

**Country session:** Bhutan

**Date:** 75<sup>th</sup> session -17 and 18 January 2017

## Background information

[OHCHR press release](#)

[Webcast](#)

[Audio file](#)

[Summary record](#)

## Reporting

### Reporting methodology

Regular reporting procedure

Simplified reporting procedure

**Concluding Observations with urgent measures**

### State reports

Common core document	
<a href="#">Initial submission</a>	20 April 1999

CRC		OPAC		OPSC	
<b>No. of report</b>	Third to fifth Periodic Reports	<b>No. of report</b>	Initial report	<b>No. of report</b>	Initial report
<b>Due date</b>	01 September 2012	<b>Due date</b>	08 January 2012	<b>Due date</b>	25 November 2011
<b>Submission</b>	28 October 2014	<b>Submission</b>	3 March 2015	<b>Submission</b>	3 March 2015
<a href="#">Written replies to LOIs</a>	<b>Due date:</b> 23 February 2017	<a href="#">Written replies to LOIs</a>	<b>Due date:</b> 23 February 2017	<a href="#">Written replies to LOIs</a>	<b>Due date:</b> 23 February 2017
	<b>Submission:</b> 24 April 2017		<b>Submission:</b> 24 April 2017		<b>Submission:</b> 24 April 2017

### Public reports of children's rights defenders

	<a href="#">Alternative reports /Additional information</a>
<b>NGOs</b>	<ul style="list-style-type: none"> <li>▪ Human Rights Watch</li> <li>▪ IBFAN</li> <li>▪ ECPAT</li> </ul>

## State delegation

Large high level and multisectoral delegation led by the Minister for Works and Human Settlement and Chair of the National Commission for Women and Children (NCWC). She was supported by representatives of



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Ministry of Education, Ministry of Labor, Office of the Attorney General, Ministry of Foreign Affairs, Ministry of Health, the NCWC, Youth Development Fund and the Ambassador in Geneva.

List of State delegation representatives on [OHCHR site](#)

### **Committee's Task Force members**

<b>Name &amp; Last name</b>	<b>Country</b>
Renate Winter	Austria
Bernard Gastaud	Monaco
Cephas Lumina	Zambia
Mikiko Otani	Japan

## Dialogue description:

### i. Character of the dialogue

The Committee found the dialogue open and honest. The delegation was open to discuss about political and technical obstacles and opportunities to implement the CRC and the Protocols.

### ii. General assessment made by the Committee:

The Committee appreciated the information provided and the engagement during the dialogue. The Committee noted the challenges and constraints the country is facing due to a young democratic process and an on-going major legal reform. It welcomed the resources allocated to children's rights to education and health but raised its concerns about the low budget allocation for child protection.

### iii. Main issues discussed:

#### *Convention on the Rights of the Child:*

- **Violence against children:** The Committee was concerned about the high rates of violence against children at home, in schools and in monastic institutions. Committee members also raised their concerns about the lack of explicit prohibition in national laws of corporal punishment in all settings, and asked whether there were any rehabilitation and recovery programs targeting victims of violence. The delegation replied that the State conducted a study on violence against children in 2016 to better understand its causes, and the findings will serve to revise the National Plan of Action on Child Protection. In addition, they stressed there was a code for discipline management to foster non-violent methods of discipline in schools.
- **Monastic institutions:** The Committee referred in various opportunities to the conditions of children in monastic institutions and inquired about how they were regulated and overseen by the government. Committee members also asked whether there were monitoring and complains mechanisms for children in these institutions, and how the process was when children decided to leave. The delegation replied that monastics institutions were very sacred in Bhutan, and were one of the pillars for decision-making and to conserve cultural traditions in the country. However, nowadays they are religious institutions and are undergoing an important change. They are open to include modern education and they have established a child protection office within the monastic body. As per the decision to leave the institution, the delegation replied that the children were the ones taking the decision depending on their age and no sanctions were imposed.
- **Children of ethnic Nepalese origin:** The Committee regretted the scarce information about these children in the State report and was concerned about the limited enjoyment of their rights. Committee Members asked about the right of children of ethnic Nepalese origin to nationality, how birth registration was carried out and whether they had disaggregated data on these children. The delegation replied they did not have disaggregated data since they wanted to be inclusive and not discriminatory on the grounds of ethnicity. They stated there was no direct discrimination against Nepalese children and if a child was registered he/she could complete primary education.

#### *Optional Protocol on the involvement of children in armed conflict*

- **Age verification:** Committee members asked about the process to verify the age of the child when no identity document was available. The delegation replied that to determine the age in absence of an

age certificate, they based the decision on the testimony of family and community members. The State stressed that since the ratification of OPAC, no cases of child recruitment by armed forces have been reported in the country.

- **Extra-territorial jurisdiction:** The Committee requested further clarification on the exercise of extraterritorial jurisdiction for cases of child recruitment in the country and how they would process a non-Bhutanese child involved in child recruitment abroad, as per article 4 of the Protocol. The delegation replied that they would carry out extraditions based on bilateral agreements.

#### *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*

- **Legislation:** The Committee pointed out that not all the offenses prohibited under the OPSC were criminalized under national law, such as sale of children. Committee Members also asked why there were not registered cases of sale of children, child pornography and child prostitution. The delegation replied that after the penal code was amended in 2011, the concept of trafficking of persons was broadened, and all provisions of the Protocols were defined in national law. Nevertheless, online pornography had still to be included.
- **Victims support:** Committee Members asked about rehabilitation, reintegration and psychological support programs and services provided to child victims. The Committee also inquired whether those victims were Bhutanese or foreigners, and if they were foreigners how they were supported and integrated, or if they have been sent to their country of origin. The delegation replied that three cases of labor and sexual exploitation have been recorded: the perpetrators were brought to justice and the victims were provided with support and reintegration services by NGOs and the crisis center in the central hospital.

## Recommendations of the Committee

### *Convention on the Rights of the Child:*

In its [Concluding Observations](#), the Committee drew attention to the need of **urgent measures** concerning the following 6 areas:

- **Violence against children:** The State should fully implement laws put in place to end domestic violence, and design a comprehensive strategy to prevent and address violence against children in all settings. Awareness-raising campaigns and programs must be carried out at the community level. The Committee also recommended to reinforce monitoring and complaints mechanisms of violence against children, and ensure training on case reporting of professionals working with/for children. Moreover, the State should reinforce its support and reintegration programs for child victims and ensure thorough investigations, prosecutions and sanctions to perpetrators.
- **Harmful practices:** The State should strengthen its awareness-raising campaigns and programs on the physical and mental effects of child marriage, particularly in remote areas. These activities should be carried out with teachers, parents, local authorities, religious leaders and personnel working with/for children in all areas across the country.
- **Children with disabilities:** The State should adopt a human rights-based approach to disability. Design and implement a national policy on disability with meaningful participation of children with disabilities, and ensure that inclusive education is implemented and prioritized over institutionalization of children. Training for teachers on inclusive education must be delivered and awareness-raising campaigns must be carried out to destigmatized children with disabilities. The Committee recommended to ratify the CRPD.



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- **Education:** The State should implement a comprehensive legislation on education making primary education compulsory for both public and private institutions for all children, regardless of their parents' citizenship or immigration status. The curricula and the quality of teachers in private education centers must be regulated. If the State was to replace rural schools with regional boarding schools, it should undertake consultation with children and families on this decision and ensure these regional centers meet the children's necessities. The Committee emphasized on the need to address school drop-out rates (especially of girls), ban corporal punishment and combat harassment in schools (especially against LGBTBI children) and promote alternative ways of discipline and foster peaceful conflict resolution.
- **Children of ethnic Nepalese origin:** The State should extend citizenship to all children born to at least one Bhutanese parent. It should ensure their rights to education and health services, to use their language and practice their own culture and religion.
- **Economic exploitation:** The State should revise its labor regulations to guarantee that children are not undertaking exploitative economic activities and should mandate the labor department to monitor informal work activities. It should also ensure that light forms of work do not hinder children's right to education. Families in difficult situations should receive proper support to prevent their children to engage in child labor. Moreover, protection, reintegration and recovery programs and policies for girls working in entertainment centers (*drayang*s) should be carried out. The Committee recommended to ratify ILO convention No.182 and 138, on worst forms of labor and minimum age for work respectively.

#### *Optional Protocol on the involvement of children in armed conflict*

- **Dissemination, awareness-raising and training:** The State should disseminate the OPAC among members of the armed forces, children and the population in general through awareness-raising campaigns in the media. Moreover, it should include a training on the OPAC for, inter alia, military forces, law enforcement personnel, judges, teachers and social workers.
- **Criminal legislation and regulation in armed forces:** The State should explicitly criminalize the recruitment of children under 18 years old by armed forces, non-State armed groups and private, military and security companies. Moreover, the State should define and penalize the recruitment of children under 15 years old and consider to ratify the Rome Statute of the ICC.
- **Measures adopted to protect the rights of child victims:** The State should amend its national legislation to explicitly include children in armed conflict as victims of abuse and exploitation, and enable them to receive all protective services available for child victims.

#### *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*

- **Legislation, strategy and policy:** The State should revise its national laws and ensure that all offenses of the OPSC are explicitly criminalized. Moreover, it should develop a comprehensive policy and strategy addressing all its provisions, and it should allocate enough human and financial resources for its effective implementation.
- **Prevention of the sale of children, child prostitution and child pornography:** The State should undertake actions exclusively to prevent all the offenses covered by the OPSC and focusing on the root causes of children's vulnerabilities to these offenses. It should also undertake a study to identify potential situations of exploitation of children and implement tailor-made programs as per its findings. In regards to online exploitation and abuse, the Committee recommended to adopt an appropriate legal framework, a comprehensive preventive strategy for these crimes and as well as setting up a robust criminal justice system.
- **Protection of the rights of child victims:** The State should carry out training programs for judiciary staff, the police, teachers, health workers, social workers and monasteries on prevention and the



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harmful effects of the offenses under the OPSC. It should put in place mechanisms for early identification, as well as ensure prompt prosecution of cases. Moreover, the State should ensure protection to child victims in the judiciary system to guarantee they are not treated as offenders, and provide them with psychological and social reintegration.

### Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 16.9 on providing legal identity (birth registration)
- 16.2 to end all form of violence against children
- 2.2 on ending all forms of malnutrition
- 13.5 on promoting mechanisms for raising capacity for effective climate change-related planning and management
- 6.2 on providing access to adequate and equitable sanitation and hygiene for all

### Next State report

CRC	
<b>No. of report</b>	Combined sixth and seventh reports
<b>Due date</b>	1 September 2022

**Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.