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Prepared by:

Tarayana Foundation

&

Disabled People's Organization of Bhutan

With technical support from the Sexual Rights Initiative



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Joint stakeholder report prepared By:**

Tarayana Foundation and Disable People’s Organization of Bhutan

Tarayana Foundation (TF) is a public benefit Civil Society Organization (CSO), registered (CSOA/PBO-08) with the Civil Society Organization Authority of Bhutan.

Tarayana works in remote, rural villages to bring about holistic community growth and development for a “Happy and Prosperous Bhutan” by serving vulnerable and disadvantaged communities. Since its establishment twenty-one years ago, Tarayana has continued to narrow the gaps between national initiatives and local grassroots requirements through its “Service from the Heart” approach. TF’s dedication to helping the communities help themselves continues to grow into a strong grassroots empowerment movement. TF enjoys strong social capital and is acknowledged as an avid champion of vulnerable populations throughout the country in general and rural communities in particular.

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Disabled People’s Organization of Bhutan

The Disabled People's Organization of Bhutan (DPOB) is a public benefit Civil Society Organization, registered with the Civil Society Organization Authority of Bhutan. We are dedicated to promoting the physical, psychological, and socio-economic well-being of persons with disabilities (PWDs) through a rights-based approach. With a vision of creating an inclusive society that recognizes, respects, and promotes the rights and needs of Persons with Disabilities, the DPOB focuses on empowering individuals with disabilities through employment, participation, and decision-making. Our work encompasses evidence-based planning, awareness and advocacy, resource mobilization, collaborations, service delivery, and monitoring and evaluation to ensure comprehensive support for the disabled community in Bhutan.

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with technical support from **Sexual Rights Initiative**

The Sexual Rights Initiative is a coalition of national and regional organisations based in Canada, India, and Argentina that work together to advance human rights related to gender and sexuality at the United Nations

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Acronym

ADR:	Alternative Dispute Resolution
AIDS:	Acquired Immunodeficiency Syndrome
CCPA:	Child Care and Protection Act 2011
CEDAW:	The Convention on Elimination of All Forms of Discriminations Against Women
CRC:	The Convention on the Rights of the Child
CRPD:	The Convention on Rights of Persons with Disabilities
CSO:	Civil Society Organization
DLG:	Department of Local Governance
DV:	Domestic Violence
DVPA:	Domestic Violence Prevention Act
ECCD:	Early Childhood Care & Development Centre
GNHC:	Gross National Happiness Commission
LGBTI:	Lesbian, Gay, Bisexual, Transgender, and Intersex
MBO:	Mutual Benefit Organization
MoH:	Ministry of Health
NC:	National Council
NCWC:	National Commission for Women and Children
PWD:	Persons with disabilities
RGoB:	Royal Government of Bhutan
PBO:	Public Benefit Organization
OPD:	Organizations working for Persons with Disabilities
HIV:	Human immunodeficiency virus
RENEW:	Respect, Educate, Nurture and Empower Women
SEN:	Special Education Needs

Keywords: gender equality, gender equity, rights of persons with disabilities, gender-based violence, right to work, access to sexual and reproductive health services, right to health, right to education, access to justice, LGBTQI, HIV/AIDS, sex workers

Introduction

1. This report is prepared by two prominent CSOs in Bhutan, both working towards gender equality and social inclusion in different sectors and spheres of life. The CSOs conducted an extensive desk review, led consultations with relevant stakeholders bilaterally, and held focus group discussions to understand issues, challenges, and opportunities in their respective areas.
2. The report assesses the achievements and efforts made by the government in achieving human rights and gender equality in all sectors and spheres. It also highlights critical gaps and issues that exist in the country.
3. Bhutan undertook major reforms to transform the civil service sector in the last two years. As part of the transformation, there are mergers and separations of government entities within and outside of ministries. One significant result of the reform is the existing National Commissions being merged or subsumed under relevant ministries. The Gross National Happiness Commission, the National Environment Commission, and the National Commission for Women and Children (NCWC) were all merged and subsumed under different ministries and secretariats.
4. As a result of the reform, the National Commission for Women and Children, the national machinery overseeing the rights and protection of women and children is now folded with the Ministry of Education and Skills Development, and its secretariat reduced to a division (Women and Children Division) under the Department of Education Programme (DoEP). There is also a bifurcation between the Commission's implementation, and its regulatory, coordination and reporting function, with the implementation (service provision) role transferred to the Pema Secretariat. The Pema Secretariat is an initiative of Her Majesty the Queen Jetsuen Pema Wangchuck, with the mission of creating "a society that promotes the well-being of all bhutanese, supported by enabling mental health policies and programs, transformative multi-sectoral partnerships, and a proactive service delivery network". This is a timely noble initiative by Her Majesty as the country sees an increase in mental health issues and cases of death by suicide.
5. The government recently appointed a new commission for NCWC with Cabinet Secretary as Chairperson. The Commission, under the leadership of the chairperson, provides policy directives and guidance to the Secretariat. Meanwhile the day-to-day functioning of the Secretariat is managed by the member secretary, who is currently the Director of the Department of Education Program. In the context of Bhutan, where the Commission is floating, a well-resourced and independent Secretariat is crucial to discharge its mandate effectively. As such, CSOs and gender equality advocates are deeply concerned as the plans and budgets of the NCWC are also subsumed under the overall plans and budgets of the Ministry that is mandated with fulfilling the education and skilling needs of the country. The mandate to protect and promote rights that NCWC holds for demographics beyond school-going children is at stake with the reform. NCWC is the custodian of three important national Acts: the Domestic Violence Prevention Act, the Child Care and Protection Act (CRPA), and the Child Adoption Act- and there is a greater concern about how NCWC will uphold these important responsibilities under the current institutional setup. As such, the presence of an autonomous body to oversee the protection and rights of women and children is much needed to advance gender equality and equity in the country.
6. These reforms have been followed by a huge exodus from Bhutan to various parts of the world, with approximately 4,822 civil servants leaving the system between 2021-2023 from a total of 30,194, leaving a considerable gap in the health, education, and public service sectors. Those

who left the system are mainly from the skilled and qualified categories who undertake the bulk of the programme implementation workload, and are trained and experienced in their fields. This has left a significant chasm between executives and newly-recruited civil servants.

7. Therefore, this report is being submitted in the hope of having a more inclusive and gender equal society through improved systems, and monitoring and evaluation for enhanced service delivery as the country is still transitioning towards a more efficient governance structure.
8. Since the last review, the government adopted National Gender Equality Policy 2020, and has outlined several strategies to encourage women's participation in the political, social and economic domains at the local and national levels. These efforts signify crucial steps towards fostering a more inclusive and resilient societal framework. While these endeavors have contributed to alleviating the burdens faced by vulnerable populations, it is pertinent to acknowledge the necessity for further advancements to enhance the efficacy and accessibility of essential services, especially during periods of emergency.

Gender Budgeting

9. There is a need to allocate more funds to advancing gender equality and equity in Bhutan. For the fiscal year 2021-2022, a total expenditure of Nu. 599.896 million was made¹, an increase of Nu. 105.781 million from the fiscal year 2020-2021². This expense further increased in the year 2022-2023, where a total expenditure of Nu 679.877 million was made. While there is an increase in the expenditure on women, it is less than 1% of the total budget, which is not adequate. The expense also includes mostly health and NCWC expenses and does not present a clear picture across all sectors. Revival of the Gender Responsive Planning and Budgeting initiative, instituted by the government in 2012, will contribute significantly to allocation and tracking of budget for gender equality results.

Legal and Policy Context

10. The Constitution of the Kingdom of Bhutan 2008 safeguards the fundamental rights of all citizens (Article 7). Bhutan has signed several treaties that focus on the rights of specific marginalized groups, such as women, children, and persons with disabilities.
11. Bhutan has signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified the Convention on the Rights of the Child (CRC) and the two CRC Optional Protocols, as well as the UN Convention on the Rights of Persons with Disabilities.
12. Bhutan is yet to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Moreover, it is yet to sign several core international human rights treaties such as the International Covenant on Political and Civil Rights, and the International Covenant on Economic, Social, and Cultural Rights.
13. Bhutan ratified the UN Convention on the Rights of Persons with Disabilities (UNCPRD) during the 10th Session of the 3rd National Assembly and the 32nd Session of the 4th National Council of Bhutan in 2023. However, the expression of reservations in four key areas is of concern:
 - **Article 18- Liberty of movement and nationality:** The proposed reservation contradicts the very essence of UNCPRD, which aims to ensure the full inclusion and participation of persons with disabilities. Restricting their freedom of movement and nationality based on disability perpetuates discrimination and exclusion.
 - **Article 23- Respect for Home and the Family:** As the laws stand, there are no explicit discriminatory provisions in our prevailing domestic laws and practices that restrict persons with

¹ https://www.mof.gov.bt/wp-content/uploads/2021/05/BUDGET-REPORT-FY-2021-22_ENGLISH.pdf

² <https://www.mof.gov.bt/wp-content/uploads/2020/06/BUDGET2020-21.pdf>

disabilities from enjoying family life or adopting children. Therefore, this reservation may limit the government (and other partners) from taking progressive steps towards realizing the rights of persons with disabilities, hindering persons with disabilities' ability to lead fulfilling lives.

- **Article 27- Work and Employment:** Bhutan is taking progressive steps to ensure that domestic laws are inclusive and provide equal access for persons with disabilities. This article will hugely support existing efforts in line with principles of the article and address discrimination at the workplace. As such, the reservation may limit the state from taking further steps to promote their equal access to gainful employment.

- **Article 29- Participation in Political and Public Life:** Restricting political participation based on disability contradicts democratic principles and the fundamental rights of all citizens to participate in the political process. Our domestic laws do not restrict political participation based on disability, making this reservation both unnecessary and discriminatory.

14. These reservations are not in line with the principles of equality, non-discrimination, and the full inclusion of persons with disabilities in society. Upholding the rights of persons with disabilities is not only a legal obligation but also a moral imperative.
15. There is currently a policy implementation gap as the National Policy for Persons with Disabilities (PWD) 2019 was led by the Gross National Happiness Commission (GNHC)- the custodian of the policy. However, with the recent reform, GNHC no longer exists. A part of GNHC is subsumed under the Cabinet Secretary, and another part is under the Ministry of Finance, with no clear entity identified as the new custodian. Currently, in the absence of a government agency on persons with disabilities, the organizations working for PWD are challenged with a lack of guidance and of a government counterpart to move the national policy forward and coordinate interventions to uphold and promote the rights of persons with disabilities.
16. Whilst Bhutan recognizes the importance of breaking barriers, ensuring gender equality and addressing ableism, which is key to creating a wholesome and substantive gender-equal and equitable nation, challenges persist. The lack of intersectionality in existing laws, policies, rules and regulations is a significant challenge to ensuring inclusivity and addressing discrimination.

Access to Justice and Capacity Building of the Judiciary

17. During the last review, Bhutan received two recommendations on ensuring access to justice, namely:
 - 157.97 Increase its efforts to ensure the promotion and protection of women's rights, in particular the right to access to justice (Timor-Leste); (Accepted)
 - 157.98 Continue its efforts to ensure that women have access to justice across the country, including establishing well-resourced and accessible specialized courts for women and children (Afghanistan); (Accepted)
18. We acknowledge the efforts aimed at modernizing and streamlining the judicial process by initiating the eLitigation platform across courts, encompassing 26 benches nationwide. The platform's objectives, which encompass electronic case registration, document filing, online payments, and remote hearings, hold great promise in improving access to justice services.
19. However, a critical evaluation of the outcomes of this initiative is necessary to understand how this service has been utilized. There have been concerns about the limited popular utilization of the eLitigation platform due to the complex procedures involved, which pose a significant barrier to its effective use, particularly for illiterate citizens and those with limited internet connectivity.
20. Moreover, individual assessments and interviews with users revealed a fundamental issue that undermines the primary purpose of the eLitigation platform. While individuals can initiate and engage in legal proceedings online, it was noted that, ultimately, parties are often required to

physically appear in court. This inconsistency raises questions about the practicality and effectiveness of the online system, as it does not realize the intended objective of providing remote access to justice.

21. It is essential to acknowledge that the eLitigation platform is not inclusive, as it lacks provisions for people with disabilities. The absence of user-friendly features and accommodations for individuals with disabilities exacerbates existing barriers to accessing justice services. In addition, there are limited service providers at community level to assist remote communities in utilizing the services.
22. Further, while acknowledging the very progressive judicial system in Bhutan, people with disabilities still face difficulties in accessing the justice system as a whole- both on and offline, due to the absence of facilities such as universal access and interpreters. Sensitization and capacity development of legal service providers at all levels is imperative.
23. The Jigme Singye Wangchuck School of Law developed a toolkit for access to justice for persons with disabilities. However, the lack of awareness and capacity to engage with cases about persons with disabilities in the judicial system and provide appropriate services limits effectiveness. Therefore, there is a need to strengthen legal aid and protection services, particularly for persons with disabilities. For example, there is no dedicated desk for persons with disabilities at the Police Station and in some courts.
24. While the government has built the capacities of judges and prosecutors, ensuring accessibility of the system requires additional effort and training, and there is a critical need to sensitize, train and raise awareness in all personnel who interact with persons with disabilities or handle gender-sensitive cases.
25. There is a need to raise awareness about available legal remedies and complaint mechanisms that women and girls can leverage as an important component of ensuring access to justice. The government's advocacy programmes on the Domestic Violence Prevention Act and related legislation need to be consistent, and a continuous process to ensure nationwide coverage, including local leaders in 20 districts and field communicators (Tshogpas) in 205 blocks, is needed for effective and efficient implementation of Acts and Policies.
26. We welcome the efforts made to increase awareness and advocacy on legal remedies and complaint mechanisms for women and girls in Bhutan. It is essential to ensure that access to information and awareness services is inclusive and accessible to all, including those with various impairments.

Gender-Based Violence Including Marital Rape

27. Bhutan did not receive any recommendations on addressing marital rape in the country. However, it did receive several recommendations relating to addressing violence against women including:
 - 157.117 Continue efforts in combating violence against women and girls (Brunei Darussalam); (Accepted)
 - 157.118 Address violence against women and girls, including the perception that domestic abuse is normal, by raising awareness of the Domestic Violence Prevention Act and by providing additional services to victims (Canada); (Accepted)
28. The rates of reporting of marital rape remain incredibly low in Bhutan, although marital rape is criminalised under the Penal Code. All offences falling under the category of "rape" are graded as felonies, and the offence of rape of an adult woman is between 3-5 years. However, marital rape is merely regarded as a petty misdemeanour under section 200, a grading that may affect the perception of the seriousness of the crime, and the perception of availability of recourse for the violation.
29. The National Survey on Women's Health and Life Experiences conducted by NCWC in 2017 found that 4.5% of ever-married women were subjected to sexual violence by their partner

during their lifetime. The Survey found 41.4% of women and girls who experienced partner physical and/or sexual violence did not tell anyone and 72.5% did not seek help from any formal authority. Social stigma, fear of having to part from children, and fear of threats and repercussions were the most common reasons for not reporting. This reluctance to report violations is evident in the Statistical Year Books of Bhutan 2015-2019, where only *one* case of marital rape was recorded with the Royal Bhutan Police.

30. As a petty misdemeanor, marital rape is a compoundable offence. As per the UN Women Virtual Knowledge Centre to End Violence Against Women and Girls' guidelines on drafting effective legislation on violence against women and girls, in sexual violence cases mediation and financial settlements should be prohibited at all stages of the process.
31. The Domestic Violence Prevention Act 2013 needs to be fully implemented to come to fruition as Bhutan is experiencing gradual progress towards effective and efficient service delivery according to the needs of vulnerable women and girls, especially survivors of domestic violence and intimate partner violence, owing to its sensitivity and complexity.
32. Under the DVPA, 2013, survivors of domestic violence can obtain interim protection orders. However, it is observed that the survivors of domestic violence encounter challenges in fulfilling the long process of obtaining these. This may, unfortunately, discourage them from pursuing interim protection orders. To provide better support to survivors, immediate interim protection orders must be made available and accessible based on the severity of cases and the level of risk to the survivors.
33. There is a need to ensure that women and children survivors of violence are provided with adequate services, including, but not limited to, access to justice services capable of meeting their needs. Currently, Bhutan's justice system includes the Alternative Dispute Resolution (ADR) system, which exists as an informal system whereby the disputants have the option to opt for a less formalized, arguably more open and accessible justice route. However, it is inappropriate to address grave issues with a power differential such as gender-based violence. When it comes to gender-based violence, especially domestic violence, intimate partner violence and matrimonial disputes, ADR does not adequately address gender disparities nor the impact of patriarchal norms and stereotypes, and it is not able to navigate the power dynamics inherent in abuse. This means that disputants are not engaging on a level playing field.
34. The GBV Prevention and Response standard operating procedure (SOP) outlines detailed procedures and measures for multisectoral response to GBV survivors including risk and safety measures in cases of mediation. However, the SOP is yet to be fully operationalized, with inadequate capacities of case managers, law enforcement agencies and service providers.
35. In terms of the provision of other services to survivors- in line with Bhutan's national legislative framework, namely DVPA 2013, the Child Care and Protection Act of Bhutan (CCPA) 2011, and the Child Adoption Act of Bhutan (CAA) 2012, there exists a mandate for the delivery of services to survivors of gender-based violence (GBV), children in difficult circumstances (CIDC), and children in conflict with the law (CICL). These acts stipulate that the government must allocate sufficient budgetary resources to NCWC and relevant agencies to ensure the effective implementation, development, coordination, and monitoring of programs and activities designed to assist survivors of GBV and children.
36. However, challenges in delivering adequate services persist particularly in the establishment and running of shelter homes. Currently, only Gawaling, RENEW's shelter home, is operational. These challenges underscore the need for intensified efforts to overcome existing limitations and to reinforce the support system for women and children.
37. There is also a need to have decentralized services. Currently, services are primarily available at the central and district levels; DVPA 2013, sections 37, 38 and 39 emphasize the establishment of community services. However, there is a need for services at the grassroots level. Community-based support systems in terms of human capital, women and child protection units, one-stop crisis centers, community service centers and local resources should be

mobilized to ensure that vulnerable populations have access to essential services regardless of their location at all times.

Access to Pandemic Recovery and Emergency Services

38. Bhutan received a recommendation relevant to the question of ensuring a gendered approach to disaster management:
 - 157.30 Continue undertaking inclusive consultations on disaster management and contingency planning to ensure that the needs of women, children, the elderly, people with disabilities and other vulnerable groups are duly considered (Philippines).
39. Regarding the establishment of emergency shelters during times of lockdowns, there exists a pressing need for a holistic strategy that ensures the provision of safe spaces for women and children in all emergencies. These spaces must encompass not only physical security but also facilitate access to indispensable services, including psycho-social support, counseling, legal support, and medical care. It is imperative that adequately trained personnel, such as counselors, social welfare officers, and protection officers be readily accessible within these spaces to offer immediate assistance- which is currently lacking.

Corporal Punishment

40. Bhutan received several recommendations on corporal punishment in its last review³. The Ministry of Education and Skills Development, in its effort to ban corporal punishment as per the Resolution of the Annual Education Conference, issued an Executive Order to ban corporal punishment in schools in 2008. The Ministry has been raising awareness on the issue in schools among educators, parents/guardians, and children. However, corporal punishment in Bhutan is seen as banned, only in the school setting.
41. There is a need to harmonize the legislative framework on all forms of violence against children, especially the Penal Code of Bhutan 2004, CCPA 2011, and National Child Policy because according to the Penal Code of Bhutan, section 109, "Use of force for care, discipline, or safety of another" extends to parents, guardians, and other persons responsible for general care and supervision of such persons where a defense of justification is provided on the use of force in the pretext of care, discipline, or safety. This can lead to a misconception and misunderstanding of the status of corporal punishment in Bhutan. There are also no comprehensive and practical solutions offered nor introduced as alternatives to corporal punishment in all settings.

Right to Vote and to Participate in Political and Public Life

42. Bhutan received two recommendations⁴ relevant to the issue of the right to participate in political and public life.
43. All eligible Bhutanese citizens have the right to participate in the democratic process through secret voting. However, when it comes to persons with disabilities, the right cannot be exercised because of a lack of disabled-friendly registration and voting forms.
44. While voting is not mandatory, it is a sacred responsibility which citizens uphold. However, it becomes an expensive affair when there is a requirement to go and vote physically in one's hometown, especially for those living in different districts. Further, the discontinuation of mobile voting booths and the postal ballot facility for voters beyond the civil service is deterring people with diverse categories of disability from casting their vote. There is a need to continue creating

³ See for example recommendations 158.37; 158.53; and 158.54

⁴ See recommendations 157.128 and 157.129

awareness and sensitization among service providers as there have been cases of PWDs being removed from the voting line.

45. Bhutan ranked 131 out of 191 countries on the map of *Women in Politics: 2023* developed by Inter-Parliamentary Union and UN Women. Bhutanese women's disappearing presence in the National Assembly of Bhutan was articulated by the 9 January 2024 general election where only two women candidates, one each from the two contesting political parties, were elected. With 23 women participating in the National Assembly elections, the number of women candidates had increased compared to past elections. However, given that there were five political parties this time, women's participation rate per party already saw a decline. The percentage of women candidates was 10.1 percent in 2018. It dropped to 9.7 percent of the 235 candidates from 47 constituencies. The local governance presented a similar picture – with just seven women *gups* as compared to 198 male counterparts, and 24 women *mangmis* in the total 205 gewogs.
46. More women need to be given the skill sets necessary to build their confidence and competencies including time management, communication and leadership capacities, to prepare and encourage more women and persons with disabilities to participate successfully as candidates.

Right to Education

47. Bhutan received many very invaluable recommendations⁵ on ensuring access to education. The government has made tremendous progress in increasing gender parity in the education sector and has also created an enabling environment for those who missed out on opportunities to continue their education due to various reasons. However, some gaps still exist at the tertiary level, especially concerning girls' transition to higher education in STEM subjects, as evident from national statistical reports.
48. The underrepresentation of girls in STEM may be partially attributed to their low performances on average in mathematics in grade 12. Mathematics is the top entry requirement for engineering qualifications and other technical subjects. However, there have not been any studies conducted to find out why girls are not performing well in this subject, and therefore, no measures have been taken to address this and reduce the gap. Data from the last three Annual Education Statistics clearly show that there is no progress in this area.
49. Girls' intake in other colleges is higher than those of the engineering, science and technology colleges (College of Science & Technology, Jigme Namgyel Engineering College, Gyelpozhing College of Information Technology). In these colleges, girls' intake is less than 30% as compared to boys. Currently, there are no national strategies and plans that exist to narrow this gap.
50. With regards to ensuring access to education for persons with disabilities: while we welcome the introduction of the Special Educational Needs (SEN) programme within the education system there is still a big gap. Children with neurological disabilities are little understood and have limited opportunities for quality education and achievement. Neurological disabilities in children can go undetected as there is limited or no referral support for early diagnosis and intervention. The school curriculum and evaluation system do not cater to their potential, and schools are ill-equipped with resources and professional competencies. With no opportunities for higher education or training, life for children with neurological disabilities stops at 16 years when they mandatorily exit SEN schools.
51. We acknowledge the holistic approach taken by the government in its Early Childhood Care and Development (ECCD) program, however, it is imperative to recognize areas that require enhancement to ensure true holistic inclusivity in ECCD.

⁵ Including 157.83; 157.84, 157.88 and 157.90

52. As per the existing national data from research studies, 21% of children aged 2-9 years have some form of disability, of which 19% are children with mild disabilities and 3% are children with moderate or severe disabilities. Data also shows that 53 per cent of children with disabilities in Bhutan do not have access to schools or institutions, and the majority of them are girls. According to administrative data with stakeholder agencies, of the 7,750 children with disabilities between the ages of 6-18, only 1,852 children were currently enrolled in the Inclusive Schools, in other words, a total of 5,898 children with disabilities were not in schools or institutions (Kuensel, 2023).
53. We believe that a truly holistic ECCD program should be inclusive of all children, regardless of their abilities or disabilities. An important aspect that requires attention is the lack of disability-friendly ECCD facilities. Ensuring accessibility for children with disabilities should be a priority. Early detection and intervention for children with disabilities is crucial, as early intervention can significantly improve outcomes. In addition to professional development, ECCD facilitators should receive specialized training in how to care for children with disabilities, to empower facilitators to adapt their teaching methods, provide appropriate support, and create inclusive learning environments that cater to the diverse needs of children.

Right to Work

54. In the last review, Bhutan received two recommendations⁶ on ensuring that women can exercise their right to work. According to the Technical and Vocational Education and Training (TVET) Statistics Report 2022, the male labour force participation rate increased from 73.1 % in 2021 to 73.4% in 2022, while the female labour force participation rate significantly decreased from 65.3 % in 2021 to 53.5% in 2022. There is a need to assess the decrease in female labour force participation in this field and create an enabling environment for more participation. Persons with disabilities face increasing challenges in seeking employment. Various factors contribute to this gap, such as discriminatory hiring practices and a lower percentage of individuals with disabilities completing Bachelor's degrees. PWDs face challenges in securing open-market jobs due to their disabilities, as many in the private sector prioritize profit, making it difficult for them, who are perceived as slower performers, to compete. On the other hand, there are very few places that do offer job opportunities to PWDs, but the infrastructure is not disabled-friendly, which poses huge challenges.
55. Feminization of the agriculture sector is taking place as men move to urban areas in search of economic opportunities. According to the NCWC Gender and Climate Change Report 2020, almost 60 percent of employed women were active in agriculture, while it was 34 percent for men in 2017. Only 68 percent of women farmers were aware of climate-smart and resilient agriculture initiatives. The study noted that more males (83 percent) than females (73 percent) have access to information on climate-smart and resilient agriculture initiatives, training, and inputs to enhance climate-smart agriculture. Women farmers have limited access to training, farming tools and technologies, and financial security due to the time they spend in the unpaid and unaccounted role of caregivers. Although gender-friendly machines such as mini power tillers and seeders were introduced in the country, farm mechanization in the mountainous terrain is both slow and difficult. Findings also indicate that while women have access to land and other resources, they have less control over land than males. Comparatively, 63 percent of males own land versus 32 percent of females.
56. There is a need to enhance capacity building in using digital technologies to benefit more women in this sector. Assessments are also required to identify the different needs of

⁶ See recommendations 157.101 and 157.148

technologies for the rugged mountainous terrain to reduce drudgery in farming, especially for women.

Access to Sexual and Reproductive Health Services

57. Bhutan received several recommendations on ensuring access to a full spectrum of health services including sexual and reproductive health services. Under the Penal Code of Bhutan section 146, though there is a provision to access medical termination⁷, the scope of this provision is limited. Abortion is still considered to be a taboo topic for open discussion by citizens, but the services are sought outside the country. The term “illegal” or against the law has instilled fear in women and girls to seek post-abortion services after having the abortion done outside the country. Thus, many of them are not able to seek the medical and psychological support services needed. In cases of consensual sex between minors that lead to teenage pregnancies, they are also hesitant to seek related services. There is also a need to expedite the finalization of SOP on medically terminated pregnancies.
58. According to the national health survey, the rate of contraceptive use among women and girls is low, which is attributable partly to the prevalent gender stereotypes regarding sexual behavior that affect their ability to negotiate contraceptive use. Therefore precautionary measures need to be adopted to tackle the issue of early pregnancy and to ensure that women and girls have access to adequate sexual and reproductive health services. Confidential family planning services and information about prevention of early and unwanted pregnancies and sexually transmitted infections at the community level is lacking.
59. With regards to accessing HIV prevention and treatment services, access to treatment services for people living with HIV has improved significantly in the last few years, however, there is room for improvement. For instance, people living with HIV have experienced delayed services that impact timely treatment. There is also a need to continue awareness, and sensitization as people living with HIV still face discrimination in society, and many of those at a heightened risk of contracting HIV are also marginalized, for example, sex workers.
60. It is important for other key populations to access services. Per the Ministry of Health’s record, there are 400 sex workers in Thimphu and Phuentsholing. These sex workers are at high risk of abuse, with no legal protection in times of abuse. Sex workers are at risk of contracting HIV and other sexually transmitted infections, and there has been an increase in new infections amongst this key population.

Equitable Divorce and Child Custody

61. When a marriage comes to an unfortunate end and divorce is necessary, mediation is a highly utilized method for obtaining a divorce deed. Mediation services are available both from local government leaders, village elders and private lawyers. However, it is important to note that if parents opt to mediate their divorce through a private lawyer and local government leaders, the custody of any children involved may not be determined based on the "best interest of the child" standard. Though the Marriage Act of 1980 (Kha 7-2) states the rights of the mother over custody of children below nine years, there is a provision that takes into consideration the position of the mother to take care of the child, and the best interest of the child. However, the provision is not adequately taken into account during the informal mediation.
62. While we acknowledge the effort of RGoB to enforce child support, this applies only to parents living in the country. The challenge is when either of the parents migrate, the jurisdiction for the enforcement of child support is limited.

⁷ In accordance with the SOP for medical termination of pregnancy for the Jigme Dorji Wangchuck National Referral Hospital (JDWNRH)

63. Secondly, the challenge a single mother often faces is having to follow up for child support constantly. Many of them are having to give up child support and fend for themselves. A strong mechanism for enforcement of child support in place could help single mothers avail regular child support.

Recommendations

We call on The Royal Government of Bhutan to:

1. Reinstatement of the autonomous status of the National Commission for Women and Children that was granted in 2008, in response to the rising issues pertaining to women, children and marginalized groups of people.
2. Remove reservations to the CRPD and uphold the rights of the citizens enshrined in The Constitution of the Kingdom of Bhutan 2008 to fully uphold the rights and inclusion of persons with disabilities.
3. Enhance legal and judicial accessibility by improving the accessibility and inclusivity of the eLitigation platform, particularly for illiterate citizens, those with limited internet access, and people with disabilities.
4. Address gender-based violence more effectively by amending the legal classification of marital rape and treating it as a non-compoundable offence, to ensure it is treated with the same severity as other forms of rape. Additionally, fully implement the Domestic Violence Prevention Act.
5. Develop a comprehensive strategy for emergency shelters, halfway homes and safe houses offering safe spaces and essential services for women and children during crises.
6. Enforce laws to completely ban corporal punishment in all environments, including homes and schools, aligning with international standards.
7. Facilitate the full and equal participation of all citizens, including women and people with disabilities, in the political process by providing accessible voting mechanisms. Build the skill sets of women and persons with disabilities to prepare and encourage more of them to participate successfully as political candidates.
8. Implement strategies to encourage girls' participation in STEM fields and ensure inclusive education for children with disabilities through appropriate curriculum adjustments and resource allocation.
9. Decriminalize abortion and enhance the accessibility and quality of sexual and reproductive health services, particularly for vulnerable groups.
10. Conduct awareness-raising campaigns to address patriarchal attitudes and gender stereotypes that limit access to and use of contraceptives by women and girls. Create free and confidential family planning services at the community level for distribution of contraceptives, raising awareness about responsible sexual behavior and the prevention of early and unwanted pregnancies and sexually transmitted infections.
11. Increase the budget allocation for gender equality and equity initiatives to more than 1% of the total budget, ensuring a clear representation across all sectors.
12. Amend the Marriage Act and establish standard and mandatory processes for parents and children to undergo pre-counselling for child custody in cases of divorce.
13. Develop accessible advocacy and awareness materials to further enhance inclusivity concerning legal remedies and complaint mechanisms for women and girls in Bhutan. Incorporate subtitles and transcription into braille, and enable access to assistive technology.

14. Make immediate interim protection orders available and accessible based on the severity of domestic violence cases and the level of risk to the survivors. Ensure that law enforcement officials also prioritize the vulnerability of survivors and take swift action to ensure that their safety is secured.
15. Consider GBV and other protection services for vulnerable groups as “essential services” during emergencies, and integrate a protection/ GBV desk within the national disaster and emergency management framework.
16. Ensure that ECCD facilities are disability-friendly by investing in accessible infrastructure and resources such as ramps, appropriate play equipment, and sensory materials that can benefit children with disabilities.

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