



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/BTN/2  
16 July 2007

Original: ENGLISH

---

**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 1997**

**BHUTAN\***

[21 March 2007]

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
List of acronyms/Bhutanese words .....		6
Introduction .....	1 - 5	8
I. GENERAL MEASURES OF IMPLEMENTATION .....	6 - 63	9
A. National legislation .....	6 - 16	9
B. Coordination .....	17 - 21	10
C. Monitoring structures .....	22	11
D. Other changes in legislative and judicial procedures .....	23 - 27	11
E. Judiciary .....	28 - 32	12
F. Decentralization .....	33 - 34	12
G. Remedies for violations .....	35 - 38	13
H. Allocation of budget and other resources .....	39 - 48	13
I. Data collection .....	49 - 51	15
J. Publicizing the Convention .....	52 - 54	15
K. Cooperation with civil society .....	55 - 57	16
L. Future and difficulties .....	58 - 63	16
II. DEFINITION OF THE CHILD (art. 1) .....	64 - 65	17
III. GENERAL PRINCIPLES .....	66 - 106	17
A. Non-discrimination (art. 2) .....	66 - 79	17
B. Best interests of the child (art. 3) .....	80 - 86	19
C. The right to life, survival and development (art. 6) .....	87 - 92	19
D. Respect for the views of the child (art. 12) .....	93 - 99	20
E. Future and difficulties .....	100 - 106	21

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
IV. CIVIL RIGHTS AND FREEDOMS .....	107 - 126	22
A. Name and nationality (art. 7) .....	107 - 108	22
B. Preservation of identity (art. 8) .....	109	22
C. Freedom of expression (art. 13) .....	110 - 113	22
D. Freedom of thought, conscience and religion (art. 14) .....	114	22
E. Freedom of association and of peaceful assembly (art. 15) .....	115	23
F. Protection of privacy (art. 16) .....	116 - 118	23
G. Access to appropriate information (art. 17) .....	119 - 123	23
H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (art. 37 (a)) .....	124 - 126	24
V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE .....	127 - 189	24
A. Parental guidance (art. 5) .....	132 - 142	25
B. Parental responsibilities (art. 18, paras. 1-2) .....	143 - 149	26
C. Separation from parents (art. 9) .....	150 - 155	27
D. Family reunification (art. 10) .....	156	27
E. Recovery of maintenance for the child (art. 27, para. 4) .....	157	27
F. Children deprived of a family environment (art. 20) .....	158 - 159	27
G. Adoption (art. 21) .....	160 - 161	28
H. Illicit transfer and non-return (art. 11) .....	162 - 165	28
I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39) .....	166 - 171	28
J. Periodic review of placement (art. 25) .....	172 - 175	29
K. Future and difficulties .....	176 - 189	29

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
VI. BASIC HEALTH AND WELFARE .....	190 - 282	30
A. Survival and development (art. 6, para. 2) .....	191 - 213	30
B. Children with disabilities (art. 23) .....	214 - 233	34
C. Health and health services (art. 24) .....	234 - 263	36
D. Social security and child care services and facilities (art. 26; art. 18, para. 3) .....	264 - 267	40
E. Standard of living (art. 27, paras. 1-3) .....	268 - 278	40
F. Future and difficulties .....	279 - 282	42
VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES .....	283 - 365	42
A. The draft constitution and 9FYP initiatives .....	283 - 361	42
1. Education, including vocational training and guidance (art. 28) .....	303 - 340	46
2. Aims of education (art. 29) with reference also to quality of education .....	341 - 351	51
3. Rest, leisure, recreation and cultural and artistic activities (art. 31) .....	352 - 361	53
B. Allocation of budget and other resources .....	362 - 365	54
VIII. SPECIAL PROTECTION MEASURES .....	366 - 451	55
A. Children in situations of emergency .....	366 - 371	55
1. Refugee children (art. 22) .....	366 - 367	55
2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39) .....	368 - 371	56

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
B. Children in conflict with the law .....	372 - 388	56
1. The administration of juvenile justice (art. 40) .....	373 -383	56
2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c), (d)) .....	384	58
3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a)) .....	385 - 388	58
C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39) .....	389 - 447	58
1. Economic exploitation, including child labour (art. 32) .....	395 - 411	59
2. Drug abuse (art. 33) .....	412 - 421	61
3. Sexual exploitation and sexual abuse (art. 34) .....	422 - 437	62
4. Other forms of exploitation (art. 36) .....	438 - 442	64
5. Sale, trafficking and abduction (art. 35) .....	443 - 447	65
D. Children belonging to a minority or an indigenous group (art. 30) .....	448 - 449	66
E. Children living or working on the street .....	450 - 451	66
IX. CONCLUSION .....	452 - 459	66
References .....		68
List of documents attached .....		69

**List of acronyms/Bhutanese terms**

9FYP	9th Five Year Development Plan of Bhutan
8FYP	8th Five Year Development Plan of Bhutan
BBS	Bhutanese Broadcasting Service, the national radio and TV station
BHU	Basic Health Unit
BLSS	Bhutan Living Standards Survey conducted in 2003 (report published in 2004)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
DTVTC	DrakTasho Vocational Training Centre for disabled children
<i>Dzongkhag Yargye Tshogchung</i> (DYT)	- Bhutanese word for District Development Committee
<i>Dzongkhag</i>	Bhutanese word for district
EPI	Expanded Programme on Immunization of the World Health Organization
GDP	Gross domestic product
<i>Geog</i>	Bhutanese word for county
<i>Gup</i>	Bhutanese word for elected county head
<i>Geog Yargye Tshogdue</i> (GYT)	- Bhutanese word for County Development Committee
ICT	Information Communication Technology
Institute of <i>Zorig Chusum</i>	- National Institute for 13 Bhutanese art and crafts
<i>Jabmi</i>	Bhutanese word for legal counsel
Kuensel	Bhutan's first national newspaper
MDG	Millennium Development Goals
MSTF	Multi Sector Task Force (Established in every district for the HIV/AIDS programme)
NAS 2003	National Anaemia Study conducted in 2003
NCWC	National Commission for Women and Children
NGO	Non-governmental organization
NID	National Institute for the Disabled

NWAB	National Women's Association of Bhutan
RENEW	Respect Educate Nurture and Empower Women, a national NGO
<i>Rewa</i>	Drug rehabilitation programme for youth initiated through YDF
RGoB	Royal Government of Bhutan
SAARC	South Asian Association for Regional Cooperation
SCF	Save the Children Fund USA
STD	Sexually transmitted diseases
STI	Sexually transmitted infections
Tarayana Foundation - a national NGO	
<i>Thrimzhing Chenmo</i> - Supreme laws of Bhutan	
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
WFP	World Food Programme
YDF	Youth Development Fund, a national NGO
YDRC	Youth Development and Rehabilitation Centre

## Introduction

1. Bhutan ratified the Convention on the Rights of the Child in 1990 and submitted its initial report to the Committee on the Rights of the Child in February, 1999. At its 715th and 716th meetings (see CRC/C/SR. 715-716), held on 5 June 2001, the Committee on the Rights of the Child considered the initial report of Bhutan (CRC/C/3/Add.60) and adopted the concluding observations which recognized positive developments and made recommendations for improvement.
2. This second report of Bhutan was prepared in conformity with the revised general guidelines issued on 3 June 2005 at the 39th session of the meeting of the Committee on the Rights of the Child.
3. As a reaffirmation of its commitment to child rights, Bhutan has signed the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict in September 2005.
4. The present report makes references to and provides information on the following:
  - Measures adopted by the Government in the field of child rights, the changes that have occurred in legislation and activities at the national, district and local levels;
  - Mechanisms and new structures to monitor efforts made to implement the Convention;
  - Overall sectoral policies, programmes and services developed to implement the Convention;
  - Overall progress achieved in the enjoyment of child rights;
  - Difficulties encountered in the implementation of the rights set forth in the Convention and steps taken to overcome them; and
  - Vision and targets for future actions aimed at further improving the realization of child rights.
5. The following sources of information were used to prepare this report:
  - Original information such as the draft constitution and legal provisions related to children;
  - Primary information received in the form of sector specific reports from Government and NGOs;
  - Primary information collected through various consultative workshops conducted by the National Commission for Women and Children and NGOs;
  - Situation Analysis of Women and Children 2005 Report;
  - Comments received from the various ministries concerned with children's issues;



- Secondary information published in the form of reports and news stories; and
- Population and Housing Census of Bhutan 2005.

The report includes changes, developments and achievements since 1999, using the observations of the Committee as a guideline.

## **I. GENERAL MEASURES OF IMPLEMENTATION**

### **A. National legislation**

6. In a culmination of the process of political reforms that His Majesty the King has been carrying out a draft written constitution that will usher in parliamentary democracy has been distributed to the people. His Majesty the Fourth King and His Majesty the Fifth King have completed the process of consulting with the public of all twenty districts in the country. The Constitution, which is expected to be adopted in 2008, will supersede all other legislation.
7. Bhutan continues to make efforts to harmonise domestic laws within the provisions of the Convention. Several notable amendments have been made in policy and legislation to bridge gaps in existing acts and harmonise them with the principles of the CRC. These include:
  - A uniform definition of the child as prescribed in the CRC;
  - The Penal Code of Bhutan 2004 includes sections that address juvenile needs; and
  - The Civil and Criminal Procedure Code of Bhutan, updated in 2001, also provides for minors.
8. Bhutan's Penal Code and the Civil and Criminal Procedure Code safeguard the protection, welfare and interests of minors, the disabled and juveniles.
9. The Civil and Criminal Procedure Code also contains explicit provisions for juveniles, respecting the need for privacy, the right to defence, and procedures for adult accompaniment during the trial and to procedures for the trial and allowing juveniles to go home or be released on probation. Section 213.2 provides guidelines for the court in determining sentence on a juvenile. The guidelines state that the court shall take into consideration the age, physical and mental health of the juvenile and the circumstances in which he/she lives.
10. The Penal Code and the Civil and Criminal Procedure Code, on cases involving children, have had a major impact in the way minors are dealt with under the law. The judiciary and law enforcers are now able to follow prescribed regulations in handling cases involving children sensitively and in the best interest of the child. In the absence of a children's code, these two legislations have been instrumental in laying down vital guidelines on how Bhutan handles young offenders or minors in legal cases.
11. Other legislations that seek to protect children include:
  - The National Labour and Employment Act that will provide a legal and institutional basis to control and regulate child labour;

- The Narcotic Drugs and Psychotropic Substance Act to address substance abuse among minors was passed by the National Assembly in 2005.
12. A review of legislation is included in the assessment study of protection factors for vulnerable children undertaken by the National Commission for Women and Children in 2004.
13. The Government has mainstreamed child related issues into general legislation such as the Penal Code and the Civil and Criminal Procedure Code. There is also an increasing effort to reinforce protection of children in sectoral plans and policies. The National Consultation with the Royal Bhutan Police on Women and Child Friendly Police Procedures in 2005 acknowledged the shortcomings of existing laws in dealing with cases like domestic violence and child abuse.
14. In the past five years, Bhutan has signed and ratified a number of international and regional conventions and treaties, including the following:
- The Single Convention on Narcotic Drugs 1961, and the Convention on Psychotropic Substances, 1971;
  - The SAARC Convention on Preventing and combating trafficking in women and children for prostitution in 2002;
  - The SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia in 2002; and
  - The two optional Protocols to the Convention on the Right of the Child on the involvement of children in armed conflict and the sale of children, child prostitution and child pornography in 2005 (signature).
15. The Royal Government of Bhutan is a party to the Yokohama Global Commitment made at the Second World Congress Against the Sexual Exploitation of Children in 2001 and has submitted its report on the situation in Bhutan.
16. Bhutan is well on track to achieving some of the MDG targets, some possibly even before 2015. There is strong commitment and generally a positive policy environment to make the achievement of the MDG goals a reality.

## **B. Coordination**

17. The NCWC was established through a special government order in 2004. It has taken over the responsibilities of the CRC Task Force formed in the year 2000. The activities of the Commission would bring the issue of the rights of women and children into clearer focus. Until its formation, Bhutan's commitments to monitoring and reporting on CRC and CEDAW had been carried out through task forces, committees and relevant ministries.
18. The NCWC is the national mechanism for coordinating and monitoring activities related to women and child rights, and reporting to treaty bodies. The Commission has a representation of eleven members from government, law enforcement, judiciary, health, education and social sectors, civil society and private sector.

19. The Commission is expected to play an active role in the prevention of rights violations against children and women. Since its formation, a number of initiatives have been undertaken that will have far-ranging impact on promoting and monitoring child rights in Bhutan. Activities initiated so far include:

- Orientation on the CRC and CEDAW for Commission members including sensitization visits to Thailand and Sri Lanka;
- The preparation of an assessment of the protection factors for vulnerable children in Bhutan that have been shared with all stakeholders;
- Discussions with stakeholders on improved cooperation and coordination in promoting, protecting and reporting on the rights of children and women in Bhutan;
- Organizing a National Consultation on Violence against Children, the findings of which have been incorporated into the United Nations Secretary-General's Study on Violence against Children;
- Organizing a National Consultation on Promoting Women and Child Friendly Police Procedures in collaboration with the judiciary, the Royal Bhutan Police, and the Office of the Attorney General (formerly the Office of the Legal Affairs); and
- Briefing of parliamentarians on CRC, CEDAW, gender and development.

20. The Commission is spearheading the development of a National Plan of Action for Gender to provide input into the country's 10th five year development plan. This gender mainstreaming in government will result in a more sensitive gender policy that will result in better family situations and, ultimately, a safer and protective environment for children.

21. The NCWC currently receives support from UNICEF, UNDP and UNIFEM for its development, in addition to the support from the Royal Government. The Commission meets quarterly and has established its office in the capital, Thimphu.

### **C. Monitoring structures**

22. The NCWC has reporting functions and will provide a forum for receiving and investigating reports on the violations of the rights of children and women. It engages other stakeholders in reviewing policies/actions/legislations pertaining to women and children and makes recommendations to the Government to improve their situation.

### **D. Other changes in legislative and judicial procedures**

23. The most important step forward has been the drafting of Bhutan's first written constitution, on which public discussions have been completed in all the 20 districts by His Majesty the Fourth King and His Majesty the Fifth King. The draft Constitution guarantees fundamental rights.

24. The Government has adopted policy, organizational and procedural measures to realize rights set forth in the Convention and to ensure the continuity of policies and programmes related to children's issues.

25. The National Assembly of Bhutan has passed a host of legislations in recent years to strengthen the rule of law (more than 40 in the past decade alone). The National Assembly established a Legislative Committee in 2003 to scrutinize all new legislations before submission to the National Assembly. This is expected to professionalize the legislation drafting system.

26. The Office of Legal Affairs, now the Office of the Attorney General, was established in the year 2000. The Office facilitates government agencies in identifying, assisting and reviewing draft bills before they are submitted to the National Assembly.

27. The reviewing of draft bills by these two institutions helps to provide pre-legislative scrutiny needed to ensure transparency, professionalism and help set standards.

### **E. Judiciary**

28. The past decade has also been an era of modernization of the Bhutanese legal system. The judicial authorities have conducted diverse training programmes for judges, bench clerks and legal counsels (*jabmis*). The court system has been revolutionised with the introduction of computerization and ICT, including LAN and Internet facilities that are largely used for networking, data-sharing, and communication among all the district courts.

29. The building of new court houses, the latest being the court in Phuentsholing and Samtse in the south overcomes the lack of infrastructure, overcrowding, and privacy for citizens seeking justice. This is expected to strengthen the judiciary and to enhance people's access to justice. The new court houses will have various facilities including separate facilities for pre-trial detainees including juveniles.

30. Judicial evaluation has been introduced and has resulted in increased accountability. Almost all criminal cases are completed within 108 days.

31. The judiciary has also attempted to enhance people's understanding of the law of the land. A campaign "Know Your Law to Protect Your Rights" was started in 2004 that is now extending to schools to promote awareness among children and youth on the penal code, particularly on issues relating to children and youth.

32. The Governments of India and Denmark are major donors to the judiciary. The United Nations is also providing some support.

### **F. Decentralization**

33. The Government's Ninth Five Year Development plan (9FYP) (2002-2007) has channeled decision-making to districts and to village blocks, now the basic unit for socio-economic planning. This brings people into the mainstream of development planning and gives them greater say in governance. The district development committees (*Dzongkhag Yargay Tshodgu*) and block development committees (*Geog Yargay Tshogchung*s) were empowered by the

Parliament in 2002 to function with independence. The committees prioritize and carry out the development of important services such as schools, health facilities, roads and communications, which will also have direct impact on children's access to services and facilities.

34. A Department of Local Governance created in 2004 has the overall responsibility for decentralization. *Gups* offices are being strengthened through infrastructural development and training. Fifty-seven *geogs* have received local development funds as part of a pilot scheme to enable them to carry out development activities.

### **G. Remedies for violations**

35. The Government, the NCWC and other agencies have provided training for the judiciary and the police on child sensitive approaches in 2005. The national consultation was organized with the Royal Bhutan Police and the judiciary to make police procedures more child friendly and more prompt in receiving and investigating complaints on violations of child rights.

36. Following the recommendation of the National Consultation, a Woman and Child Protection Unit in the Royal Bhutan Police has been set up as a pilot activity in Thimphu. This unit is seen as a means to provide quick and sensitive response to children and women's rights violations, especially in domestic violence and abuse cases.

37. The Civil and Criminal Procedure Code and the Penal Code have provisions for separate detention centres for young offenders. While the Government, the judiciary and the police are aware of this need, they have not been able to provide separate facilities due to resource constraints. The Narcotics and Psychotropic Substances Act also provides for separate facilities for minors.

38. **Difficulties:** The lack of data and a fast changing social and economic situation in the country is a challenge in understanding the needs of children in Bhutan today. The Government of Bhutan and the small but growing number of NGOs are increasingly taking steps and initiatives to understand the situation of children in the country, and the need for their protection and safety. Studies and assessments will lead to strategies for remedying any existing violations against the rights of the child. There is also a need to strengthen NGOs that work for the interest of children.

### **H. Allocation of budget and other resources**

39. Bhutan's draft Constitution makes provision for equitable distribution of budgets for development. Article 9:8 states that the "State shall endeavour to ensure that all the districts are treated with equity on the basis of different needs so that allocation of national resources results in comparable socio-economic development".

40. Bhutan has made serious concerted efforts in health, education and other development rights. After generous capital outlays in the social sector over successive five year plans, Bhutan became one of the few countries in the world to meet its part of the 20:20 compact (20 per cent of public investment in health and education). In 2004 and 2005, health and education sectors

accounted for 27 per cent of the total government outlay. This increased to 30 per cent of the total outlay in 2005/2006; with 12 per cent for the health sector with construction of water supply schemes, BHUs and outreach clinics, and 18 per cent for the education section which emphasizes the development of human resources and expansion of infrastructure.

41. Since the beginning of its five-year development plans, Bhutan has maintained a high rate of investment in development, averaging over 40 per cent of GDP during the 1990s.

42. The focus of the 9FYP is on improving rural livelihood, reducing poverty, implementing decentralization, and expanding rural infrastructure to improve access to markets and social services. These are all aimed at reducing rural-urban migration, thereby directly affecting youth.

43. **Difficulties:** Bhutan has been accumulating debt in recent years. The World Bank now classifies Bhutan as a 'debt distressed' poor country largely as a result of the level of debt arising from expenditure on the country's largest hydropower scheme in Tala. Despite this situation, Bhutan's debt service ratio remains low at 6.5 per cent and debt to GDP ratio at 81 per cent. Although the debt to GDP ratio appears very high, it is not a cause for major concern as more than 60 per cent of the debt is contracted for power projects which are self-liquidating.

44. The provision of social infrastructure in education, public health and employment are some of the development challenges Bhutan currently faces with a young demographic profile and the increasing number of youth entering the job market. Rural-urban migration is another major challenge.

45. Priority sectors for external assistance include:

- Education
- Roads
- Power
- Renewable Natural Resources
- Human Resources Development
- Urban development

46. Another new priority is the need to provide basic facilities in the *geogs* as a result of recent reforms in the decentralized planning process. Since the 9FYP is *geog*-based, it is important that *geogs* have the facilities to enhance people's participation in planning and implementation of development activities. The Government is seeking donor assistance to establish *geog* centres or community development centres.

47. Bhutan continues to depend on donors, bilateral and multilateral organizations and international NGOs to implement programmes for child rights and development. Many children, especially vulnerable and underprivileged children, benefit from programmes aimed at improving children's education, health and nutrition. Apart from the United Nations system,

external development partners involved in children and women-related programmes include India, Canada (CIDA), Denmark (DANIDA), Finland, Austria, Switzerland, Japan (JICA), Germany (GTZ), World Bank, Asian Development Bank, and Save the Children USA.

48. External development partners are supporting activities as diverse as building schools, providing primary health care, developing textbooks for primary grades, and protecting children and women from violence and abuse. UNDP has focused on youth unemployment as the theme for the second national human development report.

### **I. Data collection**

49. The National Statistical Bureau, upgraded by the Government in 2004, is developing a disaggregated data base that will require time to test and train people on its usage. All the sectors are improving their information systems, and the Government has begun to take steps to provide e-governance to ensure greater access to data.

50. The findings of the first National Population and Housing Census conducted in May, 2005, will provide much needed official desegregated baseline information. This will enable the government to develop various frameworks for the sectors and programmes. The Census was conducted with assistance from UNFPA.

51. The development partners of the RGoB are jointly working together to support the government in developing desegregated data in all sectors. Training and capacity building have been provided to various counterparts to improve data collection and to plan for a desegregated data bank including the use of the child information system that is being developed with assistance from UNICEF. Once in place, data will be improved and more effective planning, monitoring and evaluation can take place, particularly in determining the gaps in reaching the vulnerable groups.

### **J. Publicizing the Convention**

52. The report and the Committee's recommendations have been widely circulated among government officials and the Bhutanese media. Literature on the CRC as well as Bhutan's initial report and the Committee's recommendations are posted on websites and available in the public domain. In order to increase the role of media in dissemination of information on the convention and the country's efforts to promote and protect the rights of children and women, the print and broadcast media in Bhutan is also represented in the NCWC board.

53. A series of trainings have been conducted to promote understanding and awareness on the CRC among stakeholders, especially law enforcement officials, the judiciary, educationists, parents and children. The Government, development partners and NGOs have developed training packages for teachers, law enforcers and health workers as well as youth peer counsellors that include perspectives on child rights.

54. UNICEF and the Government have produced flyers, books and resource material on the CRC and Bhutan for use in schools and for distribution to the public. Many of them have been translated into the national language, Dzongkha. More systematic campaigns are being planned by the NCWC in partnership with a number of stakeholders.

### **K. Cooperation with civil society**

55. Traditionally, civil society existed in the form of self-help groups at the local levels. With development, there came a generally held assumption that the state will always act for the benefit of the people. But with the evolving democratization of the country, more NGOs and civil society groups are being established and will provide active forums in the near future.

56. The Government is now involving several NGOs to carry out, monitor, and evaluate women and children-related programmes. NGOs are involved in reviewing the situation of children in relation to the implementation of the Convention and are initiating new and comprehensive studies on youth, substance abuse and violence on women and families.

57. The government is trying to involve civil society on committees drafting legislation, regulations and guide policy, e.g. the National Committee for the Control of Narcotic Drugs and Psychotropic Substances. The National Commission for Women and Children and the Royal Bhutan Police are also inviting civil society members to workshops to work out ways to improve police response to the public, including children.

### **L. Future and difficulties**

58. There is a need to conduct more activities to explain, discuss and promote an understanding of child rights without which it would be difficult to implement some of the child rights approaches. More importantly, promoting awareness of child rights and training from a child rights perspective are still important to change some of the more traditional thinking relating to children.

59. To be able to meet the obligations of the CRC meaningfully, the NCWC's protection report<sup>1</sup> states that intensive training on CRC and rights based programming needs to be conducted for all persons and organizations working with children and on CRC issues.

60. While noting the potential that the NCWC holds in monitoring and implementing child rights activities, the Commission is newly established and will take time, resources and commitment to become a fully effective organization and to realize its mission. NGOs lack the experience and expertise to carry out child-sensitive programmes. NGOs also lack resources to make a major difference in the immediate years without support and trained human resources.

61. Similarly, most of the NGOs are based in Thimphu and with resource constraints, are not always able to reach out to the communities in the country given the difficult terrain.

62. In terms of building infrastructure to create access to services and facilities, about 70 to 80 per cent of the planned budget for the Ministry for Works and Human Settlement has been allocated for construction. Despite the placement of 10 to 20 engineers in different districts, depending on the size, there is still a shortage of engineers. The Government is exploring the possibilities of inducting more qualified engineers in the districts.

---

<sup>1</sup> Assessment of protection factors for vulnerable children in Bhutan - RGoB 2004.



63. The United Nations system has noted that the continued high priority placed on human development is important considering the spiralling costs of social services in Bhutan, arising from the country's youthful demographic profile and the rising incremental costs of increasingly penetrating into remote areas.<sup>2</sup>

## **II. DEFINITION OF THE CHILD (art. 1)**

64. The definition of the child has been changed to conform to the CRC. The child in Bhutan is now defined as anyone who has not attained the age of 18. This definition is embedded in law including the Draft Constitution; the Penal Code of Bhutan; the Amended Marriage Act of 1996; and the Regulation for Wage Rate, Recruitment Agencies and Workmen's Compensation (1994).

65. Voting rights are given at the age of 18.

## **III. GENERAL PRINCIPLES**

### **A. Non-discrimination (art. 2)**

66. The Royal Government has, in recent years, initiated activities to target an increasing number of children, especially the most vulnerable groups such as those living in remote communities. Challenged by remoteness and the cost of services, and a shifting population with rural-urban migration, the Royal Government has provided increasing social sector investment to ensure equitable access to services for all children.

67. One of the strategies of the current 9FYP is to improve access and enhance social services. Acknowledging that access to primary education, primary health care, and safe water and sanitation has a major impact on the quality of people's lives, the plan supports social sector programmes and gives major emphasis to improving the quality of services and consolidates the achievements in terms of physical expansion. This is expected to address the gaps experienced by children belonging to vulnerable groups.

68. National health and education programmes continue to make efforts to enhance access and quality.

69. Bhutan is on track to achieving the Millennium Development Goals, and there is greater understanding today of poverty and disparity in family incomes, food intake, and children from economically disadvantaged households.

70. Poverty in Bhutan's context is defined not just as a lack of income but as the lack of access to the essential components of a healthy and fulfilling life – including basic social services such as education, healthcare, safe water and sanitation, and access to technology, credit and markets. The Government is committed to eradicating extreme poverty and hunger, one of the MDGs. The 9FYP recognizes poverty alleviation as a cross-cutting issue and is working to address poverty in all dimensions. A stated goal is to improve the quality of life and income of the Bhutanese people, especially in remote areas.

---

<sup>2</sup> Statement by the United Nations system at the RTM with donors in 2003.

71. The Poverty Analysis Report 2004 provides the country's first poverty baseline based on the cost of providing 2,124 Kcal per person per day along with basic non-food items. On this basis, it is estimated that 31.7 per cent of the population of Bhutan is poor.

72. There is also a major disparity between rural and urban areas. The report states that 4.2 per cent of the urban population is poor compared to 38.3 per cent of the rural population. The Bhutan Living Standards Survey 2004 points out that the average rural income is less than half the average urban income.

73. Incidences of poverty also vary across the country. While the poverty rate in the western region is 19 per cent, it increases to 30 per cent in the central region and to half the population (49 per cent) in the eastern region. Other recent findings include data to show that one-fifth of richest families consume eight times more than the poorest one-fifth of the population. Households headed by women are also shown to be more likely to be poor.

74. All these findings have helped to clarify the poverty situation and hence, its implications for children in Bhutan. It has put impetus on closing the gaps and disparities. Based on these new findings, the Royal Government is re-focusing interventions to ensure that children in the most vulnerable groups, particularly those from the poorer segments of society, are also reached with important services and facilities. The Government is making efforts to focus on the sectors important to the poor, particularly agriculture and rural industry. A key challenge is to balance regional development, remove disparities in access to social services, and market opportunities between rural and urban populations.

75. Bhutan has introduced several new services in recent years to serve vulnerable children.

76. The Education Ministry is expanding the reach of community schools in remote areas. Pilot schemes are being tested in schools in Thimphu to provide facilities for disabled children and scholarships are now being offered for the disadvantaged children. These scholarships are administered by the Youth Development Fund, Save the Children Fund, the Tarayana Foundation and the National Women's Association of Bhutan, which is continuing with an ongoing scholarship for orphans.

77. Feeder roads are a priority of the Government. A loan from the World Bank is helping finance the construction of feeder roads, which is expected to open up access to markets, health services and schools for rural communities. This will have a big impact on the lives of children living in remote Bhutan. Major roads like the Gyalposhing and Nganglam highway in the south-east will open up this region to socioeconomic development.

78. Innovative programmes like training in sports, handicrafts, and vocational skills for children with disabilities are also being offered.

79. The NCWC is developing a mechanism to receive complaints and take action on violations against children and women. It has begun to receive, monitor and address complaints regarding abuses and discrimination of children.

### **B. Best interests of the child (art. 3)**

80. Provisions concerning the best interests of the child are included in the draft constitution and in law.

81. The Government is addressing emerging issues like child labour, and the impact of divorce and violence in the home on children. It is working with a variety of partners including NGOs to address these issues. Some of the ongoing activities include workshops on gender mainstreaming and domestic violence.

82. The Government has adopted minimum standard rules for early child care centres and licensed private educational institutes like primary and high schools, as a part of the privatization of education policy.

83. As awareness of child rights continue to grow, many programme interventions are being improved. Providing teachers with an orientation on the Convention, and proposing alternative teaching, learning and disciplining methods has had a positive impact on the best interests of children. Child rights forums established in schools and among stakeholders have been playing an advocacy role in ensuring children's best interests in the schooling system where early childhood is now an integral part of the education system. Orientation is also being provided for parents to raise community awareness and to support the early childhood development centres.

84. Efforts are also underway to raise awareness on child rights across the country through activities in school and through the media. More children are becoming conscious of their rights.

85. Parenting education programmes are all aimed at improving the situation of the child and ensuring their best interests.

86. The draft juvenile justice act has, however, not been tabled for discussion in Parliament as it was repealed by the Penal Code and the Civil and Criminal Procedure Code of Bhutan.

### **C. The right to life, survival and development (art. 6)**

87. Paragraphs 106-111 of Bhutan's initial report to the Committee provide detailed information which is still relevant today.

88. The health sector is working to combat the high infant mortality rate, one of the Millennium Development Goals. The Government has committed to reducing, by 2015, the under-five mortality rate of the country by two thirds, from 123 per 1,000 live births (1990) to 41 per 1,000 live births. This particular MDG has already been achieved with the infant mortality rate at 40.1 per cent as per the report from the Population and Housing Census of Bhutan 2005.

89. The increasing risks of HIV/AIDS and substance abuse among youth are taken seriously and committees comprising of multi-sector representatives have been formed to draw up policies on HIV/AIDS and substance abuse with particular focus on adolescents and children.

90. Since 2004, the Government has provided weekly iron-folate tablets for all primary school children and all girls in higher education as a means to tackle the high levels of iron-deficiency anaemia in the country.<sup>3</sup>

91. The minimum age for criminal responsibility in Bhutan is 10 years of age. While a child of 10 and below is not liable for any offence committed by him/her, a child above 10 may receive half the penalty for all offences listed under the Penal Code. Law enforcers are becoming increasingly more child-sensitive through trainings and workshops.

92. The development of the child remains a key priority in all social sector activities. Both the education and health sectors are emphasizing the quality and increase of facilities throughout the country. Despite limited resources, the government and a growing number of international NGOs and local groups are paying attention to child development activities from reading to writing and to crafts training. The scouts programme and other child-focused activities such as a pilot music school for children and a voluntary library reading programme for children are being initiated.

#### **D. Respect for the views of the child (art. 12)**

93. See paragraphs 112-116 of Bhutan's initial report to the Committee.

94. Children are given a hearing in criminal and civil proceedings. The 2001 Criminal and Civil Code sets out child-friendly procedures to ensure the best interests of the child.

95. Children are given free access to books and TV, although this is limited to children in urban areas largely because of the limited infrastructure in rural areas. Experiments to provide mobile library services in Thimphu are being initiated.

96. The media provides regular channels for children to express their views. The national newspaper *Kuensel*, provides the largest and most regular forum for children's expression. Its literary section publishes children's essays, artwork and quizzes with contributions from all over the country. Furthermore, the start of two private newspapers in the country has given the youth and children more opportunities to freely voice their opinions on issues concerning them. The national broadcast station Bhutan Broadcasting Service (BBS) provides programmes in four languages. A women and child programme unit has been established on the BBS. It has regular radio programmes for children and the BBS TV expanded programming for women and children in 2005 to two programmes a week, with a weekly youth programme where young people get to express views on issues concerning them. In 2006, the radio station KUZOO FM was launched, giving the youth yet another forum to not only express their views but also to educate their compatriots.

---

<sup>3</sup> National Anaemia Study 2003 - Ministry of Health and Education.

97. The assessment of protection factors for vulnerable children in Bhutan was conducted with a child sensitive approach, and sought responses and views of children through child-friendly interviews and discussion groups. The study involved the use of methodologies to put children at ease and to help them talk freely. The survey sample included 300 children from vulnerable groups including children in institutions, disabled children, child workers, and children in conflict with the law.

98. Skills training continue for teachers, health workers, and briefings for parents and community leaders in the districts to encourage them to seek the views of children.

99. Development partners (UNICEF, UNDP, DANIDA and SCF) have been working with government counterparts to explore the use of participatory methodologies for more accurate programme design and development specific to the needs expressed by children themselves. “Listening and learning” sessions are being introduced in schools and cover topics such as reproductive health, education, out of school leisure time activities, and the children’s dreams and aspirations for the future.

### **E. Future and difficulties**

100. Some of the constraints to the implementation of the commitments include a lack of understanding, modalities of implementation and the capacity to carry them out.

101. There is limited data on many of the issues in the Convention and a general lack of understanding of what a child rights’ approach means among the various stakeholders.

102. The harsh mountainous terrain and the highly dispersed pattern of settlements in Bhutan continue to escalate development costs and pose challenges for delivering social services. These are the unchanging geophysical realities that require sustained policy attention and investments.

103. The shifting population with rural urban migration poses new challenges as it brings a new way of life where both parents are often working and children left in the care of domestics or extended family members.

104. In a traditional society, people tend listen to authority and hence, children grow up respecting the views of the elderly. In crowded classrooms, it is difficult to practice participatory learning while traditional learning has often focused on rote learning.

105. Globalization and modernization are also bringing new challenges that threaten Bhutan’s traditional assets such as the rich natural environment, the unique cultural heritage, and the social fabric and value systems.

106. With the growing commercialization and globalization of media, there is a growing need to develop media literacy for children and to put in place legislation that will ensure sensitive and ethical media that target children.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Name and nationality (art. 7)**

107. According to the Citizenship Act all children born must be registered at the local *gup*'s office within one month of the birth. The *gup*, who now has an assistant paid by the Government, updates all birth and death records annually.

108. The Ministry of Home and Cultural Affairs began issuing new citizenship identity cards in 2004. For children, fingerprints and other necessary information are recorded and a citizenship number issued in the name of the child. As of May 2006, five *dzongkhags* were issued with the new citizenship identity cards. The Ministry of Home and Cultural Affairs expects to complete all *dzongkhags* by December 2006.

##### **B. Preservation of identity (art. 8)**

109. Children are registered with the family. When the child turns 15, his/her fingerprints and other information will be authenticated and an ID card issued.

##### **C. Freedom of expression (art. 13)**

110. Bhutan is seeing dramatic developments in the enactment of laws on freedom of expression. The draft constitution guarantees the right to freedom of speech, opinion and expression (art. 7.2). It also guarantees freedom of the press, radio and television and other forms of dissemination of information, including electronic (art. 7.4).

111. There are already many activities taking place to ensure the freedom of expression. The national newspaper *Kuensel* has divested shares to the public. Two private newspapers have already begun circulation. The Bhutan Information, Communications and Media Act was enacted by the National Assembly in June 2006. This will result in an emergence of more newspapers as well as radio and television stations. The digital media Internet is picking up rapidly with many websites being established.

112. As regard the budget, the development of the information sector is a priority area in the 9FYP. It has been proposed that the private media should be subsidized for its professional development.

113. A literal explosion of television channels in June 1999 exposed Bhutanese youth to an uncontrolled variety of the audiovisual media. It will be an uphill task to educate the population on the impact of television on young minds and the need to teach youth healthy viewing habits.

##### **D. Freedom of thought, conscience and religion (art. 14)**

114. Article 7 of the draft constitution (fundamental rights) guarantees the right to freedom of thought, conscience and religion. It also states that no person shall be compelled to belong to another faith by means of coercion or inducement (art. 7.3).

### **E. Freedom of association and of peaceful assembly (art. 15)**

115. The draft constitution guarantees the right to freedom of peaceful assembly and freedom of association, other than membership of associations that are harmful to the peace and unity of the country, and shall have the right not to be compelled to belong to any association (art. 7.12).

### **F. Protection of privacy (art. 16)**

116. The draft constitution guarantees a person's privacy and protects him/her from being subjected to arbitrary or unlawful interference.

117. Apart from laws including libel and defamation, the media act and regulations ensure that children are protected in stories of rape and juvenile crime. The juvenile section in the Civil and Criminal Procedure Code of Bhutan (chapter 44) ensures the full representation of juveniles by their parents.

118. In the media, names are not used in news stories involving youth below 18 years, particularly in stories related to rape and child abuse. Where students are involved, the media avoids using the names of schools to protect the youth.

### **G. Access to appropriate information (art. 17)**

119. The draft constitution guarantees the right to information (art. 7.5).

120. As the Bhutanese media moves into a new era of development, it has the mandate to be a public service media (Government policy 2005). This specifically requires the media to serve different sections of society, with youth being an important group.

121. The national radio and TV station Bhutan Broadcasting Service as well as the national newspaper *Kuensel* and the radio station KUZOO FM, all have space and time allotted specifically for youth and children programmes. Youth issues like education, employment and social problems are important themes in the media.

122. With some external support, in particular from Save the Children Fund USA, youth information centres were established in Phuentsholing, Thimphu and Zhemgang in 2000 and one in Gelegphug, with support from UNFPA. These centres are meant to provide access to information on reproductive health, jobs and careers, etc. The centres have organized youth forums and dramas for students and out of school youth. In 2005, for example, the centre conducted a substance abuse workshop for disadvantaged children and those who are not employed.

123. Volunteer groups, including students and young working adults, have started organizing fund raising activities, youth forums, and discussions on health, sanitation, drug abuse, HIV/AIDS and other issues.

#### **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (art. 37 (a))**

124. The Civil and Criminal Procedure Code of Bhutan and the Penal Code of Bhutan ensure the full representation of juveniles by their parents. Chapter 44 of the Civil and Criminal Procedure Code requires a court to consider the age, mental state and family situation before passing any sentences. Minors and juveniles are protected by law. The Penal Code of Bhutan (Chapter 14: 183-206, 215, 221, 223, 225 and 227) prescribes severe penalties for crimes against children, ranging from abandonment of babies to child abuse. Minors below 10 are not held accountable for their crimes and sentences for minors above 10 years are usually half of those for adults for the same crimes.

125. Bhutan does not permit corporal punishment in schools, through the Teacher and Student's Code of Conduct adopted in 1997 and this practice has drastically reduced over the years. Corporal punishment is discussed at all teacher-parent meetings particularly in more recent years. The Ministry of Education is taking special measures to develop alternative forms of disciplining in schools as part of the 'Child Friendly Schools' initiative in the country with support from UNICEF.

126. The Youth Development Fund and other youth bodies are carrying out an increasing number of activities to support physically challenged and disadvantaged children. For example, YDF funds the disabled centre Drak Tsho and *Rewa*, a rehabilitation centre for drug abusers in Thimphu. Destitute families and women from vulnerable groups are also receiving more attention with the establishment of NGOs like the Tarayana Foundation and RENEW (Respect Educate Nurture and Empower Women).

#### **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

127. The National Commission for Women and Children has undertaken an assessment of the protection factors for children, particularly those in vulnerable groups. This is the first such report to focus on the treatment and protection of children by seeking the views and experiences of children themselves. The report provides a situation on the ground and the actual situation of children with regard to protection issues – looking at legislation, institution and practices that provide protection for children. The 2005 draft situation analysis of women and children in Bhutan also provides updated information. These reports are expected to feed into the improvement of various programmes and policies.

128. The Government's commissioning of this assessment reflects its concern for the protection of children.

129. Steps have been initiated by NGOs such as RENEW to conduct assessments of the situation and promote awareness on CRC and CEDAW and to stop violence against women and children.

130. Research and workshops in urban towns are beginning to show incidences of domestic violence although this is likely to be prevalent in rural areas as well. Preliminary findings show that domestic violence is fuelled by alcoholism or financial problems. There are instances of child abuse among families. RENEW cites children as the victims of violence, sometimes as



direct victims and sometimes as indirect victims, “in the long run children suffer from psychological and emotional damage” (RENEW workshop report). The discussions will in the longer term, help to provide the information needed to change policy and legislation if necessary.

131. Such ongoing work is an important first step in a society which has not openly discussed such issues unless they are reported to the police and/or legal action is sought.

#### **A. Parental guidance (art. 5)**

132. The extended family system is still strong in Bhutan although nuclear families with both parents working are also becoming more common in urban centres. With both parents working and children going to school, families are unable to give sufficient time to their children and this is one of the factors leading to an increase in social problems among urban youth, most visible of which has become substance abuse and incidents of vandalism.

133. More males seeking work in urban towns also leaves women heading households and increasing their household and family responsibilities. This has implications for child care.

134. There has been a growing awareness of the importance of parental guidance in a changing society in all areas of a child’s life, from the need to guide children’s TV watching and food habits to issues like substance abuse and recreational needs. The Government is also seeking the collaboration of parents in school activities and in participating in their children’s life out of school.

135. Parental guidance is also changing with increasing education. Many parents, especially those in rural farms, tend to leave guidance to their children’s teachers in the belief that they are educated and therefore know better. Parents do not often discuss issues like safe sex and teen pregnancy, substance abuse and other issues that are confronting Bhutan’s youth today.

136. The Education Ministry initiated a School Parenting Education Programme in 2000. The programme is being implemented in 99 schools in all 20 *Dzongkhags* of Bhutan. 320 teachers have been trained on the use of the training manual which includes topics such as parenting skills, reproductive health, communication skills, substance abuse, etc and other teachers and parents from these schools have been sensitised on these issues.

137. The programme encourages wholesome attitudes in bringing up children and more informed parental guidance. This has been fairly successful so far in raising parental awareness of their responsibilities in providing good guidance to their children. Many of the current social youth problems like the emerging substance abuse among the youth have been attributed to a lack of parental guidance and awareness.

138. An evaluation in 2004 found that the Parenting Education Programme not only helped to improve parents’ understanding and ability to communicate with their adolescent children on topics such as sexual health and substance use, but also increased communication and parental involvement in their children’s lives. The programme has also helped to heighten awareness of child rights.

139. From the perspective of teachers, parents demonstrate greater interest in their children after taking part in the programme and notes changes in the behaviour of students. Teachers have a greater understanding of their students and are more engaged with them even outside the classroom.

140. Many respondents also pointed out that the more remote parts of the country would benefit from this programme as they would have had less exposure to parenting training, by including it in the non-formal education programme.

141. As Bhutanese society is experiencing major change from traditional rural upbringing of children to learning to cope with new demands of urban living, programmes such as these help to promote a greater awareness of the need to protect and safeguard children's rights.

142. The difficulty is to maintain the momentum and to ensure a wider reach of the programme which has reached just seven districts after five years of implementation.

### **B. Parental responsibilities (art. 18, paras. 1-2)**

143. Paragraph 135 of the initial report to the Committee describes the legislation that outlines the responsibilities of parents in the event of divorce.

144. Parental responsibilities often fall on other members of the extended family who are looking after children of their siblings. Often the responsibilities for such children are purely physical and cater to their physical needs like clothing, food and shelter. Emotional and spiritual guidance is neglected, not by design but because of a lack of awareness and understanding. One challenge is that with more children going to boarding school, parental guidance is not available for most part of the year.

145. There has been an emergence of organizations that support children of poor families. The National Women's Association of Bhutan, Save the Children Fund USA, and the Tarayana Foundation provide scholarships for children's education.

146. For rural parents, the non-formal education programme takes a more holistic approach by including topics like parenting, child care, family planning and basic health care in its curriculum, all targeted at empowering rural communities to live better lives.

147. There is a growing realization that parents must take more responsibility in guiding the healthy and wholesome development of their child. Many new legislative acts like the National Substance Abuse and Psychotropic Drugs Act specify the responsibility of the community and family in helping to address young substance abusers.

148. The emergence of private childcare centres and parenting education programmes have contributed to raising awareness that parents have the primary responsibility of bringing up and caring for children. This challenge is to sustain initiatives with local resources and maintaining the quality of childcare centres.

149. Some children need to work at a young age to help supplement the family income. This has resulted in small numbers of children working on the streets of urban towns.

### **C. Separation from parents (art. 9)**

150. Paragraphs 138-139 of the initial report describe the section of the law that protects children of divorced parents and affords social provisions for young offenders separated from their parents.

151. In the rehabilitation centre for young offenders, efforts are being made to involve parents and family in the rehabilitation of the young offender. However, the authorities often find it difficult to get parents (some of whom live far away) to visit their children.

152. Children detained in the rehabilitation centre are allowed to have their parents visit them. Mothers in prison keep their infants with them and older children live with their relatives. Children in other institutions go home during the holidays.

153. The Inheritance Act states that if the parents are deceased, family members must identify suitable family members to take care of the property until it is shared among them at a later date.

154. A challenge is that many Bhutanese continue to have a mentality of relying on the authority or the Government for support, with the belief that the professionals know best. The Government is aware of the need and already taking measures to involve parents in addressing children in conflict with the law.

155. Many parents are dependent on the law and on authorities because they have other worries like work on the farms that detract their attention from children.

### **D. Family reunification (art. 10)**

156. Article 9.19 of the draft constitution emphasizes the importance of the family. It says that “the State shall endeavour to create conditions that are conducive to co-operation in community life and the integrity of the extended family structure”.

### **E. Recovery of maintenance for the child (art. 27, para. 4)**

157. Paragraph 142 of the initial report describes the legal provisions of recovery of maintenance for children. No new developments have taken place since then.

### **F. Children deprived of a family environment (art. 20)**

158. Chapter 15.215 of the Penal Code of Bhutan states that it is an offence to abandon an infant or a child. This applies to parents, guardians or any person legally charged with the care or custody of an infant or a child.

159. Bhutan does not have any orphanages or institutions for children without a family environment although a few orphans find homes in monasteries and monastic institutions. Children who have lost their parents are often adopted by a member of the family.

### **G. Adoption (art. 21)**

160. Paragraph 144 of the initial report describes the laws that protect a child who is adopted.

161. Adoption is not common in Bhutan although the number of children abandoned in the hospital at birth appears to be increasing. There is no change in the situation since 2001.

### **H. Illicit transfer and non-return (art. 11)**

162. There is no evidence of cross-border trafficking of children from Bhutan, although appropriate legal provisions have been put into place as a precaution. In general, children still enjoy a safe environment in society.

163. Bhutan signed the Optional Protocol on the sale of children, child prostitution and child pornography in 2005. It is also a party to the SAARC Convention on Preventing and Combating Trafficking in women and children for prostitution.

164. The Penal Code of 2004 has made prostitution and trafficking illegal and a crime.

165. The draft constitution also contains provisions for the State to take all measures to eliminate trafficking of children, along with the elimination of prostitution, abuse, violence, degrading treatment and economic exploitation of children (arts. 918, 8:17).

### **I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

166. Bhutan is signatory to the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare. Child abuse and abandonment of infants or children are offences under the Penal Code sections 221 and 215.

167. Any neglect, exploitation or abuse of children is fairly transparent in Bhutan's close-knit, small society, and to some extent children are protected by social bonds. The problem is however becoming less visible in the large towns where the sense of community is not strong. Another challenge is that parents in Bhutan have traditionally chastised their children by slapping, cuffing or beating them. Although such punishment is often not so severe as to constitute serious abuse, this is today considered a violation of the rights of the child.

168. There is a growing awareness of child abuse in recent years and the media has reported on such cases. At the national consultations on violence against children held in 2005, the police reported that between 2001 and 2005, there were 34 cases of rapes of minors. Many cases were unreported. In the same period, there were 157 cases of missing persons. The information can be misleading because cases of children who are found are not reported.

169. The police also reported a few cases of new born infants who had been abandoned. Police noted that there is a problem with unwanted pregnancies since abortion is illegal in Bhutan.

170. The Health Ministry's forensic department is conducting a study on domestic violence and cases of abuse, although information is not yet available.

171. Traditionally strong family ties helped children who suffered from abuse or who were in conflict with the law to reintegrate into society. Judging by current trends, neglected and abused children will find less support in future.

#### **J. Periodic review of placement (art. 25)**

172. Minors referred to the Youth Development and Rehabilitation Centre (YDRC) in Chhukha district are monitored closely and reviewed regularly.

173. The “Assessment of protection factors affecting vulnerable children in Bhutan” also conducted a review at the YDRC. Nineteen boys at the centre participated in the study. All of them said that they missed their homes but were happy at the centre since the living conditions and opportunities for education and training were much better than at home. Some said they resented the lack of freedom. The study concluded that the child-space ratio must be maintained at the centre, skills development should continue for those placed there, and that methods used for discipline should be in accordance with international guidelines. The centre itself is making a conscious effort to maintain and improve their services and facilities.

174. Children with disabilities are encouraged to stay within the family, although there is a National Institute for the Disabled with 36 persons, 29 of them between the ages of 9 and 18. Most of them are visually impaired.

175. While the Government is aware of the need to provide better services for reintegrating children into society, there is a lack of professional counsellors and social workers to monitor the progress made after a minor is released. There is also a lack of professional aftercare support for families and children who are disabled or mentally unwell. Constraint in resources has also been a major impediment to making such services and facilities available.

#### **K. Future and difficulties**

176. The extent of violence and abuse is still largely not well understood in Bhutan.

177. Administrative directives prohibit physical punishment in Bhutan. The Education Ministry introduced the abolishment of corporal punishment in schools by a notification in 1997. Corporal punishment is diminishing quickly in schools although there periodically cases are reported, which the Education Ministry deals with very seriously.

178. Development of alternative disciplinary methods is under way through the “Child Friendly Schools” initiative of the Ministry of Education.

179. The Health Ministry conducts annual trainings for law enforcers in charge of prisons and the YDRC on the alternatives to violence in the home and how to handle young offenders.

180. The School Parenting Education and Awareness Programme resulted in parents practicing alternative forms of discipline instead of resorting to beating of their children. According to the evaluation report, many parents who have undergone the Programme now say they have learnt to communicate better with their children and are not using physical force to discipline them.

181. While many parents and adults do not subscribe to beating of children, there are still remnants of such practice stemming from traditional society where children were cuffed on the ears or beaten as a form of discipline. Hence, beating is often regarded as being driven by good intentions. Sensitivity is required to bring about change in this belief and attitude.

182. The Royal Bhutan Police is continuing their efforts to make police procedures more child friendly, emphasizing the need to be prompt and sensitive in handling investigations and receiving of complaints. The Royal Bhutan Police has established a women and child protection unit in Thimphu. Many police also provide advice and counsel to children in conflict with the law.

183. Abused children are accorded privacy and other privileges to ensure that their best interests are looked after.

184. A difficulty is the lack of understanding and lack of social workers and professionals to deal with such children and situations.

185. The judiciary and law enforcers like the police are being trained on all aspects of violence in the home, including abuses of children.

186. Peer counsellors have been appointed in schools to provide a means to reach children who may need help in dealing with new challenges including substance abuse, violence and other emotional problems.

187. With the support from UNICEF and other development partners, a number of trainings and workshops on child friendly police and legal procedures have already taken place and some more are planned in the near future.

188. Specific child rights training conducted include a Child Rights Workshop for the Government, NGOs and partners to promote an understanding of CRC. Many of the lawyers, judiciary and the Office Legal Affairs have studied human rights in their own areas of specialization.

189. Advocacy visits of the UNFPA Goodwill Ambassador, Her Majesty the Queen Ashi Sangay Choden Wangchuck, has promoted greater awareness of child and youth protection and participation issues particularly among communities, teachers, youth and health workers. The Goodwill Ambassador has covered all 20 districts since her appointment in 1999.

## **VI. BASIC HEALTH AND WELFARE**

190. See paragraphs 151-152 of the initial report for background on basic health and welfare.

### **A. Survival and development (art. 6, para. 2)**

191. The Government continues to focus on the survival and development of children, despite major improvement in child mortality in recent years. For a background on some of the key programmes in health see paragraphs 153-167 of the initial report.

192. Bhutan is committed to achieving the Millennium Development Goals to improve maternal health, reduce child mortality and to combat HIV/AIDS and other diseases.

### **Major childhood health concerns**

193. Child mortality for under-five-year-olds and infants has decreased steadily over the years. Under-five mortality rates have declined by about 32 per cent between 1990 and 2000, and infant mortality has decreased from 123 per thousand live births in 1990 to 40 per thousand in 2005.<sup>4</sup>

194. Bhutan's most prevalent diseases have not changed in recent years. The most common ailments and causes of under-five deaths and morbidity are acute respiratory infections, followed by diarrhoea and worm infestations. To improve infant mortality, the Health Ministry is working on closing the gap between knowledge, attitudes and behaviour in safe hygienic practices at birth, improving nutrition, and sanitation and hygiene conditions.

195. Acute respiratory infections including pneumonia, the top killer of children, are most evident during the winter. They are related to the harsh climate, crowded rooms and smoke pollution from burning of wood fuel for cooking and space heating as well as to poor hygiene which contributes to the spread of viruses.

196. Although much reduced, the incidence of diarrhoea still remains at quite a high level, particularly during the summer months, largely due to poor standards of hygiene. But fewer children are dying nowadays, thanks to the wide availability of oral rehydration therapy in the BHUs and in homes.

197. It is, however, more difficult to get a true picture of what people are dying from. Bhutan lacks a comprehensive system of vital registration, has only recently introduced a system for certifying deaths, and carries out few post-mortems. The National Health Survey of 2000 reviewed the circumstances surrounding a sample number of deaths and on this basis was able to ascribe a cause of death in 80 per cent of cases. The most common causes of death were lung diseases, including pneumonia (13.5 per cent), followed by accidents and poisoning (8.7 per cent), cardiovascular and blood disorders (8.5 per cent) and "old age" (7.9 per cent). It is noticeable that fewer Bhutanese are now dying from infections and more from what might be called "lifestyle" diseases.

198. As concerns immunizable childhood diseases, Bhutan has been very successful in immunizing its children. Paragraphs 155-157 of the initial report presents a history of the development of the programme.

199. EPI coverage has been sustained at above 85 per cent. In 2003, BCG (tuberculosis) coverage was 93 per cent, DPT3 (diphtheria, pertussis, typhoid) 95 per cent, oral polio vaccine coverage 96 per cent and measles coverage 88 per cent. The Government has considered providing other vaccines, such as those against bacterial meningitis, but they have been considered too expensive.

---

<sup>4</sup> Population and Housing Census of Bhutan 2005.

200. Bhutan has not recorded any cases of polio since 1986, though there is always a danger that the disease could re-enter from neighbouring countries. There have been no measles deaths since the mid-1990s, despite an outbreak in the district of Trongsa in 2003. Parents from remote communities bring their children to clinics and BHUs to be vaccinated – although they are not necessarily aware of the appropriate ages to do so. The Government now has a multi-year plan of action for EPI which includes improving vaccine quality and the capacity of health workers, though it does not have sufficient resources.

201. The “zero” maternal/neonatal tetanus status has been maintained to date.

202. Bhutan still has disturbingly high levels of malnutrition and a high proportion of children are stunted and/or underweight. The available data on malnutrition do not give a consistent picture and it is not clear whether there has been any progress.

203. A survey of children aged 6 to 36 months, carried out in 2002 as part of a national anaemia study published in 2003, indicates relatively little change in the rates of underweight and stunting and deterioration in the case of wasting. It also showed that the rates were significantly higher in the eastern and southern regions where there are more likely to be food shortages than in the centre or the west. This study concluded that malnutrition increased sharply between the first and second year of a child’s life: in the case of stunting from 21 per cent to 56 per cent and for underweight from 12 per cent to 32 per cent.

#### **Malnutrition rates among under-fives, 1998-2002**

	1988	1999	2000
Weight for age (under weight) %	38	17	34
Height for age (stunted) %	56	40	54
Weight for height (wasted) %	4.1	2.6	7.8

*Sources:* 1988 and 1998, RGoB 2003; 2002, NAS 2003.

204. Although not mentioned as a significant cause of death in reports on children, given the significant rates of malnutrition reported in Bhutan, poor nutrition status may be an underlying cause for half of all reported under-five deaths in the country. The Health Ministry is taking steps to address malnutrition in Bhutan through its Community Based Nutrition Initiative (CBNI) with guidelines and training materials developed and used in communities. A health worker from each of the 29 hospitals has been trained on nutrition rehabilitation and a nutrition rehabilitation unit has been established in all hospitals.

205. Malnutrition is also linked to food insecurity. Although there is no evidence of chronic hunger or food shortages, many parts of the country do suffer from food insecurity, mainly during the May to July period before the harvest. More than one-quarter of *geogs* and towns surveyed in 2000 reported some level of food insecurity. The most insecure districts tend to be in the east where landholdings are small, and in the south where the climate makes it more difficult to store grains and cereals. The Agriculture Ministry continues to focus on improving the livelihoods of rural communities through the introduction of improved crops and storage and production techniques, all of which are aimed at improving food security.



206. The 2000 National Health Survey reported an exclusive breastfeeding rate of 42 per cent in Bhutan. However, health authorities point out the uncertainty of how reliable the figure is because of the very general nature of the question in the survey (i.e. what type of feeding do you give your baby during the first four months? exclusive breastfeeding or mixed feeding?). There is also a lack of data regarding complimentary feeding practices. A breastfeeding policy is now in place which protects the right of women to breastfeed their children and entitling mothers to three months maternity leave with pay.

207. Bhutan is a party to the SAARC Code for the Protection of Breastfeeding and Young Child Nutrition.

208. Very few mothers give their children protein from sources such as eggs or meat and may be reluctant to offer them fruit or vegetables fearing that the child will choke. Part of the problem is that many mothers, rural and urban, cannot be with their infants the whole time. Some mothers take their babies on their backs to the fields but most tend to leave them with the grandmother or an older sibling who may not feed the child frequently enough. More information is required, including determinants of good and poor feeding and care practices to enable interventions to be developed to address these shortcomings.

209. As a result, in part of the poor quality of food, children can also go short of important micronutrients, particularly iron, Vitamin A and iodine.

210. **Iron deficiency:** The people of Bhutan suffer from high levels of iron-deficiency anaemia. A 2003 study found that 28 per cent of men, 55 per cent of women and 81 per cent of children were anaemic. Children were also more likely to suffer from moderate or severe anaemia and the rates were highest in the first year, almost 90 per cent, with little distinction between boys and girls. The rates were lower in the south where just over half of children were anaemic, compared with other zones where the rate was more than 82 per cent – presumably because children in the south have access to a wider variety of foods.

211. In 2004, the Government started a programme to provide all primary school children and all girls in higher education with weekly iron-folate tablets and introduced the same programme for non-formal education learners in late 2005. Iron-folate tablets are also provided to pregnant and post partum women who attend ante and post natal clinics.

212. **Iodine deficiency:** Bhutan eliminated iodine deficiency disorder in 2003, as the first country in the region and the second developing country in the world to do so. This was achieved by ensuring that all salt was iodized and by carrying out community education. Bhutan has been able to capitalize on the fact that there is only one salt producer which iodizes salt imported from India, but needs to be careful to block imports of cheaper, non-iodized salt.

213. **Vitamin A:** The most recent survey in 1999 found that 2.6 per cent of under-five children had a clinical deficiency of Vitamin A, though the prevalence may have been higher among some high-risk groups. A low prevalence at that point could have been the result of Vitamin A distribution during the national immunizations days, which have since been discontinued. Children under one continue to benefit from the distribution of capsules as part of the EPI programme, but children between one and five who should receive capsules every six months as part of the growth monitoring and promotion programme are missing out because that

programme has a very low coverage. The Government also distributes high-dose tablets to all primary school children – a policy which is not only expensive and has not demonstrated to have any impact, but also poses certain risks. A high dose of Vitamin A given to a pregnant woman can cause birth defects.

### **B. Children with disabilities (art. 23)**

214. While the State party has taken initiatives like a pilot school for inclusive education, formation of a parents support group in Thimphu and a school for visually impaired children, the Committee is concerned that children with disabilities, in general, have inadequate access to specialized services and education, and insufficient support from families.

215. There is no accurate figure on the disabled population in Bhutan. The Government estimates the figure at around 3.5 per cent of the population (according to the Ninth Plan) while the WHO estimate is about 7 to 10 per cent. The Committee recommends that the State party conduct a survey to assess the causes and extent of disability of children. A survey was planned for 2003 but was delayed due to a lack of technical support. However, the results of the National Population and Housing Census of Bhutan 2005 shows that 3,351 persons aged between 0-19 suffer from some form of disability (seeing disability: 21 per cent; speaking disability: 25 per cent; hearing disability: 30 per cent; moving disability: 26 per cent; mental disability: 8 per cent).

216. The Government plans to involve all relevant stakeholders and children with disabilities and their families in formulating the survey and the ensuing policy reviews. The Health Ministry has also incorporated disability information in its ongoing data collection and information system that will provide a clearer picture of the extent of disability among children.

217. There is a growing consciousness of the needs of disabled persons, particularly children. The Government and a small emerging NGO sector are becoming more aware of global commitments and guidelines and are taking steps to improve the situation for disabled children.

218. Initially perceived as a health sector activity, many other stakeholders are now involved in providing services for disabled persons. The education sector has introduced services including inclusive education. Guidelines for the employment of disabled persons are included in the draft labour act. Resources are being channelled from development partners into piloting activities for training and improving services for children with disabilities.

219. In October 2001, a private vocational training centre for the disabled, the Drak Tsho Vocational Training Centre (DVTCD) was established and has become a centre for vocational training for the visually, physically and mentally challenged, and the hearing and speech impaired. With funding from the YDF and other partners, the DVTCD is training trainers and has introduced classes on vocational skills and sign language for its students.

220. Along with the NID (National Institute for the Disabled), there has been greater emphasis on professional training for teachers at the institutes resulting in improved teaching methods for disabled children.

221. According to the protection assessment, all the disabled children at the two centres (Drak Tsho and the NID) who participated in the study (38 of them) said they were happy at the institution and would encourage other children suffering from disabilities to join such institutions. Apart from the training and the opportunity to learn new skills, the children felt the institutions gave them an opportunity to make friends with other children who suffered similar disabilities. The children were also apprehensive about their future, about finding employment and leaving the friendly protective environment of the institutions.

222. In the 9FYP, the Health Ministry identified the establishment of a National Resource Centre for Disability in Gidakom. It will be a comprehensive medical rehabilitation centre providing a range of services from audiology to physical disability, vocational training and hostel facilities. Work has not yet commenced for lack of funds.

223. The Government has identified the following broad outcomes for the 9FYP:

- Inclusion of disability prevention and rehabilitation as an integral part of primary health care in all 20 districts;
- Provision of medical rehabilitation for all types of disabilities;
- Promoting integration of children with disabilities into normal schools;
- Promoting activities for vocational rehabilitation of disabled adults;
- Community awareness and social integration of people with disabilities in community activities; and
- Promoting/Initiating self help groups of people with disabilities.

224. One of the key programmes addressing disability is the Community Based Rehabilitation (CBR) and the Mental Health Programme in the Ministry of Health, national level programmes which coordinate disability activities both within and outside the Government.

225. The CBR will remain a key principle even in the Tenth Five Year Plan (2007-2012) because the Government believes that it is the best model for Bhutan as the strong family network will provide a safety net for children and avoid costly and alienating institutional care for young people with disabilities.

226. CBR is implemented through the combined efforts of disabled people themselves, their families and communities, and the appropriate health, education, vocational and social services.

227. The CBR programme deals with all types of disabilities and focuses on prevention and rehabilitation. The programme has introduced:

- Early childhood intervention and referral;
- Regular evaluation of growth and development of high-risk infants;

- Education in regular schools; and
- The formation of a 12-member multi-sector National Coordination Committee on Disability (NCCD) in 1999.

228. A paediatric physiotherapy Unit has been set up at the National Referral Hospital in Thimphu. Artificial limbs are made and provided at the Gidakom Hospital.

229. Other key initiatives undertaken to strengthen disability services include the following:

- Disabled persons provided with hearing aids, crutches, wheel chairs, etc.;
- Physiotherapy units established in five hospitals;
- Formation of a parent support group in Thimphu;
- Establishment of an audiology unit at the National Referral Hospital;
- Identification of a pilot school to integrate disabled children into a learning environment.

230. **Mental health:** In 2003, the Ministry of Health also embarked on an in-patient care for the mentally ill with a 10-bed ward at the Thimphu Referral Hospital. The Royal Government's commitment is also demonstrated by the fact that children with disabilities, mental or physical, are sent to centres outside the country for specialized care at the expense of the Government.

231. The issue of disability has gained greater prominence, and although still largely regarded as a health concern, many other sectors are beginning to address disability. However, due to limited resources, both financial and professional, many children with disabilities still spend a lot of time at home without access to special services.

232. While they are given care by their family, contact with the rest of the community remains limited. Most people are still unaware of the need for early detection of disability and just as uninformed about how to handle children with disabilities. Another challenge is the mountainous terrain which makes it difficult to reach schools and to gain access to education. Parents may be reluctant to send their children to school if they think they are vulnerable to teasing or be prone to accidents.

233. Financial support is still a challenge with the limited resources available within the country.

### **C. Health and health services (art. 24)**

234. Bhutan has made tremendous strides in improving health care and has taken on the challenge of reaching the unreached in a country marked by difficult mountain terrain.

235. Bhutan has built up an impressive multi-tiered health infrastructure. The primary healthcare system consists of 29 hospitals, 172 BHUs and 465 outreach clinics, providing health care to almost 90 per cent of the population. There are 11 emergency obstetric care centres providing quality care for women with pregnancy related complications to reduce maternal and infant deaths.

236. In 2000, it was estimated that 78 per cent of villages had a health centre or clinic within two hours' walking distance; 89 per cent had one within three hours; and only 4 per cent were beyond six hours. Given the difficult terrain in most of the country, this is a striking achievement. All basic health services have so far been provided free - Bhutan is one of the few developing countries to maintain such an extensive free service which includes essential drugs.

237. There are about 1,300 Village Health Workers providing basic medical help and advice. For more technically sophisticated treatment, for cancer care, for example, Bhutan's health system refers people to facilities in India and elsewhere; in 2003, it referred 590 patients outside the country.

238. Complementing modern medicine, Bhutan also promotes traditional remedies using *So-Wa-Rigpa*, an indigenous system that uses several species of Himalayan herbs. Many people, particularly in the rural areas, will turn first to a traditional healer or lama for health advice. In 2000, for example, according to the National Health Survey, around one-fifth of people sought advice first from a traditional lama for rituals to be performed. Traditional medicine is now offered alongside allopathic medicine at several hospitals in the country.

### **Health-service priorities**

239. One of the Government's key priorities for the 9FYP is to address the quality and access to health care.

240. A priority is to recruit more doctors because around one-third of district hospitals have only one doctor. Doctors have to assume senior positions such as district medical officers, in spite of having relatively little experience. With no medical school in the country, Bhutan sends 15 students each year for training to India or elsewhere. Between 1998 and 2003, the number of doctors, national and non-national, increased from 98 to 140. A recent attempt at improving healthcare training is the development of a distance learning nursing degree programme offered by the Royal Institute for Health Sciences. This is expected to greatly improve the skills and quality of nursing care in the country.

241. Bhutan also needs more staff in the BHUs. In the past each BHU had a trained health assistant, an auxiliary nurse midwife and a basic health worker. Now each unit requires three health assistants.

242. Another priority is to increase the number of female health workers who make up about 50 per cent of health workers. More women are needed as health workers to improve

standards of maternal health. Programmes to provide refresher training for health workers are a priority and one new directive is for health workers to follow up with their patients and to encourage them to seek health care.

243. The Government is also taking steps to improve the health information system and research in order to provide up-to-date information to improve policy and programmes.

244. Health facilities are complemented with improvement in water and sanitation services. Achievements have been impressive, given the logistical obstacles to extending health services to the more remote areas. Bhutan has, in fact, been a pioneer in promoting accessibility to primary health care with health workers trekking over mountain passes to reach remote communities taking vaccines loaded on the back of yaks.

245. Further gains may be more difficult to achieve, partly because of the demand for more expensive curative care; it will also take time because such gains will require changes in behaviour, both on the part of communities and health workers.

### **Clean water and safe sanitation**

246. Bhutan has made major progress in the provision of clean water supply and sanitation and the MDG targets for the two indicators have been achieved. The proportion of population with sustainable access to improved water sources has increased from 78 per cent in 2000 to 84 per cent in 2003.

247. Access to basic sanitation (defined as access to a minimum of a pit latrine) has improved substantially. The proportion of the population with access to toilets increased from 88 per cent in 2000 to 92.6 per cent in 2003 (according to data on households, as there is no data on population access). Urban populations have better access to basic sanitation than rural residents.

248. The 9FYP aims to provide 100 per cent of the population with safe drinking water. This would mean repairing the old systems and constructing 130 new schemes per year. It would involve communities funding around 25 per cent of the cost in terms of materials and labour, the Government 15 per cent, and the rest would have to come from external funding. Up to 2000, such funding came from UNICEF and from 2000 to 2005, funding came largely from DANIDA. To achieve its targets, the Government has to rehabilitate about 150 old schemes every year.

249. The virtues of safe sanitation and personal hygiene are being promoted in schools so that students can help transmit the messages of hygiene at home. This has been fairly successful in promoting hygiene in the home and is a continuing programme in schools.

250. Despite improvements in water and sanitation, hygiene remains a problem and poor hygiene also accounts for high levels of infections and worm infestations. Health personnel have, however, noticed that messages about hygiene and sanitation are getting through, and in recent years the rate of diarrhoeal infections has declined.

251. There has also been a reduction in momentum in recent years largely due to a lack of donor support. Attaining universal coverage for institutional water supply will prove to be a significant challenge.

### **STI and HIV/AIDS prevention and control programme**

252. Since the first HIV/AIDS case was detected in 1993, 15 persons have died. The current prevalence of HIV infection is 0.05 per cent, which shows that Bhutan is at the early phase of the epidemic.

253. While HIV/AIDS infection is relatively low, crude projections indicate that with adequate prevention controls in place, the HIV infection could peak by 2012 and subsequently reverse. With a strong supportive environment and policy framework, the Government expects to achieve the MDG target of halting and reversing the spread of HIV/AIDS.

254. The STD/AIDS control programme was established by the Health Department in 1988. Some of the key developments are:

- As of 1 December 2005 there were 76 HIV-positive cases. The proportion of infection is almost equal in both sexes;
- The first mother to child transmission case was reported in 2001 and there are seven children infected;
- A total of five pregnant mothers were detected with HIV infection;
- The mode of infection of all the detected cases is through heterosexual sex;
- Most of detected cases so far are through sentinel surveillance, contact tracing and medical checkups.

255. Efforts to prevent, reduce and treat STIs and HIV/AIDS receive the highest political support in Bhutan. The King of Bhutan issued a royal decree in 2004 emphasizing the importance of preventing the spread of HIV. The UNFPA Goodwill Ambassador's ongoing advocacy campaigns continue to focus on HIV/AIDS and STIs.

256. A multi-sector national HIV/AIDS commission guides the HIV/AIDS programme in Bhutan. The Ministry of Health is formulating a comprehensive policy to address HIV/AIDS by 2006. In the meantime, the Government is working towards reducing the spread, maintaining confidentiality of HIV patients, addressing gender equality and human rights in all areas of care and support to people living with HIV/AIDS, and providing 100 per cent access to condoms through a new social marketing approach.

257. In 2005, the Commission approved the provision of Anti-Retroviral Therapy for those infected who require it, particularly pregnant women, to prevent the vertical transmission of HIV. It also approved voluntary testing for pregnant mothers who are encouraged to undertake the tests through counselling.

258. Multi-sector task forces (MSTFs) were established in all 20 districts with a mandate to address health issues focusing on raising awareness of the risks of HIV/AIDS. Manuals have been developed to guide the MSTFs in carrying out their activities.

259. In 2003, the Health Department introduced voluntary counselling and plans to train counsellors and have testing kits and surveillance systems in all the hospitals by the end of the 9FYP. It is also drawing up a guideline to screen all blood donors.

260. In 2004, the Government received a US\$ 5.7 million grant from the World Bank which enables it to carry out many of the initiatives it has planned.

#### **Future and difficulties**

261. Despite growing awareness, Bhutan faces many basic problems. There is a lack of trained professionals, particularly in voluntary counselling and testing, surveillance and behavioural research. Stigmatization and discrimination is difficult to deal with, particularly in a small community with limited understanding of the disease. Condom use is low and the gap between knowledge and change in behaviour is now getting more attention.

262. The threat of HIV/AIDS is very real, particularly with Bhutan's porous borders and an increasing mobile population both within and outside the country.

263. A further challenge is to mobilize adequate funding for long-term HIV/AIDS prevention and control.

#### **D. Social security and childcare services and facilities (arts. 26 and 18, para. 3)**

264. The draft constitution says that the State shall provide free access to basic public health services in both modern and traditional medicines (art 9.21) and that the State shall endeavour to provide security in the event of sickness and disability, or lack of adequate means of livelihood for reasons beyond one's control (art. 9, 22).

265. With growing awareness of the benefits of early child care, the Education Ministry in 2004 introduced private childcare centres.

266. Child care at home is becoming more difficult in urban towns, where both parents tend to work. The emergence of child domestics is something the Government is becoming more aware of and is finding alternatives by encouraging the setting up of private daycare centres.

267. The Government launched the first rural savings scheme for people in rural areas who have limited or non-existing credit banking services. The Bhutan Development Finance Corporation provides micro-credit schemes for rural people.

#### **E. Standard of living (art. 27, paras. 1-3)**

268. Bhutan continues to be an agrarian society although increasing rural-urban migration, at an annual rate of 7 to 10 per cent, will soon change the life styles of most people. It is changing



from a subsistence agrarian economy to a modern economy. The share of agriculture in GDP is diminishing over the years, and the percentage of the labour force employed in agriculture declined from 76 per cent in 1998 to 63 per cent in 2004, a decline of about 2 per cent annually.

269. Unemployment is becoming more evident. The annual Bhutan Labour Force Surveys reports that unemployment rates have increased from 1.9 per cent to 2.7 per cent between 1998 and 2003. Although not a high level of unemployment, it draws attention to the need for policy and interventions. The Ministry of Labour and Human Resources was created in 2003 to establish policies and strategies to enhance employment.

270. Recognizing the absence of abject poverty, the Government initially linked poverty to the difficult terrain, a scattered population and limited transport and communication infrastructure as well as to natural calamities. The 9FYP recognizes poverty alleviation as a cross-cutting issue and is working to address poverty in all its dimensions. The Government's stated goal is to improve the quality of life and income of the people, especially people in remote areas.

271. The Bhutan Living Standard Survey (BLSS) was undertaken in 2003, which provided some baseline data. New information was revealed in a poverty analysis report conducted in 2004. Using household data from the BLSS it determined a poverty line for Bhutan, i.e. people living on less than Nu.24 a day, or Nu.740 (approx. US\$16) a month, which is considered as "extreme poverty" according to United Nations figures.

272. The National Statistical Bureau reports that 32 per cent of the population is considered poor by newly established standards which include measuring the food poverty line - the minimum calorie requirement of individuals. Bhutan's food poverty line is estimated at Nu. 403.79 per person per month. The country's human poverty index developed by UNDP for 2003 was assessed at 33.00 compared to 33.34 in 2000, with a slight enhancement from progress made in improving access to safe drinking water.

273. Article 9.11 of the draft constitution states that "the State shall endeavour to promote those circumstances that would enable the citizens to secure an adequate livelihood".

274. **As concerns budget allocation**, the total outlay for the health sector in the 9FYP is 9.2 per cent.

275. The Government of India is the major donor in developing health services and facilities in the 9FYP. Denmark has also been a supporter of the health programme. Other contributors include other bilateral partners and the United Nations system.

276. Bhutan faces budget constraints, and these will intensify as people live longer and come to expect more sophisticated treatment. Health at present takes up around 12 per cent of the national budget and the country's total health expenditure, 90 per cent of which goes to public health, which corresponds to around 4 per cent of GDP.

277. The health service has introduced some charges for elective treatments.

278. The Health Trust Fund, created to ensure financial sustainability especially for procuring essential drugs and vaccines has now reached US\$ 18.5 million, with a target of US\$ 24 million.

### **F. Future and difficulties**

279. Adolescent health is receiving increasing attention and services for children and youth are being enhanced. The Government has long acknowledged the need to improve health services for adolescents and is taking steps to train health workers, counsellors and peer counsellors. The Adolescent Reproductive Health Education and Life Skills Programme was introduced in 2002 to target specifically reproductive health and adolescent sexual concerns through a programme of life skills for young people. Teachers have been trained to conduct life skills sessions.

280. The Health Ministry has identified an urgent need to address adolescent sexual and reproductive health issues. The UNFPA Goodwill Ambassador, Her Majesty the Queen Ashi Sangay Choden Wangchuck, has led multisector teams to promote reproductive health awareness in schools and communities, resulting in greater awareness.

281. Other reproductive health programmes are conducted by scouts, orienting non-formal education teachers, schools and district officers, and providing counselling training for school wardens and matrons.

282. In a small society, confidentiality remains a problem for youth in accessing reproductive health related services. The Government is addressing the gap between learning about safe sex and actually practicing safe sex but is up against conservative attitudes that require work on behaviour and attitude change.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. The draft constitution and 9FYP initiatives**

283. For a background on the development of the education sector in Bhutan, see the initial report to the Committee, paragraphs 188-189.

284. The draft constitution states that the State shall endeavour to provide education for the purpose of improving and increasing knowledge, values and skills of the entire population with education being directed towards the full development of the human personality (article 9:15).

285. The State shall provide free education to all children of school age up to the tenth standard, ensure that technical and professional education is made generally available, and that higher education is equally accessible to all on the basis of merit (article 9:16).

286. The ongoing 9FYP has set as goal for Bhutan to achieve universal primary education, defining this as a gross enrolment rate of 100 per cent.

287. Bhutan has been extending its system of basic schooling in the past four decades and continues to make attempts to raise the quality of education and close the gender gap.

288. Primary education is free and from the age of six, every Bhutanese child has a right to eleven years of free “basic education” consisting of one year of pre-primary school, six years of primary and four years of secondary schooling to take the child up to grade ten. There are some costs, however, for uniforms, school shoes and the school development fund.

289. A limitation in resources is the main reason deterring the Government from making education compulsory, especially since education is provided free in Bhutan. Paragraph 190 of the initial report provides information on the provisions for students. Private schools are also provided free textbooks by the Ministry of Education to subsidize costs.

290. In some remote areas, the provision of meals by WFP is an incentive to get children to go to school.

291. Bhutan is close to achieving the MDG of eliminating gender disparities in education. Closing the gender gap is now a stated priority of the Royal Government.

292. There was a fall in the gender gap between 1998 and 2002. The gender gap in primary enrolment fell from 11 to 6 percentage points according to Ministry of Education estimates.<sup>5</sup> On this measure, Bhutan is performing better than South Asia as a whole, for which the gap in 2001 was of 12 percentage points.

293. Girls’ enrolment is nearing boys’ enrolment at all levels except at the higher secondary level. In grades XI and XII girls make up just 40.2 per cent of the enrolment (or 67.2 girls for every 100 boys). Here too, there has been some improvement over 2004 when only 39.3 per cent of the students at the higher secondary level were girls.<sup>6</sup>

294. At the primary education level, female enrolment is of 48.7 per cent of the total school enrolment. At the basic education level (grade PP-X) the ratio of female to male enrolment is the same, at 48.8 per cent (or 95.3 girls for every 100 boys).<sup>7</sup>

---

<sup>5</sup> General Statistics, Ministry of Education 2005.

<sup>6</sup> General Statistics, Ministry of Education 2005.

<sup>7</sup> General Statistics, Ministry of Education 2005.

**Table 1**  
**Girls enrolment in the education programme by level/type of school**

Class	Private schools		Community primary schools		Primary schools		Lower secondary schools		Middle secondary schools		Higher secondary schools		Total	
	G	T	G	T	G	T	G	T	G	T	G	T	G	T
Nur	197	416											197	416
PP	348	729	2 455	5 020	1 762	3 691	2 386	4 976	546	1 102			7 497	15 518
I	160	361	2 514	5 211	2 061	4 143	2 626	5 331	674	1 409			8 035	16 455
II	163	331	2 288	4 707	1 953	4 012	2 596	5 225	635	1 358			7 635	15 633
III	94	209	2 018	4 314	1 835	3 692	2 448	4 931	673	1 269			7 068	14 415
IV	71	135	1 583	3 277	1 802	3 811	2 551	5 178	640	1 349			6 647	13 750
V	67	116	1 227	2 570	1 624	3 470	2 614	5 200	616	1 279			6 148	12 635
VI	42	83	885	1 866	1 489	3 060	2 438	4 895	575	1 148			5 429	11 052
Subtotal	1 142	2 380	12 970	26 965	12 526	25 879	17 659	35 736	4 359	8 914			48 656	99 874
% girls	48.0		48.1		48.4		49.4		48.9				48.7	
VII							3 714	7 562	1 415	2 702	219	422	5 348	10 686
VIII							2 740	5 597	1 273	2 530	373	734	4 386	8 961
Subtotal							6 454	13 259	2 688	5 232	592	1 156	9 734	19 647
% girls							48.7		51.4		51.2		49.5	
IX	2	7							1 656	3 646	2 135	4 079	3 793	7 732
X	7	24							1 269	2 849	1 769	3 578	3 045	6 451
Subtotal	9	31							2 925	6 495	3 904	7 657	6 838	14 183
% girls	29.0								45.0		51.0		48.2	
XI	851	1 688									770	2 309	1 621	3 997
XII	803	1 664									662	2 023	1 465	3 687
Subtotal	1 654	3 352									1 432	4 332	3 086	7 684
% girls	49.3										33.1		40.2	
Total	2 805	5 763	12 970	26 965	12 526	25 879	24 113	48 995	9 972	20 641	5 928	13 145	68 314	141 388
% girls	48.7		48.1		48.4		49.2		48.3		45.1		48.3	

*Source: General Statistics, Ministry of Education 2005 [G: girls; T: Total].*

295. Despite these advancements, the Government is well aware of the need to address the literacy rate which is lower for women than for men. The Population and Housing Census of Bhutan showed a national literacy rate of 60 per cent, with 49 per cent literacy for women and 69 per cent for men.

296. Girls are not enrolling in schools largely because parents need their help at home. Parents are also concerned that, as girls grow older, they may have to go to boarding schools away from home and the protection of the family. Adolescent girls, who develop and mature faster than boys, are also embarrassed when they fail exams and have to repeat. Many do not want to be retained in class with younger children. The Situation Analysis of Women and Children states that girls need more encouragement and support from parents and teachers to continue studying.

297. The 2005 female enrolment in teaching institutes is 38 per cent, down from 39 per cent in 2004, 44 per cent in 2003, and 42 per cent in the years 2002 and 2001.

298. Over the years, the Government has been making a conscious effort to increase boarding facilities for girls and to train female teachers. A major constraint in encouraging female enrolment in schools is that only about one-third of teachers are women and the proportion of female teachers in remote community primary schools are even smaller. Community schools in the remote areas are hardship postings and many women find it difficult to work there without family support.

299. In the 9FYP, the Government planned for the construction of 134 new community schools to provide most children with schools within three kilometres or one hour's walking distance. This will enable many children who would otherwise be boarding to live at home and is a factor encouraging female retention in schools.

300. The judiciary has initiated the "*Know the law to protect your rights*" programme in all the schools since 2005. The subject of child rights is increasingly being discussed in conferences for head teachers and the annual education conferences. This is an important first step for teachers and educationists to understand the concept of child rights before Bhutan can introduce it more formally through the school curriculum.

301. Events such as the annual launch of the State of the World's Children's Report at national level functions involving the Government, schools and non-formal centres help to bring child rights to the attention of not just students and teachers, but parents and communities as well.

### **Difficulties**

302. Despite an improvement in the distribution of schools, the royal government is not yet able to reach all the children of nomadic, remote populations. It continues to face the age old constraints of the difficult mountainous terrain, scattered communities and a shortage of resources - such as a shortage of trained teachers, financial resources and lack of infrastructure. There is also the challenge of incorporating a more inclusive approach to improve educational access to and the special needs of those with physical disabilities and learning impediments. This will require the provision of special facilities and new curriculum. The retention of children and reducing early dropout is another critical area for policy attention.

## 1. Education, including vocational training and guidance (art. 28)

### Education

303. Education is recognized both as a basic right and a pre-requisite for achieving the wider social, cultural and economic goals set for the country within Bhutan's national vision. The Government has set six strategic objectives for the education sector:

- To continuously improve the quality and relevance of education to ensure holistic development of the child, encompassing innate abilities, moral and social values, social cohesion and the world of work including;
- To expand basic education to the entire population;
- To develop a highly motivated and competent teaching cadre which supports a holistic approach;
- To take advantage of new educational innovations and technologies to increase access to and improve the quality of education;
- To develop private schools which will lessen the resource burden on Government for greater improvement of Government schools and provide greater choices to the public; and
- Establish the Royal University of Bhutan based on the idea of 'centres of excellence' which meet national and wider education strategies.

304. The vision provides the following milestones for the education sector:

Universal primary enrolment	2007
Full enrolment of junior high school (class 8)	2007
Full enrolment of high school (class 10)	2012
Full adaptation of secondary school curricula to the Bhutanese context	2007
Attain student competencies equivalent to average level by international standard	2010
Attain student competencies equivalent to excellence level by international standard	2020
Introduction of an operational distance education programme	2007
Full adult literacy	2012

305. Bhutan has made significant progress in primary education - with the growth in gross primary enrolment rate rising from 55 per cent in 1991 to 72 per cent in 2000.

306. Bhutan expects to attain universal primary education as early as 2007. Between 1990 and 2005, gross enrolment increased from 55 per cent to 87.8 per cent, including enrolments in monastic institutes, according to figures of the Ministry of Education. Enrolment is increasing annually at a rate of 6 to 7 per cent.

307. In 2005, there were a total number of 162,545 students, trainees and learners enrolled in 458 schools, 18 institutions, 623 Non-Formal Education Centres and 5 Day Care Centres, with 5,772 teachers, trainers and instructors.

308. **Literacy rates:** Bhutan's official literacy rate is 60 per cent. The 2005 Census revealed the geographic difference of a 70 per cent literacy rate in urban areas and 37 per cent in rural areas. The overall figure in the latter finding is low because the older generation missed out on schooling which was introduced only in the 1960s. Younger people in the 15-24 age group fared better, with a literacy rate of 58 per cent. These literacy rates, however, put Bhutan behind the average for South Asia.<sup>8</sup>

309. Efforts continue to expand the reach and accessibility of education. While only 20 per cent of the schools are located in urban areas, they account for 46 per cent of enrolment. On the other hand, while 59 per cent of the schools are in the rural and remote areas, their combined enrolment makes up only 30 per cent of the total enrolment.

310. As of 2006, there are 23 private schools catering to some 5,763 students from nursery and primary education to secondary education level (grades IX-XII).

311. The community schools provide opportunities for population groups living in rural and remote parts of the country to have access to education. The Government provides support in the form of textbooks, stationery and teachers. There are 221 Community Primary Schools with an average enrolment of 122 students spread across the country in 2005. The Government, however, acknowledges the challenge of reaching the rural communities.

312. Bhutan's monastic education system has a longer history than the secular education. Monastic education forms an important and integral part of education in the country. There are about 5,000 monks enrolled in monastic institutes.

313. **Non-formal education (NFE):** The NFE programme has been scaled up in the 9FYP, with 623 NFE centres established throughout Bhutan providing literacy courses for 16,642 learners, of whom 71 per cent are women.

314. **Tertiary education:** The Royal University of Bhutan was established in 2003 linking institutes throughout the country that offer degree courses. The University is expected to set standards for education, and to certify, monitor and improve the quality of tertiary education.

315. **Boarding and feeding programme:** Children from communities which do not have their own schools enrol in more distant schools either as day students or as boarders. This is made possible largely through the provision of meals through the WFP. About 2 per cent of the Community Primary Schools provide boarding facilities with WFP benefits, covering 1 per cent of students enrolled in this category of schools. Out of these, 10 per cent provide day meals

---

<sup>8</sup> UN Common Country Assessment for Bhutan 2006.

through the WFP Programme. The boarding students are provided two meals a day through this programme. Parents provide the third meal and the cooking fuel while the Government provides the salaries for the cooks. Similarly, a little more than half of the primary schools, lower and middle secondary schools and almost all of the higher secondary schools provide boarding facilities. These constitute about 15 per cent, 13 per cent, 21 per cent and 60 per cent respectively of the total enrolment in these schools, with the proportions of girls following in close range. Four Community Primary Schools in remote locations in Gasa and Lingzhi receive students' stipends as well.

316. **Continuing Education:** The Ministry of Education introduced a continuing education programme on a pilot basis in 2005 in collaboration with one private school in the capital. The main activities at this stage are to enable youths and adults to prepare and sit for board examinations in grades X and XII in private schools. About 150 youths have enrolled for the pilot phase, each paying Nu. 8,000 annually for classes. The Education Ministry monitors the project and, if successful, plans to expand it to other districts. The programme aims to provide an environment conducive to life-long learning, which could have a positive impact on youths and the family situation in a period of rapid socioeconomic change.

317. **A Special Education Unit** was established in 2003 under the Ministry of Education. It is refining a special education policy for Bhutan with a focus on integrating children with disabilities into the same environment as all other children so that they are able to play and work together.

318. A special education unit for students with hearing impairments was established in Paro in 2004 as a pilot project. There are currently 12 students with one teacher trained in sign language.

319. **Child Friendly Schools/Barriers to Learning:** A Child Friendly School programme is being implemented in the framework of the 9FYP to increase access to quality education for all and to establish a programme of inclusive education.

320. The UNESCO toolkit "Embracing Diversity: Creating Inclusive Learning Friendly Environments" (ILFE) is piloted in 20 schools in seven districts since 2005. The ILFE toolkit is being introduced in pre-service teacher training at National Institutes of Education and will be disseminated to all schools by 2006. Supplementary and follow-up materials dealing with inclusion and barriers to learning within a Child Friendly School concept will also be introduced and evaluated for future use. Emphasis will be placed on developing future assessment tools for the inclusive approaches to reduce the number of repeaters in primary and lower secondary education in Bhutan.

321. Within the B.Ed. Distance Education programme, a module in dealing with barriers to learning (learning difficulties), child psychology and inclusion will be launched in 2006.

322. Although not a written directive, schools that encounter incidences of teenage pregnancies do accept the mothers back in school after the baby is born.



323. A National Policy on **Early Childhood Care and Development (ECCD)** was formulated and integrated into the 9FYP. The Education Ministry has created an ECCD division to strengthen early childhood care and development.

### **Vocational Training**

324. The Royal Government is expanding and improving vocational education and training in the 9FYP period with the implementation of a comprehensive vocational education and training system. A Bhutan Vocational Qualifications Authority, now the Department of Occupational Standards under the Ministry of Labour and Human Resources, was established bringing together various stakeholders including the private sector. Recognizing the youth unemployment situation in Bhutan, vocational training and education is now receiving greater priority.

325. The Ministry of Labour and Human Resources is responsible for developing and supporting the process of transition as students join Bhutan's workforce. It is mandated to:

- Secure the provision of relevant vocational education and training choices;
- Promote expansion of suitable employment and entrepreneurial opportunities; and
- Facilitate labour market transactions for job seekers and employers.

326. According to the Vocational Education and Training Policy, "All Vocational Education and Training-related services will be available to every Bhutanese citizen irrespective of gender, different abilities, origin and religion. To an increasing extent, these services will be provided against cost-covering fees (either monetary contribution or in-kind) except initial training for school leavers which would remain free of charge as a matter of principle. The Ministry will support an increasing number of private institutions and agencies to provide these services and guide them to maintain quality services. It will inform the public about the availability and quality of private training programmes and related services so that all citizens are able to make the right choice for themselves".

327. Out of the 18 training institutes in Bhutan, six vocational training institutes (VTIs) are managed by the Ministry. Three of the VTIs provide training in the areas of construction (masonry, plumbing, house wiring, and welding and fabrication), carpentry, automobile engineering and driving (heavy and light vehicles) and electrical engineering (computer hardware, electrical/electronics).

328. A National Driving Training Institute was set up to train drivers. These training centres are important in providing the training needed for employment in blue collar work. The Institute for *Zorig Chosum* (traditional arts and crafts) is also being strengthened in infrastructure, curriculum development and human resource development to enhance training in the arts and crafts for children and youths.

329. The plan is to increase the annual intake in vocational training programmes from 1,200 school leavers a year to more than 4,800 by the end of the 9FYP.

330. The growing unemployment among school leavers prompted the Royal Government to initiate, in 2000, an Apprenticeship Training Programme to bridge the “mismatch” between the needs of the private sector and the lack of skills among job seekers. It offers 300 placements a year with private enterprises and business where trainees get hands-on practical experience supplemented by theory classes.

331. The programme is open to anyone who has completed grade X. An assessment of the programme shows that it is effective, relevant and cost effective. It recommended the expansion of the programme to include more apprentices and to increase the number of trades. The assessment shows that many of the apprentices find jobs before their training is over. The 9FYP estimates that more than 2,000 apprentices will be trained by 2007.

### **Rural youth training**

332. A rural development training centre is being built in Zhemgang to train about 1,100 people within three to five years. Starting in 2006, there are plans to train 300 trainers, 300 school dropouts in individual farm management, 300 young farmers in commercial farming and 200 leaders of farming groups.

333. Similarly, the Natural Resources Training Institute in Lobeysa is training about 50 youths in poultry, pig-farming, fishery, mushroom cultivation and vegetable gardening every year. The Government is considering establishing recreational facilities in the rural areas to encourage youths to stay in the villages, but is hampered by a shortage of resources.

334. So far, 220 youths have been trained in the operation and maintenance of agricultural machineries in Paro. Other trainings for youth include agriculture business, such as making potato chips and agriculture business accounting.

335. The YDF supports a souvenir-making training centre in Punakha with yearly courses for 22 girls who have completed grade X. Other vocational training include short term non-formal skills development programmes for school leavers and unemployed youth aimed at enabling them to start small and cottage scale enterprises. These include village skills development in arts and crafts for an estimated 1,250 villagers, construction and building maintenance skills and special skills development programme for about 4,000 workers including skills programmes for disabled and delinquent youth.

### **Guidance**

336. Career guidance and counselling in schools is continuing with support from the Department of Youth and Sports and the Ministry of Labour and Human Resources. Career guidance seeks to improve the esteem of craftsmanship and promote jobs and career avenues in the private and corporate sector.

337. Young candidates for vocational education and training, their parents and teachers in schools are gaining increasing access to career guidance, counselling and job information. Such services are being made available by most training institutions and supported by the electronic and print media on a country-wide basis. A directory for vocational education and training, and a career and occupational dictionary is published regularly.

338. The Career Education Counselling Division has trained 285 teacher counsellors from the lower, middle and higher secondary schools. Each of these schools is required to have one male and one female teacher counsellor to look after the behavioural and emotional needs of students. They are trained in vocational, parenting and health education and encouraged to work together to provide more comprehensive counselling services to the students.

339. In the Education Ministry's guidelines of February 2005, schools were asked to incorporate career education periods in grades VII to XII. Peer counselling was introduced in schools. The programme trains peer counsellors who are youth leaders in their schools to provide support for their fellow students.

340. The Department of Employment has prepared job counselling programmes and a web-based job portal. Job fairs are conducted annually by the Ministry of Labour and Human Resources.

## **2. Aims of education (art. 29) with reference also to quality of education**

341. The overall objectives of education in the 9FYP are as follows:

- Providing support mechanisms for early childhood care and development for children between 0-6 years on a pilot basis;
- Enhancing enrolment of children between 6-12 years of age in primary schools to 90-95 per cent by 2007;
- Increasing basic education from class eight to class ten;
- Establishing a programme of inclusive education for children who are physically/mentally challenged;
- Increasing the literacy rate from 43 per cent to 80 per cent and establishing a system of continuing and lifelong education opportunities;
- Strengthening and improving the education management system, with particular emphasis on the school level management; and
- Developing a more sustainable education system through the introduction of private participation and cost sharing measures.

### **Quality of Education**

342. Bhutan continues to face challenges in fulfilling the education rights of all children, and in ensuring that they acquire a quality of education that will equip them for life. The rapid expansion in education has also resulted in concerns about the quality of education. The Government is addressing quality issues such as the large class size, rate of repetition and the quality of teaching.

343. Crowded classrooms restrict the ability to enhance open, participatory learning. The ratio rose from one teacher per 22 students in 1991 to one teacher per 32 students in 2001. The situation is not uniform throughout the country, and urban schools are more crowded; with in some cases ratios as high as 50 to 60 students for every teacher.

344. The rate of repetition in classes is reducing. Between 1990 and 2002, the proportion fell from 28 per cent to 15 per cent, with similar figures for girls and boys. Schools conduct remedial classes to support weaker students to cut down the high repetition and dropout rates.

345. The Education Ministry has been developing a mechanism to operate a decentralized education monitoring and support system and a performance evaluation review system. It is believed that the system could be provided to all schools and will contribute to better quality education.

346. While the Ministry promotes a wide outreach of the non-formal education programme, heads of schools are responsible for monitoring of the quality of such classes. Hence, NFE centres are set up as far as possible within schools. Where there are no schools, the school nearest to the NFE centre assumes the responsibility of monitoring and supporting.

347. School Innovation Grants are established to encourage school level initiatives to tackle specific problems faced by schools. Community Primary Schools, and primary and lower secondary schools may submit project proposals to the Government to develop their schools. The proposals are for up to a maximum of Nu. 200,000 and middle and higher secondary schools may present proposals to a maximum of Nu. 400,000.

348. Private schools are expected to have better facilities, less crowded classrooms, qualified teachers and richer curricula. Private schools are guided by government guidelines and the Education Ministry monitors their performance on a yearly basis.

349. The Government is also focusing on improving human resource development, providing teachers and heads of schools with more opportunities to improve themselves through further studies. It is also emphasizing curriculum improvement.

### **Difficulties and future**

350. The quality of the teaching-learning process in Bhutan is impeded at present by a shortage of teachers which necessitates multi-grade approaches. Although such an approach can be enormously valuable, it can lead to shortcomings in the context of teachers who have limited training, experience and conceptualization of what constitutes good teaching. A

challenge is to improve the relevance of the learning programme in terms of relating it to the reality of children's lives and their likely future endeavours vis-à-vis employment and further study.

351. Youth unemployment is the other side of the double-edged sword of education. Bhutan is an example of how education, despite its laudable intentions, finds itself in a dilemma of trying to preserve its cultural and social foundations, while at the same time trying to provide non-traditional means of income generation and subsistence.

### **3. Rest, leisure, recreation and cultural and artistic activities (art. 31)**

352. Paragraphs 218-222 of the initial report provide background to existing programmes for children.

353. With urbanization and a more modern lifestyle, parents and families are becoming more aware of the need for children to have adequate time for rest, leisure and recreation. But a challenge is the lack of facilities and resources to provide such activities.

354. The School Sports Programme continues to promote and develop sports as an important component of a wholesome education policy. Programmes are organized to encourage maximum participation and to have sports activities all year round to promote healthy living. In 2005, chess and *keshey* (traditional wrestling) were included in the regular school sports programme for classes VII to X, and traditional archery is included for higher secondary schools.

355. The Ministry of Education set up the Department of Youth and Sports in 2003 to give renewed emphasis to recreational, cultural and sports activities among children and youth. This was initiated as part of an attempt to provide more wholesome education to children and to target mass participation in sports. The department works closely with all the national sports federations in Bhutan and has been expanding its winter sports programmes to provide sports activities and coaching for children and youth in various districts. A major challenge is the shortage of facilities, coaches and trainers in the country.

356. Games and sports were introduced for monks, the disabled and juveniles under a YDF-supported programme in 2005. The programme gives youth, including monks and those with disabilities, the opportunity to play games and practice sports, and contributes to character building and physical fitness and promotes a healthy lifestyle. The year-long project aims to create a youth friendly event. The YDF also supported the start of national school games in 2004 to promote sports, and to campaign for a healthier lifestyle among the young.

357. **NGOs and voluntary groups:** Apart from formal programmes coordinated by the Education Ministry, there are a growing number of voluntary groups and NGOs focusing on improving children and youth's access to leisure and rest, recreation and cultural and artistic activities. Apart from the Voluntary Artists Studio of Thimphu, the Tarayana Foundation is implementing a youth activity programme in Thimphu.

358. **Winter holiday programme:** In the school winter holiday of 2005-2006, the Education Ministry has opened schools in the capital, Phuentsholing and Geylephug in the south for students' recreation, leisure and cultural activities. Schools will keep their libraries,

halls and sports facilities open during specific times. In a country with limited sports and recreational centres, it will be an important experiment in opening up existing facilities to young people.

359. **New facilities:** The Government is investing in new infrastructure and facilities for leisure, recreation and culture activities. These include the building of a Youth Development Centre in Thimphu which began in 2002. The facility, funded by the Government of India, will provide a multi-purpose facility to encourage youth involvement in social and sports activities. The youth centre is meant to be a safe environment for youth to pursue leisure activities and is expected to be ready by 2008. Another youth centre is also being built in Thimphu with hostels and other youth facilities.

360. A youth hostel is being built in the southern city of Phuentsholing to provide accommodation for about 220 boys and 180 girls, especially youth who are looking for employment or training opportunities. Facilities will include a recreational room, a gymnasium, a library and a multi-purpose hall. The hostel is expected to be completed by mid-2006.

361. **Difficulties:** There is limited recreational space, especially in urban centres where high density apartment blocks are being built. There is a lack of green space, children's parks and play areas, and a shortage of funds to create such spaces. The Government is aware that new recreational places like video centres and snooker rooms are not always healthy places for young children and youth, as alcohol is often served on the premises. Many of the activities planned by the Government, NGOs and volunteers take place during the winter vacation when many children and young people have more time for such activities.

#### **B. Allocation of budget and other resources**

362. The Government has increased the budget for education from 12 per cent in the 8FYP to 15 per cent in the 9FYP. Sixty per cent of recurrent educational expenditures are invested in primary education.

363. The Government works closely with several NGOs including the YDF, Save the Children Fund, USA, and the Royal Society for the Protection of Nature, a local environmental group.

364. **Donors:** Donor support for education has also increased from 8 per cent to 10 per cent of their disbursements. The Government of India is an important donor in this sector. The Government of Denmark is a new development partner in education with the advent of the 9FYP. Seventy five per cent of the budget is allocated to education sector support and the rest goes towards building human resources. Canada is a long-time partner of the Royal Government in developing the education sector, and the World Bank has just completed its second education project to increase access to basic education. Bhutan also receives support from UNICEF, UNESCO and WFP, and other bilateral donors and NGOs.

365. In the 9FYP, the estimated per head cost by school levels and institutes are as follows:

**Table 2**  
**Per head cost of education (April 2005)**

Schools/institutes under Ministry of Education	Cost per student per annum
Primary schools	6 574 00
(a) Day scholars	6 158 00
(b) Boarders	8 795 87
Lower secondary schools	7 963 00
(a) Day scholars	7 934 00
(b) Boarders	9 410 00
Middle and higher secondary schools	10 746 00
(a) Day scholars	9 896 00
(b) Boarders	12 978 00
National Institute for the Disabled	76 473 00
<b>Institutes under Royal University of Bhutan</b>	
Institute for Language and Cultural Studies, Semtokha	37 096 00
National Institute of Education Paro	48 497 00
National Institute of Education Samtse	56 796 00
National Resource Training Institute	95 944 00
Royal Bhutan Institute of Technology	83 467 00
Sherubtse College	50 016 00
<b>Institutes under the Ministry of Labour &amp; Human Resources</b>	
Trashiyangtse Institute of Zorig Chusum	77 894 74
National Institute of Zorig Chusum	67 658 54
Vocational Training Institute - Khuruthang	81 291 67
Vocational Training Institute - Samthang	85 342 86
Vocational Training Institute - Buna Rangjung	66 512 20
Vocational Training Institute - Construction	40 525 51

## VIII. SPECIAL PROTECTION MEASURES

### A. Children in situations of emergency

#### 1. Refugee children (art. 22)

366. There are no refugee children in Bhutan.

367. With regard to the people in the camps in Eastern Nepal, it may be noted that this is not a typical refugee situation that lends itself to conventional solutions. Rather, it is a highly complex issue with its genesis in illegal immigration. Recognizing this, the Governments of Bhutan and Nepal have been engaged in bilateral negotiations for many years on this issue, in an effort to

establish the identity of these people. Notwithstanding the many difficulties and setbacks faced along the way, the bilateral efforts have made good progress. The two Governments have arrived at an agreement on the different categories of people in the camps and how to deal with them, and concluded joint verification of Khudunabari camp. Unfortunately, in December 2003, Bhutanese verification officials were violently assaulted by the camp residents when briefing the people of Khudunabari camp on the terms and procedures for repatriation to Bhutan. Since then, the security situation in Nepal has deteriorated, preventing the resumption of the work of the verification team. Bhutan has always maintained that it will be responsible for all genuine Bhutanese refugees and it is hopeful that the two Governments will find a way to move forward through the bilateral process.

## **2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

### **Armed conflict**

368. The age of recruitment to the armed forces is 18 years of age. All recruitments are done on a voluntary basis.

369. Bhutan engaged in operations in the winter of 2003 to flush out militants from the neighbouring Indian states of Assam and West Bengal who were illegally camped in the country. Before the operations, schools in the affected areas of Samdrup Jongkhar, Geylephug and Deothang were relocated and the public were moved out of the areas.

370. The Royal Government being fully conscious of the humanitarian aspect of the operation ensured that there were minimum casualties. Injured militants and their families were provided the same medical treatment as the Bhutanese. Those who were apprehended or surrendered were handed over to the Indian authorities. Wives and children of senior leaders and cadres of the militants were handed over to Indian civilian authorities.

371. Schools in these areas have since been re-opened, and families have moved home to the previously affected areas.

### **B. Children in conflict with the law**

372. The background to children in conflict with the law and existing legislation to protect them is described in paragraphs 225-229 of the initial report.

#### **1. The administration of juvenile justice (art. 40)**

373. Child protection issues have been integrated into two key legislations, the Penal Code of Bhutan and the Civil and Criminal Procedure Code, preceding the draft juvenile justice act.

374. The police generally treat young offenders differently from adults and are guided by the Penal Code and the Civil and Criminal Procedure Code, which provides specific guidelines for juvenile cases.



375. The general practice for first offences is for police to warn children and discuss their situation with their parents. Persistent offenders are arrested and then returned home before the trial. Judges exercise their initiatives to counsel children and parents and to let them off with a warning and advice on their first offence.

376. Section 34 of the Civil and Criminal Procedure Code provides for legal aid for persons who cannot afford it, and this can extend to children if the court decides he/she needs legal aid. Article 9, section 6 of the draft constitution states that the State shall endeavour to provide legal aid to secure justice which shall not be denied to any person by reason of economic or other disabilities.

377. The Government and NGOs have long acknowledged the need for professionals to help children rehabilitate and integrate into society, the main constraint being a lack of resources to recruit and train such personnel. As an interim measure, police personnel and health workers are being trained to counsel and provide support to children in conflict with the law and their families.

### **Situation update**

378. Although child protection issues are addressed to some extent by the Penal Code and the Civil and Criminal Procedure Code, sections of society, including law enforcers, acknowledge gaps in the existing laws. There is very little provision, for example, for issues like neglect and nutritional deprivation and other psycho-social problems that children may encounter in a fast changing society and family environment.

379. A Youth Development and Rehabilitation Centre was set up in 1999; 86 children have been detained, all of them boys. Sixty-five have been released and as of November 2005, 21 were in residence. The centre has 18 staff, 14 men and 4 women, all of them police officers. Education and vocational training and limited counselling are provided at the centre.

380. The Youth Development and Rehabilitation Centre is preparing a master plan for development that will include training and development of post release support needs, counselling and other related issues. It is also conducting a study on children in conflict with the law to enable better understanding of the causes and problems related to juveniles and to plan better preventive programmes.

381. Annual training programmes on juvenile justice have been organized for police personnel since 2003. All the officers posted at the Centre have been trained on juvenile justice, including issues like how to deal with children in conflict with the law, mechanisms for dealing with young offenders, etc. The training is extended to the staff of crime branches in police stations throughout Bhutan.

### **Future and difficulties**

382. While the Government and judiciary have made provisions in current legislation to include a child rights perspective, they are also becoming more aware of the gaps. Society is changing and more children are coming into conflict with the law. The Government's current focus is on problems like substance abuse. The risk is that the problems might outpace the solutions.

383. The continuing activities organized by the NCWC - trainings, awareness raising and advocacy - will have a major impact on the decision on whether to enact a children's protection code or not. One difficulty is that although the law views violence and abuse of children very seriously, there is sometimes a gap in the understanding and sensitivity of police, parents and children on what constitutes assault, molestation or abuse. The provisions in the acts and procedures are not well known even to parents, and the challenge is greater in rural areas where children and families are more vulnerable because of poverty and the disparities between urban and rural populations. The judiciary has taken an important step to promote awareness of the penal code among the youth.

**2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d))**

384. Police stations have been unable to find the resources to build separate detention rooms for children. Although the numbers of children in conflict with the law is relatively small, the Royal Bhutan Police has noted the urgent need to build such facilities.

**3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))**

385. Capital punishment was abolished by Royal Decree in March 2004. Capital punishment has existed in Bhutanese law since the codification of the *Thrimzhung Chhenmo* (supreme law) in 1953, but had not been exercised since the 1960s. The judiciary has come under criticism, even in the National Assembly, for not invoking the law in the most severe criminal cases.

386. The abolition of capital punishment is widely seen as reinforcing the rule of law.

387. According to the Penal Code of Bhutan 2004, the minimum age for criminal responsibility is ten years of age. Discussions are underway to increase this to 13 years in accordance with international practice.

388. Juveniles are liable only to half the sentence of an adult.

**C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)**

389. Child abuse is an offence under the Penal Code, Chapter 15: 221. Section 223 and 229 of the code also makes it an offence to engage in conduct that injures the physical or mental condition of a child, including a person who is mentally disabled or incompetent.

390. The draft constitution's article 8:5 lists one of the fundamental duties of a person as follows: "A person shall not tolerate or participate in acts of injury, torture or killing of another person, terrorism, abuse of women, children or any other person, and shall take necessary steps to prevent such acts."

391. Annual training workshops are conducted not only for officers but also for the constables in charge of all jails throughout the country and the caretakers of the YDRC. Issues covered include basic psychology and how to counsel and work with children in conflict with the law.

Preliminary assessment shows that such trainings have helped to create a mind shift in law enforcers who are encountering juvenile justice for the first time. YDRC officers say they have been able to conduct regular counselling and other activities to address the psycho-social needs of the children in their care.

392. As far as possible, the YDRC tries to give its children the opportunity for social integration. Some of the children attend regular schools in the area where they are well accepted. Some have been attached to businesses to become apprentices as part of their vocational training. There is one teacher for every three to four pupils in basic education and vocational classes at the centre. Group counselling sessions are also conducted.

393. Detainees in the centre are given training on vocational skills including hair-cutting, tailoring, motor mechanics, plumbing and other useful skills that may prepare them for finding a job upon release. The centre also helps detainees integrate into the mainstream of society by finding them jobs when they are released. Some of the former detainees are now working full time in various districts.

394. As the rate of juvenile delinquency is low, there has been little impetus to develop the range of services required for psychological recovery and social reintegration. This is hampered by a shortage of trained personnel and a lack of employment opportunity.

### **1. Economic exploitation, including child labour (art. 32)**

395. Chapter 15:221 of the Penal Code states that it is a crime to subject a child to economic exploitation or any work that is likely to be hazardous.

396. The draft constitution also lists several clauses in article 9 regarding economic exploitation and the right to fair and reasonable limitations of working hours and periodic holidays with pay.

397. The Ministry of Labour and Human Resources was established in 2003, and is currently working with the private sector to strengthen employment opportunities and improve the working conditions of Bhutan's labour force.

398. The Labour and Employment Act contains provisions for child protection from exploitation and abuse and spells out conditions under which children should not work. The act prohibits the worst forms of child labour.

399. As a largely agrarian society, labour in the modern sense is relatively new in Bhutan, brought in with development in the past four decades. As such, legislation and other requirements to streamline labour and employment conditions, particularly for children, are still at a preliminary stage.

#### **Child labour**

400. The Labour and Employment Act provides for a minimum age for admission to employment. It proposes that children under 15 years of age be prohibited from work, with some exceptions.

401. The Government believes that with the current socioeconomic conditions in the country, it is impractical to impose a minimum working age for wage employment of 18 years, as recommended by the Regulation for Wage Rate, Recruitment Agencies and Workmen's Compensation (1994). Considering the circumstances in some families, and that some children are not in school, the Government lowered the permissible working age along with protective regulations, so that the child is not abused or exploited.

402. According to the Act, permissible work for children between the ages of 13 and 15 years for up to a maximum of eight hours include:

- Babysitting, running errands or golf caddying;
- Working in the theatre or public performances; and
- Work supervised by the school that complements a child's education or training, or gives the child work experience to enable the child to make a career choice in the future.

403. There is no child labour in the industrial sector but young domestic workers continue to be employed, particularly in urban towns where both parents work. It is still a difficult issue to tackle although it is being more widely discussed. Although such children are physically provided for, they are not often able to go to school. One reason is the shortage of non-formal schooling placements since many of these children are unable to attend school on a full-time basis.

404. The Ministry of Labour and Human Resources has conducted national labour surveys in 2001, 2003 and 2004. These surveys include some information on youth aged 15-19.

405. The 2004 Labour Force Survey suggests that 37.3 per cent of the total population represents the economically active labour force. The highest rate of unemployment - at 7.2 per cent - is among the age group of 15-19 consisting mostly of school leavers.

406. The results of different surveys may be inconsistent, but they lead to some general conclusions. At least one quarter of Bhutanese children aged 10-14 are working. In the rural areas, most of them help their parents in agriculture. In towns, children can be found working in shops and restaurants or as street vendors. Many more girls are employed as domestic workers.

407. Many of the working children come from large and poor families where it is believed that they would be better off working for someone, particularly in the home where the understanding is that it is an easier and more protected environment. The lack of baseline data and other studies make it difficult to ascertain the causes and extent of child labour.

408. The Act describes the duties of an employer in relation to a child employee. This act will give the Government the right to take errant employers to task. It prescribes a need for all employers to maintain a register of all child employees, describing the hours and nature of work undertaken. Employers should be required to have and produce on demand proof of age of all children working on their premises (overtime work is not permissible for children).

409. The establishment of the Ministry of Labour and Human Resources is a concrete step towards establishing a mechanism for monitoring standards and addressing complaints on violations related to employment and labour. Complaints can also be routed to the NCWC or to the Bhutan Chamber for Commerce and Industry.

410. The Government has been conducting annual job fairs since 2002 and has been promoting a greater awareness of work hazards. The private sector is also being encouraged to adopt work safety standards, and the level of awareness is increasing. With the enactment of the Labour and Employment Act, it is expected that the new standards will be widely disseminated to promote greater awareness of work hazards. While drafting the Act, several rounds of consultations were held with the private sector and industry to discuss occupational health and safety standards, and awareness is growing.

411. There is a lack of awareness of what constitutes unhealthy child labour. In a changing society and one that is still largely traditional in nature, many people are not aware of the inherent dangers of work - including the long hours and difficult conditions. The Government has been instrumental in raising awareness of these challenges and improving employment conditions.

## **2. Drug abuse (art. 33)**

412. Drug and substance abuse among minors is increasing in Bhutan. Information on the number of children victims of substance abuse is sketchy, as an information system is just being streamlined by the police in various districts.

413. Police records show an increasing trend, with 69 arrested in the first six months of 2005 compared to 60 arrests for drug abuse in 2004. Seventy percent of those arrested were students, predominantly male. A study by the Thimphu City Police shows that of the young offenders arrested in the capital, 65 per cent (49 of them) were between the ages of 15 and 18 years. In terms of drugs used, the most common (77 per cent, or 53 persons) was the use of inhalants, 13 per cent (9 cases) smoking of marijuana, 6 per cent (4 cases) abusing tablets and 4 per cent (3 cases) were using multiple drugs.

414. Although still largely an urban problem, drug abuse is also reported in rural areas, with 12 arrests by rural police. Several deaths due to drug abuse have been reported in recent years, although this is often not substantiated as families tend not to discuss it openly. Most of those who died from drug overdose are youth.

415. Concerned about the situation, the Royal Government made it a priority to draft legislation to address the issue. A Narcotic Drugs and Psychotropic Substance Act was enacted in 2005 after several rounds of consultations with stakeholders and members of civil society. The Act provides for control measures, and mechanisms such as the establishment of a narcotics control board and an agency. There are also provisions for the supervision, treatment, and rehabilitation of drug addicts and users. Addicts, for example, will have the right to treatment before all other procedures, including detention.

416. Another initiative has been the establishment of a National Committee for Substance Abuse and Psychotropic Substances in 2004, comprising representatives from the legal and social sectors, trade and industry, NGOs, revenue and customs, and civil society. The Committee is responsible for reviewing and monitoring substance abuse, recommending action and promoting social mobilization against substance abuse. Committee members were involved in the drafting of the Narcotics Act of 2005.

417. The YDF is supporting a drop-in centre Thimphu for people trying to combat drugs, alcohol and substance abuse. The centre, *Rewa* (which means hope), was opened in December 2004 and aims at promoting treatment and rehabilitation for alcohol and drug dependency and to provide support to alcohol and drug/dependent persons and their families.

418. Three types of programmes are offered by *Rewa*: a day-programme, a drop-in programme, and counselling. *Rewa* has so far referred three persons to rehabilitation programmes in neighbouring India and are counselling six youths. Eight youths are enrolled in the day programme and some parents have also come seeking help for their children and information about rehabilitation. *Rewa* members also visit police stations to talk to youths caught in connection with drug abuse.

419. Although it is a new facility managed by two rehabilitated youths, the centre has potential to grow and expand. It currently needs support to prepare a master plan that includes a monitoring and evaluation programme so that lessons learned can be used to strengthen it.

420. Drug prevention workshops have been conducted for civil society, law enforcers, teachers and health and pharmaceutical staff in the Government and private sector. These trainings have been supported by the Drug Advisory Programme of the Colombo Plan secretariat, and others by the UNODC.

### **Difficulties**

421. The Government and organizations are constrained by a lack of resources and facilities, and a shortage of infrastructure and specialized personnel (there are no special facilities or trained personnel for rehabilitation or treatment). As the drug problem is emerging in urban towns and spreading slowly to rural areas, Bhutan has the opportunity to take preventive measures, first through the enactment of legislation. A greater challenge is to garner support from all sections of society as drug abuse is a growing but relatively new problem that many people in Bhutan are not aware of.

## **3. Sexual exploitation and sexual abuse (art. 34)**

### **Sexual exploitation**

422. Studies are being undertaken at various levels - the NCWC assessment of the protection factors for vulnerable children provides insight into sexual exploitation of children and smaller ongoing studies are being prepared by the National Referral Hospital where a forensic medicine unit has been set up.

423. Evidence on the nature and extent of sexual exploitation of children is increasing. Both the NCWC and the NGO RENEW have conducted workshops (on domestic violence in 2005, and on child abuse in 2004), which are raising awareness and, more importantly, bringing out in the open issues on sexual abuse of children, rarely discussed in public forums.

424. Legislation has been updated to give greater protection to children. The Penal Code repeals the Rape Act which was last amended in 1996. It covers rape, sexual harassment, child molestation and incest.

425. Section 177 of the Penal Code defines rape, and Section 183 provides provision for rape of a child above twelve years of age. Anyone who has sexual intercourse with a child between the ages of 12 and 18 years is guilty of rape. The offence is a felony of the third degree liable to imprisonment of five to nine years.

426. Sections 191 and 192 pertain to gang rape of children below twelve years of age which is considered a first degree felony, liable to a minimum of fifteen years imprisonment and life imprisonment.

427. Sections 193 and 194 define gang rape of a child between 12 and 18 years of age as a second degree felony, liable to a prison sentence of 9 to 15 years.

428. Child molestation (Section 203) is a felony of the fourth degree, with a three to five year prison sentence, and sexual harassment (Section 205) is a petty misdemeanour liable to a one-year to three-year imprisonment.

429. Paedophilia is an offence under Section 225 of the Criminal Code.

430. All the laws are gender neutral. The judiciary and police force are also conscious of the need to protect the confidentiality of minors and cases are held in camera.

431. There is no formal age of consent of sexual activity in Bhutan. This is often covered under the minimum age for marriage, which is 18 years. It is socially accepted that sexual activity begins often earlier than 18 years, as the previous age of marriage for girls was 16. Children are sexually active at a young age, particularly children in rural areas.

432. The first-ever assessment of protection factors for vulnerable children found that sexual abuse exists in homes and institutions. In the media, there have been periodic reports of sexual abuse in schools. There was, however, no evidence of sexual abuse in the YDRC or in the nunnery that was studied.

433. There is evidence of minor girls being involved in commercial sexual activities, although the extent of this cannot be ascertained as the evidence came from older sex workers. Sexual abuse of disabled children has also been noted.

434. Sexual abuse of children is being acknowledged as an existing problem and is increasingly being dealt with by the NCWC and other government agencies dealing with children. However, as a small society, many people are not used to speaking up on such issues although there is evidence of a greater discussion of sexual abuse in the media, and among youth.

435. As a participant at the 2001 Second World Congress against Commercial Sexual Exploitation of Children and of the Yokohama Global Commitment, Bhutan is committed to action to eradicate the commercial sexual exploitation of children although preliminary evidence shows that such cases are few. The NCWC is preparing to draft a national plan of action to address the commercial sexual exploitation of children which will include awareness campaigns.

436. Government agencies and a small number of NGOs are implementing other advocacy and awareness efforts. It is significant that many of these awareness campaigns are being conducted in institutions with mass outreach such as schools, aimed also at parents, and the armed forces including their families. The active advocacy of the UNFPA Goodwill Ambassador, Her Majesty the Queen Ashi Sangay Choden Wangchuck has had a major impact in reaching communities throughout Bhutan, including people living in remote areas. Advocacy on women and child's rights and reproductive health, in particular on adolescent reproductive health, have helped raise awareness especially in rural areas. There is a growing understanding of the issues as the momentum is being continued with local groups, both formal and informal. These include the Multi-Sector Task Forces for health, women's groups and parenting groups.

437. Regular media coverage of sex abuse cases of children is opening up discussions in society.

#### **4. Other forms of exploitation (art. 36)**

438. The draft constitution contains protective measures for children. Article 9:18 states that children are protected against all forms of discrimination and exploitation. According to the draft constitution, the State shall endeavour to take appropriate measures to ensure that children are protected against all forms of discrimination and exploitation including trafficking, prostitution, abuse, violence, degrading treatment and economic exploitation. Protective measures are provided in the draft labour act.

439. The NCWC, with support from UNICEF, conducted a two-day consultation on violence against children in April 2005. The consultation was held with adults from a cross-section of society and some 100 adolescents aged 16 to 18. They were introduced to the CRC and on the forms of violence that impact on children. The consultation resulted in a list of recommendations, including the need for:

- Greater awareness;
- Laws to address the gaps in child labour;
- Improved monitoring and reporting;
- Allocation of resources for vulnerable groups;
- Incorporation of child rights in the curriculum and training teachers and students;



- Conducting a study on violence against children;
- Greater involvement of children and youth; and
- The provision of counselling.

440. **Child domestic workers:** an emerging occurrence is the employment of child domestic workers in urban homes. A survey of baby-sitters in 2004 found that most were girls aged between 11 and 20 who tended to come from poor rural families and had little or no education. Some had come from rural areas to live with relatives in the cities with the understanding that they would work around the home.

441. While many are treated well as part of the family in their employer's homes, they are often required to work for long hours and run the risk of being subjected to sexual attention from employers. Many of them do not go to school.

442. Child labour is an area which is receiving more attention, particularly through the Labour Ministry. The difficulty is the lack of understanding of what constitutes child labour in a country where children have always had responsibility in the household looking after siblings or the home.

### **5. Sale, trafficking and abduction (art. 35)**

443. Prostitution and trafficking of women and children is an offence covered by Chapter 26, Sections 373 and 374 of the Penal Code of Bhutan. Section 379 of the same chapter also makes illegal the trafficking of persons for prostitution. In the case of child trafficking, it is a felony of the third degree. Kidnapping (Chapter 13, Sections 162 and 163) and abduction (Chapter 13, Sections 165, 166 and 167) carry heavy penalties.

444. Article 9:18 of the draft constitution provides protection against trafficking and abduction of children.

445. There is no evidence of any sale, trafficking or abduction of children from Bhutan. There are occasional police reports on missing children, but they are often located in Bhutan itself.

446. At a national consultation on women and child friendly police procedures in October 2005, the Royal Bhutan Police recommended that the commission initiate studies with support from the police and other stakeholders on the issue of trafficking, missing persons, domestic violence and children in conflict with the law. Reports such as these would provide clarification on the issue of sale, trafficking and abduction.

447. Although this is a new area for Bhutan, the NCWC has studied some of the measures taken by regional governments to prevent trafficking and abduction. Bhutan is beginning to learn more about preventive measures and should be able to put in place more effective mechanisms to deal with such occurrences in the near future.

#### **D. Children belonging to a minority or an indigenous group (art. 30)**

448. Paragraphs 244 to 246 of the initial report provide the background on minority or indigenous groups.

449. Article 4 of the draft constitution of Bhutan states that “the state shall endeavour to preserve, protect and promote cultural heritage of the country, including ... language, literature, music, visual arts and religion to enrich society and the cultural life of the citizens”.

#### **E. Children living or working on the street**

450. In the last few years, children selling betel nuts and snacks on the streets and children working in businesses such as restaurants have become more noticeable in Bhutan’s growing townships, although most of these are children who are helping out their families as street vendors. While the numbers are small, groups like the Youth Information Centre in Thimphu are trying to reach out to some of these children through informal programmes and inviting them to participate in discussion programmes or to visit the centre.

451. There is scant information on children living or working on the streets. This is partly because street children are not homeless and in times of trouble, have families to go to. Some cases have been observed in Thimphu and Phuentsholing. The local police are aware of the few cases and are monitoring their safety. The Government is also aware of the need to provide safeguards for them as reflected in the draft employment act.

### **IX. CONCLUSION**

452. Apart from the topographical difficulties which have been the main obstacle to the country’s development in the past, the situation of children in Bhutan has to be understood and tackled in the context of a society in transition. Historical political changes and rapid economic development have a direct impact on all sections of the Bhutanese population, visible in the demographic changes and a value system that is also evolving.

453. With modernization and globalization, urbanization is strongly progressing in Bhutan and this is directly affecting the social fabric of a hitherto largely rural population. The social and cultural traditions that held the communities together are being diluted and the attitude towards women and children are changing. At the same time, the society does not have the experience and resources to deal professionally with the change.

454. Bhutan is facing many new challenges. People long used to a rural life style are trying to deal with the complications of sharing public space in an urban setting. Education and employment are new pressures on a society in which the new generation will not go back to the old ways.

455. With the weakening of the security that children enjoyed in the past within the extended family home, issues related to child abuse and child rights have assumed new meaning. Deliberate and inadvertent crime against children is picking up in an increasingly impersonal social environment.

456. The Government is becoming more aware of these trends but lacks the skills, experiences and resources to establish adequate mechanisms to deal with them. In its short development history, Bhutan has established infrastructure and social services like schools and hospitals but is not yet in a position to deal effectively with new phenomena like substance abuse and juvenile crime, rehabilitation of minors and their reintegration into society, domestic violence, child labour, and even job counselling of youth.

457. Civil society is yet to develop and NGOs are just beginning to emerge. A basic disadvantage is that the awareness and understanding of these problems is still very low among a majority of the population. But with the lead taken by the Government, Bhutanese society has acknowledged the emerging youth problems and the need to deal with issues related to the child at an early stage of the trend.

458. With a growing recognition of the importance of the rule of law in a changing society, Bhutan has been enacting a host of new legislation. The Penal Code and the Civil and Criminal Procedure Code enacted in recent years deal with issues related to the child. The Constitution, expected to be enacted in 2008, makes provisions to protect the rights of the child.

459. The Convention provides a timely guideline on international norms, plans of action and programme interventions urgently needed to ensure that the child is guaranteed the rights and the benefits to live a wholesome life. Given the acute shortage of skilled manpower and financial resources, technical and financial support from the international development community is crucial to initiate and sustain programmes, particularly to reach remote parts of the country.

## References

- Assessment of the protection factors for vulnerable children ( RGoB 2004)
- Committee on the Rights of the Child, Guidelines for periodic reports submitted by states parties under article 44 , paragraph 1b of the convention, 39<sup>th</sup> session 3 June 2005
- Department of Planning, Poverty reduction Strategy Paper, RGoB 2004
- Laurence Levaque, Substance Abuse among youth; A Human Right's Perspective Bhutan, 2003
- Lungten Drubgyur, The Parasol of Silken Knot, 2005
- Ministry of Agriculture, Rural-urban migration in Bhutan, RGoB, 2005
- Ministry of Communications, Ninth Plan Sector Document, 2002-2007, Transport, Communications and Human Settlement Sectors, RGoB
- Ministry of Education, General Statistics 2005, RGoB
- Ministry of Education, General Statistics 2004, RGoB
- Ministry of Education 24th Education Policy Guidelines & Instructions, Policy and Planning Division, (2005)
- Ministry of Education, Education Strategy paper, Realising 2020 Policy and Strategy
- Ministry of Education, Guidelines for the Establishment of Private Schools in Bhutan
- Ministry of Education/ Save the Children Fund, SPEA Program Summary - Assessment Results/Findings, 2004
- Ministry of Health, Annual Health Conference report, 2004, 2005
- Ministry of Labour and Human Resources <http://www.employment.gov.bt/dohr.php>
- Ministry of Labour and Human Resources, Vocational Education and Training Policy
- National Commission for Women and Children, Consultation on Violence against Children in Bhutan, [21-22 April 2005, Thimphu]
- National Commission for Women and Children, Situation Analysis of Women and Children in Bhutan, 2005
- National Labour Force Survey 2004, 2001
- National Statistical Bureau, Bhutan Living Standard Survey, July 2004
- National Commission for Women and Children, Bhutan Country Report, Celebrating Beijing plus Ten, the 5<sup>th</sup> South Asia Regional Ministerial Conference, May 2005, Islamabad, Pakistan

- National Statistical Bureau, Poverty Analysis Report Bhutan, RGoB, August 2004
- People at the Centre of Development, Round Table Meeting report, 2003
- RENEW, Focus Group Discussion on Domestic Violence, An Analysis, July 2005
- RGoB, The Constitution of the Kingdom of Bhutan, 2005
- RGoB, Bhutan Human Development Report, The Challenge of Youth Unemployment, 2005
- RGoB/ UNFPA, Implementing the ICPD programme of action in Bhutan, 1994-2005
- RGoB, Ninth Five Year Development Plan Report (2002 -2007)
- RGoB, Millennium Development Goals Progress Report, 2005
- South Asia Regional Mid-Term Review of the Yokohama Global Commitment 2001, Promises Renewed, Promises Reinforced, Sri Lanka, Sept-Oct. 2004 2005 (draft)
- Situation Analysis of Women and Children in Bhutan, UNICEF, 2000
- World Bank, HIV/AIDS Issue Brief: Bhutan, Washington World Bank 2005
- World Bank, Project Appraisal Document on a Proposed Grant to the Kingdom of Bhutan for an HIV/AIDS and STI Prevention and Control Project, Washington, World Bank, 2004.

**List of documents attached**

1. Penal Code of Bhutan 2004
2. Civil and Criminal Procedure Code of Bhutan
3. Draft Constitution of Bhutan
4. Assessment of the protection factors for vulnerable children of Bhutan
5. Fact Sheet - Population and Housing Census of Bhutan 2005
6. General Statistics, Ministry of Education 2005
7. 9th Five Year Development Plan of Bhutan.

-----