

QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON BHUTAN

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted, while references from the National Report are *in Italics*.

Recommendations -including those from UN treaty-monitoring bodies, are at the end of the document.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW not ratified. Rome Statute not ratified. Palermo Protocol not ratified.

Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Political Reforms and Constitutional Framework (19-30), Accountability and Oversight of the Royal Bhutan Police (65-67), Poverty (77), Illegal immigration (84-88), Terrorism (89-90), Achievements: Achievement of MDGs (91-93), Health (98-100), Environment Sustainability (101), Achievements in SAARC Development Goals (102), Growth of the media (103), Best Practices: Free Healthcare Services (106-108), Kidu (welfare) System (110), National Priorities (114-118), Commitments (119-123).

ISSUE	N Report	Compilation	Summary
Disabled women	No wide gender disparity (56)		
Domestication of CEDAW / Harmonization of laws with international treaties.		Ratification of core human rights treaties required (1). Country visit suggested (11)	
Early / forced marriage		Illegal underage marriage (28)	Increase dependence (5)
Economic rights/	Decision-making over		

Right to development	property and family issues (47)		
Equality and Non discrimination		Discriminatory legislation, need to be harmonized (5) Temporary special measures needed to accelerate gender equality. (14)	
Gender mainstreaming	National plans focused in gender equalities (50)	National Plan of Action for Gender (9)	
HIV/AIDS		Feminization (44)	
Illiteracy	Non-Formal Education program for its eradication (111, 113)		
Laws that discriminate against women		Ethnic Nepalese women (18)	
Maternal mortality /maternal health	Decreased rate (98)		
Migrant women		No basic rights protection (53)	
OP-CEDAW		Ratification requested. (2)	
Participation in Public and political life		Low representation. Need to promote equal participation and remove access obstacles to decision-making (34)	
Patriarchal attitudes/stereotypes	Stereotypes perpetuates gender inequalities (48)	Policies to eliminate traditional stereotypes, recommended (13)	Main branches against women rights (5)
Polygamy		Recommendation to eliminate it (28)	
Poverty		Feminization (38)	
Reproductive health/rights		Increase of skilled personnel in births (41) Adolescent Reproductive Health Program: must provide education, contraceptives; early pregnancies and sexual diseases prevention (43) Measures to improve access to reproductive health care facilities, esp. in rural areas (45)	
Rights of girls		Gender discrimination (15) Domestic girl labor abuse (37)	
Right to education	Universal primary education. Gender parity. Figures. (53, 95)	Measures for equal access. Adult education addressing illiteracy. Encouragement of pregnant/marriage girls (48)	Limited schooling impede independence (5)
Right to work	Higher unemployment rates. Measures taken (80)	Occupational inequalities. Sexual harassment.(35) Measures requested for	

		adequate occupations, wages for rural women and informal sectors (39) Health workers (41)	
Sensitization (discriminatory laws, non-discrimination, VAW)/Human Rights education on women's issues	Training workshop for judiciary and police (64)		
State Institutions/ Plans of Actions	NCWC acting as rights watch (59)	Need to reinforce NCWC activities, with separated functions concerning women and child issues (7)	
Trafficking of women/ Forced prostitution		Need to intensify efforts; legislation amendment and bilateral measures (23)	
Violence against Women /Gender Violence	Domestic Violence Bill. Shelter and counseling provided (49) WCPU. Increasing number of violence and abuse cases (124)	Need to enact legislation, improve access to justice. (21) Cases underreported. Need to ensure access to care services for victims (22)	

Disabled women

() Sex disaggregated data for types of disabilities (overall male proportion 54 percent, female 46 percent) does not reveal any wide gender disparity except with regard to sight and movement disabilities, the latter of which may be due to gender division of labour (Para 56, NR)

Domestication of CEDAW / Harmonization with international treaties

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. (Para 11, Compilation)

Early / forced marriage

The Global Human Rights Defence (GHRD) indicated that () marriage age set at 15 years of age increases the dependent position. (Para 5, Summary)

Economic Rights, Right to development

Women in Bhutan enjoy equal status with men. Traditional Bhutanese society, which is largely grounded on Buddhist precepts, has provided a secure environment for women. Large parts of the country are matrilineal and women not only inherit property, but also have substantive decision-making power over property and family matters. (Para 47, NR)

Equality and non-discrimination

CEDAW welcomed the adoption of the first written Constitution in Bhutan in 2008. (Para 5, Compilation)

Gender mainstreaming

*The 10th Five Year Plan (2008-2013) of the country is also a landmark as it requires sectors to **effectively mainstream gender issues** into their policies and programs and to maintain **gender disaggregated data**. Another important step is the devotion of an entire chapter on 'Women in Development' in Bhutan's 10th Five Year Plan for which a total outlay of Nu. 64 million ha been allotted. The **National Plan of Action for Gender**, which tables seven key strategic area for implementation in the 10th FYP, is expected to give greater focus to **gender and women' empowerment in all national plans and policies**. (Para 50, NR)*

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. (Para 9, Compilation)

Illiteracy

*The Non-Formal Education program was introduced in the early 1990s with the objective of **eradicating illiteracy**. () This program has had a positive impact, especially on **rural women, who constitute two-third of the beneficiaries**, in enabling them to read, write and **participate effectively** in developmental activities and the democratization process. The national literacy rate is currently assessed at 59.5 percent and the target is to achieve 70 percent by the end of the 10th FYP (Para 111, NR). These two programs have been identified to receive the "Honourable Mention" of the UNESCO Confucius Prize for Literacy in September 2009 in Paris for their emphasis on literacy as well as for their focus **on adults and out-of-school youth, particularly women and girls**. (Para 113, NR)*

Laws that discriminate against women

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** ().(Para 18, Compilation)

Maternal mortality/maternal health

*Expectation of life at birth: 45.6 years (1985) 66.9 years (2009). **Maternal mortality rate per 100,000 live births 770 (1984) 255 (2000)**. Source: Ministry of Health, (Para 98, NR)*

Migrant women

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. (Para 53, Compilation)

OP-CEDAW

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**. (Para 2, Compilation)

Participation in Public and political life

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. The 2006 CCA report noted that women were also underrepresented at lower levels of government. (Para 34, Compilation)

Patriarchal attitudes/stereotypes

However, the first Gender Pilot Study in Bhutan, conducted jointly by the Royal Government and the UN agencies in Bhutan in 2001, noted that despite the absence of any overt gender discrimination in Bhutanese society, there are still fairly well ingrained traditional perceptions and stereotypes that accentuate male superiority. (Para 48, NR)

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. (Para 13, Compilation)

Although there is some improvement in school enrolment and property rights of women in Bhutan, the main breaches of human rights against women in Bhutan come from sexual abuse and trafficking, domestic and labour exploitation and violence, with limited access to, inter alia, work. According to GHRD, the great majority of women in Bhutan are illiterate, and remains mostly engaged in agricultural activities. Women suffer high mortality rates, health problems and restrictions to education, employment and decision-making, especially in rural areas. Nevertheless, the general context does not allow reliable statistics. (Para 5, Summary)

Poverty

() CEDAW was concerned about the feminization of poverty, particularly in rural areas and about the lack of data on poverty. (Para 38, Compilation)

Reproductive health/rights

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 (Para 41, Compilation).

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. (Para 43, Compilation)

Rights of girls

CRC noted that Bhutan was undertaking efforts to improve the situation of vulnerable children, () but remained concerned about gender discrimination () (Para 15, Compilation)

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. (Para 37, Compilation)

Right to education

() Bhutan has also made impressive progress towards realizing the Millennium Development Goals (MDGs) related to achieving universal primary education and ensuring gender equality in education. () Currently, the Net Primary Enrolment Ratio (NER) is 92 percent, an increase of 19 percent since 2005. Bhutan has also achieved gender parity in

education with gender parity index at 1.01 for primary and 1.02 for basic level in 2009. (Para 53, NR) () The Gross Primary Enrolment Ratio (GER) is currently 114 percent and NER is 92 percent with a target to achieve near 100 percent by the end of the 10th FYP. There is near gender equity at the primary and basic education level and the gap is narrowing at higher educational levels. (Para 95, NR)

The GHRD indicated that the participation of women in education is reduced, thus impeding their independence and representation in governance. (Para 5, Summary)

Right to work

With an estimate of 10,600 young women and men unemployed, the need to create opportunities for youth employment is undeniable. The national unemployment rate has increased from 1.4 percent in 1998 to 3.7 percent in 2007. () more than 6,300 (60 percent) unemployed youth today are between the ages of 15 and 24, and youth comprise nearly 23 percent of the country's population (Para 79, NR). () According to the labour force surveys, youth unemployment is growing at the rate of 0.44 percent (male - 0.21 percent and female - 0.68 percent) annually. The PHCB 2005 shows youth unemployment at 6.19 percent (male - 5.53 percent and female - 7.19 percent). () The PHCB 2005 also shows urban unemployment rate of 10.7 percent (male - 5 percent and female - 16.3 percent). () Currently, the government is taking measures such as labour market information, employment services, entrepreneurship and self-employment through promotion of Small and Medium Enterprises, and introduction of apprenticeship training programs and pre-employment engagement programs to curb youth unemployment. (Para 80, NR)

The 2006 Country Common Assessment (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. CEDAW in 2009 remained concerned at the high rates of reported cases of sexual harassment in the workplace. (Para 39, Compilation)

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. (Para 41, Compilation)

Sensitization / Human Rights education on women's issues

A training of trainers' workshop was held in early 2009 for the judicial and law enforcement officials on Laws and Policies, Violence against Women (VAW) and Rights. The workshop was attended by over 40 personnel from the judiciary and the police who in turn, sensitized employees of their respective agencies. (Para 64, NR)

State Institutions/Plans of Actions

The National Commission for Women and Children (NCWC) is a fully autonomous agency entrusted with a mandate that encompasses functional responsibilities both within and outside the country. This includes addressing the concerns and well-being of () women; receiving and investigating reports of violations of rights of () women; coordinating submission of periodic country reports and activities related to international and regional treaty bodies; reviewing issues, policies and legislations pertaining to () women and advising government; and acting as the 'Rights Watch' arm of the government (Para 59, NR)

CEDAW acknowledged the important work of the National Commission on Women and Children and the institutional changes it underwent in 2008. (Para 7, Compilation)

Trafficking of women/Forced prostitution

CEDAW welcomed new measures to combat trafficking expressed concern at the growth of this phenomenon. (Para 23, Compilation)

Violence against Women/Gender Violence

Women also constitute most number of victims of domestic violence. In response to this, a Domestic Violence Bill is being drafted. Currently, domestic and gender-based violence are dealt by the sections on assault and battery under the Penal Code. A Women and Child Protection Unit (WCPU) in Thimphu under the RBP provides shelter and counselling to women () victims of domestic violence (Para 49, NR). The first WCPU was established in the capital in May 2007 with a 20-member staff. Since its establishment, the Unit has seen an increasing number of cases. There are plans to establish four more WCPUs by 2013 at the other major towns. The WCPU has been effective in providing quick and sensitive response to () women's rights violations, especially in dealing with domestic violence and abuse cases (Para 124, NR)

CEDAW welcomed the delegation's indication that a bill on domestic violence would be tabled by 2010 and encouraged Bhutan to enact legislation, including on domestic violence, as a matter of priority. (Para 21, Compilation)

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. (Para 22, Compilation)

Suggested questions and recommendations

CEDAW

- To take effective measures including through legal action and public outreach campaigns, to put an end to the practice of illegal underage marriage (Para 28, Compilation).
- 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 (Para 5, Compilation)
- To 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 accelerating the process of gender equality. (Para 14, Compilation)
- 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 (Para 44, Compilation)
- That the fundamental rights of all migrant workers, including women, be taken into consideration, including their right to basic health care (Para 53, Compilation)

- To 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 (Para 34, Compilation)
- To review criteria required for certain positions when such requirements turn into obstacles or barriers to women's access to decision-making, to use temporary measures and 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 (Para 34, Compilation)
- To take appropriate action to end the practice of **polygamy** (Para 28, Compilation)
- (To undertake a) 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 (Para 43, Compilation)
- To 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 (Para 45, Compilation)
- 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 (Para 37, Compilation)
- To take effective measures to ensure access to remedial mechanisms, including **access to justice**, for victims of sexual harassment (Para 35, Compilation)
- To create 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 (Para 39, Compilation)
- To 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 (Para 7, Compilation)
- 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 (Para 23, Compilation)
- 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 (Para 21, Compilation)

- To reinforce mechanisms for monitoring the number of cases and the extent of violence, **sexual abuse**, neglect, maltreatment or exploitation, () and strengthen support for victims by ensuring their access to services for recovery, counselling and redress (Para 22, Compilation)
- 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 (Para 13, Compilation)
- To 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 (Para 18, Compilation)

CRC

- Recommended the **ratification** of or accession to all core international human rights instruments (Para 1, Compilation)
- To 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 (Para 43, Compilation)

Sexual Rights Initiative

- (Question): Ask the Bhutanese authorities to discuss in more detail how is **gender mainstreamed in policies** and programs for environmental sustainability
- (Question) Ask which **legal protections** and programmes exist in Bhutan to guarantee **women's reproductive rights**, including their right to decide the number and spacing of their births and to the highest standard of health care available during pregnancy and at birth.
- (Question/Recommendation): Ask if Bhutan is planning to raise the **legal age for marriage**, currently fixed at 15 and recommend that it does so as a matter of priority.
- To review the policy that does not allow public service workers to return to office once they have resigned to allow, among others, that **female workers** return to work after spending some years caring for their children.
- To focus their initiatives to eradicate **domestic violence** in increasing reporting of such incidents and providing adequate support to victims.