



**Convention on the Rights
of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC) OF THE 1354th MEETING*

Held at the Palais Wilson, Geneva,
on Monday, 22 September 2008, at 3 p.m.

Chairperson: Ms. LEE

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Bhutan (CRC/C/BTN/2; CRC/C/BTN/Q/2 and Add.1)
(continued)

1. At the invitation of the Chairperson, the delegation of Bhutan took places at the Committee table.
2. The CHAIRPERSON noted that the under-five mortality rate was very high and requested the delegation to indicate the basis for the State party's assertion in paragraph 204 of the second periodic report (CRC/C/BTN/2) that poor nutrition might be the underlying cause of half of the deaths of under-fives when, according to a non-governmental organization (NGO), Bhutan had no statistics on deaths of under-fives broken down by cause of death.
3. With reference to paragraphs 154 and 155 of the report, which stated that parents generally relied on the authorities to correct their children when they were in conflict with the law, she asked what action was taken to help such parents to take fuller responsibility for their children.
4. The report also contained contradictory information about the literacy rate: paragraph 308 stated that it was 60 per cent, while according to paragraph 341 it was 43 per cent. Clarification of the point would be welcome.
5. She noted that paragraph 402 of the report indicated that children in the 13-15 age group were allowed to perform certain types of work for a maximum of eight hours and asked whether that meant eight hours per day or per week and whether children who worked as golf caddies risked dropping out of school since golf was played during the daytime.
6. Mr. RAGBYE (Bhutan) said that Lhotsampas (southerners) made up more than 20 per cent of the population and were represented in all areas of public life. None of the minorities living in Bhutan suffered any systematic discrimination.
7. With regard to the reunification of refugee children living in the camps in Nepal with their families in Bhutan, he said that the Government had not as yet received any requests for family reunification from refugees in the camps, where there were no children aged under 18 separated from their parents.
8. Mr. CHOPHEL (Bhutan) said that the National Commission for Women and Children had been established in response to the recommendation made by the Committee following its consideration of Bhutan's initial report (CRC/C/108, para. 437) that the CRC Task Force should be replaced. The Commission, whose mandate covered not only the Convention on the Rights of the Child but also the Convention on the Elimination of All Forms of Discrimination against Women, comprised 11 members representing the Government, the forces of law and order, the judicial system, the health and education systems, the social sector, civil society and the private sector. It had a dual function: to coordinate and monitor activities related to the rights of women and children and the preparation of the reports to the relevant treaty bodies; and to receive and consider complaints of violations of the rights of women and children. In August 2008 the Cabinet had accorded the Commission independent status, but it had to be admitted that it was not yet fully independent. However, its degree of independence did enable it to criticize from the

inside the system's various defects. Generally speaking, all the proceedings arising from complaints to the Commission resulted in the conviction of the guilty parties.

9. Mr. ZERMATTEN noted that, in addition to the National Commission for Women and Children, the Government had created a committee for women, children, youth and sports. He would like to know whether that committee had any links with the National Commission.

10. The CHAIRPERSON said that she was not clear about the independence of the National Commission and asked whether it was not in fact a coordination body or a body for monitoring the rights of the child.

11. Mr. CHOPHEL (Bhutan) said that at the time of the creation of the National Commission in 2004 the Government had seen fit to place it under the authority of the Ministry of Health for a provisional period of six months. On the expiry of that period the Commission's personnel, except for its budget director, had been detached from the Ministry. Finally, in August 2008, the new Government had decided that the budget director should no longer work under the auspices of the Ministry; since then the national Commission had been independent financially as well as administratively.

12. Several parliamentary committees with responsibilities including inter alia young people, women, and sports had been established by the new Government; the National Commission was now trying to acquaint them with the content of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. For the moment, the National Commission did not know exactly how and in what areas it would be to collaborate with the parliamentary committees. Information on the matter would be provided later.

13. With regard to the National Commission's two areas of competence, i.e. coordination and monitoring, he said that since Bhutan did not have a ministry responsible for women and children, the Commission was obliged to perform a dual function, for it was the only body capable of preparing reports for the Committee on the Rights of the Child or the Government. However, that situation had no influence on its room for manoeuvre with regard to the proceedings which it initiated in respect of the complaints which it received. It was to be hoped that in time the Commission would be able to limit itself to dealing with complaints from individuals and that a separate organ would be created to discharge the State's obligations with respect to the preparation of reports.

14. On the question of the application of the Convention by the courts, he said that he had taken part in the work of harmonizing domestic legislation with the Convention and that most of the provisions of the law which were incompatible with the Convention had been amended. However, when the National Commission had begun to bring complaints before the courts, it had had to make it very clear to the judges that the best interests of the child went further than the requirements of domestic legislation; the judges had taken that point into consideration in their decisions.

15. Mr. CITARELLA (Country Rapporteur) said even if the National Commission was independent it could not take full advantage of that independence, for it could not monitor the activities of the State independently at the same time as it was coordinating them.

16. Mr. CHOPHEL (Bhutan) said that the dual function was an advantage rather than a drawback since it allowed the Commission to examine the activities of the State with a critical

eye from within the system. During the period when the Commission had not been independent of the Ministry of Health problems had arisen in connection with the mobilization of resources, but the Commission now enjoyed total financial independence. And in a small country like Bhutan collaboration worked better than confrontation: that was the path which the Commission had elected to take.

17. There was a traditional system for registering births and deaths, but as the proportion of children born in hospital was very small owing to the country's unusual geographical features few children had a birth certificate. However, the allegation that the lack of a birth certificate was used as a pretext for denying children access to health care was totally unfounded.

18. The media scene had changed since the submission of the first periodic report: there were now four national newspapers and five radio channels, and all the regions had access to television and the Internet. At the beginning of 2008 the National Commission for Women and Children and a media association had drawn up rules for reporting violations of the rights of women and children and for protecting the victims' privacy and rights. The Government ensured that no offensive material was disseminated in the media.

19. Mr. ZERMATTEN asked whether Bhutan had any programmes, broadcasts or publications aimed at promoting the Convention and offering a new image of children and their problems.

20. Mr. CHOPHEL (Bhutan) said that the collaboration between the media and the National Commission, the radio and television services and the newspapers had provided more space for women's and children's issues and helped to publicize the provisions of the Convention.

21. The preparation of the periodic report had prompted a widespread debate among NGOs, civil society organizations, the media, teachers, parents and members of parliament which had addressed many questions relating to the rights of the child.

22. A telephone network had been established to facilitate access to the system for complaint registration and response.

23. As part of the effort to publicize the Convention, the Chief of Police went to schools to explain what the rights of the child meant and to familiarize children and young people with the notion of responsibility. A campaign entitled "Know the law to know your rights" was being carried out with UNICEF support.

24. The CHAIRPERSON said that she was worried about the fact that the work of publicizing the Convention in the schools was in the hands of the police.

25. Mr. KOTRANE asked whether it might be wise for the police unit for the protection of women and children to have some social workers and teachers among its staff.

26. Mr. CHOPHEL (Bhutan) said that the dissemination of the Convention was not the exclusive responsibility of the police or the Judiciary and that members of the forces of law and order and of the Judiciary were trained in the rights of the child. The function of the unit for the protection of women and children, which had been set up in collaboration with the National Commission for Women and Children, was to ensure that the forces of law and order took the rights of women and children into consideration.

27. Ms. ORTIZ said that it was a good thing for the police to be aware of the rights of the child and to help to publicize the Convention among women and children, but it would be desirable to create local services, with links to the National Commission, to protect and promote the rights of women and children.
28. Ms. AIDOO asked what the State party was doing to train social workers to work together with the police in the unit for the protection of women and children.
29. Mr. CHOPHEL (Bhutan) said that police officers and judges had been sent to Sri Lanka and Thailand, among other places, to study their arrangements for the protection of women and children.
30. The draft Child Care and Protection Act provided for the creation of a machinery for the rehabilitation and reintegration of children in conflict with the law and for the establishment of shelters, matters which had previously been entirely in NGO hands. The bill also provided for the institutionalization of the link between the State and NGOs.
31. Bhutan did not have an action plan aimed specifically at children, but children's needs were addressed in the new Five-Year Development Plan, which provided for separate budget allocations for the protection of children.
32. In order to bring Bhutan's legislation more closely into line with the international standards, discussions were being held on the possibility of raising to 13 years of the age of criminal liability, set at 10 years by the 2004 Penal Code.
33. Monastery education had been Bhutan's only form of education until the end of the 1950s. The monastery system continued to cater for many children. It was generally admitted that the system was too rigid and had not incorporated modern thinking on the rights of the child. The National Commission for Women and Children and the monastery authorities had been working together since 2006 with a view inter alia to introducing new forms of discipline and ensuring the use of modern teaching methods. A study visit had been made to Thailand, to schools whose teaching methods had been recognized by the United Nations Scientific, Cultural and Educational Organization (UNESCO), which had led to a discussion of the possibility of introducing those new methods in Bhutan's education system.
34. Ms. ORTIZ asked whether there were clear rules on discipline and, if so, whether they had been approved by the National Commission. She also wished to know whether a child could be sent to a monastery by court or administrative order and how many children lived in monasteries.
35. Mr. CHOPHEL (Bhutan) said that some schools were subject to the central monastic authorities while others were run by private religious authorities. It would be desirable for clearer operating rules applicable to all schools to be introduced in collaboration with the monastic authorities, but the available resources did not stretch that far, even with UNICEF support.
36. Mr. CITARELLA (Country Rapporteur) asked whether the monastery schools accepted only boys.
37. Mr. CHOPHEL (Bhutan) said that there were monasteries for boys and convents for girls. The Expert Committee of the monastic authorities included a nun to represent convent girls and women.

38. Some 14,000 children attended schools run by the monastic authorities and the schools of the private monastery system. A census was currently being taken of the pupils attending monastery schools.

39. Mr. KOTRANE asked whether children from minorities had the right to be educated in their own religion and language.

40. Mr. CHOPHEL (Bhutan) said that there were schools for adherents of the Hindu religion, in the south of the country.

41. Bhutan had attained the health-for-all objectives in respect of primary health care. However, access to secondary and tertiary health care was still impeded by a lack of infrastructure and human and financial resources. Bhutan was short of doctors, and some patients had to be sent abroad for treatment at the State's expense; hence the plan to establish a medical school.

42. There were no institutions providing local health care, mental health care or care for persons with disabilities, the provision of which was still dependent on local initiatives.

43. Owing to the shortage of medical personnel, the public authorities were beginning, with the assistance of partners such as the World Health Organization (WHO), to establish telemedicine programmes, especially in the hospitals in the remotest regions.

44. Malnutrition in Bhutan was due less to a lack of food than to a poor diet. It was particularly high in the east of the country, where there was also a serious problem of alcoholism which had prompted the authorities to try to reduce the local production of alcohol. The current regulations on maternal breastfeeding were based on the international standards. They provided for four months' maternity leave and for a period of exclusive breastfeeding, also of four months. Paternity leave, currently five days, had also been introduced.

45. The adoption regulations currently covered only adoptions within the country, for the question of intercountry adoption had not arisen; but the situation was changing. Before authorizing an intercountry adoption the court in question must obtain the consent of the National Commission for Women and Children.

46. The proportion of the population classified as poor had been estimated at 32 per cent in 2004; the latest statistics put it at 23 per cent. Some progress had thus been made. It should be pointed out that the fight against poverty lay at the heart of the five-year development plans.

47. The launching of the Secretary-General's Study on Violence against Children had prompted a number of events and developments in South Asia, such as the establishment of a regional forum on violence against children, of which Bhutan was a member.

48. Some reports might give the impression that drug addiction was widespread in Bhutan. However, a close examination of the figures showed that not to be the case. A number of bodies had been created, including an agency to combat drug addiction and a special police unit, and there was a rehabilitation centre to treat addicts.

49. Ms. AIDOO asked whether the five-year development plans included specific measures to combat child poverty. She noted that almost 10 per cent of young people were unemployed and

that many children worked, in particular as domestic servants, from age 11 in some cases. Such children must be staying away from school, a situation which perpetuated their poverty.

50. Mr. ZERMATTEN asked what impact the anti-addiction measures were having and whether there was a policy on the prevention of drug addiction.

51. Mr. KRAPPMANN asked whether the new Five-Year Development Plan included education and food programmes specifically for poor families and children.

52. Mr. CHOPHEL (Bhutan) said that, strictly speaking, the new Plan did not include any strategies designed specifically to reduce child poverty, for it was based on the principle that the reduction of poverty among families and communities in general would necessarily benefit children.

53. The anti-addiction policy was focused on prevention and sought to reduce both the supply and the demand for drugs. The drug-trafficking problem was aggravated by three factors: the porosity of Bhutan's borders with neighbouring countries; the proximity of the Golden Triangle; and the large number of immigrant workers, most of them from India. Young addicts were treated by the child protection units and were regarded as victims rather than as offenders.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

54. Mr. WANGA (Bhutan) said that few disaggregated data on child labour had been produced as yet and that no official study of the subject had been made. However, every year the Ministry of Labour and Human Resources conducted a manpower survey; for 2008 he had requested the division responsible for the survey to include a questionnaire on child labour. Although Bhutan was not a member of the International Labour Organization (ILO), it had already held two rounds of discussions with the ILO office in New Delhi and was receiving ILO technical assistance. For example, the Labour and Employment Act had been drafted with the help of an ILO expert.

55. The usual age for admission to employment in Bhutan was 18 years but, in view of the economic situation and the fact that some children left school before age 18, it had proved necessary to draft regulations on the forms of work which children in the 13-17 age group could perform. Such children were authorized to take some 30 different jobs, including golf caddie. However, the scope for caddying was limited as Bhutan had only two golf courses, which were open only in the evenings and at weekends. Children working as caddies could continue their education without difficulty.

56. According to the most recent survey, Bhutan's unemployment rate was 3.7 per cent.

57. Ms. AIDOO asked for details of the youth unemployment rate.

58. Mr. PARFITT said that he wished to know what the Government was doing to provide training for young people who had left school.

59. Mr. WANGA (Bhutan) said that the Ministry of Labour and Human Resources was responsible for the vocational training of young people who had left the education system. There were several other public and private training establishments in addition to the eight vocational training institutions managed directly by the Ministry. An apprenticeship system had also been established in partnership with employers. The Department of Youth and Sports of the Ministry of Education also offered training programmes.

60. The employment of children as domestic servants was not covered by any regulations. The authorities hoped that the number of under-thirteens employed as domestic servants would decline once the Government had adopted the regulations on the acceptable forms of work for children.

61. Mr. KOTRANE said that by prohibiting in its new legislation the employment of under-thirteens as domestic servants the State party was implicitly authorizing the recruitment of children aged over 13 to do that kind of job, even though domestic work was hard and could harm children's health.

62. Mr. WANGA (Bhutan) said that the new employment bill took account of the ILO standards, so that the work performed by children in the 13-17 age group would be subject to a number of restrictions. Such children could not in fact work more than five hours a day or perform work which might impair their health, safety or morals.

63. Ms. AIDOO said that under ILO Convention No. 138 on the minimum age for admission to employment minors could perform only light work, which must moreover be supervised by a State organ; that did not happen in the case of domestic work.

64. Mr. POWDYEL (Bhutan) said that in its Tenth Five-Year Development Plan Bhutan had set the target of enrolling all children in school by 2013, i.e. two years before the date fixed for the attainment of the Millennium Development Goals. Since the current enrolment rate was 88 per cent, new schools would have to be established to receive the remaining 12 per cent of children, most of whom lived in rural areas.

65. An effective system of non-school education had also been put in place for persons who for a variety of reasons had not been able to attend school in their younger days. Thirty-three per cent of persons who had not attended school in childhood were currently being taught in establishments of that type, the aim being to achieve a rate of 80 per cent by the end of the Tenth Five-Year Development Plan. The "bigger classes" system had been introduced for that purpose: it consisted of the creation, apart from the classes for adults, a school run by just one teacher in a temple or other suitable village building. Moreover, five additional schools had been opened during the 2007/08 school year to cater for 350 pupils lacking access to education. There were also plans to recruit more teachers, for the teacher shortage was one of the reasons why not all children were able to go to school and why at times the quality of education left something to be desired.

66. In 1974 basic education had lasted for six years, after which pupils had no difficulty in finding jobs. The period of basic education had been increased to eight years in 1988 and then to 10 years in 1998.

67. The Constitution did not state expressly that education was compulsory, but in practice Bhutan's accession to the Convention on the Rights of the Child and its joining of the Education for All movement obliged to work towards the introduction of universal basic education.

68. Mr. KRAPPMANN said that he welcomed the ambitious objectives which the State party had set itself with regard to education but noted that the chief problem was the high repetition and dropout rates at the end of the fifth grade and again at the end of the seventh grade. He would like to have further information about the practice of requiring children wishing to attend school in

the south of the country to produce a security certificate or a certificate attesting that they were nor dissidents.

69. Mr. POWDYEL (Bhutan) said that efforts were being made to ensure that children remained in school after the fifth and seventh grades. As Minister of National Education, he could confirm that the security and non-dissident certificates were things of the past.

70. Education was free. The only costs of schooling which could be regarded as "hidden costs" were the small contributions which parents were required to make to a social fund. NGOs furnished financial support to poor families which could not afford to buy their children uniforms, and the Ministry of Education had been requested by the Government to identify vulnerable families with financial problems so that they could be given assistance.

71. The Ministry had also introduced in certain districts courses on the role of parents, during which parents learned how to help their children to cope with their difficulties and improve their school results and how to discuss with them such issues as HIV/AIDS.

72. Another programme, as yet limited to a few districts, was focused on early childhood development. According to a recent study, children who had attended that programme achieved better school results than their fellows.

73. Ms. HERCZOG (Alternate Country Rapporteur) said that she welcomed the fruitful dialogue established with the delegation and the State party's determination to apply the Convention in spite of its current difficulties. In the concluding observations to be adopted at the end of the session the Committee would recommend that the State party should enforce its legislation on children and create a body responsible for monitoring such enforcement.

74. Mr. POWDYEL (Bhutan) thanked the members of the Committee for the constructive and frank dialogue which had characterized the consideration of Bhutan's second periodic report and assured them that both the report and the Committee's concluding observations would be widely publicized throughout the country. He also wished to thank his country's development partners, especially UNICEF, which furnished considerable support for the realization of the rights of the child in Bhutan.

75. The CHAIRPERSON thanked the delegation and assured it that the Committee was aware of the State party's difficulties, which had nevertheless not prevented it from initiating the process of democratization and adopting a new Constitution, moves which she could only welcome.

76. The delegation of Bhutan withdrew.

The first part (public) of the meeting rose at 5.35 p.m.
