



**CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
DISCRIMINATION
AGAINST WOMEN**

**AN UPDATED SUMMARY OF THE REPORT
OF THE KINGDOM OF BHUTAN
(2003)**

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Glossary

<i>Chimi</i>	:	Member of National Assembly (People's representative)
<i>Druk Gyalpo</i>	:	King of Bhutan
<i>Dzongkha</i>	:	Official language of Bhutan
<i>Dzongkhag</i>	:	District
<i>Dzongkhag Yargye Tshogchungs (DYTs)</i>	:	District Development Committees
<i>Gewog</i>	:	Block
<i>Gewog Yargye Tshogchungs (GYTs)</i>	:	Block Development Committees
<i>Je Khenpo</i>	:	Head of Ecclesiastical Affairs
<i>Mangap</i>	:	Village elder (village or community representative to a body)
<i>Ngultrum (Nu.)</i>	:	Currency of Bhutan (exchange rate 1\$=Nu. 45/-)
<i>Thrimzhung Chhenpo</i>	:	Supreme law
<i>Tshogpa</i>	:	Committee member

1 BACKGROUND

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the international agreement adopted in 1979 by the UN General Assembly. It consists of a preamble and 30 articles, defining what constitutes discrimination against women and setting up an agenda for national action to end such discrimination. As such, CEDAW is often described as an international bill of rights for women.

By accepting the Convention, countries commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organisations or enterprises.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports on measures that they have taken to comply with their treaty obligations.

Bhutan signed the CEDAW in 1980 and ratified it in 1981, without any reservation.

What is discrimination against women? What is gender equality?

The Convention defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

The Convention provides the basis for realising equality between women and men. Deepening the meaning of “equality”, the UN Millennium Project Task Force on Gender Equality suggests three fundamental domains of gender equality: equality in human capabilities; equality in opportunities; and, equality in agency¹. The domain of equality in human capabilities refers to acquiring basic human abilities as measured through education, health, and nutrition. The domain of equality in opportunities refers to what is additionally needed to exercise the equal human capabilities (eg., access to job opportunities, land, capital and so on). The domain of equality in agency refers to a person’s ability to formulate strategic choices and make decisions that affect important life outcomes.

(Source: CEDAW, Caren Grown, Geeta Rao Gupta, and Zahia Khan, Background Paper of the Millennium Project Task Force on Gender Equality, April 2003. See also United Nations Human Development Report, 1995.)

Bhutan is a Buddhist country, and religious and social values better protect the women. Local practices like marriage, divorce and child custody reflect the freedom and flexibility that the women enjoy. In many parts of Bhutan, women inherit property and often head the household. Instances of female infanticide, dowry deaths, vicious acid attacks and organised trafficking in women are practically unheard of and unknown.

Accordingly, it can be said with confidence that women who comprise 49.5 percent of the kingdom's 716,424 population¹ enjoy a greater degree of freedom, equality and status than women in many countries.

Some socio-cultural perceptions that disadvantage women persist, and vary among ethnic communities. Thus, despite equal opportunities and rights under the law, differences exist, particularly in access to education, enterprise development, and governance.

In terms of disparity in education between men and women, it is estimated that total female literacy rate is only half of that of men. In many cases, illiterate women's participation in the modern economy is modest and limited to low-skilled and low-paid jobs.

At present, measurable indicators on gender issues are limited. The strengthening and renaming of the Central Statistical Organization (CSO) as the National Statistical Bureau (NSB) in October 2003, will strengthen and improve the collection and analysis of national data and gender disaggregated data in particular.

In 2001, the Planning Commission Secretariat (now the Department of Planning under the Ministry of Finance) was appointed as the focal point for coordinating gender matters in the country. Subsequently, a gender theme group was formed to further enhance mainstreaming of gender issues. The establishment of a National Commission on Women and Children, which is under discussion at the highest policy level, would strengthen coordination and implementation of government commitments under the CEDAW and the Convention on the Rights of the Child (CRC). The responsibility of coordinating programmes addressing gender issues will be brought under the purview of the Ministry of Labour and Human Resources. The National Women's Association of Bhutan (NWAB) and other emerging NGOs will be encouraged to strongly participate in improving women's socio-economic conditions and promote their participation in development activities.

To ensure gender equality, the government is committed to examine some key areas that may require further scrutiny such as:

- Formulating a national definition of discrimination against women consistent with CEDAW;
- Formulating legislation expressly prohibiting discrimination against women;
- Establishing an effective national machinery to implement gender related issues;
- Codifying the concept of equal pay for equal work, with specific penalties for violations;
- Generating and compiling comprehensive gender-disaggregated data, at the national, district, block and household levels;
- Continuing to address gender inequalities in school enrolment as well as functional literacy; Strengthening the reproductive health/sexuality education curriculum in the schools;
- Creating awareness that domestic violence is an abuse of human rights;
- Creating awareness that sexual abuse and sexual harassment of women and girls is a crime under the law;
- Actively raising widespread gender awareness and education at all levels;
- Prohibiting employment of underage girls as domestic workers;

¹ Royal Government of Bhutan, Central Statistical Organisation, 2002 (hereafter RGOB, CSO, 2002)

- Formulating a national plan of action for women’s development based on national priorities and international declarations and conventions.

2. COUNTRY BACKGROUND

Bhutan is a landlocked rugged mountainous country with a land area of 38,394 square kilometres, bordered by India to the south and China to the north.

About 80% of the population is engaged in agriculture cultivating about 8% of the land². The capital Thimphu, the largest city, has a population of about 50,000.

Per Capita Gross Domestic Product is US \$ 755 and average life expectancy is 66.1 years³. Extreme poverty is uncommon. Majority of Bhutanese are Buddhists; Hinduism is practised in parts of southern Bhutan. The national language is *Dzongkha*.

The country has always been an independent nation throughout its known history. Zhabdrung Ngawang Namgyal unified the country in the 17th century. In 1907 Ugyen Wangchuck was unanimously elected as the first *Druk Gyalpo*. His great-grandson, His Majesty King Jigme Singye Wangchuck, ascended the throne as the fourth *Druk Gyalpo* in 1974.

His Majesty the King is the head of state and the commander in chief of the security forces. In 1998 His Majesty the King devolved executive powers to an elected council of ministers. One of the ministers serves as the head of government on a yearly rotation.

The country initiated modern development in 1961 with the First Five-Year Plan and has always invested in people. This can be seen from the outlay for the social sector which has always been a priority. In the Ninth Plan, 24 % of the *Ngultrum* 70 billion outlay is for the social sector⁴. Bhutan’s development philosophy is strongly rooted in the concept of ‘gross national happiness’, as a definitive improvement in the happiness and well-being of people rather than mere growth of GNP. While there are many factors that contribute to human well-being, Bhutan has identified four major areas as the focus of its development. These are economic growth and development, preservation and promotion of cultural heritage, preservation and sustainable use of the environment and good governance.

The country is divided into 20 *dzongkhags*, which are further divided into 201 *gewogs*. The creation of the *Dzongkhag Yargye Tshogchungs (DYTs)* in 1981 and the *Gewog Yargye Tshogchungs (GYTs)* in 1991 has provided fora for local decision-making and links with the national processes of policy formulation and development planning.

The country’s legal system has its roots in the fundamental law promulgated by Zhabdrung Ngawang Namgyal. The present laws, as they exist in the *Thrimzhung Chhenpo*, were first codified and enacted by the National Assembly in 1957.

Health for All and Education for All are national goals. The country today has 132,411 students from the primary to the tertiary level⁵. Education is free. Of those who enroll, 69.3% complete primary education and 39% reach Class X⁶.

² RGoB, Ninth Plan Main Document (2002-2007) (hereafter RGoB, DoP, 2002)

³ RGoB, CSO, 2003

⁴ RGoB, DoP, 2002

⁵ RGoB, Ministry of Education, 2003

⁶ RGoB, DoP, 2002

In 2002, there were 30 hospitals (including 1 indigenous hospital), 166 Basic Health Units, 455 Outreach Clinics and 20 indigenous treatment centres reaching more than 90% of the country's population⁷. Child immunisation coverage is about 90% and iodine deficiency disorders has been eliminated. About 42.1% of Bhutan's population is under 15 years⁸.

Agriculture remains an important economic sector contributing 34.3% of the GDP⁹. The contribution and employment of other sectors of the economy is rapidly increasing such as energy.

3. SITUATION OF WOMEN IN BHUTAN

There is no formalised gender bias at home and in the workplace.

Women in general are regarded as the homemaker, wife and mother. The perception that women are physically weaker and sexually more vulnerable has greatly influenced their access to educational and employment opportunities. Women's own perception of themselves seems to be based on these two factors.

There is no distinct division of roles in most rural areas between women and men. Plowing with oxen is generally regarded as a man's job and housekeeping as a woman's job. This is not rigid. In a household short of women, men engage in routine domestic work. Cultivation, from sowing to harvesting, is fully shared.

The head of a household is also not a gender-specific domain. Usually the more capable person - often the wife or the eldest daughter - assumes this responsibility. Women generally serve as controllers of the family purse.

The urban woman is often a housewife who has limited education and does not work outside the household, or is well educated and employed. Men are the primary earners in urban areas¹⁰.

Some limited studies revealed that educated women did not support the idea of special initiatives to promote the advancement of women¹¹. They felt that gender-neutral national policies would be sufficient to ensure any advancement.

The country has limited gender-disaggregated data on the situation of women in some of the areas covered by the Convention.

4. BHUTAN AND CEDAW

Bhutan signed CEDAW on 17 July 1980, and ratified it on 31 August 1981.

After the ratification, a committee was formed to monitor the implementation of the Convention. It has done three studies on health, water and sanitation, and education. In 2001, the Planning Commission Secretariat was appointed as the focal point for coordinating gender matters in the country. Subsequently, a gender theme group was formed to further enhance mainstreaming of gender issues through greater sharing, learning and capacity building.

⁷ RGoB, Ministry of Health, Annual Health Bulletin, 2002 (hereafter RGoB, Ministry of Health, 2002)

⁸ RGoB, CSO, 2002

⁹ RGoB, CSO, 2002

¹⁰ Kinga. Sonam. The Status of Women in Traditional and Modern Bhutan, Prepared for Centre for Bhutan Studies, 1999 (hereafter Kinga, 1999)

¹¹ Ibid.

The government has taken numerous measures to harmonise national laws and policies with the provisions of the Convention. Many of the principles of CEDAW are already integrated into the country's national laws.

Human Resource Development has been and continues to be accorded priority. As women constitute almost half the country's population, the government recognises that gender inequality is a cost to development.

Gender mainstreaming across sectors has been slow because there is a tendency to view women issues as separate and isolated issues.

Public officials also lack experience and skills to undertake operational research to compare how women and men would be affected by a policy or programme.

Past experience has shown that equal participation is not always the most relevant indicator that a programme supports equality between women and men. Future gender programmes need to focus on impact rather than on women as a target group.

There is also a need to accord value to unpaid work done by women in the non-market economic sector such as gathering water and fuel, food preparation, housecleaning, and care for children and the elderly.

5. THE LEGAL STATUS OF WOMEN

In Bhutan all persons are equal before the law. All individuals are entitled to equal protection without discrimination. Any person whether a man or a woman, can institute court proceedings if she or he believes his/her rights have been violated.

Traditional customs favour women in the area of inheritance. In the matrilineal family system in western and central Bhutan land is inherited through the mother. In the south and east, patrilineal inheritance is generally the norm.

There are provisions in the Police Act 1980 and Prison Act 1982 that protect the rights and interests of women. The Prison Act establishes that female and male prisoners be kept separately and prohibits convicted women and minors from being given prison work 'beyond their capabilities'.

Marriage Act of Bhutan, 1980

The Marriage Act of Bhutan, 1980, covers separation, adultery, divorce and child custody.

As in many societies sexual behaviour of men is more 'accepted' than that of women. But there is little social stigma attached to women with children outside marriage and divorce. Divorce can be initiated by either a woman or a man.

Polygamy and polyandry is socially acceptable. However the law requires that if this occurs it must have the consent of the spouse. In many cases multiple wives are sisters and multiple husbands are brothers, or they are persons closely related to the first spouse.

In keeping with the requirement of the CRC and CEDAW, the legal age at marriage for both sexes was raised in 1996 to 18 years. Previously it had been 18 for males and 16 for females. However, underage marriages as early as the age of 15 still occur, especially in rural areas where they go unregistered.

Marriage to a non-Bhutanese does not change the nationality of a woman, make her stateless or oblige her to acquire the nationality of the husband.

In cases of adultery, the person who commits adultery must pay compensation to the aggrieved spouse and this holds the same whether it is a man or a woman.

The marriage act protects an unmarried woman who becomes pregnant. The man who is responsible must pay for all medical expenses, and provide 20% of his monthly income as child support allowance.

Both women and men remarry without social prejudice. Either party may initiate the divorce and be held responsible for compensating their partner. Personal property acquired before the marriage reverts to the original owner while property acquired during the marriage is divided equally.

The mother is awarded custody of children of less than 9 years of age, regardless of who has initiated or has caused the separation. In a divorce, and after the children have reached 9 years of age, they have the choice to live with either one of the parents. The father must provide child support allowance either as per negotiated terms, or pay 20% of his monthly income for each child up to a maximum of 40%. The law provides that child support must be paid until the child/children reach 18 years of age.

Concerning adoption, the National Assembly of Bhutan resolved in 1988 that it is permitted when it is registered through a court of law. This ensures that the child assumes full benefits under the inheritance act and that she/he be entitled to register as a Bhutanese citizen.

Rape Act, 1996

There have been very few cases of rape reported in the country so far. The law provides that offenders must pay compensation and serve prison terms of 1 to 5 years. Prior to 1996, the penalty was only 3 months imprisonment. In gang rape, the offenders are liable to serve a prison term of 3 to 7 years.

Prior to 1996, a victim of gang rape was required to demonstrate 'good moral character'. This clause in the law was removed in 1996.

For the rape of a minor, between the age of 12 and 18 the prison term is for 5 to 10 years and the perpetrator must also pay compensation. If the victim is under 12 years of age, the sentence is increased to between 10 to 13 years. Gang rape results in sentences of 10 to 15 years or 15 to 17 years, depending on the age of the victim.

Should the victim die in the course of a rape, the sentence is life imprisonment plus compensation. In the case of a gang rape, the main perpetrator will serve a life sentence, while each of the other offenders will serve a prison term of 17 years to life imprisonment.

The general (legal) provisions are also relevant to crimes of sexual assault that do not constitute rape itself, such as attempted rape, domestic assault, molestation, and sexual abuse of children.

Prostitution and trafficking in women and children is considered a crime by law. The country signed the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002) and the Convention was ratified by the National Assembly in 2003.

Bhutan Citizenship Acts

In accordance with the Citizenship Acts of 1958 and 1977, children of Bhutanese men married to foreign women were automatically eligible for citizenship. However, in the case of a Bhutanese woman, marriage does not automatically make her children Bhutanese. The National Assembly specified in 1988 that 'special residence' permits should be provided limited to those married before the coming in force of the 1985 Act.

According to the Bhutan Citizenship Act, 1985, Bhutanese nationality can be acquired:

- By birth, if both parents are citizens;
- By registration, if the person was officially registered in the census and living in Bhutan before the end of 1958, which is the date of the first citizenship act;
- By naturalisation, if the person is 21 years old (15 years if one parent of the child is a citizen) ; can speak, read and write Dzongkha proficiently; and have good knowledge of the culture and traditions of Bhutan.

Inheritance Act, 1980 and Other Acts

The country places high value on taking care of the family and has it enshrined in the inheritance laws¹². Overall, 60% of rural women hold land registration titles; in the urban areas 45% of women hold property titles¹³.

Any citizen of the country can inherit property according to the inheritance act, 1980. The Land Act of 1979 and the Loan Act of 1981 also have provisions on the rights of women and girls.

6. PROMOTION AND ADVANCEMENT OF WOMEN

Bhutan development policy emphasises that measures to promote women will be incorporated in all sectoral projects and programmes¹⁴.

The government has implemented gender-sensitive programmes in nutrition as well as Mother and Child Health, improved and expanded educational projects through a national literacy programme, identified and financed economic programmes and instituted legal reform.

The government is committed to adopt appropriate strategies to create gender awareness on women's rights; promote child day-care facilities in urban areas; develop a national policy to provide flexible time for breast-feeding and maternity and paternity leave for employees; promote measures that encourage retention of girls in higher levels of education; improve existing reproductive health services and RH/sexuality education programmes in the school system including attention to the prevention of HIV/AIDS, and any form of sexual harassment and abuse.



Scouts advocating and raising awareness

¹² RGoB, UNDP, UNICEF, WFP Bhutan Country Offices & UNIFEM South Asia Regional Office, 2001 (hereinafter RGoB et al., 2001)

¹³ RGoB, CSO, 2001

¹⁴ RGoB, DoP, 2002

National Women's Association of Bhutan

The National Women's Association of Bhutan (NWAB) was established in 1981. Its mandate includes:

- improving the living standards and socio-economic status of women,
- encouraging women to take part in socio-economic development programmes and in other nation-building activities.

The NWAB has more than 400 voluntary members and 17 staff. In collaboration with various government agencies, it has over the years trained more than 14,000 women in weaving, knitting and tailoring. It has installed more than 14,000 fuel-efficient smokeless stoves in rural areas and given collateral free loans to more than 1500 women in 6 eastern districts of the country. The association is also involved in sponsoring the education of underprivileged children nation-wide.

7. FAMILY LIFE

Family bonds are very strong in Bhutan and members support one another in times of illness, death and other adversity.

The average size of a household is estimated to be 5.6¹⁵. Extended family groups number 7 to 8 members. The older women usually nurture the family and take care of the younger children.

The social status of women in Bhutan varies between ethnic communities. Generally, women in the northern and eastern part of the country enjoy more social freedom and status compared to women in southern Bhutan where a caste system still exists among some communities.

In rural areas both women and men who work for the household make most household decisions jointly. These include decisions about education of children, purchase or sale of land or cattle, choice of crops for the season, and marriage of a daughter or a son.

In southern Bhutan, men tend to have more control and influence over decision-making than women do. Outside the home, men and women receive equal pay for equal work, even for unskilled labour.

Men do the work of plowing fields, felling trees, carpentry and masonry. Household chores of fetching water, cooking, childcare, kitchen gardening, brewing alcohol, milking cows and weaving are done by women and girls in about 80% of households¹⁶.

Regarding marriage, although many choose their own partners, arranged marriages still occur. This is more likely to happen in rural areas. Marriage among consanguinity is common in Eastern Bhutan and some parts of Southern Bhutan. It is observed that arranged marriages are uncommon among educated women.

Marriages result in the exchange of work force between families. Sons are usually sent out in marriages, while daughters stay home, except in southern parts of the country, where the pattern is reversed. Because a daughter's marriage brings an additional worker into the family, many families favour early marriages for girls.

¹⁵ RGoB, Eighth Plan Document (1997-2002) (hereafter RGoB, DoP, 1997)

¹⁶ Buringa, J and Tshering, L, Gender Issues in Water and Sanitation: The Case of Bhutan, 1992

8. EDUCATION OF WOMEN

Education disparities between men and women represent the biggest constraint to full gender equality in the country.

In the past, families preferred sending boys to school because of the distances and hardships involved and because of the traditional view that daughters were more vulnerable.

In 2003, girls accounted for 47% of the 129,160 students in schools and their enrolment today is increasing faster than boys. Girls constitute nearly 48% of the total enrolment at primary level and 48.5% at lower secondary level, 46% at middle secondary level, 39% at higher secondary level and 30% at the tertiary level. Girls constitute 30% of the total enrolment in institutes of technical education.¹⁷

The establishment of community schools across the nation has further increased enrolment of girls. To further raise girls' enrollment and access, by the end of the current Ninth Plan, there will be schools within three kilometres or one hour's walking distance of various communities¹⁸.

Bhutan today has 278 primary and community schools, 116 lower, middle and higher secondary schools, 18 private schools, 14 institutions (including 7 technical vocational institutes and 1 degree college), 14 Buddhist schools, and 365 non-formal centres¹⁹.

In 2000, 6 higher secondary schools were providing junior college education (Classes XI-XII). In 2003 the number has increased to 16 such schools. Enrolment at the lower secondary (Classes VII-VIII) and middle secondary school levels (Classes IX-X) was - in 2000 - 14,429 and 8,872 respectively. By 2003, the enrolment in lower secondary schools increased to 16,346 and in the middle secondary schools to 12,537 students.²⁰

There was not a single female teacher in the 1960s. They accounted for 36% of the total 4,746 teachers' force in 2003²¹.

Educated girls are beginning to choose more untraditional careers. 21% of the 429 students at the Royal Bhutan Institute of Technology (RBIT) are women. Women also account for 40% of the 467 students at vocational training and construction training institutions.²²

There are no significant gender disparities in dropout rates from pre-school to Class VI. The reasons for drop-out in these years is due to various factors including help needed at home and poor academic performance resulting often in repeating classes and the perception of being too



School girls

¹⁷ RGoB, Ministry of Education, 2003

¹⁸ RGoB, DoP, 2002

¹⁹ RGoB, Ministry of Education, 2003

²⁰ *ibid*

²¹ *ibid*

²² *ibid*

old for the level. Once a child achieves a basic education level, the family feels that education may not be a priority over the safety of the child who has to walk long distances in isolated and forested areas populated by wild animals.

At the primary level, enrolment far outpaced the growth in infrastructure. In the 90s, enrolment increased about 8% annually against the expansion of infrastructure which was 6% annually.

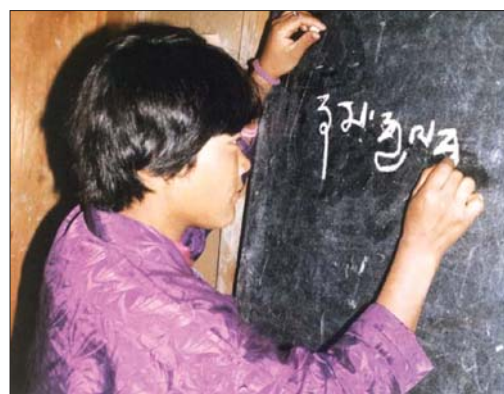
Educational objectives for the Ninth Five-Year Plan include:

- Early childhood care for children between 0-6 years on a pilot basis;
- Raising enrolment of children between 6-12 years of age in primary schools to 90-95% by 2007;
- Increasing the basic level of education from Class VIII to X;
- Enhancing the literacy rate from 54% to 80% and;
- Establishing a programme for the physically and mentally challenged.

Non-Formal Education (NFE) and Disparities in Literacy

In 2002, the overall literacy rate was estimated at 54 %, up from 17% in 1977. The total female literacy rate was then 18% about half of that of men. About 75% of rural women between 20 to 40 years of age are still illiterate today. By comparison, nationally, in the age group 11 to 20 years, 75% of boys and 65 % of girls are literate²³.

Women have overwhelmingly benefited from the national non-formal education programme. In 2003, 68% of the 12,838 students were women. Until early 1996, the NFE centres provided only basic literacy courses. Today 106 of the total 365 centres provide the post literacy education as well. Majority of women in NFE programmes are aged 15 to 26 years²⁴.



A Non-Formal learner

The government objective is to have the entire population literate in *dzongkha* by 2012 through more NFE centres and to recruit more female NFE instructors to be role models especially for rural women. A curriculum for adult education has been developed with materials on agriculture, sanitation and health.

9. WOMEN'S ACCESS TO HEALTH

In Bhutan, health care is free and provided through an extensive network of primary health care centres and some special vertical health programmes. The government gives special attention to women's health, particularly reproductive health.

In 2000, the total fertility rate was 4.7 children per woman of reproductive age, down from 5.6 in 1994. The general fertility rate was 142.7 for 1,000 women of reproductive age, down from 172.7 in 1994²⁵.

²³ RGoB, DoP, 2002

²⁴ RGoB, Ministry of Education, 2003

²⁵ RGoB, Ministry of Health, 2002

The government has set up many fully equipped Emergency Obstetric Care Centres (EMOCs) to reduce maternal deaths. The ambulance strength has been increased in all hospitals for emergency and high-risk referral. Various choices of family planning services are available, and hospitals and primary health care facilities provide daily mother and child health clinics.

Significant improvements have been made in the reduction of infant and maternal mortality. From 1984 to 2000, the infant mortality rate and the maternal mortality rate fell from 102.8 to 60.5 per 1,000 live births and from 7.7 to 2.5 per 1000 live births respectively. The under-5 mortality rate fell from 162 to 84 per 1,000 live births.²⁶ An immediate goal is to reduce mortality ratios further.

Child immunisation coverage is 90%. Diseases such as neonatal tetanus, polio and diphtheria have been almost eliminated while malaria and leprosy are under control.

In 1988 the National Assembly resolved that all pregnant mothers and children should be immunised, with the mothers receiving tetanus toxoid.

To improve health awareness, different kinds of information materials on diarrhoeal diseases, acute respiratory infections, safe motherhood and reproductive health have been widely distributed.

In the 80s, a programme to involve women as village health workers (VHWs) was strongly promoted. Today about 67% of VHWs are women.

Bhutan has 43 cases of HIV/AIDS infection, of which 20 were detected since 1999. Despite this very small number, Bhutan is concerned of a potential high risk due to the close proximity to a region with a high incidence of HIV/AIDS. The increasing number of sex workers from across the border is also a growing issue.



Bhutan has initiated a vigorous HIV/AIDS prevention campaign. Screening of HIV and other sexually transmitted diseases through the Mother and Child Health programme and the public health laboratory has been a regular activity for several years. Multi-sectoral Task Forces have been formed in all the districts to combat HIV/AIDS.

Bhutan also has a parallel traditional health care system which is available nationwide and has a cross referral system with the modern system of medicine.

Nutritional Indicators for Women and Children

Food shortages, infections, poor dietary habits and child care practices are areas which need to be given attention.

In 1999 the national anthropometric study of 3,000 under-five children from 30 randomly selected blocks indicated marked improvement in the nutritional status compared to the 1989 national nutrition survey. The proportion of underweight (weight for age) and wasted (weight for height) children had reduced from 28% in 1988 to 17% in 1999 and 4.1% in 1988 to 2.6% in 1999 respectively. The study showed that stunting (height for age) was still high, 48% in the east and 34% in the west, indicating long-term malnutrition, possibly related to infection, inadequate care and inadequate food at the household level.

²⁶ RGoB, Ministry of Health, 2002

The 1996 IDD study revealed a total goitre rate of 14% and iodised salt coverage of 82%. Since iron deficiency is still prevalent among pregnant women, 160 mg elemental iron a day is prescribed to all pregnant women and this continues into the lactation period. A nation-wide study on anaemia was conducted in May 2002 and the data is under analysis.

In 2002, the government launched a National Breast-Feeding Policy that increases paternity leave from 1 day to 3 days and provides daily 1 hour of flexible breast-feeding time for lactating mothers who are employed. The SAARC Code on Breast-Feeding was ratified by the National Assembly in 2003.

Nutrition surveys of the rural population show that calorie intake is mostly adequate but that diarrhoea is still common. There are still however many vulnerable areas and high incidence of chronic and transitory food insecurity was identified in 9 out of 20 districts of the country located in southern and eastern Bhutan. It was estimated that daily calorie intake per capita in these 9 districts was 1,883 kilocalories, 26% below the national average. Nutrition issues are across gender and do not specifically target women and girls.

A 1999 survey²⁷ indicated the continuing problem of food insecurity. About 17% of respondents of the survey, which did not cover the south, much of the east, and remote districts of the north, said they experienced some periods of food shortage. Nearly one-third of respondents were road workers.

Water, Sanitation and Reproductive Health

The percentage of the rural population with access to safe water supply increased from 31% to 77.8% between 1987 and 2000²⁸. Women are specifically targeted to benefit from rural water supply schemes. The government hopes to achieve 100% access to safe drinking water and sanitation facilities by 2007. The installation of thousands of smokeless stoves in rural areas benefiting 22% of the population²⁹ - has considerably reduced respiratory illnesses caused by kitchen smoke, especially among women. However, acute respiratory illnesses continue to be prevalent across the country.



Family planning is of critical concern in Bhutan because of the high population growth rate and it receives attention at the highest level. In 1995 a Royal Decree by His Majesty the *Druk Gyalpo* underscored the importance of population planning in the context of sustainable development. In 1996, His Holiness the *Je Khenpo*, in his pronouncement about the Buddhist perspective on family planning, clarified that contraception is not against Buddhist principles. Her Majesty the Queen, Ashi Sangay Choden Wangchuck, has for several years spearheaded advocacy programmes in the country to improve the reproductive health of women - as well as actively promoting awareness of reproductive health and sexuality issues, including HIV/AIDS prevention among young people.

Nearly all women have knowledge of at least one modern family planning method³⁰. About 41% of married women use some form of contraception; 50% in urban areas, 30% in rural areas and 44% among road workers. In 2000, contraceptive prevalence was 30.7%³¹. Male contraception rates, particularly sterilization, are high in Bhutan underscoring male responsibility in family planning.

²⁷ Currie-Namgyal, A., A Preliminary Gender Study for the World Food Programme in Bhutan, 1999 (hereinafter Currie-Namgyal, 1999)

²⁸ RGoB, Ministry of Health, 2002

²⁹ RGoB, DoP, 2002

³⁰ Currie-Namgyal, 1999

³¹ RGoB, Ministry of Health, 2002

In Bhutan, the ‘ideal’ number of children varies among ethnic communities and ranges from 2.4 to 5.5. About one-third of births in a given year are attributed to women in the age group 15-24 years³². Given Bhutan’s young age structure the population is expected to grow for another 50 years³³ even if fertility is reduced to two surviving children per woman by the year 2012. The government programmes aim to a 61% reduction in fertility in 15 years to 2.10% in 2017. By 2020, the population is expected to number around 932,000.³⁴

Traditional beliefs and practices still influence health-seeking behaviour, particularly in the case of maternal health and child health.

About 85% of births still take place at home, most often under unhygienic conditions. Poor transport and communication infrastructure hamper referral to health units with essential obstetric services. Trained deliveries in 2002 accounted for about 29% of all births but antenatal attendance at clinics was 39,451 cases, which means there were on average 3.7 antenatal visits per pregnancy³⁵.



Health Workers training mothers

In villages, many pregnant women do not receive adequate rest; they continue to do demanding physical work late into their pregnancies and resume work almost immediately after delivery. Pregnant women and children have been made a specific target group for information programmes and under the expanded programme of immunisation. Safe delivery kits are distributed nation-wide.

Abortion

Abortion is socially unacceptable and against the Buddhist principle of respect for life. However, in 1999 the government legalised the termination of pregnancy, to save the woman from the risk of disease and death, or when the foetus is abnormal. Hospitals reported 311 abortions in 2002, estimated to be 12.06% of cases of complications during pregnancy³⁶. Treatment of post-abortion complications are available at tertiary level. The capacity to deal with post abortion complications at district hospital level and below is however very limited. There are some reported cases of women and even schoolgirls suffering from complications from unsafe abortions outside the country.

10. WOMEN AND EMPLOYMENT

Women have the right to employment and of equal pay for equal work. This is enshrined in the civil service rules, which are gender-neutral regarding pay, hiring, training, promotions and benefits. With regard to employment in the private and corporate sectors, a draft labour policy and legislation is under formulation.

The civil service rules allow 3 months of paid maternity leave for each of 3 pregnancies. Paternity leave in the civil service has recently been increased to 3 days from 1 day in the past.

³² RGoB, DoP, the Eighth Plan Main Document (1997-2002)

³³ RGoB, DoP, Bhutan 2020: A Vision for Peace, Prosperity and Happiness

³⁴ *ibid.*

³⁵ RGoB, Ministry of Health, 2002

³⁶ RGoB, Ministry of Health, 2002

Women's participation in the modern economy is today still modest because of lower education and consequent lower skill levels. It is recognised that female membership in the National Assembly, district development and block development committees is still inadequate.

From 2000 to 2002, women accounted for 25% of the total recruitment in corporate and private organisations. By comparison, 95% of women aged 15 to 64 were employed in agriculture in 1984.

A limited study³⁷ found that about 49% of women are working on a family farm, 28% are labourers, 17% are engaged in various categories of work including small businesses, 5% are full-time employed and salaried, and 1% are sharecroppers. In urban areas, 47.2% of women in Thimphu and 45.8% in Phuentsholing were employed, and 45.5% of all employed Bhutanese, rural and urban, are women³⁸.

Men significantly outnumber women in all sectors of paid employment. Today, there are 15,050 people in the civil service, of which 26% are women.³⁹ Still, majority of women are in lower levels and very few are found in senior grades. Within the judiciary, there are 6 women lawyers and about 8 women training as law students. More than 100 women have joined the Royal Bhutan Police in recent years. Bhutan appointed 2 women in 2003 at the level of Secretary - for the first time - as Foreign Secretary and Finance Secretary, which are considered among the senior most appointments in the government. Women comprise 40% of the total 35 officers in the Ministry of Foreign Affairs.

New ministries such as the Ministry of Labour and Human Resources actively ensure that there is gender parity in their recruitment. 49 % of officers and staff of the ministry are women.

11. WOMEN IN COMMUNITY, BLOCK AND DISTRICT DECISION-MAKING

Today, 12 of the 100 *chimis* in the National Assembly are women and 1 of the 6 Royal Advisory Councillors is a woman. However, women are still under-represented in the *DYTs* and *GYTs*. It is men who usually occupy local public offices such as *gup*, *chimi*, *mangap* and *tshogpa*.

Women do, however, participate, in the election of *gups* and *chimis*. They also actively participate in public village meetings sometimes representing 70% of the participants. Decisions concerning the community are taken in these meetings and matters of national importance are routed through the *GYTs* and *DYTs* and, finally, to the National Assembly.

It is still widely felt among rural women that “women are not taken so seriously” and that “men make important decisions better”. The inability to read and write, to be informed and speak about issues has been cited as one constraint among rural women to representation in local bodies.⁴⁰

Pay for Unskilled Labour

The national wage rate for unskilled workers is gender neutral. The 1994 wage regulations have specific clauses to protect minors and older persons.

In the informal sector, the practice of paying for labour can vary. According to one limited study⁴¹, labour exchange and payment of wages in kind is preferred over cash payment for farm work. In

³⁷ Currie-Namgyal, 1999

³⁸ RGOB, CSO, 2002

³⁹ RGoB, Royal Civil Service Commission, 2003

⁴⁰ RGoB et al., 2001

⁴¹ Kinga, 1999

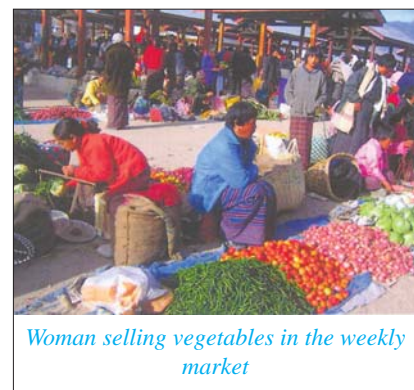
eastern and western Bhutan a day's work is paid equally whether done by a man or a woman. However, there are cases where there are differences in wages between men and women.

Lack of child day-care facilities in urban areas is increasingly forcing working parents to entrust their children to extended family members or baby sitters, who are sometimes underage girls. Many girls and women who migrate to urban areas find employment as domestic help for the urban elite, particularly in childcare. The younger girls engaged in this work do not attend school further limiting their development.

12. WOMEN'S ACCESS TO ECONOMIC STRUCTURES AND THE PRODUCTIVE PROCESS

Women have the right to land ownership, bank loans and other forms of family credit. This however may vary between ethnic communities. All children have equal rights of inheritance though in most parts of northern and parts of eastern Bhutan it is the daughters who inherit the family land. A woman's access to land ownership, and credit is not restricted if she marries a non-Bhutanese.

There is a growing debate that challenges the traditional system of women inheriting the land as actually preventing women from gaining education. Since girls provide valuable household and workplace labour, many families feel their daughters need to be more at home than attending school. In one limited study, nearly all Bhutanese women interviewed in the study had started working at a young age⁴². A 1993 gender workshop with Bhutanese and international participants suggested that the traditional system of daughters' inheritance should be changed to enhance women's rights and development in Bhutan⁴³.



Initiatives by the NWAB and the Bhutan Development Finance Corporation (BDFC) that operate credit programmes for commercial farming, the upliftment of rural women and industrial development have served the interests of a significant number of women.

The BDFC, which opened in 1988, had 35% or 5,290 women clients in 2003. A review of credit patterns indicates that men dominate in investment decisions and also take more loans than women. Another limited study⁴⁴ on women's participation in financial decision making found that 27% of women were solely involved in decisions on obtaining monetary credit, 14% took joint decisions and 59% let their spouse make the decision.

Women and Poverty

Although extreme poverty is fortunately nearly absent in Bhutan, there are problems that contribute to persistent poverty, whether among women or men alike. Qualitative surveys found that persistent poverty is a result of lack or inadequate size of land holdings; inability to own a decent house; vulnerability to food shortages; and lack of sufficient resources to send children to school⁴⁵.

⁴² Currie-Namgyal, 1999

⁴³ Gender Planning Workshop, Thimphu 1993, SNV/Netherlands Development Organisation

⁴⁴ Currie-Namgyal, 1999

⁴⁵ RGoB, 2002

In urban areas, unemployment and underemployment are a major cause of poverty. In rural areas the lack of food security presents a critical challenge to families. From a traditional perspective, poverty and underdevelopment are considered as resulting from the persistence of ignorance.

13. VIOLENCE AGAINST WOMEN

As in most societies, there exists a culture of silence among women and their families when it involves rape and domestic violence against women.

Many women concede that marital violence occurs because of jealousy and the influence of alcohol⁴⁶. Because marital violence is identified only with physical battery, psychological and sexual abuses are excluded. Victims usually refer to formal institutions such as courts only after repeated violence against them.

Generally, financially independent working women sue for divorce, whereas non-working mothers are more dependent on their husbands and endure harassment⁴⁷. Violence against women, particularly battery and sexual assault within the family, is probably under-reported.

Domestic violence and sexual harassment crimes are covered under the general provisions of the *Thrimzhung Chhenpo*. More needs to be done to sensitise police, judges, doctors, teachers, mass media and political leaders alike on domestic and sexual violence to make intervention more effective. Among key issues are the positive duties of police: to treat domestic violence - including sexual abuse - as a crime, not simply a 'family matter'; and to follow up appropriately on domestic violence cases.

Sexual Abuse and Sexual Harassment

The sexual abuse of girls and young women who go to schools far away from their families is a concern. More attention is also needed to investigate reports of sexual harassment in offices and work places.

Data in 2001 showed a slight increase in sexual offences against previous years, while in 2002 there was a decrease⁴⁸. Rape was made a criminal offence in 1957 and in 1996, when a separate Rape Act was enacted.

In rural areas the need to provide "dancing" girls to entertain guests is perceived as a form of harassment⁴⁹. Anecdotal evidence indicates that many girls and their families are fearful of the 'night hunting' tradition where young men enter village houses at night to have sex with young women. In many cases, however, the 'hunting' is consensual and usually arranged in advance.

Two-thirds of the 9 women representatives in the National Assembly⁵⁰ said that sexual abuse and alcoholism were the two main problems among their constituents.

14. CREATING AWARENESS

It is generally accepted that more needs to be done to increase awareness of women's rights in general, gender mainstreaming and gender sensitisation in particular. There is still limited awareness

⁴⁶ RGoB, et al., 2001

⁴⁷ Kinga, 1999

⁴⁸ Crimes and Operations, Royal Bhutan Police (HQ)

⁴⁹ Kinga, 1999

⁵⁰ Currie-Namgyal, 1999

in the broadcast and print media. Gender awareness training among civil servants can motivate greater understanding of women's rights to achieve greater gender equality and slowly remove practices that disadvantage women and are still imbedded in practices or social behaviour.

In 2001, the government co-sponsored a baseline gender study with United Nations organisations. This publication of the summarized National CEDAW Report (combined initial to 6th periodic reports), its translation in national language and the translation and publication of the CEDAW Handbook are steps taken by the government to raise awareness on the CEDAW and gender issues.

15. CONCLUSION

Like most other countries, Bhutan has also experienced various constraints in implementing CEDAW. Given the country's small population and late start to development, there is a significant lack of human resources and technical expertise in this area.

Constraints include lack of resources and equipment in some institutions dedicated to issues of central concern to women, lack of formal definition of some issues such as domestic violence, and the need to strengthen monitoring and evaluation systems for development programmes. Despite these constraints, Bhutan is committed to the full development and empowerment of its women.

The country's overall approach to the goal of gender equality includes: a) a traditional respect for all life, with emphasis on tolerance and respect; b) the policy of Gross National Happiness, which stresses individual human development, regardless of gender, over national economic gains; c) gender equality before the law; d) relative sharing of productive work and joint household decisions, particularly in rural areas; e) mainstreaming of a gender perspective in all government policies and widespread gender-sensitive programmes in nutrition and maternal health; f) a strong commitment to the goals of Health for All and Education for All; g) significant reductions in infant, under-5 and maternal mortality rates; and h) the establishment of community schools to promote higher enrolment of girls and non-formal education programmes.

Remaining Areas for Consideration and Action

Bhutan is also committed to examine other areas of possible intervention:

- Formulating a national definition of discrimination against women congruent with CEDAW;
- Formulating legislation expressly prohibiting discrimination against women;
- Establishing an effective national machinery to implement gender related issues;
- Ensuring that the commitment to mainstreaming a gender perspective in national policies is not misconstrued because women are welcome to participate in all programmes;
- Formulating clear and measurable results and indicators for gender issues in specific sectors and programmes;
- Codifying the basic concept of equal pay for equal work, with penalties for violations;
- Generating and compiling comprehensive gender-disaggregated data, at the national, district, block and household levels;
- Ensuring that women are able to take advantage of technological advances and economic growth;
- Continuing to address gender inequalities in school enrolment as well as infunctional literacy;
- Expanding the reproductive health/sexuality education curriculum in schools;
- Addressing domestic violence, sexual abuse, and sexual harassment of women and girls in the workplace, at school and in rural social life as pervasive human rights issue;

- Widely advocating at all levels so that women and men both are better aware of goals of gender equality, the empowerment of women and women's participation in social, political and economic activities;
- Implementing policies that recognise formal monetary value for unpaid work;
- Prohibiting employment of underage girls as domestic workers;
- Increasing women's participation in management and decision-making bodies;
- Providing gender sensitisation and analysis training for policymakers and programme managers; and
- Formulating a national plan of action for women's development based on national priorities and international declarations and conventions.

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