

# WCC-CCIA

International Study Consultation on Freedom of Religion and Rights of Religious Minorities (Istanbul, Turkey. 27 Nov – 2 Dec 2011)

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## Country Situation – Bhutan

### Introduction

The Constitution of the Kingdom of Bhutan states that Bhutan is a Sovereign Kingdom and the Sovereignty belongs to the people of Bhutan. The country therefore declares its form of governance as a Democratic Constitution Monarchy. The fourth monarch Jigme Singye Wangchuk on attaining the age of 65, as per the constitution of the country, had abdicated his throne to his son Jigme Khesar Namgyal Wangchuk.

In Bhutan trying to show to the world that it is moving toward a democratic country, it appears that people are consulted and are at the heart of planning and execution, as also in the centre of legislating and governance.

Pro-democratic voices though, particularly those that claim to function from exile, are apprehensive of this type of democratic 'benevolence' endowed on the people of Bhutan.

### Country Profile

Bhutan is a Democratic Constitutional Monarchy. The people of Bhutan adopted a constitution on 18 July 2008. It is stated that Bhutan is a sovereign kingdom. It is also stated that the sovereign power belongs to the people of Bhutan.

It is a new and growing democracy with a population of about 750,000 spread over an area of 47,000 square kilometres (said to be equivalent to the land area of Switzerland).

Ethnic Ngalops (descendants of Tibetans) who form majority of the population in the west and east, and the Ethnic Sarchops (descendants of the country's probable original inhabitants) who live in the east are the dominant groups that form the population of Bhutan. These groups practice Drukpa Kagyupa and Ningmapa Buddhism – both of which are disciplines of Mahayana Buddhism.

A small minority of Nepali speaking population live in the southern part. They practice Hinduism. It is also stated that hindu temples exist in Thimphu and southern areas. Christians and non-religious groups form less than one percent of the population. Most Christians, spread throughout Bhutan, worship in homes only; it is reported that there could be one building in the south that could have been dedicated to Christian worship also because of the sufficiently large congregation to support a church.

### Position of the State

The State is entrenched in its spirituality. It is the only country in the world to maintain the Tantric form of Mahayana Buddhism as its official religion. It is not surprising then to read the Preamble to the constitution of Bhutan that it is ordained and adopted by the people of Bhutan through a solemn pledge "Blessed by the Triple Gem, the protection of our guardian deities, the wisdom of our

leaders, the everlasting fortunes of the Pelden Drukpa". This notwithstanding, the government of Bhutan commits itself through its constitution, laws and policies to protect religious freedom. Bhutan is not a party to ICCPR.

### Constitutional provisions

- **Preamble** – We the people of Bhutan:

**BLESSED** by the Triple Gem, the protection of our guardian deities, the wisdom of our leaders, the everlasting fortunes of the Pelden Drukpa and the guidance of His Majesty the Druk Gyalpo Jigme Khesar Namgyel Wangchuck; **SOLEMNLY** pledging ourselves to strengthen the sovereignty of Bhutan, to secure the blessings of liberty, to ensure justice and tranquillity and to enhance the unity, happiness and well-being of the people for all time; **DO HEREBY** ordain and adopt this Constitution for the Kingdom of Bhutan on the Fifteenth Day of the Fifth Month of the Male Earth Rat Year corresponding to the Eighteenth Day of July, Two Thousand and Eight.

- **Article 3 (2) Spiritual heritage:** The Druk Gyalpo is the protector of all religions in Bhutan
- **Article 3 (3) Spiritual heritage:** It shall be the responsibility of religious institutions and personalities to promote the spiritual heritage of the country while also ensuring that religion remains separate from politics in Bhutan (Coercion, force and inducement are words that frequently appear in all the Indian "Freedom of Religion Acts").
- **Article 7 (4) Fundamental Rights:** 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
- **Article 7(12) Fundamental Rights:** A Bhutanese citizen shall have the right to freedom of peaceful assembly and freedom of association, other than membership of associations that are harmful to the peace and unity of the country, and shall have the right not to be compelled to belong to any association.
- **Article 7(15) Fundamental Rights:** All persons are equal before the law and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status.
- **Article 7 (22) Fundamental Rights:** Notwithstanding the rights conferred by this Constitution, nothing in this Article shall prevent the State from subjecting reasonable restriction by law, when it concerns: (d) Incitement to an offence on the grounds of race, sex, language, religion or region
- **Article 8 (3) Fundamental duties:** A Bhutanese citizen shall foster tolerance, mutual respect and spirit of brotherhood amongst all the people of Bhutan transcending religious, linguistic, regional or sectional diversities.

## Other legislations and accords relevant to freedom of religion/ rights of minorities

- **National Security Act 1992** prohibits “words either spoken or written, or by other means whatsoever, that promote or attempt to promote, on grounds of religion, race, language, caste or community, or on any other ground whatsoever, feelings of enmity or hatred between different religions, racial or language groups or castes and communities”. Violation of the NSA can attract a punishment of up to three years imprisonment.

This law can be misused to intimidate minorities and also for settling scores between different schools of the religious belief systems of the dominant communities. In the context of the prophetic role of the Christian gospel, and its value in the affirmation of life, this piece of legislation can prove to be limiting freedom of religion and the rights of minorities especially in the context of Articles 18 and 20 of the ICCPR.

- **Bhutan Information, Communication and Media Act 2006** – Sections 105(1) and 110 of this law require that authorities review all films before public viewing.
- **Marriage Act of Bhutan 1980** - RELIGION OF A NON-BHUTANESE MARRYING A BHUTANESE. Kha 2-9: A non-Bhutanese married to a Bhutanese citizen if domiciled in the Kingdom of Bhutan shall, except for following the state religion of Bhutan, be strictly prohibited from propagating any other religion or introducing any new religion.
- **Religious organisations Act 1997** – Article 5 No RO shall (d) Be involved in any incitement to an offence on the grounds of race, sex, language, religion or region; (e) Be involved in political activity; (f) Violate the spiritual heritage of Bhutan as expressed in Article 3 of the Constitution;

**(Article 3 of the Constitution of Bhutan – Spiritual heritage** (1) Buddhism is the spiritual heritage of Bhutan, which promote the principles and values of peace, non-violence, compassion and tolerance (2) The Druk Gyalpo is the protector of all religions in Bhutan (3) It shall be the responsibility of religious institutions and personalities to promote the spiritual heritage of the country while also ensuring that religion remains separate from politics in Bhutan. Religious institutions and personalities shall remain above politics.)

**Religious organisations Act 1997** – Article 13 The Chhoedey Lhentshog shall: (c) Ensure that religious institutions and personalities promote the spiritual heritage of the country

**Religious organisations Act 1997** – Article 36: Objections to Registration. The Chhoe dey Lhentshog may refuse to register any organization as a RO where, in its opinion (d) The objectives of the proposed RO are in contravention of the provisions of the laws of the Country.

### **Situations warranting attention**

Despite the protection given to the practice of religion to the religious and ethnic minorities in Bhutan, some irritants still persist. Some of them highlighted in different documents are compiled and listed below:

- While there is no explicit ban to convert persons or ‘proselytise’, restrictions on constructions of places of worship for non-buddhist communists and celebration of some non-buddhist festivals is evidenced
- The National Security Act is a Damocles’ sword hanging on the minorities and can be misused by anti-social elements to settle personal and professional scores including emotional blackmails
- The Chhoe dey Lhentshog was established in 2009 as a regulatory body under the Registration of Religious organisations Act 1997 to oversee the formation and running of the Religious organisations. This statutory body is all powerful and can decry the rights of minority organisations in running their own institutions since under the Act the eight member board of the Chhoe dey Lhentshog “defines roles in religious organisations”.
- While an annual grant was given to a monastic body to take care of its 3,500 monks, and while “the government subsidised Buddhist monasteries and shrines and provided aid to approximately one-third of the kingdom’s 12,000 monks, no such special favours were evidenced for the practice of the religion and faith of the peoples belonging to minorities communities – including but not limited to even provision of leasehold/ freehold land for construction of churches and shrines
- Major Buddhist religious days were declared as national holidays. Even the king participated in one of the major Hindu festivals which was observed as a national holiday. No such privilege was endowed upon minority communities except for the hindus – possibly because of large numbers of Bhutanese living in Nepal and India as refugees
- In the issue of the new National ID cards some categories of persons are not eligible to receive a National ID card. While it is purely an issue of ethnicity and citizenship, the subtle

religious overtones cannot go unnoticed. “Human rights organizations alleged that large sections of the country's population were deemed ineligible for national ID cards. Persons holding residential permits, marriage certificate cards (those married to citizens), and limited duration certificates were not eligible to receive the new ID card. The wives of citizens married from outside the country and children born of such parents were not granted citizenship. The government indicated that ethnic Nepalese who have family members living in refugee camps in Nepal would be eligible”. (IRF Report 13 September 2011)

- Subtle pressure on non-Buddhist minorities to observe the traditional Druka values cannot be ruled out
- Teaching of Nepali and Sanskrit was banned in the country, even though the Government concedes that there is no bar to teach any language in Bhutan. Ironically the government provides scholarship to those wanting to study Sanskrit in India
- It is alleged that while conversion is not banned, except in cases where it is forcefully done without any sensitivity to a person's rights and dignity, there are difficulties in notifying the conversion in the government records
- It is claimed that the publication of bibles, other religious literature and the building of Christian schools is restricted. It is to be noted that there are a few Jesuit missionaries in Bhutan offering educational services
- An oath of allegiance to the King, the country and the people is taken by certain senior civil servants. While it has no religious content, that a Buddhist lama administers it connotes a religious overtone to the swearing
- Prem Singh Gurung, a Nepali-speaking Christian was arrested and sentenced to three years in prison for “an attempt to promote unrest”. The offense was that he showed a film with Christian content
- As on March 31<sup>st</sup> 2011, as many as 75,000 persons are languishing in refugee camps in Nepal since these Nepali-speaking residents, most of them Hindus were expelled in the 1980s and 1990s. While the government says that these were illegal immigrants with no rights to citizenship some of those expelled asserted their right to return; the government has not yet

allowed them to return even though it has accepted that at least a few hundred had a legitimate claim to citizenship.

- Inability to get a land for burial of the dead especially for persons belonging to the Christian community is a serious concern

### **National Council of Churches in Bhutan**

The National Council of Churches in Bhutan is a fledgling association of home-grown Christian Missions/ Fellowships. They are associated with the Christian Conference of Asia and its several sub-regional ecumenical initiatives. From time to time the WCC Regional desks for Asia and now the CCIA have been supporting trainings for church and ecumenical leaders in Bhutan.

The NCC Bhutan needs support and guidance to focus itself on relevant aspects of doing mission in a complex situation of a perceived democratic climate which in some quarters is seen as a royal legacy rather than a peoples' democracy, moreover when the state patronises one religion and there is not enough numbers to stake your claim.

### **Ecumenical initiatives**

The initiative to address the issue of minorities in Bhutan began with the initiative of the Asia Desk of the World Council of Churches which had recognised the potential of the Christian leaders in the country. The new configuration – **National Council of Churches in Bhutan** was recognised by the Christian Conference of Asia.

**The South Asia Ecumenical Partnership Program (SAEPP)** also initiated by the WCC Asia Desk gave programmatic support to the Council while at the same time building capacities of the Churches and the Council in Bhutan through trainings and ecumenical exposures to ministries in other countries.

**The South Asia Ecumenical Forum for Peace and Security**, in some ways the successor to the South Asia Ecumenical Partnership Program which was a time bound response to the needs of the Ecumenical councils in South Asia, has also kept the agenda of the Bhutan Churches at its core.

It is important to note that the Ecumenical movement in Asia, particularly in South Asia, and the global ecumenical movement have a crucial role to play in the maturing (not nurturing or developing) of the Bhutanese Churches and its national ecumenical movement.

### **Ecumenical initiatives and Gross National Happiness**

When Jigme Singye Wangchuck was crowned king of the Himalayan nation of Bhutan in 1972, he declared he was more concerned with "Gross National Happiness" than with Gross Domestic Product (TIME January 10, 2005) He is said to have mentioned this immediately after the death of his father Jigme Dorji Wangchuk indicating to outline his vision of "building an economy that would serve Bhutan's unique culture based on Buddhist spiritual values".

Promotion of sustainable development, preservation and promotion of cultural values, conservation of the natural environment, and establishment of good governance are said to be the four pillars of Gross National Happiness

The Centre for Bhutan studies, a research institute for social science and public policy, has from its inception in 1999 been at the forefront of understanding and deepening the understanding of GNH. It is said that Karma Ura gave leadership to the centre developing a tool to measure the general well being of any given nation. It is widely spoken of as a tool to replace Gross Domestic Product to measure the well being of the citizens of a nation.

While it has been picked up by researchers in the USA and Canada, and the GNH is taken as an important impact-reader in Bhutan, the critics have raised a crucial issue of comparison across nations since “markers of social and individual well-being are remarkably trans-cultural”. Nevertheless it is an important tool given by this small Himalayan nation (particularly in the context of globalised world and the crumbling capital that held it together) which could revolutionise the concept and principle behind perceiving, conceptualising and measuring the well being of communities with a qualifier that takes care of and mitigates trans-cultural and trans-situational subjectivity. Ecumenical organisations can also study this concept in terms of our mission to affirm life in all its fullness

### **Conclusion**

Despite the criticism of democracy only handed down as a royal legacy, it is felt that the present situation gives the space for participation of the people(s) in areas that hitherto were the royal prerogative. Time will tell as to how this space has been utilised positively by peoples, organisation for negotiating just-peace and democratic rights that usher in security to the people(s) of Bhutan and their nation. To this end, networked ecumenical initiatives are not only crucial, but also imperative.