



# A Protracted Exile: Bhutanese Refugees in Nepal



South Asians for Human Rights



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## Background

Bhutan is a landlocked, previously little-known country which gained global attention in the early 1980s, when reports surfaced describing how the ethnic Bhutanese people of Nepali origin (also known as ‘Lhotshampas’) were fleeing Bhutan due to fear of persecution.<sup>1</sup> This exodus followed the implementation of the controversial 1985 Citizenship Act<sup>2</sup> and the 1989 ‘One Nation, One People’ Policy.<sup>3</sup> The Government of Bhutan enforced the Citizenship Act in an attempt to prevent a Gorkha Rebellion akin to the one that occurred in the Darjeeling District of India.<sup>4</sup> The decision was largely prompted by the 1988 census which revealed that the *Lhotshampa* population which had strong ties to Nepal, had exceeded 45% of Bhutan’s total population,<sup>5</sup> leading to a mass de-nationalisation. The subsequent enforcement of the ‘One Nation, One People’ policy imposed strict dress codes, penalties and the cessation of instruction in the Nepali language, sparking protests. These policies

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culminated in the intimidation, eviction and abuse of the *Lhotshampa* population, forcing tens of thousands to leave the country, many of who ended up living in refugee camps in Nepal and India.

At the same time, in addition to the *Lhotshampas* who fled, other Nepali speaking Bhutanese people—including some who protested the ‘One Nation, One People’ policy—were detained in prisons. Some prisoners who were released were later returned to camps in Eastern Nepal. These people have spoken about the torture they were subjected to while in prison.<sup>6</sup>

<sup>1</sup> In order to clarify the term ‘Lhotshampas’, please see LHOTSHAMPAS AND NEPALESE IN BHUTAN | Facts and Details

\*This research updates SAHR’s previous research reports Refugees in exile: The case of Bhutan (November 2006) and No gross national happiness for Bhutanese refugees (April 2007).

<sup>2</sup> Official translation by the Bhutanese government, Bhutan Citizenship Act, 10 June 1985, <https://www.refworld.org/legal/legislation/natlegbod/1985/en/47860>; Kanak Mani Dixit. The dragon bites its tail - Parts 1, 2 and 3, 16 July 1992, Himal Southasian, The dragon bites its tail - Part I ([himalmag.com](http://himalmag.com)); Aastha Ranabhat. Was resettlement really a choice? An Intersectional analysis of the choices made and agency mobilised by Bhutanese refugees (Doctoral Thesis), 17 January 2022, <https://da.lib.kobe-u.ac.jp/da/kernel/D2003415/D2003415.pdf>

<sup>3</sup> 6 January 1989 policy announced by the Bhutanese king: referred to in The Nation, ‘The Enigma of Bhutan’ by Kai Bird, 7 March 2012, <https://www.thenation.com/article/archive/enigma-bhutan/>; Immigration Act of the Kingdom of Bhutan, <https://www.doi.gov.bt/wp-content/uploads/2020/02/Immigration-Act-2007.pdf>

<sup>4</sup> People’s movement between 1982 and 1988 for Darjeeling to form a separate state, ending with an agreement between the Government of India and the The Gorkha National Liberation Front, <https://darjeeling.gov.in/history/>

<sup>5</sup> Overview of Bhutan’s population graph 2024 (Live), <https://worldpopulationreview.com/countries/bhutan-population>

<sup>6</sup> Interview on 21 February 2024 with Madhuka Monger who returned to the refugee camp in August 2022 after completing 30-year prison sentence in Chemgang prison. He said at one point the skin on his back was torn due to excessive beating; Amnesty International. Bhutan - Crack-down on ‘anti-nationals’ in the east, 1 January 1998, <https://www.amnesty.org/en/wp-content/uploads/2021/06/asa140011998en.pdf>

After becoming refugees in Nepal, some persons who went back have been reported missing in Bhutan<sup>7</sup>.

Despite international condemnation, the Government of Bhutan denied allegations of ethnic cleansing and vehemently refused repatriation, coercing some refugees into signing 'Voluntary Migration' Forms.<sup>8</sup> This flagrant violation of human rights has drawn frequent calls from the United Nations (UN) for Bhutan to ensure the protection of the *Lhotshampas*' rights, including citizenship rights and the preservation of their culture.

India and Nepal disregarded the Bhutanese refugee crisis, allowing Bhutan to maintain its

facade as a "happy Shangri-La nation". Despite Bhutan's promotion of the Gross National Happiness (GNH) index,<sup>9</sup> endorsed by the UN in 2011, criticisms arose regarding its treatment of the *Lhotshampas*, leading to accusations of ethnic cleansing. Despite numerous activists publicising the violation of *Lhotshampa* rights within Bhutan and the irony of Bhutan's claim of a Happiness Index in the face of these human rights violations, there has largely been silence on the subject, even from the international community, amidst continued efforts to raise awareness of Bhutan's prisons and political prisoners. It is also reported that agencies such as the ICRC cannot gain access to the country.

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<sup>7</sup> Interview with refugees in Beldangi camp, Damak, Eastern Nepal on 21 February 2024 revealed two missing persons. One is Loknath Acharya who went missing 10 years ago in 2014.

<sup>8</sup> 'Bhutanese refugees: rights to nationality, return and property' by Ratan Gazmere and Dilip Bishwo from the April 2000 issue of Forced Migration Review, <https://www.fmreview.org/land-and-property-issues/gazmere-bishwo>

<sup>9</sup> About the Gross National Happiness Index coined by the Fourth King of Bhutan in the 1970s



## Bhutanese Refugees of Nepali Origin: The Present Situation

Subsequent to the third country resettlement process that ended in 2016, 6,350 Bhutanese refugees remain in camps located in Eastern Nepal, including the refugees from the Damak and Pathari refugee camps.<sup>10</sup> The Government of Nepal has done the bare minimum by providing land for these settlements and appointing a few policemen for their protection, while the Refugee Settlement Management Committee handles identity cards, travel documents and vital registrations for the refugees. However, when a fake refugee scam was revealed in 2023 involving high profile political figures and government authorities, the government temporarily halted the resettlement process, as well as the issuance of necessary documentation for these refugees.<sup>11</sup>

For the past 7 years since 2017, the government has stopped providing food, medicine, travel documents or even work permits for the refugees to earn their keep.<sup>12</sup> However, to

*When the third country resettlement process was halted in December 2016, international human rights organisations such as the UNHCR, the WFP, Lutheran World Relief and the IOM also ceased to monitor the Bhutanese refugee issue. In 2017, Bhutanese refugees were also prevented from visiting their family members, even though they were sponsored by those who had resettled in third countries.*

date, the Government of Nepal has provided lunch for 150 students at the Early Childhood Development Centres (ECD), with a daily budget of Rs. 15 per student.

When the third country resettlement process was halted in December 2016, international human rights organisations such as the UNHCR, the WFP, Lutheran World Relief and the IOM also ceased to monitor the Bhutanese refugee

<sup>10</sup> In an interview with the UNHCR officials in Kathmandu on 18 December 2024, they reported that presently there are 6365 refugees in the camps in Eastern Nepal. A Bhutanese refugee living in Eastern Nepal said that 3623 registered refugees and in total 4938 persons were recorded in June 2024.

<sup>11</sup> Devendra Bhattarai. Gang extorts millions by adding 'fake schedule' to report on Bhutanese refugees, 4 April 2023, CIJ: Centre for Investigative Journalism - Nepal ([cijnepal.org.np](http://cijnepal.org.np)); The Diplomat. Bhutanese refugee scam rocks Nepal - part 1, 28 May 2023, Bhutanese Refugee Scam Rocks Nepal - The Diplomat & Part - 2 - Bhutanese Refugee Scam Rocks Nepal - Part 2 - The Diplomat; The Rising Nepal. Let refugee scam probe take its course, 15 May 2023, Let Refugee Scam Probe Take Its Course ([risingnepaldaily.com](http://risingnepaldaily.com)). In December 2024 a refugee living in Eastern Nepal said that they were not allowed to meet the Home Minister to present their grievances and they were under investigation regarding the scam.

In December 2024 UNHCR held a meeting in Damak to inform the refugees living in the camp that the Home Ministry and local committee would start the renewing process of the Camp Committee, Uman Forum (ladies) and children's committee registrations. The Bhutanese Refugee Disability Committee has registered 1000+ disabled persons. They will not receive any facilities from the government, but donors can provide necessary items like wheelchairs, as well as funds.

<sup>12</sup> Health insurance is only given to registered refugees and there is a Police post with armed personnel for the refugees' protection.

issue. In 2017, Bhutanese refugees were also prevented from visiting their family members, even though they were sponsored by those who had resettled in third countries.

In addition to the above persecutions, the ongoing investigation of the fake refugee scam has further complicated matters for the refugees in matters such as the provision of travel documents and in receiving legal assistance from the government. The Joint Verification Team (JVT), jointly formed by the Government of Nepal and the UNHCR, was in the process of verifying an additional 429 people within the refugee camps as refugees, but this was halted because of the scam, leaving the genuine refugees bereft.

In 2025, approximately 30 Bhutanese refugees who had been resettled in the United States were deported back to Bhutan by US Immigration and Customs Enforcement (ICE), following the new policy on immigration created by President

Trump. Ten of these refugees were flown to Bhutan via New Delhi and handed over to the Government of Bhutan. Later, the Government of Bhutan sent them to the Nepal border, via India. Four of these ten persons have since been arrested in Eastern Nepal for illegally entering Nepal. (They had been given Indian currency to pay the border guard to cross to Nepal).<sup>13</sup>

Thus, refugees who entered the US through the third country resettlement program have, upon deportation, once again been rendered stateless.

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<sup>13</sup> Kathmandu post. Deported by US, denied by Bhutan, 16 May 2025, <https://kathmandupost.com/province-no-1/2025/04/30/deported-by-us-denied-by-bhutan>

## The Position of the Government of Bhutan

Bhutan transitioned from an absolute monarchy to a constitutional monarchy when the current Constitution<sup>14</sup> was promulgated in 2008. The King is the sole initiator and facilitator of this transition.<sup>15</sup>

The Constitution of Bhutan explicitly grants universal standing to all people, not just citizens, to approach the courts “for the enforcement of the rights conferred” by the Constitution. Therefore, the plight of the *Lhotshampa* is a violation of Bhutan’s own constitution.<sup>16</sup>

Bhutan became a UN member state in 1971, after being in isolation for a lengthy period. At present, Bhutan has not signed or ratified any of the core international covenants, such as the International Covenant on Civil and Political Rights (ICCPR), Economic Social and Cultural Rights (ESCR), the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), the Convention for the Protection of All Persons from Enforced Disappearances (CED) and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) etc.

*It is important that Bhutan becomes a state party to these important international human rights conventions, to protect its citizens.*

Bhutan has signed the International Convention on the Elimination of All Forms of Racial Discrimination but has not ratified it.

It is important that Bhutan becomes a state party to these important international human rights conventions, to protect its citizens.<sup>17</sup> Furthermore, the state needs to meaningfully and effectively implement the revisions to the judiciary, to align with the smooth operation of the rule of law in the country. It is also important to note that Bhutan has not established a national human rights institution in the country, to date.

The Government of Bhutan seeks to hinder human rights groups established by ethnic Nepalese exiles, such as the Human Rights Organization of Bhutan and the People’s Forum for Human Rights in Bhutan, labelling them as political organisations. However, international

<sup>14</sup> The Constitution of the Kingdom of Bhutan, <https://www.dlgdm.gov.bt/storage/upload-documents/2021/9/20/Constitution-of-bhutan-2008.pdf>; SAHR (2006). Refugees in Exile: The case of Bhutan gives a historical context of Bhutan.

<sup>15</sup> Marian Gallenkamp (2010): Democracy in Bhutan: An Analysis of Constitutional Change in a Buddhist Monarchy, IPCS Research Papers; Periodically, the King either abdicates, relinquishing the country’s leadership, or is credited with carrying out “commendable tasks” under the guise of holding regular elections to establish a democratic system.

<sup>16</sup> Shomona Khanna (2017). Nation State Boundaries and Human Rights of People in South Asia, p97

<sup>17</sup> Concluding Observations of the country review on CEDAW 86 Session (09.10.2023 – 27.10.2023), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2670&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2670&Lang=en); Ram Karki. Democracy and Political Prisoners in Bhutan, [http://www.bhutanwatch.org/wp-content/uploads/2021/01/Ram\\_Karki\\_Political\\_Prisoners.pdf](http://www.bhutanwatch.org/wp-content/uploads/2021/01/Ram_Karki_Political_Prisoners.pdf)

*Thus, while international criticism of Bhutan's ethnic cleansing of the Nepali-speaking Lhotshampa community in Southern Bhutan has mounted, the Government of Bhutan has continuously strived to conceal the issue.*

bodies such as the ICRC and UN representatives have persistently pressured the Government of Bhutan to address human rights violations in the country.

The US State Department's 2021 report<sup>18</sup> referred to Bhutan as a "democratic constitutional monarchy," citing a "free-fair" vote by 71 percent of the official electorate in the general elections of 2018. However, it did not report the extrajudicial killings, detentions or official disappearances, or the 683 detainees held in 12 open-air prisons. The State Department's 2016 report indicated that there were 57 detainees

in Bhutan, held under the National Security Act.<sup>19</sup> Referring to the Working Group on Arbitrary Detention (2019) and CIVICUS, the State Department's report stated that detainees faced life imprisonment unless granted unconditional amnesty.<sup>20</sup> International human rights organisations have negotiated to release those political prisoners from Bhutan who have been detained for longer periods, such as 43 years. However, since central power still rests in the King's hands, only those with access to the royal family have been released.<sup>21</sup> The ICRC<sup>22</sup> was allowed bi-annual prison visits, including to the southern districts inhabited by the *Lhotshampas* in 1994.<sup>23</sup> However, the ICRC visits ceased after the COVID-19 pandemic. Thus, while international criticism of Bhutan's ethnic cleansing<sup>24</sup> of the Nepali-speaking *Lhotshampa* community in Southern Bhutan has mounted, the Government of Bhutan has continuously strived to conceal the issue.

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<sup>18</sup> US State Department's custom report excerpts, <https://2017-2021.state.gov/report/custom/d7e921f66f/>; Bhutan's State of Human Rights Report 2020 by the US State Department, <https://www.state.gov/wp-content/uploads/2021/10/BHUTAN-2020-HUMAN-RIGHTS-REPORT.pdf>

<sup>19</sup> US State Department Report on Bhutan (2016). <https://www.state.gov/wp-content/uploads/2019/01/Bhutan-1.pdf>

<sup>20</sup> Summary of the UN Working Group on Arbitrary Detention (2019) on Bhutan, <https://www.ohchr.org/en/documents/country-reports/ahrc4239add1-visit-bhutan-report-working-group-arbitrary-detention>

<sup>21</sup> At the discussion among the Nepali civil society and the Bhutanese refugees on 17 February 2023 organised by South Asians for Human Rights, this information was revealed.

<sup>22</sup> Devendra Bhattarai. 'New list of political prisoners expected to set off discussion on Bhutan's human rights record' for CIJ Nepal, 15 March 2023, <https://cijnepal.org.np/new-list-of-political-prisoners-expected-to-set-off-discussion-on-bhutans-human-rights-record/>

<sup>23</sup> Debamitra Mitra, The Nepalis in Bhutan: Past and Present, Journal Article in the Indian History Congress in 1995, <https://www.jstor.org/stable/44158743>; An interview with the refugees of the refugee camp in Damak on 21 February 2024, revealed that UNHCR does not provide anything to the refugees at present.

<sup>24</sup> A United Nations Commission of Experts mandated to look into violations of international humanitarian law committed in the territory of the former Yugoslavia defined ethnic cleansing in its interim report and final report as 'rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area. 'Ethnic cleansing' is contrary to international law.' AND "ethnic cleansing" is a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas. To a large extent, it is carried out in the name of misguided nationalism, historic grievances and a powerful driving sense of revenge. This purpose appears to be the occupation of territory to the exclusion of the purged group or groups.', <https://www.un.org/en/genocideprevention/ethnic-cleansing.shtml>

## India's Silence: A Critique

The Government of India's silence on the Bhutanese refugee issue has reinforced the Government of Bhutan's refusal to acknowledge the problem.<sup>25</sup> The former Foreign Minister of Nepal, Bhekh Bahadur Thapa, discussed<sup>26</sup> India's silence on the issue with former Indian Prime Minister I. K. Gujral and Foreign Ministers Yashwant Sinha and Jasbant Singh.

It has been observed that in recent years, India has protected Bhutan in border disputes with China. China and Bhutan recently agreed to create a roadmap for resolving border issues, including Doklam,<sup>27</sup> the Indo-Bhutan border point.

Many human rights experts and Bhutanese activists have expressed concern about India's silence throughout the entire process, including the late Dr Bhampa Rai,<sup>28</sup> a Bhutanese activist residing in Jhapa, Damak. Dr Rai questioned,

*The Government of India's silence on the Bhutanese refugee issue has reinforced the Government of Bhutan's refusal to acknowledge the problem.*

"How can India be a mere spectator when the Bhutanese government felt threatened by the Gurkha rebellion in West Bengal, whereas our case was different? We consider ourselves Bhutanese citizens. And the majority of people that came to India were put into trucks at the Indian border and dumped at the Nepal border."<sup>29</sup> The government of Assam released a statement refusing to allow Bhutanese refugees to settle in the state. Initially seeking refuge in India, these refugees, whether forcibly evicted or victims of insecurity due to mass exodus, were instructed to leave West Bengal. They were transported in trucks and left near the Nepal border.<sup>30</sup>

<sup>25</sup> On 2 May 2025 SAHR wrote to the spokesperson of the Ministry of External Affairs, India requesting to state the official stance of India on the Bhutanese refugee issue. There was no response.

<sup>26</sup> SAHR (2007). No gross national happiness for Bhutanese refugees, p18 -19 and p53 & 54. The Wire. Silence then, silence now: Lessons for India from its response to 1990s Bhutanese refugee crisis, 18 Sep 2017, <https://thewire.in/external-affairs/india-nepal-refugee-rohingya-bhutan-crisis>; My Republika. An open letter to Narendra Modi, the Prime Minister of India, 21 March, 2024, <https://myrepublica.nagariknetwork.com/news/open-letter-to-narendra-modi-the-prime-minister-of-india/>; Bhek Bahadur Thapa's memoir 'Rashtra-Parashra: Ektantradekhi Ganatantrasamma' (in Nepali), published in November 2023, <https://kathmandupost.com/books/2023/11/22/former-foreign-minister-thapa-unveils-memoir>

<sup>27</sup> Mohammed Badrul Beena, The Doklam Stalemate, World Affairs: The Journal of International Issues, Spring 2019 (January-March), <https://www.jstor.org/stable/48531208>

<sup>28</sup> 'Those who want to stay', Gopal Gartaula in Jhapa for Nepali Times, Issue #568 (26 August - 11 September 2011), <https://archive.nepalitimes.com/news.php?id=18500>

<sup>29</sup> Chapter 8 by Wangchuk Dukpa and Ishani Naskar, Internal Migration Within South Asia: Contemporary Issues and Challenges edited by Ujjaini Mukhopadhyay, 2022, <https://books.google.com.np/books?id=NwdZEAAQBAJ&lpg=PA156&ots=K5sPBYgXfj&dq=majority%20of%20bhutanese%20refugees%20came%20to%20India%20but%20were%20put%20into%20trucks%20at%20the%20Indian%20border%20and%20dumped%20at%20the%20Nepal%20border&pg=PR1#v=onepage&q&f=false>

<sup>30</sup> Smruti S. Pattanaik, Nepal-Bhutan Bilateral Talks and Repatriation of Bhutanese Refugees, January 1999, [https://ciaotest.cc.columbia.edu/olj/sa\\_sa\\_99pas01.html#:~:text=Initially%20these%20refugees%2C%20whether%20forcefully,dumped%20near%20the%20Nepal%20border;Shomona Khanna \(2017\) op.cit. p99 -92](https://ciaotest.cc.columbia.edu/olj/sa_sa_99pas01.html#:~:text=Initially%20these%20refugees%2C%20whether%20forcefully,dumped%20near%20the%20Nepal%20border;Shomona Khanna (2017) op.cit. p99 -92)



Smruti Patnaik noted in her article that India's decision reflected strategic considerations regarding the potential impact of these refugees on the volatile politics of the Gorkhas in West Bengal.<sup>31</sup>

Dr Rai emphasised that India, which shares a border with Bhutan, cannot absolve itself of responsibility in this matter, stating that "The Indian government's involvement in this issue would have pressured the Bhutanese Government. It cannot ignore refugee issues."

"Indian mediation was necessary in the Bhutanese refugee case", asserted Dr Harka Bahadur Chhetri<sup>32</sup> from West Bengal, a prominent figure in the Indian intelligentsia, who spoke out when the *Lhotshampa* community was evicted from Bhutan in the 90s.

India is also complicit in the Bhutanese refugee issue since they transported Bhutanese nationals of Nepali origin across India in a nearly 200km journey to the Nepal border, in the 1990s.

Taking these facts into consideration, Chhetri emphasised that Nepal's diplomatic stance towards India and Bhutan should be

strengthened akin to China or Pakistan, in order to deter Bhutan from expelling its nationals of Nepali origin. Chhetri was critical of the diffident stance of the government of Nepal when negotiating with the government of Bhutan, saying that it failed in establishing that the expelled Bhutanese nationals of Nepali origin were not its citizens when they initially arrived on the bank of the Mai River.

However, despite India's silence, Bhutan did enter into negotiations and bowed to international pressure in July 1993, as the refugees were unable to return home. In 1992 Amnesty International conducted investigations in Bhutan relating to the alleged abuse of ethnic Nepalese.<sup>33</sup>

China, another Bhutanese neighbour, has also remained silent on the matter, proving that all of Bhutan's neighbours wish to avoid addressing the issue of ethnic cleansing. In UN forums, when Nepal discussed Bhutan, its language has been vague and abstract, according to the former UN Assistant Secretary General Kul Chandra Gautam.

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<sup>31</sup> Swatahsiddha Sarkar, *Gorkhaland Movement: Ethnic Conflict and State Response*, first published in 2013, <https://dspace.cus.ac.in/jspui/bitstream/1/795/1/GORKHALAND%20MOVEMENT%20%20ETHNIC%20CONFLICT%20AND%20STATE%20RESPONSE.pdf>

<sup>32</sup> These are extracts from an unpublished interview with journalist /researcher Devendra Bhattarai on 23 January 2024 in Jhapa, Nepal. Profile of Harka Bahadur Chhetri, [https://www.myneta.info/LokSabha2019/candidate.php?candidate\\_id=7220](https://www.myneta.info/LokSabha2019/candidate.php?candidate_id=7220)

<sup>33</sup> Amnesty International Report covering the period of January-December 1997, <https://www.refworld.org/reference/annualreport/amnesty/1998/en/91268>

## The Involvement of Nepal in Addressing the Crisis

In an attempt to address the issue, the groundwork for bilateral talks between Nepal and Bhutan was laid during the meeting between the King of Bhutan and Girija Prasad Koirala, the then Prime Minister of Nepal, at the 7th SAARC Summit.<sup>34</sup> However, the Government of Nepal rejected Bhutan's request to grant asylum to the refugees, citing public criticism and concerns for the sentiments of the Nepali people.<sup>35</sup> This not only reflected Bhutan's unwillingness to repatriate the refugees but also its intent to ensure that the *Lhotshampas* remain stateless.

The first Ministerial Joint Committee (MJC)<sup>36</sup> was convened in 1993 in Thimphu, with the Home Ministers from both countries in attendance. Bilateral dialogues continued between Nepal and Bhutan from 1993 to 2003, involving up to 14 rounds of talks.

The categorisation of refugees emerged as a contentious issue between the two nations. Following the third MJC meeting, a joint verification team was formed in 1994, agreeing on a proforma to be completed by each person

in the refugee camps. However, disagreements arose over how to treat the four categories, once identified.<sup>37</sup> The 14th ministerial bilateral talks, relying on recommendations from the 11th, 12th, and 13th Joint Verification Teams, concluded with an agreement on categorisation. Another round of bilateral talks was scheduled for August 2003 in Thimphu, which never took place.<sup>38</sup>

While there was a strong consensus among the Nepali and Bhutanese human rights activists, politicians and refugees regarding the importance of the Indian government's involvement in resolving Bhutanese refugee issues, the Nepali government was not too eager to accept the problem as its own.

Furthermore, numerous Nepalese politicians and intellectuals, including the former Home Minister K. P. Oli, publicly acknowledged that agreeing to the categorisation of refugees was a mistake on Nepal's part. This sentiment was reinforced by former minister Chakra Bastola in Prime Minister Sher Bahadur Deuba's cabinet,

<sup>34</sup> Declaration of the 7th SAARC Summit, Dhaka, 1993 <https://www.saarc-sec.org/index.php/resources/summit-declarations/17-seventh-saarc-summit-dhaka-1993/file>

<sup>35</sup> Smruti Pattanaik, 1999, op.cit

<sup>36</sup> Paper on Bilateral Relations, referencing the Ministerial Joint Committee formed in 1993, [https://www.scribd.com/document/78009862/Bilateral-Relations; Bhutanese Refugees. Nepal – Bhutan Ministerial Joint Committee Meeting \(MJC\), Updated on April 16, 2004, https://www.oocities.org/bhutanese-refugees/nepalbhutantalk.html](https://www.scribd.com/document/78009862/Bilateral-Relations; Bhutanese Refugees. Nepal – Bhutan Ministerial Joint Committee Meeting (MJC), Updated on April 16, 2004, https://www.oocities.org/bhutanese-refugees/nepalbhutantalk.html)

<sup>37</sup> Smruti Pattanaik, 1999 op.cit

<sup>38</sup> Joint press release from the Fourteenth Ministerial Joint Committee Meeting, Kathmandu, May 19-22, 2003, [https://www.satp.org/satporgtp/countries/nepal/document/papers/nepal\\_bhutan.htm](https://www.satp.org/satporgtp/countries/nepal/document/papers/nepal_bhutan.htm)

*Thus, the 'not-my-problem' attitude displayed by government officials and Nepali politicians has resulted in Nepal refusing to consider the Bhutanese refugees as their issue. In various rounds of talks, Nepal expressed a firm belief in repatriating all refugees who possessed citizenship certificates or other forms of identification.*

who stated, "Nepal is not a party to the whole affair. This is an issue between Thimphu and the refugees, who happened to have entered our territory, whom Bhutan refused to accept, which is why they are in the camps. Bhutan has amended its law to dispose the second category and wants to wash its hand of them by involving Nepal. This may be possible under the Bhutanese laws, but not under international law."<sup>39</sup>

Thus, the 'not-my-problem' attitude displayed by government officials and Nepali politicians has resulted in Nepal refusing to consider the Bhutanese refugees as their issue. In various rounds of talks, Nepal expressed a firm belief in repatriating all refugees who possessed citizenship certificates or other forms of identification. In contrast, Bhutan seemed disinterested in taking back all refugees, incorporating numerous elimination criteria.

The response from the Nepali government regarding the Bhutanese *Lhotshampas'* right to return to Bhutan has been one of support for their repatriation. Nepal has consistently advocated for the rights of Bhutanese refugees, including the *Lhotshampas*, to return to their homeland in Bhutan in a safe, dignified, and voluntary manner. But it recognises the challenges and complexities involved in facilitating this repatriation process, particularly due to the reluctance of the Bhutanese government.

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<sup>39</sup> Smruti Pattanaik, 1999, op.cit.

## Nepal's Role in Resettlement



*The SAHR delegation met several refugees at the Beldangi camp in February 2024*

Despite numerous rounds of bilateral talks between the governments of Nepal and Bhutan and continuous efforts by the Joint Verification Team (JVT) from 2001 to 2003, progress remains elusive. Each meeting brought forth unresolved issues. The 14th Nepal-Bhutan Bilateral Ministerial Meeting was anticipated to settle matters, culminating in a joint press release affirming both governments' agreement with the Joint Verification Team's results, which classified 3,000 out of 12,000 individuals as non-Bhutanese refugees.<sup>40</sup>

Hiram A. Ruiz,<sup>41</sup> Director of the US Committee for Refugees (USCR), criticised the Nepali government for endorsing the decisions made at the 14th Ministerial Meeting. Ruiz made this statement after a two-day visit to the Bhutanese Refugee camp in Khudanabari, Jhapa. He questioned, "How could the Nepal government agree to the result when the Khudanabari Camp was established after the Nepal government screened and confirmed that they were Bhutanese refugees? This is totally against their right to return and also does not guarantee the return of others who would be branded as Bhutanese refugees."<sup>42</sup>

<sup>40</sup> Joint press release from the Fourteenth Ministerial Joint Committee Meeting, Kathmandu, May 19-22, 2003, [https://www.satp.org/satporgtp/countries/nepal/document/papers/nepal\\_bhutan.htm](https://www.satp.org/satporgtp/countries/nepal/document/papers/nepal_bhutan.htm)

<sup>41</sup> Hiram Ruiz's profile on C-SPAN, <https://www.c-span.org/person/?17563/HiramRuiz>

<sup>42</sup> Ratan Gazmere and Dilip Bishwo for Forced Migration Review, 'Bhutanese refugees: rights to nationality, return and property', Issue 7, April 2000, <https://www.files.ethz.ch/isn/129290/fmr7full.pdf>; Human Rights Watch. Nepal: Bhutanese Refugee Screening Seriously Flawed, 2 September 2003, <https://www.hrw.org/news/2003/09/02/nepal-bhutanese-refugee-screening-seriously-flawed>



*The SAHR delegation met several refugees at the Beldangi camp in February 2024*

However, this announcement drew criticism not only within Nepal but also from the international community. Former Foreign Minister Ram Sharan Mahat expressed dissatisfaction with the decision of the 14th Ministerial meeting, which declared that those unwilling to return to Bhutan would be granted Nepali citizenship. He argued that this announcement contradicted the nation's well-established stance that individuals not wishing to return should be considered an international problem and dealt with accordingly. Mahat stated, "This decision was made during the absence of an elected government."<sup>43</sup>

After the Ministerial Meeting, some points that were agreed were released, but the Bhutanese Government had other plans. During the same week, the Druk Government issued an order to demolish all Nepalese-style houses in Southern Bhutan and rebuild them in the Buddhist style. This revealed the Bhutanese government's true intentions towards the *Lhotshampas* and raised suspicions about the fair treatment of those verified as Bhutanese refugees by the JVT.<sup>44</sup>

As reports of national and international concerns emerged, the Government of Nepal retracted its decision and sought international

<sup>43</sup> Nepal government history and background, including that of 2003, summarised by the US Department of State Diplomacy in Action, <https://2009-2017.state.gov/outofdate/bgn/nepal/40656.htm>

<sup>44</sup> Maximillian Mørch, Bhutan's Dark Secret: The Lhotshampa Expulsion, *The Diplomat*, 21 September 2016, <https://thediplomat.com/2016/09/bhutans-dark-secret-the-lhotshampa-expulsion/>



*In an opinion article dated 19 October 2006, the US Assistant Secretary of State for the Bureau of Population, Refugees and Migration, Julieta Valls Noyes emphasised that core group countries, including the United States, offered third-country resettlement on humanitarian grounds. This was driven by the nearly two-decade-long deprivation of quality education and life for young children.*

support. Nepal joined the International Organization for Migration (IOM) in 2006. In 2007, the Government of Nepal and IOM signed a Cooperation Agreement<sup>45</sup> to encourage collaboration and service delivery to Nepal, a country of origin, transit, and destination for migration. The IOM's initial focus was the resettlement of Bhutanese refugees.

With bilateral efforts between Nepal and Bhutan failing to find a repatriation solution (due to the reluctance of the Government of Bhutan), the refugees turned to the next option offered by core group countries.

In an opinion article dated 19 October 2006, the US Assistant Secretary of State for the Bureau of Population, Refugees and Migration, Julieta Valls Noyes emphasised that core group

countries, including the United States, offered third-country resettlement on humanitarian grounds. This was driven by the nearly two-decade-long deprivation of quality education and life for young children.<sup>46</sup>

The core group countries expressed their intention to resettle tens of thousands of refugees on humanitarian grounds, while the US alone displayed a willingness to take in around 60,000 refugees in 2006.<sup>47</sup> This process commenced in 2003, when the US government proposed third-country resettlement for Bhutanese refugees, following Ruiz's advocacy for international community involvement.

To facilitate a smooth resettlement process and to quell violence in the various Bhutanese camps in Nepal, the Government of Nepal boosted security by deploying 25-30 armed police personnel to each of the seven Bhutanese refugee camps. Violence erupted and the pro-resettlement camp secretary Hari Bagale was attacked by youth from the Bhutan Tiger Force and the Bhutan Communist Party who opposed the third-country option.<sup>48</sup>

US Assistant Secretary of State during 2006-2007, Ellen Sauerbrey<sup>49</sup> also commended the Nepal government's support in hosting

<sup>45</sup> As explained in the official website of International Organization for Migration (IOM) Nepal, <https://nepal.iom.int/iom-nepal>

<sup>46</sup> *Ibid*

<sup>47</sup> News reported on Human Rights Watch, 17 May 2007, <https://www.hrw.org/news/2007/05/17/nepal-us-offer-resettle-bhutanese-refugees-sparks-tensions>

<sup>48</sup> Nepal: Bhutanese Refugee Tensions Erupt into Violence, 31 May 2007, <https://www.hrw.org/news/2007/05/31/nepal-bhutanese-refugee-tensions-erupt-violence>

<sup>49</sup> Assistant Secretary Ellen Sauerbrey with Bhutanese Refugees, US Department of State Archive, <https://2001-2009.state.gov/r/pa/ei/pix/b/prm/97951.htm>

## A PROTRACTED EXILE: BHUTANESE REFUGEES IN NEPAL



*Some of the refugees living at the Beldangi camp in 2024*

Bhutanese refugees for 17 years. When the US offered to resettle 60,000 Bhutanese refugees, the UNHCR swiftly agreed and initiated the process.

According to the UNHCR, from 2007 to 2017, over 112,000 refugees from Bhutan were resettled through a large-scale program, leaving approximately 7,400 awaiting resettlement by the end of 2017.<sup>50</sup>

Despite the challenges, particularly the Government of Bhutan's reluctance and the ongoing issues faced by the refugees, Nepal has remained committed to supporting efforts towards finding a resolution that respects the *Lhotshampa* community's Right to Return.

There are many differences of opinion among decision-makers, political leaders and party officials regarding the hosting of Bhutanese refugees, yet the Nepal government, having played the role of host for nearly 17 years, has endeavoured to ensure the safety and protection of the refugees.

It is yet to be seen how Nepal deals with the complications of housing *Lhotshampas* without citizenship or legal status. For children, the Government of Nepal could make efforts to amend the Citizenship Act<sup>51</sup> to accommodate children born in Bhutanese refugee camps as minors who require extra care and proper documents, enabling them to be resettled, adopted or fostered abroad.

<sup>50</sup> Resettlement of Bhutanese refugees surpasses 100,000 mark, as reported by Deepesh Das Shrestha for UNHCR, 19 November 2015, <https://www.unhcr.org/us/news/stories/resettlement-bhutanese-refugees-surpasses-100-000-mark>

<sup>51</sup> Nepal Citizenship Act 2063 (2006), 26 Nov 2006, official government issued document, <https://www.lawcommission.gov.np/en/wp-content/uploads/2021/01/Nepal-Citizenship-Act-2063-2006.pdf>; Nepal Citizenship Act, 1964, UNHCR official website, <https://www.refworld.org/legal/legislation/natlegbod/1964/en/13773>. In December 2024 at the meeting with the UNHCR officials, SAHR found out that the government of Nepal has not yet decided about granting citizenship to the children born in the refugee camps.

## Recommendations

### To the King and the Government of Bhutan:

- Publicise the full details of the Bhutanese prisoners of Nepali origin held in Bhutanese prisons, the details of the charges and the time spent behind bars
- Release all Bhutanese prisoners of Nepali origin from lengthy detention in governmental custody
- Allow the ICRC to visit the prisons to monitor the welfare of the Bhutanese prisoners of Nepali origin, until they are released
- Recognise and ensure the Right of Return of Bhutanese refugees of Nepali origin, recognising them as citizens of Bhutan who have contributed immensely towards the nation's development but have been ousted by governmental policy
- Compensate those who have lost life, limb and property in the implementation of the policy of '*driglam namzha*'<sup>52</sup> since its implementation in Bhutan
- Formulate a political solution within Bhutan to resolve the issues of Bhutanese citizens of Nepali origin so that they are not subjected to discrimination

### To the Government of Nepal:

- Ensure proper care and security for the Bhutanese refugees of Nepali origin who remain in Nepal, and seek support from international agencies for the same. Provide the required ID cards, travel papers and other documents (birth certificates for children and work permits) to ease the life of the refugees, whose quality of life has been affected by the lack of such papers.
- Allow refugees in Nepal the right to work so that they can afford a better life
- Explore the possibility of granting citizenship rights to children born to Bhutanese refugees in the refugee camps in Nepal
- Set up a permanent task force within Nepal's Ministry of Foreign Affairs which would be responsible for studying and understanding the issues of Bhutanese refugees and prisoners and then initiate negotiations afresh with the Bhutanese government. The responsibility of holding bilateral talks between Bhutan and Nepal regarding this issue, now falls on the shoulders of Nepal since Nepal could not take a clear stand in the discussions previously conducted by Bhutan

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<sup>52</sup> It means traditional etiquette of the people of Bhutan or Drukpa. In the Monarchical Democracy of Bhutan the implementation of '*driglam namzha*' policy dissolves the ethnicities in the country. Consequently, Bhutanese people of Nepali origin were sent away through adhering to the policy.

- Strive to ensure the Right of Return of Bhutanese refugees who live in Nepal or have moved to third countries via Nepal
- Investigate thoroughly and impartially the ‘fake refugee scam’ that has been exposed in Nepal, hold accountable those involved in it, and
- Ensure that refugee rights are not impacted in any way due to bureaucratic reluctance to be involved with providing care and security to Bhutanese refugees of Nepali origin, following the ‘fake refugee scam’

### **To the International Community, including India:**

- Proactively work with the Government of Nepal to initiate fresh negotiations
- Continue the pressure for due diligence by the international community with regard to the Bhutanese refugees of Nepali origin, while working to ensure their Right of Return with consent, and third country settlement for those refugees who want to leave Nepal, and
- Work proactively with the Government of Nepal to ensure the care and security of those refugees who remain within Nepal
- Bhutanese refugees of Nepal origin who migrated to India from Bhutan in 1988 should be recognised as refugees, should be eligible for UNHCR assistance and should be allowed work permits within India

### **To International Humanitarian Agencies and Human Rights Organisations at the regional and global level:**

- Humanitarian agencies, through the Government of Nepal, should resume support for Bhutanese refugees of Nepali origin, for them to acquire better living conditions in Nepal
- Aid agencies should continuously strive to give visibility to the critical issue of the Bhutanese refugees, in order to pressurise the relevant governments to take immediate proactive action to deliver justice to the Bhutanese refugees of Nepali origins; to enable them to return to Bhutan if they consent and to release the Bhutanese political prisoners from lengthy detention in Bhutanese prisons

## CASE STUDY i: A refugee mother waits fifteen years ... and counting

Dambarkumari Adhikari, whose entire family hails from Dagana, Bhutan, recounts the upheaval they faced due to political turmoil in 1992, leading them to flee to a refugee camp with her fatherless children. Despite hopes for a better future, her son, Omnath, was arrested upon visiting his ancestral home in Bhutan and has already been imprisoned for fifteen years. Dambarkumari,



along with other parents, tirelessly advocates for the release of such *Lhotshampa* children, navigating bureaucratic obstacles and traveling to visit the prisoners in jail regularly, even amid the challenges posed by the COVID-19 pandemic.

While reflecting on the uncertainty surrounding her son's fate and her struggles, Dambarkumari finds solace in her role as a maternal figure to the other inmates. She shares, "When I arrive, the kids in the jail swarm around me like bees around a hive. Not only am I my son's mother, but I am also everyone else's. We're all fish in the same pond. If no one comes to see one of the children, I go to them and ask how

they are. Because many of their families have already relocated to the United States or the United Kingdom, I am "Dambar Kumari Aama" for all of them."

She also highlights the plight of other missing individuals and the enduring hope of reuniting with loved ones, despite the passage of fourteen years. The story underscores the resilience and enduring love of a

mother amidst adversity and uncertainty, with Dambarkumari's unwavering determination to await her son's return as her only source of hope and assurance.

Dambarkumari wistfully states, "This is how fourteen years have passed in the hope that my son will return. The only way I can console myself is to think about other parents' children who are serving time for twenty-eight to thirty years, and the possibility that if I live long enough, I'll meet him. It would bring me peace to know what his fault is and what his punishment will be. My son is my only source of hope and assurance. I'll wait until I can't."



## CASE STUDY ii: A prisoner is released after 30 years, lost and scarred

Madhukar Magar (Mongar), now 56, returned to the Beldangi refugee camp after spending 30 years in a Bhutanese prison. Originally from Kalikhola in Bhutan, Madhukar was arrested at the age of 26 on charges of sedition. Released in August 2023, he was instructed to go directly to Nepal as he had no relatives in Bhutan. Traveling through Phuntsholing-Jaigaon and Kakarbhitta, he arrived at



the camp with some earnings from working as a blacksmith, making sickles and khukuri knives, in jail.

In search of his friend Dilkumar Rai, also a former prison mate, Madhukar learned that all his family—wife, parents and children—had moved to America, except for his brother Nar Bahadur, who was still in the camp. This news gave him some solace, as he hoped that he could stay with his brother and feel less alone. Evicted from Kalikhola in 1991, Madhukar returned to Bhutan in 1993, where he was arrested. His wife and relatives used to visit him

until 2014. Now, released after 30 years, he felt lost in the world and uncertain about the future.

Caught in the midst of both fake and genuine refugee scandals, Beldangi camp remains stagnant. Madhukar, the returning former prisoner, is the only visitor. “Maybe it is time for the release of Gangaram Dhakal, Bhakta Bahadur Chamling Rai, Manikumar

Pradhan and Ram Bahadur Rai, who were all jailed before me?” wondered Madhukar.

Overwhelmed by stress and fatigue, Madhukar first plans to meet the parents and relatives of his prison mates and hopes that it will lead the way forward in life.

## ANNEXURE 01:

### An Interview with Kulchandra Gautam, Former UN Assistant Secretary-General

In 1992 and again in 2020, the former UN Assistant Secretary-General Kul Chandra Gautam visited Bhutan. During these visits, he observed signs of oppression, abuse and discomfort. While acknowledging Bhutan's commendable commitment to child rights and welfare on behalf of UNICEF, he also became aware of the repression of the Nepali-speaking *Lhotshampa* community in southern Bhutan. Conversations with *Lhotshampa* teachers revealed instances where students were denied access to education and teachers were unable to enroll their own children due to the government's refusal to grant citizenship to *Lhotshampas*. Additionally, communication with the outside world was closely monitored.

"The truth is that Bhutan carried out a horrific ethnic cleansing in the 1980s and 1990s - one of the biggest in history. A large part of the *Lhotshampa* population, 96 percent, was sent into exile," reveals Gautam.

Despite this, Bhutanese officials adeptly cover up history, displaying confidence at international forums. This manipulation continued during the talks on the Bhutanese refugee problem, with Bhutan misleading the Nepalis and creating confusion.

*When the topic of refugee resettlement emerged, voices at all levels grew silent. The Bhutanese authorities used sweet words in the international arena, claiming ongoing negotiations with Nepal and potential repatriation for proven Bhutanese citizens. This tactic, as witnessed during the Rohingya crisis, echoes the Bhutanese government's strategy.*

Bhutan's Gross National Happiness (GNH)<sup>53</sup> concept highlights non-economic factors for development. Despite slogans of sustainable development and democracy, the deportation of *Lhotshampa* citizens remains challenging to conceal. International concerns about human rights violations exist but are not addressed at the highest level, partly due to Nepal's failure to raise the issue.

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<sup>53</sup> The 9 domains of GNH, <https://www.gnhcentrebbhutan.org/the-9-domains-of-gnh/>

*Gautam believes that the 120,000 Bhutanese citizens dispersed globally now have the potential to bring attention to Bhutanese human rights violations. There is a likelihood that these immigrants may reach the US Congress as State Counsellors.*

Gautam believes that the 120,000 Bhutanese citizens dispersed globally now have the potential to bring attention to Bhutanese human rights violations. There is a likelihood that these immigrants may reach the US Congress as State Counsellors.

Drawing a parallel with the Armenian genocide and Turkey's denial of it, Gautam emphasises that hidden historical incidents eventually surface. He hopes that Bhutan will one day acknowledge the atrocities committed against the *Lhotshampas*, similar to how Turkey eventually confessed to the Armenian massacre, a century later.

## ANNEXURE 02:

### Statement Following Discussions on Bhutanese Citizens of Nepali Origin at the World Social Forum 2024, Nepal

02 March 2024

#### **SAHR calls on Bhutan to free the political prisoners in its prisons**

South Asians for Human Rights (SAHR), a regional network of human rights defenders, has called on the Government of Bhutan to release the political prisoners it has detained for decades. SAHR made the call on the occasion of the 16th World Social Forum (WSF) held in Nepal, where a session was organised on 'Bhutan's Prisoners of Conscience'.

The session drew attention to the expulsion of Bhutanese citizens of Nepali origin—also known as *Lhotshampas*—which started in the late 1980's and went on into the early 1990's. While the situation of the *Lhotshampa* refugees was relatively well known, the reality of political prisoners, many of whom have spent more than 30 years in Chamjang Jail, has only recently been reported. Further, there are also significant numbers of disappeared citizens of Bhutan, about whom not much is known.

While at present Bhutan puts up the facade of a country ranking high on the Gross National Happiness index, it hides the sufferings of the *Lhotshampas* who were strategically expelled, made stateless and also detained as prisoners

categorised as 'non-nationals' or 'anti-nationals'. These Prisoners of Conscience are held in prison for their expressions of political beliefs or identity assertion, while others have been framed. Different international human rights organisations have recognised the 50-100 people still held as political prisoners in Bhutan without trials or cases being brought against them, with 37 held in the Chamgang Jail.

Bhutan moved from an absolute monarchy towards democracy in 2008, when the Constitution was promulgated. However, in many respects the country has remained autocratic and successive kings have held ultimate power, even as the state security establishment cracked down on *Lhotshampa* activists who demanded democracy and an end to discriminatory policies, including that of Driglam Namza, which called for cultural purity tied to the 'Drukpa' community.

Some of the incarcerated *Lhotshampa* were arrested in the early 1990s and have been detained for nearly 43 years. Different human rights organisations have at various times made efforts to release these political prisoners, but without success. The ultimate power to release political prisoners lies at present with King Jigme Khesar Namgyel Wangchuck and SAHR

believes that he should be held personally accountable for these continued incarcerations.

SAHR believes that Bhutan's progression towards becoming a democratic state, where the citizenry is truly 'happy' and content, demands the release of these prisoners of conscience. SAHR further calls on the international community—including Nepal as the host country of the refugees and India as a country that has not pulled its weight on the refugee issue, being the land neighbour of Bhutan and with deep links to the Bhutanese state—to work to persuade Bhutan to take back the refugees who have refused to take the option of third-country settlement. These *Lhotshampa* refugees languish in the camps of Southeast Nepal, maintaining a principled stand for their 'Right of Return'.

SAHR is also concerned that the several thousand refugees remaining in Southeast Nepal are now without the support of international organisations such as the UNHCR and the WFP. Similarly, the Government of Nepal has disbanded the refugee camps and it has become difficult for the refugees to move about and lead normal lives. SAHR demands that the Government of Nepal as well as international organisations re-engage with the Bhutanese refugees and provide support and security to the refugees still in Nepal.

SAHR notes that the refugees' lives have been made more complicated by the scam involving top-level Nepali politicians and officials

*SAHR notes that the refugees' lives have been made more complicated by the scam involving top-level Nepali politicians and officials involved in providing Nepali citizens with fake certificates as Bhutanese refugees in order to acquire a fraudulent income, with the promise of settlement in third countries.*

involved in providing Nepali citizens with fake certificates as Bhutanese refugees in order to acquire a fraudulent income, with the promise of settlement in third countries. The exposure of this scam has—through no fault of their own—made the refugees in Nepal more vulnerable to neglect and delays from the host country's officialdom.

Further, SAHR demands the following on behalf of Bhutan's prisoners of conscience, as well as refugees:

- While the majority of the *Lhotshampa* refugees have been provided a third country resettlement, this does not undermine their entitlement to the Right of Return to Bhutan, which they consider their homeland.
- The Government of Nepal should provide the needs of the refugees who are currently restricted to live in camps, including the issuance of travel documentation, birth certificates, marriage certificates, death certificates and refugee ID card renewals which facilitate their rights and entitlements within Nepal.





*At the discussion on political prisoners in Bhutan organised by SAHR on 17 Feb 2024*



*Bhutanese refugees speak at the session “Refugee Protection in South Asia” organised by SAHR, at the World Social Forum 2024*

## A PROTRACTED EXILE: BHUTANESE REFUGEES IN NEPAL

- The *Lhotshampa* refugees in Nepal have the right to decent living and quality of life, for which they should have the right to work.
- The scam in Nepal regarding the creation of fake refugees of Nepali citizens should be impartially investigated and the perpetrators duly brought to justice, while the refugees themselves should not be subjected to further discrimination as a result of this racket.

On behalf of the members of South Asians for Human Rights

**Dr Roshmi Goswami**

Co-Chairperson

**Dr P. Saravanamuttu**

Bureau Member

## ANNEXURE 03:

### Advocacy with the Human Rights Commission of Nepal and the Director General of the Department of Immigration, Nepal

21 December 2024

#### SAHR's Concerns regarding the Bhutanese Refugees in Nepal

South Asians for Human Rights (SAHR), a regional network of human rights defenders, has been monitoring the state of the Bhutanese refugees of Nepali origin living in Nepal. A research was conducted early this year and SAHR believes that these Bhutanese refugees are facing a grave humanitarian issue which needs the immediate attention of the Government of Nepal, as well as of the neighbouring countries and the South Asian Association for Regional Cooperation (SAARC), before it reaches a critical point. SAHR further believes that it is vitally important for the Government of Nepal to positively address this as their own issue.

SAHR has learnt that at present, 6,577 Bhutanese refugees of Nepali origin live in Beldangi in the Jhapa district and Pathari Sanischara in Morang district in Eastern Nepal. About 1,000 of these refugees are said to be disabled, infirm or elderly. When speaking to them, SAHR learnt that most of these refugees are living in these camps with the firm intention of returning to Bhutan.

SAHR commends the Government of Nepal for allowing these Bhutanese refugees of Nepali origin to live in the country since the 1990s, basically on humanitarian grounds and with the assistance of international organisations. However, SAHR is concerned that these refugees have not been entitled to any rights or benefits as refugees. In addition, the UNHCR's engagement with the Bhutanese refugees to provide healthcare and the World Food Programme's provision of food was halted in 2016. Subsequently, these refugees have been deprived of basic entitlements such as education, healthcare, food and housing, which are required if they are to achieve a dignified standard of living in Nepal. SAHR is concerned that the dwellings they occupy in the camps are the same temporary makeshift constructions that were provided to them in the 1990s. At present, they are left to fend for themselves, resorting to cautiously indulge in menial work with meagre and insufficient earnings, risking government scrutiny which often leads to punitive action. Currently, SAHR learns that the Government of Nepal only provides NPR 15 per student at the Early Childhood Development Centre and that there are only 150 students in the camp who benefit from this programme.

There have been 113,567 Bhutanese refugees settled in the United States of America, Australia and Europe under the third country resettlement programme which was halted in December 2016. In 2017 their relatives in Nepal were prevented from visiting their family members who had resettled elsewhere. Further, the fake Bhutanese refugee resettlement scam involving prominent government officials and politicians which was disclosed recently, has temporarily stopped the resettlement process.<sup>i</sup> Due to this scam, the government has halted the issuance of important documents to genuine refugees, although these are essential for a person to live in Nepal.

Fourteen rounds of meetings of the Ministerial Joint Committee (MJC) from 1993 to 2003, between Nepal and Bhutan, resulted in the categorisation of refugees, which led to some refugees being categorised as stateless. This has further complicated the resolution of this issue.<sup>ii</sup>

Further, the 2016 Report of the US Department of State indicated that there were 57 detainees in Bhutan, held under the National Security Act.<sup>iii</sup> SAHR has learnt that these are Bhutanese citizens who came out on the streets in the 90s, to protest against the Bhutan government's

discriminatory policies, while others are refugees who were arrested later, when they returned to Bhutan to meet their relatives, sell their land or for other such reasons. These prisoners have been forced to spend a maximum of 43 years of life imprisonment without any felony, beyond simply belonging to the Nepali-speaking demographic, leaving them bereft of the life they once had and the life they could otherwise have.<sup>iv</sup> Some who have returned after completing their sentences are physically unwell, due to torture and the inhumane prison conditions in Bhutan. They lead isolated lives, as their family members have left the country to live elsewhere. The International Committee of the Red Cross (ICRC) which had been allowed bi-annual prison visits and visits to the southern districts of Bhutan since 1994, was prevented from doing so after the COVID pandemic.

Therefore, SAHR calls on the Government of Nepal to urgently take measures to address the issues of the Bhutanese refugees of Nepali origin, which have already been prolonged for over 40 years, mainly taking into consideration the dire situation these people are living in, in the country.

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<sup>i</sup> The Kathmandu Post. Supreme Court refuses to release former minister and secretary accused in Bhutanese refugee scam, 24 April 2024, <https://kathmandupost.com/national/2024/04/25/supreme-court-rejects-plea-for-release-of-fake-refugee-scam-arrestees>

<sup>ii</sup> Formal updates on the status of this group of refugees are largely unavailable owing to humanitarian support and political interest being on the wane.

<sup>iii</sup> US State Department Report on Bhutan (2016). <https://www.state.gov/wp-content/uploads/2019/01/Bhutan-1.pdf>; South China Morning Post. Ethnic Nepali Political prisoners in Bhutan await justice after decades behind bars, 19 April 2024, <https://www.scmp.com/week-asia/people/article/3259459/ethnic-nepali-political-prisoners-bhutan-await-justice-after-decades-behind-bars>

<sup>iv</sup> The DMN News. Left to rot by Bhutan: A tale of state led persecution against Nepali speaking Bhutanese, 20 July 2024, <https://thedmnnews.com/left-to-rot-by-bhutan-a-tale-of-state-led-persecution-against-nepali-speaking-bhutanese>

We provide the following recommendations to:

### **The Government of Nepal:**

- Ensure proper care and security for the Bhutanese refugees of Nepali origin who remain in Nepal, and seek support from international agencies to provide humanitarian aid to them
- Provide the required ID cards, travel papers and other documents to ease the life of the refugees, whose quality of life has been severely affected by the lack of necessary government documents.
- Allow refugees in Nepal the right to legally work, so that they can afford a better life
- Explore the possibility of granting citizenship rights to refugee children born in the camps in Nepal
- Set up a permanent task force within Nepal's Ministry of Foreign Affairs which would be responsible for studying and understanding the issues of Bhutanese refugees and prisoners and then initiate negotiations afresh with the Bhutanese government. We believe the responsibility for holding bilateral talks between Bhutan and Nepal regarding this issue, now falls on the shoulders of Nepal
- Strive to ensure the Right of Return of Bhutanese refugees who live in Nepal or have moved to a third country, via Nepal

- Investigate the 'fake refugee scam' that was exposed in Nepal and hold accountable those involved in it
- Ensure that refugee rights are not impacted, due to the reluctance of bureaucracy to be involved following the 'fake refugee scam'; especially in providing care and security to Bhutanese refugees of Nepali origin
- Conduct urgent discussions with the relevant governmental as well as non-governmental partners to address the issue of Bhutanese refugees of Nepali origin who are imprisoned as political prisoners in Bhutan
- As there are many other refugees in addition to the Bhutanese refugees living in Nepal, SAHR advocates for the Government of Nepal to sign and ratify the Refugee Convention of 1951 and its 1967 Optional Protocol

### **The King and the Government of Bhutan:**

1. Publicise comprehensive information about the Bhutanese prisoners of Nepali origin held in Bhutanese prisons, the details of the charges and the time spent behind bars
2. Release all Bhutanese prisoners of Nepali origin from lengthy detention in governmental custody
3. Allow the ICRC to visit the prisons to monitor the welfare of the Bhutanese prisoners of Nepali origin, until they are released



4. Recognise and ensure the Right of Return for Bhutanese refugees of Nepali origin, recognising them as citizens of Bhutan who have contributed immensely towards the nation's development, but who have been ousted as a result of governmental policy
5. Compensate those who have lost life, limb and property in the implementation of the policy of '*driglam namzha*<sup>v</sup> since its implementation in Bhutan
6. Formulate a political solution within Bhutan to resolve the issues of Bhutanese citizens of Nepali origin, so that they are not subjected to discrimination

### The Government of India:

1. Proactively work with the Government of Nepal to initiate fresh negotiations to resolve the issue of Bhutanese nationals of Nepali origin
2. Work proactively with the Government of Nepal to ensure the care and security of those refugees who remain within Nepal.
3. Recognise the Bhutanese refugees of Nepali origin who migrated to India from Bhutan in 1988 as refugees, make them eligible for UNHCR assistance and allow them to hold work permits within India

### International Organisations and International Humanitarian Agencies:

- Through the Government of Nepal, resume support for the Bhutanese refugees of Nepali origin to acquire better and safer living conditions in Nepal.
- Continue to give visibility to the critical issue of the Bhutanese refugees, in order to pressure the relevant governments to take immediate proactive action, to deliver justice to the Bhutanese refugees of Nepali origin; to enable them to return to Bhutan if they consent and to release Bhutanese political prisoners from lengthy detention in Bhutanese prisons
- Resume monitoring the conditions of political prisoners, with the support of the Government of Bhutan

SAHR calls upon these relevant stakeholders to fulfill these recommendations, in order to grant the rights and entitlements of these refugees and to help them to attain a dignified standard of living.

On behalf of the members of South Asians for Human Rights

**Sushil Pyakurel**

Bureau Member

**Dilrukshi Handunnetti**

Bureau Member

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<sup>v</sup> It means traditional etiquette of the people of Bhutan or Drukpa. In the Monarchical Democracy of Bhutan the implementation of '*driglam namzha*' policy dissolves the ethnicities in the country, which resulted in the Bhutanese people of Nepali origin being deported, as a consequence of governmental policy.



*A SAHR delegate handing over the statement to NHRCN Commissioner Dr Surya Prasad Dhungel*



*SAHR delegates with Mr Govinda P. Rijal, the Director General of the Department of Immigration (second from right)*

## Field Visit to the Baldangi Camp 21st February, 2024













SAHR is a democratic regional network with a large membership base of people committed to addressing human rights issues at both national and regional levels. SAHR seeks to contribute to the realisation of South Asian people's right to participatory democracy, good governance and justice by strengthening regional response, including regional instruments, monitoring human rights violations, reviewing laws, policies and practices that have an adverse impact on human rights and conducting campaigns and programmes on issues of major concern in the region.

SAHR comprises both institutional and individual members. An elected bureau works as the organisation's executive body while the membership committee oversees enrolment of members. The SAHR Chairperson and Co-Chairperson are Dr Radhika Coomaraswamy of Sri Lanka and Dr Roshmi Goswami of India respectively. The Secretariat is located in Colombo, Sri Lanka.



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