



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined eighth and ninth periodic reports of Bhutan*

1. The Committee considered the combined eighth and ninth periodic reports of Bhutan (CEDAW/C/BTN/8-9) at its 1437th and 1438th meetings, on 27 October 2016 (see CEDAW/C/SR.1437 and 1438). The Committee's list of issues and questions is contained in CEDAW/C/BTN/Q/8-9 and the responses of Bhutan are contained in CEDAW/C/BTN/Q/8-9/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined eighth and ninth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation of the delegation and the further clarification provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its delegation, which was headed by the Permanent Representative of Bhutan to the United Nations Office and other international organizations in Geneva, Kinga Singye, and also included representatives of the National Commission for Women and Children, the Supreme Court, the Office of the Attorney General, the Ministry of Agriculture and Forests, the Ministry of Foreign Affairs and the Permanent Mission of Bhutan.

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2009 of the State party's seventh periodic report (CEDAW/C/BTN/7) in undertaking legislative reforms, in particular the adoption of the following legislation:

(a) Domestic Violence Prevention Act, in 2013, and the Domestic Violence Prevention Rules and Regulations, in 2015;

* Adopted by the Committee at its sixty-fifth session (24 October-18 November 2016).



(b) Child Care and Protection Act, in 2011, which contains provisions on combating trafficking in children;

(c) Penal Code (Amendment) Act, in 2011, which increases penalties for the crime of rape.

5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National Development Plan (2013-2018), to integrate a gender perspective into the plans and programmes within the eleventh five-year plan;

(b) National employment policy, in 2012, to enhance the enrolment of women in higher education.

6. The Committee welcomes the fact that, in 2009, in the period since the consideration of the previous report, the State party ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

D. Principal areas of concern and recommendations

Legal status of the Convention, visibility and harmonization of laws

8. The Committee notes the clarification provided by the State party's delegation that, under article 10 (25) of the Constitution, the Convention is part of the law of the State party and directly applicable before national courts. The Committee notes, however, that no information is available on any court judgments making reference to the provisions of the Convention. The Committee commends the establishment of a national law review task force in charge of harmonizing laws with contradictory provisions, including provisions pertaining to women and children, but notes that there is no time frame for the completion of the harmonization process.

9. **The Committee recommends that the State party:**

(a) **Intensify efforts to disseminate information about the Convention and the Committee's general recommendations, as well as about capacity-building programmes for judges, prosecutors and lawyers through the Bhutan National Legal Institute, which was established to provide continuous judicial and legal education;**

(b) Establish a clear time frame for the completion of the harmonization of laws and ensure that the consultations currently being undertaken by the Women, Children and Youth Committee of the National Assembly on the harmonization of laws are participatory and include a thorough gender analysis of all laws in the State party that are in conflict with other statutory laws and the Convention.

Access to justice and legal complaint mechanisms

10. The Committee commends the State party for its continued efforts to improve access to justice through the provision of legal aid under the Jabmi Act of 2003 and the establishment of specialized courts for women and children. The Committee notes that the Office of the Attorney General conducted a needs assessment on legal aid with a view to establishing a national regulatory framework that reflects the best international standards and practices. The Committee is concerned, however, by the lack of data on the challenges that women face in terms of access to justice, in particular women living in rural areas where physical accessibility may be limited owing to the topography.

11. The Committee recommends that the State party:

(a) Ensure that women have effective access to justice in all parts of the State party, especially in rural areas, by addressing concerns regarding physical accessibility;

(b) Take into account the guidance provided by the Committee in its general recommendation No. 33 (2015) on women's access to justice, especially when establishing its national regulatory framework on legal aid;

(c) Ensure that specialized courts for women and children are well resourced and accessible and that women are informed through awareness-raising programmes about the legal remedies available to them.

National machinery for the advancement of women

12. The Committee welcomes the fact that the National Commission for Women and Children, which is the body responsible for coordinating the advancement of women, has been strengthened by, among other things, increasing its human resources and appointing a minister as its Chair. The Committee also notes that the Commission is currently undergoing an organizational review, following the expansion of its mandate to monitor the implementation of the Child Care and Protection Act of 2011, the Child Adoption Act of 2012 and the Domestic Violence Prevention Act of 2013. The Committee commends the State party for its efforts to incorporate the Sustainable Development Goals into its Gender Indicator Handbook with the help of the National Statistics Bureau and the Commission, and for splitting its mandates on children and women such that the gender component is separate, with exclusive emphasis on gender. It also commends the State party for establishing a gross national happiness policy screening tool, which has gender equality as a parameter for rating national policies. The Committee notes that the State party is formulating a new national gender equality policy. The Committee is, however, concerned by:

(a) The limited coordination between the National Commission for Women and Children and gender focal persons, in particular at the district level, and the limited training provided to them;

(b) The limited information provided on the activities of the National Commission for Women and Children to monitor gender mainstreaming, including gender-responsive budgeting;

(c) The lack of disaggregated data on women and girls, which would inform the State party's programming activities.

13. The Committee recommends that the State party:

(a) Strengthen coordination between the National Commission for Women and Children and the gender focal persons in the districts, and ensure that the gender focal persons receive adequate training on women's rights, in particular with regard to gender mainstreaming;

(b) Provide information in the next periodic report on the activities of the National Commission for Women and Children in monitoring gender mainstreaming activities, including gender-responsive budgeting, and ensure that it has adequate human and financial resources to effectively discharge its expanded mandate;

(c) Intensify efforts to collect disaggregated data on women and girls, and ensure that the draft national gender equality policy avoids gender-neutral language and facilitates the collection and dissemination of such data;

(d) Ensure the effective use of the gross national happiness policy screening tool and the Gender Indicator Handbook, which incorporates the Sustainable Development Goals and their indicators, in assessing the effectiveness of policies in promoting gender equality.

Temporary special measures

14. The Committee recalls its previous concluding observations ([CEDAW/C/BTN/CO/7](#), para. 15) and reiterates its concern that, notwithstanding the State party's indication that it would consider drafting a law on temporary special measures, no such measures have been adopted to accelerate de facto equality between women and men in the areas covered by the Convention, in particular with regard to education and the participation of women in political and public life. The Committee is also concerned that efforts to promote understanding of temporary special measures are hampered by gender stereotypes and prejudices that consider such measures to be incompatible with a merit-based system.

15. The Committee recommends that the State party adopt and fully enforce legislative provisions on temporary special measures to increase the participation of women in political life, education and employment, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged. It also recommends that the State party

raise awareness among parliamentarians, government officials and the general public of the need for temporary special measures.

Stereotypes and harmful practices

16. The Committee notes the State party's efforts to implement the National Plan of Action for Gender in order to change stereotypical attitudes among the general public. It remains concerned, however, at the persistence of discriminatory stereotypes and deep-rooted patriarchal attitudes regarding the roles and responsibilities of women and men in the family and in society. The Committee also notes with concern the lack of data on the extent of harmful practices such as polygamy. It recalls its previous concluding observations (A/59/38 (Part I), paras. 115 and 116) and notes that the State party has not yet conducted a comprehensive analysis of existing discriminatory stereotypes in order to assess their impact on the achievement of gender equality.

17. The Committee recommends that the State party:

(a) **Expand public education programmes on the negative impact of discriminatory stereotypes on women's enjoyment of their human rights, in particular by rural women, as well as review school curricula in order to ensure that they facilitate the elimination of gender stereotypes;**

(b) **Intensify cooperation with the media in order to educate the general public and raise awareness about existing gender stereotypes that persist at all levels of society, and monitor the use by the media of its ethical guidelines so that it portrays positive images of women and girls as active participants in political, economic and social life;**

(c) **Conduct national studies aimed at analysing existing discriminatory stereotypes in order to assess their impact on the achievement of gender equality, as well as at establishing the extent and prevalence of the harmful practice of polygamy;**

(d) **Regularly monitor and review the measures taken to eliminate gender stereotypes and harmful practices in order to assess their impact.**

Gender-based violence against women

18. The Committee commends the State party for adopting the Domestic Violence Prevention Act in 2013 and the Domestic Violence Prevention Rules and Regulations in 2015. The Committee also commends the State party for adopting the Penal Code (Amendment) Act in 2011, which increases the penalties for the crime of rape, and for extending the establishment of women and child protection units or desks to more districts. The Committee is concerned by the lack of specialized courts on gender-based violence against women, including domestic violence. It is particularly concerned by:

(a) The prevalence of gender-based violence against women and girls and the low rate of reporting of such cases;

(b) Reports that about 74 per cent of women believe that domestic violence is justified, notwithstanding the awareness programmes and activities undertaken by the State party;

(c) The fact that section 22 of the Domestic Violence Protection Act of 2013 allows for mediation in domestic violence cases that are classified as misdemeanours;

(d) The limited number of shelters for women who are victims of violence and the fact that those available are wholly run and funded by civil society organizations.

19. Recalling its general recommendation No. 19 (1992) on violence against women, the Committee recommends that the State party:

(a) Ensure that all cases of violence against women and girls are thoroughly and effectively investigated and that perpetrators are prosecuted and adequately punished, and establish specialized courts to address gender-based violence against women, including domestic violence;

(b) Undertake awareness-raising campaigns to eliminate women's social acceptance of domestic violence, and identify and address the root causes of non-reporting by women who are victims of violence;

(c) Amend section 22 of the Domestic Violence and Prevention Act of 2013 to preclude the settlement of domestic violence cases through mediation;

(d) Establish a coordinated, multisectoral system of support services for victims and survivors of gender-based violence against women in line with the standard operating procedures on case management and the referral system for women and children in difficult circumstances, and the joint programme on reducing violence against women and children in order to contribute to gross national happiness;

(e) Develop a clear plan and an adequate budget for the implementation of the Domestic Violence Prevention Act of 2013, undertake a needs assessment to establish the demand for shelters for women who are victims of violence in the State party and provide funding to non-governmental organizations operating such shelters;

(f) Continue to enhance the capacities of the police and other law enforcement agencies to prevent and respond to cases of gender-based violence against women and girls through the institutionalization of capacity-building programmes and by increasing the number of women and child protection units.

Trafficking and exploitation of prostitution

20. The Committee welcomes the adoption of the Child Care and Protection Act of 2011, which contains a section on combating trafficking in children, and the State party's efforts to revise the definition of the crime of trafficking in line with international standards. The Committee notes that the State party is formulating standard operating procedures for a multisectoral response to combat trafficking in persons and that a proposal aimed at identifying the lead agency on trafficking has been submitted to the Cabinet. Nevertheless, the Committee is concerned that:

(a) The State party remains a source and destination country of trafficking in persons, in particular women and girls, mainly for purposes of forced labour and

sexual exploitation, and by the lack of adequate shelters for women and girls who are victims of trafficking;

(b) Girls, mostly from rural areas, are frequently subjected to exploitative domestic work;

(c) There is a lack of data on women in prostitution and on exploitation of prostitution in *drayangs* (entertainment centres).

21. The Committee recommends that the State party:

(a) **Intensify efforts to address the root causes of trafficking in women and girls and ensure the rehabilitation and social integration of victims, including by providing them with access to shelters and legal, medical and psychosocial assistance;**

(b) **Collect data on the extent and forms of trafficking in women and girls, disaggregated by, inter alia, age and region;**

(c) **Collect data on women in prostitution and on exploitation of prostitution, especially in *drayangs*, and ensure that the planned study of women in prostitution analyses the gender aspects of the recruitment and exploitation of women and girls;**

(d) **Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers, in particular with neighbouring States and other South Asian countries.**

Participation in political and public life

22. The Committee notes the 3 per cent increase in the representation of women following the local government elections in September 2016 and commends the State party for formulating a national plan of action to promote gender equality in elected office. The Committee notes that the main reasons for the low representation of women in political life relate to gender stereotypes, lower educational levels and lack of financial resources, which incidentally are also the main reasons for their unhappiness under the State party's gross national happiness index. The Committee is concerned that, notwithstanding efforts to enhance functional literacy among female candidates running for local government positions, their representation remains low. It is particularly concerned that:

(a) Women occupy only 8 per cent of seats in the National Assembly and 10 per cent in local governments;

(b) Women remain underrepresented in decision-making positions, in particular as ministers, judges and diplomats and at the higher levels of authority in the civil service;

(c) Temporary special measures, including quotas, have not been introduced in order to accelerate the achievement of de facto equality between women and men.

23. The Committee recommends that the State party:

(a) **Introduce measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general**

recommendation No. 25 (2004) and general recommendation No. 23 (1997) on women in public life, such as a gender parity system for appointments and accelerated recruitment of women in senior positions, in order to accelerate the full and equal participation of women in elected and appointed bodies, including the judiciary, ministerial positions, the diplomatic and civil service and local levels of government;

(b) Ensure the effective implementation of the component of the national plan of action to promote gender equality in elected office, which is intended to increase the number of nominations of women candidates, and address concerns regarding the functional literacy test, which is seen as an obstacle for women seeking to participate in local government elections;

(c) Speed up the process of amendment and passage of the Public Election Fund Act of 2008, in order to extend public funding for female candidates running for political office in both national and local elections.

Education

24. The Committee welcomes the efforts made to increase literacy among women, such as the provision of scholarships for girls and the delivery of the non-formal education programme. The Committee notes that, in line with the Bhutan Education Blueprint 2014-2023, the State party has established residential “central schools” to reduce the high dropout rates resulting from marriage and pregnancy. The Committee notes that, as a result of these measures, the number of extended classrooms, which are designed to reduce walking distances to schools and, therefore, improve access for girls, has been reduced. The Committee is, however, concerned at the high dropout rate between the primary and secondary levels and about the high illiteracy rate among women and girls. The Committee is also concerned at the lower number of female teachers in schools.

25. The Committee recommends that the State party:

(a) Develop measures aimed at ensuring the effective retention of women and girls in school, especially when they are making the transition from primary to secondary school and at higher levels of education;

(b) Undertake an impact assessment on the effectiveness of “central schools” and on the reduction of extended classrooms in reducing school dropout rates among girls resulting from marriage and pregnancy, and provide information on the findings in the next periodic report;

(c) Intensify the provision of non-formal education and other adult literacy programmes to reduce female illiteracy;

(d) Increase the number of female teachers in schools by intensifying the enrolment of women in teacher training centres and colleges.

Employment

26. The Committee commends the State party for extending maternity and paternity leave from three to six months and from 5 to 10 days, respectively, for the public sector. It notes that the State party is engaged in consultations with the private sector to establish childcare facilities and to consider extending to

employees more favourable conditions of employment regarding parental benefits. The Committee also commends the State party for incorporating mandatory indicators on gender equality into the 2016-2017 annual performance agreements of all government ministries and autonomous agencies. It notes that, through the employment skills scheme, the overseas employment scheme and the direct employment scheme, a number of women have been trained and employed. Nevertheless, the Committee is concerned by:

(a) Information that the unemployment rate is higher among women than men and that the labour force participation of women declined in 2013;

(b) Information that women have limited opportunities for employment outside the agricultural and domestic sectors, where wages are low;

(c) Limited information regarding the specific measures taken to address sexual harassment and the lack of data on complaints by women regarding occupational segregation and its bearing on wage gaps.

27. The Committee recommends that the State party:

(a) **Intensify efforts to fully implement the existing laws and regulations on gender equality in employment and reduce unemployment among women by promoting the entry of women into the formal economy through, among other measures, the provision of vocational and technical training;**

(b) **Strengthen efforts aimed at eliminating structural inequalities and occupational segregation, both horizontal and vertical, introduce a more progressive policy on child rearing so that responsibilities are shared by men and women and improve the provision of childcare facilities;**

(c) **Collect statistical data on the extent of the problem of sex discrimination in the workplace, including cases of sexual harassment, and conduct regular labour inspections aimed at enforcing compliance with labour laws and codes of conduct on sexual harassment.**

Health

28. The Committee commends the State party for its efforts to reduce maternal and infant mortality by introducing mobile clinics, which provide prenatal and postnatal services at the community level. The Committee is, however, concerned that, notwithstanding the provision of free contraceptives, early pregnancy rates and sexually transmitted infections, including HIV, among young women remain high. The Committee notes that, under section 146 of the Penal Code (Amendment) Act of 2011, abortion is permissible only if it is procured in good faith for the purpose of saving the life of the mother or when the pregnancy is a result of rape or incest. The Committee is, however, concerned that the procurement of termination of pregnancy continues to be criminalized, even though it is classified as a misdemeanour that attracts a maximum penalty of three years' imprisonment. It is also concerned by the incidence of suicide in the State party, which is partly attributable to substance abuse and a lack of economic opportunities.

29. **The Committee recommends that the State party:**

(a) **Intensify the provision of sexual and reproductive health information and services, including modern methods of contraception, to women, including rural women and girls;**

(b) **Legalize the termination of pregnancy, including in the case of risk to the health of the woman and of severe impairment of the fetus, and decriminalize it in all other cases, and ensure that medically safe modern methods of abortion are available and accessible, in line with the Committee's general recommendation No. 24 (1999) on women and health;**

(c) **Take appropriate measures to address economic barriers and substance abuse in order to reduce suicide rates among women and girls.**

Economic and social benefits

30. The Committee notes the State party's efforts to implement strategies aimed at increasing economic growth, such as implementing the gross national happiness policy. It is, however, concerned at the lack of information on the full range of social protection programmes in the State party, in particular those targeting disadvantaged groups of women, such as older women, women with disabilities and female-headed households. The Committee notes that the national social protection policy has not been adopted.

31. **The Committee recommends that the State party provide information in its next periodic report on the existing social protection programmes targeting older women, women with disabilities and female-headed households and the impact that they have had in eradicating poverty. It also recommends that the State party adopt the national social protection policy.**

Rural women

32. The Committee notes the State party's efforts towards poverty eradication in rural areas, including the implementation of the rural economy advancement programme. It is concerned, however, at reports that rural women have limited access to safe water, transport and markets for their products. The Committee is also concerned that the modernization process that the State party is undergoing may increase social burdens on women in rural areas.

33. **The Committee recommends that the State party provide information in its next periodic report on the overall situation of rural women, focusing on access to safe water, transport and markets for their products as well as on the impact of the national modernization process on rural women.**

Disaster risk reduction and climate change

34. The Committee commends the State party for its leadership in the area of climate change, such that the State party is classified as a carbon-neutral country. It also commends the State party for the successful implementation of its national adaptation programme of action to reduce climate change induced risks and vulnerabilities from glacial lake outburst floods in the Punakha-Wangdi and Chamkhar valleys and the adoption of phase II of the programme of action. The

Committee is concerned, however, by the lack of information on the participation of women in the development of policies and strategies on disaster risk reduction and climate change adaptation.

35. The Committee recommends that the State party provide information in the next periodic report on the participation of women in the development of policies and strategies on disaster risk reduction and climate change adaptation, as well as their implementation. It also recommends that the State party ensure that the development and implementation of policies and programmes on disaster risk reduction and climate change, in addition to other emergencies, are based on a comprehensive gender analysis and that such programmes also take into account the needs of disadvantaged but productive groups of women, such as rural women.

Marriage and family relations

36. The Committee recalls its previous concluding observations (CEDAW/C/BTN/CO/7, paras. 33 and 34) and notes that the State party's legislation still provides that custody of children under 9 years of age is automatically granted to the mother unless the courts decide otherwise, which reinforces gender stereotypes. The Committee is also concerned at the operation of traditional systems of inheritance alongside the Inheritance Act of 1980, as well as the persistence of early and forced marriage, especially in the eastern region.

37. The Committee reiterates its previous recommendation that the State party amend its legislation to ensure that child custody decisions are made on the basis of the principle of the best interests of the child. It also recommends that the State party:

(a) **Undertake a study aimed at understanding how the various practices with regard to inheritance law, both formal and informal, discriminate against women and girls;**

(b) **Enforce the Marriage Act of 1980, which sets the minimum age of marriage at 18 years for women and men;**

(c) **Intensify efforts aimed at raising awareness in order to curb early and child marriage, especially in rural areas.**

Optional Protocol to the Convention

38. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

39. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

40. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

41. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.**

Ratification of other treaties

42. **The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other core human rights treaties to which it is not yet a party.**

Technical assistance

43. **The Committee recommends that the State party seek international assistance and cooperation and avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with the specialized agencies and programmes of the United Nations system.**

Follow-up to the concluding observations

44. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 19 (e) and (f) and 29 (b) and (c) above.**

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Preparation of the next report

45. **The Committee invites the State party to submit its tenth periodic report in November 2020. In case of delay, the report should cover the entire period up to the time of its submission.**

46. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see [HRI/GEN/2/Rev.6](#), chap. I).**
