



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-fourth session

Summary record of the 890th meeting (Chamber A)

Held at Headquarters, New York, on Thursday, 23 July 2009, at 10 a.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Seventh periodic report of Bhutan
(CEDAW/C/BTN/7, CEDAW/C/BTN/Q/7,
CEDAW/C/BTN/Q/7/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Bhutan took places at the Committee table.*

2. **Mr. Tshering** (Bhutan) said that Bhutan was the newest democracy in the world and its first elected Parliament had adopted its first written Constitution in 2008. Articles 7 and 9 of the Constitution addressed women's rights and further reinforced existing legislation protecting women. The Penal Code adopted in 2004 and other legislation had enabled the harmonization of domestic laws with most provisions of the Convention. The Child Care and Protection Bill, the Adoption Bill and the Domestic Violence Bill under consideration were expected to further strengthen legislation for promoting and protecting the rights of women. The Civil Society Organizations Act was adopted in 2007 to promote broader participation of civil society.

3. Bhutan's Tenth Five-Year Plan devoted a full chapter to "Women in Development", allocated BTN 64 million to the issue, identified gender as a cross-cutting development theme for the first time and implemented gender mainstreaming and the generation of gender-disaggregated data for use in policy formulation. The work of the Gross National Happiness Commission, formerly the National Planning Commission, and the National Commission for Women and Children (NCWC) was supported by a gender focal points network in all sectors of activity. A National Plan of Action for Gender had been developed for the first time and served as a reference document for all sectors in the gender mainstreaming process.

4. The Government was fully committed to improving the status of women and ensuring that departures from Bhutan's culture of gender equality did not become accepted norms. It had made special efforts to increase female enrolment in secondary and vocational schools and to decrease early school drop-out rates among women. Women were increasingly participating in all fields of activity, including politics and the political process, as demonstrated in the past

elections, which culminated in women accounting for 13.88 per cent of Parliament representatives and over half of the voter turnout, indicating a readiness among women to play a greater role in government and politics in general.

5. The National Commission for Women and Children (NCWC), established in 2004 and operating with full autonomy, was the agency responsible for the well-being of Bhutan's women and children. The Commission investigated violations of rights of women and children and coordinated and monitored the implementation of the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and Bhutan's compliance with regional and international human rights obligations.

6. Following the smooth transition to a democratic constitutional monarchy in 2008, Bhutan's elected Government had worked to lay the foundations for a sustainable, vibrant democracy that was firmly rooted, irreversible, irreproachable and truly benefited all citizens, empowering them to reach their full potential.

Articles 1 to 6

7. **Ms. Arocha Dominguez** said that she would welcome an estimate of the number of complaints of violations of the rights of women and children submitted and a description of what actions had been taken. Noting that the NCWC had been created by the Government, she wondered to what extent it was autonomous. Given its diverse makeup, she would welcome more details on its operation, human resources and system of accountability. She would also like to know more about the "Women in Development" chapter of the Tenth Five-Year Plan and whether, given the fact that Bhutan was sparsely populated with many remote regions, the nation-wide gender focal points network was available throughout the country.

8. **Mr. Flinterman** asked whether the new Constitution provided for the primacy of international conventions for the protection of the rights of women over conflicting domestic laws, noting that this concern had also been voiced by the Committee in 2004. He wished to know how primacy was determined and whether a judge might apply the provisions of the Convention. With regard to article 7, section 15, of the new Constitution, which dealt more particularly with women's rights and human rights, he asked whether the

guarantee of equality before the law extended to the equality of women and men before the law and whether that equality was both formal and substantive. He inquired whether the list of non-discrimination conditions was exhaustive. He wished to know if the Government intended to elaborate articles 7 to 9 of the Constitution to serve as general equality law and whether the Constitution would include a definition of discrimination against women. In its report, Bhutan had stated that there were no obstacles to the ratification of the Optional Protocol. Therefore, the anniversary of the Convention in 2009 could serve as the perfect occasion to do so. He expressed his surprise at the absence of alternative reports from non-governmental organizations (NGOs) and asked to what extent NGOs and human rights organizations were involved by the Government in the preparation of the report and how they would be involved in the implementation of the Convention.

9. **Ms. Hayashi** said that Bhutan was undergoing a rapid transition, which inevitably affected the status of women. Noting that the Parliament had approved a Constitution which sought to eliminate discrimination against women, she wondered if gender equality was welcomed and whether society at large was fully informed on the subject. With respect to the NCWC, she asked whether there were priorities set in reaching those in need of assistance. Observing that the Commission played a dual role as the national machinery for developing and implementing gender equality policy and as the provider of gender-related services, she asked if there were future plans for a separate agency to offer gender-related services. Lastly, she had observed that women and children were frequently linked in the report and cautioned that such linkages stemmed from gender stereotypes. If Bhutanese culture valued women only as mothers or mothers-to-be, that could be oppressive to women without children, whether by choice or otherwise. The protections should cover women regardless of marital status or whether they have children and should not be formalistic but substantive.

10. **Mr. Flinterman** said that under article 4 of the Convention, States parties were obliged to adopt temporary special measures, which were to be repealed once the objective of equality between men and women in a particular field was achieved. While Bhutan had considered the use of temporary special measures, it was in fact obligated to implement them. Other special

measures were available beside quota systems. He wished to know what action the Government was considering to improve the understanding of temporary special measures among decision-makers, NGOs, women's organizations and the general public.

11. **Ms. Ara Begum** wished to know the advantages of the Gross National Happiness theory in resolving the problem of stereotypes of women, eliminating gender-based violence and promoting gender equality. She asked about the extent to which stereotypes of male superiority were ingrained. She inquired whether an educational curriculum was being introduced in the schools to teach children to be gender-sensitive from an early age. She asked what Government measures had been taken with respect to child labour, domestic violence and sexual harassment at work and in boarding schools. Assault and battery were addressed, but not in the context of domestic violence, and wondered if the Government had a plan and timeline to do so. With respect to dispute resolution, she wished to know if women in rural mountainous regions had access to justice in cases of domestic violence.

12. **Ms. Pimentel** asked whether prior recommendations made by the Committee with regard to both physical and sexual violence against women had led to new policies and if so, what their effect had been.

13. **Ms. Popescu** observed that a patriarchal mentality, whereby women were limited to roles within the family, and a culture of silence with regard to domestic violence which protected its perpetrators, were prevalent. She asked whether the National Plan of Action for Gender 2008-2013 contained specific objectives and targets for introducing policies to eliminate gender stereotypes and if efforts were being made to raise awareness among both men and women about the sharing of responsibility in the home. She wished to know whether the Government encouraged the promotion of a positive image of women in the media and whether the Government cooperated with NGOs to increase awareness among men and women with regard to women's rights, human rights issues and gender equality.

14. **Ms. Chutikul** said that although both the Bhutan Broadcasting Service (BBS) and Kuzoo FM were headed by women and worked closely with the NCWC, at the same time, there were many examples of how the media could stress stereotypes and demonstrate

discriminatory practices. She asked whether the Government provided guidance for the elimination of stereotypes in the media and whether media outlets were private or government-owned.

15. She asked whether in Bhutanese culture, the role of the father in raising children was discussed in the family and whether there was such a thing as parenting education. She wished to know if gender equality was present in the child-rearing process and the socialization of children and what the role of NCWC was in that area.

16. Although the concept of trafficking had been recognized in the Constitution and in Bhutan's laws, it did not conform to international usage as it appeared in the Palermo Protocols or even as used by the South Asian Association for Regional Cooperation (SAARC). She wished to know if there was any intention to revise the definition of trafficking to be more clear and inclusive. Very little information was provided regarding prostitution and trafficking of minors. Annex 4 of the report contained the 16 Point and Gedu Recommendations on women and child-friendly police and judicial procedures. She inquired whether the NCWC had initiated studies in line with the thirteenth recommendation and, if so, what the results showed. The Royal Bhutan Police (RBP) had added the Women and Child Protection Unit (WCPU), and she would welcome more information about its work, the number of women on the police force and training for its staff on identifying trafficking victims and handling different types of abuses. She also wished to know whether the Unit had sufficient financial resources and other support systems to offer legal assistance and witness protection. Finally, she asked what action had been taken in conjunction with the country of origin in cases of cross-border trafficking.

17. **Mr. Tshering** (Bhutan) said that while reconciling existing laws, the Constitution and the many new laws recently passed was a challenge, that had not prevented Bhutan from addressing new regulations, especially those required by the Constitution. Bhutan had given very high legal status to any international legal convention to which it was a party. In the context of unprecedented economic growth, changes in lifestyles and economic needs, and greater economic opportunities, the emergence of new stereotypes was possible, not merely the perpetuation of old ones. His Government had looked at approaches

taken by other countries and international conventions for guidance.

18. **Mr. Wangchuk** (Bhutan) said there had been a complete shift since 2004 in how the NCWC operated. Formerly attached to the Ministry of Health, the NCWC had been autonomous since 2008. It was included in the Tenth Five-Year Plan, received a separate budget allocation and had discretion in the use of budgetary resources. The NCWC was able to provide most of the oversight and enforcement and had been further strengthened by the creation of specialized units, raising its ability to respond to the needs of women and children in Bhutan in the future.

19. The membership comprised representatives of many different sectors to ensure that everyone could partake in setting policy for women and children. The NCWC did not yet have the capacity for local chapters; however, twenty-four legal officers were being trained and would serve as the Commission's representatives at the local level. It was working to strengthen ties to NGOs and local organizations to avoid duplication of effort and dilution of scarce resources.

20. Gender focal points had become institutionalized and serve as contact points for the NCWC in all sectors. They were assisting with the internalization of its concerns and priorities.

21. As a monitoring and investigating entity, the NCWC faced a very complicated task with limited capacities, resources, structures and mechanisms. In 2006, it had taken the first case of human trafficking to court. Since then, it had handled over 200 cases and achieved close to a 99 per cent conviction rate.

22. The Women and Child Protection Unit (WCPU) of the Royal Bhutan Police was based on the approaches used in Thailand and Sri Lanka. The Unit also would offer protection and enforcement of the rights of women and children, along the border with India. The number of women in the police force had grown since 2005. Women accounted for 16 of the 22 officers working in the WCPU. Efforts to improve gender parity in the police force, were ongoing.

23. Since 2005, with support from UNICEF, UNIFEM and UNDP, the NCWC had conducted national level training programmes with visits to other countries for police officers, judges, and NGO representatives. The Chief of Police had conducted a round of national sensitization programmes on the law

in the schools. In October 2009, the Chief Justice of Bhutan would undertake a “know the law” campaign to increase the understanding of laws by the general public. The National Consultation on Women and Child Friendly Police Procedures had been held, followed by the National Consultation on Women and Child Friendly Judicial Procedures and training on domestic violence and sexual harassment in the workplace.

24. Trafficking had never been considered an issue because of Bhutan’s small size and its small, widely dispersed population and the assumption that any new person or any missing person would be known to everyone. In recent years that assumption had proven to be incorrect, however. Bhutan shared a long, porous border with India and depended on a large workforce from that country. The economy had been doing well and the purchasing power of the population had increased substantially. He acknowledged the possibility of trafficking, involving not only sexual exploitation or organ transplants, but also involving domestic helpers and other workers. Bhutan had not been able to conduct a specific study as the Committee had recommended, but a preliminary study of violence against women had been conducted to supplement efforts to draft a domestic violence bill. A more detailed analysis of missing persons, which were recorded by the Police and immigration services, had been undertaken. In September 2009, Bhutan planned a large cross-border consultation with India to explore how to address the issue of trafficking if it existed and if it indeed posed a problem.

25. Bhutan was party to the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. In May 2009, standard operating procedures had been established for accessing information on trafficking from other nations and the reintegration and repatriation of trafficking victims. Subsequent reports would address that issue in a more open and explicit way. Bhutan had included specific provisions on trafficking in the Penal Code of 2004, and on that basis, two trafficking convictions had been handed down. Bhutan sought to have a better understanding of the issue in order to widen the scope of the definition of trafficking in the future.

26. Given Bhutan’s small size, the NCWC had been established as the sole entity for fulfilling Bhutan’s reporting obligations under the Convention, as well as the Convention on the Rights of the Child and for

translating recommendations into action. The NCWC also monitored violations and prosecuted violators. The Commission had the advantage of working from inside the system instead of by confronting it, and had achieved more progress than others in the region. The NCWC was required to report to all three branches of the Government: the Royal Court of Justice, the legislative and executive branches. It had reviewed many laws over the previous four years with regard to their impact on the rights of women and children, and had prepared the Child Care and Protection Bill, the Adoption Bill, and the Domestic Violence Bill. The first two would be under consideration by the National Assembly and the Parliament in 2009. The Labour and Employment Bill adopted in 2007 contained provisions on sexual harassment in the workplace.

27. **Mr. Norbu** (Bhutan) said that the Constitution of Bhutan explicitly stated that all international conventions ratified by Bhutan, even before the adoption of the new Constitution, were deemed to be the law of the land. The High Court and the Supreme Court of Bhutan had jurisdiction to interpret the provisions of the Constitution and to apply the provisions of those conventions. With regard to the handling of non-discrimination issues under the Constitution, he said that any issue raised under Article 9, dealing with the principle of state policies, would also be dealt with under Article 7, human rights. Any citizen could file a case before the High Court and the Supreme Court under Article 7 and a suit could be filed in court invoking the Convention in accordance with Article 21, section 18, of the Constitution.

28. All meetings with stakeholders of the Domestic Violence Bill would be held by September 2009 and the bill was expected to be reviewed by the Parliament during the 2010 summer session.

29. With regard to the media and stereotypes, he said that the Information, Communication and Media Authority Act had been adopted. In early 2009, some 70 media representatives in Bhutan had attended a lecture on the role of media in democracy and ethical reporting on gender issues. It had been made clear in the lecture that the public’s right to know did not include the right to be provided with biased information. Reporters were also briefed on how to report on constitutional rights and the rights of women.

30. **Mr. Tshering** (Bhutan) said that the media sector had grown rapidly and now had four daily papers and

one newspaper published twice per week. The newspapers were privately owned, while the Government still owned the television broadcasting service. Political parties did not own newspapers. There were several privately owned radio broadcasting services, more focused on entertainment, and the Government of Bhutan owned a radio service as well. The Government did not interfere with editorial content as it believed that it was better for the newspapers to make their own mistakes. Most media organizations reported to an independent board or a board reporting to the Prime Minister directly. The newspapers were not all economically viable and struggled financially when attempting to produce dual language versions. The media was very active, and 47 per cent of the journalists were young women in their first job. The journalists were young, inquisitive, active people, who believed their Government needed watchdogs and to be kept on its toes.

31. With regard to temporary special measures and political participation, each party took its own approach with no Government instruction on the matter. His own party had discussed the need for women's participation and decided there was a need for female candidates. Because the main requirement for candidacy was a university degree, there were only six willing candidates and it was their first job after graduation from the university. That could be considered a special measure, as they were asked to join the party and be its candidates. Because the party had run on a ticket of experience, however, it was decided that because the successful female candidates in Parliament were very young with no experience, they could not be brought in as cabinet members.

32. The substantial voter turnout during recent elections indicated that local women's chapters had made the difference. Many women had travelled to home villages to vote, demonstrating a feeling of involvement and a desire to influence the political process, an important development that would impact women and children in Bhutan.

33. **Ms. Lhamu** (Bhutan) described the Gross National Happiness (GNH) approach, which comprised four broad strategic elements: sustainable/equitable socio-economic development, environmental conservation, preservation and promotion of culture and good governance.

34. The Centre for Bhutan Studies had developed the GNH index to measure progress in nine broad domains: psychological well-being, cultural diversity, education, health, time use, good governance, community vitality, ecological diversity and resilience, and economic living standards. Ten indices were included in the composite GNH index; gender had been integrated under most of those indicators with more work under way.

35. The Tenth Five-Year Plan chapter on Women in Development provided guidelines to all sectors and specified that each sector was required to mainstream gender in plans, policies and programmes and to maintain, collect and analyse gender-disaggregated data. The chapter was closely tied to the National Plan of Action for Gender and contained ten policies and strategies on good governance, education and training, economic development, employment, health, violence against women, prejudice and stereotypes, ageing, mental health, and disabilities. There were also two broad strategic measures for gender mainstreaming: creating gender awareness and sensitization at all levels throughout Bhutan, and improving collection, analysis and dissemination of gender-disaggregated data.

36. **Ms. Chopel** (Bhutan) said that lack of capacity was the reason no alternative NGO reports had been submitted. Steps were being taken to improve reporting in the future by providing training. With regard to temporary special measures, most NGOs made targeted interventions to help women and the youth in the form of skills training and outreach programmes open only to women. With respect to domestic violence, she gave the example of RENEW, a very active NGO dedicated to that issue, which had been conducting training, raising awareness and working to change attitudes and behaviour of women. There was a grass-roots movement among women working to advance themselves. Women in the ruling party had started self-help groups in the distant regions of Bhutan primarily to generate income, while some groups were addressing domestic violence. Groups could access legal help by contacting offices in the capital.

37. **Mr. Wangchuk** (Bhutan) acknowledged the existence of the culture of silence in Bhutan with respect to both physical and sexual violence in the home. A complaint and response mechanism had been implemented whereby victims could call in without going in person. Mobile police stations had been

introduced to enable a faster response time. Given the need for more support, police and community partnerships were being developed to increase enforcement capacity. The child labour study had been finalized and a larger stakeholder consultation was planned to discuss how to provide adequate protection to children removed from exploitative environments.

38. Stereotypes were included as one of the seven core areas of concern in the National Plan of Action for Gender. A study had been conducted which would strengthen the work being done to address gender prejudices and stereotypes.

39. While no NGO shadow report was provided, NGOs had been encouraged to submit one. During the drafting of the seventh periodic report, all members of Parliament as well as NGOs were actively involved in a series of consultations, and their views had been taken on board.

40. With regard to special temporary measures, the NCWC and the Election Commission of Bhutan had started a project with support from UNDP called "Involving Women, Youth, People with Disabilities in the Electoral Process". In conjunction, training programmes, using the Convention as one of the standards, had played a role in mobilizing women voters.

41. **Mr. Tshering** (Bhutan) said that three days earlier, the Bhutanese Parliament had approved the two Optional Protocols of the Convention on the Rights of the Child. He believed, therefore, that the Optional Protocol to the Convention could also be introduced for approval.

42. **The Chairperson**, speaking in her capacity as an expert, said that she wished to hear about Bhutan's intent to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, as well as the Universal Declaration of Human Rights, and the Convention on the Rights of Persons with Disabilities. Despite Bhutan's remote geographic location, the movement of persons was also likely to affect it, and she recommended that Bhutan should also ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Finally, she asked Bhutan's position regarding the amendment of Article 20, paragraph 1, of the Convention, concerning the Committee's meeting time.

43. **Ms. Pimentel**, noting the importance for victims of physical and especially sexual violence to talk to women rather than men, asked whether women were present in the mobile police stations. With respect to media independence, she noted that independent media were often not fully independent and could reinforce stereotypes.

44. **Mr. Flinterman** said that it was his understanding that the Constitution provided that international agreements, once ratified by the Kingdom of Bhutan, formed part of the law of the land. In principle, the provisions of those conventions could be invoked before the courts, but so far there had been no occasions for the provisions of the Convention to be invoked before the domestic courts. He asked whether the provisions of the Convention or the domestic legislation would prevail in the event the two conflicted.

45. He further asked whether article 7 of the Constitution could also be interpreted as relating to the principle of both substantive and formal equality of women and men. Since equal protection before the law was part of the overall principle, he wondered whether article 7 offered broader protection to women.

46. **Mr. Norbu** (Bhutan) said that the language of article 10, section 25, of the Constitution was clear and explicit with regard to international conventions ratified by Bhutan. All judges had been involved in the drafting of the Constitution and knew what the language meant and the intent behind it. As judges had the liberty to interpret the law, cases when domestic legislation prevailed could be a possibility, but judges would still be guided by the principles of the Convention.

47. **Mr. Tshering** (Bhutan) said, with regard to the media, that it was still developing, and a regulatory body was in place. It was desirable for the media to play a positive role by conveying correct messages and presenting honest and true portrayals. With regard to the legal questions, he noted that Bhutan had greater capacity for good policymaking than for good law-making. However, the intention was always to follow the spirit of the Convention even if the formal expression was imperfect.

48. **Mr. Wangchuk** (Bhutan) said that, in the event of conflict between domestic law and the Convention, domestic law would prevail. However, domestic legislation had been harmonized to include all the

provisions of the Convention and the Convention on the Rights of the Child. The overwhelming majority of Bhutan's lawyers and judges had been educated about the conventions and the associated issues and challenges.

49. With regard to media independence, the NCWC had developed ethical guidelines for reporting on women and children, which had become central to the Bhutan Information, Communication and Media Authority.

Articles 7 to 9

50. **Ms. Popescu** expressed concern that women were not considered ready to be involved in transforming society and were not allowed to participate according to their capacity. In 2004, the Committee had made a recommendation regarding temporary special measures for increasing women's participation in public life. One potential measure would set aside the university degree requirement in order to open parliamentary elections to more women. At the local level, local public offices were primarily held by men, with women heading just two villages. She asked what obstacles women faced in becoming leaders in their own communities, given that a university degree was not a requirement to hold office at the local level and their abilities would be easy to know locally. She also wondered how women in remote areas were reached. She would also welcome information about the presence of women in higher-grade posts in the civil service, ministries and in diplomatic missions of Bhutan abroad.

51. **Ms. Coker-Appiah** said that according to paragraph 176 of the report, a child with one Bhutanese parent would be obliged to choose the citizenship of one of the parents at age 15. The child would not be competent to make that decision at 15, however, assuming the age of majority was 18. She asked whether the child's rights and access to education and other social services would be affected if that right was not exercised. She had learned that parents had to provide a copy of their citizenship identification cards to enrol a child in school, which was problematic for children with one Bhutanese parent or with Lhotshampas parents with pending citizenship status. After grade 10, children had to produce citizenship papers and security clearance from the police to continue their studies, which was a barrier for many Lhotshampas children from families with

pending cases. She inquired what Bhutan was doing to address the situation.

52. During consideration of the initial to sixth periodic report, the Committee had expressed its concern over ethnic Nepalese women who had lost their Bhutanese citizenship following the enactment of the 1985 Citizenship Act and who lived in Nepalese refugee camps. She urged speedy action regarding their continued deprivation of citizenship rights, which had led to inequality and discrimination against the women and their children, especially with regard to access to education and other social services.

53. **Mr. Tshering** (Bhutan) said that the university degree requirement for election to Parliament was in the interest of Bhutan and its future, based on past experience where the presence of less-educated representatives in the National Assembly had impacted how issues were resolved. The suggestion to temporarily suspend the requirement for female candidates would be considered.

54. The fact that many Bhutanese lived in remote areas was not favourable for equity in general, not to mention gender equality. The ruling party had promised to build roads to all 200 administrative units of Bhutan.

55. The age of majority had varied at one time, but had started to converge at age 18 in recent years. Certification was no longer required for children in Bhutan, with parents who were Bhutanese or had approval to live in Bhutan, to attend school. The Bhutanese Government had decided to provide all residents with education as well as health and other public services, although that meant that many more students who were not from Bhutan would enter the school system. Bhutan was faced with problems stemming from illegal migration and settlement and continued to work bilaterally with Nepal on a solution.

56. **Mr. Wangchuk** (Bhutan) said that although the patrilineal descent system was dominant in South Bhutan, while the matrilineal system was prevalent in the rest of Bhutan, there were only slight differences between the two systems in terms of women's access to economic opportunities or rights and that in neither case were the societal structures overly rigid.

57. **Mr. Tshering** (Bhutan) said that women accounted for 31 per cent of the diplomatic service corps of Bhutan, not counting support staff. An effort

was made for every mission to include at least one female diplomat. A university degree was required only for Parliament representatives, not for any other elected position.

The meeting rose at 1 p.m.