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**STATUS OF HUMAN RIGHTS IN THE KINGDOM OF BHUTAN
FOR THE 47TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Kingdom of Bhutan (Bhutan) for the 47th Session of the Universal Periodic Review (UPR).

Background

2. Bhutan is a country located in southern Asia with a population of approximately 777,000 people.¹ The population is predominately Buddhist, with approximately 75% of the population identifying as Lamaistic Buddhist, 22% as Hindus, and 2.6% as other.² It is estimated approximately 19,500 Christians are living in Bhutan.³ In its 2024 World Watch List, Open Doors listed Bhutan as the 36th worst place for Christians.⁴ This stems from the fact that Christians are not legally recognized in the country and are therefore forced to practice their faith in secret.⁵

3. Bhutan's last review was held on May 8, 2019.⁶ As a result of the review, Bhutan received 220 recommendations, 157 of which it accepted.⁷ It was recommended by Italy, and supported by Bhutan, that the government “[i]ntensify efforts to protect and promote freedom of religion or belief and the rights of persons belonging to religious minorities.”⁸ Further, it was recommended by the United States of America, but only noted by Bhutan, that the government “[a]mend the Law on Religious Organizations to protect the free practice of religion and the ability of religious organizations to obtain legal status.”⁹ Moreover, it was recommended by Estonia, but only noted by Bhutan, that the government “[e]nsure freedom of religion and belief and actively combat discrimination against religious minorities.”¹⁰ It was also recommended by Italy, but only noted by Bhutan, that the government “[c]onsider ratifying all the core human rights instruments to which it is not yet a party, including the

¹ *Bhutan*, BRITANNICA (Feb. 29, 2024), <https://www.britannica.com/place/Bhutan>.

² *Id.*

³ *Bhutan*, OPEN DOORS UK, <https://www.opendoorsuk.org/persecution/world-watch-list/bhutan/#:~:text=How%20many%20Christians%20are%20there,country%27s%20population%20of%20796%2C00> (last visited Feb. 1, 2024).

⁴ *World Watch Lost 2024 – Bhutan*, OHCHR, <https://www.opendoors.org/en-US/persecution/countries/> (last visited Feb. 1, 2024).

⁵ *Bhutan*, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/bhutan/> (last visited Feb. 1, 2024).

⁶ *Bhutan*, OHCHR (May 8, 2019), <https://www.ohchr.org/en/hr-bodies/upr/bt-index>.

⁷ *Bhutan Infographic*, OHCHR, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/BT/Bhutan.pdf>.

⁸ *UPR of Bhutan (3rd Cycle – 33rd Session): Thematic List of Recommendations*, OHCHR, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/BT/MatriceRecommendationsBhutan.docx> (last visited Feb. 1, 2024).

⁹ *Id.*

¹⁰ *Id.*

International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.”¹¹

Legal Framework

4. Article 3 of the Constitution of Bhutan states that “Buddhism is the spiritual heritage of Bhutan, which promotes the principles and values of peace, non-violence, compassion and tolerance” and that “[i]t shall be the responsibility of religious institutions and personalities to promote the spiritual heritage of the country”¹² Article 7 section 4 provides that “[a] Bhutanese citizen shall have the right to freedom of thought, conscience and religion. No person shall be compelled to belong to another faith by means of coercion or inducement.”¹³

5. Article 5 of the Religious Organizations Act of Bhutan effectively prohibits any religion other than Buddhism from being legally recognized and prohibits proselytizing. As stated in Article 5: “No RO [religious organization] shall: . . . (f) Violate the spiritual heritage of Bhutan as expressed in Article 3 of the Constitution; (g) Compel any person to belong to another faith, by providing reward or inducement for a person to belong to another faith.”¹⁴ Furthermore, Article 19 of the same Act requires that all religious organizations register with the Chhoedey Lhentshog, which has the authority to approve or reject applications by religious organizations.¹⁵

6. Additionally, under § 463(A) of the Penal Code Act of Bhutan, “[a] defendant shall be guilty of the offense of compelling others to belong to another faith if the defendant used coercion or other forms of inducement to cause the conversion of a person from one religion or faith to another.”¹⁶ Those convicted of this crime can be sentenced from one to three years in prison.¹⁷

7. Although Bhutan is a member of the United Nations, it is not a party to the most basic human rights treaty, the International Covenant on Civil and Political Rights (ICCPR).¹⁸ However, Bhutan does have similar obligations under the Universal Declaration of Human Rights (UDHR). Under Article 18 of the UDHR:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.¹⁹

¹¹ *Id.*

¹² CONSTITUTION OF THE KINGDOM OF BHUTAN, art. 7, available at https://www.constituteproject.org/constitution/Bhutan_2008.

¹³ *Id.* art. 7 § 4, https://www.constituteproject.org/constitution/Bhutan_2008.

¹⁴ RELIGIOUS ORGANIZATIONS ACT OF BHUTAN art. 3 § f-g, <https://oag.gov.bt/wp-content/uploads/2010/05/Religious-Organizations-Act-of-Bhutan2007English-version.pdf>.

¹⁵ *Id.* art. 19.

¹⁶ *Bhutan’s Anti-Conversion Law Causes Christians to Fear Persecution*, INTERNATIONAL CHRISTIAN CONCERN (Dec. 7, 2012), <https://www.persecution.org/2012/12/07/bhutans-anti-conversion-law-causes-christians-to-fear-persecution/>.

¹⁷ *Id.*

¹⁸ *Ratification Status for Bhutan*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=20&Lang=EN (last visited Feb. 1, 2024).

¹⁹ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 18 (Dec. 10, 1948).

Religious Persecution

8. Due to the laws and policies restricting the practice of religion in Bhutan, the minority Christian population is forced to practice its faith in private.²⁰ Christians are forced to smuggle Bibles in order to have access to their religious texts.²¹ Furthermore, it is forbidden for Christians to share their faith with Buddhists.²²

9. In Bhutan, Christian churches are unable to legally register with the government.²³ This results in Christians not being able to own and operate churches.²⁴ As of the end of 2022, the government has recognized 139 religious organizations.²⁵ Out of these, 137 are Buddhist and two are Hindu.²⁶ Further, the government took no action to recognize pending applications from Christian religious organizations nor did the government offer any explanation or reasoning for such delay.²⁷

10. In September 2019, the government stated that “[r]egistration of religious organization is not a prerequisite for practice. Religious groups are free to practice without registering with the Chhoday Lhentshog.”²⁸ Despite this statement, it is clear that Christians are not allowed to practice their faith.²⁹ In fact, government authorities routinely monitor Christians and prohibit Christian religious symbols from being displayed.³⁰ Recently, authorities arrested a senior leader of an underground church and sentenced him to thirteen years in prison.³¹

11. Not only has the government not honored its statement, it has actually taken steps to further restrict Christians. In April 2023, the Department of Law and Order of the Ministry of Home Affairs requested that the local and municipal governments prohibit religious gatherings from taking place without approval and prohibit activities that are not in line with Bhutanese values and traditions.³²

12. As stated above, proselytizing is effectively prohibited under Article 5 of the Religious Organizations Act of Bhutan. This ban severely infringes on the ability of Christians to practice their faith, which requires them to share about the good news of Jesus Christ with others. One

²⁰ *Bhutan*, *supra* note 5.

²¹ *Global Prayer Guide, Bhutan*, THE VOICE OF THE MARTYRS, https://www.persecution.com/globalprayerguide/bhutan/?_source_code=WHPB20C (last visited Feb. 1, 2024).

²² *Bhutan*, RELEASE INTERNATIONAL, <https://releaseinternational.org/country/bhutan/> (last visited Feb. 1, 2024).

²³ *Freedom in the World Bhutan*, FREEDOM HOUSE (2021), <https://freedomhouse.org/country/bhutan/freedom-world/2021>.

²⁴ *Id.*

²⁵ *Bhutan: Full Country Dossier*, OPEN DOORS (Jan. 2024), https://www.opendoors.org/persecution/reports/Bhutan-Full_Country_Dossier-ODI-2024.pdf.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Bhutan: Full Country Dossier*, OPEN DOORS (January 2023), <https://www.opendoors.org/persecution/reports/Full-Country-Dossier-Bhutan-2023.pdf>.

³¹ *Christian Leader Sentenced to 13 Years in Bhutan Prison*, BACK TO JERUSALEM, <https://backtojerusalem.com/christian-leader-sentenced-to-13-years-in-bhutan-prison/> (last visited Feb. 29, 2024).

³² *Bhutan: Full Country Dossier*, *supra* note 25.

Bhutanese Christian stated that sharing one's faith with a Buddhist could result in imprisonment.³³

13. Prohibiting Christians from owning churches, proselytizing, and carrying out religious activities publicly, infringes on the ability of the Bhutanese people to freely practice their faith. Additionally, these restrictions give the government more control over religion allowing the government to stifle religious minorities. This is in gross violation of the UDHR.³⁴

14. In addition to the legal restrictions placed on Christian expression of faith in Bhutan, Christians also face discrimination within their communities.³⁵ Christian converts in particular face persecution from their families, as leaving Buddhism is viewed as bringing shame upon the family, and converts even risk being disowned by their families.³⁶ Christian women converts have been targeted and forced to marry non-Christian men.³⁷ In rural areas, local government officials work hard to “preserve the country's Buddhist heritage.”³⁸ This involves making it difficult for Christians to obtain necessary legal documents, even as basic and necessary as identification cards.³⁹ This also includes forcing Christian children to receive Buddhist religious education and participate in Buddhist religious ceremonies and festivals at school.⁴⁰ In some cases, Christian children have been required to clean and bow down to Buddhist religious shrines.⁴¹

15. Since Bhutan's last UPR, the country has made no effort to afford religious minorities the ability to openly practice their faith and have churches. What is equally troubling is the fact that Bhutan has demonstrated that it is not willing to change its policies even after receiving multiple recommendations that called for Bhutan to “[e]nsure freedom of religion and belief and actively combat discrimination against religious minorities.”⁴² Further, Bhutan also failed to support recommendations that called for ratifying the ICCPR.⁴³

Recommendations

16. Bhutan must reform its laws to ensure that religious freedom is guaranteed to all its citizens, not just Buddhists. People of all faiths should be permitted to build and operate houses of worship as well as openly and peacefully practice and share their faith. In the meantime, Bhutan must commit to taking proactive steps to protect religious minorities from the effects of its discriminatory laws. Everyone should be permitted to worship according to the tenets of his faith. Religious freedom is a fundamental human right that is enshrined in numerous international instruments, and Bhutan has an obligation to protect this right. As many countries have previously recommended, we also ask that Bhutan ratify the ICCPR and begin protecting the rights enshrined therein.

³³ Caroline Anderson & Susie Rain, *In Bhutan, Church Flexes Limited Freedom in Buddhist Kingdom*, <https://www.baptistpress.com/resource-library/news/in-bhutan-church-flexes-limited-freedom-in-buddhist-kingdom/>.

³⁴ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 18, *supra* note 19.

³⁵ *Bhutan: Full Country Dossier*, *supra* note 25.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² OHCHR, UPR of Bhutan (3rd Cycle – 33rd Session): Thematic List of Recommendations), *supra* note 8.

⁴³ *Id.*