable conditions of work



#### Respected<sup>38</sup>

According to the government, all workers are paid above the minimum wage. Employers are required to grant regular rest days, lunch breaks and eight-hour workdays.

### Right to employment



#### 2.5% - Reasonable unemployment<sup>39</sup>

The rising unemployment, especially among women, and the rapidly growing youth population is a priority for the Bhutan government.

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed June 2, 2017 <http://hdr.undp.org/en/composite/HDI>

<sup>3</sup> "Table 1: Human Development Index and its components, Bhutan" UNDP, based on 2014 or the most recent year available. Accessed June 2, 2017. <http://hdr.undp.org/en/composite/HDI>

<sup>4</sup> "BHUTAN 2016 HUMAN RIGHTS REPORT." U.S Department of State. January 1, 2013. Accessed June 2, 2017. <https://www.state.gov/documents/organization/265746.pdf>.

<sup>5</sup> Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.

<sup>6</sup> Ibid. U.S Department of State.

<sup>7</sup> Ibid. U.S Department of State.

<sup>8</sup> Ibid. U.S Department of State.

<sup>9</sup> Ibid. U.S Department of State.

<sup>10</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

<sup>11</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed June 2, 2017. <http://rsf.org/index2014/en-index2014.php>.

<sup>12</sup> "BHUTAN 2016 HUMAN RIGHTS REPORT." U.S Department of State. January 1, 2013. Accessed June 2, 2017. <https://www.state.gov/documents/organization/265746.pdf>.

<sup>13</sup> "Bhutan." World Report 2014: Bhutan. January 1, 2014. Accessed June 2, 2017. <https://www.hrw.org/world-report/2014>.

<sup>14</sup> "BHUTAN 2016 HUMAN RIGHTS REPORT." U.S Department of State. January 1, 2013. Accessed June 2, 2017.

<https://www.state.gov/documents/organization/265746.pdf>.

<sup>15</sup> "Bhutan." World Report 2014: Bhutan. January 1, 2014. Accessed June 2, 2017. <https://www.hrw.org/world-report/2014>.

<sup>16</sup> Ibid. World Report 2014: Bhutan.

<sup>17</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

<sup>18</sup> Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

<sup>19</sup> "Bhutan." Freedom in the World 2014: Bhutan. January 1, 2014. Accessed June 2, 2017. <https://freedomhouse.org/report/freedom-world/2015/bhutan>.

<sup>20</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed Dec. 9, 2014 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

<sup>21</sup> "Bhutan." Freedom in the World 2014: Bhutan. January 1, 2014. Accessed June 2, 2017. <https://freedomhouse.org/report/freedom-world/2015/bhutan>.

<sup>22</sup> Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

<sup>23</sup> "Bhutan." Corruption by Country. January 1, 2014. Accessed June 2, 2017. <https://www.transparency.org/country/BTN>.

<sup>24</sup> "BHUTAN 2016 HUMAN RIGHTS REPORT." U.S Department of State. January 1, 2013. Accessed June 2, 2017.

<https://www.state.gov/documents/organization/265746.pdf>.

<sup>25</sup> The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed June 2, 2017 <http://peoplesunderthreat.org/>.

<sup>26</sup> "Bhutan." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. Accessed June 2, 2017. <http://peoplesunderthreat.org/>.

<sup>27</sup> This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

<sup>28</sup> "Bhutan." World Economic Forum. January 1, 2014. Accessed June 2, 2017. <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=BTN>.

<sup>29</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

<sup>30</sup> "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed June 2, 2017. <http://www.kidsrightsindex.org/>

<sup>31</sup> "BHUTAN 2016 HUMAN RIGHTS REPORT." U.S Department of State. January 1, 2013. Accessed June 2, 2017.

<https://www.state.gov/documents/organization/265746.pdf>.

<sup>32</sup> Ibid. U.S Department of State.

<sup>33</sup> Ibid. U.S Department of State.

<sup>34</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

<sup>35</sup> "BHUTAN 2016 HUMAN RIGHTS REPORT." U.S Department of State. January 1, 2013. Accessed June 2, 2017.

<https://www.state.gov/documents/organization/265746.pdf>.

<sup>36</sup> Ibid. U.S Department of State.

<sup>37</sup> Ibid. U.S Department of State.

<sup>38</sup> Ibid. U.S Department of State.

<sup>39</sup> "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed June 2, 2017. [http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS\\_233936/lang-en/index.htm](http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang-en/index.htm).