

Bhutan's Three-Pronged Strategy, Stifled Democracy and Human Rights Concerns

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Abstract

The assessment of human rights and social justice in Bhutan reveals numerous challenges. Developmental disparities are stark, with significant resources directed towards the western districts, home to the ruling elites. This exacerbates the development lag in the southern, eastern, and central districts. Tourism mainly benefits the western areas, concentrating the majority of tourists there and leaving limited opportunities for other regions. Gender inequality persists, with women underrepresented in political and leadership positions. Girls continue to face harassment in public, molestation in schools, and violence at home, without targeted political interventions. Ethnic minorities, religious groups, and residents of remote regions remain marginalized. Despite internal discontent and international pressure leading to a nominal political transition from an absolute monarchy to a democratic constitutional monarchy, the underlying power dynamics have not significantly shifted. There is a trend towards increased authoritarianism, surveillance, and opacity. Citizens advocating for democratic rights remain imprisoned for over three decades, despite the rulers' nominal embrace of democracy. While democratic institutions have been established, the monarchy wields more influence than before through the secret police (De-Suong), election interventions via the interim government, curtailing elected governments' autonomy, and preventing the introduction of 'royal annuity bills' in parliament to regulate the royal budget. This strategy has created a systematic authoritarian regime, cloaked as a constitutional monarchy for over sixteen years. Civil society organizations exist, but their leadership, often from the royal family, limits their effectiveness in addressing ordinary citizens' needs. These issues highlight profound governance, development, and gender equality challenges in Bhutan.

Keywords: interim government, De-Suong, royal annuity bills, social organizations

Introduction

Between 1907 and 2007, a distinct monarchy was established in Bhutan, developing into a unique totalitarian state with a vigilant administrative system. Rules were made and implemented

through a top-down approach and enforced with strict commands. Dissent and discontent were either brutally suppressed at the outset or managed by buying off leadership with allowances and privileges. Despite changes in the political and

*Dr. Govinda Rizal, a refugee from Bhutan, was killed in a road accident on May 5, 2024. We pay soulful tribute to late Dr. Rizal. Editors.

administrative landscapes of neighboring countries and the world, Bhutan remained committed to its totalitarian system, making it an anomaly globally. The ruling family has expanded significantly, and the administration has remained a family enterprise. All civil, social, recreational, sports, non-governmental, media, and rights-based organizations are headed—without exception—by members of the elite ruling family. To mark the centenary of the royal rule, former regulations were codified into a constitution. The Constitution of the Kingdom of Bhutan (2008) introduced democracy, periodic elections, and leadership of the Royal Government of Bhutan (RGoB) by elected political parties. While this appeared to be a significant reform on paper, the new system largely retained the old spirit. Moreover, new mechanisms were introduced to ensure that elected officials served the ruling family rather than the citizens. These mechanisms include De-Suung, the interim government, and the prohibition of annuity acts.

The Orange Army: De-Suung

The De-Suung, Bhutan's secret police, was established in 2010 by the King of Bhutan and has grown to over fifty thousand members, making it the largest organization in the country with infiltration in all sectors of society and regions. Adorned in orange, matching the color of their leader's scarf, it has become almost obligatory for youth to join and undergo indoctrination through military training (Rizal, 2021).

The De-Suung is larger than the Bhutanese army and police combined. The King is the supreme commander, and there is no oversight. There is concern that De-Suung's role in data collection during the COVID-19 pandemic has expanded into broader surveillance activities. The De-Suung (members) record medical, biometric, and movement data of people. They also monitor tourists and report their activities to the De-Suung, gathering data on citizens for surveillance purposes. It is important to note that the document does not explicitly state that the De-Suung is engaged in surveillance (Rizal, 2021).

Provision of Interim Government and Abuses of Democratic Rights

Between the end of an elected government's term and the swearing-in of the incoming government, there is a constitutional provision for an interim government. This interim government is headed by the Chief Justice of the Supreme Court and includes nine members selected from the heads of constitutional bodies. During the election period, the interim government creates an environment favoring the party that aligns closely with the throne.

The interim government system in Bhutan undermines democracy rather than strengthening it. The King appoints the members of the interim government, whose advisors are not accountable to the public and use their positions to influence elections in favor of the preferred party. These governments are not inclusive of people from various religious, regional, or ethnic backgrounds, leading to unfair elections and wider societal divisions. This system weakens democratic principles by limiting checks and balances on power and restricting freedom. It has a history of manipulating the electoral process to favor specific parties, including influencing voters and disqualifying candidates. The interim government has strained the bureaucracy with inexperienced leadership, lacked transparency in funding, failed to address past conflicts or reconcile opposing factions, and had ineffective communication with the public (Rizal, 2024).

Annuity Act: An Elephant Tusk

The royal coffers are opaque, and discussions about royal expenditures are unauthorized. However, the constitution mentions the formation of an annuity body to decide royal benefits and prerogatives. Despite this, no law has been enacted, leaving a loophole in the system. According to the constitution, the King of Bhutan and the members of the royal family are entitled to (a) annuities from the state following a law made by parliament, (b) all rights and privileges including the provision of palaces and residences for official and personal use, and (c) exemption from taxation on the royal annuity and properties provided for by sections 13(a) and 13(b) of this Article (Bhutan, 2024).

The absence of a law to decide the annuities has two effects: the royal family's income and expenditures remain ambiguous, leading to rumors, exaggerations, and accusations. The delay in formulating the royal annuity law has led to diverse reactions. While some support it, others criticize the lack of transparency. Financial opaqueness has led to accusations of the royal members amassing wealth from different sources. All organizations have members of the royal family as their heads, with unclear salaries, incentives, and honorariums. The lack of transparent royal income has led to accusations that cannot be publicly discussed. Critics highlight concerns of financial mismanagement and potential misuse of public funds previously earmarked for the royal institution. The reliance on external funding sources in the absence of a royal annuity raises questions about the country's financial sustainability and independence. On the other hand, the decision to forgo a royal annuity garners support from some who view it as a commendable step towards financial independence and modernization of the monarchy. This move aligns with contemporary values of accountability and fiscal responsibility, promoting equality by treating the royal family like any other citizen and fostering a sense of unity and common purpose within society.

Amid such opacity, individuals of integrity often find themselves at a disadvantage, while those with cunning inclinations exploit resources for their advantage. The lack of transparency provides a cloak for corrupt practices, enabling the diversion of resources from their intended purposes. This context of opacity surrounds the management of funds for ambitious projects like the De-Suung and the Mindfulness City at Gelephu. Consequently, the opacity within the system undermines trust and accountability, hampering the effective realization of development goals as resources may be directed toward projects that do not align with the genuine needs and priorities of the populace.

No Full Stop in Bhutan

The aforementioned three-pronged strategy aims to address the longstanding issues that have hindered democratization in Bhutan. The country's

authoritarian regime has created severe problems, including forced evictions, lack of repatriation for refugees, violence against women and gender-based discrimination, political imprisonments, restrictions on press freedom, censorship, and the retroactive implementation of the Citizenship Act.

First, the ongoing Bhutanese refugee situation in Nepal is rooted in historical ethnic and political tensions. The growing demographic shift was perceived as a challenge to the ruling regime's established cultural and political order. This led to discriminatory measures, including tightening citizenship requirements through the 1977 and 1985 Citizenship Acts and the 1988 census, resulting in the mass denationalization of Bhutanese citizens and their expulsion.

The Royal Government of Bhutan (RGoB) furthered these efforts through policies aimed at promoting Drukpa culture and suppressing minority groups' language and cultural practices. This sparked resistance and protests in the South in the early 1990s and the East in 1997. These demonstrations were met with harsh government crackdowns, leading to widespread abuses, displacement, and forced migration of tens of thousands of Bhutanese citizens. Many sought asylum in Nepal, where they faced challenges in accessing their rights and achieving a resolution to their displacement. Efforts by the government of Nepal, UNHCR, and various NGOs have provided humanitarian aid to refugees in Nepal, but the protracted dispute remains unresolved, with Bhutan refusing entry to refugees and disputing their status as lawful returnees. International human rights law affirms the refugees' right to return to their homes and receive compensation for losses, emphasizing the need for fair and impartial mechanisms to address property disputes and ensure a just resolution to the crisis (BBC, 2011).

Second, the rigid stance of the RGoB has thwarted efforts to repatriate Bhutanese refugees from Nepal and India primarily through its refusal to recognize them as legitimate returnees and its reluctance to address the underlying issues that led to their expulsion.

The RGoB has consistently denied the refugee status of those who fled the country, often labeling them as illegal migrants or "anti-nationals." This refusal to acknowledge their status as bona fide refugees has hindered international efforts to ease their return and reintegration into Bhutanese society (Amnesty, 1995). Additionally, the RGoB has been unwilling to engage in meaningful dialogue to address the root causes of the refugee crisis. Issues such as discriminatory citizenship laws, forced displacement, and human rights abuses have not been adequately addressed or redressed, leading to a lack of trust and confidence among the refugee population in Bhutan's commitment to ensuring their safe return (Loescher et al, 2008). Furthermore, the RGoB's policy of resettling Drukpa soldiers who took part in the evictions on lands formerly occupied by the citizens further complicates the repatriation process. This policy undermines the refugees' right to reclaim their homes and lands and worsens existing tensions and grievances, making it even more challenging to achieve a just and sustainable solution to the crisis (Human, 1998).

Bhutan's reluctance to cooperate with international organizations and host countries in repatriation efforts has contributed to the prolonged nature of the refugee situation. Without genuine commitment and cooperation from the RGoB, efforts to repatriate Bhutanese refugees from Nepal and India have been effectively stymied, leaving thousands of individuals in protracted displacement and uncertainty about their future (Pagonis, 2005).

Third, the plight of women in Bhutan reflects a concerning reality where gender disparities persist and instances of gender-based violence remain prevalent. Despite efforts such as the Bhutan Chamber of Commerce and Industries' training programs addressing sexual harassment in the workplace, challenges persist, particularly in the public sector. Recent cases, such as those involving a lecturer at Sherubtse College and a director at the Bhutan Power Corporation, underscore the urgent need for comprehensive measures to tackle sexual harassment effectively (Bhutan, 2022). The Royal

University of Bhutan's internal investigations and subsequent actions against perpetrators highlight a commitment to addressing such misconduct, yet the broader societal context needs a multifaceted approach.

Furthermore, despite legislative initiatives such as the removal of customs duties and sales tax on sanitary products, the translation of policy into tangible benefits for women is still inadequate. The lack of effective monitoring mechanisms worsens this issue, with shopkeepers resistant to adjusting prices accordingly. Alarming reports from organizations like Respect, Educate, Nurture, Empower Women (RENEW) and the National Commission for Women and Children (NCWC) show a significant rise in gender-based violence, with a surge in reported cases during the COVID-19 lockdowns. This underscores the urgency for holistic interventions encompassing prevention, support, and legal recourse to combat gender-based violence effectively.

In addition to addressing immediate challenges, confronting deep-rooted cultural attitudes and beliefs surrounding sexual harassment is imperative. Despite assertions by RGoB ministers denying sexual harassment as part of Bhutanese culture, the prevalence of such incidents and associated social ramifications suggest otherwise. High-profile cases resulting in convictions show a growing acknowledgment of the issue within the legal framework. However, sustained efforts are needed to challenge ingrained norms and foster a culture of gender equality and respect for women's rights across Bhutanese society.

Bhutan faces a complex situation of gender inequality. While initiatives exist, like training programs to address workplace harassment, significant challenges remain. Cases involving educators and corporations highlight the need for stronger measures, particularly within the public sector. The Royal University's actions against perpetrators show a commitment to addressing internal misconduct, but a more comprehensive national approach is needed.

Economic policies aimed at empowering women, such as tax exemptions on sanitary products are facing, face implementation issues. Monitoring mechanisms are lacking, and retailers are hesitant to lower prices (Dolkar, 2024). Additionally, reports from organizations like Respect Educate Nurture Empower Women (RENEW) and the National Commission for Women and Children (NCWC) reveal a worrying rise in gender-based violence, especially during COVID-19 lockdowns. This emphasizes the need for holistic interventions that combine prevention, support services, and legal recourse for victims.

Tackling deep-rooted cultural beliefs surrounding sexual harassment is crucial. While RGoB officials deny it is part of Bhutanese culture, the prevalence of incidents and social consequences suggest otherwise. High-profile convictions show legal recognition of the issue. However, sustained efforts are needed to shift societal norms and create a culture that promotes gender equality and respects women's rights throughout Bhutan.

Fourth, the situation of political prisoners in Bhutan reflects a troubling history of discrimination and human rights abuses. At least thirty-six individuals convicted of political offenses following unfair trials characterized by coerced confessions obtained under torture were found by the Human Rights Watch team in 2023. These prisoners, referred to as "political prisoners," endure life sentences without parole, often in isolation from their families and the outside world. The RGoB labels them as "anti-nationals" or "terrorists" and treats them accordingly. The conditions in which they are held have deteriorated over the years, with inadequate food rations, lack of proper clothing and bedding, and reports of mistreatment contributing to their suffering. Despite occasional acts of amnesty by the Bhutanese monarchy, the plight of these prisoners persists, underscoring the urgent need for the RGoB to uphold international legal standards and address systemic injustices. Efforts to release political prisoners and reform the legal system are essential to ensuring justice and respecting the human rights of all Bhutanese citizens.

Fifth, Bhutan's press freedom ranking has dropped dramatically in recent years due to limited access to information for journalists (Bhutan, 2024). Reporters struggle with bureaucratic hurdles, new protocols, and reluctance from officials to share information (Sharma, 2024). This lack of transparency, coupled with media outlets' financial dependence on government advertisements, creates a climate of self-censorship and hinders journalists' ability to report effectively. The situation is further worsened by a shrinking media workforce due to low salaries and a challenging work environment. These factors paint a concerning picture of Bhutan's media landscape. The public's right to information and independent journalism is at stake if these issues remain unaddressed (Choki, 2023).

Sixth, the Bhutan Citizenship Act of 1985 was designed in such a way that it repealed the earlier legislations, the Nationality Law of Bhutan, (1958,) and the Bhutan Citizenship Act of (1977.). Under the former laws, citizenship was primarily decided by lineage, with variations based on the nationality of the parents. However, the 1985 Act introduced more stringent criteria and procedures for citizenship acquisition and delineated specific categories for individuals based on the nationality status of their parents.

According to the Nationality Law of Bhutan from 1958, a child born to at least one Bhutanese parent was automatically granted Bhutanese citizenship. Similarly, the Bhutan Citizenship Act of 1977 extended citizenship to children born with a Bhutanese father. However, the Bhutan Citizenship Act of 1985 adopted a more stringent stance, stipulating that only children born to two Bhutanese parents would be granted citizenship. Notably, if one parent was Bhutanese and the other non-Bhutanese, the child's citizenship status was delineated differently, with the non-Bhutanese parent being named as "Foreigner filed Seven (F7)" and the child as "F5" or "F4" depending on the nationality of the respective parents (Rizal, 1998).

Furthermore, the residency requirements for naturalized citizenship were made stricter with each successive legislation. While the Nationality Law

of Bhutan from 1958 required a person to live in Bhutan for ten years before being eligible to apply for naturalized citizenship, the Bhutan Citizenship Act of 1977 extended this period to fifteen years. Subsequently, the Bhutan Citizenship Act of 1985 further increased the residency requirement to twenty years.

One notable consequence of implementing the Bhutan Citizenship Act of 1985 was the nullification of citizenship identity cards previously issued under the 1958 and 1977 Acts. Individuals who had Bhutanese citizenship under earlier legislation were the first victims, with their citizenship status revoked, making them stateless and causing their departure from Bhutan within a specified time. These individuals form a segment of the Bhutanese in exile, alongside those perceived by the RGoB as its political opponents. This issue was underscored during Bhutan's first three Universal Periodic Reviews (UPR), leading to recommendations for a reassessment of the conflicting laws. Nevertheless, the RGoB is adamant in its position, on these laws as protective measures for the Drukpas while disregarding their adverse impact on Pan-Bhutanese citizens. Without addressing these laws, the feasibility of the Bhutanese diaspora returning to their homeland remains a legal challenge.

Conclusion

Bhutan's democracy is backsliding. Despite a constitutional shift, the underlying power structure remains unchanged, with the monarchy wielding significant control and running ambitious projects parallel to the elected government. Political prisoners are still incarcerated, and Bhutanese citizens expelled decades ago still cannot return home. Limited freedoms restrict citizens' awareness of their rights and avenues to claim them, raising concerns about the true extent of democratic progress. The De-Suung (secret police), an interim government that curbs elected officials' power, and a lack of transparency around the royal family's finances put freedom under surveillance and lead the country to economic decline. These human rights abuses, including unresolved refugee issues, threats of citizenship revocation, denial of identity,

restricted press freedom, and discrimination based on religion, gender, ethnicity, and region, as well as gender-based violence, compromise the nation's standing in international rankings.

References

- Amnesty International. (1995). *Amnesty International Report 1995*. <https://amnesty.org/en/wp-content/uploads/2021/05/POL1000011995ENGLISH.pdf>
- BBC. (2011, March 3). Bhutan profile: Timeline. In *BBC News*. <https://www.bbc.com/news/world-south-asia-12641778>
- Bhutan. (2008). Article 13 of the Constitution of the Kingdom of Bhutan 2008. In *The Constitution of the Kingdom of Bhutan*.
- Bhutan. (2024, January 1). <https://rsf.org/en/country/bhutan>
- Choki, P. (2023, June 5). Journalists explain the big but unsurprising drop in Bhutan's press freedom ranking. <https://thebhutanese.bt/journalists-explain-the-big-but-unsurprising-drop-in-bhutans-press-freedom-ranking>. <https://thebhutanese.bt/journalists-explain-the-big-but-unsurprising-drop-in-bhutans-press-freedom-ranking>
- Dolkar, D. (2024, May 30). *Bhutan launches ambitious WASH standards*. <https://kuenselonline.com/no-difference-in-price-of-sanitary-products-after-taxexemption>
- Human Rights Watch. (1998, August 26). *History of the Bhutanese refugee situation in Nepal*. Human Rights Watch. <https://www.hrw.org/legacy/backgrounder/wrd/refugees/3.htm>
- Loescher, G., Milner, J., Newman, E., & Troeller, G. (Eds.). (2008). *Protracted refugee situations: Political, human rights and security implications*. United Nations University Press. <https://collections.unu.edu/eserv/UNU:2497/pdf/9789280811582.pdf>
- Pagonis, J. (2005, July 14). *Bhutanese refugees in Nepal frustrated by lack of progress*. UNHCR. <https://www.unhcr.org/news/stories/bhutanese-refugees-nepal-frustrated-lack-progress>

- Rizal, G. (1998, January 2). *Refugees from Bhutan: Nationality, statelessness and the right to return*. <https://doi.org/10.1093/ijrl/10.1-2.118>
- Rizal, G. (2021). *De-Suung: The orange army*. https://www.bhutanwatch.org/wp-content/uploads/2021/01/Govinda_Rizal_Desuung.pdf
- Rizal, G. (2024, February). *Interim governments in the Kingdom of Bhutan*. <https://www.bhutanwatch.org/wp-content/uploads/2024/02/Govinda-Rizal.pdf>
- Sharma, K. P. (2024, March 7). Prime minister's assurance ignites hope for media. *Kuenselonline*. <https://kuenselonline.com/prime-ministers-assurance-ignites-hope-for->
- The Bhutan Watch. (2022). *Girls unsafe: Status of human rights in Bhutan 2021*. The Bhutan Watch. <https://www.bhutanwatch.org/wp-content/uploads/2022/05/HR-2022.pdf>



