



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions prior to the submission of the tenth periodic report of Bhutan\*

#### General

1. Please provide information and statistics, disaggregated by age, disability, ethnicity, geographical location and socioeconomic background, on the current situation of women in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations (CEDAW/C/BTN/CO/8-9, paras. 13 (c), 17 (c), 21 (b) and (c), 27 (c) and 37 (a)),<sup>1</sup> please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered herein.

#### Legislative and institutional framework

2. In the light of the Committee's previous concluding observations (para. 9) and in accordance with articles 1 and 2 of the Convention, please provide information on the progress made in completing the process of harmonizing inconsistent and discriminatory national laws, in relation to the protection of the rights of women and girls, especially concerning intersecting forms of discrimination, and in enhancing the capacity of the Bhutan National Legal Institute to undertake capacity-building programmes for judges, prosecutors and lawyers on the Convention and the Committee's general recommendations. Please indicate whether the State party envisages adopting specific gender equality legislation and, if so, within what time frame.

\* Adopted by the pre-sessional working group on 5 March 2021.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations (CEDAW/BTN/CO/8-9).



**Women's rights and gender equality in relation to the pandemic and recovery efforts**

3. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate the measures implemented by the State party: to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies; and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan: effectively address and are aimed at preventing gender-based violence against women and girls; guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, particularly in the design and implementation of recovery programmes; and are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit the access of women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

**Access to justice and legal complaint mechanisms**

4. In the light of the Committee's previous recommendations (para. 11), please provide information on progress made:

(a) To improve women's access to justice throughout the State party, particularly in rural areas, by addressing concerns regarding physical accessibility impediments;

(b) To ensure that the legal aid fund established under the auspices of the Royal Court of Justice is operational and facilitates women's access to justice ([A/HRC/42/39/Add.1](#), para. 56);

(c) To ensure that specialized courts for women and children are provided with adequate human and financial resources;

(d) To raise awareness among women about legal remedies and legal complaint mechanisms available to them.

**National machinery for the advancement of women**

5. Please provide information on efforts made to strengthen the functions and capacity of the National Commission for Women and Children, including by providing it with adequate human, technical and financial resources to enhance its coordination role and to retain the gender focal point network. In the light of the Committee's previous recommendations (para. 13), please provide information on:

(a) Steps taken to strengthen coordination between the National Commission and the gender focal points;

(b) The activities of the National Commission in monitoring gender mainstreaming activities, including gender-responsive budgeting;

(c) Steps taken and the activities and resources committed for ensuring gender sensitization, and implementation and monitoring of gender equality policies at the local level, especially in relation to outreach in rural areas;

(d) The role and activities of the national machinery aimed at tackling gender stereotyping and harmful practices;

(e) Measures taken to ensure the effective use of the gross national happiness policy screening tool and the gender indicator handbook in assessing the effectiveness of policies in promoting gender equality in the State party;

(f) Concrete plans for the implementation of the Gender Equality Policy 2020 and mechanisms for monitoring its implementation in line with the Sustainable Development Goals.

### **Temporary special measures**

6. According to information before the Committee, the existence of gender equality gaps in the participation of women in various fields, particularly education, employment and politics, was noted in the 2014 gender equality diagnostic study of selected sectors. In the light of the Committee's previous concluding observations (para. 14) and the State party's indication that it would consider drafting a law on temporary special measures, please provide information on concrete action taken to adopt prescriptive temporary special measures, including quotas, as stipulated in article 4 (1) of the Convention and in line with the Committee's general recommendation No. 25 (2004) on temporary special measures, in all areas under the Convention in which women, including rural women and women with disabilities, are underrepresented or disadvantaged. Please describe steps taken de facto to achieve substantive equality, including by raising awareness among political leaders, legislators, the media and the public to eliminate gender stereotypes and prejudices whereby the use of temporary special measures is considered incompatible with a merit-based system (para. 14).

### **Stereotypes and harmful practices**

7. In the light of the Committee's previous recommendations (para. 17), please provide information on steps taken to conduct a national study to analyse existing discriminatory gender stereotypes, and to review school curricula in order to ensure that they facilitate the elimination of existing discriminatory gender stereotypes and prejudices. Please also provide information on concrete measures taken to eliminate patriarchal attitudes and discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, including through awareness-raising campaigns focusing on teachers, parents, community leaders and women and men at all levels of society, the popular media and television, and to promote women in leadership roles and equal participation in decision-making processes. Please report on mechanisms in place to monitor and review the measures taken to eliminate discriminatory gender stereotypes and harmful practices such as child marriage, which are prevalent in rural areas ([CRC/C/BTN/CO/3-5](#), para. 25).

### **Gender-based violence against women**

8. In the light of the study on violence against women and girls that was conducted in 2017, which confirmed the prevalence of gender-based violence against women and girls, and the Committee's previous recommendations (para. 19), please provide information on specific measures taken:

(a) To repeal section 22 of the Domestic Violence and Prevention Act of 2013 in order to prevent the settlement of domestic violence cases through mediation and eliminate the practice of payment of compensation to the husband in cases of rape of a married woman;

(b) To enhance the capacity of the law enforcement agencies to prevent and respond to cases of gender-based violence against women and girls through enhanced capacity-building programmes, and to establish women and child protection units at every police station, as required under the Domestic Violence and Prevention Act;

(c) To establish a coordinated multisectoral system of support services for women and girls who are victims of gender-based violence in line with existing standard operating procedures on case management and the referral system in place;

(d) To undertake a needs assessment to establish the demand for shelters for women and girls who are victims of gender-based violence in the light of reports that most services for survivors are based in Thimphu and that there are very limited services (such as safe and secure public transportation) at the district and local levels, particularly in rural areas;

(e) To amend section 109 of the Penal Code of 2004 in order to prohibit the use of corporal punishment in all settings ([CRC/C/BTN/CO/3-5](#), para. 22 (a));

(f) To adopt a comprehensive law on gender-based violence against women and girls, including harmful practices, in line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.

9. Please provide information on:

(a) The number of cases of gender-based violence against women and girls, including domestic violence, that have been investigated and prosecuted, the nature of the sanctions imposed on the perpetrators and the increase in the prevalence of such violence during the pandemic;

(b) Measures taken under the Domestic Violence and Prevention Act to ensure that victims seeking protection orders have access to legal aid;

(c) Measures taken to eliminate the social acceptance of gender-based violence against women and girls, including domestic violence, through awareness-raising campaigns and by encouraging reporting, in line with the Committee's general recommendation No. 35, updating general recommendation No. 19;

(d) The increased budgetary allocations at the national and local levels for tackling gender-based violence and for supporting women and girl victims during the pandemic.

10. Please specify the measures taken that are aimed at removing barriers to women's access to justice by raising awareness about gender bias and stereotypes among the judiciary, police officers and other law enforcement officials in order to effectively combat gender-based violence against women and girls, including domestic violence.

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

11. Information before the Committee indicates that the State party remains a source and destination country for trafficking in persons. According to a study conducted in 2011, the root causes of trafficking are poverty, illiteracy and lack of awareness. In the light of the comprehensive situational assessment of trafficking in persons undertaken in 2020 and the Committee's previous recommendations (para. 21), please provide:

(a) Information on steps taken to develop a national strategy for the prevention of trafficking in persons, as well as an update on the status of the standard operating procedures for a multisectoral response to combat trafficking;

(b) An update on the number of prosecutions and convictions of traffickers, the sentences imposed and the support and rehabilitation provided to victims, disaggregated by age, sex and region of origin in the State party, as well as on arrangements for mutual legal assistance to strengthen cross-border cooperation in law enforcement and prosecution;

(c) Information on measures in place to ensure the early identification of victims and their referral to the appropriate services and to raise public awareness of the root causes and criminal nature of trafficking;

(d) Data on the number of shelters for women and girls who are victims of trafficking and the number of women and girls who have benefited from those services since the submission of the previous report, as well as the specific procedures and standards for the care and protection of victims ([CRC/C/OPSC/BTN/CO/1](#), paras. 36-37).

12. Please provide data on women in prostitution and on exploitation of prostitution, especially in *drayangs* (entertainment centres), including specific programmes in place to reduce the demand for prostitution. Please also provide information on exit programmes, including alternative income-generating opportunities, in place to enable women to leave prostitution and to ensure their rehabilitation and reintegration into society.

#### **Participation in political and public life**

13. Please provide information on steps taken to accelerate gender parity by 2030 in political and public life at all levels, particularly in the Government, the National Assembly, public service and the foreign service. Please also provide information on the adoption and implementation of targeted measures, including quotas and political leadership training and campaign financing for women candidates and preferential recruitment of women, in line with the Committee's general recommendation No. 23 (1997) on women in political and public life. Specifically, please state the measures taken to amend the Public Election Fund Act of 2008 in order for the Election Fund to cover both national and local elections, since the lack of resources has been a major impediment to the participation of women in local government elections. Please provide information on campaigns to raise awareness among politicians, the media, teachers, community leaders and the general public about the importance of women's participation in decision-making at all levels in the light of the prevalence of discriminatory gender stereotypes regarding the role of women in society.

#### **Education**

14. Please provide information on measures taken to close the gender gap in education, ensure that girls, including pregnant adolescents, do not drop out of school and facilitate the reintegration of young mothers into education. Please also provide information on steps taken to gather comprehensive gender-disaggregated data on school dropout rates, including the number of women and girls benefiting from the continuous education programme. Please indicate measures taken to introduce comprehensive, age-appropriate sexuality education at all levels of education to help to prevent early pregnancy and sexually transmitted infections.

15. Please provide information on steps taken to eliminate traditional stereotypes and structural barriers that may deter girls and women from choosing traditionally male-dominated fields of study, such as science, technology, engineering and

mathematics and information and communications technology, including artificial intelligence. Please also provide information on measures taken to address the prevalence of gender segregation in access to technical and vocational education in the State party.

### **Employment**

16. Information before the Committee indicates that women and men in the State party have similar labour participation rates, but that there are major differences by sex according to the type of work, sectors and working conditions. Moreover, there are differences and disparities in the employment and income of women between urban and rural areas, and the contribution of women in agriculture is undervalued and subject to negative stereotyping. The information further indicates that women's reproductive responsibilities, including childcare, affect their participation in the labour market. Please provide:

(a) Updated disaggregated data on the participation of women in the labour market and measures taken to address their low representation in the workforce, in particular in formal employment and in leadership positions, and relevant data and measures with regard to addressing the high rate of unemployment among women;

(b) Information on measures taken to promote equal sharing of family responsibilities between women and men, including by providing childcare facilities;

(c) Information on measures taken to address occupational segregation in the labour market, where women are concentrated in the hospitality sector and men in the construction and production sectors;

(d) Information on measures taken to address disparities in the employment of women between urban and rural areas and to ensure decent work and higher income opportunities for disadvantaged women.

### **Health**

17. According to the national health survey conducted in 2012, the rate of contraceptive use among women and girls is low, which is attributable partly to the prevalent gender stereotypes regarding sexual behaviour that affect their ability to negotiate contraceptive use. Please provide information on measures adopted to tackle the issue of early pregnancy and to ensure that women and girls throughout the State party have access to adequate sexual and reproductive health services, in particular by conducting awareness-raising campaigns with a view to addressing patriarchal attitudes and gender stereotypes that limit access to and use of contraceptives by women and girls.

18. In its previous concluding observations (para. 28), the Committee expressed concern that, under section 146 of the Penal Code (Amendment) Act of 2011, abortion is permissible only if procured in good faith for the purpose of saving the life of the mother or when the pregnancy is a result of rape or incest. Please provide information on concrete measures taken to legalize the termination of pregnancy, including in the case of risk to the health of the woman and of severe impairment of the fetus, and to decriminalize it in all other cases, including ensuring that safe abortion and post-abortion services are available. Please provide information on steps taken to provide free and confidential family planning services at the community level and raise awareness about responsible sexual behaviour and the prevention of early and unwanted pregnancies and sexually transmitted infections.

19. Please provide information on specific measures taken to address economic barriers and substance abuse in order to reduce the number of suicides among women and girls (para. 29 (c)). Please provide data on the number of women and girls who

have access to rehabilitation services for drug users, the extent of the availability of these services and the existence of social protection programmes to address the economic barriers that drive women and girls to commit suicide.

### **Rural women**

20. In the light of the Committee's previous recommendations (para. 33) and in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide information on measures taken to address poverty and unemployment affecting rural women, in particular those living in remote areas and women-headed households, and to ensure that they have access to justice, education, formal employment, skills development and training opportunities, including with regard to the use of digital technology, health care, housing, income-generating opportunities and microcredit. Please also provide information on how the modernization process in the State party has affected rural women, particularly in relation to social burdens (para. 32); measures in place to address the problem of women's limited control over land and its resources; and to ensure the inclusion of women in all agricultural and rural development plans and programmes.

### **Disaster risk reduction and climate change**

21. In the light of the Committee's previous recommendations (para. 35) and in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please provide information on the participation of women, including women with disabilities and rural and older women, in the design, adoption and implementation of programmes on climate change, environmental policies and disaster risk reduction in the State party.

### **Disadvantaged groups of women**

22. Please provide information on measures taken by the State party to ensure that older women, women and girls with disabilities and lesbian, bisexual and transgender women have effective access to justice, sexual and reproductive health services, income-generating opportunities, social protection programmes and protection from gender-based violence. Please provide information on the situation of women and girls in detention in the light of reports that there is no dedicated facility for female detainees in the State party (A/HRC/42/39/Add.1, para. 47). Please also provide information on concrete steps that are being taken to eliminate the practice of detaining women for failing to pay a debt (*ibid.*, para. 62). Please provide information on specific measures taken to facilitate the return of refugee women and girls from Nepal and India, and to ensure their reintegration in the State party.

### **Marriage and family relations**

23. In the light of the Committee's previous concluding recommendations (para. 37), please provide information on: measures taken to amend legislation to ensure that child custody decisions are made on the basis of the principle of the best interests of the child; measures taken to review and amend section 7.2 of the Marriage Act of 1980 to ensure that HIV status is removed as a ground for depriving a mother of custody of her child or children; and efforts to curb child marriage, including by enforcing legislation to ensure that a person cannot enter into marriage before the minimum age of 18 years.

24. Please provide information on child support and other measures in place to ensure the economic independence of single mothers following divorce or separation from their partners, including enforcement of the alimony and maintenance

obligations of ex-husbands and/or fathers of children. Please indicate measures in place to ensure that there are no disparities in the support and protection afforded to mothers on the basis of their marital status and that the courts, in line with the best interests of the child, take domestic violence history into account when deciding on child custody and visitation rights.

**Additional information**

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments and any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party will be expected, during the dialogue, to respond to additional questions posed by the Committee relating to areas covered by the Convention.

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