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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-seventh session**  
Geneva, 4–15 November 2024

## **Bhutan**

### **Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with human rights mechanisms**

2. The Committee on the Rights of the Child welcomed the ratification by Bhutan of the Convention on the Rights of Persons with Disabilities in 2024.<sup>2</sup> The United Nations country team welcomed the accession of Bhutan to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, in 2023.<sup>3</sup>

3. The Working Group on Arbitrary Detention recommended that Bhutan become a party to the International Covenant on Civil and Political Rights and to other international human rights treaties, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and accede to the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>4</sup> The United Nations country team encouraged Bhutan to consider ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.<sup>5</sup> The Committee on the Elimination of Discrimination against Women made a similar recommendation.<sup>6</sup>

4. The Committee on the Elimination of Discrimination against Women recommended that Bhutan accede to the Convention relating to the Status of Refugees and the Protocol thereto.<sup>7</sup> The Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women recommended that Bhutan consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>8</sup>



5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Bhutan ratify the Convention against Discrimination in Education.<sup>9</sup>

### **III. National human rights framework**

#### **1. Constitutional and legislative framework**

6. The Working Group on Arbitrary Detention noted article 10 (25) of the Constitution, which stipulated that international conventions, covenants, treaties, protocols and agreements acceded to by the Government after the adoption of the Constitution would become national law only upon ratification by Parliament, unless such agreements were inconsistent with the Constitution.<sup>10</sup>

7. Noting that neither the term “arrest” nor the term “detention” was defined in the Penal Code, the same Working Group urged the Government of Bhutan to amend the Penal Code by introducing legal definitions of those terms and broadening the scope of the offence of illegal arrest to include any physical apprehension that resulted in deprivation of liberty.<sup>11</sup>

8. The Committee on the Rights of the Child expressed concern about the need for further progress in amending the Child Care and Protection Act and harmonizing child rights-related provisions in legislation with the Convention on the Rights of the Child.<sup>12</sup>

#### **2. Institutional infrastructure and policy measures**

9. The Committee on the Rights of the Child recommended that Bhutan: expeditiously establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children’s rights that was able to receive, investigate and address complaints from children in a child-sensitive manner; and guarantee the independence of such a monitoring mechanism, including with regard to its funding and mandate, and ensure that it had adequate and sustainable human, technical and financial resources to carry out its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>13</sup> The United Nations country team made a similar recommendation.<sup>14</sup>

10. The United Nations country team noted that the National Commission for Women and Children, the primary body for promoting and protecting the rights of women and children, had recently been subsumed under the Ministry of Education and Skills Development. It emphasized the importance of ensuring that the Commission retained its ability to independently fulfil its functions and obligations, as its core role was to uphold the principles of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.<sup>15</sup> The Committee on the Rights of the Child recommended that Bhutan review the structure of the National Commission for Women and Children and ensure that it had sufficient authority and a clear mandate to coordinate all activities regarding the implementation of the Convention on the Rights of the Child across all sectors and at all levels.<sup>16</sup>

11. The United Nations country team noted recent government efforts to establish a national mechanism for monitoring, reporting and follow-up.<sup>17</sup> The Committee on the Elimination of Discrimination against Women recommended that Bhutan accelerate its efforts towards the establishment of a national mechanism for reporting, implementation and follow-up, taking into account the four key capacities of such a mechanism, namely, engagement, coordination, consultation and information management.<sup>18</sup>

## IV. Promotion and protection of human rights

### A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

#### 1. Equality and non-discrimination

12. The Committee on the Rights of the Child recommended that Bhutan explicitly prohibit all forms of discrimination, including on the basis of national or ethnic origin, disability and socioeconomic, residence or other status.<sup>19</sup>

13. The same Committee expressed deep concern about: the heavy documentation requirements for birth registration and the classification as “dropouts” of children who were not registered within 12 months of birth; and the registration of the births of children of non-Bhutanese parents or mothers with non-Bhutanese spouses by the Department of Immigration and not within the civil registration system.<sup>20</sup>

#### 2. Right to life, liberty and security of person, and freedom from torture

14. The Working Group on Arbitrary Detention noted many positive changes, including: the regular observance by the police 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; progress with regard to juvenile justice, in particular relating to sentencing and the introduction of family and child benches and diversion programmes; expeditious trials; and the consistent use of custody registers.<sup>21</sup>

15. The same Working Group stated that police station registers indicated that a significant number of individuals were detained in relation to drug offences, which represented a potentially overwhelming challenge to the efficient and timely operation of the criminal justice system.<sup>22</sup>

16. The same Working Group identified several issues of concern in relation to drug-related detention, including a lack of judicial control of drug testing of suspects; an arbitrary distinction between individuals who were eligible for rehabilitation and those who would be detained; and the inability of individuals to challenge findings of the treatment assessment panel.<sup>23</sup>

17. The same Working Group noted that, during its visit to Bhutan in 2019, it had met with numerous detainees held in police stations in connection with so-called civil cases, involving individuals who had been unable to repay their loans. Highlighting that international human rights law prohibited deprivation of liberty due to debt, which was non-derogable and constituted part of customary international law, it urged Bhutan to cease the practice immediately and resort to alternative measures of debt recovery through, for example, the deduction of debt payments from salaries and flexible repayment schedules.<sup>24</sup>

#### 3. Administration of justice, including impunity, and the rule of law

18. The Working Group on Arbitrary Detention stated that most defendants in criminal matters did not have access to legal representation at crucial stages of their proceedings: following arrest, during pretrial detention and during their trial and appeal. Detainees were generally not aware of their right to a lawyer, as they were not systematically informed of that right by the police and, in many cases, could not afford to retain a private lawyer.<sup>25</sup>

19. The same Working Group recommended that Bhutan explore options to improve the provision of legal representation, including by: raising awareness of the legal aid fund established to provide free legal representation in criminal matters and developing guidelines on how the legal aid fund would be accessed and used; encouraging the provision of pro bono services by private lawyers; seeking free legal advice from the growing number of law students who were being trained at Jigme Singye Wangchuck School of Law, as part of their education; and continuing to use the *jabmi* (legal counsellor) system for the provision of basic legal services to assist in expanding access to legal advice for criminal defendants.<sup>26</sup>

20. The Committee on the Elimination of Discrimination against Women expressed concern about: the limited access of women and girls to the Internet, especially in rural and remote areas where connectivity was deficient, the prevalence of a significant gender digital gap and the lack of accessibility of the e-litigation platform, in particular for rural women and women with disabilities; and insufficient knowledge among women and girls about their rights and the remedies available for claiming them.<sup>27</sup> It recommended that Bhutan further strengthen the provision of legal aid and ensure its accessibility to women and girls with disabilities, including by considering the establishment of a national bureau on legal aid provision and by providing adequate support, including financial support, to non-governmental organizations and law school centres providing such services.<sup>28</sup>

21. The Working Group on Arbitrary Detention mentioned that, during its visit to the country in 2019, it had interviewed several prisoners who had been imprisoned under national security legislation. A number of them had been serving life sentences. There was no parole for a life sentence in Bhutan. As a result, those detainees serving life sentences had no prospect of release, with the exception of amnesty. The Working Group had been informed of a number of due process violations relating to trials of individuals that had been held some 25 years previously.<sup>29</sup>

22. The same Working Group welcomed the open-air prison system, whereby prisoners who had served 75 per cent of their sentence and had demonstrated good conduct were eligible for transfer to an “open-air prison”. Noting that the open-air prison system had helped to reduce overcrowding in prisons and had assisted inmates in preparing for reintegration into society, the Working Group emphasized the need to expand the use of the open-air prisons by reviewing the eligibility criteria.<sup>30</sup>

#### **4. Fundamental freedoms and the right to participate in public and political life**

23. The Committee on the Rights of the Child expressed concern about the possible impact of defamation laws on children’s rights to freedom of opinion and expression and of religion or belief, recommending that Bhutan ensure children’s enjoyment of those rights in full compliance with the laws in place, particularly for children in disadvantaged situations.<sup>31</sup> UNESCO recommended that Bhutan decriminalize defamation and incorporate it into the Civil Code.<sup>32</sup>

24. The Working Group on Arbitrary Detention urged the Government of Bhutan to support civil society organizations, including by ensuring an environment conducive to the establishment of organizations working on civil and political rights and access to justice, so that they could assist in addressing issues relating to arbitrary detention.<sup>33</sup>

25. Noting with concern the restrictions placed on the registration and activities of civil society organizations under the amended Civil Society Organizations Act, including for those working on children’s rights, the Committee on the Rights of the Child urged Bhutan to remove restrictions on the registration and activities of civil society organizations, including the requirement to establish an endowment fund, and to ensure that they received adequate support and funding opportunities to implement their activities relating to the promotion and protection of children’s rights.<sup>34</sup>

26. The Committee on the Elimination of Discrimination against Women expressed concern about: the decrease in the representation of women in the National Assembly, from 17.8 per cent in 2018 to 15.2 per cent in 2022, and the fact that only 1 out of the 20 newly elected members of the National Council was a woman; the prevailing attitude among voters to vest less trust in women candidates, owing to a common perception that men were more competent leaders; the absence of any temporary special measures to overcome the structural barriers faced by women in political and public life; and the costs of the voting procedure, namely, the requirement for voters to travel to their home town, which had an impact on women, who were disproportionately affected by poverty, in particular.<sup>35</sup>

#### **5. Right to privacy**

27. The United Nations country team noted that children did not have a specific right to privacy in the digital world under the Information, Communication and Media Act of 2018.<sup>36</sup> The Committee on the Rights of the Child recommended that Bhutan: continue to improve

digital inclusion for children in disadvantaged situations, including rural children and children with disabilities, and promote the equitability and affordability of online services and connectivity; and ensure that laws and policies on access to information and the digital environment protected children from harmful content and online risks and respected their privacy.<sup>37</sup>

## **6. Right to marriage and family life**

28. The United Nations country team recommended that Bhutan consider undertaking a review of the Marriage Act of 1980, including an assessment of the rules pertaining to the minimum age for marriage and measures to ensure that the law was sensitive to the needs of persons with disabilities and persons of diverse sexual orientations, gender identities and gender expressions.<sup>38</sup>

29. While welcoming the measures taken to increase the duration of maternity and paternity leave for civil servants, the Committee on the Rights of the Child recommended that Bhutan promote the equal sharing of parental responsibilities, including by ensuring paid maternity and paternity leave for parents working in the private sector and increasing paid paternity leave in all sectors; introducing flexible working arrangements for both parents; and providing incentives for fathers to be actively involved in child-rearing.<sup>39</sup>

## **7. Prohibition of all forms of slavery, including trafficking in persons**

30. The United Nations country team noted that a national prevention and response strategy and action plan to address trafficking in persons had been developed and launched. Standard operating procedures had been developed and agreed among law enforcement agencies, the judiciary, lawmakers and service providers.<sup>40</sup>

31. The Committee on the Elimination of Discrimination against Women expressed concern about: the lack of victim identification and protection measures, which, moreover, were conditional upon the willingness of victims to cooperate with the prosecution authorities; the limited knowledge among the judiciary and law enforcement officials about both internal and transnational trafficking and the lack of effective and gender-sensitive investigation procedures; and the fact that section 224 of the Child Care and Protection Act, while criminalizing child trafficking, maintained the requirement of force, fraud or coercion for child sexual abuse trafficking offences, thereby not criminalizing it in all its forms.<sup>41</sup> The Committee on the Rights of the Child recommended that Bhutan strengthen measures to ensure the early identification and referral of child victims of trafficking to appropriate services and that they be treated as victims and have access to rehabilitation and reintegration services.<sup>42</sup>

32. While welcoming the provision of alternative employment opportunities and skills training for women formerly employed in *drayang*s (entertainment centres), which had recently been closed because women employed in them had been exposed to sexual abuse and exploitation, the Committee on the Elimination of Discrimination against Women expressed concern that not all women formerly employed in *drayang*s had been able to benefit from reintegration and retraining initiatives and that economic hardship resulting from the coronavirus disease (COVID-19) pandemic had driven a significant number of women into prostitution.<sup>43</sup>

## **8. Right to work and to just and favourable conditions of work**

33. The Committee on the Elimination of Discrimination against Women expressed concern about: the significant decrease in the female labour force, from 61.2 per cent in 2019 to 53.5 per cent in 2022, while the male labour force had increased from 71.8 to 73.4 per cent during that period; the fact that the unemployment rate among women was 7.9 per cent, compared with 4.4 per cent among men, and that the unemployment rate among young women was higher than among young men, namely, 32.8 per cent compared with 24.4 per cent; the prevalence of occupational segregation, with the majority of the female labour force being concentrated in the labour-intensive and low-paid agricultural and domestic sectors; and the lack of information on specific measures taken to address sexual harassment in the workplace and the scarce data on complaints by women.<sup>44</sup>

34. The United Nations country team expressed concern about the high rate of unemployment among young people, in particular among young women, as well as about the ongoing impacts of high rates of outward migration.<sup>45</sup> It emphasized that additional efforts were required in that regard, including targeted efforts to address the digital divide, which presented an obstacle to labour market participation for vulnerable groups.<sup>46</sup>

#### **9. Right to social security**

35. The United Nations country team noted that the National Development Vision of Bhutan included the objective that, by 2034, all Bhutanese, in particular the most vulnerable, would have access to comprehensive social protection mechanisms and services across the life cycle.<sup>47</sup>

#### **10. Right to an adequate standard of living**

36. The United Nations country team stated that, since the third cycle of the universal periodic review, there had been an improvement in access to quality drinking water and water for irrigation across the country. Climate-resilient infrastructure and water resource management interventions had been implemented across the country.<sup>48</sup>

#### **11. Right to health**

37. The United Nations country team stated that the primary health-care coverage rate was more than 90 per cent. Free ambulance services, including an air ambulance and referral services for tertiary care, were provided. Bhutan had leveraged new technology and digital services to enhance access to health in remote communities. Besides telemedicine, Bhutan utilized mobile cardiography devices to enhance the health and well-being of pregnant women in remote parts of the country.<sup>49</sup>

38. The country team highlighted that there were opportunities to enhance the quality of maternal health-care services, especially at the community level, improve data collection and review high attrition rates.<sup>50</sup> The Committee on the Rights of the Child recommended that Bhutan: strengthen measures to ensure that all children, including children in rural areas, had access to quality health services, including by increasing the pool of health professionals and expanding health services in remote areas; and reduce infant mortality rates and stillbirths, including by addressing the underlying determinants.<sup>51</sup>

39. The Committee on the Elimination of Discrimination against Women expressed concern that: abortion continued to be criminalized, except if necessary to save the life of the woman or if the pregnancy was the result of rape or incest, which made abortion difficult to access in practice and compelled women and girls who sought an abortion to travel outside the country or, if they could not afford to travel, to resort to self-administered and unsafe abortions; women and girls with intellectual and psychosocial disabilities were at risk of involuntary abortion; contraceptive use was low, owing to prevailing misconceptions and stereotypes, women were frequently dependent on men agreeing to the use of contraceptives and had limited access to family planning services in the country.<sup>52</sup>

40. The Committee on the Rights of the Child expressed deep concern about the high teenage pregnancy rate; adolescents' limited access to abortion, family planning services and free contraceptives; and the criminalization and stigmatization of adolescents identified as substance users.<sup>53</sup> The United Nations country team emphasized that there was an opportunity to expand the range of and strengthen access to reproductive and family planning services for vulnerable populations such as adolescents, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons.<sup>54</sup>

#### **12. Right to education**

41. The Committee on the Rights of the Child expressed deep concern about: the limited progress made in adopting the education bill and the fact that primary education was still not compulsory; high dropout and repetition rates; the large number of children living in monastic or boarding schools, often due to insufficient access to schools close to their homes, and insufficient mechanisms to monitor children's access to health, psychosocial and other support in such schools; children in disadvantaged situations, in particular children living in

poverty and children in rural areas, who started living in monastic schools at as early as 3 or 4 years of age; the underrepresentation of girls enrolled in technical training institutes and in non-traditional fields of study; the limited availability of early childhood education centres; and the prevalence of violence and bullying, including against lesbian, gay, bisexual, transgender and intersex children, in schools.<sup>55</sup> The Committee on the Elimination of Discrimination against Women expressed similar concerns.<sup>56</sup> The United Nations country team emphasized the importance of ensuring the rights of children to health, water and sanitation, education, protection, participation and inclusive social protection in monasteries and nunneries.<sup>57</sup>

42. The United Nations country team noted that the right to education had been threatened by several intersecting challenges, including disruptions caused by the COVID-19 pandemic and large numbers of teachers relocating abroad.<sup>58</sup>

### **13. Cultural rights**

43. Noting that the UNESCO conventions on culture promoted access to and participation in cultural heritage and creative expressions and, as such, were conducive to implementing the right to take part in cultural life, UNESCO recommended that Bhutan ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. UNESCO encouraged Bhutan to facilitate the participation of communities, practitioners, cultural actors and non-governmental organizations, minorities, migrants, refugees, young people and persons with disabilities, as well as to ensure that equal opportunities were given to women and girls to address gender disparities.<sup>59</sup>

### **14. Development, the environment, and business and human rights**

44. The United Nations country team highlighted that Bhutan was witnessing a growing frequency of extreme climate events. Educational institutions, health centres and monastic facilities were reporting a rising trend of water insecurity, which was affecting the health and development of children, adolescents, young people and pregnant women. The sustainability of access to safe water, sanitary facilities and improved hygiene was threatened by climate change, which exacerbated waterborne diseases, undermined personal and menstrual hygiene management and further restricted access to potable water facilities for children and individuals with disabilities.<sup>60</sup>

45. The Committee on the Rights of the Child recommended that Bhutan: strengthen measures to ensure the sustainable use of water resources and to increase the resilience of water, sanitation and health infrastructure, with a view to reducing the risk of climate change-related hazards; and ensure that the national climate change policy, national disaster management and contingency plans and other policies and programmes addressing environmental protection, climate change and disaster risk management were developed and implemented in the light of child rights impact assessments and taking into account the principles of the Convention on the Rights of the Child and the needs and views of children.<sup>61</sup>

46. The same Committee also recommended that Bhutan: establish and implement regulations to ensure that the business sector, including the agricultural, forestry, tourism and informal sectors, complied with international and national human rights, health, environmental and other standards, particularly with regard to children's rights and in the light of the Guiding Principles on Business and Human Rights; and require companies to undertake assessments of, consultations on and full public disclosure of the environmental, health-related and children's rights impacts of their business activities and their plans to address such impacts.<sup>62</sup>

## **B. Rights of specific persons or groups**

### **1. Women**

47. The United Nations country team remained concerned about the high rates of violence experienced by women and girls in Bhutan, particularly in the form of intimate partner violence.<sup>63</sup> The Committee on the Elimination of Discrimination against Women

recommended, *inter alia*, that Bhutan: align the classification of marital rape in the Penal Code with the classification of rape outside marriage as a third-degree felony and consider increasing the sentences for rape in a manner that was commensurate with the gravity of the crime; and allocate sufficient resources to ensure that adequate shelters were accessible to women and girls who were victims of gender-based violence, including women and girls with disabilities, throughout the country, and adopt legislation providing for effective protection orders, including expulsion orders, against violent partners, allowing victims to stay safely in their homes.<sup>64</sup>

48. The same Committee expressed concern about: the continuing significant overrepresentation of men in the public service and the private sector and the lack of legislation providing for temporary special measures to achieve substantive equality between women and men; and the lack of awareness-raising among the general public regarding the non-discriminatory nature of such measures.<sup>65</sup>

49. The Working Group on Arbitrary Detention observed that there was no pretrial detention centre for women and no dedicated operational drug rehabilitation facility for the treatment of drug-dependent women. It stated that, in line with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, the Government should ensure dedicated and appropriate detention facilities to accommodate all female detainees.<sup>66</sup>

50. The Committee on the Elimination of Discrimination against Women recommended that Bhutan: strengthen the access of women to financial credit, including low-interest loans without collateral, entrepreneurship opportunities to enable them to start their own businesses and affirmative procurement programmes, and create an infrastructure that enabled women to access markets, including e-commerce; strengthen their access to information and counselling on modern and climate-friendly solutions in the agricultural sector; ensure that rural women were able to participate effectively in planning and decision-making related to rural infrastructure, rural services and rural development programmes; and ensure that rural women had access equal to that of men to land ownership and use, including by ensuring that land parcels under family ownership were explicitly registered under the names of both spouses.<sup>67</sup>

## 2. Children

51. The Committee on the Rights of the Child expressed deep concern about: the prevalence of violence against children, the underreporting and insufficient investigation of cases of such violence and a culture of silence and stigma that discouraged reporting; and insufficient services and inter-institutional coordination among relevant sectors for supporting child victims of violence.<sup>68</sup> The United Nations country team expressed similar concerns.<sup>69</sup>

52. The same Committee recommended that Bhutan: strengthen the capacities of relevant professionals to prevent, report and respond to cases of violence, including by: investing in the institutional capacity of the PEMA secretariat to support victims and children at risk; strengthening capacities at the district and local levels to take a multidisciplinary approach to case management; appointing child protection officers at the district level, with clearly defined roles and referral pathways; and strengthening child protection and violence response services at the local level, including through capacity-building activities and funding for civil society organizations that supported victims.<sup>70</sup> It also recommended that Bhutan: take targeted measures to prevent and eliminate violence against children online, including by developing guidelines and training for relevant professionals on combating online violence and requiring Internet service providers to block and remove online sexual abuse material.<sup>71</sup>

53. The same Committee also recommended that Bhutan: intensify labour inspections and improve the monitoring and enforcement of laws and policies on child labour, including in the informal and agricultural sectors, and impose sanctions on violators; and conduct prevention activities with families and capacity-building for employers, local authorities and other relevant stakeholders.<sup>72</sup>

54. The same Committee expressed deep concern about the lack of a strategy to prevent unnecessary family separation and to promote family-based care, and about children in



difficult situations staying in monastic schools or shelters run by civil society organizations with no individual care plans or periodic review of placement.<sup>73</sup> It recommended that Bhutan prioritize and ensure family-based and community-based care options for children who could not stay with their families, including by allocating sufficient resources for foster care and adoption and prohibiting the practice of placing children at risk in monastic schools or shelters.<sup>74</sup>

55. Expressing deep concern that corporal punishment was legally and socially acceptable in Bhutan, the same Committee recommended that Bhutan: explicitly prohibit by law, as a matter of priority, corporal punishment in the home, alternative care, day care, schools, monastic schools, nunneries, penal institutions and all other settings, including by repealing all provisions allowing for the use of corporal punishment and reviewing the Child Care and Protection Act, articles 109 to 112 of the Penal Code, the Child Adoption Act, the Domestic Violence Prevention Act and other relevant legislation; and address the widespread use of corporal punishment in schools.<sup>75</sup>

56. While noting that the minimum age for marriage had been amended to 18 years in the Dzongkha text of the Marriage Act, the same Committee expressed concern about the persistence of child marriage.<sup>76</sup>

57. While noting as a positive step the programme put in place to divert children from the criminal justice system in juvenile matters, the Working Group on Arbitrary Detention emphasized that the Government should increase its efforts to use the diversion programme to ensure that, whenever possible, children did not come into contact with the criminal justice system.<sup>77</sup> The Working Group noted that, in some cases, juveniles had been tried for serious criminal offences without legal counsel. The lack of legal representation in such circumstances amounted to a grave violation of the right to a fair trial.<sup>78</sup>

58. The same Working Group noted that, during its visit to Thimphu police station, it had met with a number of children in pretrial detention who were being held together with adults convicted in civil cases; they had been relocated only very recently, after initially having been held together with adult men in pretrial detention. The children had been subjected to the same regimes as adult pretrial detainees, spending 23 hours a day in their cells, without having any purposeful activities and having no access to education.<sup>79</sup>

59. The Committee on the Rights of the Child recommended that Bhutan: raise the minimum age of criminal responsibility to at least 14 years; increase the number of probation officers and actively promote non-judicial measures, such as diversion and mediation, and, wherever possible, non-custodial measures for children, such as probation or community service, and ensure that health and psychosocial services were provided to such children; and ensure that detention was used as a measure of last resort and for the shortest appropriate period of time, that, in cases where detention was unavoidable, children were not held together with adults and that detention conditions complied with international standards, including with regard to access to education, health services and child-friendly complaint mechanisms.<sup>80</sup>

### **3. Older persons**

60. The United Nations country team noted the development of the national senior citizen policy in 2023 under the sustainable development partnership framework.<sup>81</sup>

### **4. Persons with disabilities**

61. The United Nations country team noted that persons with disabilities continued to face discrimination and stigmatization, which often took multiple and intersecting forms, including on the basis of gender and education status.<sup>82</sup>

62. The Working Group on Arbitrary Detention encouraged the Government to increase its efforts to provide appropriate professional medical care in the community to those with psychosocial disabilities, including by raising the numbers and professional capacity of medical professionals who provided care in the psychiatric ward of the National Referral Hospital in Thimphu.<sup>83</sup> The Committee on the Rights of the Child made similar recommendations.<sup>84</sup>

63. The Committee on the Rights of the Child recommended that Bhutan strengthen measures aimed at ensuring that all children with disabilities, including children with autism, had access to inclusive education in mainstream schools.<sup>85</sup>

## 5. Minorities

64. The Committee on the Elimination of Discrimination against Women expressed concern about: the structural inequalities experienced by women belonging to ethnic minority groups, including in access to land, and the fact that many ethnic Nepali Bhutanese women and girls continued to live in refugee camps in bordering Nepal, where they were reportedly exposed to numerous rights violations.<sup>86</sup>

65. Noting with deep concern the lack of progress made in repatriating Lhotshampa children from refugee camps in Nepal, the Committee on the Rights of the Child urged Bhutan to: take effective and urgent measures through constructive dialogue with the Government of Nepal to ensure the return and resettlement of Lhotshampas from refugee camps in Nepal; and ensure that all children belonging to minority groups, including Lhotshampa children, were protected against discrimination, and guarantee their rights to nationality, health and education, as well as to enjoy their own culture and to practise their religion or beliefs freely.<sup>87</sup>

## 6. Lesbian, gay, bisexual, transgender and intersex persons

66. The Working Group on Arbitrary Detention noted that the Penal Code criminalized homosexuality. It stated that, during its visit to Bhutan, it had called upon the Government to amend the Penal Code to decriminalize consensual same-sex relations between adults. It had been informed that the National Assembly had passed a Penal Code amendment bill to remove sections 213 and 214 criminalizing homosexual acts.<sup>88</sup> The United Nations country team welcomed the decriminalization of same-sex sexual conduct between consenting adults as a significant, positive development.<sup>89</sup>

## 7. Refugees and asylum-seekers

67. The Committee on the Elimination of Discrimination against Women expressed concern about the absence of a legal framework in line with international standards to protect asylum-seeking and refugee women and girls in Bhutan.<sup>90</sup>

## 8. Stateless persons

68. The Committee on the Rights of the Child expressed deep concern about: barriers to accessing Bhutanese nationality for children of single mothers or Bhutanese mothers with non-Bhutanese spouses and for children born to non-Bhutanese, refugee or stateless parents; and the lack of a statelessness determination procedure.<sup>91</sup> The Committee on the Elimination of Discrimination against Women recommended that Bhutan consider reviewing article 6 of the Constitution to ensure that all Bhutanese had the right to transmit their nationality to their children, irrespective of the other parent's nationality or whereabouts.<sup>92</sup>

### Notes

<sup>1</sup> A/HRC/42/8, A/HRC/42/8/Add.1 and A/HRC/42/2.

<sup>2</sup> CRC/C/BTN/CO/6-7, para. 3.

<sup>3</sup> United Nations country team submission for the universal periodic review of Bhutan, p. 2.

<sup>4</sup> A/HRC/42/39/Add.1, para. 89.

<sup>5</sup> United Nations country team submission, p. 2.

<sup>6</sup> CEDAW/C/BTN/CO/10, para. 71.

<sup>7</sup> Ibid., para. 62.

<sup>8</sup> CRC/C/BTN/CO/6-7, para. 19 (f); and CEDAW/C/BTN/CO/10, para. 62.

<sup>9</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO) submission for the universal periodic review of Bhutan, para. 21.

<sup>10</sup> A/HRC/42/39/Add.1, para. 10.

<sup>11</sup> Ibid., paras. 10 and 16.

<sup>12</sup> CRC/C/BTN/CO/6-7, para. 6.

- 13 Ibid., para. 12. See also [CEDAW/C/BTN/CO/10](#), para. 22.
- 14 United Nations country team submission, p. 3.
- 15 Ibid.
- 16 [CRC/C/BTN/CO/6-7](#), para. 7. See also [CEDAW/C/BTN/CO/10](#), para. 16.
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- 20 [CRC/C/BTN/CO/6-7](#), para. 18 (a) and (b).
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- 22 Ibid., para. 77.
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- 45 United Nations country team submission, p. 4.
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- 51 [CRC/C/BTN/CO/6-7](#), para. 33 (a) and (b).
- 52 [CEDAW/C/BTN/CO/10](#), para. 47.
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- 61 [CRC/C/BTN/CO/6-7](#), para. 38 (a) and (b).
- 62 Ibid., para. 14.
- 63 United Nations country team submission, p. 9.
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- 65 Ibid., para. 25.
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- 70 [CRC/C/BTN/CO/6-7](#), para. 24 (c).
- 71 Ibid., para. 24 (e).
- 72 Ibid., para. 43.
- 73 Ibid., para. 30.
- 74 Ibid., para. 31 (b).
- 75 Ibid., para. 25 (a) and (b).
- 76 Ibid., para. 27.

- <sup>77</sup> [A/HRC/42/39/Add.1](#), para. 27.  
<sup>78</sup> *Ibid.*, para. 55.  
<sup>79</sup> *Ibid.*, para. 45.  
<sup>80</sup> [CRC/C/BTN/CO/6-7](#), para. 45.  
<sup>81</sup> United Nations country team submission, p. 15.  
<sup>82</sup> *Ibid.*, p. 12.  
<sup>83</sup> [A/HRC/42/39/Add.1](#), para. 94 (a).  
<sup>84</sup> [CRC/C/BTN/CO/6-7](#), para. 32 (a) and (b).  
<sup>85</sup> *Ibid.*, para. 41 (b).  
<sup>86</sup> [CEDAW/C/BTN/CO/10](#), para. 59.  
<sup>87</sup> [CRC/C/BTN/CO/6-7](#), para. 42.  
<sup>88</sup> [A/HRC/42/39/Add.1](#), paras. 51 and 52.  
<sup>89</sup> United Nations country team submission, pp. 4, 15 and 16.  
<sup>90</sup> [CEDAW/C/BTN/CO/10](#), para. 61.  
<sup>91</sup> [CRC/C/BTN/CO/6-7](#), para. 18 (c) and (d).  
<sup>92</sup> [CEDAW/C/BTN/CO/10](#), para. 40.
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