

Chapter V

Bhutan's Gross National Happiness and Minority Rights

5.1 Introduction

This chapter deals with the examination of the concept of Bhutan's Gross National Happiness vis-à-vis its minority policy. It extensively deals with the marginalization of minorities in Bhutan which forms the background of critique of the GNH policy. The chapter examines three of the four pillars of Bhutan's GNH, namely, the preservation of culture, good governance and sustainable socio-economic development and tries to understand the impact of the happiness policy on the minorities. The fourth pillar of GNH, namely, the environmental conservation is not discussed in the chapter since it is not necessarily relevant to the study. The chapter highlights the gap in the scholarship on Bhutan and happiness by bringing to the fore, issues that so far has been confined to specialized human rights literature, some isolated reports in the international press, and Nepali mass-media, which is the issue of minorities and the Bhutanese refugees.

As discussed earlier, since 1972, the Bhutanese government has been endorsing Gross National Happiness as its main objective of public policies, overriding the search for economic growth (Pellegrini and Tasciotti, 2014: 2). Gross National Happiness has emerged as an alternative measure of development to Gross National Product. Ever since its official endorsement in Bhutan, the world has been paying closer attention to this human-oriented development framework and has quickly become a popular model of a quantifiable measure of happiness which is holistic and includes other social and environmental factors of development and not economic factors alone. The GNH Indicator includes the following dimensions of development, namely, psychological well-being, health, time use, education, culture, good governance, community vitality, ecological diversity and resilience, and standard of living. These indicators provide the government with guidance for formulating its public policies and show if the citizens are happy and why they are not in another case (Pellegrini and Tasciotti, 2014: 3). The GNH policy of Bhutan has created a global debate in which mass media, policy makers and social scientists have all participated in, and still continue to participate. There have been a

number of articles in international newspapers like the Guardian, applauding Bhutan of the ingenious solution to the problem of market liberalism in the world.¹In addition to that, the General Assembly adopted a resolution entitled “Happiness: a Holistic Approach to Development” in July 2011, followed by Bhutan convening a high-level meeting on happiness as a part of the 66th session of the United Nations General Assembly, wherein Jigme Khesar Namgyal Wangchuck, the fifth King of Bhutan, spoke on the subject of happiness and presented UN Member States a set of policy recommendation in pursuit of happiness (United Nations, 2012).²Influential economists like Jeffrey Sachs have endorsed the happiness policy in place of market liberalism and have contributed in emphasizing the shortcomings of the mainstream view of development, and their publications on the subject contain praises for the Bhutanese model (Pellegrini and Tasciotti, 2014: 3).³Other scholars like Frank Dixon and Sander Tideman are going as far as suggesting that the Bhutanese experience should inspire a “new paradigm in economics” by “improving unsustainable western economics systems” (Tideman, 2004; Dixon, 2004).

Meanwhile, on the other side of the spectrum are works critiquing Bhutan for its oppressive policies towards the ethnic Nepali minorities since the late 1980s. On the matter of Bhutan’s democratization process and the refugee problem, Matthew Joseph (2008) writes,

The much hyped transformation of Bhutan from an absolute monarchy to a constitutional one in a "democratic" manner is an attempt by the Bhutanese ruling elite to hoodwink the international community. The projection of the image of the "bloodless transformation" of Bhutan from an absolute to a constitutional monarchy is to deviate the attention of the international community from the resolution of the refugee problem and to accommodate the emerging political dissent in Bhutan by its ruling elite (Joseph, 2008).

¹See: <https://www.theguardian.com/world/2012/dec/01/bhutan-wealth-happiness-counts> and <https://www.theguardian.com/commentisfree/2015/nov/04/unhappy-bhutan-joy-happiness-gdp> are two of the many examples of articles written in the Guardian about Bhutan’s Gross National Happiness.

²<https://gadebate.un.org/en/66/bhutan> accessed on 23/06/2016

³ These are two of the few articles by Jeffrey Sachs on the subject of Gross National Happiness http://www.earth.columbia.edu/sitefiles/file/Sachs%20Writing/2011/ProjectSyndicate_2011_TheEconomicsofHappiness_08_29_11.pdf and http://earth.columbia.edu/sitefiles/file/Sachs%20Writing/2010/ProjectSyndicate_2010_GrowthinaBuddhistEconomy_08_25_10.pdf

Bhutan has been criticized by the international media, human rights associations and scholars on its refugee problem which has not gained solution until and most of the refugees, with the assistance of the United Nations High Commissioner for Refugees, have already settled in third countries like United States of American, United Kingdom and Australia since 2008. Similarly, on the matter of Bhutanese government's aggressive ethnic nationalism which resulted in mass exodus of the ethnic Nepali minorities living in southern Bhutan, Matthew F. Ferraro (2012) writes,

Motivated by a sense of vulnerability dating from its founding and a desire to protect the culture and status of its dominant group, Bhutan has, for decades, discriminated against non-citizens, leaving tens of thousands in refugee camps abroad and tens of thousands of Nepali Bhutanese stateless within Bhutan itself. While it is not the only country to practice aggressive ethnic nationalism, Bhutan has done so at the very time it has sought to join the modern, liberal democratic world (Ferraro, 2012).

It has been already discussed in the previous chapter the various policies of the Bhutanese government and its resultant consequences on its people, especially the minorities. The Nepali-speaking Bhutanese has been the most affected by the policies of their government, making them flee from the country, both voluntarily and by force, and remain in refugee camps in Nepal. While most of these refugees have been resettled in other countries, there are still a significant number of refugees in these camps who suffer basic human rights abuse on a daily basis. In addition to that, there has not been a single case where the refugees were allowed to return to Bhutan until now. Since Bhutan has gained a lot of attention regarding its happiness policy, the issue of the refugee although is largely evaded and buried under the rhetoric of Gross National Happiness.

The following sections will explore the pillars of Bhutan's GNH, on which the happiness policy is built, in order to find the gaps between Bhutan's happiness policy and the rights of its minorities. Since one of the four pillars of happiness policy is environmental conservation, the rest three, namely, the preservation of culture and cultural heritage, socio-economic development and good governance are examined in detail. The three pillars are divided into several domains and indicators, and using those domains and indicators, the following sections will try to highlight the problems within the Bhutanese government policies and their consequences on the minorities.

Figure 5. Ethnic Groups Composition, Languages and Religion

| |
|---|
| Ethnic groups: |
| Ngalop (also known as Bhote) 50%, ethnic Nepalese 35% (includes Lhotsampas - one of several Nepalese ethnic groups), indigenous or migrant tribes 15% |
| Languages: |
| Sharchhopka 28%, Dzongkha (official) 24%, Lhotshamkha 22%, other 26% (includes foreign languages) (2005 est.) |
| Religions: |
| Lamaistic Buddhist 75.3%, Indian- and Nepalese-influenced Hinduism 22.1%, other 2.6% (2005 est.) |

Source: Central Intelligence Agency, “The World Fact Book”,
<https://www.cia.gov/library/publications/the-world-factbook/geos/bt.html>

5.2 Bhutan’s Gross National Happiness and the Rights of Minorities

Bhutan abandoned its policy of self-imposed isolation and entered the modern world in the 1960s (Aris and Hutt, 1994: 9; Priesner, 1999: 27). Ever since then, the Bhutanese policy makers have prioritized the need to achieve a balance and synthesis between the heritage of the past and a programme of modernization and reform (Aris and Hutt, 1994: 9). This new approach is characterized as ‘endogenous development’, which is nothing but a new strategy or an approach to development which seeks to uncover factors which are internal to a society which promote humane, sustainable and shared development instead of imposing external models and trying to fit them into local conditions (Aris and Hutt, 1994: 9). According to this type of development, local culture and values are the objects of focus. In similar terms, Bhutan has given culture a significant value in its approach to development and it can be reflected on the inclusion of preservation of culture as one of the four pillars of Gross National Happiness framework. To maintain a distinct character and identity of its own, Bhutan has prioritized the survival of its cultural identity and kept from being submerged in the dominant cultures of its neighbours. As such, when a large part of its population belonged to the ethnicity which was not *Drukpa*, the government created laws and policies which served to protect their *Drukpa* identity from being subsumed under a foreign ethnicity, even if they did so at the cost of the human rights of a large population living in Bhutan. The following sections will discuss the policies within three

dimensions of GNH framework and try to identify the problems regarding their impact and consequences on the minorities.

5.2.a Preservation of Culture

Cultural diversity and resilience is one of the nine domains of Gross National Happiness. Cultural traditions for Bhutan is of great significance as culture and tradition translate to their unique identity, their ancient values and creativity. According to Jeffrey Sachs, culture does not just establish identity, but it also mitigates an identity from negative impacts such as its effects on forms of language, traditional arts and crafts, festivals, events, ceremonies, drama, music, dress and etiquette and so on (Sachs et. al, 2013). In addition to providing a unique identity, Bhutan's distinctive culture facilitates the country to maintain its sovereignty and checks the negative elements of modernization and globalization. Therefore, preservation of culture has been accorded a high priority by the Bhutanese government as well as the people. It can also be reflected in Bhutan's constitution wherein Article 4 lays down several clauses regarding culture and Section 1 states

The State shall endeavour to preserve, protect and promote the cultural heritage of the country, including monuments, places and objects of artistic or historic interest, *Dzongs, Lhakhangs, Goendeys, Tensum, Nyes*, language, literature, music, visual arts and religion to enrich society and the cultural life of citizens. (Royal Government of Bhutan, *The Constitution of the Kingdom of Bhutan*, Article 4, Section 1: 10)

The cultural elements are manifested in the forms of language, traditional arts and crafts, festivals, events, ceremonies, drama, music, dress and etiquette and spiritual values that are shared by the people (The Centre for Bhutan Studies, 2012: 144). These cultural elements are visible in everyday lives of a society and therefore they play significant role in shaping the characteristics of a society like that of a Bhutanese society (The Centre for Bhutan Studies, 2012: 144). The two indicators, namely, *Driglam Namzha* and language, within this domain are examined here, along with religion, as an individual's religion is linked to their cultural beliefs and background.

5.2.a.i *Driglam Namzha*

Driglam Namzha is expected behavior or code of discipline, including dress and social etiquette, especially in formal occasions and in formal spaces (The Centre for Bhutan Studies, 2012: 148). Karma Phutsho defines *Driglam Namzha* as a system of ordered and cultural behavior (Phuntsho, 2004: 572) The promulgation of culture was carried out through the initiation of code of conduct like *Driglam Namzha* which according to Bhutanese school textbook published in 1991 includes both ‘outward behaviour’ such as dress and forms of greeting, and ‘inner attitudes’ such as respect for one’s elders and all others (Hutt, Michael, 2003: 165). Michael Hutt (2003) presents an undated government circular on explaining *Driglam Namzha* as

the essence of *Driglam Namzha* is to follow a code of conduct that will promote a well ordered society where every individual member is a proud and responsible citizen of the country. *Driglam Namzha* inculcates the following values:

- Respect for authority and a hierarchy that promotes the interest of the society and the nation.
- Respect for elders.
- Respect for each other as members of society and fellow citizens.
- A sense of discipline.
- A sense of responsibility.

The outward manifestation of *Driglam Namzha* may give the impression that it is merely a rigid and prescribed set of dress and conduct regulations. However, the purpose of *Driglam Namzha* is to promote a correct blend of respect, pride and a sense of discipline and responsibility in every individual so that he becomes a cultured member of society and a productive citizen. When *Driglam Namzha* prescribes respect for authority and hierarchy it, at the same time, teaches that the authority and the hierarchy also have a responsibility to deserve the respect shown. When it prescribes respect for ones elders and superiors it also teaches that the individual will himself one day become a senior and a superior. When *Driglam Namzha* prescribes respect for each other and a sense of discipline and responsibility, it promotes a well ordered society and builds productive citizens to strengthen the nation (Hutt, 2003: 164).

Additionally, Hutt also finds some ‘outward manifestations’ of *Driglam Namzha* including conduct during ceremonial, official and informal occasions, gift-giving etiquette, the cultured forms of speech and address, the cultured practice of serving and eating food, the

cultured manner of greeting superiors and equals in rank, and the cultured way of dressing (Hutt, 2003: 164).

The promotion of *Driglam Namzha* along with various other measures was undertaken by the Bhutanese government to encourage integration of ethnic *Lhotshampas* into mainstream national life (Amnesty International, 1992: 6). This was evident in King Jigme Singye's gifting of gilded images to various temples in southern Bhutan, and an attempt to provide the major Hindu deities with *Dzongkha* names (Hutt, 2003: 167). The most important element of the Bhutanization drive was the implementation of dress code (Hutt, 2003: 167). The wearing of Bhutanese national dress (*gho* for men and *kira* for women) during official occasions was imposed on all citizens. The Bhutanese government started the enforcement of *Driglam Namzha* among the general public in 1989 (Hutt, 2003: 170). King Jigme Singye issued a decree on national dress on 16 January 1989 as Bhutan adopted 'preservation and promotion of national identity' as one of its nine policy objectives in its sixth Five-Year Plan (1987-92) (Hutt, 2003: 172). Anyone failing to comply with the policy was subject to punishment by one week imprisonment or a fine (Amnesty International, 1992: 6). In 1992, the Department of Information, Royal Government of Bhutan, published the following in relation to the introduction of the *Driglam Namzha* policy,

The Royal Government's policy on the national dress and language and *driglam namzha* is being implemented solely to enhance and strengthen the process of national integration. Contrary to the malicious allegations of the anti-nationals, the policy is not a move to discriminate against the people of southern Bhutan, but is aimed at bringing all sections of the Bhutanese people into the national mainstream in order to promote and realize the concept of one people and one nation. The objective of promoting national integration is to ensure that the Bhutanese people, regardless of race or religion, are all united through a fraternal feeling of national pride generated by an awareness of their distinctive identity as citizens of Bhutan (Amnesty International, 1992: 7).

Driglam Namzha and more importantly, the manner in which it was implemented, caused widespread unhappiness among the *Lhotshampas* (Hutt, 2003: 178). The *Lhotshampas* perceived the introduction of the dress code as an attack on their cultural identity (Amnesty International, 1992: 7). These feelings of dissatisfaction and unhappiness towards the 'one nation one people' policy of the government soon escalated into public demonstrations by

the *Lhotshampas* in 1990. The Bhutanization drive, aimed at national integration, proved counter-productive as many Nepalese took it as an act of cultural imperialism. It was viewed as an authoritarian imposition of official culture, which reinforced hierarchy and existent power structures.⁴

Mekuria Bulcha argues that rulers of multi-ethnic and multi-lingual states use the tactics of homogenization in order to suppress ethnic identities (Bulcha, 1997: 325). As such, minority culture is usually suppressed while being replaced by the culture dominant groups for the purpose of cultivating a feeling of oneness and belonging. The Bhutanization drive was a similar attempt of the Bhutanese government to homogenize the ethnic Nepali identity and culture into the *Drukpa* identity and culture. The cultural assimilation of an ethnic minority into that of another group threatens its collective existence (Bulcha, 1997: 327). The obliteration of their culture creates discontinuity both in a cultural and historical sense (Bulcha, 1997: 327). Anthropologists term such discontinuity as ethnocide (Bulcha, 1997: 327). As such, the imposition of the *Driglam Namzha* on all Bhutanese citizens translated into the suppression of the culture of other ethnic minority groups, especially that of the ethnic Nepali Bhutanese. While the Bhutanese constitution serves to ‘preserve, protect and promote the cultural heritage of the country’, the Bhutanization drive drew lines on whose culture is to be protected.

5.2.a.ii Language

Language is another significant element of culture and one of the indicators of Bhutan’s GNH. Language plays a key role in most nationalist ideologies. *Dzongkha*, which is the mother tongue of the *Ngalong* people was declared to be the national language of Bhutan by King Jigme Dorji in 1961 (Hutt, 2003: 178). Bhutan is a multi-lingual state and there are 23 different dialects spoken throughout the country (Norwegian Refugee Council 2008). Among them, the three widely spoken languages of Bhutan are Dzongkha, *Tshangla* and Nepali. *Tshangla* is a Mon language spoken by *Sharchops* living in the east and Nepali, by the *Lhotshampas* in the south (Hutt, 2003: 178). To this, there are languages

⁴ See: <http://www.kuenselonline.com/driglam-namzha-bhutans-code-of-etiquette/> accessed on 23/10/2016

like *Bumthangkha*, which is an oboriginal *Khen* language spoken by *Khens* in central Bhutan.⁵

When Bhutan began its modernization drive in the early 1960s, the Bhutanese government took a pragmatic approach to issues of language use (Hutt, 2003: 179). Hindi was the language medium used in school education in the Bhutan's early developmental years (Hutt, 2003: 179). Later, books and other scholarly materials were produced in English, and English replaced Hindi as a teaching medium at schools by 1964 (Hutt, 2003: 179). Nepali was taught as an academic subject in all southern primary schools up to eighth grade (Hutt, 2003: 184). The Bhutanese government then launched a programme for the modernization of Dzongkha. Bhutan established a Dzongkha Division within the Department of Education and a Dzongkha Advisory Committee in 1971 and 1986 respectively (Hutt, 2003: 179). They were both subsumed into an independent government organ, the Dzongkha Development Commission or D.D.C (Hutt, 2003: 179). This government organ was in charge of developing Dzongkha school curricula, coordinating and conducting research on Dzongkha, compiling Dzongkha dictionaries and setting standards for orthography, spelling and usage (Hutt, 2003: 180).

⁵ See: <http://countrystudies.us/bhutan/20.htm> accessed on 09/09/2016

Table 6. Languages of Bhutan

| Central Bodish languages | Dzongkha transliteration | Number of speakers |
|--|---|---------------------------|
| Dzongkha | (rDzong-kha) | 160,000 |
| Chocangacakha | (Khyod-ca-nga-ca-kha) | 20,000 |
| Brokpa | (‘Brog-pa) | 5,000 |
| Brokkat | (‘Brog-skad) | 300 |
| Lakha | (La-kha) | 8,000 |
| B’okha (Tibetan) | (Bod-kha) | 1,000 |
| East Bodish languages | | |
| Bumthangkha | (Bum-thang-kha) | 30,000 |
| Khengkha | (Khengs-kha) | 40,000 |
| Kurtopkha | (Kur-stodp-kha, Kur-stod-pa’i-kha) | 10,000 |
| ‘Nyenkha | (sNyan-kha, Hen-kha, Mang-sde-pa’i kha) | 10,000 |
| Chalikha | (Phya’-li-kha) | 1,000 |
| Dzalakha | (Dza-la-kha, Dza-la-pa’i kha) | 15,000 |
| Monpa, ‘Olekha | (Mon-pa-kha, Mon-pa’i kha, O-le-kha) | 1,000 |
| D’akpakha | (Dwags-pa’i kha) | 1,000 |
| Other Bodic languages of Bhutan | | |
| Tshangla (Shachop) | (Shar-phyogsp) | 138,000 |
| Lhokpu | (no Dzongkha spelling) | 2,500 |
| Gongduk | (spurious Dzongkha spelling: dGongs-‘dus) | 2,000 |
| Lepcha | (no Dzongkha spelling) | 2,000 |
| Indo-Aryan | | |
| Nepali | (Lho-mtshams-kha) | 156,000 |
| | | |

Source: van Driem, George (1994), “Language Policy in Bhutan”, in *Bhutan: Aspects of Culture and Development*, 87-105, M. Aris & M. Hutt (eds). Kiscadale, available online at: <http://himalayanlanguages.org/files/driem/pdfs/1994LanguagePolicy.pdf>

While Bhutan embarked on the imposition of Dzongkha as a common language and making it a full-fledged national language, it remained a second and even a third language for other ethnic minorities. Beginning from the year 1989, teaching of Nepali was discontinued and Nepali curricular materials were removed from all Bhutanese schools. Van Driem approved of this change of policy stating that Nepali was being used as the

medium of education in the south, and that this was ‘counter-productive to the advancement of the national language, since the accommodating stance of the Bhutanese people and authorities had effectively hampered the learning of Dzongkha by the immigrant population’ (Driem, Van, 1994: 101-102). Furthermore, according to Van Driem, the use of Nepali medium ‘accorded special status to an originally allochthonous language which no native language of Bhutan enjoyed, other than Dzongkha’ and its use in free educational facilities ‘had only encouraged illegal immigration into Bhutan’ (Driem, Van, 1994: 101-102).

However, “the emotional and psychological impact this change of policy had on the *Lhotshampas* can be appreciated only if it is understood that for many—particularly the older, and the less ‘exposed’—the Nepali language represented a citadel from which the malign and corrupting processes of Westernization on the one hand and *Drukpaization* on the other could be warded off” (Hutt, Michael: 2004). As pointed out earlier, the effacement of their language, which is a strong element of culture, creates discontinuity in both cultural and historical sense. The threat of discontinuity translates to the loss of power and status, in the multilingual social structure (Bulcha, 1997: 327).

Many *Lhotshampas* saw the manner of the change in education system in Bhutan as deliberately provocative and made allegations that the Nepali medium materials were set into bonfire (Hutt, 2003: 185). Bhutan implemented this change in education system the same time the Bhutanization drive in the form of *Driglam Namzha* was imposed, as well as when oppositions were being formed in the political scenario of the country. As such, it created strong opposition and disagreement among the *Lhotshampas* who interpreted these steps not only as “initiative designed to downgrade the status of the language in Bhutanese life in order to make space for Dzongkha, but also as a way of insulating the still culturally conservative agriculturalists of the south from political influences from beyond the border, and maintaining their subjecthood in process” (Hutt, 2003: 189).

Today, Dzongkha is the national language and English is the medium of instruction in schools and the language of communication in government offices. As it is already discussed, Nepali was part of the curriculum until 1990 before the government introduced “one nation one people” policy to dominate all other ethnic groups, languages and culture,

thus pressuring people other than *Drukpa* Buddhists to follow Buddhist culture and accept *Dzongkha* as the language of communication. As Bhutan has officially ratified the Convention of the Rights of Child (or CRC), the imposition of *Dzongkha* and the removal of Nepali language from the school curriculum translates to its violation of the articles 2, 3 and 4, since the policies regarding language do not illustrate the best interest of the children belonging to Nepali or any other ethnicity.⁶ There is also mention of *Dzongkha* as the national language but the other 23 languages are absent in the mentions (Norwegian Refugee Council, 2008).

5.2.a.iii Religion

As noted earlier in chapter II of the thesis, the concept of Bhutan's Gross National Happiness is inspired by Buddhist philosophy. The GNH as such promotes Buddhism and its elements. However, one of the pillars of GNH, namely the preservation of culture, acts as an obstacle to freedom of religion by lending support to only the *Drukpa Kagyupa* sect of Buddhism (Human Rights Without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009: 31). According to the 2015 *International Religious Freedom Report* conducted by the Bureau of Democracy, Human Rights and Labor, US Department of State, Bhutan provides "freedom of religion and bans discrimination based on religion" in principle, but there are allegations made by NGOs that there is continued "societal pressure on individuals to participate in Buddhist traditions and practices" (United States Department of State, 2015). Furthermore, there were also reports that some school administrators denied admission to non-Buddhist children, along with reports of incidents of verbal harassment on religious minorities in rural areas by Buddhist neighbours (United States Department of State, 2015).

Bhutan has established the Commission for religious Organizations (or CRO) and the law requires religious groups to register themselves with the CRO. Only Buddhist religious groups and one Hindu umbrella organization have registered with the CRO, while there is not presence of Christian or Muslim religious groups (United States Department of State, 2015). While Christianity is openly discouraged, Hinduism is sidelined (Human

⁶ For details: See https://www.unicef.org/crc/files/Rights_overview.pdf accessed on 05/09/2015

Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). A fellow Christian was arrested for screening a film on the life of Jesus and imprisoned for three years.⁷ According to law, only registered groups are allowed to raise funds for religious activities and are exempted from taxes (United States Department of State, 2015). State financially supports for promotion of Buddhism through construction of monasteries and *chortens*⁸ while other religions in the country do not get state funding. This reflects the lack of protection of cultural rights in one hand and the discriminatory approach of the state on the other (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). Christian groups and media sources stated that the government continued to extend preferential treatment to Buddhist groups in terms of registration and financial support (United States Department of State, 2015). Unregistered groups generally held meetings discreetly and worshipped in private (United States Department of State, 2015).

While the Bhutanese government generally respects religious freedom in law and in practice, its constitution mandates subtle pressure on non-Buddhists to observe traditional *Drukpa* (Mahayana Buddhist) values and some limitation on constructing non-Buddhist religious buildings has remained. By mentioning that “it shall be the responsibility of religious institutions and personalities to promote the spiritual heritage of the country”, there is societal pressures toward non-Buddhists to uphold the Buddhist principles since “Buddhism is the spiritual heritage of Bhutan” (The Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, Article 3).

Approximately 75 per cent of the Bhutanese population practice *Drukpa Kagyupa* or *Ningmapa* Buddhism, both of which are disciplines of Mahayana Buddhism (United States Department of States, 2016). The Nepali-speaking minority population, which resides principally in the south of Bhutan, practices Hinduism and they make 22 per cent of the total population (United States Department of States, 2016). Christian, both Roman

⁷ See: <http://www.asianews.it/news-en/Ongoing-human-rights-violations-in-Bhutan,-the-sham-happy-kingdom-20137.html> accessed on 08/04/2017

⁸The basic structure of a *Chorten* consist of a square foundation symbolizing the earth, a dome symbolizing water, and thirteen tapering steps of enlightenment symbolizing the element of fire. These steps lead to a stylized parasol, the symbol of wind, which is topped in the ethereal sphere by the well-known ‘twin-symbol’ uniting sun and moon, which is the shimmering crown of the *Chorten*.

Catholic and Protestant, and nonreligious groups comprise less than 1 per cent of the population.

This inclusionary practice of religious policies shows the Bhutanese government guilty of trying to enforce Buddhist cultural hegemony at the expense of all other groups. It could also mean that these practices and policies are tools to entrench Buddhist cultural hegemony over the country and keep other groups and communities “on a leash”.⁹

5.2.b Good Governance

Good governance is one of the objectives of GNH, and, according to prevailing ideas, that objective is best served by decentralization and democratization. Good governance consists of some of the following attributes, namely, “participation, rule of law, transparency, accountability, efficiency, effectiveness, responsiveness, a consensus orientation, equity, empowerment and inclusiveness” (The Centre for Bhutan Studies, 2012: 155). Good governance as the fourth pillar puts responsibility on the state to act as an “efficient, transparent and ethical dispenser of public services” (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). This also requires political leaders to be accountable and all government and political institutions to deliver transparency (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). However, there are several occasions that the accountability of the Bhutanese government has failed and democracy as a foundation for good governance is not reflected in the actions of the government. The following sections discuss the various issues where Bhutan has failed to adhere to the principles of one of the pillars of GNH.

5.2.b.i Political Participation

For the birth of vibrant democracy, active political participation and civic engagement are of utter significance. Studies have also shown that people who participate in political activities enjoy higher wellbeing as they enjoy a sense of freedom and autonomy through political participation (The Centre for Bhutan Studies, 2012: 156). Speaking on the participation in decision-making as fundamental to human wellbeing, Amartya Sen writes,

⁹ See: <http://www.asianews.it/news-en/Almost-no-place-for-minority-religions-on-Bhutan's-national-TV-5475.html> accessed on 20/12/2016

“Participation can also be seen to have intrinsic value for the quality of life. Indeed, being able to do something through political action –for oneself or for others –is one of the elementary freedom that people have reason to value” (Sen, 2002: 359).

Bhutan held its first ever elections in its history on December 31, 2007.¹⁰ All candidates for upper house ran as independents. 15 members were elected to a new 25-member upper house or the National Council, and from the remaining 10 members, 5 were elected and 5 appointed, and joined the upper house in later in January 2008.¹¹

In 2007 the government began allowing political parties, which were previously illegal, to register under the terms of a draft constitution (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). On March 2008, elections to the National assembly in all 47 constituencies were held. *Druk Phensum Tshogpa* (or DPT) won in 45 seats while People's Democratic Party (or PDP) getting 33 percent votes in the elections secured only two seats in the National Assembly. The voter turnout was 79.4 percent.¹² The government regarded political parties organized by ethnic Nepalese living 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.

Unlike the 2008 election, the 2013 elections saw the participation of five political parties, namely The People's Democratic Party (PDP), The Bhutan Peace and Prosperity Party, or *Druk Phuensum Tshogpa* (DPT), The *Druk Chirwang Tshogpa* (DCT), The *Druk Nyamrup Tshogpa* (DNT), and The Bhutan-Kuen Nyam Party. However, when it comes to the question of political participation in Bhutan, a form of formal disenfranchisement of the minorities are evident in the country's policies. Bhutan adopted democracy with the establishment of constitutional monarchy in 2008 by holding local and legislative elections. A democratic country renders people as sovereign, where they rule over themselves and this sovereignty must be distributed equally, since unequal distribution of sovereignty implies that some segments of the people are not sovereign (Rizal, 2015: 195).

¹⁰ See: <https://freedomhouse.org/report/freedom-world/2008/bhutan> accessed on 12/03/2016

¹¹ See: <https://freedomhouse.org/report/freedom-world/2008/bhutan> accessed on 12/03/2016

¹² Bhutan elections: Fact Sheet by UNDP Bhutan, March 25, 2008

Equal political participation is the foundation of democracy since it is a requisite of self-government as the expression of the sovereignty of the people (Rizal, 2015: 195). For a political system to have the potential to be democratic, it has to provide legal provisions for political participation. However, in case of Bhutan a sizeable number of population are deprived of political participation.

Bhutan also tries to manage the elections by the process of screening of the contesting political parties. During the 2008 elections, the Druk People's Unity Party was disqualified and denied from participating due to what was described as a lack of "credible leadership", since it was found that more than 75 per cent of the party members were school dropouts (Rizal, 2015: 195; Freedom House). A candidate of the PDP was also disqualified by the Election Commission on the grounds of having tried to "play up the problem of Bhutanese of Nepali origin" (Rizal, 2015: 195). This sent a clear message that "there was no room in Bhutan for communal and sectarian politics"(Rizal, 2015: 195). The Bhutanese government kept the Nepali issue out of the political process. Also, a person was not allowed to contest the elections if any of his/her parents were a migrant Bhutanese. The Constitution of Bhutan in its articles 15 and 16 provide for regulations on political parties formation and campaign financing. An important facet of these articles is that in the "tradition of unification and consensual politics, parties cannot be established on the basis of religion, ethnicity, or region", which effectively denies "political representation of Bhutanese people of Nepali origin" (Gallenkamp, 2010: 14).

Furthermore, Bhutanese men and women who are married to non-Bhutanese are prohibited from becoming candidates (Rizal, 2015: 195; The Royal Government of Bhutan, 2008, The Constitution of the Kingdom of Bhutan, Article 23). Article 23, Clause 4 of the constitution states,

A person shall be disqualified as a candidate or a member holding an elective office under this Constitution, if the person:

(a) Is married to a person who is not a citizen of Bhutan

This is an example of the wide-ranging implications of the citizenship rule and their application (Rizal, 2015: 196). Freedom of association is a universal right guaranteed in all major human rights documents: Article 20 of the Universal Declaration of Human Rights,

Article 22 of the International Covenant for Civil and Political rights, and Article 11 of the European Convention on Human Rights. Freedom of association for minorities is enshrined in the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in Articles 2.4 and 2.5. However, the Bhutanese Constitution's Article 23 on elections has a restriction which is discriminatory. The minority population as such is disenfranchised along these discriminatory lines and they are unable to run for office and be elected under the Constitution (Rizal, 2015: 196).

5.2.b.ii Political Freedom

Political freedom indicator tries to assess people's perception about the functioning of human rights in the country. It generally relates to freedom of speech and opinion, the right to vote, the right to join the political party of their choice, the right to form *tshogpa* (association) or to be a member of *tshogpa*, the right to equal access and the opportunity to join public service, the right to equal pay for work of equal value, and freedom from discrimination based on race, sex, etc (The Center for Bhutan Studies, 2012: 157).

Bhutan has held local and legislative elections but these were not relatively open and competitive, keeping with the intentions of the royalty to hinder any political changes from below. The tabulation of the voter turnout in the 2008 and 2013 elections also shows a dismal picture of democracy and political participation in Bhutan. The voter turnouts are low, keeping in mind that the fact that Bhutan is a country which is run through the decrees of the king and royalist government (Rizal, 2015: 196). People have been literally forced to go to the polling booths to vote without any alternatives, as failure to vote the royalist party connotes severe punishment (Rizal, 2015: 196). This is revealed in the following table.

Table 7. First (2008) and Second (2013) Elections and Voter Turnout

| | Total Registered Voters | | Votes Cast | | Voter Percentage | |
|--------------------------|-------------------------|---------|------------|---------|------------------|-------|
| Year | 2008 | 2013 | 2008 | 2013 | 2008 | 2013 |
| <i>National Assembly</i> | 318,465 | 379,819 | 183,081 | 171,544 | 57.49 | 45.16 |
| <i>National Council</i> | 312,502 | 381,790 | 257,414 | 252,853 | 82.37 | 66.23 |

Source: Rizal, 2015: 196

Only 57.49 per cent of the registered voters participated in the 2008 elections for National Assembly and the figure further dropped in 2013 with only 45.16 per cent of voters going to the poll. Meanwhile, the percentage of voters turnout for National Council in 2008 was 82.37 per cent, which dropped to 66.23 per cent in 2013.

Furthermore, during the 2008 elections Bhutan denied voting rights to thousands of Nepali speaking population who failed to obtain security clearance on accusation of having relatives in the refugee camps of Nepal or had involved in the 1990 demonstrations (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). Around 80,000 Nepali speaking citizens were not allowed to vote claiming they are non-citizens.¹³

Speaking on the matter of the 2008 elections held in Bhutan, Ben Peterson noted that the election had no credibility as being generally democratic when almost a sixth of country's population lived in exile and another 13 per cent were disenfranchised, and only two political parties both "staunchly royalists" were allowed to participate.¹⁴ With the absence of a single and simple electoral code in Bhutan, the administration has a leeway to include and exclude candidates and to manipulate the electoral process and results at will (Rizal, 2015: 202). The political parties that participate in the elections are royalist in nature, and with leaders who are close to the king. This is another method of gaining control over the electoral process in the country. In this context, elections are simply mechanisms to establish legitimacy of autocrats at home and abroad. Elections give a false sense of being based on popular to the domestic and international audience will even thought it may have been manipulated by higher ups. Although controlling the electoral process has kept the political elite in power and has ensured a minimum of institutional political consensus around the monarchy, it has proven unable to channel political mobilization from below. Election, thus, does not automatically translate into bringing democracy, and it is not so when there is no space for dissent. However, the Bhutanese administration has striven to limit dissent through its constitutional clauses and electoral

¹³ See: <http://www.apfanews.com/stories/bhutanese-minority-excluded-from-historic-vote-reproduction/> accessed on 11/09/2016

¹⁴ See: <https://www.greenleft.org.au/content/bhutan-democratic-facade-hide-oppression> accessed on 03/09/2016

mechanisms and manipulate democracy to ensure their longevity, and they rearrange electorates to preserve their electoral advantage.

Powerful actors involved in the process of formation of new electoral institutions have an advantage to create institutions that serve their interests, and give them more power. In this context, Bates notes that “those institutions will be created that favour what have been referred to as ‘special interests’” (Bates, 2005: 90). Similar situation prevails in Bhutan today. Any opponents there exist are weak and in exile, giving the king and the strong incumbent elites in Bhutan ample leverage to impose a strict authoritarianism (Rizal, 2015: 202). The absence of real opponents in Bhutan results in the absence of any pressure to shape electoral laws (Rizal, 2015: 202).

5.2.b.iii *Media freedom*

The right to “freedom of speech, opinion and expression” is one of the fundamental rights laid down in the Bhutanese constitution. Along with it, the right to information is also another fundamental right. Article 7 also provides “freedom of the press, radio and television and other forms of dissemination of information, including electronic” (The Royal Government of Bhutan, The Constitution of the Kingdom of Bhutan, 2008: 14).

However, according to Bhutan’s National Security Act of 1992 prohibits any criticism against the king as evident in the following clauses,

- Whoever engages in treasonable acts against the TSA-WA-SUM¹⁵ or attempts to do so, either within or outside Bhutan shall be punished with death or be subject to imprisonment for life.
- Whoever commits any overt act with intent to give aid and comfort to the enemy in order to deliberately and voluntarily betray the TSA-WA-SUM, and harm the national interest shall be punished with death or imprisonment for life.
- Whoever by words either spoken or written, or by any other means whatsoever, undermines or attempts to undermine the security and sovereignty of Bhutan by creating or attempting to create hatred and disaffection among the people shall be punished with imprisonment which may extend to ten years

¹⁵*Tsa-Wa-Sum* translates to King, People and Country.

Article 6 (3) (e) of the Constitution of Bhutan also restricts people speaking against *Tsa-Wa-Sum* (king, country and people)

Have no record of having spoken or acted against the Tsa-wa-sum.

The Bhutan Citizen Act of 1985 also authorizes the state to seize citizenship if citizens are found speaking against Tsa-Wa-Sum,

Any citizen of Bhutan who has acquired citizenship by naturalization may be deprived of citizenship at any time if that person has shown by act or speech to be disloyal in any manner whatsoever to the King, Country and People of Bhutan (Ministry of Home Affairs, Census Handbook, 1993).

Journalism is fairly small scale in Bhutan with 12 newspapers, seven radio stations, one online newspaper, and a number of magazines (T, Lhamo and Oyama T, 2015). The country runs a state-owned bi-weekly print outlet, *Kuensel* which generally portrays the monarchy in favourable light but at the same time addresses societal problems and issues that are critical of the government (Freedom House, 2015). However, being run by the state, there is not much freedom of speech and expression, as criticism against the royal family and Buddhist clergy is not published. The mainstream media on the whole avoid sensitive topics relating to national security and the issue of ethnic-Nepali refugees in exile.

Besides, there are only two TV stations, both provided by the Bhutan Broadcasting Service (or BBS) TV, which is the national broadcasting agency. The channels, BBS and BBS 2, are the only channels that broadcast local news and TV programs in Bhutan. BBS also has a radio station (Freedom House, 2015). Radio is broadcasted in four different languages, including *Dzongkha*, *Sharchop*, *Lhotshamkha* and English) (T, Lhamo and Oyama T, 2015). Almost all media outlets cover Thimphu besides a few other districts (Freedom House 2015). *Dzongkha* and English are the only two languages in which newspapers and magazines are published, and also is also absence of use of other languages besides *Dzongkha* and English in electronic media in Bhutan. Meanwhile, Bhutan Media Foundation funds almost entirely all the media outlets. Since media in the country is only a recent phenomenon, there is very little private, independent media and this is largely due to lack of funds and low readership (Freedom House, 2015; Kuensel, 2017).

In 2016, Bhutan was ranked 84 in the *Reporters Without Borders*' ranking among 180 countries in the world.¹⁶ Journalists expressed unhappiness with the situation of press freedom in the country, since there is very limited access to information which makes the journalists unable to exercise press freedom.

5.2.c Socio-economic Development

In simple terms, socio-economic development is the process of social and economic development in a society. It is a multi-dimensional process which improves the quality-of-life of the people (Ohlan, 2013: 842). It is achieved through “satisfaction of economic, social, political and cultural rights, equitable distribution of development benefits and opportunities, dignified living environment, gender equality and empowerment of the poor and marginalized” (Ohlan, 2013: 842). In GNH approach, socio-development is measured with indicators such as living standards, education and health. Living standards refers to the material wellbeing of the people, ensuring the fulfillment of basic material needs for a comfortable living (The Center for Bhutan Studies, 2012: 168). Similarly, health refers to absence of illness, in simple terms. In Bhutan, health refers to both physical and mental health, since health is expressed as the outcome of relational balance between mind and body, and between persons and the environment (The Center for Bhutan Studies, 2012: 168). GNH takes a holistic approach towards health by focusing on social circumstances, emotional states and spiritual aspects (The Center for Bhutan Studies, 2012: 168). Through a GNH lens, a combination of all would provide an individual with an ability to meet life's opportunities and challenges and maintain a level of functioning that has a positive influence on wellbeing (Ura, 2008). GNH also highlights the importance of a holistic educational approach which ensures Bhutanese citizens gain a deep foundation in traditional knowledge, common values and skills. In addition to studying reading, writing, maths, science and technology, students are also encouraged to engage in creative learning and expression. A holistic education extends beyond a conventional formal education framework to reflect and respond more directly to the task of creating good

¹⁶ See: <http://www.kuenselonline.com/journalists-uncomfortable-with-bhutans-press-freedom-rank/> accessed on 16/10/2017

human beings. It is important for Bhutan that an education indicator includes the cultivation and transmission of values (Ura, 2009)

Socio-economic development of Bhutan, however, has not shown decline in the rate of progress as compared to earlier years (Bertelsmann Stiftung's Transformation Index, 2016). Economic growth fell to 2.1 per cent in 2013, then was recovered in 2015 when it reached 5.5 per cent (Bertelsmann Stiftung's Transformation Index, 2016).

Enrollments to secondary schools and universities have risen, there is improvement in health indicators, extension of the rural road system has been carried out, and environmental concerns taken prominent space in policy decisions (Bertelsmann Stiftung's Transformation Index, 2016). Poverty has declined with the exception of some rural regions, where it remains high (Bertelsmann Stiftung's Transformation Index, 2016). There is now gender balance in secondary education, although males still outnumber females at the tertiary level (Bertelsmann Stiftung's Transformation Index, 2016). Women were elected to only four out of 67 parliamentary seats in 2013 and are poorly represented in executive positions in public sector organizations (Bertelsmann Stiftung's Transformation Index, 2016).

In the following section, there are various examples of the Bhutanese government's failure in addressing to the socio-economic developmental needs of the people, especially its minority people like it promises to in its GNH development goals.

5.2.c.i Gender Gap in Happiness

Bhutan ratified the 1979 Convention on the Elimination of All Forms of Discrimination against Women (or CEDAW) in 1981. Article 9 of the Convention states that,

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

According to the CEDAW, discrimination of women on the grounds of passing on nationality is prohibited. However, the Bhutanese distinction between F4, (Non-national

women married to Bhutanese men, and their children), and F5, (Non-national men married to Bhutanese women, and their children), clearly breaks this convention (Census Handbook, 1993: 29). Since the ratification of the convention, the government has failed to abide by its CEDAW obligation of providing citizenship and prevent statelessness when non-Bhutanese woman is married to a Bhutanese national (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). These women are labeled as non-nationals and denied any citizenship rights. This has brought more complications as it leads to an increase in number of stateless children since the government does not permit children born from such mothers from taking citizenship of Bhutan.

In Bhutan, there is no gender inequality between men and women in legal terms. In fact, Bhutanese women enjoy more freedom, equality and higher social status in Bhutan than many other countries. However, there are differences in status of women who belong to urban areas from those in rural areas. Women in few societies, especially those belonging to Hindu society in southern Bhutan do not necessarily enjoy high social status (Japan International Cooperation Agency, 2017) The report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 2003) points out the need to pay attention to gender discrimination that has been always invisible but existing especially at households and workplaces.

| | West and Central | South | East |
|-------------------------------|---|---|-----------------------------------|
| Population Composition | <i>Ngalongs</i> | <i>Lhotshampas</i> | <i>Sharchops</i> |
| Religion | Buddhism | Hinduism/Buddhism | Buddhism |
| Social system | Matrilineal society, Matriarchal society | Patrilineal Society*, Patriarchial society Caste system | Patrilineal society (Polygamy) |
| Household Head | Women | Men | Women/Men |

*With few exceptions Source: Japan International Cooperation Agency, 2017

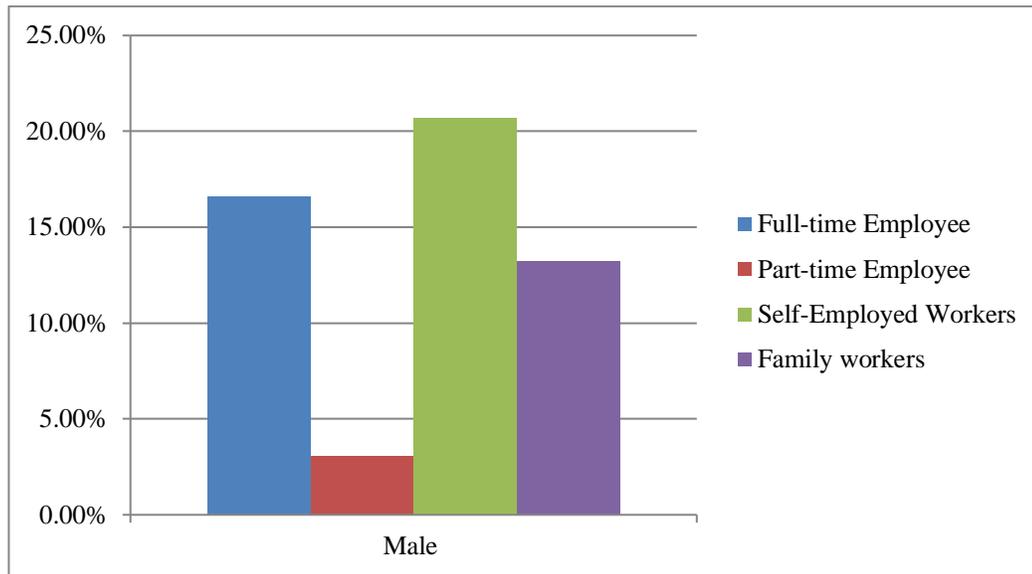
Although the status of women is relatively high in Bhutan, there still exist the social perceptions of gender role that are expected of both men and women in the society. Women's role as home-makers limited their access to educational and employment opportunities (Japan International Cooperation Agency, 2017). The 2003 CEDAW Report

notes that these traditional beliefs have not hindered women's participation in household decision-making, property inheritance, or participation in local events and other community activities (CEDAW, 2003). However, women's movement outside the home is limited, particularly in southern Bhutan (Japan International Cooperation Agency, 2017). In rural areas, women's movement beyond their community without male companions may be implicitly discouraged (Japan International Cooperation Agency, 2017).

Regarding the issue of employment, there is a significant margin of gender inequality in Bhutan. The Labour Force Survey Report (2015) showed the unemployment rate in Bhutan in 2015 at 2.5 percent; the rates by gender were 3.1 percent for women and 1.8 percent for men (Japan International Cooperation Agency, 2017). Unemployed status of women stood at 59.9 percent (The Royal Government of Bhutan, Ministry of Labour and Human Resources, 2015). Additionally, women's labour participation rate stood at 55.9 percent which was lower than men's labour participation which stood at 71.2 percent (The Royal Government of Bhutan, Ministry of Labour and Human Resources, 2015). Therefore, one of the main factors in gender equality in Bhutan is promoting women's participation (Japan International Cooperation Agency, 2017).

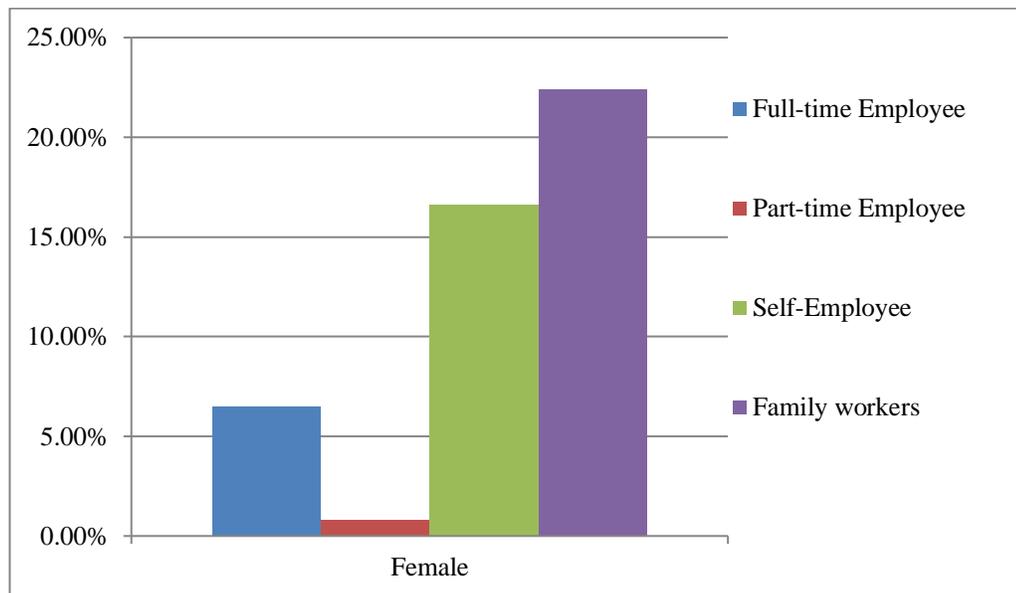
Figures 5.1 and 5.2 below show gender disparity in employment. In contrast to their male counterparts, there is a small percent of women who earn income outside their households, the figure standing at a meager 6.4 percent for full-time employees and 0.8 percent for part-time employees. Family workers stand at a relatively large 24.4 percent, but they usually go unpaid according to World Bank (Japan International Cooperation Agency, 2017).

Figure 6. Male Employment Pattern



(Source: Royal Government of Bhutan, Ministry of Labour and Human Resources, 2015, Labour Force Survey 2015)

Figure 7. Female Employment Pattern



Source: Royal Government of Bhutan, Ministry of Labour and Human Resources, 2015, Labour Force Survey 2015

Gender disparity is also seen in the amount of wages between men and women in Bhutan. According to the World Bank report (2013), women’s average monthly income is only 75 per cent of men’s (Japan International Cooperation Agency, 2017; World Bank, 2013).

Additionally, when it comes to the question of political participation, women’s involvement in it is extremely low in Bhutan. The table below gives an overview of female participation in politics in Bhutan, in comparison to male participation.

Table 8. Male and Female Participation in Politics

| Post | Female | Male |
|--|---------------|-------------|
| National Council Member | 2 (8.7%) | 23 |
| National Assembly Member | 4 (9.3%) | 43 |
| Minister | 1 (11.1%) | 9 |
| Prefectural Governor (Appointed post) | 2 (11.1%) | 18 |
| District Delegate | 2 (1.0%) | 18 |
| District Assitant Delegate | 23 (12.8%) | 179 |
| Village Delegate | 128 (15.0%) | 856 |

Source: National Council of Bhutan, http://www.nationalcouncil.bt/en/member/list_of_members; National Assembly of Bhutan, http://www.nab.gov.bt/en/member/list_of_members; and Ministry of Home and Cultural Affairs, 2016.

Furthermore, a *Briefing to the Committee on the Rights of the Child on the Child Sexual exploitation in Bhutan* by *RENEW (Respect, Educate, Nurture, Empower Women)* and *ECPAT International* has highlighted a study by the government of Bhutan and UNICEF regarding the issue of Child Sexual Exploitation (or CSE) in Bhutan. According to the study, CSE has emerged as an alarming concern in the southern and south-eastern regions of Bhutan where most of the *Lhotshampas* reside. It is estimated that about half of female commercial sex workers in southern cities are Bhutanese and Indian girls younger than 18 years (RENEW and ECPAT International, 2017). The report has also noted the presence of child trafficking for sexual purposes, and girls are trafficked from

rural areas of Bhutan to urban areas of Bhutan or India (RENEW and ECPAT International, 2017).

All these data point towards the fact that there is discrimination based on gender, and the discrimination is more severe among women belonging to ethnic minority groups, particularly the *Lhotshampas* living in southern parts of Bhutan.

5.2.c.ii Discrimination against Children

Discrimination in Bhutan takes the form of basic human rights of ethnic minority children as well. Bhutan is a signatory of the Convention on the Rights of Child (or CRC) since 1990. By virtue of its ratification of the CRC, Bhutan is responsible of upholding commitments for right of the child. The country has made efforts in this regard by incorporating some pro-children provisions in the constitution, penal code and Civil and Criminal Procedure Code (or CCPC) (Human Rights without Frontiers, Nepal and Association of Press Freedom Activists, Bhutan, 2009). However, there are certain cases in which the Bhutanese government has violated the CRC norms. Human Rights Watch in its 2007 report has pointed out the deprivation of nationality and identity for ethnic Nepali children and discrimination against these children in Bhutan regarding access to education, health care and landownership (Human Rights Watch, 2007),

Human Rights Watch wishes to bring to the Committee's attention information regarding the following violations of the Convention on the Rights of the Child by the Bhutanese government:

- deprivation of nationality and identity for ethnic Nepali children (arts. 7 and 8);
- denial of the right to return to one's own country (art. 10);
- discrimination against ethnic Nepali children in Bhutan (art. 2), including in access to education (art. 28), health care (art. 24), and landownership (arts. 16, 27 (3));
- denial of the right of ethnic or linguistic minorities to enjoy their own culture and use their own language (art. 30);
- and sexual violence and other abuses against girls and women (art. 19).

The government of Bhutan, by the use of its restrictive citizenship laws, has deprived thousands of Nepali-Bhutanese children their right to Bhutanese nationality and citizenship. Among more than a hundred thousand *Lhotshampas* who were evicted from

the country in the early 1990s, around 40 per cent were children (Human Rights Watch, 2007). By rendering these children stateless, Bhutan has violated the CRC norms. In the event of their statelessness, they would face significant restrictions to their basic rights. They would not be able to apply for higher education, as well as government jobs, trading or business licenses without a 'No Objection Certificate' (Human Rights Watch, 2007). Refugee children faced severe problems due to poverty. They suffered from health problems which forced them to drop out of schools.¹⁷ The UNHCR and Caritas NGO provided the children free education in the schools inside the refugee camps but they could not afford buy uniforms and stationery.¹⁸ Furthermore, children also dropped out of school to work as labourers to help their parents as the aid given to them was not enough for their survival.¹⁹ The children explained their problems of insufficient food at home. The UN World Food Programme (WFP), the only source of food, provided about 5.6 kg of rice for two source of food which was not sufficient according to the children's testimonies.²⁰

Bhutanese government has guaranteed the right to free education up to grade X for all children of school going age (The Royal Government of Bhutan, Ministry of Education, 2015). However, to enroll children in school, parents need to produce no objection certificate (NOC) provided by the local authorities (Human Rights Watch, 2007). *Drukpas* are routinely re-issued with NOCs every year but on the other hand, local officials are reluctant to provide NOC to Nepali-speaking Bhutanese citizens especially those who have relatives in refugee camps in Nepal (Human Rights Watch, 2007). The rights of the children belonging to Nepali ethnicity in Bhutan as such are exploited.

Article 28: (Right to education): All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children's dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect. The Convention places a high value on

¹⁷ See: <http://www.irinnews.org/report/75050/nepal-bhutanese-refugee-children-want-new-lives> accessed on 20/04/2016

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ *ibid*

education. Young people should be encouraged to reach the highest level of education of which they are capable (The Convention on the Rights of Child (or CRC), 1990).

The CRC obliges (Article 7) the signatory state parties to maintain birth registration of all children born within the territory and provide citizenship to these children. However, the government has not maintained birth registration of children whose both parents aren't given Bhutanese citizenship. Bhutan has violated the norms of CRC in this regard as well. Articles 7 and 8 of the CRC protect the right to nationality of children,

Article 7 (Registration, name, nationality, care): All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents (The Convention on the Rights of Child (or CRC), 1990).

Article 8 (Preservation of identity): Children have the right to an identity – an official record of who they are. Governments should respect children's right to a name, a nationality and family ties (The Convention on the Rights of Child (or CRC), 1990).

The government of Bhutan has instead rendered thousands of *Lhotshampa* children stateless by denying them citizenship rights. Furthermore, the children who are still living in Bhutan and belong to ethnic minority groups do not enjoy the right to freely enjoy their own culture and customs. The government's 'one nation, one people' policies decree has adverse ramifications on its ethnic minority children. While Hinduism is moderately tolerated, Christianity and Islam are systematically prohibited. While the languages ethnic minority children speak are their mother tongue, there is still pressure to learn *Dzongkha*, which is the language of the dominant *Ngalongs*, and there are no provisions of learning in ethnic minority languages in school education system. These practices violate article 30 of the CRC which reads,

Article 30 (Children of minorities/indigenous groups): Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one's own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country (The Convention on the Rights of Child (or CRC), 1990).

5.2.c.iii Discrimination in the Right to Health

Health services in Bhutan constitute a three-tier system: (i) basic health units (BHUs), sub-posts and outreach clinics (ORCs) at the primary level; (ii) district or general hospitals at the secondary level; and (iii) regional and national referral hospitals at the tertiary level (Asia Pacific Observatory on Health Systems and Policies, 2017). Like other sectors in the country, health sector development is guided by five-year plans (FYPs) under the four pillars of Gross National Happiness (Asia Pacific Observatory on Health Systems and Policies, 2017). Notwithstanding the fact that the government of Bhutan has steered clear of the international treaties regarding right to health, health is included in the country's GNH framework as one of the nine domains. Bhutan has also argued that it is implementing the right to health through GNH policy reforms (Meier and Chakrabarti, 2016).

Health takes prominence in Bhutan's goal of GNH and this is evident in the country's constitutional provision laid down in article 9, section 21 that,

The State shall provide free access to basic public health services in both modern and traditional medicines (The Royal Government of Bhutan, the Constitution of the Kingdom of Bhutan, 2008).

However, even if Bhutan seeks to secure happiness through health policy, it has done so at the expense of minority populations (Meier and Chakrabarti, 2016). Bhutan is straddled between two worlds: "reforming health policy to ensure domestic happiness while denying human rights to minority populations" (Meier and Chakrabarti, 2016). Despite having a well-evolved predominantly public financed and managed health system with select norms of the human right to health, the ongoing denial of "universal equality" stands as an hindrance to a rights-based health system, with this failure to ensure cross-cutting principles of non-discrimination, participation, and accountability undercutting government efforts to realize the right to health" (Meier and Chakrabarti, 2016).

Additionally, it is reported that the ethnic Nepali minorities living in Bhutan were denied access to health care most of the time, despite having documentary proof of citizenship (Human Rights Watch, 2007).

Save the Children Fund UK reported mental health problems amongst adult refugees living in the camps of Nepal due to the stress of life in exile (Bhutanese Refugee Support Group, 2000: 10), and a history of torture (Ommeren, Mark Van et.al, 2001). Tortured refugees reported lifetime posttraumatic stress disorder, persistent somatoform pain disorder, affective disorder, generalized anxiety disorder, and dissociative (amnesia and conversion) disorders (Ommeren, Mark Van et.al, 2001).

Moreover, limited food diversity, frequent illness, and feeding practices have been identified as underlying causes of malnutrition in the Bhutanese refugee population.²¹ In 2007, acute malnutrition (i.e., wasting) was found in 4.2 percent of Bhutanese children aged 6 to 59 months living in camps in Nepal while chronic malnutrition (i.e., stunting) was found in 26.9 percent of children.²²

Refugee children had to face scorn at some hospitals in the cities. Local doctors refused to examine patients despite repeated requests.²³

5.2.c.iv Discrimination in Land Ownership and Inheritance Laws

It has also been reported that the ethnic Nepalis also faced discrimination with respect to land ownership. While this may lead to many things, the most severe impact of this form of discrimination leads to the children of the ethnic Nepali minorities being denied the inheritance of their family's property (Human Rights Watch, 2007). Since buying and selling of land requires an NOC, it proved very difficult for the Nepalis to produce the document in order to buy or sell land. Besides, government guidelines for a nationwide land survey state that any land that is registered in the name of a non-national is liable to confiscation by the government (Human Rights Watch, 2007; Ministry of Home Affairs, Land Records Office, 1998). This left those people who were denied registration in the 2005 census vulnerable to confiscation of the land they owned.

²¹See: <https://www.cdc.gov/immigrantrefugeehealth/profiles/bhutanese/health-information/nutrition/index.html#anemia> accessed on 11/07/2017

²²ibid

²³ See: <https://reliefweb.int/report/nepal/bhutanese-refugee-children-nepal-endure-discrimination> accessed on 11/07/2017

The land-survey guidelines also authorize the government to confiscate all land which was registered in the names of exiled persons, whether or not they left the land certificates with their relatives in Bhutan before they exited the country (Human Rights Watch, 2007; Ministry of Home Affairs, Land Records Office, 1998). Relatives of refugees therefore found themselves in an extremely difficult position. Since they had relatives in refugee camps, it was likely that they would be denied NOCs, which meant that they would have no access to government employment nor could apply for business and trading licenses (Human Rights Watch, 2007). Therefore, many ethnic Nepalis ran the risk of losing their land and inheritance if their land were registered in the name of their relatives who were exiled from the country and living as refugees in Nepal.

Thus, the ethnic Nepalis were in constant fear of losing their land and inheritance although they possessed citizenship cards and NOCs (Human Rights Watch, 2007).

5.3 Conclusion

Therefore, after examining the three pillars of Bhutan's Gross National Happiness framework, it will be concluded that the framework still possesses large number of loopholes regarding equal treatment of people living in Bhutan in various aspects. However, the fundamental problem is born in the constitution of Bhutan itself. As long as the provisions which are biased towards one ethnic community at the expense of the others are not amended, the systematic exclusion and discrimination of minorities will likely continue to occur.

All the issues discussed above has lead to make us wonder at what human cost Bhutan is striving to achieve its happiness goal. The commitment to the preservation of culture and identity has resulted in a huge cost for the country's ethnic minority. The forceful imposition of *DriglamNamzha*, the introduction of *Dzongkha* as the national language and the requirement of all Bhutanese citizens to have knowledge of Dzongkha language, and to be able to speak and write *Dzongkha*, and the obligation to uphold the Buddhist heritage of the country all translates to the Bhutanization drive of the elites of Bhutan that leaves very little space for the ethnic minorities to enjoy the right to enjoy their own culture, language and religion.

Regarding the issue of political freedom and political participation, there are again a network of government-imposed policies which do not give the people of Bhutan, especially the minorities any leverage or opportunity to advance their political desire. Besides, the constitution binds the people into keeping themselves from criticizing the king. Unpopular opinion and dissent voices, as such, have no space in Bhutanese society and politics. While Bhutan has embarked on establishing democratic values in the country, the absence of transparency and accountability of the government shades doubt on the authenticity of the democratic stance of the country. Information is limited and hard to access and holding narratives on issues of Bhutanese refugees is prohibited.

Similarly, there is discrimination in the socio-economic sphere in Bhutan. The minorities living in Bhutan do not enjoy the same privileges as the dominant ethnic group. There is discrimination regarding education, employment, land-ownership and health, to speak of few. Women and children are the most vulnerable section of the Bhutanese society, especially the ones belonging to ethnic Nepali group. Most of them deprived of nationality and identity, denied right to return to one's own country and subject to sexual violence and other abuses. All these issues throw a very negative light at the 'happiness' policy of Bhutan and drives one to ask if the happiness in Gross National Happiness means happiness of some at the cost of misery of others. While the teachings of Mahayana Buddhism leans towards being kind and helping others, Bhutan as a Buddhist nation does not really uphold the basic principles of Buddhism upon which the Bhutanese society was built.

All policies in the Kingdom of Bhutan seek to enhance Gross National Happiness (GNH). Based upon principles of Mahayana Buddhism, GNH focuses on the advancement of social harmony, preservation of national identity, and sustainability of natural environments. By emphasizing non-economic measures in development policy, looking beyond Gross Domestic Product, the Bhutanese GNH system surveys citizens to assess their holistic well-being. With Bhutanese citizens consistently found to be among the happiest in the world, the Bhutanese government has sought to enlarge the global development agenda to incorporate notions of happiness. Yet, while Bhutan has sought to export its GNH Index to other nations, advancing GNH to widespread acclaim in the

United Nations (UN), it is only beginning to interact with the UN human rights system and to confront criticism of its minority rights practices.

The contention of this chapter is that it would be a huge error to look at the Bhutanese experience solely from the perspective of the happiness project without mentioning the human rights abuses in the country. Although Gross National Happiness as a development policy on its own is a decent approach to development, unfortunately for Bhutan, its policies have shown a marked weakness in its commitment to the principles of fairness and justice, even though it has expressed support for such ideals in its constitution.