

# Submission by Society for Threatened Peoples

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## Bhutan

In 2008 Bhutan has been welcomed by the international community as the world's youngest democracy. Despite Bhutan's attempts to present the transition to democracy as a slow and steady process, massive human rights violations still are persisting. Society for Threatened Peoples is extremely concerned about the non recognition of religious and ethnic minorities. Bhutan officially does not recognize any minority group on the basis of religion, race, ethnicity or language. The country is presented by the authorities as a homogenous society with one culture and one religion. But in fact, Bhutan is a multi-religious, multi-cultural and multilingual country.

### Non-recognition of ethnic, religious and linguistic minorities

According to Article 3 of the Constitution, which was signed by King Jigme Khesar Namgyel Wangchuk on July 18, 2008, Buddhism is perceived as a state religion and all religious institutions have the responsibility to promote Buddhism. Any other religious activity inside Bhutan may be prosecuted in the name of an interdiction of religious conversion. Furthermore the Marriage Act of Bhutan prohibits a non-Bhutanese married to a Bhutanese citizen to promote any other religion. The non-Bhutanese has to abide by the existing religious traditions.

Bhutan is a multi-ethnic country with at least three major ethnic groups and several minorities. The main ethnic communities are the Sharchops in the eastern part of the country, the Ngalongs in western Bhutan and the Lhotshampa, who settled in southern Bhutan. Besides these main ethnic groups, Layaps are living in the north-west, Doyas in the south, Monpas in central Bhutan and the nomads of Merak Sakten in the eastern areas.

Linguistic minorities are suffering from state discrimination. Despite the fact that nineteen languages are spoken in Bhutan according to national statistics, "Dzongkha" has been declared the national language in the Constitution. The existence of other languages spoken in Bhutan such as Ngalopkha, Sharchopkh, Nepali and Groma was ignored. The Constitution failed to recognize them as official or regional languages. Every citizen must be able to speak and write "Dzongkha" according to the Constitution. Until today the government of Bhutan has refused to withdraw an edict by His Majesty the King in 1993 that all conferences and public meetings must be held in the national language "Dzongkha".

Unfortunately the new Constitution offers no solution to the refugee crisis. In the years following 1980, 120,000 Lhotshampa, the majority of which are Hindus, were driven out of the country through various forms of violence and torture, imprisoned or murdered. In a calculated campaign the Government of Bhutan revoked their citizenship and evicted more than 100.000 Bhutanese citizens. This constituted the forced eviction of approximately 20% of the entire population at the time.

In January 2008 about 110,000 refugees lived in seven refugee camps in south-eastern Nepal and were assisted by the United Nations High Commissioner for Refugees (UNHCR). About 20,000 live in the northern Indian states of Assam and West Bengal. Around 10,000 children have been born in the camps.

According to critical voices from Bhutan and human rights groups in the refugee camps in Nepal, two decisive factors came together to start this “civil war from the top down.” On the one hand, a democracy movement in Nepal (the close by country west of Bhutan) succeeded in reducing king Birendra’s absolute power to a constitutional monarchy in the 1980’s. On the other hand, a census in Bhutan in 1980 showed that the Nepali-speaking south Bhutanese, the so-called Lhotshampa, constituted 53% of the overall population. By contrast, the proportion of the Ngalongs (the ethnic group constituting the power elite surrounding the king) was said to be only 16% of the population. Moreover, the at that time governing King Jigme Singye Wangchuck alleged that in the former kingdom of Sikkim - the direct western neighbour of Bhutan - an emigration policy and democracy movement initiated by the Nepalese in prior years has resulted in a slow decline of the Ngalong population to minority status. In the end, Sikkim became a Nepali-dominated federal state of India.

Even the new Constitution ensures that there will be no solution to the refugee crisis in Bhutan. Article 6 which regulates the citizenship stipulates that it is nearly impossible for a Lotshampa-refugee to get citizenship by naturalization. To apply for citizenship they must fulfil seven conditions which nearly are impossible to proof. Among other conditions they had to proof that they lawfully resided in Bhutan for at least fifteen years, that they have not spoken or acted against the King and that they are able to speak and to write “Dzongkha”.

In the year 2003, Bhutan agreed to accept the return of a limited number of refugees who were verified as genuine citizens of Bhutan. But the Government of Bhutan failed to implement this policy and no refugees were allowed to return. Despite fifteen rounds of bilateral talks between Nepal and Bhutan, the Kingdom has failed to deliver any meaningful solution the massive refugee crisis. The Government of Nepal acknowledged in July 2007 the failure of the bilateral discussion process and declared that the Government of Bhutan was unwilling to search for a solution of the crisis.

Regarding the unwillingness of Bhutan and the plight of the refugees waiting since 18 years for a solution of the crisis and hoping to return to their ancestral land the international community decided in the year 2008 to offer resettlement in third countries to the refugees. The USA has pledged to resettle at least 60.000 refugees in the US. Canada and Australia each offered to provide asylum to 5.000 Lotshampa. In the year 2008 over 8000 Bhutanese refugees have left their camps in Nepal to be resettled to different Countries: The USA has received 7547, Australia 3993, New Zealand 129, Canada 40, Netherlands 27, Norway 24 and Denmark 13. A new group of 31 refugees arrived in the Netherlands at the end of March 2009. Some 16.000 refugees are expected to leave Nepal for resettlement in third countries in 2009.

The UNHCR is pleased with the international commitment to solve the crisis, but among the refugees and human rights organisations there is much criticism. With hunger strikes refugees protested against the refusal of the Bhutanese Government to accept the repatriation of their citizens. The resettlement means that there will be no more chance for Lotshampa to return to their ancestral land and that the international community is abandoning its pressure on Bhutan to accept the return of the refugees. Furthermore many reports from resettlement areas in different countries are indicating that successful integration of these refugees will be extremely difficult. It makes no sense to resettle refugees of a Himalayan kingdom to the Bronx of New York City, as it has been done in the year 2008. The cultural shock will be so sharp that integration nearly will be impossible. Resettlement to third countries will be no solution to most of the refugees to preserve their culture, religion and their family and social structure.

Besides the denial of fundamental rights of ethnic, linguistic and religious minorities the democratisation process lacks fundamental principles in Bhutan. Even election observers of the European Union were reluctant to present the elections in the year 2008 as a proof of real democracy in Bhutan. The extremely limited choice of the voters between two royal parties (a third oppositional party was not accepted to run in the elections) made these elections a mockery of democracy.

There is still no independent judiciary. Independent human rights organisations are not allowed to register. Independent and critical journalists are facing intimidation, arrest and torture. Bhutanese democratic activist Dhan Kumar Rai claimed that he was tortured in jail when he was freed on November 1, 2008, after spending seventeen years in prison in Bhutan. The prominent former political prisoner now suffers from mental illness due to torture inflicted upon him.

The young Bhutanese journalist Shantiram Acharya of Nepali origin, who was living in refugee camps in eastern Nepal, was arrested in 2007 when he visited Bhutan to meet his relatives. The 20-year old journalist has been sentenced to jail for seven years for “terrorist activities” according to Bhutanese officials. At least 200 political prisoners still linger in Bhutanese prisons.