



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/6/BTN/2  
18 September 2009

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Sixth session  
Geneva, 30 November-11 December 2009

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX  
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Bhutan**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

| <i>Core universal human rights treaties<sup>2</sup></i> | <i>Date of ratification, accession or succession</i> | <i>Declarations /reservations</i> | <i>Recognition of specific competences of treaty bodies</i> |
|---|--|-----------------------------------|---|
| CEDAW   | 31 Aug. 1981   | None                              | --  |
| CRC   | 1 Aug. 1990  | None                              | --  |

*Core treaties to which Bhutan is not a party:* ICERD (signature only 1973), ICESCR, OP-ICESCR<sup>3</sup>, ICCPR, OP1 ICCPR, OP2-ICCPR, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC (signature only 2005), OP-CRC-SC (signature only 2005), ICRMW, CRPD, OP-CRPD, CED.

| <i>Other main relevant international instruments</i>                               | <i>Ratification, accession or succession</i>   |
|--|--|
| Convention on the Prevention and Punishment of the Crime of Genocide               | No   |
| Rome Statute of the International Criminal Court                                   | No   |
| Palermo Protocol <sup>4</sup>  | No   |
| Refugees and stateless persons <sup>5</sup>  | No   |
| Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup> | Yes, except Additional Protocols I, II and III |
| ILO fundamental conventions <sup>7</sup>   | No   |
| UNESCO Convention against Discrimination in Education                              | No   |

1. In 2008, the Committee on the Rights of the Child (CRC) recommended the ratification of or accession to all core international human rights instruments.<sup>8</sup> In 2009, the Committee on the Elimination of Discrimination against Women (CEDAW) made a similar recommendation<sup>9</sup> and also commended Bhutan for its recent ratification of the two Optional Protocols to the Convention on the Rights of the Child.<sup>10</sup>

2. CEDAW noted the positive statement made by the Bhutanese delegation regarding the ratification of OP-CEDAW and encouraged Bhutan to ratify it as soon as possible.<sup>11</sup>

3. CRC recommended that Bhutan consider acceding to the 1951 Convention on the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.<sup>12</sup>

4. A 2006 UNICEF report noted that Bhutan is not a member of the ILO<sup>13</sup> and CRC in 2008 recommended that Bhutan consider membership in the ILO and the ratification of ILO Conventions 138 and 182.<sup>14</sup>

### B. Constitutional and legislative framework

5. CEDAW, while welcoming the adoption of the first written Constitution in Bhutan in 2008, called on Bhutan, inter alia, to consider enacting appropriate national legislation, containing a prohibition of both direct and indirect discrimination against women, in line with articles 1 and 2 (b) of the Convention; and explicitly to provide in its Constitution or other appropriate legislation that the provisions of international human rights agreements, in particular the Convention, are directly applicable at the domestic level and prevail over conflicting legislation.<sup>15</sup>

6. CRC welcomed the inclusion of child rights specific provisions and fundamental rights in the Constitution. However, it expressed concern that article 7.22 of the Constitution may be used to unduly restrict these fundamental rights by the adoption of new legislation.<sup>16</sup> It recommended, inter alia, that Bhutan ensure that the draft Child Care and Protection Act is harmonized with the Convention and also encouraged its speedy adoption.<sup>17</sup>

### C. Institutional and human rights infrastructure

7. CEDAW, while acknowledging the important work of the National Commission on Women and Children and the institutional changes it underwent in 2008,<sup>18</sup> recommended that Bhutan provide additional financial and human resources to the Commission in order to enhance its effectiveness and increase its capacity to coordinate and monitor as well as to receive and investigate complaints; strengthen the network of Gender Focal Points, particularly through placing them at regional and local levels, including in remote and rural areas; give consideration to reinforcing the Commission's autonomy, independence and accountability, as well as ensuring that there is a clear separation of the Commission's functions in respect of women on the one hand, and children on the other.<sup>19</sup>

8. As of 5 May 2009, Bhutan does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).<sup>20</sup> CRC recommended that Bhutan establish an independent national human rights institution in full compliance with the Paris Principles relating to the status of national institutions.<sup>21</sup>

### D. Policy measures

9. CEDAW welcomed the National Plan of Action for Gender, the first of its kind in Bhutan, the setting up of a network of Gender Focal Points, including in the armed forces, and the identification of the issue of gender as a cross-cutting development theme in the 10th five-year plan of the Gross National Happiness Commission, which also devotes a chapter to women in development.<sup>22</sup>

10. CRC, while noting that provisions of the Convention were being integrated into the National Plan of Action for Gender, regretted the absence of a national plan of action for children. The Committee recommended that Bhutan develop a national plan of action for children in consultation with civil society and all sectors involved in the promotion and protection of children's rights and ensure adequate allocation of human and financial resources both at the national and local levels for the Plan's implementation.<sup>23</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

| <i>Treaty body<sup>24</sup></i> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i>             |
|---------------------------------|---|---------------------------------------|---------------------------|-------------------------------------|
| CEDAW                           | 2007  | Aug. 2009                             | Due in 2011               | Eighth to ninth reports due in 2014 |
| CRC                             | 2007  | Oct. 2008                             | ---                       | Third to fifth reports due in 2012  |

11. CEDAW expressed its willingness to continue the dialogue with Bhutan, including through a country visit by Committee members to provide further guidance on the implementation of the Committee's recommendations and Bhutan's obligations under the Convention.<sup>25</sup>

## 2. Cooperation with special procedures

|   |   |
|---|---|
| <i>Standing invitation issued</i>                                   | No  |
| <i>Latest visits or mission reports</i>                             | Working Group on Arbitrary Detention 17-22 October 1994 <sup>26</sup>   |
| <i>Visits agreed upon in principle</i>                              | -   |
| <i>Visits requested and not yet agreed upon</i>                     | Special Rapporteur on freedom of religion or belief, requested in 2006, reminder sent in 2009.                                    |
| <i>Facilitation/cooperation during missions</i>                     | -   |
| <i>Follow-up to visits</i>  | Working Group on Arbitrary Detention (29 April – 6 May 1996) <sup>27</sup>  |
| <i>Responses to letters of allegations and urgent appeals</i>       | One communication was sent within the 4 year periodicity and the Government replied to the communication.                         |
| <i>Responses to questionnaires on thematic issues</i> <sup>28</sup> | Bhutan responded to none of the 15 questionnaires sent by special procedures mandate holders, <sup>29</sup> within the deadlines. |

## 3. Cooperation with the Office of the High Commissioner for Human Rights

12. Bhutan contributed financially to OHCHR in 2006.<sup>30</sup>

### B. Implementation of international human rights obligations

#### 1. Equality and non-discrimination

13. In line with its previous recommendations, CEDAW in 2009 urged Bhutan to analyse existing traditions and stereotyped views in order to assess their impact on the achievement of gender equality. It recommended that policies be developed and programmes be directed at men and women to support the elimination of stereotypes associated with traditional roles in the family, the workplace and society at large, and to prevent the emergence of new stereotypes that are discriminatory against women. It also recommended that the media be encouraged to project a positive image of women and the equal status and responsibilities of women and men both in the public and private spheres.<sup>31</sup>

14. CEDAW recommended that Bhutan introduce specific legislation providing for the adoption and implementation of temporary special measures, in order to accelerate the de facto equality with men in all areas where women are underrepresented or in rural and remote areas, and that Bhutan raise public awareness about the importance of temporary special measures in accelerating the process of gender equality.<sup>32</sup>

15. CRC noted that Bhutan was undertaking efforts to improve the situation of vulnerable children, particularly those living in rural-remote areas, and children with disabilities, but remained concerned about gender discrimination, the lack of services for children with disabilities, the gap of resources between rural and urban areas and the disparities in the enjoyment of rights experienced by children of Nepalese ethnic origin, particularly in relation to their right to a nationality, to education and to health services.<sup>33</sup> It recommended that Bhutan, inter alia, take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination in all fields of civil, economic, social and cultural life, as

well as comprehensive education campaigns to prevent and combat negative social attitudes towards different ethnic groups.<sup>34</sup>

16. The Working Group on Minorities in 2005 received a report alleging that the Lhotsampa minority community had been most affected by the policies of assimilation, exclusion, and eviction and that those policies had resulted in the expulsion of one-sixth of Bhutan's population.<sup>35</sup>

17. CRC expressed concern about the restrictive conditions to acquire Bhutanese citizenship and noted that the Constitution requires both parents to be of Bhutanese nationality in order for the child to acquire their nationality and that children, as a consequence of the restrictive citizenship requirements, risk being or are stateless. It urged Bhutan to take the necessary measures to ensure that no child is or risks being stateless, in accordance of article 7 of the Convention.<sup>36</sup>

18. CEDAW recalled its previous recommendation on the situation of ethnic Nepalese women who lost their Bhutanese citizenship following the enactment of the 1958 Citizenship Act, and expressed its continued concern at the impact that this may have on women acquiring citizenship based on their marital status and passing their citizenship to children born outside of the country, as well as children with non-national fathers, in particular those under 15 years of age, whose rights, including to education and access to health care, may be limited. CEDAW was encouraged by Bhutan's willingness to resume talks with the Government of Nepal and recommended that Bhutan resolve all outstanding issues, including ensuring full access to free education and health services to all children under 15 years of age.<sup>37</sup>

## **2. Right to life, liberty and security of the person**

19. The Working Group on Enforced or Involuntary Disappearances in its 2006 report noted that it had transmitted five cases to the Government. Regarding four outstanding cases it was not known whether the subjects crossed the border themselves or were arrested and handed over to the relevant authorities of a third country. Another case concerned the Public Secretary of the National Democratic Front of Bodoland who was arrested by the Bhutanese army at a hotel in Thimphu and subsequently disappeared. All of the cases remained outstanding.<sup>38</sup>

20. CRC remained concerned about the lack of the definition and prohibition of acts of torture and other cruel, inhuman or degrading treatment or punishment against children in its Penal Code and recommended the introduction of such a definition in its Penal Code.<sup>39</sup>

21. CEDAW welcomed the delegation's indication that a bill on domestic violence would be tabled by 2010<sup>40</sup> and encouraged Bhutan to enact legislation, including on domestic violence, as a matter of priority. It urged Bhutan to give priority attention to eliminating all forms of violence against women, as well as increasing access to justice for women victims of such violations, including in remote and rural areas. It also recommended that Bhutan adopt measures to increase the number of women working on these issues, including in the police force and other law enforcement agencies.<sup>41</sup>

22. CRC, while welcoming the measures undertaken to combat domestic violence, noted that cases of abuse and violence remained underreported and that physical and psychological recovery measures for victims were lacking. It urged Bhutan to reinforce mechanisms for monitoring the number of cases and the extent of violence, sexual abuse,

neglect, maltreatment or exploitation, including within the family, in schools and in institutional or other care; and ensure that professionals working with children receive training on their obligation to report; and strengthen support for victims by ensuring their access to services for recovery, counselling and redress.<sup>42</sup>

23. CEDAW, while welcoming new measures to combat trafficking expressed concern at the growth of this phenomenon, urged Bhutan to intensify its efforts to combat all forms of trafficking and encouraged it to undertake research, align its national definition of prostitution and trafficking with international standards and intensify its efforts to provide support to girls and women at risk. It also recommended that bilateral measures and agreements be considered with countries of origin and neighbouring countries.<sup>43</sup>

24. CRC noted with appreciation that Bhutan had strengthened national legislation and that a national plan of action was being drafted to combat commercial sexual exploitation of children. However, it noted with concern that the extent and prevalence of sexual exploitation of children remained undocumented and there was no formal age of sexual consent. It recommended, inter alia, that Bhutan undertake a comprehensive study to document the number of children victims of sexual exploitation and abuse and to identify the root causes; adopt and ensure the implementation of the national plan of action; ensure adequate resources in order to investigate cases of sexual abuse and exploitation and prosecute and impose adequate sentences for such crimes and consider incorporating a formal age of sexual consent in the legislation.<sup>44</sup>

25. A 2006 UNICEF report noted that Bhutan has banned corporal punishment in schools, which has reduced the incidence of such punishment but not yet eliminated it.<sup>45</sup> The report also indicated that children in monasteries are also subject to corporal punishment which is considered integral to the overall discipline of monastic life.<sup>46</sup> CRC recommended that Bhutan adopt legislation as soon as possible, explicitly prohibiting all forms of corporal punishment of children in all settings, including the home; and take all measures to ensure the enforcement of the law, conduct capacity building of professionals working with children and carry out awareness raising and public education campaigns against corporal punishment and promote non-violent and participatory methods of child rearing and education.<sup>47</sup>

### **3. Administration of justice and the rule of law**

26. The 2006 Country Common Assessment (CCA) report noted that in respect to children in conflict with the law, police data showed a significant rise in convictions of young people – from negligible rates in the early 1990s to around 60 cases per year by 2003. The minimum age of criminal responsibility is ten years, though the National Commission for Women and Children has started advocating with the Royal Court of Justice to increase this to 13 years.<sup>48</sup> CRC recommended, inter alia, that Bhutan ensure that a system of juvenile justice in accordance with the Convention is fully integrated into legislation and practice; raise the minimum age of criminal responsibility; ensure that deprivation of liberty is used only as a measure of last resort and for the shortest period of time, that it is expressly authorised by a court and that juveniles are separated from adults during such deprivation; provide children, both victims and accused, with adequate legal assistance; ensure the free assistance of an interpreter; and conduct training programmes on relevant international standards for all professionals involved with the juvenile justice system.<sup>49</sup>

#### **4. Right to privacy, marriage and family life**

27. CRC recommended, inter alia, that Bhutan strengthen and further develop institutional structures that are accessible and free in order to implement effective birth registration; ensure that the lack of registration does not impose an impediment to school attendance; and that it seek technical assistance from UNICEF for the implementation of those recommendations.<sup>50</sup>

28. CEDAW encouraged Bhutan to take effective measures including through legal action and public outreach campaigns, to put an end to the practice of illegal underage marriage and recommended that Bhutan take appropriate action to end the practice of polygamy.<sup>51</sup>

29. CRC noted the absence of alternative care other than monasteries and that most separated children remain in the extended family without sufficient support from the State.<sup>52</sup> It recommended that the Bhutan strengthen its efforts to provide protection for children in case of separation from their family; and encouraged Bhutan to ensure that an appropriate assessment, monitoring and follow-up mechanism is put in place, including for children in monasteries and to continue trainings on child rights in monasteries, recommending that technical assistance be sought from relevant international organizations and agencies.<sup>53</sup>

30. CEDAW recommended that Bhutan bring its provisions regarding custody of children on dissolution of marriage in line with article 16, paragraph 1 (d) of the Convention, which highlights the need to take into account the best interests of the child.<sup>54</sup> CRC recommended that Bhutan evaluate its adoption practices and enact legislation in accordance with the best interests of the child and article 21 of the Convention.<sup>55</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

31. In 2006, the Special Rapporteur on freedom of religion or belief sent an urgent appeal jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the question of torture regarding two Christians who were arrested by officials from the Crime and Investigation Department of Royal Bhutan Police (RBP) in Thimphu for screening the film “Jesus”. The two men had reportedly been subjected to torture and ill-treatment in detention. The Government of Bhutan in its reply to this communication provided information that the two detainees were found guilty of an offence of official misconduct, deceptive practice, and breach of trust and criminal misappropriation of Government property.<sup>56</sup>

32. A 2005 report of the Working Group on Minorities indicated that the (Nepali-speaking) Lhotsampa suffers religious intolerance, and that under *Driglam Namza* many southern Bhutanese were ‘encouraged’ to follow Buddhist teachings and practices while the few Hindu religious institutions like *Pathsalas* in the southern belt were closed down.<sup>57</sup>

33. CRC welcomed the inclusion of civil society representatives in the NCWC. However it expressed concern that the Civil Society Act of 2007 may result in restrictions on civil society organizations. It recommended, inter alia, that Bhutan promote, without undue restrictions, the establishment of civil society organizations and seek UNDP and UNICEF assistance for capacity building of civil society NGOs on children’s rights.<sup>58</sup>

34. A 2008 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament decreased from 9.3 per cent in 2005 to 2.7 per cent in 2008.<sup>59</sup> The 2006 CCA report noted that women were also underrepresented at lower levels of government.<sup>60</sup> In 2009 CEDAW requested that Bhutan implement, as a matter of urgency, sustained policies aimed at the promotion of women's full, active and equal participation in decision-making in all areas of public and political life. In particular, it encouraged Bhutan to review criteria required for certain positions when such requirements turn into obstacles or barriers to women's access to decision-making. It also recommended the use of temporary measures according to article 4, paragraph 1, of the Convention. CEDAW further recommended the implementation of awareness-raising activities about the importance of women's participation in decision-making positions during the current transition of society as a whole, including in its remote and rural areas.<sup>61</sup>

## **6. Right to work and to just and favourable conditions of work**

35. The 2006 CCA report noted that while women have the same rights as men, when it comes to formal work they are in the minority in all sectors of paid employment.<sup>62</sup> CEDAW in 2009 remained concerned at the high rates of reported cases of sexual harassment in the workplace and recommended that Bhutan take effective measures to ensure access to remedial mechanisms, including access to justice, for victims of sexual harassment.<sup>63</sup>

36. CRC welcomed that Bhutan had established the minimum age for admission to employment at 18 in the Labour and Employment Code of 2007. However it was concerned about the high incidence of child labour, insufficient awareness among the public of the negative effects of child labour and the lack of available data on the number of children affected.<sup>64</sup> It recommended that Bhutan, inter alia, undertake a national study to ascertain the root causes and extent of child labour and design and conduct campaigns to raise awareness of the negative effects of exploitative child labour; and seek technical assistance from ILO and UNICEF to combat the economic exploitation of children.<sup>65</sup>

37. CEDAW was concerned in particular at the situation of girl child domestic workers, mainly from rural and remote areas, who work long hours, do not have access to education and may be subject to violence. It urged Bhutan to strengthen its efforts to eradicate domestic child labour abuse and ensure that children have access to education, health care and social protection as well as enjoying the protection of the minimum labour standards elaborated by the ILO.<sup>66</sup>

## **7. Right to social security and to an adequate standard of living**

38. The 2008-2012 United Nations Development Assistance Framework (UNDAF) noted that although Bhutan has made significant socio-economic progress, about 31.7 per cent of the population continue to live below the poverty line.<sup>67</sup> A 2006 UNICEF report noted that of the population living in income poverty, the overwhelming majority – 97 per cent – is in the rural areas and more than half are in the eastern region. Poverty is also more prevalent among larger households.<sup>68</sup> CEDAW was concerned about the feminization of poverty, particularly in rural areas and about the lack of data on poverty.<sup>69</sup>

39. CEDAW recommended the creation of adequate job opportunities with decent pay for rural women, as well as the provision of a broad range of support services for women in the informal sector and the creation of access to market facilities. It also called upon Bhutan to provide social benefits to home-workers.<sup>70</sup> CRC recommended that Bhutan improve its



coordination and reinforce its efforts to allocate adequate human and financial resources to provide support and material assistance, with a particular focus on the most marginalized and disadvantaged families, and to guarantee the right of children to an adequate standard of living.<sup>71</sup>

40. A 2006 UNICEF report noted that Bhutan still has disturbingly high levels of protein-energy malnutrition<sup>72</sup> and that many parts of the country suffer from food insecurity, mainly during the May to July period before the harvest.<sup>73</sup>

41. A 2006 UNICEF report noted that it is a priority to increase the numbers of female health workers and that one way of boosting the number of female nurses would be to make it easier for them to return to work after having raised a family; at present it is not possible to return to public service once you have resigned.<sup>74</sup> A 2008 United Nations Statistics Division source indicated that the proportion of births attended by skilled health personnel increased from 23.7 per cent in 2000 to 56.1 per cent in 2003.<sup>75</sup>

42. CRC recommended that Bhutan continue to make efforts to give free access to health services and ensure equitable access for the entire population; develop a strategy to combat malnourishment and food insecurity; and build national capacities to train health workers and medical practitioners.<sup>76</sup>

43. CRC noted the introduction in 2002 of the Adolescent Reproductive Health Education and Life Skills Programme, but remained concerned that further measures are required in order to address adolescent sexual and reproductive health issues. CRC recommended that Bhutan take all necessary measures, including by providing information and education with respect to adolescent reproductive health and by making a comprehensive range of contraceptives widely available.<sup>77</sup> CEDAW recommended the wide promotion of family planning and reproductive health education, including in remote areas, and targeted at girls and boys, with special attention being paid to the prevention of early pregnancies and the control of sexually transmitted diseases.<sup>78</sup>

44. CRC, while welcoming Bhutan's policy on providing free antiretroviral therapy and noting the relatively low HIV/AIDS prevalence rate, was concerned that reported cases of HIV are increasing.<sup>79</sup> A 2008 UNICEF/UNAIDS/WHO/UNFPA report noted that national strategic plans on HIV and AIDS have been adjusted to focus on prevention for adolescents who are most at risk.<sup>80</sup> CEDAW urged Bhutan to undertake comprehensive research to determine the factors leading to the feminization of HIV/AIDS, with a view to developing appropriate strategies to reduce women's vulnerability to the disease.<sup>81</sup>

45. CEDAW recommended that Bhutan continue to take measures to improve women's access to general, mental health and reproductive health care, for all women, including older women, and women in rural and remote areas. It urged Bhutan to make every effort to increase women's access to health-care facilities and confidential medical assistance by trained personnel, in particular in rural and remote areas, despite the difficult terrain.<sup>82</sup>

46. A 2006 UNICEF report noted that one of Bhutan's major achievements has been to extend water supply and sanitation coverage across the country. Coverage varied somewhat, however, between districts.<sup>83</sup> CRC, while welcoming the improved access to safe drinking water and basic sanitation, was concerned about the lack of data on the percentage of the population which had access to such basic provisions.<sup>84</sup>

47. The 2006 CCA report noted, *inter alia*, that an estimated two-thirds of the urban population are now migrants from rural areas.<sup>85</sup> A 2008 United Nations Statistics Division source indicated that the total proportion of urban population living in slums in 2001 was 44.1 per cent.<sup>86</sup>

### **8. Right to education and right to participate in cultural life of the community**

48. CRC welcomed that the Constitution guarantees free education to all children of school age up to class ten, but was concerned that informal fees were still being charged and that education was not made compulsory. It was concerned that a remarkable number of children are not enrolled, that repetition and drop-out rates are high and that gender parity still has to be achieved. It recommended, *inter alia*, that Bhutan ensure that primary education is compulsory and free of all costs and accessible in an equitable manner for all children; strengthen efforts to achieve enrolment of all children; and provide more early education facilities and vocational training centres accessible in all regions of the country.<sup>87</sup> CEDAW recommended that Bhutan adopt and implement targeted measures to ensure equal access for girls and women to all levels of education, specifically by examining the possibility of providing incentives to girls and their families to encourage them to remain in schools; take measures, including the development of non-formal education, to address girls' and women's illiteracy, including through the continuation and increase of programmes for adult education and take the necessary steps to encourage pregnant girls and married girls to continue their education.<sup>88</sup>

49. CRC, while noting as positive the planned re-opening of schools in south Bhutan and the abolition of the "no objection certificate" announced by Bhutan during the dialogue, was still concerned about the prevailing discrimination in the field of education against children of Nepalese ethnic origin. It noted with concern that these children have reduced access to education due to the lack of educational institutions at all levels and that they are denied education in their own language. It was also concerned about the lack of data on children of Nepalese ethnic origin attending school. CRC recommended that Bhutan, *inter alia*, provide education for all children within its jurisdiction, including for children of Nepalese ethnic origin, non-Bhutanese and stateless children.<sup>89</sup>

50. CRC, while noting the measures undertaken to enhance access to specialized services and education for children with disabilities, recommended that Bhutan, *inter alia*, adopt an inclusive education strategy and elaborate a plan of action in order to increase the school attendance of children with special needs and focus on day care services for these children in order to prevent their institutionalization; and support activities of and cooperate with NGOs in developing community based day care services for children with special needs.<sup>90</sup>

### **9. Minorities and indigenous peoples**

51. A 2005 report of the Working Group on Minorities indicated that the three major ethnic groups in Bhutan were Ngalongs, Sharchops, and Lhotshampas and that several smaller groups existed with distinct cultures, traditions and dialects, such as the Khengs, Brokpas, Doyas, Kurteopas and Mangdepas.<sup>91</sup>

52. CRC expressed concern over the ability of children belonging to minority groups, in particular of Nepalese ethnic origin, to enjoy their own culture, to profess and practice their own religion, or to use their own language and recommended that such rights be recognized.<sup>92</sup>

## **10. Migrants, refugees and asylum-seekers**

53. CEDAW expressed concern at the very high number of foreign and migrant workers, who may not benefit from basic rights and minimum protection, including access to health care. It recommended that the fundamental rights of all migrant workers, including women, be taken into consideration, including their right to basic health care.<sup>93</sup>

54. CRC noted with concern that no durable solution for Bhutanese refugees living in camps in Eastern Nepal had yet been found and was concerned about the number of refugee children who have been separated from their family in Bhutan and over the lack of measures to achieve family reunification.<sup>94</sup> It recommended that Bhutan enhance efforts to find a prompt solution for either the return or resettlement of people living in refugee camps, with particular attention to children and women and reunification with their families; and ensure the transparency of the procedure for the determination of the nationality of refugees, based on the right to a nationality and the right to leave and return to one's country, with due consideration of the best interests of the child.<sup>95</sup> It also recommended that Bhutan seek assistance from UNHCR and the International Committee of the Red Cross with regard to refugee children, return, resettlement and family reunification.<sup>96</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

55. The 2006 CCA report noted that Bhutan became one of the few countries in the world to meet its part of the 20:20 compact (20 per cent of public investment in health and education).<sup>97</sup> A 2008 UNCTAD report noted that during the period 1990 to 2005, impressive reductions in annual under-5 mortality rates were recorded in Bhutan.<sup>98</sup> CRC welcomed the reduction of infant mortality and the measures undertaken to expand and improve access to the public health-care system and that article 9.21 of the Constitution provides for free access to basic public health services.<sup>99</sup>

56. CEDAW commended Bhutan for its transition to a democratic Constitutional Monarchy in 2008, which provides a firm foundation for a sustainable and vibrant democracy.<sup>100</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

#### **A. Pledges by the State**

N/A.

#### **B. Specific recommendations for follow-up**

57. In 2009, CEDAW requested Bhutan to provide within two years written information on the steps undertaken to implement recommendations contained in paragraph 18 on participation in political and public life and paragraph 20 on violence against women. It also requested Bhutan to consider seeking technical cooperation and assistance, if necessary, for the implementation of the above recommendations.<sup>101</sup>

### **V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE**

58. CEDAW recommended that Bhutan avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the Committee's recommendations and the Convention as a whole. The Committee also called upon

Bhutan to strengthen further its cooperation with specialized agencies and programmes of the United Nations system.<sup>102</sup>

59. CRC recommended that Bhutan seek technical assistance, including from UNICEF, to, inter alia, combat violence against children,<sup>103</sup> and for establishing a juvenile justice system<sup>104</sup> in accordance with the provisions of the CRC and international standards.

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Accessed on 10 August 2009.

<sup>2</sup> The following abbreviations have been used for this document:

|            |   |
|------------|---|
| ICERD      | International Convention on the Elimination of All Forms of Racial Discrimination                             |
| ICESCR     | International Covenant on Economic, Social and Cultural Rights  |
| OP-ICESCR  | Optional Protocol to ICESCR   |
| ICCPR      | International Covenant on Civil and Political Rights  |
| ICCPR-OP 1 | Optional Protocol to ICCPR  |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty                               |
| CEDAW      | Convention on the Elimination of All Forms of Discrimination against Women                                    |
| OP-CEDAW   | Optional Protocol to CEDAW  |
| CAT        | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| OP-CAT     | Optional Protocol to CAT  |
| CRC        | Convention on the Rights of the Child   |
| OP-CRC-AC  | Optional Protocol to CRC on the involvement of children in armed conflict                                     |
| OP-CRC-SC  | Optional Protocol to CRC on the sale of children, child prostitution and child pornography                    |
| ICRMW      | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD       | Convention on the Rights of Persons with Disabilities   |
| OP-CRPD    | Optional Protocol to the Convention on the Rights of Persons with Disabilities                                |
| CED        | International Convention for the Protection of All Persons from Enforced Disappearance.                       |

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to

Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>8</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/BTN/CO/2), paras. 75-76.

<sup>9</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/BTN/CO/7), para. 40.

<sup>10</sup> Ibid., para. 7.

<sup>11</sup> Ibid., para. 37.

<sup>12</sup> CRC/C/BTN/CO/2, paras. 34 (b) and 65 (c).

<sup>13</sup> UNCT Bhutan, Submission to the UPR on Bhutan; UNICEF: A Situation analysis of Children and Women in Bhutan 2006. Bhutan, 2006. p. 70.

<sup>14</sup> CRC/C/BTN/CO/2, para. 67 (c). See also Common Country Assessment for Bhutan 2006, p. 17, available at [http://www.undg.org/archive\\_docs/9207-Bhutan\\_CCA\\_\\_2006\\_.pdf](http://www.undg.org/archive_docs/9207-Bhutan_CCA__2006_.pdf).

<sup>15</sup> CEDAW/C/BTN/CO/7, paras. 11-12.

<sup>16</sup> CRC/C/BTN/CO/2, paras. 3, 5 and 6.

<sup>17</sup> Ibid., para. 6.

<sup>18</sup> CEDAW/C/BTN/CO/7, para. 13. See also CRC/C/BTN/CO/2, paras. 7-8.

<sup>19</sup> CEDAW/C/BTN/CO/7, para. 14.

<sup>20</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

<sup>21</sup> General Assembly resolution 48/134 of 20 December 1993, annex and CRC/C/BTN/CO/2, para. 12.

<sup>22</sup> CEDAW/C/BTN/CO/7, para. 6.

<sup>23</sup> CRC/C/BTN/CO/2, paras. 9-10.

<sup>24</sup> The following abbreviations have been used for this document:

|       |  |
|-------|--|
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CRC   | Committee on the Rights of the Child.                        |

<sup>25</sup> CEDAW/C/BTN/CO/7, para. 43.

<sup>26</sup> E/CN.4/1995/31/Add.3.

<sup>27</sup> E/CN.4/1997/4/Add.3.

<sup>28</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

<sup>29</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on the situation of human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to

education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (k) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (l) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (m) report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (n) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the HRC (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes, sent in October 2008; (o) report of the Special Rapporteur on violence against women, (June 2009) (A/HRC/11/6), questionnaire on violence against women and political economy.

<sup>30</sup> Annual Report on OHCHR Activities, 2006, pp. 157-158.

<sup>31</sup> CEDAW, *Official Records of the General Assembly, Fifty-ninth session, Supplement No. 38 (A/59/38)*, paras. 115 and 116; CEDAW/C/BTN/CO/7, para. 24.

<sup>32</sup> *Ibid.*, para. 16.

<sup>33</sup> CRC/C/BTN/CO/2, para. 25.

<sup>34</sup> *Ibid.*, para. 26.

<sup>35</sup> E/CN.4/Sub.2/AC.5/2005/WP.6, para. 49.

<sup>36</sup> CRC/C/BTN/CO/2, paras. 33 and 34 (a).

<sup>37</sup> CEDAW/C/BTN/CO/7, paras. 35-36.

<sup>38</sup> A/HRC/4/41, paras. 99-102.

<sup>39</sup> CRC/C/BTN/CO/2, paras. 35-36.

<sup>40</sup> CEDAW/C/BTN/CO/7, para. 19.

<sup>41</sup> *Ibid.*, para. 20.

<sup>42</sup> CRC/C/BTN/CO/2, paras. 48-49.

<sup>43</sup> CEDAW/C/BTN/CO/7, paras. 21-22.

<sup>44</sup> CRC/C/BTN/CO/2, paras. 68-69.

<sup>45</sup> UNCT Bhutan, Submission to the UPR on Bhutan; UNICEF: A Situation analysis of Children and Women in Bhutan 2006. Bhutan, 2006, p. 70.

<sup>46</sup> *Ibid.*, p. 72.

<sup>47</sup> CRC/C/BTN/CO/2, para. 38.

<sup>48</sup> See Common Country Assessment for Bhutan 2006, p. 17, available at [http://www.undg.org/archive\\_docs/9207-Bhutan\\_CCA\\_2006\\_.pdf](http://www.undg.org/archive_docs/9207-Bhutan_CCA_2006_.pdf).

<sup>49</sup> CRC/C/BTN/CO/2, para. 71.

<sup>50</sup> *Ibid.* para. 32.

<sup>51</sup> CEDAW/C/BTN/CO/7, para. 34.

<sup>52</sup> CRC/C/BTN/CO/2, para. 44.

<sup>53</sup> *Ibid.*, para. 45.

<sup>54</sup> CEDAW/C/BTN/CO/7, para. 34.

<sup>55</sup> CRC/C/BTN/CO/2, para. 47.

<sup>56</sup> Report of the Special Rapporteur on freedom of religion or belief (A/HRC/4/21/Add.1), paras. 69-71

<sup>57</sup> E/CN.4/Sub.2/AC.5/2005/WP.6, para. 53.

- <sup>58</sup> CRC/C/BTN/CO/2, paras. 15-16.
- <sup>59</sup> United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.
- <sup>60</sup> See Common Country Assessment for Bhutan 2006, p. 34, available at [http://www.undg.org/archive\\_docs/9207-Bhutan\\_CCA\\_\\_2006\\_.pdf](http://www.undg.org/archive_docs/9207-Bhutan_CCA__2006_.pdf).
- <sup>61</sup> CEDAW/C/BTN/CO/7, para. 18.
- <sup>62</sup> See Common Country Assessment for Bhutan 2006, p. 34, available at [http://www.undg.org/archive\\_docs/9207-Bhutan\\_CCA\\_\\_2006\\_.pdf](http://www.undg.org/archive_docs/9207-Bhutan_CCA__2006_.pdf).
- <sup>63</sup> CEDAW/C/BTN/CO/7, paras. 29-30.
- <sup>64</sup> CRC/C/BTN/CO/2, para. 66.
- <sup>65</sup> Ibid., para. 67 (a), (b) and (d).
- <sup>66</sup> CEDAW/C/BTN/CO/7, paras. 31-32.
- <sup>67</sup> See the United Nations Development Assistance Framework 2008-2012 for Bhutan, p. 6, available at [http://www.undg.org/docs/7395/Bhutan\\_UNDAF\\_2008\\_2012.pdf](http://www.undg.org/docs/7395/Bhutan_UNDAF_2008_2012.pdf).
- <sup>68</sup> UNCT Bhutan, Submission to the UPR on Bhutan; UNICEF: A Situation analysis of Children and Women in Bhutan 2006. Bhutan, 2006. p. 14.
- <sup>69</sup> CEDAW/C/BTN/CO/7, para. 29.
- <sup>70</sup> Ibid., para. 30.
- <sup>71</sup> CRC/C/BTN/CO/2, para. 57.
- <sup>72</sup> UNCT Bhutan, Submission to the UPR on Bhutan; UNICEF: A Situation analysis of Children and Women in Bhutan 2006. Bhutan, 2006, p. 29.
- <sup>73</sup> Ibid., p. 30.
- <sup>74</sup> Ibid., p. 27.
- <sup>75</sup> United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg>.
- <sup>76</sup> CRC/C/BTN/CO/2, para. 53.
- <sup>77</sup> Ibid., paras. 54-55 (a).
- <sup>78</sup> CEDAW/C/BTN/CO/7, para. 28.
- <sup>79</sup> CRC/C/BTN/CO/2, para. 58.
- <sup>80</sup> UNICEF, UNAIDS, WHO, UNFPA, Children and Aids, Third Stocktaking Report 2008, p. 3, available at [http://data.unaids.org/pub/Report/2008/20081201\\_3rd\\_stocktaking\\_en.pdf](http://data.unaids.org/pub/Report/2008/20081201_3rd_stocktaking_en.pdf).
- <sup>81</sup> CEDAW/C/BTN/CO/7, para. 28.
- <sup>82</sup> Ibid.
- <sup>83</sup> UNCT Bhutan, Submission to the UPR on Bhutan; UNICEF: A Situation analysis of Children and Women in Bhutan 2006. Bhutan, 2006, p. 23.
- <sup>84</sup> CRC/C/BTN/CO/2, para. 56.
- <sup>85</sup> See Common Country Assessment for Bhutan 2006, p. 8, available at [http://www.undg.org/archive\\_docs/9207-Bhutan\\_CCA\\_\\_2006\\_.pdf](http://www.undg.org/archive_docs/9207-Bhutan_CCA__2006_.pdf).
- <sup>86</sup> United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.
- <sup>87</sup> CRC/C/BTN/CO/2, paras. 60-61.
- <sup>88</sup> CEDAW/C/BTN/CO/7, para. 26.
- <sup>89</sup> CRC/C/BTN/CO/2, paras. 62-63.
- <sup>90</sup> Ibid., paras. 50 and 51(a) and (c).
- <sup>91</sup> E/CN.4/Sub.2/AC.5/2005/WP.6, para. 47.

<sup>92</sup> CRC/C/BTN/CO/2, paras. 72-73.

<sup>93</sup> CEDAW/C/BTN/CO/7, paras. 29-30.

<sup>94</sup> CRC/C/BTN/CO/2, para. 64.

<sup>95</sup> Ibid., para. 65 (a) and (b).

<sup>96</sup> Ibid., para. 65 (d).

<sup>97</sup> See Common Country Assessment for Bhutan 2006, p. 16, available at [http://www.undg.org/archive\\_docs/9207-Bhutan\\_CCA\\_\\_2006\\_.pdf](http://www.undg.org/archive_docs/9207-Bhutan_CCA__2006_.pdf).

<sup>98</sup> UNCTAD, The Least Developed Countries Report 2008, New York and Geneva, 2008, p. 73, available at [http://www.unctad.org/en/docs/ldc2008\\_en.pdf](http://www.unctad.org/en/docs/ldc2008_en.pdf).

<sup>99</sup> CRC/C/BTN/CO/2, para. 52.

<sup>100</sup> CEDAW/C/BTN/CO/7, para. 5.

<sup>101</sup> Ibid., para. 42.

<sup>102</sup> Ibid., para. 43.

<sup>103</sup> CRC/C/BTN/CO/2, para. 39 (c).

<sup>104</sup> Ibid., para. 71 (i).

-----