



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the tenth periodic report of Bhutan*

1. The Committee considered the tenth periodic report of Bhutan (CEDAW/C/BTN/10) at its 2001st and 2002nd meetings (see CEDAW/C/SR.2001 and CEDAW/C/SR.2002), held on 10 October 2023.

A. Introduction

2. The Committee appreciates the submission by the State party of its tenth periodic report (CEDAW/C/BTN/10), which was prepared in response to the list of issues and questions prior to reporting (CEDAW/C/BTN/QPR/10). It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/BTN/CO/8-9/Add.1). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. **The Committee commends the State party on its high-level delegation, which was headed by the Cabinet Secretary of the Cabinet Secretariat, Kesang Deki, and included representatives of the Ministry of Education and Skills Development, the Ministry of Foreign Affairs and External Trade, the Ministry of Health, the Secretariat of the National Commission for Women and Children, the Gender Expert Group, the PEMA Secretariat, the Cabinet Secretariat and the Family and Child Bench of the Thimphu District Court and the Permanent Representative of Bhutan, Tenzin Rondel Wangchuk, as well as other representatives of the Permanent Mission of Bhutan to the United Nations Office and other international organizations in Geneva.**

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2016 of the State party's combined eighth and ninth periodic reports (CEDAW/C/BTN/CO/8-9) in undertaking legislative reforms, in particular the adoption of the amendments to the Penal Code following the national law review, notably the classification of child molestation as a fourth-degree felony, the decriminalization of homosexuality and the harmonization of the definition of

* Adopted by the Committee at its eighty-sixth session (9-27 October 2023).



trafficking in persons with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2021.

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

(a) National Gender Equality Policy and National Plan of Action for Gender Equality, in 2020;

(b) Gender Equality Strategy, 2018–2023;

(c) Twelfth Five-year Plan, which is aligned with the 2030 Agenda for Sustainable Development and reiterates the commitment of the State party to achieving the Sustainable Development Goals;

(d) Justice Sector Strategic Plan, 2018–2023, aimed at providing improved access to justice services for groups in vulnerable situations;

(e) Policy to Accelerate Mother and Child Health Outcomes, in 2020;

(f) National Plan of Action to Promote Gender Equality in Elected Offices, revised in 2019;

(g) Human Dignity Clinic, introduced by the Jigme Singye Wangchuck School of Law in 2017, providing free legal advice and assistance.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) United Nations Convention against Transnational Organized Crime, in 2023;

(b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2023;

(c) Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation, in 2020.

C. Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

D. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the parliament, in line with its mandate, to take the necessary steps

regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

E. Principal areas of concern and recommendations

Visibility of the Convention and the Committee's general recommendations

9. The Committee notes with appreciation that the Convention has been referenced in judgments of the High Court and the Supreme Court and that it has served as guidance for the formulation of several laws. The Committee notes, however, the lack of clarity on whether the Supreme Court's power of judicial review as established in *Opposition Party v. The Government of Bhutan* (2019) can also be used to interpret national laws in conformity with the Convention and other human rights treaties. It also notes with concern:

(a) The lack of specific capacity-building on the Convention for the judiciary, prosecutors and law enforcement officers and its absence in the curriculum for law students;

(b) The lack of a comprehensive implementation mechanism for recommendations by the Committee and other human rights mechanisms.

10. The Committee recommends that the State party:

(a) **Ensure that the Supreme Court has the power of judicial review of legislation to ensure its conformity with the Convention;**

(b) **Include the Convention and the Committee's general recommendations in all capacity-building programmes, including through judicial colloquia, for the judiciary and in the curriculum for law students;**

(c) **Accelerate its efforts towards the establishment of a national mechanism for reporting, implementation and follow-up, taking into account the four key capacities of engagement, coordination, consultation and information management of such a mechanism, and ensure that civil society organizations that promote women's rights and gender equality are consulted in its work.**

Constitutional and legislative framework and definition of discrimination against women

11. The Committee notes with appreciation the adoption of the National Gender Equality Policy and the National Plan of Action for Gender Equality in 2020 and the Gender Equality Strategy, 2018–2023. It notes with concern, however, the absence of a constitutional provision on equality of women and men and of comprehensive gender equality and anti-discrimination legislation in the State party.

12. **The Committee, noting that ratified treaties are not self-executing in the State party, recommends that the State party ensure that the principle of equality of women and men be explicitly enshrined in the Constitution and that it adopt comprehensive gender equality and non-discrimination legislation, in line with article 15 of the Convention, ensuring guarantees of equality before the law, and articles 1 and 2 covering direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, and ensure formal and substantive equality, access to remedies, restitution and compensation.**

Women's access to justice

13. The Committee welcomes the nationwide survey on legal needs, which includes an analysis of gender-differentiated experiences in accessing justice. It also notes with appreciation the establishment of a legal aid centre in the Bhutan National Legal Institute and the provision of legal assistance in cooperation with the National Commission for Women and Children, the Bar Council and the non-governmental organization (NGO) RENEW (Respect, Educate, Nurture and Empower Women). It also welcomes the establishment of an e-litigation platform and of a separate Family and Child Bench in the Thimphu District Court. However, the Committee notes with concern that Thimphu is the only city with such a bench. It also notes with concern:

(a) The limited access of women and girls to the Internet, especially in rural and remote areas where connectivity is deficient, the prevalence of a significant gender digital gap, and the lack of accessibility of the e-litigation platform, in particular for rural women and women with disabilities;

(b) Insufficient knowledge among women and girls about their rights and the available remedies to claim them.

14. The Committee, recalling its general recommendation No. 33 (2015) on access to justice, recommends that the State party increase the number of family and child benches and that it:

(a) **Strengthen Internet connectivity and address the gender digital gap and ensure that the e-litigation platform is accessible to all women, including rural women and women with disabilities, while not replacing in-person legal assistance;**

(b) **Enhance awareness among women and girls, in particular rural women and women and girls with disabilities, of their rights under the Convention and the remedies available to them to claim those rights;**

(c) **Further strengthen the provision of legal aid and ensure its accessibility to women and girls with disabilities, including by considering the establishment of a national bureau on legal aid provision and by providing adequate support, including financial, to NGOs and law school centres providing such services.**

National machinery for the advancement of women

15. The Committee notes with concern that the National Commission for Women and Children has undergone a significant structural transformation following the 2022 civil service reform, which has resulted in a reduction in the resources allocated to the Commission. It is also concerned that this has led to a separation of the Commission's regulatory, coordination and reporting mandate from its implementation mandate, placed under the agency for mental health, the PEMA Secretariat, which was recently expanded to include the prevention of and response to gender-based violence against women. It further notes with concern that the Division of Women and Children under the Ministry of Education and Skills Development serves as the secretariat of the Commission, which constitutes a further fragmentation. The Committee is concerned that such separation and fragmentation significantly weaken the effectiveness, autonomy and independence of the Commission and limit its focus to gender-based violence against women and children's education, excluding other issues relating to women's rights.

16. Recalling the guidance provided in the Beijing Declaration and Platform for Action, notably regarding the conditions necessary for the effective functioning of national machineries for the advancement of women, the

Committee recommends that the State party review the structure and mandate of the National Commission for Women and Children and its secretariat and establish an autonomous, centralized and fully resourced body, with nation-wide outreach, under the Commission with an adequately resourced network of gender focal points and an overall mandate to coordinate all laws, public policies and strategies on gender equality and the advancement of women in a holistic and effective manner.

17. The Committee is concerned that gender-sensitive budgeting is applied in less than 1 per cent of the total budget and that it is limited to health- and Commission-related expenses.

18. The Committee recommends that the State party increase the total amount of and extend gender-sensitive budgeting to all areas under the State budget and ensure that it is prioritized, effectively implemented and monitored.

19. The Committee, while commending the State party's gross national happiness index, regrets the insufficient detail on the gender equality targets tracked in the context of the implementation of the index. It also notes with concern that according to a 2015 study by the Gross National Happiness Commission, women were less happy than men.

20. The Committee recommends that the State party conduct a study on the lived reality of women in all their diversity in the State party and, based on that study, adopt specific gender targets on the basis of women's needs and integrate a gender equality perspective throughout all other elements of its gross national happiness index.

National human rights institution

21. The Committee notes with concern that the State party has not yet established a national human rights institution.

22. The Committee recommends that the State party, as a matter of priority, establish an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, annexed to General Assembly resolution 48/134 of 20 December 1993), equip it with adequate human, technical and financial resources, ensure that it has a strong mandate for the promotion and protection of women's rights and gender equality and consider seeking technical assistance from the Office of the United Nations High Commissioner for Human Rights to support that process, as appropriate.

Non-governmental organizations

23. The Committee notes that in many areas, the State party relies on service provision by NGOs. While commending the important work of NGOs and the State party's cooperation with them, the Committee recalls that the State party cannot absolve itself of its due diligence obligations, for example, to provide victim support and other services, by delegating such services to NGOs. The Committee is also concerned at the indication by the delegation that the number of NGOs in the State party should remain limited.

24. The Committee recommends that the State party:

(a) Continue its successful cooperation with NGOs, while assuming its responsibility as the main duty bearer for the prevention of gender-based violence and for the provision of survivor-centred support services, including

financial support services, to NGOs that are filling the gap in the provision of State services;

(b) **Strengthen the enabling environment for new and existing independent NGOs and provide support to NGOs working on the promotion and protection of women’s human rights in the areas of both service provision and rights advocacy, with an additional focus on women subjected to intersectional discrimination.**

Temporary special measures

25. The Committee notes with appreciation the Gender Equality Strategy, 2018–2023, which includes increasing women’s representation at the executive level to 15 per cent by 2023, the National Plan of Action to Promote Gender Equality in Elected Offices and the Corporate Governance Guidelines for State Enterprises, 2019, which include the term “gender” as a criterion for the selection of members of the boards of directors of State-owned enterprises. The Committee notes with concern, however, the continuing significant overrepresentation of men in the public service and the private sector and the lack of legislation providing for temporary special measures, in line with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures, to achieve substantive equality of women and men. Noting the indication by the delegation that society is not yet ready for temporary special measures given that misconceptions about them remain, the Committee is concerned about the lack of awareness-raising among the general public regarding the non-discriminatory nature of such measures.

26. **The Committee recommends that the State party conduct targeted awareness-raising campaigns, by means of various media and the integration of relevant content in school curricula, on the necessity and non-discriminatory nature of temporary special measures to dispel misconceptions that they are incompatible with a merit-based system. It reiterates its previous recommendations (CEDAW/C/BTN/CO/8–9, para. 15) and recommends that the State party adopt and fully enforce legislation providing for temporary special measures, including in the form of a quota system, in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged, owing to structural, institutional and systemic de facto inequality, including in political and public life, education and employment.**

Gender stereotypes

27. The Committee welcomes the successful awareness-raising campaigns conducted to address the prevalence of gender stereotypes in the State party. It also welcomes the review of school curricula, for all subjects and at all levels of education, from a gender equality perspective and that the National Gender Equality Policy and National Plan of Action for Gender Equality include concrete recommendations, based on a 2019 study, to address the disproportionate burden of unpaid care work on women. However, the Committee notes with concern:

(a) The prevalence of a culture of preference and superiority of men in many aspects of life, as reflected in dominant societal and cultural beliefs and practices, including superstitious beliefs about the devaluation of women and girls;

(b) The unequal status of nuns compared with monks;

(c) The lack of information on specific support measures to increase women's engagement in the male-dominated sports of *khuru* (game of darts) and archery, in which women have been traditionally underrepresented;

(d) The significantly higher share of unpaid care and housework (71 per cent) performed by women and that such work is undervalued in society and prevents women's participation in political and public life and career development.

28. The Committee recommends that the State party:

(a) Continue and further strengthen awareness-raising measures, by means of various media and the integration of relevant content in school curricula, to rigorously eliminate gender stereotypes and discriminatory attitudes in society, including related superstitious beliefs about men's superiority;

(b) Ensure that nuns have the same rights as monks, address any gender inequality based on religion and custom and promote understanding among religious and traditional leaders and the public at large that religious or customary norms cannot be invoked to justify discrimination against women;

(c) Encourage women and girls to participate in sports at all levels, especially those in which they have been traditionally underrepresented, including by implementing specific awareness-raising measures, through various media, adopting temporary special measures and providing grant opportunities and additional training opportunities, including in the school context;

(d) Conduct studies and collect data on the monetization of unpaid work as a basis for its recognition as a contribution to the economy of the State party and review the social protection system accordingly, as well as carry out awareness-raising to increase the understanding of the value of care and domestic work and promote equal sharing of domestic and family responsibilities between women and men.

Gender-based violence against women

29. The Committee welcomes the conduct of awareness-raising programmes on gender-based violence against women; the integration of a special procedure for victims with disabilities in the national Standard Operating Procedures for Gender-Based Violence Prevention and Response; the Gender and Child Protection Emergency Preparedness and Response Plan and related capacity-building for front-line workers and case managers; and the increase in women and child protection desks within the police. However, it notes with concern that:

(a) Marital rape is starkly underreported and classified as a petty misdemeanour, carrying a maximum sentence of one year's imprisonment, whereas rape outside of marriage is criminalized as a third-degree felony, which carries a higher prison sentence;

(b) Compensation must be paid to the husband following the rape of a married woman, treating the woman as the property of her husband based on patriarchal notions of so-called "honour";

(c) The introduction of evidence relating to the sexual history of a rape victim during trial continues to be permissible;

(d) Existing cases of so-called "night hunting", a vanishing but still continuing, albeit infrequent, tradition of "courting" women whereby men (locals or, in some cases, civil servants and others visiting the rural villages for official and

personal purposes) enter their house at night, often resulting in sexual harassment and assault, is prevalent in rural and remote areas;

(e) Section 22 of the Domestic Violence Protection Act of 2013 allows for mediation in domestic violence cases classified as misdemeanours;

(f) Notwithstanding the criminalization of statutory rape, the Penal Code maintains a reference to “consensual sexual act with a child”;

(g) Corporal punishment remains legal under the Penal Code;

(h) There are only two shelters in operation for victims of gender-based violence in the State party, run by civil society;

(i) According to a 2017 nationwide study of violence against women and girls, 53 per cent of women and girls agreed that a man was justified in hitting his partner under certain circumstances and 29 per cent of women and girls who had experienced sexual and/or physical violence believed that men were superior to women.

30. The Committee, recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, recommends that the State party, without further delay:

(a) **Align the classification of marital rape in the Penal Code with the classification of rape outside of marriage as a third-degree felony and consider increasing the sentences for rape in a manner that is commensurate with the gravity of the crime;**

(b) **Abolish any legislative provisions that treat women as their husband’s property, conduct corresponding awareness-raising and ensure that compensation for rape is paid to the victim only;**

(c) **Ensure that the introduction of a victim’s sexual history in trial is inadmissible as evidence under any circumstances and that the prohibition of such evidence is strictly enforced;**

(d) **Ensure that so-called “night hunting” is prosecuted and punished as under the relevant Penal Code provisions, such as on rape, sexual harassment and trespassing, as applicable;**

(e) **Amend the Domestic Violence Protection Act to ensure that no form of gender-based violence against women is qualified as a misdemeanour, that prosecution is given priority over mediation, that mediation can be used only when explicitly requested by the victim following a realistic choice between the use of legal proceedings and mediation and that its use does not place the victim at a disadvantage or risk, and allow for prosecution in the event that mediation fails;**

(f) **Amend the Penal Code, removing any reference to consensual sexual acts with children, as well as all forms of corporal punishment in all circumstances;**

(g) **Allocate sufficient resources to ensure that adequate shelters are accessible to women and girls who are victims of gender-based violence, including women with disabilities, throughout the State party, and adopt legislation providing for effective protection orders, including expulsion orders, against violent partners, allowing victims to stay safely in their home;**

(h) **Carry out awareness-raising for the general public, in cooperation with different media, and include, in the school curriculum at all levels,**

education on equality of women and men and girls and boys and on the criminal nature of gender-based violence.

Trafficking and exploitation of prostitution

31. The Committee welcomes the adoption of the National Prevention and Response Strategy on Trafficking in Persons in 2020 to strengthen international cooperation on the protection of trafficking victims, the development of specialized victim identification procedures, the promulgation of guidelines for child protection, including child trafficking, and the opening of a legal aid centre to provide assistance to trafficking victims. However, the Committee is concerned that the State party remains a source and destination country for trafficking in persons, in particular women and girls, mainly for purposes of sexual exploitation and forced labour. It also notes with concern:

(a) The lack of victim identification and protection measures, which are furthermore conditional upon the willingness of victims to cooperate with the prosecution authorities;

(b) The limited knowledge among the judiciary and law enforcement officials about both internal and transnational trafficking and the lack of effective and gender-sensitive investigation procedures;

(c) That section 224 of the Child Care and Protection Act, while criminalizing child trafficking, maintains the requirement of force, fraud or coercion for child sex trafficking offences, thereby not criminalizing all its forms.

32. The Committee, recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, recommends that the State party:

(a) Strengthen awareness-raising and social protection and employment opportunities to decrease women's and girls' risk of trafficking, and establish safe and easy-to-understand complaint procedures for victims of trafficking that do not expose them to a risk of expulsion;

(b) Strengthen capacity-building for law enforcement officers, border police, labour inspectors and health personnel on the early identification of victims and their referral to appropriate services and protection, irrespective of their ability or willingness to cooperate with the prosecution authorities;

(c) Strengthen the investigation capacity of the judiciary and law enforcement authorities in trafficking cases, as well as cooperation and information exchange with the prosecution authorities in neighbouring countries;

(d) Amend section 224 of the Child Care and Protection Act to remove the requirement of force, fraud or coercion for child sex trafficking offences.

33. The Committee welcomes the provision of alternative employment opportunities and skills training to women formerly employed in *drayang*s (entertainment centres), which were recently closed because women were exposed to sexual abuse and exploitation. It notes with concern, however, that:

(a) Not all women formerly employed in *drayang*s have been able to benefit from reintegration and retraining initiatives;

(b) Economic hardship resulting from the COVID-19 pandemic has driven a significant number women into prostitution.

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

(a) **Assess the situation of women formerly employed in *drayangs* as well as women currently in prostitution, to ensure the provision of effective reintegration and retraining programmes tailored to their needs;**

(b) **Strengthen social protection for women in prostitution as well as exit programmes and alternative income-generating opportunities for women wishing to leave prostitution and to prevent women from having to enter prostitution;**

(c) **Ensure that women in prostitution are not punished by administrative fines and/or criminal charges.**

Participation in political and public life

35. The Committee welcomes the increase in the representation of women in the civil service from 36 per cent in 2016 to 44 per cent in 2022 in professional and management positions and from 10 per cent in 2016 to 23 per cent in 2023 in executive and specialist positions, the increase in the representation of women in local government from 11.4 per cent in 2016 to 12.6 per cent in 2022 and the threefold increase in the representation of women *Gup* (elected head of block administration). The Committee notes with concern, however, that those numbers are still low and:

(a) The decrease in the representation of women in the National Assembly from 17.8 per cent in 2018 to 15.2 per cent in 2022 and that only 1 out of the 20 newly elected members of the National Council is a woman;

(b) The prevailing attitude among voters to vest less trust in women candidates, owing to a common perception of men being more competent leaders;

(c) The absence of any temporary special measures to overcome the structural barriers faced by women in political and public life;

(d) The costly voting procedure owing to the requirement for voters to travel to their home town, impacting in particular women who are disproportionately affected by poverty.

36. **The Committee recommends that the State party comprehensively address all barriers to the equal and inclusive representation of women in political and public life, including by promoting equal sharing of care and domestic responsibilities between women and men and by conducting awareness-raising on the equal capacity of women in all their diversity to take leadership roles, on their human right to equal representation in decision-making systems and on the equal representation of women as a requirement for achieving political stability and sustainable development in the State party. The Committee also recommends that the State party:**

(a) **Adopt concrete temporary special measures, such as quotas, on parity, towards reaching equal representation of women in decision-making in all areas and sectors, including with respect to decision-making roles in the security sector, the State party's work on environment and sustainable development and economic policies, including issues relating to science, technology, engineering and mathematics and culture;**

(b) **Establish processes to ensure that women are represented in all their diversity, including rural women, older women, women from ethnic and religious minorities and women with disabilities;**

(c) **Facilitate the voting procedure for citizens who do not reside in their home town, including voting by mail, to ensure that their participation in**

elections is fully accessible and affordable and strengthens their civic rights and political participation.

Women and peace and security

37. The Committee notes with concern that the State party has not yet adopted a national action plan on women and peace and security.

38. The Committee recommends that the State party, without further delay, adopt a national action plan for the implementation of Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security and ensure:

(a) **The participation of women in all their diversity in the development, adoption and implementation of the national action plan;**

(b) **That the national action plan includes the participation of ethnic Nepali Bhutanese women and girls.**

Nationality

39. The Committee notes that pursuant to article 6 of the 2008 Constitution, the acquisition of citizenship is conditional upon Bhutanese citizenship of both parents, upon having been officially domiciled in Bhutan on or before 31 December 1958 or upon naturalization under certain conditions. It is concerned that:

(a) These requirements affect in particular single mothers and their children when the father is not Bhutanese or when his whereabouts are unknown, until the children successfully participate in a naturalization procedure, attemptable after 15 years of residency;

(b) Ethnic Nepali Bhutanese women who were legal citizens under previous laws or were forced to leave Bhutan in the early 1990s are ineligible for citizenship unless they have documentation from 1958 or before that proves that they or their descendants were legally domiciled in Bhutan.

40. The Committee notes the indication of the State party that the regulation of citizenship is a sovereign matter; however, it reminds the State party that article 27 of the Vienna Convention on the Law of Treaties provides that a party to a treaty may not invoke the provisions of its internal law as a justification for its failure to perform a treaty. It recommends that the State party consider reviewing article 6 of the Constitution to ensure that all Bhutanese have the right to transmit their nationality to their children, irrespective of the other parent's nationality or whereabouts, and that ethnic Nepali Bhutanese women are eligible for Bhutanese nationality, recognizing their strong links with the State party.

41. The Committee notes that the State party plans to introduce a digital identification system. While noting its advantages, the Committee is concerned that such a system carries risks for women, given the gender digital gap, the possibility of women's identification being controlled by male relatives or the risks of violation of women's right to privacy.

42. The Committee recommends that the State party carry out a thorough assessment of any potential gender impact in the introduction of a digital identification system and design adequate safeguards, with support from experts in the field of gender equality and information and communications technology.

Education

43. The Committee notes with appreciation the achievement of gender parity at nearly all levels of education and that the gender gap at the tertiary level was closed in 2022. It also welcomes the measures taken to strengthen the digitalization of education, as well as the introduction of comprehensive sexuality education. However, it notes with concern that sexuality education is not yet fully implemented in every school and:

- (a) The dropout rate of 2.3 per cent among girls in transition from primary to secondary education between 2020 and 2022;
- (b) The persistent gender gap in vocational education and higher education in the fields of science, technology, engineering and mathematics;
- (c) The high illiteracy rate among women, in particular rural women;
- (d) The limited access of girls to digitalized education in rural areas and their increased risk of online gender-based violence owing to the digitalization of education.

44. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party promote the access of girls to education at all levels and:**

- (a) **Provide comprehensive and age-appropriate sexuality education in all schools and at all levels of education;**
- (b) **Address the dropout rate for girls, in particular those in transition from primary to secondary education, including by sensitizing parents, teachers and religious and community leaders, as well as the general public, on the importance of the access of girls to education at all levels as a basis for their empowerment;**
- (c) **Adopt targeted measures to strengthen the access of women and girls to vocational training and promote their participation in science, technology, engineering and mathematics, including by raising awareness at an early age that they are fields for which girls are equally as qualified as boys and by fostering an enabling environment;**
- (d) **Implement adult literacy programmes for women, targeting rural women in particular;**
- (e) **Address the gender digital divide by placing an additional focus on information and communications technology education and explaining the importance of digital skills to girls;**
- (f) **Adopt an action plan to prevent and address gender-based violence against girls online and provide comprehensive and systematic capacity-building to teachers, pupils and parents on prevention and defence strategies to strengthen the resilience of girls against such violence.**

Employment

45. The Committee welcomes the increase in the representation of women in State-owned enterprises, including on the Board of Directors of Druk Holding and Investments. It also welcomes the increasing number of women judges and the recent graduation of the first majority women class of lawyers at the Jigme Singye Wangchuck School of Law. The Committee further welcomes the establishment of additional child-care centres to promote the participation of women in formal employment. The Committee notes with concern, however, that there are not enough

child-care centres in the State party and that the existing centres are inadequately equipped. It also notes with concern:

(a) The significant decrease in the female labour force from 61.2 per cent in 2019 to 53.5 per cent in 2022, while the male labour force increased from 71.8 to 73.4 per cent during that period;

(b) That the unemployment rate among women is 7.9 per cent compared with 4.4 per cent among men and that the unemployment rate among female youth is also higher than among male youth, namely, 32.8 per cent compared with 24.4 per cent;

(c) The prevalence of occupational segregation, with the majority of the female labour force being concentrated in the labour-intensive and low-paid agricultural and domestic sectors;

(d) The lack of information on specific measures taken to address sexual harassment in the workplace and the scarce data on complaints by women.

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

(a) **Conduct a study to identify the causes of the significant decrease in the representation of women in the labour force and, based on its results, implement targeted measures to enhance the access of women to employment, including by providing sufficient training opportunities and safeguards to protect women from discrimination in recruitment, with a special focus on disadvantaged groups of women, owing to structural, institutional and systemic de facto inequality;**

(b) **Provide specific skills training and incentives to orient women and men towards non-traditional career paths, enforce the principle of equal pay for work of equal value and adopt measures to close the gender pay gap;**

(c) **Provide mandatory training for employers and employees on the criminal nature of sexual harassment and the responsibility of employers to apply zero tolerance and prevent and report incidents.**

Health

47. The Committee welcomes the strengthening of sexual and reproductive health and rights services, notably the abolishment of the requirement for women to submit details of their partner when receiving contraceptives, as well as the establishment of a specialized hospital for women and children. It notes with concern, however, that:

(a) Abortion continues to be criminalized, except if necessary to save the life of the woman or if the pregnancy is the result of rape or incest, which makes abortion difficult to access in practice and compels women and girls who seek an abortion to travel outside the country or, if they cannot afford to travel, resort to self-administered and unsafe abortion;

(b) Women and girls with intellectual and psychosocial disabilities are at risk of involuntary abortion;

(c) Contraceptive use is low, owing to prevailing misconceptions and stereotypes, women's frequent dependence on men's agreement to their use of contraceptives, and limited access to family-planning services in the State party.

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

(a) **Legalize abortion, at least in cases of risk to the life or health of the woman, rape, incest or severe fetal impairment, decriminalize it in all other cases and ensure that safe post-abortion services and comprehensive information on abortion are easily accessible;**

(b) **Ensure that women and girls with disabilities are not subjected to any treatment or medical procedures without their free, prior and informed consent and that those performing involuntary or unnecessary procedures on women and girls with disabilities are held accountable;**

(c) **Implement awareness-raising measures to address patriarchal attitudes and gender stereotypes stigmatizing the use of contraceptives;**

(d) **Ensure that all women and girls have affordable and, if necessary, free access to modern forms of contraception, including emergency contraception, and to family-planning services, including through mobile health clinics and digital health services.**

49. The Committee welcomes the Bhutan Mental Health Strategy and Action Plan, 2018–2023 and the Suicide Prevention Five-year Action Plan, 2018–2023. However, it reiterates its concern (CEDAW/C/BTN/CO/8–9, para. 28) about the high incidence of suicide among women and girls in the State party, attributable in part to substance abuse and lack of economic opportunities.

50. **The Committee reiterates its previous recommendation (CEDAW/C/BTN/CO/8–9, para. 29 (c)) and recommends that the State party address economic barriers and substance abuse to reduce suicide rates among women and girls. It also recommends that the State party integrate age-appropriate academic content on the prevention of substance abuse into the school curriculum and conduct awareness-raising measures addressed to the public.**

HIV/AIDS

51. The Committee welcomes the sensitization campaigns on HIV and the increasing access to treatment for persons living with HIV in the State party. It is concerned, however, about the relatively high prevalence of HIV, including among women in prostitution, and about delays in accessing HIV treatment.

52. **The Committee recommends that the State party further strengthen sensitization efforts on HIV targeted at the general public and strengthen comprehensive age-appropriate education on the risks, prevention and destigmatization of HIV in the school curriculum. It also recommends that the State party provide free, expeditious access to HIV testing and treatment, including free anti-retroviral treatment for all women and girls living with HIV.**

Rural women

53. The Committee welcomes the National Financial Inclusion Strategy, 2018–2023 and related action plan, which targets the agriculture sector, in which women are concentrated, as a priority sector for financial inclusion. It notes with concern, however, that rural women still have limited access to loans and other forms of financial credit, information about climate-resilient agriculture technology, training, farming tools and technologies, and land ownership and control. The Committee also notes with concern the lack of information on the percentage of women representatives in *Chiwog Zomdues* and on the measures taken to ensure the equal participation of women in decision-making on water resource management and other rural infrastructures. It is furthermore concerned about the very limited integration of a gender equality perspective in agricultural policies.

54. **The Committee recalls its general recommendation No. 34 (2016) on the rights of rural women and recommends that the State party:**

(a) **Strengthen the access of women to financial credit, including low-interest loans without collateral, entrepreneurship opportunities to enable them to start their own businesses, and affirmative procurement programmes, and create an infrastructure that enables women to access markets, including e-commerce;**

(b) **Strengthen the access of women to information and counselling on modern and climate-friendly solutions in the agriculture sector;**

(c) **Ensure that rural women are able to participate effectively in planning and decision-making related to rural infrastructure, services and rural development programmes;**

(d) **Ensure that rural women have access equal to that of men to land ownership and use, including by ensuring that land parcels under family ownership are explicitly registered under the names of both spouses;**

(e) **Update agriculture policies, with a view to ensuring their relevance for the lived realities of women in the agriculture sector.**

Women living in poverty

55. The Committee welcomes the decrease in multidimensional poverty faced by women in the State party. However, it notes with concern that poverty disproportionately affects women, standing at 6.6 per cent among women compared with 5.4 per cent among men.

56. **The Committee recommends that the State party develop and implement a poverty reduction strategy with a particular focus on women, especially rural women, women heads of households, older women and unemployed women.**

Climate change and disaster risk reduction

57. The Committee reiterates its appreciation for the State party's leadership role on climate change and notes that the State party is classified as a carbon-neutral country. It also welcomes the State party's Climate Change Policy, 2020 integrating gender in all climate actions and its First National Adaptation Plan, 2023, which also emphasizes gender equality. It notes with concern, however, the lack of information on the representation of women in decision-making systems on climate change policies and adaptation programmes, including Bhutan for Life.

58. **The Committee, recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, recommends that the State party ensure gender parity in all decision-making processes regarding the design, adoption and implementation of environmental policies and programmes on climate change and disaster risk reduction.**

Disadvantaged groups of women

Women belonging to ethnic minorities

59. The Committee is concerned about the structural inequalities experienced by women belonging to ethnic minorities, including in accessing land. It also notes with concern that many ethnic Nepali Bhutanese women and girls continue to live in refugee camps in bordering Nepal, where they are reportedly exposed to numerous rights violations.

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

(a) **Strengthen its efforts to eliminate intersecting forms of discrimination and structural discrimination against ethnic minority women in all areas of life, including access to land;**

(b) **In line with its obligation under international law, allow for voluntary return to the State party.**

Refugee and asylum-seeking women

61. The Committee is concerned about the absence of a legal framework in line with international standards to protect asylum-seeking and refugee women and girls in the State party.

62. **Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party accede to the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967, the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.**

Marriage and family relations

63. The Committee notes with concern that despite the prohibition of child marriage in the Child Care and Protection Act, the minimum age of marriage for girls remains at 16 years in the Marriage Act and that child marriage is surrounded by a culture of silence and acceptance in the State party.

64. **The Committee, recalling joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices recommends that the State party:**

(a) **Amend the Marriage Act without delay to raise the minimum age of marriage to 18 years for both women and men, without exceptions;**

(b) **Conduct awareness-raising campaigns and address harmful practices and social norms justifying child marriage, targeting religious and traditional leaders, relevant professionals and the general public, in cooperation with the media;**

(c) **Expediently finalize and adopt the National Child Policy.**

65. The Committee notes with concern the lack of enforcement of child maintenance, which can be enforced only when the parent in default lives in Bhutan. It is concerned that this disproportionately affects women, who constitute the majority of single parents. It also notes with concern:

(a) That under the Marriage Act, communicable diseases such as HIV constitute a ground for depriving a mother of child custody;

(b) The lack of information as to whether a history of domestic violence is taken into account by the courts in the State party when deciding on child custody and visitation rights;

(c) The persistence of polygamy in the State party.

66. **The Committee, recalling its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, recommends that the State party:**

(a) Ensure the enforcement of court decisions on child maintenance, including through judicial cooperation with third States, and advance maintenance payments where they cannot be collected from a parent;

(b) Swiftly revise the Marriage Act to ensure that HIV status or other communicable diseases must not constitute a ground for depriving a parent of child custody;

(c) Ensure that domestic violence is adequately taken into account in legal proceedings on child custody and visitation rights to prevent further exposure of the victims;

(d) Strictly prohibit polygamy, enforce its prohibition and raise awareness about the lack of compatibility of polygamy with women's equal rights and gender equality, and ensure the protection of the economic rights of women in existing polygamous marriages.

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

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

Beijing Declaration and Platform for Action

68. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

Dissemination

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

Technical assistance

70. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

71. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.¹ The Committee therefore encourages the State party to ratify the Convention against

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

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities, to which it is not yet a party.

Follow-up to concluding observations

72. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15, 23 (b) and 35 (a) and (b) above.

Preparation of the next report

73. The Committee will establish and communicate the due date of the eleventh periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

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