



Convention on the Rights of the Child

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Committee on the Rights of the Child Seventy-fifth session

Summary record of the 2200th meeting

Held at the Palais Wilson, Geneva, on Thursday, 18 May 2017, at 10 a.m.

Chair: Ms. Winter

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties *(continued)*

Initial report of Bhutan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/BTN/1; CRC/C/OPAC/BTN/Q/1 and Add.1)

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1. *At the invitation of the Chair, the delegation of Bhutan took places at the Committee table.*
2. **Ms. Choden** (Bhutan), introducing her country's reports (CRC/C/OPAC/BTN/1 and CRC/C/OPSC/BTN/1), said that national legislation was being updated to address matters such as trafficking and pornography more effectively. A bill on communication, information and media, which covered the issue of pornography and provided for monitoring of data sharing and penalties for abuse, had been tabled.
3. **Mr. Tenzin** (Bhutan), referring to the report on implementation of the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/BTN/1), said that the armed forces recruited only Bhutanese citizens aged 18 years and over. Candidates were required to present their national identity card as proof of age. Recruitment of undocumented persons, whether children or adults, was therefore impossible. Under the Labour and Employment Act, recruitment of children to the armed forces during armed conflict was prohibited and punishable by 5 to 9 years' imprisonment. No cases of that kind had ever been recorded.
4. With reference to paragraph 8.1 of his country's replies to the list of issues (CRC/C/OPAC/BTN/Q/1/Add.1), he said that section 20 of the Civil and Criminal Procedure Code provided for the establishment of extraterritorial jurisdiction over offences under the Optional Protocol. Emphasizing that the Government was endeavouring to streamline rather than replicate existing legislation, he said that there was no need for additional legislation in that regard. So far, the provisions in question had never been invoked in connection with an offence under the Optional Protocol.
5. **Mr. Gastaud** (Country Task Force) said that it was unclear whether recruitment of children to the armed forces at any time, whether during armed conflict or not, was prohibited and penalized under national legislation.
6. **Mr. Tenzin** (Bhutan) said that the aforementioned provisions of the Labour and Employment Act applied to recruitment to the armed forces at any time, not only during armed conflict. It should be noted, however, that the issue of child recruitment did not arise because candidates were required to supply proof of age.
7. **The Chair** (Coordinator, Country Task Force) requested confirmation as to whether national law prevented, at all times, the recruitment to the armed forces of persons who were unable to prove that they were at least 18 years old.
8. **Mr. Tenzin** (Bhutan) said that any such recruitment was indeed prevented by law, provided that the law was diligently followed.
9. **The Chair** asked whether there had been any cases in which the law had not been diligently followed.
10. **Mr. Tenzin** (Bhutan) said that no such cases had been recorded since his country had ratified the Optional Protocol.
11. **Ms. Choden** (Bhutan) said that the Government would consider clarifying the legislation on recruitment to the armed forces.
12. **The Chair** enquired whether there had been any cases of recruitment of children to non-State armed groups, including armed gangs.

13. **Mr. Tenzin** (Bhutan) said that no cases of children engaging in armed activities had been recorded since Bhutan had ratified the Optional Protocol.
14. **Ms. Deki Dema** (Bhutan) said that the use of firearms was restricted and closely monitored in Bhutan. All private firearms had to be registered with the Royal Bhutan Police, so there were no gangs that used firearms.
15. **Mr. Madi** said that the issue of recruitment by non-State armed groups was also linked to the question of extraterritorial jurisdiction. He asked whether a foreign national in Bhutan who had previously recruited children for non-State armed groups abroad would be tried in Bhutan or extradited. He noted that Bhutan would not be able to try such a person if it did not possess legislation prohibiting the recruitment of children by non-State armed groups. The aim of such legislation was to prevent impunity for crimes covered by the Optional Protocol, including those committed outside the State party.
16. **Mr. Tenzin** (Bhutan) said that, under the Extradition Act, offences listed in the schedule of the Act and offences punishable by a prison term exceeding 12 months were extraditable. If an act committed abroad was considered an offence in both Bhutan and the country where it had been committed, the principle of dual criminality would apply. As to whether the perpetrator should be tried in Bhutan or extradited, the decision would depend on a range of factors, such as the amount of evidence available in Bhutan and the penalty applicable in the State where the offence had been committed.
17. **The Chair** asked whether a procedure had been established to ensure that children arriving in Bhutan, including refugees and asylum seekers, were assessed by professionals, such as psychologists, to ascertain whether they had been used in hostilities abroad.
18. **Ms. Lhamu** (Bhutan) said that there was no such procedure in place but that steps would be taken to introduce one. In the meantime, there were various child protection mechanisms ensuring that children arriving in Bhutan received the necessary emergency assistance.
19. **Mr. Tenzin** (Bhutan) said that a foreign child who had entered Bhutan would be treated in the same way as a Bhutanese child. No distinctions were made on the basis of nationality in the Child Care and Protection Act.
20. Turning to his country's report on implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BTN/1), he said that, under the Child Care and Protection Act, the sale of children was prohibited and punishable by 5 to 9 years' imprisonment. Child pornography, child prostitution and child trafficking were prohibited under the Criminal Code. Under the new bill on communication, information and media, the penalty for computer pornography would be increased to 5 to 9 years' imprisonment.
21. **The Chair** enquired whether the sale of children was explicitly prohibited as an offence distinct from that of child trafficking. She drew attention to the fact that, although the provisions on child trafficking in the Child Care and Protection Act were in line with the Optional Protocol, those in the Criminal Code were not.
22. **Mr. Tenzin** (Bhutan) said that, in cases involving the sale of children or child trafficking, the relevant provisions of the Child Care and Protection Act would take precedence over those of the Criminal Code, since the Act was a more recent and specific piece of legislation. The Criminal Code provisions in question were effectively redundant and would be reviewed by the task force responsible for harmonizing national legislation. Both the Labour and Employment Act and the Criminal Code provided for the criminal liability of legal persons.
23. **The Chair** asked whether it was possible to punish a legal entity for an act that was prohibited under the Optional Protocol but not under the Criminal Code.
24. **Mr. Tenzin** (Bhutan) said that the Criminal Code contained a provision which stipulated that a judge could impose a penalty for a crime that was not covered by the Code. If an offence was committed under the Optional Protocol, that provision could be invoked and sanctions could be imposed.

25. **Ms. Choden** (Bhutan) said that, in cases involving trafficking or the sale of children, it was often difficult to establish the precise nature of the offence.

26. **Mr. Wangchuk** (Bhutan) said that there had been three cases of human trafficking involving children aged between 14 and 16 since 2007. The perpetrators had been sentenced to between 3 and 6 years in prison. There was currently no streamlined data-collection process; however, the comprehensive Women and Child Protection Management Information System being developed by the National Commission for Women and Children included information on the trafficking, sale and prostitution of children and child pornography. The National Commission aimed to collaborate with a number of stakeholders, including the police and the courts, in collecting data.

27. **Ms. Deki Dema** (Bhutan) said that a number of officials from governmental and non-governmental organizations had received training on the Convention and the Optional Protocols. Furthermore, a training manual had been developed and training sessions on child-friendly procedures had been introduced into the police training programme. One of the aims of the Communication for Development Strategy on Child Protection was to ensure the effectiveness of such awareness-raising measures. Training programmes for the armed forces on child protection would be included as part of a follow-up to the Strategy.

28. **The Chair** said that she would appreciate information on awareness-raising programmes concerning the Optional Protocol on the sale of children, child prostitution and child pornography, to prevent children from being lured into engaging in the practices outlined in the Protocol.

29. **Ms. Lhamu** (Bhutan) said that many steps had been taken to raise awareness of the applicable laws and penalties in schools and among communities and local government officials. Such action was also part of the high-level advocacy programme being conducted throughout the country by the Goodwill Ambassador of the United Nations Population Fund, with the participation of various government ministries and civil society organizations. The Bhutan Legal Institute had taken steps to spread information among remote communities. Information on the offences and procedures related to the Protocol were broadcast through radio stations targeted at children, such as Kuzoo.

30. **The Chair** said that she wished to know who was responsible for the oversight and coordination of the seven institutions responsible for dealing with issues arising under the Optional Protocol.

31. **Ms. Deki Dema** (Bhutan) said that the National Commission for Women and Children was the competent authority for overseeing all issues under the both Optional Protocols, apart from matters pertaining to human trafficking, which had recently been made the responsibility of the Department of Law and Order. The National Commission was in the process of establishing multisectoral child welfare committees at district level, with representation from governmental and non-governmental organizations, to strengthen coordination and monitor child victims of trafficking and other offences under the Optional Protocol on the sale of children. A draft standard operating procedure on the multisectoral response to address trafficking in persons in Bhutan had been developed, establishing the responsibility of stakeholders to prevent and respond to human trafficking.

32. **Ms. Lhamu** (Bhutan) said that although the labour force participation rate for men and women was similar, women were more often employed in low-skilled work and they accounted for the majority of persons in unpaid family work. Women generally had lower levels of education than men and thus there were fewer women involved in areas such as governance and politics. Studies had suggested that women were more comfortable taking care of the family. In addition, there was a higher percentage of women working in agriculture than men, since men often left rural areas in search of other types of work.

33. **Ms. Choden** (Bhutan) said that education played a major role in bringing about social change. There was a need to build confidence among young girls to help them develop skills that could enable them to pursue a career and become economically empowered. Action was being taken in that regard by the National Commission for Women and Children and NGOs.

34. **Ms. Deki Dema** (Bhutan) said that the National Commission, through the United Nations Office on Drugs and Crime project on human trafficking, planned to establish a shelter for women and children in difficult circumstances, the location of which had yet to be determined. The non-governmental organization Respect, Educate, Nurture and Empower Women (RENEW) had already started construction of a shelter for victims of violence and exploitation to cater for the entire southern region of the country. There were also plans to build service centres in all of the country's districts, which would include emergency shelters.

35. A project supported by the United Nations Office on Drugs and Crime had so far provided training to 75 officials in the police force and various government ministries. Over the following two months, a similar number of law enforcement officials and prosecutors would receive training on combating human trafficking and a training manual had been prepared. An assessment had been carried out of partners' training needs in respect of human trafficking. Advocacy and awareness-raising programmes would be implemented in the south of the country.

36. **Mr. Madi** said that he would appreciate information on any support and services that had been provided to the victims of trafficking that had previously been mentioned, in terms of rehabilitation, psychological support and reintegration into society. In addition, he wished to know whether the victims were Bhutanese or foreign, and in the case of the latter, what had happened to them. Furthermore, he would like to know whether the planned service centres for victims would be fully equipped. Would staff receive training on the Optional Protocol? Would psychologists or persons who understood the trauma of sex trafficking and exploitation be on hand?

37. **Ms. Lhamu** (Bhutan) said that the victims were Bhutanese and had been trafficked within the country. While there had been no standard operating procedure in place at the time of the offences in question, the relevant agencies had ensured that the required support and counselling had been provided. In addition, the victims had received skills training to enable them to earn a living.

38. The centres for human trafficking victims had not yet been built, but the relevant services were expected to be provided. At present, women and children were cared for by the shelters established by civil society organizations.

39. **Ms. Choden** (Bhutan) said that it was not possible to have different centres for different requirements. The focus of RENEW was on domestic violence against women, though children were also accommodated. The planned centres would cater for both women and children to ensure that there were sufficient resources and trained staff. Efforts were made to reintegrate the child victims of trafficking with their own families.

40. **The Chair** said that she would like to know whether businesses in the tourism industry were aware of ethical codes for combating sex tourism, and whether there were programmes in place to work with the hospitality industry in that regard. She would also welcome information on any programmes that were being planned, or had already been implemented, to combat online abuse of children.

41. **Ms. Lhamu** (Bhutan) said that discussions had been held with the Tourism Council of Bhutan on the prevention of sex tourism and other child protection issues, and talks were planned with tour agencies and guides in that regard. Such issues would also be covered in tour guide training programmes.

42. **Mr. Tenzin** (Bhutan) said that the Penal Code only prohibited transmitting sexually explicit content involving children, whereas the Bhutan Information, Communications and Media Act prohibited dealing with such content in any way, which included merely storing the content.

43. **Ms. Khazova** said that she would appreciate information as to whether children were taught about the risks of online activity and how to avoid such risks as part of the compulsory school curriculum, or whether there were any plans in that area.

44. **Ms. Lhamu** (Bhutan) said that the Bhutan Centre for Media and Democracy, a non-governmental organization, had collaborated in distributing information on the risks of

online activity. The Bhutan Information, Communications and Media Act covered the related legal aspects. Furthermore, the issue had been brought to light in the study on violence against children, and so appropriate measures would be included in the National Plan of Action on Child Protection following its review within the coming year.

45. **The Chair** said that, as in some countries adoption was used as a front for the trafficking or sale of children, it would be useful to have further information on the process to match children to prospective adoptive parents, and whether that process could be abused.

46. **Ms. Deki Dema** (Bhutan) said that stringent measures were in place to prevent any misuse of the matching process, including assessments and annual home visits from members of the Legal Unit of the National Commission for Women and Children in cases of domestic adoption. However, most adoptions in Bhutan were intercountry adoptions.

47. **Ms. Choden** (Bhutan) said that, in view of the difficulties of monitoring intercountry adoption, discussions took place within the National Commission to ensure that children were adopted for the right reasons. In domestic adoptions, mechanisms were in place to monitor both the welfare of adoptive children, and the agencies facilitating adoptions.

48. **Mr. Pedernera Reyna**, noting that sentences handed down to children found guilty of crimes were usually half the length of adult sentences for the same crimes, asked what measures were being taken to fine-tune the juvenile justice system. He also requested further information on the professionalization of the criminal justice system, and the specialization of its employees.

49. **Mr. Tenzin** (Bhutan) said that finding alternatives to criminal sentencing, or diversion, was a priority in criminal cases involving children. For minor offences, the investigating agency and competent authority could implement diversion measures to obviate the need for children to attend court; for cases as serious as fourth-degree felonies, children could be required to perform community service; and in the case of misdemeanours, they could be subject to a fine in lieu of imprisonment. Counselling and rehabilitation were provided if necessary.

50. Regarding professionalization, the National Commission was developing specializations in areas including domestic violence and drug abuse. The professionalism of prosecutors dealing with cases involving children had improved as they gathered experience in their field. Moreover, the Office of the Attorney General had been drafting child-friendly guidelines on prosecution and diversion measures, which were likely to be adopted in 2017.

51. **Ms. Aho Assouma** asked whether children in monastic schools were free to leave. Moreover, she wished to know how the Government addressed HIV/AIDS, particularly in reference to protection for mothers with HIV/AIDS and their children; what the national prevalence rate of HIV/AIDS was; how many NGOs were working on HIV/AIDS in Bhutan and whether they received any Government support.

52. **Ms. Tashi Dema** (Bhutan) said that the national sexually transmitted infection and HIV/AIDS control programme was providing counselling and testing services in all health-care facilities, with a focus on patients in antenatal clinics. The national guideline on the treatment and management of HIV/AIDS had been revised in 2016 to include, inter alia, the prevention of mother-to-child transmission, and had been distributed to all health-care facilities. Lhak-Sam was the only NGO currently collaborating with the government HIV/AIDS programme.

53. The prevention of mother-to-child transmission was prioritized and the Government followed the approach advocated by the United Nations Children's Fund (UNICEF), by focusing on unwanted pregnancies among HIV-infected women, and providing care and support for HIV-infected women and infants. Under the Government's HIV/AIDS programme, HIV-infected mothers were encouraged to visit antenatal clinics for routine, voluntary testing and counselling; received antiretroviral therapy during and after pregnancy; and could undergo obstetric intervention. As they were advised not to breastfeed their children, HIV-infected mothers received free baby formula from the

Ministry of Health, as well as follow-up care for their babies for the first 18 months, and family planning advice.

54. **Ms. Choden** (Bhutan) said that admission to monasteries and monastic schools was voluntary. Children — when deemed old enough to make an informed decision — and monks were free to leave without sanctions.

55. **Mr. Cardona Llorens** said that it would be helpful to know which children with disabilities were eligible to attend Bhutan's special schools and schools with special resources for inclusive education, and what kind of schooling was available to children with disabilities who did not have access to those schools. Moreover, he asked who decided whether a child attended a special school or an inclusive school, and on what criteria that decision was based.

56. He also wished to know whether the sporting activities organized by the Department of Youth and Sports targeted children with different kinds of disabilities. It would also be useful to know the extent to which the needs of children with disabilities were taken into account when developing information technology resources.

57. **Mr. Lumina** (Country Task Force) said that he would appreciate answers to his questions from the 2198th meeting as to what mechanisms were in place to monitor schools' implementation of standards for inclusive learning, and what remedies and sanctions were available to address non-compliance by schools; whether there were plans to adopt a legal, rights-based framework for children with disabilities; what percentage of children under 5 were stunted as a result of malnutrition; and how many full-time counsellors and health teachers had been appointed for each school throughout the country. He also requested statistical information on public health expenditure in the tenth and eleventh Five-Year Plans, and suggested that the State party consider updating its common core document.

58. **Ms. Otani** (Country Task Force) said that, as custody of children under 9 years of age was automatically granted to their mothers pending the amendment of the Marriage Act, it would be useful to know whether children's views were taken into account in cases involving children aged over 9, and whether the court could overrule a child's preference for a particular parent if it was considered to be in the child's best interests.

59. **Mr. Gastaud** asked whether there was a minimum age for entering monastic schools, and whether the child was involved or consulted in the enrolment process. He would also appreciate further information on the process of leaving monastic schools.

60. **The Chair** asked whether peacekeepers in Bhutan had received training on the Optional Protocol on the involvement of children in armed conflict.

The meeting was suspended at 11.45 a.m. and resumed at 12.10 p.m.

61. **Ms. Lhamu** (Bhutan) said that 611 children were enrolled at Bhutan's 14 special schools, 2 of which catered to children with visual and hearing disabilities and the rest to all other disabilities. There were also two vocational training centres for children with disabilities covering the eastern and western parts of the country. A school selection committee was responsible for allocating places at special schools, and children with disabilities could also be identified by trained teachers at other schools. A new special school was planned for completion in 2017, and, under the twelfth Five-Year Plan, there would be a special school in every district. The draft national education policy would take the needs of children with disabilities into account.

62. Regarding participation in sport, Bhutan was represented in regional and international Special Olympics events. Moreover, schools were provided with special equipment to ensure access to technology for children with visual or hearing disabilities.

63. Three key inclusive education standards were applied: inclusive culture, inclusive policy and inclusive practice. They were applied primarily by managers, coordinators and teams in schools for children with special needs. The Education Monitoring and Support Services Division of the Department of School Education monitored compliance with the standards. No provision had yet been made for sanctions in the event of non-compliance. However, the question would be raised with the Ministry of Education.

64. Bhutan had signed the Convention on the Rights of Persons with Disabilities and a high-level task force was looking into the possibility of accession and ratification.

65. **Ms. Tashi Dema** (Bhutan) said that the Department of Public Health was successfully implementing the Vaccine Preventable Disease Programme. Universal immunization coverage had been achieved in 1991 and the most recent poliomyelitis case had been recorded in 1986. Bhutan had been certified by the World Health Organization (WHO) as polio-free in 2014. The National Health Survey had shown that immunization coverage had attained 98 per cent. Gasa was the only district where the coverage was relatively low. A study of the causes was currently being undertaken and the results would be published later in 2017 or early 2018.

66. Health expenditure under the tenth Five-Year Plan totalled 8,570.3 million ngultrum (Nu), which was equivalent to roughly 5.8 per cent of the total planned budget. The corresponding expenditure for the eleventh Five-Year Plan was Nu 8,146.23 million, or roughly 3.82 per cent of the budget. The reduction was due to the high rate of capital expenditure under the tenth Plan.

67. With regard to child stunting, the Government recognized malnutrition as a major public health concern. According to the National Nutrition Survey, the child malnutrition rate had declined from 37 per cent in 2008 to 21.2 per cent in 2015. Many initiatives had been launched under the National Reproductive Health Programme and the Nutrition Programme, such as the Bhutan Newborn Action Plan, the Food and Nutrition Security Policy, the Mother and Baby Friendly Health Facility Initiative, and the web-based mother and child health tracking system in all health centres.

68. The Ministry of Health, in collaboration with the Ministry of Education, provided counsellors with training on adolescent health. A curriculum had been developed and was being implemented in the Faculty of Nursing and Public Health of the Khesar Gyalpo University of Medical Sciences of Bhutan. Six counsellors had been trained to date and six additional students were currently being recruited.

69. **Mr. Tenzin** (Bhutan), responding to a question regarding a decline in the proportion of the State budget allocated to the health and social sectors, said that the number of sectors financed by the budget increased each year, so that the proportion accounted for by almost every sector decreased, but not necessarily in terms of the funds allocated.

70. Divorce was treated under the Marriage Act as a last resort. Agreement between the parties, including custody of children, served as the basis for divorce. If there was no such agreement, judges issued a ruling based on the provisions of the Act. The view of a child who had reached the age of 9 was taken into account in rare circumstances. One could logically assume that the child's choice was based on his or her experience of living with the parents, and that the child was guided by intelligence and intuition. However, where there were compelling reasons to believe that the choice was incorrect, the judge was entitled to rule otherwise.

71. **Ms. Lhamu** (Bhutan) said that there were currently 64 full-time teacher counsellors, mostly employed in boarding schools, and that there were plans to recruit full-time counsellors for all schools.

72. **Ms. Choden** (Bhutan) said that monastic institutions had served in former times as centres of governance. There had then been a dual system of religious and civil governance for many years. Nowadays the religious and civil administrative authorities were separate. However, the monastic institutions continued to play an important role in the lives of the Bhutanese people.

73. In the past, every family, especially in the western part of the country, would send one son to the monastic institution, which was greatly revered. Nowadays young monks entered an institution at about 6 years of age. As novices, they were not immediately required to register and take an oath. They were taught how to read and write and were familiarized with religious philosophy and meditation skills. They gradually became sufficiently mature to decide whether to opt for monkhood or to leave the monastery. No sanctions were imposed on those who decided to leave. The rules became more stringent at a higher level and highly elaborate ritual performance skills were acquired.

74. Other less formal monastic institutions were run by spiritual leaders and most of the monks were adults.

75. The Government had assigned teachers of English and mathematics to monastic institutions, so that young monks who left could earn a livelihood.

76. A total of 45 peacekeepers had attended a basic guidance programme concerning the Optional Protocol on the involvement of children in armed conflict. More intensive training courses might be arranged in due course.

77. **Mr. Singye** (Bhutan) said that the Government had regularly enrolled peacekeepers in training programmes on international humanitarian law run by the International Committee of the Red Cross (ICRC) and the Centre for United Nations Peacekeeping in New Delhi. When candidates were nominated, they also underwent a stringent online testing procedure.

78. **Ms. Ohm** (Bhutan) said that monastic institutions were highly revered because they were one of the pillars of Gross National Happiness and of the country's cultural heritage and unique identity. There had been major administrative changes in the Central Monastic Body. The office of General Secretary was held by monks who underwent vigorous mind training and attended a formal education system. Programme officers who were familiar with the formal education system were instrumental in networking with various institutions, such as UNICEF and the National Commission for Women and Children. Another positive change was that children in monastic institutions now played football, tennis and indoor games and watched videos.

79. The school of 13 traditional arts and crafts was another respected institution. Some young people with disabilities had attended the school and one had been mentioned in the Guinness Book of World Records for carving with his left foot.

80. **Ms. Otani** said that the Committee had appreciated the candid dialogue with the delegation from the State party, which faced many financial and geographical challenges and constraints. The Committee welcomed the enactment and amendment of many laws. She hoped that the State party would gradually succeed in bridging the gaps in its implementation of the Convention and Optional Protocols.

81. **Ms. Choden** (Bhutan) said that her country was determined to implement the Convention and Optional Protocols despite all constraints, and to address existing shortcomings and the challenges faced by a rapidly changing society. Bhutan was a small country in a mountainous region, so that it was difficult to provide basic social services to all citizens, both children and adults.

The meeting rose at 12.50 p.m.