

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS 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
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.

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

Issues are highlighted-References in the National Report are *in Italics*.

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

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified in October 2009.

ISSUE	N Report	Compilation	Summary
Cooperation with international treaties		Recent ratification of OP-CRC-SC (1)	
Criminalization of same-sex consensual practices			Criminal sanctions. Need to repeal criminalization of sodomy or other consented adult sexual activity (17)
HIV/AIDS	Low prevalence rates. Free medical services. Campaigns against discrimination (100)	Increasing rate. Free antiretroviral therapy. Prevention strategic plans (44)	
Trafficking/sexual exploitation /violence against children		Sexual exploitation undocumented. No formal age of sexual consent. Need to ensure adequate measures. (24)	

Cooperation with international treaties

In 2009, the Committee on the Elimination of Discrimination against Women (CEDAW) () also commended Bhutan for its recent ratification of the two Optional Protocols to the Convention on the Rights of the Child. (Para 1, Compilation)

Criminalization of same-sex consensual practices

The Joint Submission¹ (JS) noted that the Kingdom of Bhutan maintains criminal sanctions against sexual activity between consenting adults, and referred to provisions in Sections 213, 214 and 3 of the Bhutan Penal Code. JS (Para 17, Summary)

HIV/AIDS

Despite being a very low prevalence country for HIV/AIDS, the disease has been identified as a potential major public health concern for more than a decade and the government continues to accord high priority to combat the spread of the disease. People with HIV/AIDS are provided free medical and counselling services and campaigns to prevent discrimination against people with HIV/AIDS are carried out regularly. (Para 100, NR)

The Committee on the Rights of the Child (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. 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. (Para 44, Compilation)

Trafficking/sexual exploitation/violence against children

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 (Para 24, Compilation)

Suggested questions and recommendations

CRC

- To 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 (Para 24, Compilation)

JS: International Lesbian, Bisexual, Trans and Intersex Association, International Lesbian, Bisexual, Trans and Intersex Association - Europe, International Lesbian, Bisexual, Trans and Intersex Association- Asia, International Gay and Lesbian Human Rights Commission, ARC International

- To bring its legislation into conformity with its international human rights obligations by repealing all provisions which criminalise sodomy or other sexual activity between consenting adults (Para 17, Summary)

¹ Joint Submission by International Lesbian, Bisexual, Trans and Intersex Association, International Lesbian, Bisexual, Trans and Intersex Association – Europe, International Lesbian, Bisexual, Trans and Intersex Association- Asia, International Gay and Lesbian Human Rights Commission, ARC International

Sexual Rights Initiative

- (Question) Ask if the **right of transsexual individuals** to enjoy the highest standard of health care available during their transition is protected in Bhutan and how.
- (Question) Ask what is the **legal status of sex work** in Bhutan and how does the Kingdom ensure full protection of their human rights for individuals engaging in sex work.
- (Question) Ask how does Bhutan guarantees the **right of adolescents** to seek and receive objective and adequate information on sexuality as part of their school education.