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Report of the Working Group on the Universal Periodic Review*

Bhutan

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

Response of the Royal Government of Bhutan to the recommendations in the report of the Working Group on the Universal Periodic Review (A/HRC/13/11)

In accordance with the relevant provisions contained in the annex to Human Rights Council resolution 5/1 concerning the adoption of the Universal Periodic Review working group outcome reports, the Royal Government of Bhutan has examined the recommendations noted under paragraph 101 of the draft outcome report of the Universal Periodic Review of Bhutan and offers the following responses:

<i>No of Recommendation</i>	<i>Response</i>
1 & 2	Bhutan accepts the recommendations. Please see response to recommendation No. 4.
3 & 4	The progressive study of international human rights treaties to consider feasibility of ratification is an ongoing exercise. Bhutan intends to gradually expand the range of its international human rights commitments, with due regard to the financial and resource implications, including reporting burden, and the need to amend legislation and practice as may be required. A multi sectoral Task Force will be established, to study international instruments for recommendation to the Government. In the meanwhile, the Ministry of Foreign Affairs has conducted a preliminary study of the ICCPR, ICESCR, ICERD, CAT, CEDAW OP, and CRPD to feed into the process.
5.	Existing provisions in the Civil and Criminal Procedure Code 2001(Section 160) and the Penal Code of Bhutan 2004 (Section 414 and 415) adequately address this issue.
6.	Bhutan accepts the recommendation. These are under review by the Cabinet and will be submitted to Parliament for consideration at an early date.
7 & 8	Bhutan takes note of the recommendations and will consider establishment of an NHRI in conformity with the Paris Principles, bearing in mind the small size of the country and its population, and resource constraints. The matter is under the active consideration of the Royal Government.
9.	Bhutan accepts the recommendation.
10 & 11	Bhutan accepts the recommendations. In recognition of the important role of NCWC in advancing the rights of women and children in Bhutan, the Royal Government is committed to enhancing the capacity and resources of the Commission. As a first step, the Royal Civil Service Commission has approved the increase in the NCWC's staff strength by 150 per cent, accorded it priority status for recruitment among new civil service inductees, and also granted the Commission authority to conduct its own recruitment process.
12.	Bhutan accepts the recommendation.
13 & 14	Bhutan accepts the recommendations, and considers that measures towards implementation are already underway. The Child Care and Protection Bill, currently under Cabinet review, is backed by a time bound Plan of Action, Furthermore, the National Commission for Women and Children in collaboration with UN Agencies, intends to convene workshop with stakeholders on the matter.
15.	Bhutan accepts the recommendation and is engaged in implementation. The current 10 th Five Year Plan systematically mainstreams a gender perspective into planning and monitoring, and notably, integrates the National Plan of Action for Gender in its implementation process. Specific tools to ensure gender mainstreaming in the local

- planning process are have been introduced in the Local Development Planning Manual.
16. Bhutan accepts the recommendation.
17. Bhutan accepts the recommendation and is already actively engaged in implementation. Through the school curriculum and extra curricular activities, students are taught to respect and appreciate social and cultural diversity.
18. Bhutan accepts the recommendation and is actively engaged in implementation.
- 19 & 20. Bhutan remains committed to constructive engagement with human rights mechanisms of the UN. Bhutan has received and will continue to receive visits of Special Rapporteurs and other Special Procedures mandate holders of the Human Rights Council, taking into account its capacity, national priorities, as well as the need for adequate preparations for such visits.
21. Bhutan accepts the recommendation
22. Bhutan accepts the recommendation
- 23 & 24. Bhutan accepts the recommendations and is engaged in implementation. The Bhutan Information, Communication and Media Authority was established in 2000 as an autonomous body to facilitate and regulate ICT and media services. The Bhutan Information Communication and Media Act 2006, Bhutan Filming Regulation 2007, the Journalist Code of Ethics 2006, contain provisions to eliminate the projection of stereotype concepts of the roles of men and women in all forms of media. These regulations are strictly implemented. Violators risk warnings, fines, suspension or revocation of licenses. New guidelines on the Rules of Content, and the Draft Broadcasting Code of Conduct, reinforce these measures.
25. Bhutan accepts the recommendation and is engaged in implementation. Public advocacy is one of the many areas in which the government and civil society stakeholders including media establishments work in close partnership. Bills which will directly impact the advancement of the rights of women and girls are currently under Cabinet review and will be submitted for consideration by Parliament at an early date. These include the Child Care Protection Bill, and the Adoption Bill. A legislative Task Force completed the drafting of the Domestic Violence Bill in March 2010. Multistakeholder review will be conducted by the National Commission of Women and Children in April 2010.
26. Bhutan is studying the current practice of other states. However, it is noted that the general opinion among national civil society groups active in the area of women's rights have voiced concern that primacy should be accorded to promoting a merit based society.
- The ruling political party has committed to field at least 30 per cent women candidates at the next round of national elections in 2013.
27. Bhutan accepts the recommendation and is engaged in implementation.
- 28 & 81. Equality before the law and protection from discrimination on the grounds of gender, ethnic origin, religion, language, political opinion, economic status or on other grounds, has always been central to all government policies and actions, which are designed to foster an inclusive and harmonious society. The principles of equality and non discrimination are enshrined in Articles 7(15), Article 9(3), 9(17) of the Constitution. Section 3 of the Civil and Criminal Procedure Coder 2001 reaffirms that "all persons are equal before the law and are entitled to equal and effective protection

- of the law without discrimination...” All Bhutanese, regardless of ethnic origin, enjoy equal rights and access to social services. Provision of free education to all children of school going age in Bhutan and access to higher education on the basis of merit are enshrined as Principles of State Policy in Articles 9(15) and (16) of the Constitution. Bhutan therefore considers that adequate legal frameworks and measures already exist.
29. Security Clearance Certificates are documents issued by the Royal Bhutan Police to attest that the concerned individual has no criminal record. This is a routine administrative requirement for all Bhutanese, procedures for which have been simplified and shortened including through the introduction of nation wide e-governance services. Security Clearance Certificates are applicable only to individuals over 18 years of age. No such formality exists for admission into public schools.
30. Bhutan accepts the recommendation.
31. Bhutan accepts the recommendation.
- 32, 33, 34 Bhutan accepts the recommendations and is engaged in implementation. Bhutan has three specialized institutions to meet the needs of children with disabilities. During the current five year development plan period (2008-2013), five additional centres will be established.
- 35, 36, 37 Bhutan accepts the recommendations and is engaged in implementation. Please see response to recommendation no. 25.
38. Bhutan accepts the recommendation and is engaged in implementation.
39. Bhutan accepts the recommendation.
40. It is the policy of the Royal Government to encourage greater participation of women in every profession. The legal framework and concrete measures to support this policy are in place. This approach will continue to be pursued and driven by specific requirements of various positions, and employment regulations which are consistent with international standards.
41. Corporal punishment of children at home is adequately covered by existing legal provisions including Articles 7(17) and 9(3) of the Constitution, the Teacher’s Code of Conduct, Section 160 of the Civil and Criminal Procedure Code, and 414 and 415 of the Bhutan Penal Code 2004. These will further be strengthened with the enactment of the Child Care and Protection Act.
- Bhutan is therefore not considering introducing new legislation on this matter at this current juncture.
42. Bhutan accepts the recommendation. An additional Women and Child Protection Unit is currently under establishment in Phuentsholing.
43. Bhutan accepts the recommendation and will pursue implementation in accordance with its treaty obligations.
44. Bhutan accepts the recommendation.
45. Bhutan accepts the recommendation.
46. Bhutan accepts the recommendation.
47. Bhutan accepts the recommendation.

48. Bhutan accepts the recommendation.
49. Bhutan accepts the recommendation and considers that adequate measures are already in place. Bhutan will continue its pursuit of existing policies which promote harmonious coexistence of all religious groups within a small, open and tolerant society. Article 7(4) of the Constitution enshrines the freedom of religion for all Bhutanese.
- 50 & 51 Bhutan accepts the recommendations and is engaged in implementation. Strengthening of a free, independent and professionalised media remains a priority of the Government. Freedom of the Press and Media are guaranteed under the Constitution Article 7(2), 7(3), and & 7(5). In March 2010 a Royal Proclamation was issued to establish the Bhutan Media Foundation with a Royal grant of Nu. 15 million. The Media Foundation will strengthen the capacity of national media through trainings and scholarships, support of the activities of the Journalists' Association of Bhutan, the national Press Club, as well as the publication of Dzongkha language edition of newspapers.
52. The legal framework to promote and protect the rights to freedom of opinion and expression are already in place. Art 7(2) of the Constitution recognizes the right to freedom of speech, opinion and expression as Fundamental Rights of all Bhutanese.
- 53, 54 & 55 In order to facilitate and support the emergence of a vibrant civil society, the Civil Society Act was adopted by Parliament in June 2007. The CSO Authority was established in March 2009. The CSO Rules and Regulations, drafted with technical support from the Government of Denmark and in consultation with national CSO stakeholders was finalized in December 2009. Registration of CSOs was launched in January 2010. As a new entity, the CSO Authority, with the support of Bhutan's development partners, is concurrently in the process of strengthening its institutional capacity.
- 56, 57, 58 & 59 Bhutan accepts the recommendations and is already actively engaged in implementation. Article 15, Section 4(b) of the Constitution and Chapter 6 Section 100(a) of the Election Act provides for an inclusive, participatory, and democratic, political process. Section 358 of the Election Act contains specific measures for persons with disabilities. The Bhutan Voter Guide is already available in braille, and the ECB intends to similarly translate all Acts, Rules and Regulations. The Election Commission of Bhutan, in collaboration with the National Commission for Women and Children undertake extensive advocacy campaigns targeting youth and women to promote greater awareness of democratic governance and the electoral process. To encourage greater women's participation in the upcoming local government elections, the Election Commission will launch publicity campaigns to encourage more women to participate as candidates. Please refer to response to recommendation 26.
60. The Bhutan Penal Code 2004 was the result of study and examination of existing practices in other states, some of which reflect remnants of colonial legacies. Sections 213 and 214 of the Bhutan Penal Code concerning "unnatural acts" have never since enactment, been evoked for same sex acts between two consenting adults. These provisions can be reviewed when there is a felt need and desire from our people.
61. With regard to monastic institutions, the National Commission for Women and Children and the Central Monastic Body have established the following measures:

- Institution of alternative forms of discipline in the monastic system
- Establishment of a complaints and response mechanism
- Appointment of a 9 member expert committee to monitor child rights, and
- Identification of a child Protection Officer in the Monastic Body.

62. While such a proposal is acceptable in principal, given Bhutan's present level of development and resource constraints, it may not be realizable at this juncture without international cooperation and support.

63 & 64 Bhutan accepts the recommendations.

65, 66, 67 & 68. Bhutan accepts the recommendations.

70 & 71. Bhutan accepts the recommendation. Article 9(16) of the constitution guarantees that "The State shall provide free education to all children of school going age up to tenth standard and ensure that technical and professional education is made generally available and that higher education is equally accessible to all on the basis of merit." However, given Bhutan's present level of development and resource constraints, introduction of compulsory education remains at this stage, an important goal.

72, 73, 74, 75 Bhutan accepts the recommendations and is already engaged in implementation. Addressing the disparity in enrollment rates at the tertiary level remains a priority. Collaboration with both multilateral and bilateral development partners have proven essential in building upon the National Plan of Action for Gender to meet this challenge. A number of initiatives have been introduced and have already borne results. The Non Formal Education programme allows adults and youth who have missed out on primary education or dropped out to attend basic literacy and post literacy programmes. This has had a significant impact on rural population and particularly on rural women, empowering them through literacy to participate in development activities. As of 2009, 60 per cent more female learners took advantage of this initiative in 756 centres across the country. Similarly, nearly 20 per cent more women than men enrolled in Continuing Education programmes in the same period. The introduction of extended classrooms in rural and remote areas is expected to further boost the enrolment of girls. Further, the introduction of scholarship schemes for girls after class X, as well as opportunities provided by private institutions have increased access to education for girls and women, encouraging greater numbers to continue and pursue higher education.

76, 77, 78, 79, 80. The Royal Government of Bhutan remains committed to finding a lasting and durable solution through the bilateral process with Nepal on the basis of agreements reached between the two governments.

The issue of the people in the camps in Nepal is first and foremost a humanitarian situation. Resettlement has been recognized as one of the key durable solution. Resettlement countries have contributed significantly through international burden sharing. Bhutan is in touch with international agencies such as the UNHCR, and remains engaged with all relevant parties on the issue, including the host country and resettlement states. Bhutan reiterates its willingness to receive the repatriation of genuine Bhutanese nationals from the camps on the basis of agreements signed between the Royal Government and the Government of Nepal.

On family reunification, Bhutan recognizes the family as the natural and fundamental group unit of society, and the responsibility of society and the State to protect it. Consistent with Art 22.2 of the CRC Bhutan cooperates with efforts to protect and

- assist tracing the parents or other members of the family of any refugee child.
82. Bhutan accepts the recommendation and in this regard, will continue to be guided by its international obligations in the areas of human rights and humanitarian law.
83. Bhutan accepts the recommendation and is engaged in implementation.
84. Bhutan accepts the recommendation.
85. Bhutan accepts the recommendation.
86. Bhutan accepts the recommendation.
87. Bhutan accepts the recommendation and is engaged in implementation.
88. Bhutan accepts the recommendation.
- 89, 90, 91, 92, 93, 94, 95, 96 & 97 Bhutan accepts the recommendations
- 98 & 99 Bhutan accepts the recommendation and is engaged in implementation. Immediately following the review, the outcome report of the Working Group was made publicly available, transmitted to all concerned stakeholders, including civil society, and addressed in the national press. Extensive consultations on the recommendations have been conducted both within government and with Parliament and civil society prior to finalizing the Royal Government's responses to the UPR recommendations. As assured by Bhutan at the Working Group, "while the government will do its part in following up, we will look towards civil society as essential stakeholders and partners of the government to do its part."
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