



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

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### **Committee on the Elimination of Discrimination against Women**

**Pre-session working group**

**Forty-third session**

19 January-6 February 2009

### **List of issues and questions with regard to the consideration of periodic reports**

#### **Bhutan**

The pre-session working group examined the seventh periodic report of Bhutan (CEDAW/C/BTN/7).

#### **Legal status of the Convention, Optional Protocol**

1. Please provide information on progress relating to the adoption of the draft Constitution of Bhutan. Please indicate whether the principle of equality and non-discrimination has been incorporated in the draft Constitution in line with articles 1 and 2 of the Convention.
2. In its previous concluding observations, the Committee urged the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee. Please provide information on any steps taken to implement the recommendation of the Committee.

#### **National machinery for the advancement of women and Plan of Action**

3. The report states that the National Commission for Women and Children will be de-linked from the Royal Government of Bhutan with a view to strengthening, inter alia, its mandate, legitimacy and influence. Please provide further information on the status of the NCWC, the number of persons working within the Commission and the financial resources available to carry out its work.
4. Please provide further information on the measures and activities laid down in the draft National Plan of Action for Gender and aimed at promoting the enjoyment by women of their human rights and gender equality, including information on its planned implementation period, its monitoring mechanisms and the financial resources allocated for its effective implementation.

5. Please provide an update on the status of the project within the Non-Formal Education Programme to publish a book on children's and women's rights. Please also provide further information on its content and the plans to make it available to women, including rural women, throughout the country (para. 224).

#### **Violence against women**

6. The report identifies the low awareness of women of their legal rights and the "culture of silence" as the main issues to target in the fight against violence against women and sexual abuse. Please elaborate on measures taken, or envisaged, to sensitize police and other law enforcement officials, judges, health services providers as well as other relevant stakeholders on this issue and in order to raise the awareness of the women victims of violence of their rights, encourage them to report the acts of violence and to ensure that violence against women is prosecuted and punished. Please refer in particular to measures taken to implement the relevant recommendations of the "16 point recommendations" listed in Annex 4A (paras. 377 and 379).

7. The report states that the non-governmental organization Respect Educate Nurture Empower Women (RENEW) expects to open a crisis and rehabilitation centre for women victims of violence in the Thimphu area in 2008 (para. 379). Please provide an update on this project and indicate whether any shelters for women victims of violence or sexual exploitation are already available.

#### **Trafficking and exploitation of prostitution**

8. The report states that the Royal Government of Bhutan has continued to work with local authorities, NGOs and the international community to combat trafficking in women (para. 86). It also states that in 2005 the Royal Bhutan Police recommended that the NCWC initiate studies, inter alia, on this issue (para. 90). Please describe the measures taken or strategies developed or planned to prevent and to combat trafficking in women or girls, and the results of the studies on trafficking, if available. Please also provide further information on the cooperation within the framework of the South Asian Association for Regional Cooperation on the issue of trafficking in women.

9. Please indicate whether the helpline for women victims of physical or sexual abuse, which would provide assistance also for women in prostitution, has been established (para. 95).

10. According to paragraph 93 of the report, the Penal Code recognizes prostitution as a misdemeanour punishable by a prison sentence. Please indicate what measures have been taken to ensure that women in prostitution, requesting assistance or advice, do not become subjects of criminal proceedings and can benefit from such assistance. Please describe laws and measures adopted to prevent and punish the exploitation of prostitution as well as any measures taken to provide rehabilitation and support for the social rehabilitation of women who wish to leave prostitution. Please also provide information on any measures taken to provide specialized training on trafficking for members of the police and other law enforcement officials, border guards, and the judiciary, and give information on the effectiveness of these measures.

**Political participation and participation in public life**

11. According to the report, the representation of women in the public and elected bodies remains low and the number of women elected to the National Assembly in 2006 has declined compared with the number of women successful in the elections in 2001. Please provide information on any measures taken or envisaged by the Government, including temporary special measures as per article 4, paragraph 1, of the Convention and the Committee's general recommendations 23 and 25, to promote the participation of women in public decision-making positions, in particular in the southern part of the country, including measures aimed at empowering the women themselves and encouraging their standing for elections both at national, Dzongkhag Yargue Tshogdu, and Geog Yargue Tshogdu levels (paras. 105, 112-119 and 142).

12. Please provide further information on measures taken or planned, including temporary special measures as per article 4, paragraph 1, of the Convention and the Committee's general recommendations Nos. 23 and 25, to address the very low participation of women in civil service functions, in particular at higher levels of public administration and in the judiciary. Please also provide information on the measures taken or envisaged to address the prevalence of vertical segregation of women and men, and to facilitate the access of women with higher education to work and salary levels corresponding to their qualifications (paras. 121-127 and tables 7.4-7.6).

**Stereotypes and education**

13. According to paragraph 85 of the report, the Royal Government of Bhutan will work towards eliminating existing negative images of women through the mass media and reviewing school curricula and school books. Please elaborate on any concrete measures taken or envisaged to that effect and indicate whether any other measures have been taken to eliminate stereotypes and cultural patterns that discriminate against women.

14. Please provide information on whether any targeted measures have been undertaken, or are envisaged, to address the gender gap in favour of boys in the enrolment in primary school in the four Dzonkhags, as identified in paragraph 188 of the report.

15. Please provide further information on measures undertaken, or envisaged, in particular under the pilot Continuing Education Programme 2006, to improve the achievements of girls as from class IX and to address the gender gap as well as the higher drop-out rates of girls from that grade onwards as an effort to give girls equal access to higher secondary classes (paras. 229-231). Please also indicate whether any research will be undertaken on the causes of the girls' higher drop-out rates (para. 237).

16. Please provide information on concrete measures taken, or envisaged, to increase the number of women who complete the higher secondary school to continue their studies and enrol in institutions offering tertiary education, and also accomplish such studies, as recommended by the Committee in its previous concluding observations (para. 154 and table 10.10).

**Nationality and citizenship**

17. Please provide information on any amendments made or planned in respect of citizenship and nationality laws to bring them in conformity with article 9 of the Convention, as recommended by the Committee in its previous concluding observations, which focus on changes required to grant women equal rights with men with respect to the nationality of their children.

**Employment and reconciliation of work and family life**

18. Please elaborate on the provisions on punishment for acts of gender-based discrimination in the new 2007 Labour and Employment Act of Bhutan, and indicate whether they have already been applied, and if so, with what effect.

19. Please provide information on any measures taken, or envisaged, to address the higher unemployment rate of women and stereotypical attitudes of employers towards women as employees that were revealed by the National Labour Force Survey and referred to in paragraph 261 of the report.

20. The report states that sexual harassment is prohibited under the 2007 Labour and Employment Act of Bhutan and that it is also defined as a crime under the Penal Code (paras. 297 and 301). Please indicate whether these provisions have been applied, and if so, with what effect, and whether these provisions have brought any changes to the attitude towards sexual harassment at the workplace.

21. Please clarify whether women who work in the private sector enjoy the same rights regarding maternity leave and access to family benefits as those working in the public sector. If this is not the case, please provide further information on the differences in their access to such services (paras. 307-313).

**Health**

22. Please provide further information on HIV/AIDS prevalence among women and mother to child infection. Please also provide information on the measures taken or envisaged to provide information on sexually transmitted diseases and on means to avoid such transmittance, including for vulnerable groups of women (para. 96).

23. Please provide information on measures taken to reduce teenage pregnancy as well as to improve the level of information concerning sexual and reproductive health among adolescents.

**Situation of particular groups of women and girls****Women in detention**

24. The report states that at the time of the submission of the report, children were kept in the same facilities as adult detainees, girls with women, but that separate detention facilities for girls and boys would be established in 2007 in Thimphu. Please indicate whether separate centres have now been opened. Please also provide information as to whether any facility similar to the Youth Development and Rehabilitation Centre for boys has been opened for girls convicted of having committed a crime, and on the educational and rehabilitation activities offered to girls placed in that institution (paras. 27 and 48). Please also provide information on the number of girls serving sentences at the moment, and if there is a special centre

for girls as referred to above, indicate where these girls are placed and provide information on their access to education.

#### **Refugee women**

25. The report indicates that the Governments of Bhutan and Nepal have reached an agreement on the situation of the persons staying in refugee camps in Nepal, but that since 2003, the deteriorating security situation in Nepal has prevented the resumption of the repatriation work with negative consequences for the situation of refugee women and girls. Please provide information on any plans to reinstate the negotiations with the Nepalese Government and to continue the repatriation work.

#### **Child domestic workers**

26. The report refers to a recent report on Assessment of the Protection Factors for Children in Bhutan, according to which most child domestic workers are girls without access to schooling who often work long hours for little pay, and are vulnerable to different forms of abuse (para. 303). Please indicate whether the entry into force of the new Labour and Employment Act has brought about any changes to this situation and whether any concrete action has been taken or is envisaged on the basis of this report to address the situation of these girls.

#### **Women with disabilities**

27. The report notes in paragraph 391 that increased awareness and support mechanisms for disabled women should be created, and that this topic is expected to be covered through the National Plan of Action for Gender. Please provide updated information on this issue and elaborate on the measures undertaken or planned in this regard.

#### **Rural women**

28. Please provide information on the measures taken to improve the visibility of rural women in all sectoral policies and programmes and their full access to health, education and vocational training. Please indicate whether there is any social security scheme in place for the protection of older women and for women in the agricultural sector.

#### **Marriage and family relations**

29. The report indicates that, in practice, traditional systems to share inherited property which are informal, flexible and often circumstantial are applied in addition to the Inheritance Act 1980 (para. 399). Please provide further information on these practices and describe the measures that have been taken to ensure that their application is not conducive to de facto discrimination of women.

30. The report indicates that although the legal age of marriage is now 18 years for both sexes, underage marriages continue to occur (paras. 465 and 486). Please provide further information on measures taken to prevent and eliminate underage marriages.