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**Bhutan\***

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\* The present document is being issued without formal editing.



## List of abbreviations

ACC	Anti-Corruption Commission
ADR	Alternate Dispute Resolution
AIDS	Acquired Immunodeficiency Syndrome
BCB	Bar Council of Bhutan
BICMA	Bhutan Information Communications and Media Authority
BNLI	Bhutan National Legal Institute
BRCS	Bhutan Red Cross Society
CAA	Child Adoption Act
CAMU	Court-Annexed Mediation Units
CBR	Crude Birth Rate
CCPA	Child Care and Protection Act
CCPC	Civil and Criminal Procedure Code
CDR	Crude Death Rate
CEDAW	Convention on the Elimination of Discrimination Against Women
CHR	Commission on Human Rights
CICL	Children in Conflict with Law
CMR	Child Mortality Rate
CPI	Consumer Price Index
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
CSOA	Civil Society Organisation Authority
DRC	Department of Revenue and Customs
DVPA	Domestic Violence Prevention Act
ECB	Election Commission of Bhutan
ECCD	Early Childhood Care and Development
EiE	Education in Emergency
FOP	Friends of Police
FYP	Five Year Plan
GBV	Gender Based Violence
GDP	Gross Domestic Product
GER	Gross Enrolment Ratio
GFP	Gender Focal Point
GFR	General Fertility Rate
GNH	Gross National Happiness
GNI	Gross National Income
GRPB	Gender Responsive Planning and Budgeting
HIV	Human Immunodeficiency Virus
HRC	Human Rights Council

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ICRC	International Committee of the Red Cross
ICT	Information & Communication Technology
IHL	International Humanitarian Law
IMR	Infant Mortality Ratio
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
LFPR	Labour Force Participation Rate
MBO	Mutual Benefit Organisation
MFAET	Ministry of Foreign Affairs and External Trade
MMR	Maternal Mortality Ratio
MOF	Ministry of Finance
MRG	Mainstreaming Reference Group
NCD	Non-communicable diseases
NCWC	National Commission for Women and Children
NEC	National Environment Commission
NER	Net Enrolment Ratio
NFE	Non-food expenditure
NGEP	National Gender Equality Policy
NJC	National Judicial Commission
NKRA	National Key Results Area
NPAG	National Plan of Action for Gender
OAG	Office of the Attorney General
ODA	Overseas Development Assistance
PBO	Public Benefit Organisation
PWD	Persons with disabilities
RBP	Royal Bhutan Police
RGOB	Royal Government of Bhutan
RJSC	Royal Judicial Service Council
SAARC	South Asian Association for Regional Cooperation
SDG	Sustainable Development Goals
SEN	Special Education Needs
TB	Tuberculosis
TFR	Total Fertility Rate
TIP	Trafficking in persons
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review
VAC	Violence Against Children
VAW	Violence Against Women
VBA	Vulnerability Baseline Assessment
WHO	World Health Organisation

## Glossary of Bhutanese terms

Chhoe-sid:	Religion and politics (temporal and secular)
Chiwog:	A unit under a Gewog
Dakyen:	Award of rank and responsibility
Demkhong:	Constituency
Drangpon:	Judge or Justice of a Royal Court of Justice
Dratshang Lhentshog:	The Commission for the Monastic Affairs
Drayang:	Entertainment center
Druk-lu:	The tradition of the Drukpa Kargyu (a sect/school of Tibetan Buddhism), established by Zhabdrung Ngawang Namgyal
Dungkhag:	Sub-district
Dzongdag:	District Administrator
Dzongkha:	The National Language of Bhutan
Dzongkhag:	District
Dzongkhag Tshogdu:	District Council
Gewog:	Sub-district Administrative Unit (Block)
Gewog Tshogde:	Block Council
Gup:	An elected head of a Gewog
Jabm:	Legal Counsel
Je Khenpo:	The Chief Abbot of the Central Monastic Body of Bhutan
Kargyu:	One of the four orders of Mahayana Buddhism
Ked-dzog:	Stages of development and completion in Vajrayana practice
Kidu:	Benefits granted by the King or the Government of Bhutan
Lhengye:	Ministerial position
Lhengye Zhungtshog:	Council of Ministers or the Cabinet
Lhentshog:	Commission
Lopen:	Teacher
Mangmi:	An elected deputy head of a Gewog
Nyingma:	One of the four orders of Mahayana Buddhism
Rabdeys:	Monastic bodies in dzongs (fortresses) other than Punakha and Thimphu
Thrimzhung Chhenmo:	The first comprehensive codified law
Thromde:	Municipality
Thromde Tshogde:	Municipal Committee
Thrompon:	Municipal Administrator or Mayor
Tsawa-Sum:	The King, Country and People
Tshogpa:	An association or committee
Yenlag Thromde:	Satellite town
Zhung Dratshang:	Central Monastic Body

## I. Introduction

1. Bhutan is pleased to submit its updated common core document to replace the previous common core document submitted in 1999 (HRI/CORE/1/Add.105). This document was prepared in line with the harmonised guidelines on reporting under the international human rights treaties, including guidelines on the core document and treaty-specific documents (HRI/GEN/2/Rev.6).
2. The Ministry of Foreign Affairs and External Trade led the exercise of updating the common core document. The document was prepared through a consultative process involving all relevant government agencies and national civil society organisations. The consultations were held in May–June 2022, following which the present document was finalised.
3. The data and statistics in this document are drawn from the latest published information available at the time of the exercise.

## II. General information

4. Bhutan is a landlocked country in South Asia and shares borders with China in the north and India in the west, east and south. Covering an area of 38,394 km<sup>2</sup>, the country is divided into 20 districts (Dzongkhags). Bhutan falls in the eastern Himalayan range and the terrain is mostly mountainous. The geology of Bhutan is fragile and the topography is rugged and steep, with an extreme rise in elevation from 200 m to above 7,500 m within a short distance of about 170 km.
5. Bhutan is recognized as a global biodiversity hotspot. More than 70% of the country's land cover is forested. The Constitution of the Kingdom of Bhutan (2008) mandates that a minimum of 60% of Bhutan's total land be maintained under forest cover for all time. The country can be divided into three altitudinal or climatic zones: i) the southern foothills with a narrow belt of flatland along the Indian border that experience hot and humid subtropical climate; ii) the temperate region consisting of main river valleys with warm summers and cool, dry winters; and iii) the high Himalayas featuring alpine meadows and snow-capped mountains with cool summers and cold winters.
6. Bhutan has been an independent nation throughout its history. The country was politically unified in the seventeenth century by Zhabdrung Ngawang Namgyal (1594–1652 A.D.). He established a theocracy in 1652 and gave Bhutan an administrative system and a code of law. Bhutan became a hereditary monarchy when Ugyen Wangchuck (1862–1926) was elected as the first King of Bhutan by popular consensus on 17 December 1907. The establishment of the institution of hereditary monarchy brought peace, progress and stability to the country.
7. The Third and Fourth Kings of Bhutan introduced major political reforms aimed at democratisation and decentralisation of power. The most significant change came in 2008 when the Fourth King, Jigme Singye Wangchuck, relinquished absolute powers to bestow the system of democracy to the people. Thus, Bhutan became a Democratic Constitutional Monarchy with the King as the Head of State and a democratic system of government headed by the Prime Minister. The Constitution was adopted on 18 July 2008 by the first democratically elected government.
8. The third parliamentary elections for the National Council and the National Assembly were held in 2018. Four political parties contested for the National Assembly elections which witnessed a turnout of 313,473 registered voters. The general election of the third parliamentary National Assembly elections saw a record total voter turnout of 71.46%, an increase of over 5% from 66% voter turnout in the 2013 general elections.
9. Guided by the unique development philosophy of Gross National Happiness (GNH), Bhutan pursues a careful and measured approach to development. It aims to achieve a harmonious balance between material wellbeing and the spiritual, emotional, and cultural needs of our society. GNH encompasses four pillars:

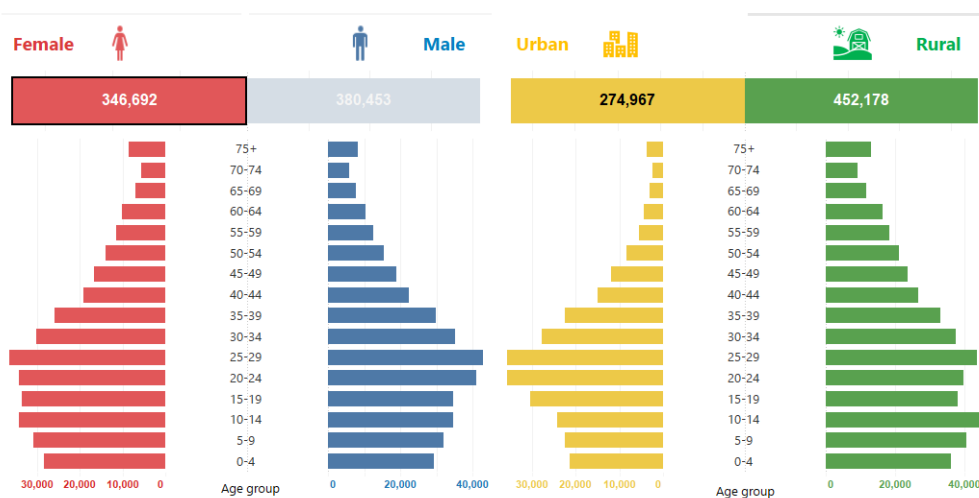
- (i) Sustainable Socio-economic Development;
- (ii) Preservation and Promotion of Culture;
- (iii) Environmental Conservation; and
- (iv) Good Governance.

## A. Demographic, economic, social and cultural characteristics

### Demography

10. As of 30 May 2017, Bhutan's total population was 735,553 persons. Bhutan's overall life expectancy is 70.2 years, which is an increase from 66.3 years in 2005. The sex ratio of the population (number of males for every 100 females) is 110. The population has increased at the rate of 1.3% per annum.<sup>1</sup> Bhutan's projected population in 2023 is 770,246 persons.<sup>2</sup>

*Population pyramid of Bhutan (2017)*



Note: Bhutan population total excludes 8,408 tourists/non-Bhutanese found in hotels on the census reference day

11. From 2005–2017, Bhutan's total population has increased by 16% and the population density increased from 17 persons/km<sup>2</sup> to 19 persons/km<sup>2</sup>. The rural population makes up 62.2% of the total population of Bhutan. Thimphu is the most populated (138,736), constituting 18.8% of the total population of the country.<sup>3</sup>

12. The median age is 26.9 years, indicating that half of Bhutan's population is younger than 26.9 years. The total dependency ratio is 47.0, implying that for every 100 economically active persons, there are 47.0 dependents. The literacy rate of Bhutan in 2017 was 71.4%, an increase by 12% from 2005 (59.5%).<sup>4</sup>

13. Bhutan's GFR<sup>5</sup> in 2017 was 57.3, indicating that there are about 57 births per 1,000 women in the reproductive age. This is a notable reduction from GFR of 79.4 in 2005. The TFR<sup>6</sup> was 1.7 in 2017, a reduction from 2.5 in 2005.<sup>7</sup>

14. The average household size reduced to 3.9 persons in 2017 from 4.6 in 2005.<sup>8</sup> According to the Bhutan Living Standard Survey (2017), 35.6% of households were headed

<sup>1</sup> Population and Housing Census of Bhutan 2017.

<sup>2</sup> <https://www.nsb.gov.bt/>.

<sup>3</sup> Population and Housing Census of Bhutan 2017.

<sup>4</sup> Ibid.

<sup>5</sup> General Fertility Rate (GFR) is the number of births during a year per 1,000 women of reproductive age (15–49 years).

<sup>6</sup> Total Fertility Rate (TFR) is defined as the average number of children a woman would bear in her reproductive life.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

by women. The proportion of female-headed households varies by districts, and in districts such as Bumthang, Trongsa, and Punakha, female-headed households outnumber male-headed households. Furthermore, 62.2% of total households in Bhutan have children. Of the households with children, 3.05% are single-adult households.<sup>9</sup>

15. The prevalence rate for disability in Bhutan for 2017, calculated as per Washington Group Short Set (WG-SS) SPSS Syntax, is 2.1%, which corresponds to 15,567 persons (8,111 female and 7,456 male). Disabled persons were residing overwhelmingly in rural areas (80.4%) than urban areas (19.6%).<sup>10</sup>

16. Buddhism is the spiritual heritage of Bhutan, which promotes the principles and values of peace, non-violence compassion and tolerance, and is practised by the majority of the population. Hinduism is also practised by Bhutanese communities residing in Southern Bhutan.

### Language

17. Dzongkha is the national language of Bhutan. Both Dzongkha and English are used as the medium of instruction for education and also the language of communication in government offices. Despite its small population, Bhutan is linguistically diverse with 19 indigenous languages spoken across the country.<sup>11</sup>

### Living Standard

18. Utilising a poverty line at Nu 2,195.95 (USD 33.82) per person per month (approximately a dollar a day), an estimated 8.2% of the population is found to be poor in 2017, an impressive reduction over the last twenty years from 32%. Poverty in rural areas (11.9%) is significantly higher than in urban areas (0.8%). The highest poverty rates are observed in five districts namely Dagana, Zhemgang, Monggar, Trongsa, and Pema Gatsel. While the Gini index, which measures inequality, has remained fairly constant at the national level (0.36 in 2012 and 0.38 in 2017), a marked disparity in aggregate simple literacy can be observed between the poor and non-poor, especially those living in urban areas.<sup>12</sup>

19. In 2017, the mean monthly per capita household expenditure in Bhutan was Nu. 7,939.00. However, household expenditure in the urban areas is significantly higher (Nu.11,452) than that in the rural areas (Nu. 6,174.00). On average, food accounts for 34% of household consumption expenditure in the country. Major non-food expenditure (NFE) items include: transport and communications (25.2% of NFE), miscellaneous expenditures (17.6% of NFE), clothing and footwear (15.6% of NFE) and rent (15.4% of NFE). Health and education expenditures are minimal as Bhutan provides free access to education and health.<sup>13</sup>

20. The 2017 Population and Housing Census of Bhutan revealed that 6.2% of households experienced food insufficiency (not enough food to feed all household members in the last year). The Poverty Analysis Report 2017 found that 1.5% of the population is subsistence poor (persons belonging to households with per capita consumption below food requirements of Nu.1,473.45).

### Health

21. Bhutan provides free access to basic public health services in both modern and traditional medicines. Bhutan has been continuously investing towards developing health infrastructure and building capacity of health professionals to cater to the health needs of the population. As of 2020, there were 48 hospitals, 184 primary health centres, 54 sub-posts, 552 out-reach clinics, three thromde (municipality) health centres, three referral hospitals and five health information and service centres. In addition, traditional medicine has been an

<sup>9</sup> Bhutan Living Standards Survey 2017.

<sup>10</sup> Population and Housing Census of Bhutan 2017.

<sup>11</sup> Van Driem, George. "Language policy in Bhutan." *Bhutan: Aspects of culture and development* (1994): 87–105.

<sup>12</sup> Poverty Analysis Report 2017.

<sup>13</sup> Bhutan Living Standards Survey 2017.

integral component of the overall health system. As of 2020, there is one traditional hospital in Thimphu and 72 traditional medicine units across the country.<sup>14</sup>

22. Bhutan has made tremendous improvements in the areas of reproductive, maternal, new-born and child health. The skilled birth attendance rate was reported to be over 97% in 2017 compared to less than 20% in 2000. The under one immunisation coverage has been sustained over 95% for decades, and almost all households have access to improved drinking water and sanitation facilities.<sup>15</sup>

23. The maternal mortality ratio (MMR) has declined by more than eight folds over a span of three decades, from 770 maternal deaths per 100,000 live births in 1984 to 89 in 2017. In the same period, the under-five mortality rate (U5MR) reduced from 162 to 34 per 1000 live births. The Crude Birth Rate (CBR) was 15.5 per 1,000 people and the Crude Death Rate (CDR) was 6.7 deaths per 1,000 people. The MMR was 89 per 100,000 live births in 2017.<sup>16</sup>

Year	2000	2005	2010	2012	2017
Life expectancy at birth (years)	66.1	65.3	68.9	-	70.2
General Fertility Rate	142.7	79.4	-	72	57.3
Crude Birth Rate	34.1	20	-	17.9	15.5
Crude Death Rate	8.6	7	-	6.2	6.7
Infant Mortality Rate (per 1000 live births)	60.5	40.1	47	30	-
Under-five mortality rate (per 1000)	84	61.5	69	37.3	34.1
Maternal Mortality Ratio (deaths per 100,000 live births)	255	-	-	86	89
Prevalence of underweight children under-five years (%)	19	-	12.7	-	-
Contraceptive prevalence rate	30.07	57	65.5	-	-

*Source:* National Health Survey 2000; Bhutan Multiple Indicator Survey 2010; National Health Survey 2012; Population and Housing Census of Bhutan 2017; and Annual Health Bulletins published by the Ministry of Health.

24. The total number of health workforce in 2020 was 6386, an increase by around 8% from that of 2019. The number excludes healthcare professionals working in private and military health facilities and 1053 volunteer village health workers. The number of doctors per 1000 population has slightly increased from 0.43 in 2019 to 0.46 in 2020.<sup>17</sup>

25. The total health expenditure for the financial year 2019–20 was estimated at Nu. 8.7 billion which accounted for 4.5% of the Gross Domestic Product (GDP). The spending on curative services was relatively higher as compared to the preventive aspects. In terms of diseases or the program areas, the largest share was spent on non-communicable disease (41%) followed by reproductive health care (23%) and infectious diseases (19%).<sup>18</sup>

26. Compared to 2019, there was a decrease in the number of cases reported in almost all communicable notifiable diseases in 2020 except for Tuberculosis (TB) and Malaria and barring COVID-19. In 2020, there were 919 cases of all forms of TB reported in the country. among which 65 were RR/MDR-TB. Bhutan has improved case detection rates for all forms of TB and has maintained a high treatment success rate. Bhutan has seen an impressive decline in the overall incidence of malaria morbidity and mortality in the last few decades and is on track to achieve its malaria elimination target. Bhutan had an explosive dengue outbreak in 2019 with over 5000 cases reported from 18 Dzongkhags. The Ministry of Health

<sup>14</sup> Annual Health Bulletin 2021.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

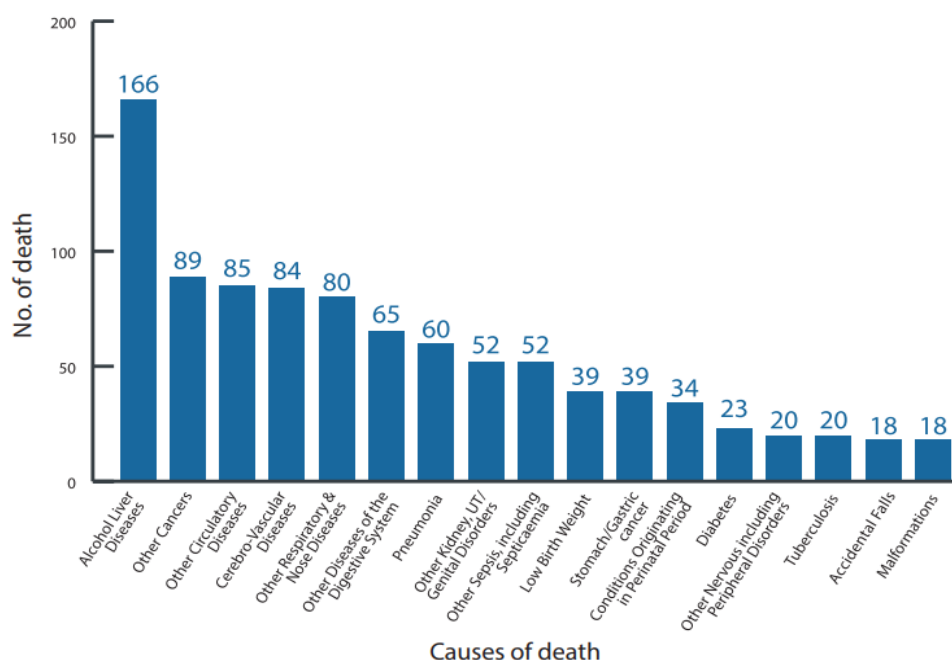


has taken extensive dengue prevention and control interventions in 2020. As a result, only 238 cases were reported in 2020, a 95% decrease in cases as compared to 2019.<sup>19</sup>

27. Bhutan's response to COVID-19 has been remarkable. As of 31 December, 2020, only 670 total cases were reported in the country with no deaths. A year later, as of December 31, 2021, Bhutan saw a cumulative 2660 confirmed cases with 3 deaths. Bhutan initiated vaccination from 27 March, 2021 and has since fully vaccinated over 87.16% of the population (672,575). The Omicron wave was the most severe for Bhutan – as of 20 June, 2022, a total of 59,674 cases were reported with 21 deaths since the beginning of the pandemic.<sup>20</sup>

28. Non-communicable diseases (NCD) are a major public health concern in the country. From 2017–2020, the major NCDs that have burdened the health system are hypertension (approximately 251 per 10,000 population) and diabetes (34.6 per 10,000 population). Bhutan started implementing the WHO Package of Essential NCD (PEN) protocol in 2009 and the People Centered Care-PEN HEARTS project, an improved version of PEN Protocol, from 2019.<sup>21</sup>

*Number of top causes of mortality reported by all health facilities in Bhutan in 2020*



29. Out of the 2496 reported deaths in 2020, alcohol liver disease continued to be the leading cause of death in the country accounting for 6.65% (166 deaths), followed by other cancers (89 deaths) and other circulatory diseases (85).<sup>22</sup>

30. The cumulative total HIV cases detected from 1993–2020 was 741 out of the estimated 1300 cases, pointing to a 39% detection gap. In 2021, 54 new HIV cases were detected. The National AIDS Control Programme aims to achieve the set national target of 90-100-90 derived from the UNAIDS global target of 90-90-90. This means by 2023, 90% of all people living with HIV will know their HIV status, 100% of all people with diagnosed HIV infection will receive sustained antiretroviral therapy and 90% of all people receiving antiretroviral therapy will have viral suppression.<sup>23</sup>

<sup>19</sup> Ibid.

<sup>20</sup> Data gathered from Daily National Situational Update on COVID-19.

<sup>21</sup> Annual Health Bulletin 2021.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

## Education

31. Education in Bhutan until the 1950s was mainly monastic. The education system in Bhutan has three main forms: general education, monastic education and non-formal education. Bhutan provides access to free education that includes free tuition, textbooks, sports items, learning space and teaching-learning materials. Furthermore, stationery, boarding facilities and food are provided for free to certain students based on need.

32. Article 9 (16) of the Constitution guarantees every child the right to free basic education. To ensure universal access to free and equitable education, the draft National Education Policy 2020 and the Bhutan Education Blueprint 2014–2024 were developed. These provide the guidance and strategic road map for achieving national educational goals as well as international commitments such as the SDGs.

33. As of 2021, Bhutan has 492 Early Childhood Development Centres (ECCDs), 605 schools that provide education from pre-primary to 12th grade, 26 tertiary institutes including technical institutes, 184 monastic education institutes and 505 non-formal education centres. The average Student-Teacher Ratio (STR) for public schools is 17 students per teacher while the STR for private schools is 15 students per teacher.<sup>24</sup>

34. The general literacy rate was 71.4% in 2017 with a youth (15–24 years) literacy rate of 93%.<sup>25</sup> The adjusted net enrolment ratio (6–12 years) has improved over the years, from 62% in 2000 to 95.2% in 2015 and to 99.4% in 2020.<sup>26</sup> As of 2021, the net enrolment rate for primary education was 96.5% and the net enrolment rate in secondary education was 75.26%. The dropout rate in primary education was 1.4%. As of 2021, the total enrolment stands at 168,324 pupils in pre-primary to 12th grade.<sup>27</sup> The table below provides the dropout rates in 2021.

Grade	PP	1	2	3	4	5	6	7	8	9	10
Drop-out rate (%)	3	3.3	3.3	2.5	5.4	2.5	1.6	5.9	0.0	2.5	5.8

Source: Annual Education Statistics 2021.

35. In recent years, Bhutan has initiated various reforms to improve quality of education including: development of reviewing the National School Curriculum and launching of National School Curriculum Framework for each subject and Curriculum Instructional Guides for all subjects in 2022, leveraging Information and Communication Technology (ICT) teaching-learning and its use in education in all schools. The Ministry of Education and Skills Development is in the process of reviewing educational policies such as Teacher Human Resource Policy 2014, National Youth Policy 2010, and Tertiary Education Policy 2010. In order to leverage ICT education and harness the potentials of ICT, the Ministry has developed Education ICT Master Plan (2019–2023) and introduced ICT as compulsory subject in all schools from classes PP-XII in 2020. On the skills part, TVET has been introduced as an optional subject from grade IX-XII offered in seven selected schools through mainstream education in the country from 2020.

## Economy

36. Since the early 1980s, Bhutan's real Gross Domestic Product (GDP) has grown at an average annual rate of 7.5%, making it one of the fastest-growing countries in the world. Bhutan's growth has been driven by public sector-led hydropower development and the sale of electricity to neighbouring India. From 2007–2017, Bhutan reduced poverty by two-thirds, from 36% to 12%, based on the \$3.20/day poverty line.<sup>28</sup> Bhutan is on track to graduate from the United Nations' list of least-developed countries by December 2023.

<sup>24</sup> Annual Education Statistics 2021.

<sup>25</sup> Population and Housing Census 2017.

<sup>26</sup> Data from Annual Education Statistics of the years indicated.

<sup>27</sup> Annual Education Statistics 2021.

<sup>28</sup> Country Partnership Framework for Bhutan (2021–2024), World Bank.

37. However, owing to the COVID-19 pandemic and the resulting global economic downturn as well as significant disruptions in the national economy, Bhutan's GDP growth rate dropped to an all-time low of -10.08% in 2020, a huge slide from 5.76% in 2019. The GDP per capita in 2020 declined to Nu. 229,090.40 (USD 3,129.86) from Nu. 240,755.66 (USD 3,418.83) in 2019.<sup>29</sup>

Year	2015	2016	2017	2018	2019	2020
GDP (USD Million)	2 004.00	2 159.12	2 451.28	2 446.49	2 535.65	2 344.05
GDP per capita (USD)	2 792.07	2 971.56	3 332.56	3 331.40	3 418.83	3 129.86
GDP growth rate (%)	6.64	8.13	4.65	3.06	5.76	(10.08)
GNI (USD Million)	1 861.20	1 973.62	2 238.37	2 226.34	2 306.10	2 199.43
GNI growth rate (%)	6.59	6.42	4.54	2.70	5.69	(7.23)
Consumer Price Index (%)	4.58	3.22	4.96	2.72	2.73	5.63
Govt. Expenditure as % of GDP (Current)	16.48	16.08	16.17	16.91	16.55	18.34
Govt. Expenditure as % of GDP (Capital)	12.27	16.03	16.71	14.74	9.97	13.49
<b>Total Debt as % of GDP</b>	<b>101.66</b>	<b>108.80</b>	<b>113.43</b>	<b>109.32</b>	<b>106.76</b>	<b>131.15</b>
External Debt as % of GDP	97.50	104.06	105.87	103.70	104.46	127.43
Net ODA received (% of GNI) <sup>30</sup>	5.23	2.61	5.30	4.85	7.87	-

Source: National Accounts Statistics 2021 and World Bank's Development Data Group (Net ODA received (% of GNI) – Bhutan Data (worldbank.org)).

38. Meanwhile, the Gross National Income (GNI) was recorded at -7.23% in 2020, which is a drop of more than 12% from the previous year. In nominal terms, the GNI per capita in 2020 was recorded at Nu. 214,956.31 (USD 2,936.76) as against Nu. 218,960.54 (USD 3,109.33) in 2019. The Covid-19 containment measures that included lockdowns, restricted movements, and border closure disrupted supply chains, reduced output from productive sectors and negatively impacted revenue earnings.<sup>31</sup>

39. The key economic sectors that were severely affected included Mining and Quarrying by -81.84%, Hotel and Restaurants by -73.46%, Manufacturing by -20.76%, Construction by -20.64%, and Transport, Storage and Communication by -14.65%. The primary sector (agriculture, livestock and forestry) saw a growth of 4.57% in 2020, recording one of the highest growths in the last five years.<sup>32</sup>

40. In 2020, among the three broad economic sectors, the tertiary sector (Industry sector) comprised the highest share at 46.36% followed by the secondary sector (Service sector) with 34.41% and primary sector with 19.23%. On the expenditure side, the government's final consumption expenditure saw a positive growth of 4.10% mainly on account of expansionary fiscal policy through enhanced government spending, whereas the household final consumption expenditure declined by 7.95% on account of constricted aggregate demand. The annual price change (inflation) measured by the Consumer Price Index (CPI) was recorded at 5.63% in 2020.<sup>33</sup>

<sup>29</sup> National Accounts Statistics 2021.

<sup>30</sup> Net official development assistance (ODA) consists of disbursements of loans made on concessional terms (net of repayments of principal) and grants by official agencies of the members of the Development Assistance Committee (DAC), by multilateral institutions, and by non-DAC countries to promote economic development and welfare in countries and territories in the DAC list of ODA recipients. It includes loans with a grant element of at least 25% (calculated at a rate of discount of 10%).

<sup>31</sup> National Accounts Statistics 2021.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

41. Bhutan is vulnerable to macroeconomic volatility/ external shocks and climate shock due to its significant dependence on hydropower. Hydropower investments have led to large accumulation of external debt. As of June 2021, the outstanding external debt to GDP ratio stood at 119.82%.<sup>34</sup> Bhutan's external debt distress risk has remained moderate due to special financing arrangements for hydropower projects (self-liquidating loans).

### Employment

42. Among the total employed persons, the highest percentage is engaged in the agriculture sector (49.2%), while the lowest is in the industry sector (14.1%). The share of employment in the service sector is 36.6%. Comparing by age group, 14.6% are in the age range 30–34 years, and it is closely followed by 13.9% in the age range of 35–39 years and 12.7% in 40–44 years.<sup>35</sup>

<i>Nature of employment</i>	<i>% distribution of employed persons</i>
Employee (Regular paid)	28.1
Employee (Casual paid)	5.0
Own-account worker (Non-agriculture)	13.9
Own-account worker (Agriculture)	22.6
Employer	0.6
Family worker (Non-agriculture)	3.8
Family worker (Agriculture)	26.0
Apprenticeship/ Internship	0.0
<b>Total</b>	<b>100.0</b>

*Source:* Labour Force Survey Report 2021.

43. Unemployment rate in 2021 stood at 4.8%, with 16,254 persons seeking and available for work. The unemployment rate for females (6.1%) is higher than that for males (3.6%). Youth unemployment rate is estimated at 20.9% (6,492 persons). Out of total unemployed youth, 38.6% are males and 61.4% are females. Unemployment is more of an urban phenomenon with 8.9% unemployed, which is almost three-times higher than that of rural areas (2.8%).<sup>36</sup>

44. The Labour Force Participation Rate (LFPR) for 2021 stood at 69.1%, up by 1.3% from the previous year. Generally, the male (73.1%) LFPR is higher than that of female (65.3%). The LFPR is higher in rural areas (71.1%) than in urban areas (65.3%). Furthermore, the male LFPR is higher in urban (74.0%) than in rural (72.7%) areas; while the female LFPR is higher in rural (69.6%) areas compared to urban (57.2%) areas.<sup>37</sup>

45. The impact of the pandemic on employment was immediate and widespread. Closure of businesses, both temporary and permanent, rendered many individuals jobless. The number of unemployed persons in 2021 almost doubled from pre-pandemic figures with 16,254 persons unemployed compared to 8,698 in 2019. The number of unemployed youths stood at 6,492 in 2021 compared to 3,626 in 2019.<sup>38</sup>

46. The Accelerated De-Suung Integrated Training Programme, an initiative led by His Majesty The King, absorbed a large number of youths who were either unemployed or displaced because of the pandemic. The program provides a series of multi short-term accelerated training by local and foreign experts. Under the programme, 7,922 individuals were trained in the general category, and 3,947 were trained for water management, and 1388

<sup>34</sup> Annual Financial Statements, Royal Government of Bhutan for the Year Ended 30th June 2021, Department of Public Account, Ministry of Finance.

<sup>35</sup> National Accounts Statistics 2021.

<sup>36</sup> Labour Force Survey Report 2021.

<sup>37</sup> Ibid.

<sup>38</sup> Labour Force Survey Report 2021 and 2019.

are engaged in “A Million Fruit Trees Plantation” project. Till date, 36,134 Bhutanese have been trained through the De-suung Integrated Training Programme.<sup>39</sup>

47. Similarly, the Economic Contingency Plan that was activated at the start of the pandemic has engaged 1,739 youth and skilled 2121 persons under the Build Bhutan Project (BBP). The BBP focused on reskilling youth to work in the construction industry. As a result of the project, 49 specialised firms have been established. Other major interventions for skilling youth include various training programs, events, and services targeted towards providing employable skills, building entrepreneurship, matching jobseekers with jobs and providing career guidance and counselling.

## **B. Constitutional, political and legal structure of the State**

### **History and overview**

48. Bhutan is a Democratic Constitutional Monarchy since 2008 when the Fourth King, Jigme Singye Wangchuck, bestowed the system of democracy to the people and abdicated the throne in favour of His heir and the current ruling Monarch, His Majesty The King Jigme Khesar Namgyel Wangchuck.

49. Historically, Bhutan was ruled by the dual system of administration known as Chhoe-sid, established in 1651 by the founder of Bhutan, Zhabdrung Ngawang Namgyal. Under this system, Druk Desi (temporal ruler) looked after the temporal administration of the country and Je Khenpo (spiritual head) looked after religious affairs. This system of government prevailed for over two centuries. In 1907, Bhutan became a hereditary monarchy when Ugyen Wangchuck was elected as the First King of Bhutan by popular consensus with the signing of the historic Gyenja, the oath of allegiance. Bhutan was an absolute monarchy from 1907 to 2008. Bhutan adopted its Constitution on 18 July 2008.

50. Major political reforms were initiated by the monarchs since the institution of monarchy in 1907. The most notable reforms were initiated by the Third King, Jigme Dorji Wangchuck, with the establishment of the National Assembly in 1953. It was composed of elected representatives, government officials and representatives from the clergy. This was the beginning of a gradual and steady process of decentralisation and democratisation that received added momentum after the enthronement of the Fourth King in 1972. The Fourth King devoted 34 years of his reign to set-up political and public institutions, preparing for the introduction of parliamentary democracy in 2008.

51. With regard to laws, Zhabdrung Ngawang Namgyal promulgated the first set of Bhutanese laws and codification of these laws was completed in 1652 during the reign of the first temporal ruler, Desi Umzed Tenzin Drugyel. The Code was based closely on Buddhist principles and included both temporal and spiritual laws. In 1959, the National Assembly, under the guidance of the Third King Jigme Dorji Wangchuck, enacted the first comprehensive codified law called the Thrimzhung Chhenmo or the Supreme Law. It covered almost all civil and criminal matters and included sections on land, marriage, inheritance, weights and measures, theft and murder.

52. In September 2001, the Fourth King issued a Royal Decree to draft a written Constitution for Bhutan that would, *inter alia*, provide a basis for the creation of a democratic political system best suited to Bhutan. A 39-member, broad-based drafting committee was formed which was composed of government, judicial, religious and elected people’s representatives from every district. The first draft of the Constitution was released to the public in March 2005 and adopted in 2008 after a series of in-depth public consultations and revisions.

### **Constitution**

53. The Constitution provides the legal framework for a democratic political system that is best suited for Bhutan and establishes a system of governance intended to safeguard the

<sup>39</sup> <https://desuung.org.bt/>.

security and sovereignty of the nation, as well as to ensure the well-being of the Bhutanese people for all times.

54. The Constitution enshrines that Bhutan is a sovereign kingdom and the sovereign power belongs to the people of Bhutan. It elaborates on the fundamental rights and duties of citizens.

55. The King functions as the Head of State and can exercise powers according to the provisions of the Constitution. In addition, the Constitution includes the retirement age of the King at 65 years. The Constitution establishes three organs of the State: Executive, Judiciary, and Legislature that together form the Royal Government of Bhutan that imbibes the Doctrine of the Separation of Powers.

56. In order to ensure a stable government, the Constitution establishes the political party structure – a multi-party system at the primary level, and thereafter, the two parties with the maximum votes contesting the general elections to the National Assembly.

### **Legislative branch**

57. The Parliament of Bhutan is the highest legislative institution in the country which consists of His Majesty The King, the National Council, and the National Assembly. The Parliament is a bicameral legislature and its members are elected for a term of five years. The Parliament assembles at least twice a year and it is mandated to convene extraordinary sitting on the command of His Majesty The King. The National Council and the National Assembly are supported by the Secretariat of the respective Houses.

58. The non-partisan National Council has 25 members. His Majesty The King nominates 5 eminent members, the other 20 members are directly elected every five years on a non-partisan basis from each of the 20 districts of Bhutan by a simple plurality vote in single-member constituencies. In addition to legislative functions, the National Council acts as the “House of Review” on matters affecting the security and sovereignty of the country and the interests of the nation and the people”.

59. The National Assembly is currently composed of 47 members, whereby each of the 20 districts is represented by 2 to 5 members. According to the Constitution, the National Assembly may have a maximum of 55 members elected from 20 districts in proportion to the population, allowing for 2 to 7 members representing a district. Money bills and financial bills originate only in the National Assembly whereas any other legislative bill may originate in either House.

60. The Parliament is vested with the powers to do public review of policies and issues of national importance, enact bills and other legislations, as well as scrutinise State functions to ensure that the Government safeguards the interests of the nation and fulfils the aspiration of the people.

61. A proposal to enact, amend or repeal legislation may be submitted either directly to the National Council or the National Assembly. A bill received in either House of Parliament directs a relevant committee for review and public consultations. A Government bill is introduced by the Minister and the Private Members’ bill is introduced by the relevant Committee or a member. Subsequent to deliberations and adoption of the bill, it is presented to the other House in accordance with Article 13 of the Constitution of the Kingdom of Bhutan, and Acts and Rules of Procedure of respective Houses. In case of legislative deadlock between the two Houses, the disputed bill is submitted to His Majesty The King, who then commands the Houses to deliberate and vote on the bill in a joint sitting. A bill passed by the Parliament comes into force upon the assent of His Majesty The King.

### **Judicial branch**

62. The judicial authority of Bhutan is vested in the Royal Courts of Justice (RCJ). The current justice system in Bhutan encompasses many institutional actors with different constitutional and statutory mandates in the administration of justice. The Royal Bhutan Police (RBP) and the Anti-Corruption Commission (ACC) serve the role of investigation agencies. However, the Royal Bhutan Police Act 2009 renders the power to prosecute persons for a criminal offence of a petty misdemeanour and violation and the Anti-Corruption

Commission Act 2011 provides a caveat where it may carry out its own prosecution of a person or takeover the prosecution from the Office of the Attorney General. The Office of the Attorney General (OAG) serves as the central litigation and prosecuting agency of the government, and as per the Constitution, the Attorney General has the power as the Chief Legal Officer to institute, initiate, and withdraw any case in accordance with the law. The Bar Council of Bhutan (BCB) acts as a regulatory body to supervise private law practitioners; and the Bar, regulated by BCB, represents litigants in civil and criminal proceedings. The Judiciary maintains a central and important role as the constitutional organ responsible for the adjudication of disputes, the guardian of the Constitution and the final authority on its interpretation.

63. The National Judicial Commission (NJC) was established in 2001 with the enactment of Civil and Criminal Procedures Code of Bhutan 2001 and was reshaped with the enactment of the Judiciary Services Act (JSA) 2007. NJC advises His Majesty The King with regard to the appointment of (a) The Chief Justice of Bhutan and the Drangpons (Justices) of the Supreme Court; and (b) The Chief Justice and the Drangpons of the High Court. NJC also advises His Majesty The King on establishment of courts and tribunals from time to time. NJC is composed of: i) the Chief Justice of Bhutan as Chairperson; ii) the senior-most Drangpon of the Supreme Court; iii) The Chairperson of the Legislative Committee of the National Assembly; and iv) the Attorney General.

64. JSA 2007 also established the Royal Judicial Service Council (RJSC) which determines and administers the organisational structure, budgetary and personnel requirements of the Judiciary. RJSC regulates higher or continuing legal education, oversees the Judicial Service Selection Examination, and formulates policies for performance evaluation and appraisals among other functions. RJSC is also empowered to create and abolish posts except for the posts of the Supreme Court and the High Court Drangpons. All decisions of the Council must be reviewed by the Chief Justice of Bhutan. RJSC consists of seven members, namely the Chief Justice of the High Court; the Registrars General of the Supreme Court and High Court; one sitting Drangpon of the Supreme Court; two Drangpons of the *Dzongkhag* Courts; and one Drangpon of the *Dungkhag* Courts on a two-year rotational basis. No Supreme Court Drangpon may simultaneously sit on both the NJC and the RJSC.

65. Bhutan follows a four-tier appellate court system. The Supreme Court is the highest in the hierarchy, followed by the High Court, *Dzongkhag* (District) Court, and the *Dungkhag* (sub-district) Court. Other courts may be established from time to time by His Majesty The King on the recommendation of the National Judicial Commission. The Chief Justice and Justices of the Supreme Court, as well as the Chief Justice and Justices of the High Courts are the holders of Constitutional Office appointed by the King. The independence of the judges of the Supreme Court and High Court is guaranteed; however, a Drangpon (Judge) may be censured or suspended by the command of His Majesty The King on the recommendation of the National Judicial Commission for proven misbehaviour, which in the opinion of the Commission, does not deserve impeachment. Likewise, a judge of a District Court or *Dungkhag* (Sub district) Court may be censured or suspended by the Chief Justice on the recommendation of the Royal Judicial Service Council for proven misbehaviour.

66. The Supreme Court is the highest court of law and presided over by the Chief Justice. The Supreme Court exercises appeal, advisory and extra-territorial jurisdiction. Where a particular case is not covered or is only partially covered by any law in force and is not otherwise excluded from adjudication, the Supreme Court possesses original jurisdiction over it. It exercises jurisdiction outside Bhutan on the basis of International Law principles. The Supreme Court is also the court of record, the guardian of the Constitution, and the final authority on the interpretation of the Constitution. The High Court is made up of three Benches. A minimum of two justices comprises a Bench. The High Court exercises original jurisdiction as well as appellate and extra-territorial jurisdiction. As with the Supreme Court, the High Court possesses inherent powers and exercises extra-territorial jurisdiction on the basis of International Law principles. It is presided over by the Chief Justice of the High Court. Each of the 20 districts of Bhutan have a *Dzongkhag* Court that exercises original jurisdiction in all cases in its territorial jurisdiction. Furthermore, 11 of the 20 districts have 1 to 3 sub-districts with *Dungkhag* Courts. There are 15 *Dungkhag* courts in Bhutan. The

Dzongkhag Court is the court of first instance in 11 of the 20 Dzongkhags; in the remaining 9 Dzongkhags, the Dzongkhag Court is the court of first instance.

67. In the Bhutanese legal system, the accused in criminal cases and litigants in civil cases are allowed to appoint a Jabmi (a legal representative/counsel).

### **Executive branch**

68. The King serves as the Head of the State, and the Prime Minister serves as the head of the Government. The Prime Minister is the leader of the majority party who serves a term of five years.

69. The executive body of the State is known as the Lhengye Zhungtshog and is mandated by the Constitution to “protect and strengthen the sovereignty of the Kingdom, provide good governance, and ensure peace, security, well-being and happiness of the people”. The Lhengye Zhungtshog or the Cabinet is composed of the Ministers headed by the Prime Minister.

70. Currently, there are nine ministers in the cabinet. The cabinet ministers represent the Ministry of Agriculture and Livestock, Ministry of Education and Skills Development, Ministry of Energy and Natural Resources, Ministry of Finance, Ministry of Foreign Affairs and External Trade, Ministry of Health, Ministry of Home Affairs, Ministry of Industry, Commerce and Employment, and the Ministry of Infrastructure and Transport.

71. There are several constitutional offices and agencies with specific mandates under the Royal Government of Bhutan. The constitutional offices include: Anti-Corruption Commission, Election Commission of Bhutan, Royal Audit Authority, Royal Civil Service Commission and the Office of the Attorney General. The autonomous agencies include the Government Technology Agency; Competition and Consumer Affairs Authority; Bhutan Information, Communications and Media Authority; Bhutan Construction and Transport Authority; Bhutan Qualification and Professional Certification Authority; Bhutan Food and Drug Authority, and Civil Society Organisations Authority, among others.

### **Elections**

72. Elections in Bhutan (both national parliament and local government) are administered by the Election Commission of Bhutan (ECB). The elections in Bhutan consist of the national parliamentary elections and local government elections. Several laws passed during Bhutan’s transition to democracy provide the framework for elections. These laws include the Constitution 2008, Election Act 2008, National Referendum Act 2008, Public Election Fund Act 2008, National Council Act 2008 and National Assembly Act 2008; which covers candidates’ qualification and disqualification, voter registration, campaigning, political parties and procedural aspects of voting.

73. Suffrage is universal for Bhutanese citizens who are 18 years and over, under applicable election laws. The Constitution mandates religious figures and institutions to remain above politics. In 2018, for the National Council Election a total of 432,030 registered to vote (48.87% male, 51.13% Female) of which 234,535 (54.29%) turned out to vote. For the National Assembly elections, a total of 438,663 people registered to vote (49% male, 51% Female) of the registered voters, 291,098 (66.36%) turned out to cast their vote during the primary round. In the General Elections, a total of 313,473 (71.46%) turned out to vote on the poll day.

74. In 2018, the ECB instituted postal ballot facilitation booths to encourage voters who were eligible postal ballot voters, and could not travel to their polling stations due to various reasons. Postal ballots facility was also made available for eligible voters living abroad through the Bhutanese embassies and missions. For more inclusive participation, ECB also introduced mobile facilitation booths for patients in hospitals, convicted prisoners and Persons with Disability (PWD), taking the ballot to their door steps.

75. At present, there are a total of five active registered parties in Bhutan – Bhutan Tendrel Party (BTP), Druk Nyamrup Tshogpa (DNT), Druk Phuensum Tshogpa (DPT), Druk Thuendrel Tshogpa (DTT), and Peoples Democratic Party (PDP). The current ruling party is Druk Nyamrup Tshogpa (DNT) with 33 seats in the National Assembly and is led by the



Prime Minister Dr. Lotay Tshering. The opposition party, Druk Phuensum Tshogpa (DPT), led by Opposition Leader Dorji Wangdi has 14 seats in the parliament. Out of the 47 National Assembly seats 8 members are female and 39 members are male.

76. There are 24 National Council members as of 28 June 2022, of which 3 are female and 21 are male.

<i>Elections</i>	<i>Total Registered Voters</i>			<i>Total Voter Turnout</i>			<i>Voter turnout</i>
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>(%)</i>
National Council (2018)	211 149	220 881	432 030	118 764	115 771	234 535	54.29
National Assembly, primary round (2018)	214 113	224 550	438 663	144 028	147 070	291 098	66.36
National Assembly, General Election (2018)	214 113	224 550	438 663	154 154	159 319	31 3473	71.46
Thromde (Municipality) (2021)	4 968	5 596	10 564	2 902	3 379	6 281	59.46
Local Government Election (2021)	226 202	236 831	463 033	153 084	163 714	316 798	68.42

*Source:* Election Commission of Bhutan.

### **Local Government and Local Government Elections**

77. As per the Constitution, power and authority is decentralised to elected Local Governments to facilitate the direct participation of the people in local development. The Local Government Act 2009 establishes local governments in each of the twenty Dzongkhags (districts). The 20 districts have Local Governments composed of Dzongkhag Tshogdu (District Council), Gewog Tshogde (Block Council), and Thromde Tshogde (Municipal Council). The Councils are formed of elected representatives from the district, sub-districts and the municipality. The normal term of these Councils is five years.

78. The Dzongkhag Tshogdu comprises one elected Gup (elected head of a Gewog) and Mangmi (elected deputy head of a Gewog) from each Gewog Tshogde; one elected representative from that Dzongkhag Thromde; and one elected representative from the Dzongkhag Yenlang Thromdes. The Gewog Tshogde comprises between five and eight Tshogpas (village representatives), who are directly elected according to Chiwoq constituencies, and the Gup and Mangmi, who are directly elected by Gewog voters. For some districts that have sufficiently large populations, the citizens of thromde (municipality) directly elect between seven and ten members, including a Thrompon (Mayor) as Executive, to the Thromde Tshogde.

79. Thromdes are second-level administrative divisions whose administrative status is codified under the Local Government Act 2009. They are administered independently by a Thromde Tshogde if sufficiently developed and populated (Class A Thromdes); or directly by Dzongkhag Administration or the Gewog Administration as decided by the Government (Class B Thromdes and Yenlag Thromdes).

80. Local Governments receive administrative support from the government and are staffed by civil servants. The Dzongdag functions as an apolitical chief executive of a district (Dzongkhag) supported by civil servants. The Dzongdag is appointed by His Majesty The King on recommendation of the Prime Minister who obtains nominations from the Royal Civil Service Commission. In municipalities, the elected Thrompon functions as the head supported by civil servants.

81. The first Local Government (LG) election was held in 2011, the second in 2016, and the third in 2021. The third LG election was held in the 205 Gewogs of the 20 Dzongkhags, 14 Dzongkhag Thromdes and Samdrup Jongkhar Dzongkhag Thromde on 22nd December, 2021. A total of 3521 candidates contested in 2021, of which 1437 (1252 male and 185 female) were elected to various Local Government Elective Offices. The voter turnout was 68.42%.

82. During the December 2021 LG elections, a total of 26 seats remained vacant in various Demkhongs (constituencies) due to negative voting, tied results or due to lack of candidates in those constituencies. Polls in these Demkhongs were held in the first quarter of 2022.

83. Out of the 12 cases of complaints received during the third LG elections in December 2021, one case was decided by the Election Commission, three by the Central Election Dispute Settlement Body and eight by the Dzongkhag Election Dispute Settlement Bodies. In addition to monitoring the print and broadcast media on a daily basis, the Office of Media Arbitrator received three complaints related to social media which were investigated and actions taken.

#### **Zhung Dratshang (Central Monastic Body)**

84. The Zhung Dratshang is an important institution in Bhutan that promotes the spiritual heritage of the country. The Constitution established the Zhung Dratshang as an autonomous institution financed by the State.

85. Before the introduction of modern education, the monastic body was the only source of education. Although the responsibilities of the institution have changed over time, it remains an important custodian of Bhutan's culture, language and spiritual heritage and forms an integral part of Bhutanese society.

86. The head of Zhung Dratshang is His Holiness the Je Khenpo (Chief Abbot) appointed by His Majesty The King as the spiritual leader of Bhutan, on the recommendations of the Five Lopens (Spiritual Masters). As per the Constitution, the Je Khenpo is a "learned and respected monk ordained in accordance with the Druk-lu (the tradition of the Drukpa Kargyu), with the nine qualities of a spiritual master and accomplished in ked-dzog (stages of development and completion in Vajrayana practice)". In turn, His Holiness the Je Khenpo shall, on the recommendation of the Dratshang Lhentshog, appoint monks with the nine qualities of a spiritual master and accomplished in ked-dzog as the Five Lopens. The Five Lopens are conferred ranks equivalent to a Cabinet Minister by the Constitution.

87. The Dratshang Lhentshog is the Commission for Monastic Affairs. The commission comprises Je Khenpo as Chairman, the Five Lopens and the Secretary of the Dratshang Lhentshog who is a civil servant.

#### **Civil Society Organisations**

88. The Civil Society Organisations Act of Bhutan was passed in 2007. Following the Act, the Civil Society Organisations (CSO) Authority was established in 2009 as a regulatory authority to implement the Act. The CSO Authority is responsible for implementing the provisions of the Act including overseeing the formation and functioning of CSOs to ensure accountability and transparency in their operations. The CSO Authority consists of the Minister for Home Affairs as the Chair; executive representatives from the Ministry of Foreign Affairs and External Trade and Department of Law and Order; two representatives from CSOs and the Director of the Authority as the member-secretary.

89. The Civil Society Organisations Act 2007 amended in 2022, Civil Society Organisations Authority and the Civil Society Organisation Rules and Regulations published in 2010 and amended in 2017, provides the framework for the registration, facilitation and regulation of CSOs. The legal framework stipulates that CSOs shall operate in constructive partnership with the Government "to advance public interest socio-economically, culturally and environmentally" and to "fulfil the Government's policies and programs". As per the CSO Act 2007, all registered CSOs are exempt from the payment of income tax or other gains earned as a result of investing endowed property or other funds in accordance with regulations promulgated by the Department of Revenue and Customs (DRC). In addition, Public Benefit Organisations (i.e.-non-profit organisations) may be granted exemptions from payment of customs duties or other taxes besides income tax on a case-by-case basis in accordance with regulations and procedures issued jointly by the CSO Authority and the DRC.

90. Civil Society Organisations are growing in strength and play an increasingly important role in the Bhutanese society. Most CSOs in Bhutan work to help economically

vulnerable groups and to this effect have also been active in some areas of policy formulation. Additionally, there are Community Based Organisations which are informal and voluntary rural community groups which also work in the interest of vulnerable groups.

91. At present, there are 54 active CSOs in Bhutan registered with the CSO Authority including 42 Public Benefit Organisations (PBOs) and 12 Mutual Benefit Organisations (MBOs).

### Administration of Justice

92. In recognition of the need for a unified justice sector, the Royal Government of Bhutan for the first time assigned an independent National Key Results Area (NKRA) related to justice – the NKRA 16 – in the Twelfth Five-Year Plan (2018–2023). The aim of NKRA 16 is “to strengthen justice services and institutions through harmonisation of conflicting laws, enhanced coordination among justice sector agencies, improving efficiency of judicial services, and ensuring citizens’ awareness of law and procedures”. Based on the NKRA 16, the justice sector institutions adopted the first-ever Justice Sector Strategic Plan 2018–2023. The primary objective of the plan is to provide a strategic framework for realisation of reforms and development initiatives in the justice sector that is more accessible, inclusive, accountable, and responsible. The plan seeks to provide improved access to justice services for vulnerable groups including women, persons with disabilities and children through improved infrastructure and facilities, enhanced capacities of justice sector institutions and inclusive services.

93. Crime rates in Bhutan, including violent crimes, are low. A total of 6,156 cases were registered in the Dungkhag and Dzongkhag courts in 2021. Civil cases amounted to 77% (4,718) of the total cases registered in the calendar year and 23% (1,438) of the total cases registered were criminal cases. Cases pertaining to “assault, battery and related offences” were the top criminal case type with 375 cases registered in 2021. A total of 147 cases were registered for “larceny, robbery, armed robbery and related offences” and 114 cases pertaining to “sexual offences” were registered in 2021. Only 3 cases related to firearms and weapons and 3 cases related to prostitution were registered.<sup>40</sup>

94. As per the law, authorities are required to bring an arrested person before a court within 24 hours, excluding the travel time from the place of arrest and government holidays. Police can hold remanded suspects for 10 days pending investigation, which courts can extend to 49 days. In cases of “heinous” crimes, the period can be extended to 108 days if the investigating officer shows adequate grounds. The law prohibits pre-trial detention beyond 108 days.

#### *Judicial Year in 2021*

	<i>Miscellaneous Hearings</i>	<i>Cases Registered</i>	<i>Cases Decided</i>	<i>Cases Pending</i>	<i>Total cases mediated through court-annexed mediation</i>
Dungkhag Courts	3 676	1 182	1 262	308	156
Dzongkhag Courts	14 737	4 974	5 387	1 100	836
High Court	1 419	1 109	1 453	95	2
Supreme Court	819	540	292	303	-
<b>Total</b>	<b>20 651</b>	<b>7 805</b>	<b>8 394</b>	<b>1 806</b>	<b>994</b>

*Source:* Annual Report 2021. Judiciary of Bhutan.

<sup>40</sup> Annual Report 2021. Judiciary of Bhutan.

<i>Offence</i>	<i>No. of reported incident to police in 2020</i>
Aiding and abetting for criminal attempt to voluntary manslaughter	1
Assault	49
Battery	828
Child molestation	19
Criminal attempt to rape	7
Criminal attempt to statutory rape	2
Criminal attempt to rape a child above 12 years	2
Gang rape	1
Murder	3
Rape	5
Rape of a child above 12 years	41
Statutory rape	6
Voluntary manslaughter	5
Trafficking of a person	2
Armed robbery	4

*Source:* Annual Report 2021. Judiciary of Bhutan.

95. The accused in criminal cases, like any other litigants, are allowed to appoint a jabmi (a legal representative/counsel well versed in law) for their defence. Anyone charged with a penal offence has the right to be presumed innocent until proven guilty. The defendant has the right to access government-held evidence. Where the interest of justice so requires, an indigent accused may be provided with legal aid for his or her defence. This ensures justice is not denied to any person by reason of economic or other disabilities.

96. Besides the Constitution, the CCPC 2011 elaborately guarantees the right to fair trial in civil and criminal proceedings. The CCPC provides the right to appeal against the judgement rendered by the courts. The Judiciary incorporates international standards in its decision making.

97. The Bhutan National Legal Institute (BNLI) instituted Court-Annexed Mediation Units (CAMU) in all courts in Bhutan since 2012. It also introduced the Rules of Procedures for the Court-Annexed Mediation of the Judiciary of the Kingdom of Bhutan in 2019 to regulate and guide the operation and management of the CAMUs. Since the courts received more number of civil cases compared to criminal cases, the introduction of CAMU has enhanced justice and legal services to people by providing an alternative paradigm to settle disputes through an informal settlement process. As per the Court-Annexed Mediation Report 2021, 994 cases were mediated by CAMU in just one year.

98. In order to provide faster and cost-effective alternatives to court litigations where people often spend substantial time and resources, BNLI provides training of Nangkha Nangdrik, the age-old practice of mediation and dispute settlement at community level to the local leaders, government officials and para legal personnel.

99. The Alternative Dispute Resolution Act (ADR Act) 2013 was enacted in February 2013. Section 168 of the ADR Act 2013 allows the parties to pursue negotiated settlement where the court shall adjourn the proceedings upon request of the parties. The ADR Act called for a Centre to be established which would be “an independent body, having a distinct legal personality, and capable of doing all such things and entering into all transactions as are incidental or conducive to the exercise or performance of its functions.” In absence of such a Centre, the Construction Development Board performed arbitration till the Bhutan Alternative Dispute Resolution Centre was established in May 2018.

100. To increase physical accessibility to justice services, the RCJ initiated an e-litigation platform as a pilot project in courts covering 26 benches across the country. The platform allows electronic registration of cases, filing of documents, payments, and remote hearings,

among others. The platform is expected to ease access to justice services for people in the rural communities and disadvantaged populations, particularly women and children. Capacity building on e-litigation and its procedures were also carried out for court users and litigants, Community Centres and local governments in the pilot Dzongkhags. A total of 308 people availed these services, and the RCJ conducted 13.5% of the total court hearings virtually in 2021. Based on the evidence, the RCJ plans to scale up the platform to all courts across the country. The community centres will be used to access services by those from rural and remote communities.

### III. General framework for the protection and promotion of human rights

#### A. Acceptance of international human rights norms

##### Ratification of main international human rights instruments

101. As a country guided by GNH values and governed by democratic principles, and as a responsible member of the international community, Bhutan remains committed to the protection, promotion and fulfilment of human rights in the country as per international norms and standards. The Buddhist principles of non-violence, peaceful co-existence and living in harmony with nature are fully aligned with the international aspirations of freedom, liberty and human dignity. As such Bhutan has always remained committed to fulfilling all the commitments and obligations under the human rights instruments that it is party to.

102. Bhutan has been a member of the United Nations since September 1971. Underpinned by the values of Gross National Happiness, Bhutan remains committed to upholding and advancing the Principles of the UN Charter to maintain international peace and security, human rights and the development of its people

103. Bhutan has undergone Universal Periodic Review (UPR) in 2009, 2014 and 2019. Bhutan served as an active member of the Commission on Human Rights (CHR) for three terms from 1995–1997, 1998–2000 and from 2004–2006.<sup>41</sup> Although not a member, Bhutan actively participates in the work of the Human Rights Council. Bhutan also participated actively at Ministerial level in the World Conference on Human Rights in Vienna in 1993 and the World Conference on Racism in Durban in 2001 and its Review Conference in 2009.<sup>42</sup>

104. Bhutan has ratified 2 of the 9 core human rights instruments, namely the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) in 1981 and the Convention on the Rights of Child (CRC) in 1990 and its 2 Optional Protocols on the Involvement of Children in Armed Conflict and the sale of Children, Child Prostitution and Child Pornography in 2009. Following the ratification, Bhutan submitted a binding declaration to the United Nations in December 2009. The text read: “In accordance with Article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict, the Royal Government of Bhutan declares that the minimum age at which it permits voluntary recruitment into the national armed forces is 18 years. The minimum age is prescribed by the legal system and no recruitment is carried out without the submission of compulsory proof of age”.

<i>Treaty</i>	<i>Status, Date</i>
ICERD	Signature, 26 March 1973
CEDAW	Ratification, 31 August 1981
CRC	Ratification, 01 August 1990

<sup>41</sup> First UPR, 2009.

<sup>42</sup> First UPR, 2009.

<i>Treaty</i>	<i>Status, Date</i>
OP-CRC-AC	Ratification, 09 December 2009
OP-CRC-SC	Ratification, 26 October 2009
CRPD	Signature, 21 September 2010

105. Bhutan is also signatory to two other human rights instruments – the International Convention on Elimination of All forms of Racial Discrimination (ICERD 1973) and the Convention on the Rights of Persons with Disabilities (CRPD 2010). The National Policy for Persons with Disabilities was approved on 3 December 2019. Subsequently, the Royal Government of Bhutan (RGOB) has initiated the process of ratification of the CRPD.

106. With regard to accession to the other remaining human rights instruments, it is the policy of the country to gradually join depending on national preparedness. Bhutan has adopted a Rules of Procedure for Treaty-Making in 2016 which provides the framework to propose, initiate, formulate, sign, ratify and implement treaties.

107. Bhutan ratified the Geneva Conventions I, II, III and IV in 1991. Furthermore, Bhutan is an active member of the South Asian Association for Regional Cooperation (SAARC) and hosted the 16th SAARC Summit in 2010. Under SAARC, Bhutan has ratified the Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia; the Convention on Prevention and Combating Trafficking in Women and Children for Prostitution in September 2003; and SAARC Code for the Protection of Breastfeeding and Young Child Nutrition in August 2003. It is also a member of South Asia Initiative for Ending Violence against Children (SAIEVAC), an intergovernmental regional body composed of the eight SAARC nations which aims to implement measures to end all forms of violence against girls and boys. These reinforce Bhutan's international commitments made for the rights of children. Further, Bhutan signed the SAARC Social Charter in January 2004, which among others, calls for the promotion of the status of women and promotion of the rights and well-being of children. Bhutan is also a party to the Beijing Declaration and Platform for Action and the Yokohama Global Commitment made at the Second World Congress Against the Sexual Exploitation of Children in 2001.

<i>Conventions/Declarations</i>	<i>Year of ratification</i>
Beijing Platform for Action	1995
World Congress Against Sexual Exploitation of Children (Yokohama Declaration)	2001
Regional Arrangements for the Promotion of Child Welfare in South Asia	2002
SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia	2003
SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution	2003
Beijing Declaration on South-South Cooperation for Child Rights	2010

108. Bhutan takes a dualist approach to implementing international law. Consistent with the Constitution of Bhutan, any international treaty duly acceded to by the Government shall be deemed to be the law of the Kingdom only upon ratification by Parliament.

109. On 20 February 2023, Bhutan acceded to the UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

## **B. Legal framework for the protection of human rights at the national level**

110. The Constitution guarantees protection of human rights and provides effective remedies when those rights are violated. Article 7 guarantees rights to equality before the law; right to life, liberty, security and integrity of the person; right to be presumed innocent until proven guilty and the right to a fair and just trial; right to freedom of thought, conscience and religion; prohibition of torture and inhuman, cruel, degrading treatment; and prohibition of arbitrary arrest and detention. The Constitution also guarantees the right to information and freedom of press, radio, television and other forms of information. Article 9 articulates the Principles of State Policy that endeavours to provide for the creation of a civil society, provision of justice for all, protection of children, elimination of all forms of discrimination and exploitation of women and children, provision of free access to education and health and ensure a good quality of life for the people of Bhutan.

111. The Judiciary is independent and safeguards, upholds and administers justice fairly and independently. Laws are applied equally to all without exception and trials are conducted in public except for certain circumstances such as in cases involving children. Anyone charged with a penal offence has the right to be presumed innocent until proven guilty. As enshrined in the Constitution, the State endeavours to “provide legal aid to secure justice, which shall not be denied to any person by reason of economic or other disabilities.”

112. A number of important laws have either been enacted or amended that protect and promote human rights and are aligned with Bhutan’s commitment to the various treaties it has ratified. These include but are not limited to: Penal Code of Bhutan (PCB) 2004; Domestic Violence Prevention Act (DVPA) 2013; Child Care and Protection Act (CCPA) 2011; Child Adoption Act (CAA) 2012; Civil and Criminal Procedure Code (CCPC) 2011; Labour and Employment Act (LEA) 2007; Civil Society Organisations Act (CSO Act) 2007; the Royal Bhutan Police Act (RPB Act) 2009; and the Prison Act 2009.

113. In order for the Legislature to have a prominent role in the promotion and protection of human rights, the Parliament of Bhutan has established various dedicated committees established – specifically the Human Rights and Foreign Relations Committee of the National Assembly and the Social and Cultural Affairs Committee and the Foreign Relations Committee of the National Council. Among others, their functions are to propose legislations; review and recommend amendments to the existing laws and policies relating to human rights; to visit prison cells and detention centres; to investigate any incidences of human rights violations referred to the Committee and gather information; to review and report on the status of implementation of resolutions related to human rights by the government and other agencies; and to carry out responsibilities related to human rights.

114. Rights of specific groups are detailed in paragraphs 141–162 below.

## **C. Framework within which human rights are promoted at the national level**

### **National and regional parliaments and assemblies**

115. The Parliament of Bhutan is vested with the power and responsibility of passing bills, including those that protect and promote human rights. Either House can introduce the bills, except for money and financial bills which can originate only in the National Assembly.

116. The two Houses of Parliament, the National Council, and the National Assembly constituted 7 and 9 standing committees respectively. Some of the committees are Human Rights and Foreign Relations Committee; Women, Children and Youth Committee; Social and Cultural Affairs Committee; Good Governance Committee; Natural Resources and Environment Committee; and Economic Affairs Committee; among others. These committees are central to carrying out the business of both Houses and provide an avenue for the members of Parliament to examine complex policy matters and garner public opinion on the same. Each committee comprises members as determined by the House, who examine, review, deliberate, inquire, investigate, and consider any legislations or policy issues that are

assigned to them. Both the National Council and the National Assembly have a Legislative Committee to provide procedural and technical advice on legislative matters. The Public Accounts Committee is a joint committee instituted to review audit reports and the use of public resources. Besides standing committees, Parliament may also establish special, ad-hoc, or select committees and further appoint sub-committees.

117. Women and children issues feature prominently in the 12th Five Year Plan (FYP) with the inclusion of “Gender Equality” as a National Key Result Area (NKRA).

### **National institutions that protect and promote human rights**

118. There are several national institutions that directly or indirectly protect and promote human rights at national level. A brief overview of the organisations and their contribution to protecting and promoting human rights are noted in the following paragraphs.

### **National Commission for Women and Children (NCWC)**

119. The NCWC was established in 2004 as the national machinery to take the lead in promoting and protecting the rights of women and children in the country. The NCWC is governed by a Commission composed of a Chairperson (Cabinet Minister) and high-level officials from relevant government, non-government and the private sector. The Secretariat to the NCWC is housed under the Ministry of Education and Skills Development. The key focus of the NCWC is to ensure implementation of key legislations such as the CCPA, DVPA and CAA, and as well as relevant international treaties.

120. The functions of NCWC are to:

- Review and formulate gender responsive and child sensitive policies;
- Advocate for gender equality and child sensitive legislations, policies and plans;
- Create awareness, and sensitization for all stakeholders;
- Coordinate and partner with stakeholders on issues pertaining to women and children;
- Coordinate the preparation and submission of reports at the national, regional and international levels (CRC, CEDAW, SAARC Conventions, etc);
- Monitor and evaluate of all activities pertaining to issues related to women and children;
- Mobilise resources, collaborate with partners and relevant implementing NGOs; and
- Develop, propose and support gender-responsive and children-sensitive programs and activities and build and strengthen the capacities of Gender Focal Point (GFP);

121. The NCWC works in close collaboration with the RBP, Commission for Monastic Affairs of Bhutan and other government and non-government agencies, on mainstreaming the rights of women and children into sector policies and programs. This is carried out through the gender and child protection focal persons.

122. In June 2018, the National Women and Children Welfare Committee as well as Dzongkhag/Thromde Women and Children Committees were established. The committees at the Dzongkhag/Thromde level serve as a coordinating body for cases related to women and children, while the national committee serves as the advisory committee to NCWC on service provisions. The committees enable timely and effective access to protection and response services.

123. Led by the NCWC, the National Gender Equality Policy (NGEP) was approved in 2020 which provides a coherent and strategic framework within which legislations, policies, programmes and practices ensure equal rights, opportunities for women. The policy provides clear directives for gender equality and women’s empowerment interventions. It is aimed at strengthening institutional mechanisms, coordination and collaboration, and ownership of gender equality interventions towards strengthening accountability. The Policy explores gender equality through the lens of three domains - political, social and economic. Simultaneously, a policy implementation plan outlining activities and initiatives towards achieving gender equality was approved to ensure effective implementation of the policy. A



National Plan of Action for Gender Equality was also developed for effective implementation of the Policy. The Action Plan outlines interventions that are across 10 critical areas of good governance; health; ageing, mental health and disabilities; violence against women and girls; gender stereotypes and prejudices; economic development; education and training; poverty; sports and media; and environment and climate change.

### **Office of the Prime Minister and Cabinet Affairs**

124. Led by the Prime Minister, the Office of the Prime Minister and Cabinet is the highest decision making body in the RGoB and is responsible for ensuring effective delivery of national objectives in pursuit of the country's larger development goal of Gross National Happiness. A dedicated agency, the Office of Cabinet Affairs and Strategic Coordination (OCASC), is mandated to develop medium and long-term plans to guide socio-economic policies, undertake policy formulation and coordination, monitor policy implementation as well as resolve inter-agency coordination issues. The OCASC functions as the secretariat to the Cabinet and ensures effective implementation of national plans and policies, mainstreaming of crosscutting themes such as gender and child related concerns, environment and culture, population and demography and other social issues.

125. While inclusion of women in development started back in the 5th FYP (1981–1987), a comprehensive strategy for gender equality and mainstreaming began in the 10th Five Year Plan (2008–2013). Bhutan's first National Plan of Action on Gender (NPAG) identified seven interventions for the period of 2008–2013, in line with the 10th FYP.

126. The 11th FYP (2013–2018) included "Gender Friendly Environment for Women's Participation" as one of the 16 National Key Result Areas (NKRA). Similarly, the 12th FYP included "Gender Equality" as one of NKRA in order to continue the creation of enabling policies and removal of barriers affecting women and girls.

127. The 11th FYP also identified the "Needs of Vulnerable Populations" as one of the NRKAs and a Bhutan Vulnerability Baseline Assessment (VBA) was conducted in 2016 which identified 14 vulnerable groups. The vulnerable groups identified include: i) Elderly in need of support; ii) Orphans; iii) Persons with Disabilities; iv) Out of School Children; v) Unemployed youth; vi) Children in conflict with the law; vii) Victims of domestic violence; viii) Those working in vulnerable workplaces like 'Drayangs'; ix) Single parents and their children; x) People living with HIV/AIDS; xi) Individuals engaging in risky sexual behaviour; xii) Persons using drugs and alcohol; xiii) People who Beg; and xiv) Vulnerable urban dwellers particularly living in slums in/near urban centres.

128. Pursuant to Article 9 (2) of the Constitution, which directs the State "to promote those conditions that will enable the pursuit of Gross National Happiness", the GNH Index and the GNH Policy Screening Tool were introduced in 2008 and 2009 respectively. The GNH Index based on biennial surveys, provides an overview of performance across 9 domains of GNH that include health, education, living standards, ecological diversity and resilience, good governance, psychological well-being, time use, community vitality and cultural diversity and resilience. The GNH Policy Screening has been used as a tool to assess the impact of new policies on GNH and to mainstream GNH into all new policies being formulated against twenty-two variables representing the 9 domains of GNH. Since its introduction, twelve policies related to human resources, youth, education, health and nutrition, land, natural resources, and industries have been approved.

### **Ministry of Finance (MoF)**

129. As the Chair of the Taskforce on Gender Responsive Planning and Budgeting Strategy (GRP), the Department of Planning, Budget and Performance under the MoF has taken a number of steps in the last decade towards making the national budgeting process responsive to the specific concerns of women. An important step in this direction was to issue instructions to all budgetary agencies to ensure that their budget proposals are gender sensitive. A Strategic Framework and Action Plan for GRP was developed in 2013. In the Budget Call Notification for 2015–16, the Department issued guidelines to three sectors – Agriculture, Health and Education to pilot GRP in Bhutan. An analysis was conducted to take stock of the pilot GRP. The analysis resulted in the implementation of capacity

building programs for the planning and budget officers in these three sectors. Furthermore, an initiative to strengthen the documentation and classification of the national budget with a focus on gender is underway. It aims to enhance performance and reporting of national budgets, particularly gender budgeting.

130. The National Budget report features a subchapter on gender-responsive budget under the expenditure chapter. The budget report consolidates expenditure made on gender specific programs such as health services for women, expenditure on women organisations, and budget for the national machinery, etc. For the fiscal year 2021–2022, a total expenditure budget of Nu. 599.896 million was reported under the gender-responsive budgeting<sup>19</sup>, an increase by Nu. 105.781 million from the Fiscal Year 2020–2021 (Nu. 494.115 million).

#### **Anti-Corruption Commission (ACC)**

131. The Anti-Corruption Commission was established in January 2006 as a part of the political reforms decreed by His Majesty The Fourth King of Bhutan. The ACC has three key mandates: i) public education and outreach; ii) prevention of corruption within public agencies; and iii) investigation and complaints handling. Through these core mandates, the ACC strives to develop a transparent and accountable society which can be a reinforcing feature to protect and promote human rights.

#### **Office of the Attorney General (OAG)**

132. The Office of the Attorney General was formally established in 2006. Till its establishment, it was carrying out similar functions but was known as the Office of Legal Affairs which continues to function similar to the Ministry of Law. With the enactment of the Office of the Attorney General Act (OAG Act) in 2006 and the adoption of the Constitution in 2008, the Office has been granted additional responsibilities and mandates. The OAG is established as an autonomous agency under the Constitution to carry out the responsibilities within the domain and authority of the government and such other legal matters as entrusted to the office. The Attorney General is designated as the Chief Legal Officer and serves as the legal advisor and legal representative of the government. Consequently, the OAG is the legal arm of the executive branch of the government. The OAG serves as the central litigation and prosecuting agency, legal advisor to the government, and drafts and reviews bills and legislations.

133. The OAG has two departments: i) Department of Justice and ii) Department of Legal Services. The Office has recently pursued specialisation in its legal services with the creation of the International Affairs and Environment Division and the Finance and Corporate Division in 2021. Further, the Prosecution and Litigation Division has also segregated the case referrals with specialised units such as an Anti-Corruption Commission Unit, Royal Bhutan Police Unit, Women and Children Unit, Regional Office Legal Unit, and a Compounding Unit.

#### **Bhutan National Legal Institute (BNLI)**

134. The Bhutan National Legal Institute provides continuing legal education and professional development services to judicial personnel in order to enhance legal literacy and access to justice to inspire public trust and confidence in the judicial system. Its main activities include:

- Providing continuing legal education, induction and orientation programs to the judges and other judicial personnel;
- Providing need-based specialised trainings for the judiciary and law-enforcement agencies such as police and prosecutors, NGOs, etc.;
- Disseminating and sensitising public on emerging legal issues through mass media;
- Organising monthly Judges' Book Club to keep academic flame of the judges alight;
- Organising Alternative Dispute Resolution (ADR) trainings to the Local Government leaders and relevant stakeholders;

- Organising meetings, conferences, lectures, workshops, symposia and seminars on topical issues;
- Reviewing, analysing and publishing landmark judgments;
- Conducting research on contemporary and emerging legal issues, including bills and legislations passed by the Parliament;
- Liaising with relevant national and international academic/training institutions for exchange of knowledge and experiences.

#### **Bhutan Information, Communications, and Media Authority (BICMA)**

135. Amongst its numerous responsibilities, BICMA also serves as a standard setting body to promote and enhance ethical and professional standards amongst journalists and media enterprises for media practitioners. This institution plays an important role in creating a conducive environment for Bhutanese media to grow and flourish and at the same time support and facilitate it to maintain high ethical standards and professionalism at all times.

#### **Department of Law and Order (DLO)**

136. The Department of Law and Order under the Ministry of Home Affairs is responsible for facilitating and formulating policies and making necessary interventions in the areas of national security, border management and law and order. It is the national focal agency for dealing with trafficking in persons. It provides leadership to the Special Task Force formed under the Standard Operating Procedure for Multi-sectoral Response to Address Trafficking in Person in Bhutan. It is also responsible for coordinating with the International Committee of the Red Cross and other human rights organisations in dealing with pertinent issues.

#### **Royal Bhutan Police (RBP)**

137. The RBP is primarily responsible for maintaining law and order, and preventing crime. The police in Bhutan are not immune from criminal prosecution for any violation of human rights. They are expected to function with greater efficiency and effectiveness in securing the rights of the accused during an investigation. The RBP Act, 2009 embodies international standards and principles to handle the rights of an accused and best practices essential for effective, lawful and human conduct by police personnel. The RBP is continually incorporating a rights-based approach in its work. It is also trying to improve its public service image by undertaking institutional reviews and through various training courses on human rights to its personnel. The accountability mechanisms that are provided in the RBP Act helps to ensure police discipline, adherence to human rights and inculcating an institutional police culture to protect the rights of people.

138. Recognizing the need for a responsive program attending to the needs of women prisoners, upon the command of His Majesty The King, the Royal Bhutan Police in collaboration with the Ministry of Agriculture and Livestock, developed a project on agriculture based female open-air prison. In July 2013, the female open-air prison was launched with 52 inmates. Over the years, 22 open-air prison centres have been established for both males and females (some have since been shut down upon completion of projects and prison terms) focused on building livelihood skills of inmates and making some centres child-friendly.

139. The Women and Child Protection Division under the Royal Bhutan Police handles matters relating to protection of women and children. The Child Protection Unit and a Family and Domestic Violence Unit function under the technical supervision of the division. The responsibilities of the division include:

- Ensure that acts relating to protection of women and children are implemented by the field units;
- Assist in investigation and prevention of incidents related to women and children and domestic violence;
- Facilitate protection to victims of domestic violence and abused/ neglected/abandoned women and children;

- Liaise with other agencies concerning women and children;
- Conduct women and child protection awareness program;
- Collect data and maintain records on women and children in conflict with law.

140. There are 16 Women and Child Protection Units/Desks in the police stations across the country functioning under the guidance of the Women and Child Protection Division.

### **The PEMA**

141. Recognising mental health as a growing issue of concern in the country, The PEMA was instituted in June 2022 under the compassionate and benevolent guidance of Her Majesty The Queen, as a nodal agency for mental health. The PEMA aspires to create a society that promotes the well-being of all supported by enabling mental health policies and programs, transformative and multisectoral partnerships, a proactive service delivery network and providing treatment, rehabilitation and aftercare services for substance users to increase access to evidence-based services. The PEMA caters services and programs through a life-course approach to all, including children and vulnerable groups in continuum of care through prevention, response and restorative and rehabilitative. The PEMA Center, a 60-bedded hospital scheduled to be operational by 2026, will provide mental health care services and a dedicated children and family ward. The PEMA will cater services to children who need care and protection and also manage child protection and GBV cases.

### **Rights of specific groups**

#### *Women and Children*

142. The NCWC provides a platform to receive and respond to complaints on the violation of the rights of women and children. NCWC reviews legislation from women and children's perspectives and drafts issue-specific laws and policies. It also provides legal services and disseminates laws relating to rights and protection of women and children.

143. The DVPA 2013 has specific procedures on conduct of trial for cases involving domestic violence that require protection of privacy as well as provision for protection of victims.

144. The Penal Code, CCPC and CCPA have explicit provisions for child-friendly procedures on cases involving children that require protection of privacy and adult accompaniment during trials. The provisions also outline sentencing of children and allows for the court to release a child on probation or for the child to return home while the presence is not required in the court. Child offenders are kept in separate detention centres with rehabilitation facilities. The issue of child labour is dealt with by the Labour and Employment Act. A number of police officers and labour inspectors have been trained on women and child-friendly procedures.

145. In 2021, Section 203 of the Penal Code of Bhutan was amended to elaborate on acts that constitute child molestation and the Parliament has increased the severity of the offence. In addition, Section 154 related to Trafficking in Person (TIP) was amended in line with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons.

146. In 2016, a separate bench for family and child was established in the Thimphu District Court. The family and child bench has a separate courtroom to hear cases involving CICAL and child victims. The Bench was established to fulfil the objectives in the Convention on the Rights of the Child (CRC) and the CCPA 2011. Most courts have women and child-friendly settings.

147. As part of efforts to extend legal aid to vulnerable women and children, a Legal Aid Guideline for Vulnerable Women and Children was developed by the NCWC in collaboration with key justice sector agencies in 2021. The Guideline provides clarity and minimum standards for agencies and individuals responsible for providing legal aid. Subsequently, a legal aid program is being piloted by the NCWC and RENEW through the engagement of a private legal firm for legal representation. The pilot program is in addition to the regular legal

services provided by the NCWC and its partner agencies, and will be scaled up based on its evaluation in the coming years.

#### *Persons with disabilities*

148. Article 9 of the Constitution on Principles of State Policy stipulates that the State will endeavour to provide security to people in the event of sickness and disability or the lack of adequate means of livelihood for reasons beyond one's control and legal aid to persons with disabilities (PWD).

149. The National Policy for Persons with Disabilities 2019 emphasises a rights-based approach to minimise stigmatisation and discrimination of PWD and establishes a multi-sectoral approach to protect the rights of PWDs. The policy seeks to improve lives of persons with disabilities through: empowering PWDs and ensuring their participation as equal members of society; mainstreaming disability initiatives in all State policies and programs; improving access to opportunities and socio-economic conditions of PWDs; promoting healthy living among PWDs; and promoting positive societal attitude towards PWDs. The policy calls for interventions in various areas such as education, health, economic security, access to justice, built environment, public transport, ICT and politics to make them more conducive and accessible to PWDs.

150. Education for children with disabilities has improved over the last decade and a half. Currently, there are 18 schools with a Special Education Needs (SEN) programme and two specialised institutes (one for vision-impaired and one for hearing-impaired children) providing special educational services to children across the country. In 2019, the ECCD and SEN Division under Department of School Education, Ministry of Education and Skills Development published the "Ten-year Roadmap for Inclusive and Special Education in Bhutan" to improve access, quality and system of education for children with disabilities and improve coordination among all sectors working towards providing services for children with disabilities in Bhutan. During the COVID-19 pandemic, the ECCD and SEN Division published an Education in Emergency (EiE) plan for students with disabilities who would otherwise not be able to follow the general EiE curriculum that was taught through the national television. Teachers of the schools with the SEN programme provided additional explanations, notes and converted the televised lessons into audio recordings which were shared via messaging apps and calls. The teachers also developed individual educational plans to deliver lessons to students with disabilities and provided curriculum materials to family members to help the students learn at home.

151. Access to justice for PWD is currently being implemented through the Justice Sector Program (JSP). The project especially focuses on addressing physical accessibility, enhancing understanding of issues faced by PWD, and institutionalising capacity building through integration in the curriculum of JSW School of Law. The project is expected to address issues relating to access to justice, and generate evidence for similar interventions in the future.

152. In addition to the government interventions to mainstream disability initiatives, Ability Bhutan Society and Draktsho Vocational Training Center for Special Children and Youth are two active CSOs working to advance the rights of PWDs in the country. *Selwa*, an organisation that will support and complement programs for people with disabilities in Bhutan and looks at coordination at all levels, was launched by Her Majesty The Queen in 2019.

#### *LGBTI*

153. In December 2020, a joint sitting of both houses of Parliament passed legislation decriminalising homosexuality between adults. Section 213 of the Penal Code of Bhutan was amended which stipulates, "homosexuality between adults shall not be considered unnatural sex". The law took effect on 17 February 2021.

154. The Gender Equality Policy is currently being reviewed to integrate the LGBTI perspective.

*Prisoners and persons in detention*

155. The CCPC 2011 elaborately guarantees the right to a fair trial in civil and criminal proceedings. It provides for rights to appeal against the decision of a judge. The judiciary incorporates international standards in its decision making. Section 29 of CCPC states that the Courts shall apply international conventions, covenants, treaties and protocols that are duly acceded by the government and ratified by the Parliament of Bhutan. Similarly, the Royal Bhutan Police Act embodies international standards and principles to handle the rights of an accused and best practices essential for effective, lawful and human conduct by police personnel.

156. In August 2009, the Parliament of Bhutan repealed the Prison Act of Bhutan 1982. Some significant reforms in the Prison Act include ending solitary confinement, access to medical, recreational and health and hygiene services, separate prisons and detention rooms for women and children, and differentiated services and treatment based on age, gender, degree of offence and mental capacity. Section 16 of the Prison Act 2009 provides the granting of Amnesty. Furthermore, the Prison Act 2009 ensures access to health and nutrition facilities to pregnant women and new-born children.

157. Subsequently, the erstwhile Human Rights Committee of the National Assembly made significant contributions towards improving prison conditions in Bhutan. The Committee visited several prisons and their recommendations to improve the infrastructure, facilities and living conditions of prisons were incorporated by the relevant authorities. Improving prisons and detention centres continue to be on the agenda of the current Parliamentary Committees.

158. Cooperation between Bhutan and the International Committee of the Red Cross (ICRC) began with the signing of a five-year Memorandum of Understanding between RGOB and ICRC in November 1993. This MoU, which has been renewed annually since its expiry in 1998, allows the ICRC to visit all persons arrested or detained for offences against national security. The ICRC was given access to all places where such prisoners are located to determine their treatment and the material and psychological conditions of detention. The ICRC has made 28 rounds of visits to Bhutan. Recognizing Bhutan's institutional and legal capacity, the MoU between the RGOB and the ICRC was discontinued from September 2012.

159. To ensure our legislation and practices in the fight against terrorism match our obligations related to International Humanitarian Law (IHL), Bhutan continues to cooperate with the ICRC for family visits and exchange of Red Cross messages. Accordingly, the Geneva Convention has also been translated into Dzongkha and is under review before it is published for dissemination. Bhutan also continues to host delegations from the ICRC Regional Delegation based in New Delhi. Since 2009 representatives of the government have been attending the South Asian Teaching Session and the South Asian Conference on IHL organised by the ICRC in and around Asia. Bhutan also hosted the Fourth South Asian Conference on IHL in Thimphu from 26th February–1st March 2013, which was coordinated by the Department of Law and Order, Ministry of Home Affairs.

160. At the invitation of the Government, the Working Group on Arbitrary Detention visited Bhutan from 14 to 24 January 2019. The Working Group commended the progress made by Bhutan in relation to the deprivation of liberty since its visits in 1994 and 1996, including the regular observance of the requirement to present an individual before a judge within the 24-hour time limit, the use of open-air prisons, the growth of civil society and the legal profession, improvements with regard to juvenile justice, expeditious trials and the consistent use of custody registers.

*The elderly*

161. The Royal Society for Senior Citizens (RSSC) was established in 2011 under the command of His Majesty The King and is registered as a civil society organisation. It is a membership-based organisation that seeks to promote a “meaningful and dignified life for senior citizens”, provides services to senior citizens and builds a sense of community for its members.

162. The RGoB is in the process of formulating a national policy for senior citizens.

163. Under His Majesty's 'People's Project', a retreat for elderly people called the *Goensho Tshamkhang* was built in 2018 in Wangsisina, Thimphu for senior citizens without family to care for them. The *Goensho Tshamkhang* has 13 cottages, and can accommodate up to 78 elderly people who are able to stay, pray, and receive medical care at the retreat. The retreat has administrative offices, a nurse's office, a common kitchen, and common areas with spaces for prayers and recreation. The facility includes accessible toilets, and is landscaped to allow wheelchair access.

164. Initiated by His Holiness the Je Khenpo, the Zhung Dratshang runs a care facility, the Gangzhay Kepiling Centre for retired monks above 60 years who do not have family members to care for them. The Centre is located in Limukha, Punakha and provides residence and care for monks who have retired from active service.

#### **Dissemination of human rights instruments**

165. All international human rights instruments to which Bhutan is party are translated and disseminated to the general public.

#### **Raising human rights awareness among public officials and other professionals**

166. Following the visit of the first High Commissioner for Human Rights to Bhutan in 1994, a Technical Cooperation project for Strengthening National Human Rights was implemented by OHCHR from 1997–2001. Through the project's numerous training and seminars, Bhutan was able to strengthen the administration of justice, train law enforcement officials on the theoretical aspects and practical implications of international human rights standards, and to support Bhutan's capacity to report under international human rights instruments and its understanding of international human rights norms and obligations.

167. There are several institutional mechanisms for raising awareness on human rights in Bhutan such as integrating information and knowledge on human rights in educational institutions, conducting focused awareness projects, leading nation-wide programs and following communication and advocacy strategies via mass media. Various agencies have held, and continue to hold, a multitude of seminars, workshops and training in order to raise awareness of human rights among public officials and other professionals. In addition, publications and guidelines have been developed and shared to build capacity to protect and promote human rights. Some examples are noted in the following paragraphs.

168. A campaign titled 'Know the Law to Protect Your Rights' was carried out since 2009 to raise awareness of law in various schools and educational institutions, emphasising issues related to rights and duties of children for better protection of rights. In addition, a Child Justice Training Manual was developed by the OAG in collaboration with the justice sector agencies.

169. The NCWC has organised a number of training on human rights such as on CRC, CEDAW, gender and development for law enforcement officials, judiciary, parliamentarians, local government officials, media and youth and children. In addition, women and child-friendly police procedures and related legislation were included in the curriculum of police training.

170. NCWC carries out regular training programs for the GFPs on gender, gender mainstreaming, and monitoring and evaluation to help them develop and implement gender interventions in their respective sectors.

171. The Department of Law and Order is the lead agency for trafficking in persons (TIP). A report on legal and policy review in response to TIP was prepared in 2015. Till date, 82 police personnel, 94 prosecutors, 43 immigration inspectors, 26 labour inspectors, 19 officials from Bhutanese embassies and consulates and 16 media personnel were trained on TIP. In 2019, 422 officials from various stakeholder agencies including LG leaders, CSO officials, CBSS-RENEW (volunteers), health workers, bench clerks from the courts and law enforcement officers were trained on Standard Operating Procedure for Multi-sectoral Response to Address TIP in Bhutan. Additionally, 37 Judges and 8 officials from BNLI attended the judiciary training on trafficking in persons which was conducted as per the Training Module on TIP for the Judiciary in Bhutan in 2020. The Department with funding

and technical support from UNODC, carried out the assessment of the TIP Situation in Bhutan and put in place the National Prevention Strategy which also includes the National Action Plan.

172. The NCWC in collaboration with the UNODC organised an anti-human trafficking sensitization workshop for law enforcement officers and other stakeholders in border districts. High level meetings on Trafficking in Persons have resulted in a situational analysis and the formulation of a Standard Operating Procedure to prevent incidences.

173. The NCWC, with support from the Gender Expert Group, has developed a Gender Training Manual to address capacity gaps of the GFPs and other relevant officials in a sustainable manner. It is the first-of-its-kind in the country, and is aimed at institutionalising capacity building programs on gender and gender mainstreaming. It will also enable the GFPs and other relevant agencies to carry out capacity building, including awareness and sensitization programs, in their respective sectors/areas of jurisdiction.

174. A significant achievement has been in the area of developing child protection interventions and institutionalising capacity building on child rights. NCWC with UNICEF has developed a training curriculum on child rights and officials from relevant agencies are regularly trained on child protection including basic case management approaches. Police officers, attorneys, private law practitioners, labour inspectors, local leaders and heads of monastic institutions are being sensitised and trained on CRC, CEDAW, CCPA 2011, child friendly justice procedures and gender related challenges. Local leaders from all 205 gewogs have been trained and sensitised on child rights and protection. A training manual for psychosocial support in emergencies has been adapted and shared with youth volunteers and school counsellors. Key agencies like the NCWC, Department of Youth and Sports, Department of Disaster Management, and CSOs like RENEW, Ability Bhutan Society were trained as trainers in child protection in emergencies.

#### **Promotion of human rights awareness through educational programs and Government-sponsored public information**

175. The values and principles of GNH have been incorporated in the school curriculum. Topics on fundamental rights are included in subjects such as civics, social studies and history. Universal values and human rights are practised as an integral part of pedagogy in terms of giving equal opportunities to learners. All schools including UNESCO Clubs, UNESCO ASPnet Schools, as part of educating for GNH concept, promote human rights education. The government has started aligning Global Citizenship Education with the national curriculum.

176. Over 600 community members, children, policy makers and parliamentarians were sensitised on child rights and protection at the launch of the 2012 State of the World's Children Report. Over 3000 undergraduate university students and lecturers were sensitised on various national laws including on child protection. Law Clubs have been established in 24 pilot schools covering all 20 districts. These serve as an outreach mechanism for legal awareness and dissemination among children.

177. A study on prevalence of Violence against Women (VAW) was conducted in 2012, the findings of which were disseminated regularly through media and awareness workshops. The UN Secretary General's campaign against VAW referred to as SG UNiTE was launched in 2013 with various sectors. This multi-sectoral involvement strengthened the government's efforts to enhance awareness on VAW. Awareness of DVPA 2013 has been carried out for the students and lecturers of tertiary institutions and law enforcement agencies among others as part of the campaign. The Royal Bhutan Police also launched "Friends of Police", a Police Public Partnership Program in September 2013 to promote greater awareness on VAW. Bhutan also participated in the One Billion Rising campaign to end VAW in February 2013. The NCWC conducted a nationwide survey on prevalence of violence against women and girls in 2017 to generate baseline data to support evidence-based approach to address issues related to women and girls.

178. Seminars on human rights and Buddhism was organised by the Royal University of Bhutan in four different districts, an awareness video on "Human Rights and the Constitution of Bhutan" was produced and screened, and a booklet on human rights consisting of the



translated version of the Universal Human Rights Declaration was also published and distributed.

179. Currently there are 47 School Law Clubs established in schools across Bhutan as the result of partnership between the Ministry of Education and Skills Development, the Royal Court of Justice and the Bhutan National Legal Institute. The School Law Clubs serve as a forum for discussion on fundamental legal matters including fundamental rights, human rights principles, child rights and much more.

180. Encouraging youth to become productive and responsible citizens through educational programs has always received high priority from the RGoB. Various youth health and development programs are provided for both in and out of school youth to enable them to imbibe important moral values and skills. Additionally, the Educating for GNH program was introduced in 2010 in schools to infuse values and principles of GNH into the education system. The GNH program is aimed at ensuring justice and equity in the management of schools. Several schools have reported visible improvement in students' behaviour and respect for different cultures and traditions.

181. Awareness on rights and responsibilities of free speech and on citizenship are being strengthened through CSO activities as well. Rural voices are also being strengthened through initiatives undertaken by CSOs.

#### **Promotion of human rights awareness through the mass media**

182. To increase women and girls' awareness about available legal remedies and support, RENEW, a non-profit organisation dedicated to the empowerment of women and children, created a character called Yeshey Dawa in 2015. Yeshey Dawa is a young woman representing an embodiment of liberation, compassion and action. Yeshey Dawa first appeared in Kuensel, the national newspaper, in the form of a comic strip talking about statutory rights available to women in Bhutan. Subsequently, a documentary series revolving around women's legal rights and remedies available to them was developed in partnership with relevant stakeholders and various other communication products were launched over the years. These communication products were disseminated to the general public, particularly women and students, via print media, television, social media, posters and pamphlets.

183. The BNLI has carried out several legal dissemination programs to ensure that the general public understands the relevant legal provisions, rights and remedies available to them. Besides panel discussions, dissemination workshops, school law clubs, distribution of pamphlets and acts, weekly talk shows on the national television and radio are also carried out in collaboration with the Bhutan Broadcasting Service, the national radio and television channel. For instance, BNLI initiated Zhideyi Tsawa – The Legal TV Series as well as the Super Norbs, a children animation series that focus on disseminating fundamental human rights and related principles. BNLI also conducted Rural Legal Dissemination Programs to disseminate various rights and laws to the rural community.

184. To address stereotypes and prejudices around gender division of roles and to encourage men and boys to share unpaid care and domestic responsibilities, the NCWC launched a campaign #BetterTogether through the media (including national television) in 2020. The campaign featured men from all walks of lives (Minister, Members of Parliament, Doctor, Chef, Footballer, etc.) sharing their experiences of performing household work and advocating for the importance of shared responsibilities at home.

185. A nation-wide initiative for ending violence against children campaign is on-going to advocate on emerging child protection issues. The campaign focuses on four themes: mental health, peer violence, sexual violence and online safety and protection.

#### **Role of civil society in promotion of human rights**

186. The civil society and Civil Society Organisations (CSOs) play a significant role in the promotion and protection of human rights. They complement the government's effort through social intervention, knowledge dissemination and promotion of human rights of specific groups including women, children, elderly, people with disability, people living with

HIV, economically-disadvantaged, juvenile delinquents and others. Their role has been invaluable for raising awareness about the plight of various groups and in championing causes that protect, promote and provide dignity and rights of the disadvantaged.

187. CSOs are invited by government organisations to give feedback on legislations and policies as well as rules and guidelines. The CSOs were represented in the legislative committee of the NCWC that drafted the CCPA, CAA and the DVPA and the rules and regulations under these laws. CSOs were also part of the Steering Committee and the Core Working Group involved in the drafting of the National Plan of Action for Child Protection and have been included in the two oversight groups that provide guidance in carrying out the Violence Against Children Study.

#### **Development cooperation and assistance**

188. In partnership with both bilateral and multilateral development partners, Bhutan works towards upholding and promoting the human rights of all persons. RGOB is currently working towards: i) empowering young people and adolescents with the information, knowledge, and skills needed to make informed choices about their sexual and reproductive health; ii) providing improved right-based family planning services for women; iii) introducing better child-focused social protection measures; and iv) improving the rights of people with disability through the ratification of CRPD, among others. In addition, bilateral development partners support and build capacity through trainings on law and legislation in many areas, including: cybercrime, financial crime, rights of women and children, international law, terrorism, human rights, ethics and integrity, investigation and interrogation skills. Bhutan has also received support to improve existing facilities such as child and women-friendly courtrooms, a DNA analysis laboratory, and other investigation aids.

### **D. Reporting process at the national level**

189. Bhutan prepares its national reports on the implementation of human rights instruments through involving all relevant stakeholders. The Ministry of Foreign Affairs and External Trade (MFAET) is the nodal agency responsible for the review, follow-up and reporting of the international treaty obligations. MFAET coordinates with all national stakeholders (government and non-government) in compiling the status of the implementation of treaty obligations and presenting regular reports to the treaty bodies.

190. Upon the receipt of request, recommendations or questions for submission of report, MFAET requests the relevant implementing agency to coordinate drafting the report. The implementing agencies are also requested to carry out consultations with all relevant stakeholders for their inputs and contributions to the report, including status of implementing the relevant sections of the treaty obligations. The draft report is further reviewed by MFAET before submission to the treaty bodies.

191. After the working group session and adoption of Bhutan's UPR report, MFAET carries out mapping and assigning of the UPR recommendations to relevant agencies for implementation, follow-up and reporting. Progress reports are requested from the agencies as and when required.

192. The MFAET leads the Government delegation to present the UPR to the UPR Working Group of the UN Human Rights Council in Geneva.

193. The MFAET is in the process of establishing a National Mechanism for Reporting and Follow up and a National Reporting and Tracking Database with the support of the UN Office of the High Commissioner for Human Rights.

194. To date, Bhutan has submitted the following reports to the OHCHR:

<i>Report</i>	<i>Documents</i>	<i>Date of submission</i>
UPR	1st report	3 September 2009

<i>Report</i>	<i>Documents</i>	<i>Date of submission</i>
	2nd report	30 January 2014
	3rd report	6 February 2019
CEDAW	Combined 1st, 2nd, 3rd, 4th, 5th, 6th report	02 January 2003
	7th report	4 September 2007
	Combined 8th and 9th report	06 March 2015
CRC	1st report	14 October 1999
	2nd report	21 March 2007
	Combined 3rd, 4th and 5th report	28 October 2014
CRC-OP-AC	1st report	03 March 2015
CRC-OP-SC	1st report	03 March 2015

## **E. Other related human rights information**

195. The Bhutan Red Cross Society (BRCS), an autonomous and not-for-profit organisation was established in May 2017 under the Bhutan Red Cross Society Act 2016. It is a voluntary aid society, auxiliary to the public authorities in the humanitarian field, having the following objectives: i) to build a safer, resilient and harmonious society; ii) to prevent and alleviate human suffering in times of disasters; iii) to improve the livelihood and wellbeing of vulnerable people. BRCS work includes training of national, regional and community volunteers on disaster preparedness and non-medical first aid services and supporting vulnerable individuals to improve their lives and livelihoods. BRCS also played an important role in managing the COVID-19 pandemic.

196. The ground works for the establishment of the national society started in 2008 when a study of “locally perceived needs and readiness for the establishment of a Bhutanese Red Cross Society” was carried out with the financial support of the Swiss Red Cross in partnership with International Federation of Red Cross and Red Crescent Societies (IFRC) and International Committee of the Red Cross (ICRC). Subsequently, at the command of His Majesty the King and Her Majesty The Queen, an eight-member Steering Committee was formed to work on the establishment of BRCS. Accordingly, the National Assembly of Bhutan on 24 November, 2016, passed the Bhutan Red Cross Society Bill with all 44 members in attendance voting in favour of the Bill.

197. However, the Red Cross Movement was not new to Bhutan. Bhutan has been a signatory to the Geneva Conventions 1949 since 1991. Bhutan’s long connection with the Movement dates back to the First World War when His Majesty the First King, Gongsar Ugyen Wangchuck, made a contribution of Nu. 2 million to the International Red Cross.

## **IV. Information on non-discrimination and equality and effective remedies**

198. The Constitution guarantees protection of human rights and provides effective remedies when those rights are violated. Article 7 pertaining to Fundamental Rights guarantees “equality before the law regardless of race, sex, language, religion or region”.

199. Article 9 of the Constitution on Principles of State Policy establishes numerous equitable and non-discriminatory laws. Specifically, Article 9(3) calls for the creation of a civil society free of oppression, discrimination and violence; Article 9(5) and 9(6) calls for provision of justice through fair, transparent and an expeditious process; and to provide legal aid to secure justice regardless of economic or other disabilities. Article 9(7) calls for the State to develop and execute policies to minimise inequalities and Article 9(8) calls for the

State to ensure that the various districts are treated with equity. In order to protect women and children, Article 9(17) calls for the State to take measures to eliminate all forms of discrimination and exploitation against women; and Article 9(18) ensures child protection against all forms of discrimination and exploitation. Article 9(16) calls for the State to provide universal free education up to 10th standard and Article 9(21) calls for the State to provide universal access to basic public health services in both modern and traditional medicines.

200. Section 3(1) of the CCPC provides for equal justice under law, that ensures all persons equal before the law and are entitled equal protection of the law without discrimination on the grounds of race, colour, sex, language, and religion, political or other opinion, national or social origin, property, birth, or other status. Further, section 3(2) provides that “A citizen shall have the right to be tried by the ordinary courts of law and shall not be tried before ad hoc tribunals.”

201. The DVPA 2013 ensures a prompt and just legal remedy for the victims of domestic violence, facilitates access to remedies for immediate and effective assistance, shelter homes and protection to the victims of domestic violence.

202. Guided by Gross National Happiness, Bhutan strives to create an equitable society. The national development plans are developed through a participatory, considered and decentralised approach to ensure that interests and concerns of all groups at the grassroots level are reflected.

203. As noted in paragraph 122, the NGEF, 2020 provides an overarching policy directive for the government to promote gender equality and gender mainstreaming in legislations, policies, plans and programmes.

204. As noted in paragraph 125 the VBA has been an important assessment to guide interventions to protect and promote their human rights.

205. In addition to the Constitution, various criminal laws provide remedies through punitive action. These include the Penal Code, CCPC, DVPA, Prison Act, RBP Act and CCPA.

206. Judges, prosecutors and lawyers play an important part in remedying the aspects of discrimination. Law enforcement in Bhutan is guided by the CCPC and the Penal Code, in addition to respective delegated legislations.

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