

**Submission to the UN Committee
on the Rights of the Child**

**NGO Response to
Initial State Party Report:
BHUTAN
(CRC/C/3/Add.60)
under the Convention of the
Rights of the Child**

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Response to Initial Report of Bhutan (CRC/C/3/Add.60) under the Convention of the Rights of the Child

1. Introduction

With its ratification of the Convention on the Rights of the Child (CRC) on May 23, 1990, and its signing of the declaration adopted by the World Summit for Children in 1990, the Royal Government of Bhutan committed itself to promoting, respecting, protecting and fulfilling the rights of all children under its jurisdiction, regardless of, *inter alia*, their or their families' race, language, religion, or national origin.

The following response to Bhutan's report under the Convention on the Rights of the Child focuses on the children affected by the exodus from Bhutan of up to 120,000 *Lhotshampas* (southern Bhutanese people of Nepali origin), the majority of whom left in 1991 and 1992 (i.e. shortly after Bhutan's ratification of the CRC). Today, over 97,000 people (including more than 45,000 children)ⁱ remain in refugee camps in eastern Nepal, awaiting an agreement between the governments of Bhutan and Nepal to determine who will be allowed to return. The circumstances leading to the flight of the refugees from Bhutan are replete with well-documented violations of Bhutan's obligations under the CRC, and the failure so far to secure a durable solution for the refugees represents an ongoing obstacle to Bhutan's fulfilment of those obligations.

Bhutan's report under the CRC makes only one mention of *Lhotshampas* as a distinct group, referring to them in paragraph 180 as "Nepali immigrants". This is misleading, implying that they are first generation migrants, and not people and descendants of people of Nepalese origin who were granted full Bhutanese citizenship in 1958. A fairer definition of the term *Lhotshampa* is 'Southern Bhutanese of Nepali origin'.

This response was initiated by the Bhutanese Refugee Support Group in the UK and Ireland, some of whose members witnessed at first hand the events of the late 1980s and early 1990s, which led to the exodus. Members of the group, particularly those who worked in the field of education, can bear witness to the suffering caused by widespread discrimination against southern Bhutanese people, including children. They felt that an alternative account must be made which details some of this suffering: Bhutan's report is written as if these events never happened. Bhutan's report under the CRC was published in 1999. In 2000 Bhutan published its first National Human Development Report. It, too, writes history in a way which renders invisible the thousands of people who left Bhutan in the early 1990s, by inventing a set of population figures which start from a 1998 estimate of 636,499 and work back to a figure of 452,000 for 1984, without the slightest dip in figures to reflect the mass exodus in the early 1990s.ⁱⁱ

This response is also supported by a number of Bhutanese refugee organisations as well as non-governmental organizations that have been responsible, directly or indirectly, for receiving and supporting the refugees in the camps in eastern Nepal, and have observed the consequences for the refugee children of their long exile from the land of their birth or of their parents.

Historical background

In paragraph 180 of Bhutan's report, Lhotshampas (Southern Bhutanese of Nepali origin) are identified as one of the main ethnic groups in the country.

The refugees from Bhutan come principally from this southern group. Many claim that their ancestors came to Bhutan between 1875 and 1940. Over the twentieth century, the Nepali-speaking community became well established, with settlements and farms spread across the south of the country. In 1958, the southern Bhutanese population was granted full citizenship. As the country developed during the 1960s and 1970s, many Southern Bhutanese rose to occupy influential positions in the bureaucracy. Communities in all parts of the country were well served by government programmes.

Harmonious coexistence came to an abrupt end in the 1980s. Following a nationwide census in 1980, the Bhutanese government appears to have felt that the growth of Southern Bhutanese population posed a threat to the dominant culture and identity. A new Citizenship Act was passed in 1985 which seemed to discriminate against Lhotshampas. During subsequent census operations, carried out in southern districts only, people previously recognized as Bhutanese were re-classified as "non-nationals". Several thousand were forced to leave the country. Tek Nath Rizal, then a Royal Advisory Councillor, led a petition to the King expressing concern at the situation. This action was regarded as seditious. Rizal was removed from office and briefly imprisoned. He fled to Nepal and formed the 'People's Forum for Human Rights'. >From there he was arrested for alleged activities against the Bhutanese government and was returned to Bhutan in November 1989, where he remained imprisoned until December 1999.

Distress among Southern Bhutanese was further increased in 1989, when they were forced to observe dress codes and etiquette characteristic of Northern Bhutanese, under threat of punishment. Nepali, the language of the southern Bhutanese, was removed from the school curriculum. Southern Bhutanese who were unhappy with these repressive measures spoke out against them and petitioned the King.

Public demonstrations against government policies took place in southern districts in September-October 1990. All who took part were branded 'anti-nationals' by the government. Of the 114 schools in southern Bhutan, 76 were closed.ⁱⁱⁱ Several thousand Southern Bhutanese were imprisoned for many months in terrible conditions; more than two thousand were tortured. On their release, many found that their houses had been destroyed and their families had fled the kingdom.

During 1992 and 1993, thousands more fled to Nepal, some through fear of arrest and torture, some following eviction by government forces. Others were pressurised into signing "Voluntary Migration Forms". According to Bhutanese law, people leaving the country voluntarily forfeit their right to citizenship.

There are now over 97,000 refugees sheltering in UNHCR-administered camps in eastern Nepal, with an estimated 10-20,000 living elsewhere in Nepal and India. Eight years of bilateral talks have seen no tangible progress towards a solution. Meanwhile the refugees are denied their fundamental human rights - their right to a nationality (and not to be arbitrarily deprived of their nationality) and their right to return to their country of origin.

Although the situation of the Bhutanese refugees can often seem complex, the central issues are very simple. The government of Bhutan says that the majority of the refugees in the camps are not Bhutanese citizens. The refugees say they are Bhutanese and claim they have documents to prove it. The governments of Bhutan and Nepal agreed as early as 1993 that there will be a verification process leading to the repatriation of those found eligible to return. The process has yet to begin.

While affirming this as a bilateral issue, the international community has stated its concern for a fair and durable solution to the refugee crisis, including through Chairman's Statements at the 1998 and 1999 Sessions of the UN Sub-Commission on the Promotion and Protection of Human Rights and two resolutions passed by the European Parliament in 1996 and 2000.^{iv}

According to reports from refugee and other sources, Lhotshampas still in Bhutan, including children, continue to suffer discrimination. In its 1999 report, the

organization Bhutanese Refugees Aiding the Victims of Violence (BRAVVE) claims that most Lhotshampas in Bhutan are still deprived of educational facilities; that the newly re-established schools in southern Bhutan are for the children of resettled communities from eastern or northern Bhutan or for children of civil servants and security personnel; that the children of Lhotshampas and those families suspected of having links with the Bhutanese human rights movement are denied 'No Objection Certificates' (NOC) or 'Census Clearance Certificates', without which it is impossible to get admission to schools.^v

In Government-sponsored resettlement programmes, lands previously owned and occupied by refugees are being allocated to people from northern and eastern Bhutan. In the light of this and other practices, it is difficult to avoid questioning the good faith of the Royal Government of Bhutan when it professes its resolve to find a solution to the refugee crisis.

The Royal Government of Bhutan's stance in relation to human rights issues is historically ambiguous. The then Foreign Minister, speaking in 1993 at the National Assembly, said that "Human Rights was considered an important issue by the rich and powerful countries of the world". In its present report to the Committee on the Rights of the Child, however, the RGB professes a more positive outlook:

The development philosophy adopted by Bhutan, increasingly referred to as Gross National Happiness, emphasises the well-being of individuals over the importance of material gain and is also very relevant to the rights and needs of all children.

(paragraph 4 of Bhutan's report).

What follows is an attempt to highlight the areas in which official Bhutanese practices in relation principally to Lhotshampa people have been in conflict with the provisions of the Convention on the Rights of the Child, and with the RGB's declared commitment to the generation of 'Gross National Happiness'.

2. Responses to Elements of Bhutan's Report

2.1. Non-discrimination (art. 2)

All persons are equal before the law in Bhutan and have equal protection of the law without any discrimination. This prohibits discrimination against any person and child on the basis of race, sex, colour, religion, language, national or social origin, property or birth.

(paragraph 38 of Bhutan's report)

Paragraphs 38 to 41 of Bhutan's report address Article 2 of the CRC, but without referring specifically to the provision, in paragraph 2 of Article 2, that measures should be taken to ensure that the child is protected from all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians or family members.

Violation of the above provision of the Convention became Bhutanese government policy and practice when a circular was issued by the Home Ministry on August 17, 1990. The circular stated: "Any Bhutanese national leaving the country to assist and help the anti-nationals shall no longer be considered as Bhutanese citizens. It may also be made very clear that such people's family members living under the same household will be held fully responsible and forfeit their citizenship."^{vi}

The policy outlined above was hardened into a policy of eviction of citizens whom it termed as "anti-national": people who were involved in or supported the pro-democracy movement of 1990. (The widespread demonstrations in September-October 1990 had been a response to measures seen as discriminatory by Southern Bhutanese, who reacted with calls for democratization.) Eviction of such people was 'legitimized' in a resolution of the National Assembly in 1991. That the practice of 'guilt by association', clearly promoted in the home ministerial circular referred to above, was widespread, is borne out by countless testimonies by refugees and by foreign nationals working in southern Bhutan in the early 1990s. In *BHUTAN: A Shangri-la Without Human Rights*, the reasons for leaving Bhutan are summarized under 15 different headings.^{vii} This document outlines how whole families were punished for the alleged wrong-doings of one or some of their members: forced to sign statements that they would leave the country on the release of their relative; made to offer to leave the country as a precondition for the release of their relative and threatened with dire consequences if they failed to comply; forced to leave the country if they failed to comply with an order to hand over a family member fleeing from fear of persecution by the authorities. These measures were carried out in fulfillment of the 1991 National Assembly resolution, and in violation of Article 2 of the CRC.

It is clear that legislation following resolutions of the National Assembly has not been examined for consistency with Bhutan's human rights obligations.

Children were of course among those who were most vulnerable to, and who suffered most from, the practice of 'guilt by association'. The testimonies of foreign nationals working in schools in southern Bhutan in the early to mid-nineties corroborate refugee testimonies to this effect.^{viii} School closures in southern Bhutan meant that Lhotshampa children did not have access to education. The authorities might argue that the emergency situation in southern Bhutan necessitated the closure of schools, and that their closure was not a discriminatory measure against children, but that argument could not be used to explain why Lhotshampa children were expelled from schools in eastern Bhutan. Southern Bhutanese children were refused admission or expelled from school if a relative was considered to be involved in 'anti-national' activities: they were considered guilty by association. There were even cases where Lhotshampa children were refused admission to schools in which their fathers were serving as teachers. The requirement of 'No Objection Certificates' (NOC) and more recently Census Clearance Certificates, effectively precluded many southern Bhutanese from attending school, since such certificates were generally not forthcoming for Lhotshampa children. Many of those who remained in Bhutan were belittled and humiliated. For example, in Sandrup Jongkhar district, in 1991, a headmaster was observed berating the few southern Bhutanese children in the school, saying that he did not want to hear Nepali, the language of anti-nationals, being spoken.^{ix}

The egalitarian nature of Bhutanese society has no place for discriminatory practices.

(paragraph 39 of Bhutan's report)

Throughout the period of repression, from the late 1980's to the present day, it has been difficult or impossible for Lhotshampas (except in exile) to speak out against the discriminatory policies and practices of the Royal Government. Although Bhutan's report refers to the Lhotshampas as one of the two main ethnic groups in Bhutan, they do not have equal representation at all levels of society.

There has only ever been one Lhotshampa member of the cabinet (he is now serving as Bhutan's Permanent Representative to the UN in New York). There are currently no Lhotshampa members of the Royal Advisory Council, no Lhotshampa *Dzongdas* (district administrators), no Lhotshampa directors or secretaries in any of Bhutan's ministries. There are two Lhotshampa judges out of a total of eight in the High Court. The *Tshogdu* (National Assembly) consists of 150 members, of whom two or three, at present, are Lhotshampa.^x

Public representatives have not been allowed to voice disquiet about government policies towards Lhotshampas. Those who have raised voices in sympathy with the concerns of Lhotshampas have been punished. In 1989 Tek Nath Rizal, then a member of the Royal Advisory Council, led a petition to the King of Bhutan conveying the distress and concern of Southern Bhutanese people at the census officials' abuse of power during the census carried out in southern Bhutan in 1988 and appealing for amendments to be made to the 1985 Citizenship Act.^{xi} The appeal was viewed as seditious. Rizal was expelled from the Royal Advisory Council, jailed for three days and forced to sign a 'confession'. He fled to Nepal and formed the 'People's Forum for Human Rights'. From there he was arrested for alleged activities against the Bhutanese government and was returned to Bhutan in November 1989. He was convicted in 1993 and was ultimately released in December 1999. It is reported that lands which he should have inherited from his father were granted to a retired army officer in January 2000.^{xii}

In the crackdown on all southern Bhutanese in 1991, public representatives were the first to be targeted. Strong signals were sent out to the general public with the arrest of community leaders and public figures followed by their detention, ill-treatment, torture (in some cases leading to death), their being forced to sign 'voluntary migration forms' and their subsequent eviction from Bhutan. Similar treatment was extended to the general public, as is widely documented.^{xiii}

Lhotshampas do not enjoy equal representation, nor have they enjoyed equal opportunities, particularly since 1990. Discriminatory policies have operated in the field of education, health and employment, and training opportunities for Lhotshampas have been much fewer than for their eastern and northern colleagues.^{xiv}

Lhotshampas have been and continue to be removed from civil service positions on a racially discriminatory basis. In 1991, Lhotshampa health workers were demoted from positions and/or expelled from the country, as were Lhotshampa headmasters of

schools. In January 1998, 219 Lhotshampa civil servants and employees of government corporations were compulsorily retired as a result of a resolution passed by the National Assembly in 1997 that all relatives of ngolops (anti-nationals) should be retired from government service.

Finally, there are many accounts of Lhotshampas who tried to gain access to appeal to the King, but all were frustrated in their attempts. The King's own position was ambiguous. He is recorded as saying in 1991 that he was "pleased representatives of the government and the public had brought up the proposal of evicting anti-nationals with the objective of safeguarding the security and well-being of the country."^{xv} In January 1992, at the height of the exodus, he spoke with a different voice, declaring it a punishable offence for any administrative or security official to force any Bhutanese national to leave the country under duress. Yet the evictions continued, officials were not punished, and reparation has still not been made to those who were forced to leave their country and whose lands have been taken from them and resettled.

2.2. Name and Nationality (art. 7) and Preservation of Identity (art. 8)

Bhutanese children have the right to nationality, name and family as recognized by the citizenship laws of Bhutan.

(paragraph 59 of Bhutan's report)

Bhutan recognises the right of the child to acquire Bhutanese nationality as provided in its citizenship laws. However, these laws provide inadequate protection to children for their rights set out in Articles 7 and 8 of the CRC, which stipulate that children shall have the right from birth to acquire a nationality (article 7) and the right to preserve their identity, including their nationality (article 8).

Article 2 of Bhutan's 1985 Citizenship Act limits Bhutanese citizenship by birth to persons whose parents are both citizens of Bhutan.

There is continuing uncertainty regarding the nationality status of the refugees, who claim to be Bhutanese citizens, and whose claims the governments of Bhutan and Nepal have agreed (but not yet commenced) to verify. This uncertainty is affecting children and young adults in several ways.

Firstly, it affects those children who were born into the refugee camps and who have never resided in Bhutan, because the right of their parents to return to their country of origin, as enshrined in the Universal Declaration of Human Rights, is not recognized under existing Bhutanese law and practice. Article 6 of the 1985 Citizenship Act provides that if Bhutanese people leave the country of their own accord (as the refugees are generally considered to have done by the government of Bhutan), their names will no longer be recorded in the citizenship register as maintained by the Ministry of Home Affairs, and they will no longer be considered as citizens of Bhutan.

Secondly, the issue of nationality and potential statelessness affects those young adults who entered the refugee camps as children but who have since become adults.

Many spouses of Bhutanese citizens and children of one Bhutanese parent, who are currently living as refugees, should under normal circumstances have acquired the right to claim nationality under the 1985 Act. People applying for citizenship by naturalization must have resided in Bhutan for 15 years if they or their parents are government employees, and 20 years in all other cases. This period of residence must have been registered with and recorded by the Department of Immigration and Census. It is now impossible for children and young adults in the affected categories to fulfil the residency and possibly the other requirements for obtaining citizenship by naturalization.

A stateless person, according to the Convention on Statelessness, is a person who is not considered as a national by any state under the operation of its law. According to international law, the children living in the refugee camps in Nepal could, on this basis, be considered as stateless, or at least as being at grave risk of statelessness. From Bhutan's position in the bilateral negotiations with Nepal, it appears that the right of refugee children to return to Bhutan and acquire Bhutanese nationality will, under Bhutan's citizenship laws, hinge primarily on their parents' ability to prove, during a verification process (if and when such a process actually commences), that they did not migrate voluntarily from Bhutan but are Bhutanese citizens who were forcibly evicted.

UNHCR's *The State of the World's Refugees, 1997* reports that Bhutan's new citizenship laws "effectively denationalised large numbers of ethnic Nepalis".^{xvi} The report concludes: "The right to nationality or citizenship was once described by a member of the US Supreme Court as 'the right to have rights'. As this comment suggests, citizenship provides the legal connection between individuals and the state, and thus serves as the basis for the realization and enjoyment of all other rights."^{xvii}

Article 7.2 of the CRC requires State Parties to respect the right to nationality in accordance with their obligations under relevant international instruments as well as in accordance with their own national laws. In cases where a child is illegally deprived of some or all elements of his or her identity, article 8.2 further places responsibility on State Parties to "provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity."

Bhutan and Nepal have expressed their commitment to a verification process to determine the status of those claiming to be Bhutanese refugees. Whatever the outcome may be, the delay in initiating this process amounts to withholding the rights of the children concerned to a nationality as set out in Articles 7 and 8 of the CRC.

2.3. Family environment and alternative care

Paragraphs 77 to 82 of Bhutan's report speak of the strong family ties that exist in Bhutanese society. A sad outcome of the refugee situation is the separation of members of extended families in cases where part of a family has been evicted and separated family members cannot contact each other for fear that those still in Bhutan will suffer the consequences. Relatives in Bhutan of people in exile appear to have reason to feel insecure.

Parents know that it is their inherent duty to feed, clothe, shelter and protect their children as well as ensure development of the child's body and mind (paragraph 80 of Bhutan's report).

Circumstances have robbed parents of the potential to fulfil these duties of parenthood. Lhotshampas were dismissed from jobs and left with no means to support their children. Homes were raided, burned, demolished, or sold at a pittance to government servants. Southern Bhutanese were forced to leave their homes and land, and their neighbours forced to destroy all evidence of habitation.

The security of the family environment in which children could flourish was disturbed. As well as suffering loss of property and loss of the opportunity to earn a living, parents suffered physical and psychological hardship and trauma, and have been less well able to look after their children's emotional needs. Such sufferings have been well documented in publications by refugee groups and in reports by Amnesty International and others. Continuing mental health problems amongst adults, owing to the stress of life in exile in the refugee camps, is a major concern documented by Save the Children Fund UK.^{xviii}

Only through restoration of their fundamental rights can these parents hope to fulfil the duties to their children outlined in paragraph 80 of Bhutan's report.

2.4. Measures taken to harmonise national law and policy with the provisions of the Convention

In order to harmonise national law and policy with the provisions of the Convention, the existing laws of the country are being constantly reviewed. (paragraph 13 of Bhutan's report)

Measures to harmonise law and policy with provisions of the CRC can only be welcomed. However, laws and policies designed to protect children presently in Bhutan, do not protect those who are forced to live as refugees. These children are functionally stateless until the governments of Bhutan and Nepal fulfil their commitment to resolving the issue, thereby allowing them to enjoy their citizenship rights. The right of the Bhutanese refugee children to a nationality is the most fundamental issue to be addressed in order for Bhutan to fulfil its obligations under the CRC.

2.5. General legal framework within which human rights are protected

There are some indications in Bhutan's report as to the general framework within which human rights are protected in the country. Human rights instruments are made part of the legal system when legislation is passed by the National Assembly (paragraph 183 of Bhutan's report).

The Planning Commission is identified in paragraph 17 of Bhutan's report as being responsible for developing policies and programmes affecting the child in close communication with other sectors.

Laws are framed and adopted by the National Assembly which is comprised of the representatives of the people. (paragraph 183 of Bhutan's report)

Reports of debate after debate, year after year, in the National Assembly, give little indication that National Assembly members have any awareness of Bhutan's human rights obligations. Two resolutions of the National Assembly have been in direct violation of human rights principles: in 1991, the resolution to evict any citizens whom it termed as "anti-nationals"; in 1997, the resolution that all relatives of "anti-nationals" would be compulsorily retired from government service.

If the members of the National Assembly are not aware of their obligations under human rights instruments, whose duty is it to inform them? Paragraph 9 of Bhutan's report would seem to place the onus on the District Administration under the Dzongda (District Administrator), who is responsible for disseminating information about the CRC through annual public meetings. District administration is within the sphere of the Home Ministry.

The Ministry of Health and Education is recognized (in paragraph 17 of Bhutan's report) as the focal organization for addressing issues and supporting the status of children in terms of health and empowerment through education. Paragraph 39 of Bhutan's report states that school admissions are governed by rules set by the Education Division, and a committee set up by the Dzongkhag education office ensures its proper implementation. Whatever these rules may be, they have not always operated in a non-discriminatory manner. In 1991, office orders came from the Department of Education in Thimphu, through district education officers, to expel named Lhotshampa children from schools in southern Bhutan^{xix}. Headmasters had no option but to carry out the orders. In direct violation of Article 2 of the CRC, there was wholesale 'guilt by association': children whose parents or relatives were considered dissident by government authorities were not allowed to attend school.

Children of eastern Bhutanese dissidents are also reportedly excluded, as still are many Lhotshampa children.

It is clear that there has been either a gross deficit in awareness of human rights commitments made by Bhutan on the part of the officials who are supposed to ensure their implementation, or a total disregard for those commitments as they apply to a whole section of Bhutanese society.

3. Concluding remarks

This (Bhutan's) report has attempted to provide information on the situation of children in Bhutan and the legislative, judicial and administrative measures in force to facilitate the implementation of the aims of the Government for children with special reference to the Convention on the Rights of the Child. One can see that there are many areas of the Convention not translated into law. This is due to the fact that problems in those areas have not emerged in Bhutan as yet. Laws are framed and adopted by the National Assembly which is comprised of representatives of the people. Since the existing laws protect and safeguard the best interests of children, additional laws to cover all the articles of the Convention have not been proposed.

(paragraph 183 of Bhutan's report).

As this response to Bhutan's report illustrates, the refugee crisis, which sees one-sixth of the population living in exile, represents a 'problem' which is totally unacknowledged in the government's statement on its children's rights. To fulfil its obligations as a signatory to the Convention on the Rights of the Child, the Royal Government of Bhutan needs to revisit its laws, policies and practices to ensure that the rights of all its children are realised. In relation to the estimated 45,000 refugee children living in Nepal, Bhutan is urged to meet its obligations in respect to their rights, with a focus on three articles in particular: the right to non-discrimination (art. 2); the right to a nationality (art. 7); and the right to preservation of identity (art.8).

There can be no doubt that since the ratification of the Convention on the Rights of the Child, decisions have been made and implemented which are contrary to the provisions of the Convention, and which have adversely affected tens of thousands of children. While violations have taken place for which the victims can never be adequately compensated, the overall situation is redeemable.

Until a just and durable solution is achieved, in fulfilment of the rights of the refugee children and their families, it is vital that the levels of support and protection afforded to the refugee population in the camps are maintained. There are currently serious concerns over budget cuts by the United Nations High Commission for Refugees, which threaten to erode the quality of service provision in the camps in Nepal and to undermine the confidence of the refugees that their rights will continue to be protected.

Within Bhutan, UNICEF, as the UN agency mandated to promote the Rights of the Child, is also urged to play a key role in advocating for the Royal Government of Bhutan to recognise its obligations to all of its children, both those within Bhutan and those still awaiting verification of their nationality status and repatriation to their country.

As mentioned in the introduction to this response to Bhutan's report, the discourse relating to the question of human rights has changed dramatically in Bhutan over the last two years. Human rights principles are said to be at one with Buddhist values and with the concept of 'Gross National Happiness', the professed unifying concept for Bhutan's long-term development.

For the Bhutanese community in exile in Nepal and elsewhere, the reality has yet to match the rhetoric. But with the repeated assertions that protection of human rights is entirely compatible with the Buddhist principles of which Bhutan is guardian, a context has been set in which a just, durable and speedy solution to the refugee problem based on human rights principles should be the only possible outcome.

In a special development supplement published with the July 15, 2000 issue of *Kuensel* (the official press organ of the Royal Government of Bhutan), there is a small table entitled *Access to Effective Remedy*. It gives statistics from Bangladesh, India, Pakistan and Nepal of court cases pending per 1,000 persons: 53, 23, 5, 4 respectively. The table is headed with the question *Justice delayed, justice denied?* In the year 1993, an undertaking was made by the Royal Government of Bhutan to verify the status of those claiming to be Bhutanese refugees with a view to repatriating those found eligible to return to Bhutan. The promise has been reiterated many times in the seven years that have elapsed since then. In this case too it can be said that justice delayed is justice denied. The figures given in the table in *Kuensel* pale into insignificance when compared with the number of Bhutanese refugee claims waiting to be processed. The numbers seeking verification of their nationality status amount to one-sixth of the total population of Bhutan: 166 cases pending per 1,000 people. The matter is indeed urgent.

There is reassurance in Bhutan's assertion that it ratified the Convention on the Rights of the Child *without reservation on any article* (paragraph 7 of Bhutan's report): Bhutan makes no reservation on the rights of children under articles 2, 7 and 8. This can only mean that the Royal Government of Bhutan holds itself fully committed to uphold children's rights to acquire a nationality and to preserve their nationality, and that it will meet its obligations under the relevant international instruments to ensure that children do not become stateless. To fail to do so, actively and speedily, will be to continue to betray the commitment it has made, without reservation, under the Convention.

Once their right to nationality is established and repatriation to Bhutan takes place for those found eligible to return, the Bhutanese children currently living in exile will be in a position to benefit from other rights which in their current situation they are not able to enjoy fully.

Bhutan, writes *Kuensel* (August 12, 2000) “was one of the first countries to ratify the Convention on the Rights of the Child in 1990. The Convention recognises the right of a child to survival, to develop to its full potential, and to be protected against abuse, exploitation and neglect.” The Convention recognises these rights; Bhutan has yet to recognise them fully with regard to **all** its children.

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Endnotes:

- ⁱ Statistics up to 1998 are available in www.unhcr.org.
- ⁱⁱ Bhutan National Human Development Report, 2000, p.57.
- ⁱⁱⁱ *Ibid.*, p. 32
- ^{iv} Sources for this section are among those listed in the bibliography at the end of the document.
- ^v BRAVVE, *Report of Activities, 1999*, p.11
- ^{vi} Reproduced in AHURA Bhutan: *Bhutan, A Shangri-la without Human Rights (1993 edition)*, p.32
- ^{vii} AHURA Bhutan: *Bhutan, A Shangri-la without Human Rights (March 2000 edition)*, p.82. See also Amnesty International's *Bhutan: Forcible Exile, 1994*.
- ^{viii} For examples of discrimination against Lhotshampa children, see Mary Coghlan's *Crisis in Bhutan: a Personal Account*.
- ^{ix} Testimony of an expatriate volunteer resource teacher.
- ^x Source: AHURA Bhutan.
- ^{xi} Rizal's letter is published in full in AMCC: *Bhutan, revocation of citizenship*, 1995.
- ^{xii} Source: Amnesty International
- ^{xiii} AHURA and HUROB publications and Amnesty International's 1992 report, *Bhutan: Human Rights Violations against the Nepali-speaking Populations in the South*, provide ample documentation of the human rights abuses committed against Southern Bhutanese in the crackdown following the 1990 demonstrations.
- ^{xiv} See AHURA and HUROB publications.
- ^{xv} See Laird's article, *Going Nowhere*.
- ^{xvi} UNHCR: *The State of the World's Refugees*, 1997, p.231.
- ^{xvii} *Ibid.*, p.241.
- ^{xviii} Patrick J. Bracken: *Bhutanese Refugees in Nepal: Mental Health Issues. Consultant's Report to Save the Children, UK*. (April 2000)
- ^{xix} Testimony of an expatriate volunteer resource teacher