



Universal Periodic Review Stakeholders Report

Bhutan: Freedom of Religion or Belief

Submitted to the Human Rights Council ahead of the Universal Periodic Review of Bhutan during the UPR 33rd session.

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Report submitted by the World Evangelical Alliance (WEA). The WEA was founded in 1846 in London. Today, the WEA is a network of churches in 129 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

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1. Bhutan's constitution recognizes Buddhism as the State's "spiritual heritage" and mandates that the king be the "protector of all religions."
2. The number of Christians in the country is difficult to determine because many do not practice openly. Our estimate for the number of Christians is up to 30,000. Christians are in towns as well as in villages in the south of the country and few in the East.
3. During the previous UPR cycle, Bhutan received 7 recommendations related to advancing respect for Freedom of Religion or Belief. Unfortunately, Bhutan rejected all 7 of these recommendations.¹ Since, the situation of religious minorities, namely for Bhutanese Christians, has not improved.

Ongoing Criminalization of Religious "Coercion or Inducement"

4. Bhutan's 2008 Constitution stipulates that every citizen has "the right to freedom of thought, conscience, and religion." Article 7 on "Fundamental Rights" also bans discrimination based on religion and states in its paragraph 4 that "no person shall be compelled to belong to another faith by means of coercion or inducement." This article violates the right to Freedom of Religion or Belief to the extent which "coercion or inducement" can be interpreted as encompassing legitimate religious activity.
5. Further, in the 2004 penal code as amended in 2011, coercion or inducement to convert is considered a misdemeanor and is punishable by up to three years in prison. The measure implements a provision of the Constitution that grants freedom of thought and expression and prohibits forceful conversion. In 2011, a newly introduced Section 463 (A) states that, "A defendant shall be guilty of the offense of compelling others to belong to another faith if the defendant uses coercion or other forms of inducement to cause the conversion of a person from one religion or faith to another."
6. The law also prohibits oral or written communication that promotes enmity between religious groups. Violations are punishable by up to three years in prison. There were no reports of prosecutions under this article.
7. Article 458 of the penal code on "Promotion of civil unrest" states that individuals

¹ The following paragraphs are the recommendations related to Freedom of Religion or Belief in Bhutan, as per the Report of the UPR Working group A/HRC/27/8 dated 1 July 2014:

120.26. Accept requests for visits by United Nations special procedures mandate holders, including the Special Rapporteur on freedom of religion or belief (France);

120.27. Invite without delay the Special Rapporteur on freedom of religion or belief to visit the country, and issue a standing invitation to all special procedures mandate holders (Czech Republic);

120.28. Accept the request made by the Special Rapporteur on freedom of religion or belief to visit Bhutan (United Kingdom);

120.29. Accept the visit request of the Special Rapporteur on freedom of religion or belief, and consider extending a standing invitation to all special procedures mandate holders of the Human Rights Council (Ireland);

120.44. Review its laws and practices relating to religious groups to ensure that all persons, religious denominations and institutions feel free to associate and practice their religious beliefs (Sierra Leone);

120.45. Protect religious freedom by allowing individuals to practise their religion freely, and provide religious organizations equal opportunities to obtain legal status (United States);

120.51. Strengthen measures to ensure inclusion of and respect for the rights of all ethnic and religious communities (Canada)

found guilty of promoting civil unrest by advocating religious abhorrence, disturbing public tranquility, or committing an act that is prejudicial to the maintenance of harmony between religious groups shall be subject to punishment of five to nine years in prison. Article 458 is open to interpretation whereby legitimate religious activity can fall under “act that is prejudicial to the maintenance of harmony between religious groups” but would be otherwise criminalized.

8. There were no reports of prosecutions under these articles, but it has contributed to pushing churches to remain underground.

9. Recommendations

9.1. The government of Bhutan should modify the 2008 Constitution and to remove from paragraph 4 of article 7 the notion of “compelling to belong to another faith by inducement.”

9.2. The government of Bhutan should abrogate articles in its penal code to comply with international human rights law, namely removing paragraphs on coercion, inducement and the promotion of civil unrest.

Registration of Religious Organizations and Discrimination Against Christians

10. Religious groups are required to register with the government. The Religious Organizations Act of Bhutan states, in its chapter 5, article 19, the following: “Except otherwise exempted by this Act, all ROs and endowments made to the religious institution shall be registered with the *Chhoedey Lhentshog* under this Act.” *Chhoedey Lhentshog* is the Commission for Religious Organizations.
11. In order to register, a religious group must submit an application as per articles 22 and 23 of the Religious Organizations Act. Without registration, a religious organization is not recognized by the government and may not organize publicly, own property, accept money, conduct outreach activities, import literature, or hold worship services. The law permits the government to “avoid breaches of the peace” by requiring licenses for public assembly, prohibiting assembly in designated areas, and imposing curfews. Religious organizations that the government deems a threat to the spiritual heritage of the country, as expressed in the constitution, are prohibited from registering.
12. The eight-member board of the Commission for Religious Organizations defines the structure of religious institutions, enforces the prohibition on religious leaders running in secular elections, and monitors religious fundraising activities. The Commission for Religious Organizations is required to “ensure that religious institutions and personalities promote the spiritual heritage of the country” by developing a society “rooted in Buddhist ethos.”
13. Government approval is required to construct religious buildings. All religious buildings are subject to legal requirements to adhere to traditional Bhutanese architectural standards.
14. Religious organizations are prohibited from being involved in political activity. No ordained members of the clergy, irrespective of religion and including the sizable population of Buddhist monks, are permitted to engage in political activities, including

running for office or voting.

15. There are 111 registered religious organizations in Bhutan.² The Hindu Dharma Samudaya, an umbrella body representing the Hindu population, is the only registered non-Buddhist organization. There are no registered Christian or Muslim religious organizations.
16. The Bhutan Commission for Religious Organizations reported that no Christian groups had applied for registration. This is not true. The Bhutan Christian Association which was established in 2011 had submitted an application for registration to the Prime Minister's office on date is 7 October 2013, which was then forwarded to Home Affairs Ministry. The Bhutan Christian Association received no reply.
17. In 2014, the Bhutan Christian Association followed up with the Home Affairs Minister, Mr. Damcho Dorji. Their application was nowhere to be found in Home Affairs Minister's office. Then, the Bhutan Christian Association immediately submitted a copy for the minister's information. He responded that he would reply to the association within a short period of time. But at the time of writing of this report, the association has not received any response.

18. Recommendations

- 18.1. The Bhutanese government should review the registration system for religious organizations because registration should not be a pre-requisite for exercising the right to freedom of religion or belief.**
- 18.2. The Bhutanese government should grant registration to religious communities other than Buddhist and Hindu, under the Religious Organizations Act of Bhutan.**
- 18.3. The Bhutanese government should actively combat discrimination against Christian and other religious minority groups.**

General recommendations

- 19. The government of Bhutan should ratify the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, and the International Covenant on Economic, Social and Cultural Rights.**
- 20. The government of Bhutan should accept the request for visit by the Special Rapporteur on Freedom of Religion or Belief. The last reminder that the Special Rapporteur sent was on 28 January 2009. The first visit request was in April 2006.**

² As per the site of the Commission for Religious Organizations
http://www.cro.gov.bt/croenglish/?page_id=232 [Visited 5 September 2018]