



Human Rights Council
Working Group on the Universal Periodic Review
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Summary of Stakeholders' submissions on Bhutan*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 7 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. Centre for Global Non-Killing (CGNK) and the World Evangelical Alliance (WEA) recommended that Bhutan ratify the International Covenant on Civil and Political Rights within the best possible delay.⁴

3. WEA recommended that Bhutan ratify the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, and the International Covenant on Economic, Social and Cultural Rights.⁵

4. CGNK recommended that Bhutan ratify the International Convention on the Protection of All Persons from Enforced Disappearance.⁶

5. CGNK strongly urged and recommended that Bhutan ratify the Convention on the prevention and punishment of the crime of genocide as soon as possible.⁷

6. International campaign to abolish nuclear weapons (ICAN) noted with appreciation that Bhutan voted in favour of the UN General Assembly resolution in 2016 that established the mandate for nations to negotiate the UN Treaty on the Prohibition of Nuclear weapons, and participated in the negotiation of the Treaty. In this regard, it recommended that Bhutan sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.⁸

* The present document was not edited before being sent to United Nations translation services.



7. Joint Submission 1 (JS1) recommended that Bhutan ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. It also recommended the ratification of the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182).⁹

8. WEA recommended that Bhutan should accept the request for visit by the Special Rapporteur on Freedom of Religion or Belief.¹⁰

B. National human rights framework¹¹

9. JS1 recommended that the Government of Bhutan establish a government entity with the mandate and the responsibility to coordinate all activities related to the implementation of its ratified human rights treaties, and provide it with the human, technical and financial resources necessary for its effective operation at the cross-sectoral, national, regional and local levels.¹²

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination¹³

10. Joint Submission 2 (JS2) noted Section 213 of the Penal Code that provides that “A defendant shall be guilty of the offence of unnatural sex if the defendant engages in sodomy or any other sexual conduct that is against the order of nature”, which criminalizes the LGBTI community and prevents them from accessing justice to counter the injustices they suffer. In this regard, JS2 recommended that Bhutan revokes this aforementioned Section of the Penal Code and the subsequent related sections.¹⁴

Development, the environment, and business and human rights¹⁵

11. JS2 emphasized that with major achievement in poverty reduction in terms of basic and essential needs for survival, the Government now needed to review its Poverty Reduction Strategy to move beyond the welfare approach to empowering and strengthening the capacities of the poor in the interest of sustainability. The Strategy should also include a section on emerging urban poverty, particularly amongst the rural-urban migrating youth and the growing senior citizens category.¹⁶

12. JS2 noted that Bhutan had some of the most progressive environmental conservation policies and plans in action. The Buddhist philosophies of respecting all life and the importance of living in harmony with the natural environment ensured that there was no untoward destruction of the environment. It also noted that tree planting continued to be a way of life. Bhutan had successfully completed its second National Adaptation Plan of Actions (NAPA II) and embarked on the implementation of the third NAPA III and had also set aside 51.44 per cent of the total land under protected parks, nature sanctuaries and biological corridors.¹⁷

13. JS2 further noted that Bhutan was located on highly active seismic zones and had experienced major earthquakes in its history. This, coupled with the changing weather patterns especially erratic rains and dry spells, could be a recipe for climate-change induced disasters that could set the country back even as Bhutan was, for all purposes, poised to graduate from the least developed country (LDC) category in the next few years.¹⁸

2. Civil and political rights

Right to life, liberty and security of person¹⁹

14. CGNK noted that the Constitution of Bhutan had already forbidden capital punishment. In this regard, it recommended that Bhutan ratify the Second Optional Protocol

to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.²⁰

15. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment in Bhutan was prohibited in the penal system, but it was still lawful in the home, in alternative and day care settings, and in schools. It emphasized that legislation should be enacted to explicitly prohibit all corporal punishment in all settings, including the home, and all legal defences for its use including in the Penal Code 2004 should be repealed.²¹

*Fundamental freedoms and the right to participate in public and political life*²²

16. WEA noted that Article 7 (4) of the Constitution prohibited discrimination based on religion providing that “no person shall be compelled to belong to another faith by means of coercion or inducement.” It emphasized that this article violated the right to freedom of religion or belief to the extent which “coercion or inducement” could be interpreted as encompassing legitimate religious activity.²³ WEA also noted that in the 2004 penal code (amended in 2011), coercion or inducement to convert was considered a misdemeanour and was punishable by up to three years in prison.²⁴

17. In that regard, WEA recommended that Bhutan modify the 2008 Constitution and remove from its Article 7 (4) the notion of “compelling to belong to another faith by inducement”; and that the Government of Bhutan abrogate articles in its penal code to comply with international human rights law by removing paragraphs on coercion, inducement and the promotion of civil unrest.²⁵

18. While noting that religious groups are required to be registered with the Government, WEA recommended that the Government: review the registration system for religious organizations because registration should not be a pre-requisite for exercising the right to freedom of religion or belief; grant registration to religious communities other than Buddhist and Hindu, under the Religious Organizations Act of Bhutan; and actively combat discrimination against Christian and other religious minority groups.²⁶

3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*²⁷

19. JS2 noted that youth unemployment was on the rise, and that programmes for mentoring, counselling, and capacity development were still not adequate thus adding to the growing issues of youth in trouble.²⁸

*Right to social security*²⁹

20. JS2 emphasized that there was a strong need for systematic social welfare and safeguards in place to deal with the fast changing development scene. Youth in search of better employment opportunities continued to be drawn into the urban areas, however, there were little to no provisions being made by the urban municipalities.³⁰

*Right to health*³¹

21. JS2 noted that the Government provided free health services as mandated by the constitution of Bhutan. It had developed strategies and guidelines to provide free health services. JS2 also noted the 2017 Population and Housing census report, which shows that 98 per cent of the household has access to safe drinking water and 66.3 per cent has access to improved sanitation. Infant mortality rates reduced to 15.1; under five mortality rate reduced to 34.1; and maternal mortality rate reduced to 89.³²

22. At the same time, JS2 expressed concern that, despite the Government’s plans and achievements, there were serious human resources shortages in key health programmes. JS2 recommended that the Government put in place critical numbers of professionals required for key programmes like nutrition and health to ensure efficient service delivery.³³

23. JS2 also recommended that the Government provide unreserved state support for human capacity development and sustained fund for programme-based interventions to deal with challenges of HIV/AIDS as a national issue.³⁴

*Right to education*³⁵

24. JS2 highlighted that despite improved access to education, sufficient safeguards needed to be put in place so that risks are reduced in the areas of child safety, food and nutrition security. It also emphasized the need to put in place safeguards for sufficient diversity in education programmes, and extra-curriculum participation for the well-rounded growth and development of children.³⁶

4. Rights of specific persons or groups*Women*³⁷

25. JS2 highlighted that all Government agencies were constrained by lack of physical infrastructures such as limited shelters for victims of violence and professionals equipped with capacities to deal with multiple domestic violence issues, and by the lack of sustained financial support. JS2 also noted the lack of specialized courts on gender-based violence against women, including domestic violence, and the lack of a clear plan and adequate budget for the implementation of the Domestic Violence Prevention Act 2013.³⁸

26. JS2 noted that the representation of women in the local governments increased to 11.6 per cent in 2016 from 6.9 per cent in 2011. At the national level, representation of women in the Parliament (National Assembly and National Council) through elections showed a decreasing trend from 8 women elected in 2008 down to 4 in 2013.³⁹

27. JS2 recommended that Bhutan support continuous awareness-raising to change the gender stereotyped mind-sets and patriarchal values on a sustained basis, and not limited to election times. The Government should encourage debates among men and women to explore ways and means to facilitate women's success in the elections.⁴⁰

*Children*⁴¹

28. JS1 stated that the Government had made commendable efforts to improve child protection from violence in the past decade, including the amendments in the *Penal Code* in 2011, the adoption of the *Child Care and Protection Act* (CCPA) in 2011, the *Child Adoption Act* (CAA) in 2012 and the *Child Care and Protection Rules and Regulations* (CCPRR) in 2015. It noted that child prostitution and child trafficking for sexual purposes, and child pornography were all prohibited under those national laws. JS1 further noted that the definition of child trafficking under the Child Care and Protection Act was narrower than the definition of the UN Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children.⁴²

29. In addition, JS1 noted that there was neither specific legislation that addresses sexual exploitation of children in the context of travel and tourism, nor legislation that provides extraterritorial jurisdiction specifically for sexual exploitation of children.⁴³

30. JS1 noted that the National Plan of Action on Child Wellbeing and Protection was under development. It would provide a guide for the establishment of a comprehensive child protection system and their wellbeing that will address human rights protection and development needs of all children, including groups of vulnerable children such as children affected by HIV/AIDs and children with disabilities.⁴⁴

31. JS1 noted that child marriage was still prevalent in Bhutan with 6 per cent of children married by 15 years of age and 26 per cent by 18 years of age. It highlighted that child marriage should be recognised as both a factor enhancing vulnerability to sexual exploitation of children and a form of sexual exploitation of children itself.⁴⁵ As such, JS1 highlighted that sexual exploitation of children, defined as using a child for sexual purposes in exchange for goods or payment in cash or in-kind, took place when a child was forced into child marriage, in exchange for a dowry and the obligation to enter a sexual relationship with another individual.⁴⁶

32. JS1 recommended that the Government of Bhutan continue awareness raising among vulnerable populations and in remote and poor communities on sexual exploitation of children related crimes and the harmful practice of child marriage.⁴⁷

33. Moreover, JS1 recommended: instituting a toll-free helpline and promoting awareness among all children at the national level; mandatory reporting of suspected sexual exploitation of a child, with strong sanctions for noncompliance and developing protection mechanisms for those who report the crime; improving access to justice by training the justice sector on handling and prosecuting sexual exploitation of children related cases and incorporating the training in the standard professional training curricula for law enforcement officers and judges; improving capacity to identify and investigate crimes involving online child sexual exploitation; and increasing training on the collection and maintenance of electronic data and providing oversight by an independent body or agency with a specific mandate.⁴⁸

*Persons with disabilities*⁴⁹

34. JS2 noted that civil society organizations offered specific services to persons with disabilities, which was constrained by the fact that professionals had to deal with multiple disabilities, and that there was inadequate appropriate infrastructure in place to offer such services.⁵⁰ In this regard, JS2 recommended that the Government of Bhutan adopt the disability policy that includes state support, both financial and capacity-building for civil society organizations to deal with multiple disability situations.⁵¹

35. JS2 also noted that there was a need for a national policy for social and education inclusion of children with disabilities. There was also a need to help create awareness among the professionals and the general public through national campaigns. Specialist training needed to be provided to relevant professionals so that quality services can be rendered to those children with special needs.⁵²

36. JS2 recommended that Bhutan establish a National Centre for Disabilities that would house a critical mass of trained service providers. It should also look at new developments in the field and take up adaptation and adoption of solutions suitable locally, train service providers, as well as serve as the knowledge hub and advocate for disabilities in the country.⁵³

*Minorities and indigenous peoples*⁵⁴

37. United Towns Agency for North-South Cooperation (UTA) noted Bhutan's discriminatory practices towards Bhutanese Nepalis or Lhotshampas, including Bhutan's discriminatory policy that forced Bhutanese Nepalis or Lhotshampas to join the refugee camps in Nepal and India.⁵⁵

38. UTA recommended that Bhutan make efforts to counter the narrative by political parties that blame the ethnic conflict on the Bhutanese Nepalis or Lhotshampas.⁵⁶

*Migrants, refugees, asylum seekers and internally displaced persons*⁵⁷

39. JS2 noted the estimates that 8,000 Nepali-speaking people in two camps administered by the United Nations High Commissioner for Refugees (UNHCR) after years of international efforts had resulted in the successful third country resettlement of more than 90 per cent of the camp population. In this regard, JS2 expressed gratitude to the eight countries that had, on humanitarian grounds, collaborated with the UNHCR to bring about third country repatriation of the people living in the camps. JS2 also acknowledged their contribution to making the resettlement programme one of the most successful ones implemented to date.⁵⁸

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

*Civil society**Individual submissions:*

CGNK	Center for Global Non-Killing, Hawaii (United States of America);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
UTA	United Towns Agency for North-South Cooperation, Brussels (Belgium);
WEA	World Evangelical Alliance, New York (United States of America).

Joint submissions:

JS1	Joint submission 1 submitted by: RENEW (Respect, Educate, Nurture, Empower Women), Thimphu (Bhutan) and ECPAT, International, Bangkok (Thailand);
JS2	Joint submission 2 submitted by: Bhutan Network for Empowering Women (BENEW), Thimphu (Bhutan), Bhutan Transparency International, Thimphu (Bhutan) and Tarayana Foundation, Thimphu (Bhutan).

- ² The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

- ³ For relevant recommendations A/HRC/27/8, paras. 118.1, 118.2, 118.13, 118.14, 118.16, 118.58, 118.95, 118.96, 118.97, 118.101, 118.102, 120.1-120.29.

- ⁴ CGNK, p. 5 and WEA, para. 19.

- ⁵ WEA, para. 19.

- ⁶ CGNK, p. 6.

- ⁷ CGNK, p. 5.

- ⁸ ICAN submission.

- ⁹ JS1, p. 6.

- ¹⁰ WEA, para. 20.

- ¹¹ For relevant recommendations, see A/HRC/27/8, paras. 118.5-118.12, 118.15, 118.38, 118.39,

- 118.41, 118.61, 118.103, 120.46.
- ¹² JS1, p. 4.
- ¹³ For relevant recommendations, see A/HRC/27/8, paras. 120.32, 120.34, 120.35, 120.40, 120.41, 120.42.
- ¹⁴ JS2, para. 39.
- ¹⁵ For relevant recommendations, see A/HRC/27/8, paras. 118.59, 118.60, 118.62, 118.63, 118.64, 118.65, 118.66, 118.67, 118.68, 118.69, 118.70, 118.71, 118.72, 118.93, 118.94, 118.99, 118.100.
- ¹⁶ JS2, para. 16.
- ¹⁷ JS2, para. 67.
- ¹⁸ JS2, para. 68.
- ¹⁹ For relevant recommendations, see A/HRC/27/8, para. 120.36.
- ²⁰ CGNK, p. 6.
- ²¹ GIEACPC, p. 2.
- ²² For relevant recommendations, see A/HRC/27/8, paras. 118.40, 120.44, 120.45, 120.47, 120.48.
- ²³ WEA, para. 4.
- ²⁴ WEA, para. 5.
- ²⁵ WEA, para. 9.
- ²⁶ WEA, paras. 10-18.
- ²⁷ For relevant recommendations, see A/HRC/27/8, paras. 118.50-118.57.
- ²⁸ JS2, para. 17.
- ²⁹ For relevant recommendations, see A/HRC/27/8, para. 120.49.
- ³⁰ JS2, para. 20.
- ³¹ For relevant recommendations, see A/HRC/27/8, paras. 118.30, 118.73, 118.75, 118.76, 118.77, 118.78.
- ³² JS2, para. 30.
- ³³ JS2, para. 31.
- ³⁴ JS2, para. 37.
- ³⁵ For relevant recommendations, see A/HRC/27/8, paras. 118.79-118.91, 120.50.
- ³⁶ JS2, para. 25.
- ³⁷ For relevant recommendations, see A/HRC/27/8, paras. 118.17-118.20, 118.22, 118.23, 118.31, 118.32, 118.33, 118.34, 118.42-118.49, 120.30, 120.33, 120.37.
- ³⁸ JS2, para. 49.
- ³⁹ JS2, para. 55.
- ⁴⁰ JS2, para. 58.
- ⁴¹ For relevant recommendations, see A/HRC/27/8, paras. 118.3, 118.4, 118.21, 118.24-118.29, 118.36, 120.31, 120.38.
- ⁴² JS1, paras. 12-15.
- ⁴³ JS1, para. 16.
- ⁴⁴ JS1, para. 9.
- ⁴⁵ JS1, para. 8.
- ⁴⁶ JS1, para. 8.
- ⁴⁷ JS1, p. 7.
- ⁴⁸ JS1, p. 8.
- ⁴⁹ For relevant recommendations, see A/HRC/27/8, para. 118.92.
- ⁵⁰ JS2, para. 42.
- ⁵¹ JS2, para. 44.
- ⁵² JS2, para. 45.
- ⁵³ JS2, para. 46.
- ⁵⁴ For relevant recommendations, see A/HRC/27/8, para. 120.51.
- ⁵⁵ UTA, p. 1.
- ⁵⁶ UTA, p. 1.
- ⁵⁷ For relevant recommendations, see A/HRC/27/8, paras. 120.52-120.60.
- ⁵⁸ JS2, paras. 13-14.
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