

Sexual Exploitation of Children in Bhutan
Submission
for the Universal Periodic Review of the human rights situation in Bhutan

Submitted by

RENEW and ECPAT International

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RENEW firmly believes sexual and gender-based violence (SGBV) and domestic violence (DV) stand in the way of achieving gender equality and campaigns to prevent and eliminate all forms of violence against women and children. In pursuit of its vision in creating a gender-based violence-free happy society, RENEW aspires to better the lives of women by helping them gain the skills necessary to achieve their goals as socially and economically independent members of society. Through comprehensive services, RENEW is the first organization of its kind in Bhutan to provide assistance to individuals through intervention and prevention programs. Actively promoting gender equality through every aspect of its work, RENEW is committed to identifying new methods and meaningful ways to nurture, support and empower women and children.



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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 28 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 104 network members operating in 93 countries.

Justification for submission

1. The present submission is an update to review the progress that has been made by the Government of Bhutan (GoB) to end sexual exploitation of children (SEC) and assess the level of implementation of the UPR recommendations pertaining to SEC made in 2014.¹ New recommendations to end SEC in Bhutan will be made. Recommendations made in this report are in line with the commitment made by the GoB to eliminate all forms of violence against children, including sexual abuse and exploitation with the adoption of the 2030 agenda for Sustainable Development in 2015.²
2. The content of this report is mostly based on country work experience and desk research by RENEW and ECPAT International.
3. The scope of this report is limited to SEC and its different manifestations, including exploitation of children in prostitution,³ online child sexual exploitation ('OCSE'), child sexual abuse materials ('CSAM'),⁴ trafficking of children for sexual purposes, sexual exploitation of children in the context of travel and tourism⁵ ('SECTT') and, child, early and forced marriage ('CEFM').
4. Recommendations pertaining the combat of SEC were made in the UPR of 2014 and will be mentioned in the subchapters they relate to. General recommendations to end violence against children were made by the Czech Republic (118.18) "[...] *strengthening combating violence against women and children*". Italy (118.36) recommended to "*(i)ncrease [...] efforts to prevent unacceptable forms of child labour,*" which includes SEC.

Current status and developments of sexual exploitation of children in Bhutan

5. With 259,000, children form almost a third of the population of Bhutan.⁶ Children seem to benefit from the four pillars of the Gross National Happiness index applied to government policy development: good governance, sustainable socioeconomic development, preservation and promotion of culture and environmental conservation. Only 2% of the population lives below the international poverty line of USD 1,90 per day⁷ and child labour, with 3%, is low for the region.⁸ In a 2016 study on "*Violence against Children in Bhutan*" by the NCWC, the GoB and UNICEF, sexual exploitation of children emerged as an issue in the southern and south-eastern regions of Bhutan.⁹ The study shows that children in Bhutan face physical and emotional violence in addition to sexual violence and exploitation. Civil society working with exploited children estimate that about half of female commercial sex workers in southern cities are Bhutanese and Indian **children exploited in prostitution**. The girls work alongside women in hotels, '*drayangs*' (entertainment centres), karaoke bars or snooker halls. There is no specific region where the Bhutanese girls come from, but usually they have a poor background with many addicted to drugs or alcohol. A few examples of boy victims also emerged.¹⁰ However, the study found that Bhutan does not have as many vulnerable children that are abused, exploited or orphaned as in other countries in the region.¹¹
6. Bhutan is both a source and destination country for **child trafficking for sexual purposes**. Girls from Bhutan are trafficked from rural areas, to urban areas in Bhutan or India.
7. There has been little or no evidence of **OCSE** or **SECTT**. This might change in the near future as Bhutan undergoes rapid changes. The GoB promotes a sustainable tourism agenda in which the number of tourists per year is strictly regulated at a high daily cost.¹² Nevertheless, tourist arrivals have soared from 41,000 in 2010 to 210,000 in 2016.¹³ More than half of the international tourists come from the Asia-Pacific and the three top nationalities of visitors are China, USA and Japan.¹⁴

Voluntourism and orphanages are less common in comparison with for example Nepal,¹⁵ thus not posing as much risk for infiltration by paedophiles. Mobile phone and Internet use have penetrated Bhutan; in 2015 82% of the population used mobile phones¹⁶ and in 2016 almost 37% used the Internet.¹⁷ Increased exposure to tourist, travellers and the Internet will increase risks of SEC for Bhutan's children.

8. **Child marriage** is still prevalent in Bhutan with 6% of children married by 15 years of age and 26% by 18 years of age.¹⁸ Child marriage must be recognised as both a factor enhancing vulnerability to SEC and a form of SEC itself. When a child marriage is settled between two families, the economic transaction that takes place establishes full control over the life of the child, for a price. SEC, defined as using a child for sexual purposes in exchange for goods or payment in cash or in-kind, takes place also when a child is forced into child marriage, in exchange for a dowry and the obligation to enter a sexual relationship with another individual.¹⁹ Furthermore, children running away from home – to either escape the pending marriage or to escape their husband – are at a much higher risk to fall prey to SEC.

General measures of implementation

National Action Plans and overall Strategies

9. The GoB has adopted a National Plan of Action for Child Protection as part of the eleventh Five Year Plan (2013-2018). The National Commission for Women and Children (NCWC) has taken steps to review and update the National Plan of Action, while a comprehensive new *National Plan of Action on Child Wellbeing and Protection* (NPACWP) is currently under development, not only covering protection issues but also aspects of the wellbeing of children. The NPACWP provides for the promotion of children's participation, their protection and development. It will be implemented in the 12th Five Year Plan period and has been integrated in the sectoral plans of all relevant agencies. The NPACWP will significantly enhance the government's capacity to prevent and respond to violence, abuse and exploitation of children, including those from socioeconomically poor backgrounds. It will provide a guide for the establishment of a comprehensive child protection system and their wellbeing that will address human rights protection and development needs of all children, including groups of vulnerable children – children affected by HIV/AIDS and children with disabilities. . Sexual and reproductive health education is considered an important topic for wellbeing of all individuals in subjects such as general science, biology and health and physical education starting from grade VI through to grade XII. Moreover, 100% school in the country has life skills education programme. Additionally, school health coordinators, school guidance and counsellors, and school health club carryout regular awareness programme on sexual reproductive health in schools. The new plan intends to address two of the recommendations given in 2014 from Belarus (118.7) and Ethiopia (118.8) to “(s)trenghen the monitoring and evaluation efforts of women's empowerment and child protection through development of appropriate monitoring mechanisms (Ethiopia).” Bolivia (118.28) recommended the GoB to “(t)ake measures to effectively implement the Plan of Action for Child Protection.”

Coordination and Evaluation

10. Responsible ministries to end SEC are the Ministry of Home and Cultural Affairs (MoHCA), Ministry of Health (MoH), and the Ministry of Labour and Human Resources (MoLHR). In 2004 Bhutan established a National Commission for Women and Children (NCWC), which raises awareness and offers training sessions for the judiciary, police and civil society organisations on

issues pertaining to the rights of women and children, including human trafficking and child marriage. In 2013 the National Action and Coordinating Group (NACG) to End Violence Against Children and Women was established, that organises regular meetings. Although the NCWC and NACG are important steps towards coordination of child protection related matters, further strengthening and capacity development is needed. The following recommendations seems therefore still relevant:

- a. The 2014 recommendation by Afghanistan (118.5) to “[c]ontinue providing assistance to the National Commission for Women and Children through capacity-building and providing additional human resources and technical expertise”
 - b. The 2014 recommendation by Azerbaijan (118.6) to “[f]urther its endeavours with regard to the smooth and productive activity of the Women and Child Protection Division within the country.”
 - c. The 2014 recommendation by South Africa (118.3) to “[e]stablish a national child welfare committee, as provided for by the Child Care and Protection Act”
 - d. The 2014 recommendation by Turkey (118.4) to “[e]stablish an effective organization within the Government for implementing the child protection programme as an initial step.”
 - e. The 2017 recommendation of the Committee on the Rights of the Child to “[e]stablish a government entity with the mandate and the responsibility to coordinate all activities related to the implementation of the Convention, and provide it with the human, technical and financial resources necessary for its effective operation at the cross-sectoral, national, regional and local levels.”²⁰
11. The Philippines (118.34) and Belarus (118.35) recommended the GoB to “[c]ontinue to enhance its engagement with its regional and international partners to facilitate building of capacities in countering domestic and gender-based violence and human trafficking, especially of women and children.” This recommendation has been followed up in part on the - partly overlapping - topic of violence against children. In 2018 NCWC hosted the Eighth United Nations High-Level Cross-Regional Round Table on the role of regional organisations in protecting children from violence and advancing progress towards the elimination of all forms of violence against children as called for by the 2030 Agenda for Sustainable Development. The meeting was organised by the UN Special Representative of the Secretary-General on Violence against Children and the South Asia Initiative to End Violence against Children (SAIEVAC). On the agenda were strengthening regional commitments, enhancing cross-regional cooperation with a special focus on protection of children from harmful practices like child marriage and the role of community and religious leaders in addressing social norms that condone violence against children.

Recommendations to the GoB

- To establish a government entity with the mandate and the responsibility to coordinate all activities related to the implementation of the Convention and its ratified protocols, and provide it with the human, technical and financial resources necessary for its effective operation at the cross-sectoral, national, regional and local levels.

Legislative framework

12. The GoB has made commendable efforts to improve child protection from violence in the past decade with the amendments in the *Penal Code* in 2011 and adoption of the *Child Care and Protection Act* (CCPA) in the same year, the *Child Adoption Act* (CAA) in 2012 and the *Child Care and Protection Rules and Regulations* (CCPRR) in 2015.
13. **Child prostitution** is prohibited expressly in the CCPA²¹ and the definition is consistent with Article 2 (b) of the OPSC.
14. **Child trafficking for sexual purposes** is prohibited through the CCPA²² as well as the Penal Code.²³ The CCPA definition of child trafficking is narrower than the definition of the UN Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children – to which Bhutan is not a party – as the CCPA does apply the means of exploitation (force, fraud, or coercion), while the UN Protocol expressly states that this is irrelevant.
15. **Child pornography** is prohibited in the CCPA²⁴ and is in line with article 2 (c) of the OPSC. In addition, the Penal Code criminalises paedophilia in article 225, which captures the acts of photographing or videotaping a child in a sexual act and/or selling, manufacturing, distributing or otherwise dealing in material that contains any depiction of a child engaged in sexual contact. Computer pornography is also criminalised (regardless of whether it involves a child) under the Penal Code and punishable under the Bhutan Information, Communications and Media Act, which both address obscenity/obscene communications.²⁵ Virtual child pornography and mere possession of child pornography is not explicitly addressed under the national laws of Bhutan.²⁶ Grooming of children for sexual purposes and live streaming could be sufficiently considered prohibited by the *Bhutan Information, Communications and Media Act* and the Penal Code.²⁷ Internet Service Providers (ISPs) are not explicitly required by law to report any child pornography material distributed or hosted through their services, but they are knowingly act as host for pornographic material.²⁸
16. There is no specific legislation to address **SECTT** and legislation that provides extraterritorial jurisdiction for SEC offences specifically is not in place in Bhutan.²⁹ The Civil and Criminal Procedure Code gives jurisdiction to the courts of Bhutan on the basis of territory and nationality,³⁰ but presumably this is not covering the by the OPSC recommended broad jurisdiction.
17. Bhutan's Extradition Act any treaty (or non-treaty) state may request the extradition of a fugitive offender who has absconded to Bhutan and as most SEC offences are punishable in Bhutan, most SEC offenses would constitute extraditable offences.
18. Since 1996 the minimum age for marriage for both man and women is 18 years. However, as mentioned in the previous chapter, **CEFM** is an ongoing issue.
19. With the adoption of the aforementioned laws and regulations, the GoB is meeting most of the international legal standards to protect children from SEC. However, as Bolivia (118.29) recommended, the GoB could enhance the protection by “[e]xpedit[ing] the preparation and adoption of norms and regulations to implement the provisions of the *Child Adoption Act* and the *2011 Child Care and Protection Act*,” as the laws are not fully implemented throughout the country.

Recommendations to the GoB

- Bring the CCPA definition of child trafficking in line with the UN Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children.
- Consider ratifying the:
 - UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.
 - the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
 - the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182).
 - international cybercrime treaties, such as the Council of Europe Convention on Cybercrime.
- Sign both the 2014 and the 2015 WePROTECT Statements of Action (of governments), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/477612/171211 - Statement of Action - Countries LEAs - FINAL_4 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/477612/171211_-_Statement_of_Action_-_Countries_LEAs_-_FINAL_4_.pdf) and <https://static1.squarespace.com/static/5630f48de4b00a75476ecf0a/t/582ba1b403596e2e332b225c/1479254513430/WeProtect+2015+-+Country+Statement+of+Action.pdf>.
- In line with the SAIEVAC Regional Action Plan (2015 – 2018), develop a national strategy to end child marriage including collection of data and raising awareness.

Prevention

20. Prevention and awareness raising actions have been undertaken on SEC related issues by a myriad of organisations and government institutions, e.g. RENEW, Nedan Foundation, the Youth Development Fund and some campaigns are supported by the government, such as an awareness campaigns targeting staff of *drayangs* and Bhutanese migrants. However, efforts are not coordinated among stakeholders nor has the impact been evaluated. A more structural approach has been taken through the framework for awareness raising between the Multi Sectoral Task Force of the Ministry of Health and the Community Based Support System of RENEW for joint awareness raising actions on reproductive health and gender-based violence.
21. Bhutan registers 100% of births in the nation,³¹ which helps to prevent SEC as each child is accounted for, age and identify cannot be easily changed.
22. Bhutan's highly regulated visa policy may well work as a preventative measure against SECTT, however it is unclear if the government systematically denies entry of foreigners who are flagged as child sex offenders.
23. More work is still needed to raise awareness on CEFM. In 2014 Slovenia (118.20) recommended the GoB to “(f)ormulate awareness-raising activities as part of efforts to prevent the practice of child marriage [...]” while Canada recommended to “(c)ontinue its efforts to raise awareness in rural communities about marriage laws and the dangers of child, early and forced marriage.” A similar recommendation on awareness raising on human trafficking was made by Belarus (118.35).

Recommendations to the GoB

- Continue awareness raising among vulnerable populations and in remote and poor communities on SEC related crimes and the harmful practice of child marriage.
- Expand the NCWC mandate to support, coordinate and evaluate prevention efforts.
- Provide families faced with social and economic difficulties with adequate support and welfare services to prevent their children from engaging in child labour and sexual exploitation activities.
- Work with the media to increase public awareness on online child sexual exploitation, grooming and child pornography.
- Deny entry to convicted child sex offenders who are likely to reoffend.
- Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of child sex tourism and disseminate widely the charter of honour for tourism and the World Tourism Organization Global Code of Ethics for Tourism among travel agents and in the tourism industry.

Protection of the rights of the child

Measures adopted to protect the rights and interests of child victims by the court and law enforcement

24. The justice sector and government institutions tailored to (women and) children's needs enable children and their allies to report cases, seek justice and prosecute perpetrators. Bhutan has created specialised law enforcement units to address violence against women and children, including child marriage, namely three Women and Child Protection Units (WCPU) and eight Women and Child Protection Desks (WCPD). The 12th Five Year Plan foresees setting up additional WCPDs in the remaining police stations. The GoB also has the intention to establish a Child Justice Court as is foreseen in the CCPA.³² However, to date, the biggest challenge on eliminating SEC is the lack of reporting. In 2013, the Royal Bhutan Police (RBP) recorded 35 reported cases of child rape. Up until 2015 there have only been three cases of child trafficking to date³³ and there has been no incident of the sale of children, child prostitution or child pornography. RENEW was unable to identify any such cases with other organisations/partners. According to National Commission for Women and Children (NCWC)'s director Kunzang Lhamu children and young people rarely report violence to adults, authorities, and service providers in Bhutan.³⁴ There is a need to create a safe and publicly known way to report, as children are unaware of agencies responsible for the protection of children where they can report. RENEW is an NGO that provides protection services. RENEW does not operate a child helpline but receives cases through referrals by their volunteers or they are being reported by the victim's family members or the victim themselves. RENEW confirms there is a need for better and more known reporting mechanisms.
25. The RBP maintains a database of repeat offenders committing crimes against women and children in their Crime and Criminal Information System (CCIS).
26. With the support of UNICEF, the GoB has commenced with setting up child protection frameworks in monastic schools in 2013, thus extending state protection to approximately 4,000 children attending these schools throughout the country.³⁵ However, expansion of current child protection services and mechanisms are necessary, such as alternative care, justice for children (as per the Child Care and Protection Act Rules and Regulations 2014) and standard operating procedures for victim identification and referral to protection services.

Recovery and Reintegration

27. The One Stop Crisis Centre of the MoH is an applaudable initiative, although currently only available in Thimphu. However, the services to the victims of violence and sexual assault are being provided in other hospitals around the country as well.
28. RENEW provides shelter for vulnerable children and victims of violence as well as counselling services. RENEW has taken over this service from the government with financial support from the GoB. Vocational trainings to vulnerable girls are provided by the Youth Development Fund, which also runs a drug rehabilitation centre. Service provision to child victims of violence and vulnerable children are not coordinated.

Recommendations to the GoB

- Instate a toll-free helpline and promote awareness among all children at the national level.
- Mandatory reporting of suspected sexual exploitation of a child, with strong sanctions for noncompliance and develop protection mechanisms for those who report the crime.
- Improve access to justice by training the justice sector on handling and prosecuting SEC related cases and incorporating this in the standard professional training curricula for law enforcement officers and judges.
- Improve capacity to identify and investigate crimes involving the OCSE. Increase training on the collection and maintenance of electronic data. Provide oversight by an independent body or agency with a specific mandate.
- Finalize and adopt the standard operating procedures and guidelines being developed by the NCWC
- Ensure that child-sensitive services are available and regulated by quality standards, implemented by knowledgeable, well-trained staff with adequate resources and easily accessible to all children.

¹ Human Rights Council (2014), “Report of the Working Group on the Universal Periodic Review: Bhutan”, A/HRC/27/8, 1 July 2014, accessed on 14 August 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/070/60/PDF/G1407060.pdf?OpenElement>.

² Sustainable Development Goal Targets 5.2, 8.7, and 16.2.

³ ECPAT prefers the term ‘exploitation of children in prostitution’ instead of ‘child prostitution’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016”, Bangkok: ECPAT, 29, 19 August 2018, <http://luxembourgguidelines.org/>.

⁴ ECPAT prefers the term ‘child sexual exploitation material’ or ‘child sexual abuse material’ over the often in legal context still used ‘child pornography’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016”, Bangkok: ECPAT, 39, accessed on 19 August 2018, <http://luxembourgguidelines.org/>.

⁵ ECPAT International (2016), “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016”, Bangkok: ECPAT, 54, accessed on 19 August 2018, <http://luxembourgguidelines.org/>.

⁶ UNICEF (2017), “*State of the World’s Children 2017*”, accessed on 19 August 2018, 174, https://www.unicef.org/publications/index_101992.html.

⁷ UNICEF (2017), “*State of the World’s Children 2017*”, accessed on 19 August 2018, 202, https://www.unicef.org/publications/index_101992.html.

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- ⁹ National Commission for Women and Children, Royal Government of Bhutan and UNICEF Bhutan (May 2016), *Study on Violence against Children in Bhutan*.
- ¹⁰ *Ibid.*, 19.
- ¹¹ *Ibid.*, 48.
- ¹² Tourism Council of Bhutan, website, accessed on 19 August 2018, <http://www.tourism.gov.bt/plan/faq>.
- ¹³ UNWTO (2016), “*UNWTO Tourism Highlights, 2016*”, accessed on 6 March 2017, <http://www.e-unwto.org/doi/pdf/10.18111/9789284418145>.
- ¹⁴ Tourism Council of Bhutan (2017), “*Bhutan Tourism Monitor 2016*”, accessed on 19 August 2018 https://www.bhutan.travel/uploads/attachment_files/f5Kt_2ZiW_Bhutan%20Tourism%20Monitor%202016.pdf.
- ¹⁵ ECPAT International (2016), “*Global Study on Sexual Exploitation of Children in Travel and Tourism, Region South Asia*”.
- ¹⁶ United Nations Children’s Fund (UNICEF) (2016), “*The State of the World’s Children 2016; A Fair Chance for Every Child*”, accessed on 19 August 2018, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.
- ¹⁷ Statista, “*Internet penetration rate in Bhutan from 2005 to 2016*”, <https://www.statista.com/statistics/767603/internet-penetration-rate-bhutan/>.
- ¹⁸ UNICEF (2017), “*State of the World’s Children 2017*”, accessed on 19 August 2018, 181, https://www.unicef.org/publications/index_101992.html.
- ¹⁹ ECPAT International (2014), “*CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies*”, 35, accessed on 23 August 2018, http://www.ecpat.org/wp-content/uploads/2016/04/Regional%20CSEC%20Overview_South%20Asia.pdf.
- ²⁰ Committee on the Rights of the Child (5 July 2017), “*Concluding observations on the combined third to fifth periodic reports of Bhutan*”, CRC/C/BTN/CO/3-5.
- ²¹ GoB (2011), Child Care and Protection Act, article 222.
- ²² GoB (2011), Child Care and Protection Act, article 224.
- ²³ GoB (2004), Penal Code of Bhutan, article 227.
- ²⁴ GoB (2011), Child Care and Protection Act, article 223.
- ²⁵ GoB (2004), Penal Code of Bhutan, article 476.
- ²⁶ ECPAT International (2017), “*Global Database National legal frameworks protecting children from sexual exploitation online*”, to be launched in the course of the first semester of 2017.
- ²⁷ GoB (2006), Bhutan Information, Communications and Media Act of 2006, article 179 (1) and art. 225 of the Penal Code.
- ²⁸ GoB (2004), Penal Code, article 476 (b).
- ²⁹ ECPAT International (2014), “*CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies*”, 51, accessed on 23 August 2018, http://www.ecpat.org/wp-content/uploads/2016/04/Regional%20CSEC%20Overview_South%20Asia.pdf.
- ³⁰ GoB (2001), Civil and Criminal Procedure Code, article 20.
- ³¹ UNICEF (2017), “*State of the World’s Children 2017*”, accessed on 19 August 2018, 182, https://www.unicef.org/publications/index_101992.html.
- ³² GoB (2011), Child Care and Protection Act, article 38.
- ³³ GoB (2015), “*Consideration of reports submitted by States parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*”, CRC/C/OPSC/BTN/1, 4.
- ³⁴ Keunsel (14 May 2018), “*Violence against children unreported: NCWC*”, <http://www.keunselonline.com/violence-against-children-unreported-ncwc/>, accessed on 16 August 2018
- ³⁵ The Guardian (2013), “*Bhutan brings children’s rights to monastic schools*”, 20 February 2013, accessed on 23 August 2018, <https://www.theguardian.com/global-development/2013/feb/20/bhutan-children-rights-monastic-schools>.