

Universal Periodic Review
(19th session, May –June 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Bhutan

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	17 October 2001	<i>None</i>		Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	12 October 2005	<i>None</i>		Right to take part in cultural life

Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	N/A	N/A	N/A	Right to take part in cultural life
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Equality and non-discrimination

Gender equality, empowerment and protection of women and children

2. As part of its commitment to addressing emerging challenges, the Royal Government of Bhutan's (RGoB) 11th Five Year Plan (FYP) gives prominence to the needs of women and children. The increased emphasis placed on gender and protection in the 11th FYP, is a reflection of the RGoB's responsiveness to these emerging challenges. Gender equality and the empowerment of women is strongly positioned under the Good Governance Pillar of Bhutan's Gross National Happiness (GNH) approach to development. Specifically, the RGoB's goal is to create a "gender friendly environment for women's participation and leadership" (NKRA 14). In targeting the needs of vulnerable groups (NKRA 5), the RGoB has highlighted the need to ensure that children's right to protection is enhanced as a primary strategy towards addressing the vulnerability of children. The 11th FYP also reinforces the importance of addressing gendered dimensions of vulnerability through the prevention and elimination of gender based violence.

3. In terms of gender equality and the empowerment of women, the 11th FYP will address visible gender gaps in the areas of education—tertiary and vocational levels—employment, political representation, and violence against women. Bhutan has made notable progress towards ensuring gender equality in education. The country is on track in terms of enrolment in primary school and there is no gender disparity at the national level. At the secondary level, girls make up more than half the total enrolment. Overall, enrolment of girls in tertiary education is much lower than that of boys with 2 girls for every 5 boys enrolled at tertiary level.

4. In the areas of women's participation in politics and decision-making and economic empowerment, the picture is mixed. Women continue to be under-represented in Parliament (14%), civil service (5% at the executive level), and local government (7% elected positions). Bhutan's overall labour force participation rate in 2012 was 63.2%, which has increased over the years especially for women.

5. More women than men (123,054 vs. 74,612) work in the agriculture sector and a higher proportion of the women employed (38% compared to 24% for men) are engaged in agricultural farming. Women remain under-represented as regular paid employees (13% of female workers compared to 24% of male workers). 71% of workers in Bhutan, particularly agricultural workers which are mostly female, are considered to be engaged in 'vulnerable employment' characterized by informal working arrangements, lack of adequate social protection, low pay and difficult working conditions. However, more information is needed to get a better understanding of 'vulnerable employment' in the Bhutanese context as at present, data and evidences on their working condition are lacking."

6. Nearly one in four (24%) of ever married women (aged 15 to 49) had reported experiencing some form of domestic violence from their husbands particularly those that belong to poor households and with no formal education – a phenomenon common in the rural areas. At

the same time, 68% of women in Bhutan reported an accepting attitude towards domestic violence. Bhutan has drafted a Domestic Violence Prevention Bill which is pending enactment by the Parliament and will provide a clear entry point for the UN system during the next cycle.

7. Although a newer priority for Government, significant progress has already been made to protect children in Bhutan. The passage of the Child Care and Protection Act 2011 was a landmark achievement and provides the framework for a comprehensive national child protection system and translates most provisions of the UN Convention on the Rights of the Child into national legislation. However a recent mapping and assessment of the child protection system highlighted a lack of services, limited awareness of children's right to protection among children, families and communities, and limited/ad hoc coordination and partnership mechanisms.

8. Several issues require increased attention through the national child protection system, including child marriage, child labour, and child trafficking, while certain children have been identified as vulnerable and in need of protection, including children in difficult circumstances, children in conflict with the law, child survivors and witnesses, children without adequate care, differently-abled children, and child monks and nuns. A National Plan of Action for Child Protection has been elaborated to develop the national child protection system to address these challenges. While the architecture of a national child protection system is largely in place through enactment of the Child Care and Protection Act 2011, the strategic priority for child protection is to strengthen methods and capacities for identifying, preventing and responding to protection risks. This work will need to take account of the distinct vulnerabilities and needs of both boys and girls.

Advancement of rights and protection of women and children

9. Although women's status is not solely determined by law, it is apparent that legislation (or the lack of it) can deter or accelerate the achievement of equality of women with men. Laws and policies are potent instruments by which women can be empowered. However, the RGOB has limited information on the extent to which national laws have contributed to the recognition, promotion, fulfilment and protection of the rights of women in Bhutan. The UN system will support interventions to repeal or amend discriminatory provisions of existing laws while advocating for the formulation of new legislations and policies that promote gender equality and women's empowerment. This work is fully anchored in the Constitution of Bhutan, the National Plan of Action for Gender (NPAG), and the provision of CEDAW.

10. Gender-based violence (GBV), particularly domestic violence, is a growing concern as shown by the Bhutan Multiple Indicator Survey (BMIS, 2010) and could be considered one of the country's pervasive social problems. An even greater challenge is the lack of concrete information on the prevalence and extent of GBV, including domestic violence and particularly violence against women (VAW) in the country. At the same time, social norms can sometimes undermine efforts to eliminate GBV; most cases go unreported due to a culture of silence and reluctance on the part of victims, including acknowledging the issue of spousal battery let alone reporting it to authorities. This is compounded by the limited ability of authorities to systematically collect relevant data.

11. The availability of timely and appropriate services and support—protection, legal aid and re-integration—and perhaps, more important, the lack of coordination mechanisms across government and other service providers remains significant challenges. This suggests a critical need for a comprehensive and systematic national response to prevent GBV, including VAW that

brings together key service providers [duty bearers] in the police, judiciary, health and protection sectors on the one hand but also works at the community level.

Right to social security and to an adequate standard of living

12. **Essential Social Services:** With the increasing cost of health and education services, Bhutan will need to ensure sufficient resources to safe guard the basic social service coverage and constitutional commitments to maintain free services for all citizens. Despite impressive progress over the last five years, the poverty rate in Bhutan is estimated to be around 23.2% and this is correlated to poor health outcomes, especially among women and children in rural areas. As a lower-middle income country, Bhutan is clearly at the cross road of an epidemiological transition, with an unfinished agenda of maternal and child mortality reduction, early signs of the rise of non-communicable diseases, and the longer term threat of the impact of climate change on health.

13. **Health of Women and Children:** Bhutan has made remarkable progress in improving the health of women and children over the last decade. Improving the quality of care is essential for further improvements in maternal, new-born and child health. The UN will give special emphasis to maternal and new-born health during the first 24 hours, reduction of under-five mortality due to pneumonia and diarrhoea, and improving child nutrition to address high rates of stunting. Bhutan has a relatively high adolescent birth rate and the reduction of early pregnancy is a key priority. Access remains an issue in rural areas, while young people may be hesitant to use existing reproductive and STI services. Bhutan has a very low prevalence of HIV, but needs to extend voluntary counselling and testing (VCT) and STI services.

Right to education

Constitutional Framework:

14. The Sovereign Kingdom of Bhutan is a Democratic Constitutional Monarchy. The Constitution (2008) ¹ stipulates under **Article 9** on *Principles of State Policy*, **Paragraph 15** stipulates that:” **The State shall endeavour to provide education** for the purpose of improving and increasing knowledge, values and skills of the entire population with education being directed towards the full development of the human personality.” **Paragraph 16** adds that **“The State shall provide free education to all children of school going age up to tenth standard** and ensure that technical and professional education is made generally available and that higher education is equally accessible to all on the basis of merit” and **Paragraph 12** indicates that: **“The State shall endeavour to ensure the right to work, vocational guidance and training** and just and favourable conditions of work”. According to **Article 7.15**: **“All persons are equal before the law** and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status”. **Article 17** provides that “The State shall endeavour to take appropriate measures to eliminate all forms of discrimination and exploitation against women including trafficking, prostitution, abuse, violence, harassment and intimidation at work in both public and private spheres” and **Article 18** sets out that “The State shall endeavour to take appropriate measures to ensure that children are protected against all forms of discrimination and exploitation including trafficking, prostitution, abuse, violence, degrading treatment and economic exploitation.”

¹ www.constitution.bt (Accessed on 7 July 2011)

Legislative Framework:

15. According to the National report of Bhutan for the 48th International Conference on Education in 2008, **Bhutan does not have an Education Act**. However at that time, within the Ministry of Education, work was underway on the development of a comprehensive Education Policy that would lead the way towards the development of an Education Act.²

16. Though Bhutan at the moment has no legal framework or an education act, the government has strong commitment to pursue universal basic education. Education is provided free to all the children even beyond basic level. More importantly, education is considered as one of the fundamental needs required to achieve Gross National Happiness the framework for the overall development of Bhutan³.

Policy Framework:

17. The **Education Sector Strategy: Realizing vision 2020**⁴ is an articulation of the goals and processes for achieving Bhutan's aspirations in the education sector, as part of the wider development initiatives toward becoming a progressive sovereign nation enunciated in *Vision 2020*. *Vision 2020* provides a framework of development principles, which address Bhutan's unique needs and priorities for attaining its underpinning development objective of Gross National Happiness.⁵

18. The Education Sector Strategy paper will serve as a map to guide policies and plans towards the 2020 Vision. It will highlight main obstacles and lay out strategic options using the available research and the experience of other countries, yet recognising Bhutan's unique context. The strategy will also delineate the main activities that will be taken up immediately for implementation during the 9th Five-Year Plan (2002-2007).

19. The **Tenth Five Year Plan (2007-2012)** was launched. In the Guidelines of the Plan, Education is one of the overall policy objectives and targets for sectors and it is stated that "Education is recognized both as a basic right and as a prerequisite for achieving the wider social, cultural and economic goals. The overall focus of education sector during the Plan shall be to improve the quality, relevance and coverage of education."

20. The **Tertiary Education Policy of the Kingdom of Bhutan, 2010**⁶ has been developed in accordance with Article 9, Paragraphs 15 and 16 of the Constitution of the Kingdom of Bhutan.

² The Development of education: national report of Bhutan for the 48th International Conference on Education; Geneva; 2008, http://www.ibe.unesco.org/National_Reports/ICE_2008/bhutan_NR08.pdf

³ "Education Sector Overview", Bhutan, Education System Profiles, UNESCO Bangkok, <http://www.unescobkk.org/education/resources/education-system-profiles/bhutan/education-sector-overview/>

⁴ <http://planipolis.iiep.unesco.org/upload/Bhutan/Bhutan%20Education%20Sector%20Strategy%20Vision%202020.pdf> (Accessed 27/07/12)

⁵ The Gross National Happiness is an indicator that measures quality of life or social progress in more holistic and psychological terms than gross domestic product (GDP) It is based on nine criterias: Economic Wellness, Environmental Wellness, Physical Wellness, Mental Wellness, Social Wellness, Political Wellness, Education Wellness, Time Wellness, Cultural Wellness

⁶ http://planipolis.iiep.unesco.org/upload/Bhutan/Bhutan_Tertiary_education_policy_2010.pdf (Accessed 27/07/12)

In accordance with these Constitutional provisions, the State is understood to have the overall responsibility for supporting a robust tertiary education in Bhutan. Therefore, institutions and programmes of tertiary education must be designed to satisfy the needs for leadership, not just the professional requirements of the intermediate and more distant future. Tertiary education institutions will be characterized by a continuous process of recreation. According to the Policy, the content of their curricula and the structures of their organization can never be set once and for all; they, like Bhutan itself, must evolve and change, never losing sight of some fundamental founding principles.

21. In addition, according to the Policy, a **Tertiary Education Act** shall set out criteria for the establishment of universities, colleges, and institutes. It shall provide for the protection of the titles (“university,” “college,” and “institute”) and awards. It shall set out the powers of the Tertiary Education Board, the Bhutan Accreditation Council, and the Registrar for the Tertiary Education and their roles and responsibilities and such other professional bodies and positions in the governance, interpretation and operational processes of the tertiary education system in Bhutan.

Inclusive Education

22. Policies aimed at overcoming gender disparities are most likely to succeed when they are part of an integrated strategy. Bhutan has achieved deep cuts in the number of children out of school, and dropout rates have declined more rapidly for girls than boys: 95% of girls starting primary school in 2008 were expected to reach the final grade. The country’s success can be traced to a multipronged attack on gender disparity through a range of programmes, such as **classroom construction** and **teacher redeployment** which have brought schools closer to communities. The establishment of **community primary schools in remote areas** has been particularly important, as more parents are willing to send girls to school when classrooms are closer to home. Infrastructure investment has been backed by targeted **school health and nutrition programmes** and the **expansion of non-formal education**. The number of learners in non-formal centres tripled from 2000 to 2006, with 70% of participants being young women.⁷

Cooperation:

23. Bhutan is not party to the 1960 UNESCO Convention against Discrimination in Education (CADE). It did not report on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- Sixth Consultation of Member States (covering the period 1994-1999).
- Seventh Consultation of Member States (covering the period 2000-2005).
- Eighth Consultation of Member States (covering the period 2006-2011).

24. Bhutan did not report within the framework of the Fourth Consultation of Member States the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet

⁷ EFA Global Monitoring Report 2011, p. 74, <http://unesdoc.unesco.org/images/0019/001907/190743e.pdf>

reported within the framework of the Fifth Consultation of Member States the measures taken for the implementation of the 1974 Recommendation (covering the period 2009-2012).

25. Bhutan reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

26. Bhutan is not party to 1989 UNESCO's Convention on Technical and Vocational Education.

Cultural rights

Freedom of creative activity, artistic freedoms, right to conduct cultural practices – cultural heritage practice

Normative Framework: constitutional and legislative frameworks:

27. Bhutan's Constitution in its Article 4 stipulates the obligation of the State to preserve, protect and promote the cultural heritage of Bhutan including the protection of the monuments and the cultural life of citizens. Protection of heritage and respect of traditional cultures constitutes one of the four pillars of *Gross National Happiness philosophy* of Bhutan along with economic development, social inclusion and environment protection. It is therefore considered essential for the people's well-being.

Institutional Framework:

28. The mandate to protect and promote cultural heritage largely falls under the Department of Culture, Ministry of Home and Cultural Affairs – while certain components, namely traditional arts and culture fall under the Ministry of Industry and traditional medicine or under the Ministry of Health.

Policy measures:

29. In support of arts and heritage, government subsidizes certain forms of traditional culture. It includes support i) in each District, to traditional *tsetchu*, an important annual religious festival, ii) training and hiring of traditional folk singers and artists through the Royal Academy of Performing Arts and iii) vocational training of youth through School of Thirteen Arts. Beside these 'mainstream' heritage elements, experts report that there are a number of rural traditions, knowledge and skills that do not benefit from state protection and are in the course of disappearing. These include shamanism and various traditions pertaining to rural areas. Concerning the role of Culture in Education, science curriculum is largely based on Western (British) model and does not cover indigenous knowledge related to nature (farming, house making...). Under the Gross National Happiness principle, the education system has started to look into the incorporation of heritage in school curricula. However its status of implementation is to be assessed. No concrete support mechanism is available to support contemporary art and activities as these are not under the purview of the Department of Culture. UNESCO has been assisting since 2012 the drafting of National Archives Bill for the Department of Culture. In the draft, attention was devoted to ensuring respect of international intellectual property laws, privacy and the right of owners /custodians to maintain religious records in situ (even when the document may be of national importance to warrant deposit in National Archives). Bhutan policy shows willingness to ensure the protection and promotion of heritage thereby enriching the

cultural life of the people. However, actual implementation does not always follow or do not cater to large issues related to cultural rights and the participation in cultural life of people in general due to limited Governmental means.

Freedom of opinion and expression

Achievements, best practices, challenges and constraints

Constitutional and Legislative Framework:

30. Freedoms of speech, opinion and expression are protected under Article 7 of Bhutanese Constitution (2008).

31. Defamation and libel are criminal offences under Articles 317 and 320 of Bhutan Penal Code.⁸ Article 319 and 321 of the Penal Code stipulate that the offense of defamation and libel is a felony of the fourth degree and establishes also payment of a compensation for a minimum of one month and a maximum of three years to the aggrieved party calculated in accordance with a national wage rate. According to the penal code of Bhutan, a defendant convicted of a felony of the fourth degree shall be sentenced to a minimum of three years, and a maximum of five years imprisonment. The National Security Act (1992) also forbids criticism of the king and the political system.

32. Freedom of expression and of the press, as well as media diversity, continue to be limited in Bhutan despite some improvements in 2006. The Bhutan Information, Communications and Media Act, passed in July, is designed to regulate the information, communications, and media industries. Many observers have however expressed concern that the law, which is primarily concerned with technological specifics, licensing, and ownership, provides no specific protections for journalists and does not guarantee freedom of information, although it does contain general provisions for freedom of expression and of the press.

Media Self-Regulation:

33. Media self-regulation mechanisms are yet to be developed in Bhutan.

Safety of Journalists:

34. UNESCO recorded no killing of journalists in Bhutan between 2008 and 2012.

III. RECOMMENDATIONS

Right to education

35. Bhutan should be encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.

⁸ http://www.nationalcouncil.bt/wp-content/uploads/2011/02/PCode_En_04.pdf

36. Bhutan should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
37. Bhutan could be encouraged to consider adopting legal provisions to ensure primary education be free and compulsory for all children without discrimination.
38. Bhutan could be encouraged to intensify its efforts to make primary education compulsory, free of all costs and accessible for all children.
39. Bhutan could be encouraged to ensure the equitable access to education for all children and to improve girls' enrolment and participation in education.
40. Bhutan could be encouraged to implement additional measures to ensure the right to education for children from ethnic minorities as well as for children living in rural and remote areas.

Cultural rights

41. Increase of governmental support to the cultural field.

Freedom of opinion and expression

42. Bhutan is encouraged to develop self-regulatory mechanisms for the media.
43. Bhutan is invited to consider adopting a freedom of information law that is in accordance with international standards.
44. Bhutan is further encouraged to decriminalize defamation and to place it in the civil code in line with international standards.

Freedom of scientific research

45. With regard to contribution of science and technology to development, Bhutan is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.