

## BHUTAN

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### RULES/GENERAL LAWS

<b>General</b>	<p><b>National Council of Bhutan</b> <a href="http://www.nationalcouncil.bt">www.nationalcouncil.bt</a></p> <p><b>National Assembly of Bhutan</b> <a href="http://www.nab.gov.bt/en/">http://www.nab.gov.bt/en/</a></p> <p><b>National Laws of Bhutan</b> <a href="http://www.judiciary.gov.bt/">http://www.judiciary.gov.bt/</a></p> <p><b>Royal Bhutan Police</b> <a href="https://www.rbp.gov.bt/">https://www.rbp.gov.bt/</a></p> <p><b>Penal Code (Amendment) Act of Bhutan (2011)</b> <a href="http://www.nab.gov.bt/assets/uploads/docs/acts/2014/The_Penal_Code(Amendment)_Act_of_Bhutan_2011eng7th.pdf">http://www.nab.gov.bt/assets/uploads/docs/acts/2014/The_Penal_Code(Amendment)_Act_of_Bhutan_2011eng7th.pdf</a></p> <p><b>Police Act (2009)</b> <a href="https://www.rbp.gov.bt/Forms/Police%20Act.pdf">https://www.rbp.gov.bt/Forms/Police%20Act.pdf</a></p> <p>International law, including international humanitarian and human rights law, as may be applicable, in keeping with national commitments, and the <b>Police Act (2009)</b> and <b>Police Service Rules and Regulation (2012)</b></p> <p>Sexual harrasment as per Section 130 (aa) of <b>Police Act (2009)</b> Section 223 (j) of <b>Police Service Rules and Regulations (2012)</b> is considered a serious form of service offence.</p> <p>The police personnel are considered to be always on duty till the completion of their Tour of Duty (TOD).</p> <p>The UN Rules on SEA forms a core part of any training or briefing of the IPOs and FPU. A copy of UN Rules on SEA is shared with all the peacekeepers. Banners on UN Rules on SEA is displayed in the training/classroom of the peacekeepers. Further, it is translated into local language and circulated to individual peacekeepers.</p>
<b>SEA: police offence?</b>	In accordance to <b>Penal Code (Amendment) Act of Bhutan (2011)</b> , sexual exploitation and abuse is considered a criminal offence. SEA, especially sexual harassment is a criminal offence as per Police Act of Bhutan.
<b>Powers of the Commanding Officer (CO)</b>	As per Section 22 of the <b>Police Act (2009)</b> - Delegation of Power by Chief of Police to next officer, the responsibility and accountability of the unit lies in the hands of the Commanding Officer during their deployment in the missions. To exercise effective command and control, the Commanding Officer could promulgate appropriate rules and policies.  The Commanding Officer is empowered to order for investigation on any allegations of SEA and accordingly, take administrative and disciplinary actions.
INVESTIGATION	
<b>Who can investigate?</b>	<p><b>Section 86 of the Police Act (2009)</b> authorises enquiry against a police personnel by any member of public. <b>Section 139 of Police Act (2009)</b> - Power of Officers to award punishments and <b>Section 140 of Police Act (2009)</b> - Disciplinary Authority to execute and enforce disciplinary action.</p> <p>In response to complaints of SEA, the Commanding Officer can institute a Committee of Inquiry to initiate investigation thereof without loss of time and with priority. The Committee of Inquiry, depending on the gravity of the offence frames charges and makes recommendations for administrative or disciplinary action or handing it over to the Court for trial.</p>
<b>National Investigation Officer (NIO)</b>	Investigation related to Bhutan police personnel should be done via a National Investigation Officer (NIO) who is already at the mission or will be deployed for the purpose of investigation.
PROSECUTION	
<b>Referral</b>	Upon determination of the cognizance of the offence of SEA, the Committee of Inquiry frames charges and submits to the Chief of Police for concurrence or endorsement. <b>Section 21 (c) and (f) of Police Act (2009)</b> - Powers of the Chief of Police and <b>Section 88 of the Police Act (2009)</b> - Action by the Chief of Police, is empowered to take action.
<b>Who can charge?</b>	The Chief of Police, in exercise of his powers under the <b>Police Act (2009)</b> either takes administrative or disciplinary action or forwards the case to the Royal Court of Justice for criminal trial and prosecution. The Office of Attorney General then prosecutes the case in the Court of Bhutan.
JUSTICE	
<b>Police justice system</b>	Bhutan has a well established Criminal Justice System. The offences committed within the jurisdiction of the <b>Police Act (2009)</b> is dealt by the Disciplinary Committee of the organization and any criminal cases committed by police personnel are handed over to the local police to process it through the Criminal Justice System of the country in accordance with the <b>Penal Code of Bhutan (2004)</b> .

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