

UPR MONITOR

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Human Rights Monitor Series

UNIVERSAL PERIODIC REVIEW, 6TH SESSION BHUTAN REVIEWED ON 4 DECEMBER 2009, AFTERNOON

Overview

On 4 December 2009 the Working Group on the universal periodic review (UPR) convened to examine the human rights situation in Bhutan. The 11-member high-level Bhutanese delegation was led by the Former Prime Minister and Special Envoy of the Prime Minister Mr Lyonpo Kinzang Dorji and comprised of state officials from various ministries, including the Ministry of Foreign Affairs and Ministry of Education, as well as diplomats. The delegation was well prepared, and, under the skilful facilitation of the head of delegation, was capable of answering most questions posed during the interactive dialogue.

There was a high level of participation in the review, involving 53 States from all regional groups, and 8 further delegations unable to make their statements due to time restrictions.¹ Most States were complimentary of Bhutan's efforts to protect and promote human rights, citing frequently the peaceful transition to democracy in 2008, and noteworthy progress made towards the Millennium Development Goals. In general, comments and recommendations made by the Western European and Others Group (WEOG) were more critical and targeted than those made by the Asian States, which sometimes lacked specificity. Bhutan approached the review in a cooperative spirit and attempted to respond to most of the issues raised with specific data and examples, although some answers resembled information already submitted in Bhutan's national report.

General information on Bhutan

- Bhutan is not a member of the Human Rights Council.
- The members of the troika for the examination of Bhutan were India, Madagascar, and Uruguay.²
- According to the national report and its opening presentation, Bhutan prepared its report with the full engagement of government, civil society and private sector stakeholders; steps taken included placing the draft report on the Ministry of Foreign Affairs website in English, Nepali and Dzongkha, and holding a briefing for relevant stakeholders. However, no additional information was provided with respect to any specific national consultations held.

Information submitted to the Working Group

¹ United Arab Emirates, Afghanistan, Maldives, Jordan, Nigeria, Colombia, Syrian Arab Republic, Djibouti.

² Bhutan requested that a member of its regional group be among its troika. There were no objections by Bhutan or by the members of the troika to the selection. For full documentation of the selection of troikas, see the video archives of the 2nd Human Rights Council Meeting of 14 September 2009 available at <http://www.un.org/webcast/unhrc/archive.asp?go=090914>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password.

The **national report** of Bhutan is comprehensive and detailed, and addresses most of the issues raised in the interactive dialogue.³ The report, while outlining particular laws, measures and initiatives taken by the Government to protect and promote human rights in Bhutan demonstrating its progress, also acknowledges the shortcomings and challenges faced by the State in some areas, including poverty, unemployment and climate change. The report is broadly reflective of the information submitted in the UN compilation; however it is significantly less self-critical than the information contained in the stakeholders' summary.

The OHCHR **compilation of UN information** focuses on: the legislative framework for human rights in Bhutan,⁴ gender equality and gender stereotypes;⁵ rights of vulnerable children;⁶ violence against women and children;⁷ commercial sexual exploitation of children;⁸ child labour and girl child domestic workers;⁹ freedom of religion;¹⁰ food security and access to basic services;¹¹ rights of ethnic minorities;¹² refugees in eastern Nepal;¹³ and free and equal access to education.¹⁴

Six other stakeholders, all of which are international non-governmental organisations (NGOs) including one joint submission, submitted information for the OHCHR **summary of stakeholders' information**.¹⁵ NGOs highlighted the following issues: reduced participation of women in education and specific issues faced by rural women, including high mortality rates, health problems, and restrictions to education, employment and decision-making;¹⁶ political prisoners;¹⁷ intimidation and torture of independent journalists;¹⁸ corporal punishment;¹⁹ freedom of information and public access to media;²⁰ repatriation of Bhutanese refugees and access to citizenship;²¹ and non-recognition of religious and ethnic minorities.²²

Interactive dialogue²³

Presentation by the State

³ A/HRC/WG.6/6/BTN/1, available

at http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/BT/A_HRC_WG6_6_BTN_1_E.pdf.

⁴ Committee on the Elimination of Discrimination against Women (CEDAW), Committee on the Rights of the Child (CRC).

⁵ CEDAW.

⁶ CRC.

⁷ CEDAW, CRC.

⁸ CRC.

⁹ CRC, CEDAW.

¹⁰ Special Rapporteur on freedom of religion or belief, Working Group on Minorities,

¹¹ UNICEF, CRC.

¹² CRC.

¹³ CRC.

¹⁴ CRC, CEDAW. A/HRC/WG.6/6/BTN/2, available

at http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/BT/A_HRC_WG6_6_BTN_2_E.pdf.

¹⁵ A/HRC/WG.6/6/BTN/3, available

at http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/BT/A_HRC_WG6_6_BTN_3_E.pdf.

¹⁶ Global Human Rights Defence (GHRD).

¹⁷ Society for Threatened Peoples (STP).

¹⁸ STP.

¹⁹ Global Initiative to End All Corporal Punishment of Children (GIEACPC).

²⁰ GHRD.

²¹ Bhutanese Refugee Support Group (BRSG).

²² STP, GHRD.

²³ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

The 20-minute opening presentation of Bhutan introduced the State's guiding constitutional and policy framework for the protection of human rights, which reiterated information contained in the national report regarding the adoption of its new Constitution in 2008, and the Gross National Happiness development philosophy. However, it also addressed in detail some of the written questions submitted in advance on the issues of citizenship; the rights of Lhotshampas (Bhutanese of ethnic Nepalese origin); the refugee situation in eastern Nepal; and the role of civil society in preparing the national report. While welcoming of the opportunity for review, Bhutan expressed strong criticism with respect to the credibility and reliability of information submitted by the six international NGOs in the stakeholders' summary, referring to the information presented by them as being based on a 'politicised and outdated agenda'.

Themes and issues

The majority of States raised concern over the **situation of women**.²⁴ Despite commending Bhutan for legislative and institutional measures taken to promote the rights of women,²⁵ many States repeatedly drew attention to the issues of domestic violence²⁶ and violence against women,²⁷ and made recommendations to strengthen the legislative framework and ensure access to justice for victims.²⁸ Other issues raised included trafficking;²⁹ unequal access to education³⁰ and illiteracy rates;³¹ gender stereotyping;³² and the role of women in the political sphere.³³ Bhutan emphasised its commitment to mainstreaming gender in its current Five Year Plan.

Children's rights were another area of concern identified by States.³⁴ While Brazil, among others,³⁵ welcomed measures to promote children's rights, recommendations were made by Chile, Spain and Azerbaijan to improve the situation of vulnerable children and children with disabilities,³⁶ by Austria with regards to children in alternative care,³⁷ and by Belarus and Morocco recommending implementing a national action plan on the rights of the child.³⁸ Other States highlighted issues of sexual exploitation,³⁹ youth unemployment⁴⁰ and the rights of children of Nepalese origin.⁴¹ In the context of education, Azerbaijan and Indonesia recommended ensuring the provision of free primary education.⁴² In response, Bhutan made note of the *Child Care and Protection Bill* currently before the Parliament for enactment, the establishment in 2004

²⁴ Japan, Germany, Turkey, Serbia, Norway, Chile, Iran, Poland, United Kingdom, Netherlands, United States, Indonesia, Austria, Thailand, Belarus, Brazil, Canada, Azerbaijan, Philippines, Argentina, Morocco.

²⁵ Including measures taken to integrate women in development (Egypt) and to establish the National Commission on Women and Children (Argentina).

²⁶ Thailand, Egypt, Belarus, Brazil, Canada, Austria, Germany, Netherlands, Serbia, Azerbaijan, United Kingdom.

²⁷ Canada, United Kingdom.

²⁸ Poland, United Kingdom, Netherlands, United States, Canada. A/HRC/WG.6/6/L.10 para 101, recommendations 37, 39.

²⁹ United Kingdom, United States.

³⁰ Venezuela, Austria.

³¹ Austria.

³² Germany, Turkey, Serbia.

³³ Indonesia, Turkey, Norway.

³⁴ Belarus, Morocco, Chile, Azerbaijan, Spain, Japan, Austria, Indonesia, Malaysia, Kyrgyzstan, France, Mexico, Brazil, Qatar, Slovakia.

³⁵ Serbia, Iran, Brunei.

³⁶ A/HRC/WG.6/6/L.10 para. 101, recommendations 32-34.

³⁷ A/HRC/WG.6/6/L.10 para. 101, recommendation 61.

³⁸ A/HRC/WG.6/6/L.10 para. 101, recommendations 13-14.

³⁹ Mexico, Belarus.

⁴⁰ Belarus, Malaysia, Morocco.

⁴¹ Slovakia.

⁴² A/HRC/WG.6/6/L.10 para. 101, recommendations 70-71.

of the National Commission for Women and Children, and commitments and progress towards providing equal and free access to education.

There was widespread interest on the issue of **poverty**, and the unique efforts taken by Bhutan to combat it. While general recommendations were made to continue and step up endeavours to tackle poverty and achieve equitable socio-economic development, especially in rural areas,⁴³ several Asian States in particular commended Bhutan's progress towards realising several of the Millennium Development Goals,⁴⁴ and its holistic approach to development and poverty reduction based on the concept of Gross National Happiness.⁴⁵ Responding to requests, and highlighting poverty reduction as a priority in its current Five Year Plan, Bhutan in turn outlined in detail how it is operationalising this concept to advance an alternative development model, including through the development of nine core domains and 72 indices to assess development programs, holding high-level conferences, and the establishment of a national task force.

Nepal pressed Bhutan about the ongoing **refugee situation in eastern Nepal**, and inquired about a timeline to return to bilateral dialogue on this issue. In addition, several mostly Western States⁴⁶ recommended intensifying efforts to find a sustainable solution for the repatriation of the refugees,⁴⁷ including through cooperation with relevant UN agencies,⁴⁸ with particular attention to the reunification of families.⁴⁹ Describing the situation as a humanitarian crisis, Bhutan expressed its hope to resume bilateral talks on this issue.

States also engaged Bhutan in discussion on the following themes: the ratification and implementation of international instruments including the *International Covenant on Economic, Social and Cultural Rights*, the *International Covenant on Civil and Political Rights*⁵⁰ and the *International Convention on the Elimination of All Forms of Racial Discrimination*⁵¹, and cooperation with international mechanisms, including issuing standing invitations to UN special procedures;⁵² technical support and overall assistance from the international community; establishing a national human rights institution in conformity with the Paris Principles;⁵³ food security;⁵⁴ freedom of information and access to the media for the public and freedom of expression for civil society and the media;⁵⁵ freedom of religion for individuals of all faiths;⁵⁶ progress made with respect to health care;⁵⁷ independence of the judiciary;⁵⁸ sexual orientation;⁵⁹ and malnutrition.⁶⁰

⁴³ Laos, Belarus, Cambodia, Bangladesh, Pakistan, Viet Nam, Thailand. A/HRC/WG.6/6/L.10 para. 101, recommendations 65, 66.

⁴⁴ Cambodia, Bangladesh, Qatar, Malaysia, Algeria, Vietnam, Pakistan.

⁴⁵ Singapore, Cambodia, Brazil, Philippines, Qatar, Pakistan, Slovenia, Japan

⁴⁶ Laos, Germany, Netherlands, Denmark, France, Norway, Canada, United States, Switzerland, Italy, Japan, Brazil, Algeria, Nepal.

⁴⁷ Germany, Netherlands, Algeria, Denmark, France, Norway, Canada, United States, Switzerland. A/HRC/WG.6/6/L.10 para. 101, recommendations 77-78.

⁴⁸ Canada, United States, Switzerland. A/HRC/WG.6/6/L.10 para. 101, recommendations 79-80.

⁴⁹ Algeria, Germany. A/HRC/WG.6/6/L.10 para. 101, recommendation 77.

⁵⁰ Slovakia, Viet Nam, Austria, Germany, Denmark, Spain, Argentina.

⁵¹ Austria, Mexico, Spain.

⁵² Brazil, Latvia, Chile, Spain, France, Denmark, Norway.

⁵³ Egypt, Azerbaijan.

⁵⁴ Egypt, Algeria.

⁵⁵ Kuwait, United Kingdom,

⁵⁶ Denmark.

⁵⁷ Algeria, Kyrgyzstan, Cuba.

⁵⁸ Myanmar.

⁵⁹ Belarus, Canada, Slovenia, Spain.

⁶⁰ Brazil.

Amidst criticisms by some States regarding possible undue restrictions on the operation of civil society organisations,⁶¹ Bhutan pledged to look towards civil society as an essential stakeholder and partner in the follow up process to the review.

Adoption of the report

The report on the review of Bhutan was adopted on 8 December 2009. 99 recommendations were made by the Working Group, yet Bhutan decided to withhold its comments with respect to accepting or rejecting particular recommendations. Bhutan did, however, promise to carefully consider all recommendations before reporting back to the Human Rights Council before its 13th Session in February in response to the recommendations made.

⁶¹ Netherlands, Norway, United Kingdom.

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