

ALTERNATIVE REPORT FOR BHUTAN

**For the Committee on the Elimination
of Discrimination against Women
65th CEDAW Session, 2016**

Prepared by:
Tarayana Foundation
June 2016

Table of Contents

	Page
<i>Table of Contents</i>	2
<i>Acronyms</i>	3
1. Definition of Discrimination (Article 1).....	4
2. Policy Issues (Article 2).....	4
3. Institutional Arrangements (Article 3)	8
4. Special Temporary Measures (Article 4).....	11
5. Sex Role Stereotyping and Prejudice (Article 5).....	12
6. Trafficking & Prostitution (Article 6).....	13
7. Political and Public Life (Article 7).....	13
8. Representation (Article 8).....	14
9. Nationality (Article 9).....	14
10. Education (Article 10).....	15
11. Employment (Article 11).....	15
12. Health (Article 12).....	17
13. Economic and Social Benefits (Article 13).....	18
14. Rural Women (Article 14).....	18
15. Law (Article 15).....	20
16. Marriage and Family Life (Article 16).....	20
<i>Bibliography</i>	21

ACRONYM

1. BBS: Bhutan Broadcasting Service
2. BNLI: Bhutan National Legal Institute
3. CCAP: Child Care and Protection Act
4. CEDAW: Convention on Elimination of All Forms of Discriminations Against Women
5. CSO: Civil Society Organization
6. CSOA: Civil Society Organization Authority
7. DVPA: Domestic Violence Prevention Act
8. EDP: Economic Development Policy
9. FNS: Food, Nutrition Security Policy of the Kingdom of Bhutan
10. FYP: Five Year Plan
11. GNHC: Gross National Happiness Commission
12. LGBTI: Lesbian, Gay, Bisexual, Transgender, and Intersex
13. MBO: Mutual Benefit Organization
14. MRG: Mainstreaming Reference Group
15. MoWHS: Ministry of Works & Human Settlement
16. NCWC: National Commission for Women and Children
17. NCWC: National Commission of Women & Children
18. NEP: National Employment Policy
19. NHRD: National Human Resource Development Policy
20. NHP: National Health Policy of the Kingdom of Bhutan
21. NGO: Non Government Organization
22. PBO: Public Benefit Organization
23. PCB: Penal Code Act of Bhutan
24. RGoB: Royal Government of Bhutan
25. RENEW: Respect, Educate & Nurture Women
26. TIP: Trafficking and Prostitution
27. UNODC: United Nations Office of Drug Control
28. WCPU: Women and Child Protection Unit

Article 1: Definition of Discrimination

1 There is a better nuanced understanding by the majority of the people, both rural and urban, of what discrimination is in general and gender based discrimination in particular. While women in Bhutan continue to enjoy equal rights, responsibilities and opportunities under the law as citizens of the country, the deepening of the dialogue of creating equity is getting better understood through the concerted efforts of the National Commission for Women and Children working in partnership with several Civil Society Organisations. Attempts are being made to carry out multi-platform approach to raising awareness of areas where women are being left behind.

2 Bhutan continues to enjoy equality in almost all spheres of social and economic life. It is only in the context of certain cultural norms that women continue to struggle to understand the basis of certain norms. Another important aspect continues to be women's own internal struggle between instinctive nurturing role and breaking out into more non-traditional careers. There is an element of people's perceptions and how that influences the wellbeing of women in particular. There are more programmes and projects that are directly targeted to helping women recognize and take up opportunities both in the formal as well as informal job markets.

3 There could be efforts made to improve people's perception of what discrimination is all about using multi-media. In a rapidly changing development scenario, the face of discrimination keeps changing and the onus is on the relevant agencies to keep updating their own outreach initiatives so that the messages and examples are current.

Article 2: Policy Issues

4 The *Constitution* guarantees equal fundamental rights and responsibilities for all Bhutanese citizens under Articles 7 and 8 respectively. While Article 9 (17) of the Constitution provides a blanket statement that covers the elimination of all forms of discrimination against women, specific strategies to tackle the issues of "trafficking, prostitution, abuse, violence, harassment and intimidation at work in both public and private spheres" are still inadequate. With the exception of Gawaling Centre run by RENEW, there are no safe houses or shelters where women who are violated can turn to. There is no welfare or cash transfer policy to help those in genuine need to tide over a rough patch, while they are being rehabilitated or being skilled for employment.

5 *The Child Care and Protection Act 2011 (CCPA)* was adopted and childcare, protection, rights and responsibilities stated. Although this instrument is more aligned with CRC, it nevertheless lends strength in preventing all sorts of crimes against children including trafficking. It would be crucial to have some of the facilities like Child Homes for children in difficult circumstances. It would be important to have separate facilities for children in conflict with the law that are child sensitive and also to have separate courts.

6 Bhutan is lucky to have the right policies in place, we now need the resources to put into effect most of the facilities and services so that our children can grow into their full potentials. While investment in education has been top priority of both the Government and the parents, curriculum diversification has not kept pace. Education should equip our youth with an enquiring mind, innovate, think outside the box and be better prepared for the future opportunities as well as the challenges.

7 *The Penal Code (Amendment) Act of Bhutan 2011 (PCB)* was amended on May 24, 2011, during the 7th session by the First Parliament of Bhutan. Amongst others, the amendment focused on the act and offences related to rape and penalties have been enhanced.

8 However, there is yet no follow up reports on the actions taken, present status of survivors and the information release of rapists back into the community once they have served their sentence. In many instances these cases are settled out of court. There is no state action when that happens in the case of children. Survivors face the psychological trauma as well as the physical horrors while the benefits of settling out of court (mostly in the form of cash compensation) is, in most cases, not seen by them directly.

9 *The Domestic Violence Prevention Act 2013 (DVPA)* was passed with the collective support of National Commission of Women and Children and the Civil Society Sector general and RENEW in particular, who worked together with the pertinent Parliamentary committee to ensure that all relevant aspects were tabled for discussion and covered in the Act. The CSOs mobilized women from many organisations and agencies to attend the day the Bill was introduced and subsequent days when it was deliberated and finally as the Act was passed. This is one of the first cases where women were not only engaged in the discussions but also showed up in Parliament to witness the formulation of a legislative instrument that would empower them in the fight against domestic violence.

10 As outlined in the State report, it is correct that in the eight years of elected governance, there have been several committees formed in both Houses of Parliament. These committees include the Human Rights Committee; Women, Children and Gender Issues Committee; Good Governance Committee; Social and Cultural Affairs Committee among others, Public Accounts Committee, that have direct bearing on the wellbeing of women in general. These Committees bring focused attention to the issues at hand and their findings and guidance are central to the effective functioning of both the houses. The Committee members examine complex policy matters, seek expert opinion where needed and also gauge public opinion through their interactions.

11 The Women and Children Committee of the Parliament has successfully made the Village Health Worker's a salaried post. The committee is currently reworking the recruitment and deployment of all health workers including female health assistants. The transfers to be effected in 2017 will ensure at least one female health worker in every BHU Grade II. Based on the recommendation of this committee, the Ministry of Health will increase female intake at the Khesar Gyalpo University of Medical Sciences.

12 One of the studies commissioned by this committee found that institutional delivery was influenced by the availability of food and lodging near the health centres. Based on this finding, the Ministry of Health is exploring avenues for the provision of patient meals where necessary.

13 Some Parliamentarians are fresh out of college and not very conversant with the issues at hand. They have not worked at all and are on a very steep learning curve to stay abreast of the issues, existing Acts, laws, rules and regulations and other related policy instruments that have been adopted by the government over time. While policy analysis may not be their forte, evidence based policy research and analysis help bring about better harmonization and dovetailing of relevant policies that in turn result in improved and visible impact to the well-being of women and children in particular. It is fortunate that the Committee on Women and Children have been most active contributing to the improvement in the lives of women and children.

14 The 'Mainstreaming Reference Group' (MRG) instituted in 2012 by an executive order from the then Honorable Prime Minister ensure mainstreaming of five cross-cutting issues (including gender) in policies, plans and programs at all levels of the government and non-governmental agencies. While the ongoing 11th FYP was thus prepared it is still a work in progress and it is hoped that the learnings from this experience will help improve the processes next time around.

15 There continues to be two schools of thought regarding the mainstreaming of gender policies. It is debated at length regarding the dilution and loss of focus when mainstreamed during the early stages where engendered policies may be a better option.

16 The Economic Development Policy (EDP) of Bhutan 2010; The National Human Resource Development Policy 2010 (NHRD); The Renewable Natural Resource Research Policy of Bhutan, 2011; The Cottage, Small and Medium Industry Policy 2012; RGoB's Financial Inclusion Policy; The National Employment Policy (NEP) 2012, all have strong sections that mention special attention to women's needs increasing the number of female headed cottage level enterprises in a diverse number of fields from traditional roles as proprietors of Day Care and Early Childhood Care and Development Centres to Food Processing and packaging to newer fields of fashion houses to manufacture of goods and services. The Government created the Business Opportunity and Information Centre to roll out the EDP under the Rural Enterprise Development Corporation Limited, an autonomous agency of the RGOB. Most of the enterprises currently being supported are agro-based given that Bhutan is an agrarian country.

17 The National Health Policy of the Kingdom of Bhutan (NHP) and the Food, Nutrition Security Policy of the Kingdom of Bhutan 2014 (FNS) and Maternity Leave Policy (2016) are considered gender sensitive as these services are gender specific. Based on the recommendation of the NCWC and the Parliamentary Committee on Women and Children, the maternity leave has been increased from three to six months for all civil servants and a circular asking the business, corporate, private sector and civil society sector have been asked for voluntary cooperation. A few of the CSOs have already adopted the increased maternity and paternity leaves, on various negotiated arrangements like three months paid leave, followed by three months with partial pay, flexi-time etc.

Article 3: Institutional Arrangements

National Machinery – National Commission for Women and Children

18 Finally the Chair of the National Commission for Women and Children is a woman, the first female minister heading the Ministry of Works and Human Settlement. She is also the country's first female civil engineer.

19 There is a marked improvement in the management as well as understanding of the mandate of this commission by all stakeholders. NCWC has been more visible and is perceived to be more pro-active in leading gender related issues. The current Head of the Secretariat was the former Head of Research and Evaluation Division of Gross National Happiness Commission and brings a wealth of experience in gender issues, gender budgeting and gender sensitive planning processes to her new job.

20 NCWC still carries the dual roles of formulating and enforcing the regulatory frameworks in women and children related areas. In addition, it also implements several empowerment and protection programmes in the absence of a separate ministry where these functions are mandated. In Bhutan's case, where gender discrimination is not obvious, it is not clear whether mainstreaming is the key in addressing gender equity issues in the spear of changing cultural norms and behaviours.

Women and Child Protection Division, Royal Bhutan Police

21 The Women and Child Protection Division is active in 9 of the 20 districts in the country. Of the nine, only three are units and staffed accordingly, while six are desks. There is still a lot to be done to reduce case reporting barriers. The general public needs to be educated on the processes involved in reporting a crime or something that is amiss. The lack of clear understanding of the processes, many do not want to engage even when they witness situations where there is clear violation of one's fundamental rights, such as in the case of domestic violence.

22 In collaboration with NCWC, this division works towards awareness creation and strongly advocates the prevention of domestic violence starting with the police force itself. Now that the division has had a couple of years of experience it is hoped that there will be at least one unit in every district even if the workload is deemed low, as it will be a visible deterrent.

23 RENEW recorded all the domestic violence clients they served from 2008 onwards and to date. More clients were availing their services in the year 2014 was the highest (376clients) who availed RENEW's services in helping individuals as well as families in taking

responsibility for their decisions. This could be attributed to better awareness and easier processes.

Access to Justice

24 While access to justice is both free and fair, women have found several barriers in accessing it for a number of reasons, including, lack of understanding of the processes and legal guidance. Since its establishment, the Bhutan National Legal Institute (BNLI) has produced a 25 episodes television programme called ‘Zhidey Tsawa’ reflecting the importance of law and the various legal processes. ‘Zhidey Tsawa’ was made in collaboration with the film fraternity and popular actors who volunteered their talent for this worthy cause. The popular animated children’s series called Super Norbs explains the constitution of Bhutan, civic education and other important legal processes. Bhutan Law Library was inaugurated to improve access to information and resources for the law professionals. RENEW introduced an animated series in June 2015 called Yeshey Dawa, aired on BBS TV and Radio (in three languages) which explains all the legal provisions related to Women & Children such DVPA, Marriage Act, CCPA etc.

25 BNLI has made great strides in increasing people’s general awareness of the importance of law and the legal processes in an entertaining and fun manner. It organized several training sessions on child friendly procedures for judges, registrars and bench clerks across the country. Local women leaders have found a strong foothold as effective mediators in the Alternative Dispute Resolution promoted by BNLI. In its efforts to provide continuous learning and growth opportunities for the judiciary system of the country, BNLI is being seen as a very relevant organization for improving access to justice in general.

26 Initiatives are being taken to strengthen judicial integrity and ethics through training workshops. This is a welcomed step as the judicial system also introduces clear policies on due processes and timelines so that justice delivery mechanism is made transparent. Moreover, there is better appreciation of the importance of a reputed judicial system to help strengthen the rule of law in deepening democracy.

Civil Society Organizations

27 As of December 2015, there are 47 registered CSOs (35 Public Benefit Organisations (PBO) and 12 Mutual Benefit Organisations (MBO)). Several others are in the process of getting registered. There are several religious organizations registered with the Special Commission Secretariat for Religious Affairs, to improve the living and working conditions of monks and nuns and the care and upkeep of several monasteries in the country. In addition there are hundreds of community-based organisations at the local level. All these together contribute to the civil society sector of Bhutan. Although the CSO Act says that there can be no trade unions, many of the MBOs are precisely that, as they are organized around trades, professions, and interest groups. Workers Associations are permitted to be formed to safeguard the workers interests as per the Labour and Employment Act of Bhutan (2007).

28 The Civil Society Organisation Authority is the custodian of the CSO Act and provides the governance mechanism within which CSOs have to function. CSOs follow an annual fee based registration system with the Authority. All external TA coming into the sector has to be endorsed by the Authority before the Department of Immigration issues visa approvals. CSOA is governed by a five member board (two eminent members elected from the civil society sector; one nominated from Judiciary and two nominated from the government one of whom is the head of the CSOA and serve as the member secretary. There is a need for Parliament to review and amend the CSO Act in general, with particular attention paid to the Board and its functions. As it stands today, the Authority is vested in these five individuals and the separation of the Board and Secretariat is not clear.

29 In the years since its establishment in 2009, CSOA is making progress in understanding better the mandate of the organization, that of both regulation as well as facilitation of the growth of a vibrant Civil Society Sector. Partnerships between CSOs and Government entities are being forged based on complementarity, cost and service delivery efficiencies. Women's wellbeing and gender issues are high on the agenda of almost all the PBOs as it becomes apparent that improving the opportunities of women strengthens societies.

30 Gender sensitive capacity development and awareness raising was spearheaded under the National Plan of Action for Gender, ranging from exposure visits to gender consultation workshops to a range of training sessions to equip dealing officers, gender focal persons and service providers. These were usually one off training sessions and while awareness raising was achieved to a certain extent. It was not followed up with deeper engagements on specific topics to their logical conclusions.

Article 4: Temporary Special Measures

31 This is a topic that still draws mixed responses from women in general and successful women leaders in particular. The general feeling is that the opportunities are equal but there are factors that hold women back. Without addressing these causal issues, temporary special measures might not be meaningful. Since the last report, this debate has moved forward in baby steps. While there is still no collective support for quota seats in Parliament and other decision-making posts, there is a better understanding of the barriers, some of which are socio-cultural in nature while others are simply opportunistic and choice based.

32 The current list of women in senior positions has shrunk when compared with the five years ago. All 10 Government Secretaries are male, while earlier there was at least one female Government Secretary. The number of female parliamentarians also shrunk from 11 to six female candidates. The representation in the Constitutional posts is slightly better with two female Commissioners each in the Anti-Corruption Commission (including the Chair) and the Royal Civil Service Commission. We now have two female district governors (Dzongdas) and two female Ambassadors.

33 The government of the day had promised instating quota for women in their government. As mentioned earlier in this report, the Hon'ble Minister, Ministry of Works and Human Settlement is the first female cabinet minister of Bhutan. However, on the issue of quota in general did not take off as it was not deemed necessary.

34 In the meantime, the Government has recently increased maternity leave to six month from three. While this is seem as a welcome move for the female civil servants, it is not sure how private, corporate and civil society sectors will look at this policy as it will mean doubling the cost of maternity leave. Moreover, this increase in maternity leave may not have any benefit to the larger population of rural women. The realities in many rural communities is that although there is equal opportunities women still have to work harder and longer as there is very little evidence of lessening the care work undertaken mostly by women in most families in both rural and urban settings.

35 It would be most helpful if the Government could provide cash transfers or sponsor the additional three months of the maternity leave so that all mother in Bhutan can avail of this much needed time in caring for the new born. Without a wider benefit approach, it may be that the increased maternity leave benefits only a small section of the mothers. A separate fund should be created to cover the cost of maternity leave through taxes or savings from national earnings.

36 There is a strong need to account for women's care work so that these tedious tasks

can be tallied up to reflect the number of hours that are spent in carrying out activities that do not bring in any cash benefit but without this contribution the efficiencies of several other initiatives may be severely hindered. NCWC could spearhead a collaborative study so that the care work is adequately quantified, documented and used to guide future initiatives to encourage more female participation in paid employment.

Article 5: Sex Role Stereotyping and Prejudice

37 Subtle sex role stereotyping continues to exist even as the country has made great strides in promoting gender equality and equity and is persistent with social norms of different ethnic groups. In addition, the gay community still lives closeted as the rights of the LGBTI people are yet to be recognized by law although no one has been persecuted or charged.

38 Women still continue to think that they are better care providers and take on more than their share of all unpaid tasks involved in running the household. The lack of adequate affordable daycare centres has compounded the workload of the middle and low income women as they are doubly burdened with both their paid work as well as care provision. More educated men are sharing the household chores and lending a helping hand. In very few cases men stay home to take care of the children while the woman is the principle bread earner of the family. It is important to note that paternity leave increased from five to ten days as the maternity leave increased from three to six months for all the Civil Service employees of the government. As mentioned elsewhere, for the larger population of women outside government service, this right may be a difficult one to access without some subsidization by the government. The flip side of this gain could be the development of a strong bias against hiring young women in the first place.

Article 6: Trafficking and prostitution

39 The number of missing people especially youth is on the rise even as we have not seen any official report of trafficking and prostitution. There is no formal protocol adopted in handling rescued girls and women. NGOs and activist organizations in Nepal and West Bengal have mentioned that they rescued several Bhutanese girls from brothels as far away as the Indian metropolis of Mumbai.

40 There is no agency mandated with working with TIP and prostitutes with the exception of HIV and AIDS case workers. Prostitution is illegal and while people acknowledge the presence of prostitutes, numbers are difficult to ascertain. A three year project, titled as 'Enhance Government and Civil Society Responses to Counter Trafficking in Persons in Bhutan' has been launched in 2014 by the UNODC in the capital. Through this project the government committed to take preventive action to contain the trafficking in persons at an early stage. Under this project, the UNODC provides technical assistance to the government in strengthening the legal and policy framework (particularly on trafficking in persons), building the capacity of key stakeholders, enhancing criminal justice responses to trafficking and strengthening cross-border collaboration. There is also a plan to build a shelter for the victims of trafficking under this project. The Project Steering Committee of this project is working on the TIP issues in Bhutan and various discussions amongst stakeholders are being held to find a way forward on the TIP issues in Bhutan.

41 It would be helpful if there were designated centers where women and girls can go to for help if they find themselves in danger. There is need for better awareness so that the risk of trafficking is reduced especially for young girls from rural areas.

Article 7: Political and Public Life

42 Bhutanese women have the freedom to choose to serve in the political and public life. They often do not step forward as a choice on one hand and also that they may already feel that they are contributing to nation building elsewhere. Various organization are taking it upon themselves to prepare women to take up public service. Even though more women stood for elections in the recent local government elections, not many of them were elected, indicating that women are not necessarily voting for women. Accordingly to the Ministry of Labour there were 7100 female university graduates who joined the workforce against 9107 male university graduates during the same period. Given that there is a large pool of college educated females in the workforce, it may be just a matter of time before qualified and interested women step up to the political and public service platform. 34.78% of the Royal Civil Service is female, however, there are very few in the higher executive positions as reported earlier.

Article 8: Representation

43 The 2013 primary election saw the participation of four political parties of which Druk Nyamrup and Druk Chirwang were headed by female Presidents. All parties fielded several capable female candidates. It was noticed that four strong women contested from the same constituency dividing the female votes and the lone male sailed through. Even when female candidates stand for election, female voters are more influenced by who leads the party rather than the capable contestant from the constituency.

44 As mentioned before, 2013 election gave us the first female minister. However, the total number of women in parliament was less than in 2008. More women are heading Civil Society Organisations and making serious contribution in serving the public in a wide array of fields. There are now two female ambassadors and one head of a constitutional body, the Anti-Corruption Commission.

45 Women still continue to feel that their voice is being heard and that equality may not always be needed to swing decisions that remove barriers to the growth and development of girls and women.

Article 9: Nationality

46 The opportunities for naturalization are provided uniformly to both male and female children in the event of any of the parent being a foreign national. This is an improvement over the earlier Citizenship Act of Bhutan, wherein if the father was Bhutanese the children were granted automatic citizenship while the same was not true for children born by mothers who had foreign husbands.

47 Birth registration as well as civil registration is carried out for all born in the country whether national or non national. No Bhutanese citizen is allowed to hold dual passports. Should a citizen decide to take on another nationality legally he/she is permitted to provided that the Bhutanese citizenship is surrendered.

48 The Civil Society Sector is aware of the people in the camps in eastern Nepal and knows the situation is consistent to the problems of illegal immigration issues. From a humanitarian point of view we are happy that the problem is being addressed through the efforts of resettlement in America, Canada and elsewhere.

Article 10: Education

49 Boys continue to out-perform girls in higher education although they start with almost no difference in the primary section. Girls tend to drop out of school or discontinue education in more incidences than boys. However, for those girls who continue with their education, the proficiency picks up again and generally there is no difference in the results at the tertiary level. However, there is a stark difference with very few girls attending tertiary education in technical fields. Some CSOs and Corporate Sponsors are providing scholarships for technical degrees for female students. Government offers merit based scholarships that are equally available to both boys and girls so these special scholarships for girls alone contribute to increase the opportunities for the girls students. The Government has started Central Schools to help improve quality of education in the country. Education is the ticket out of poverty and educating girls have a bigger multiplier effect as the entire family benefits.

50 The decrease in family size across the country has had a curious effect overall. Farm hands have decreased. While farm mechanization could have helped, low access to cash income and the difficult mountainous terrain hinders it. All this results in more work for those in the rural areas just to keep the farmlands tilled. There is no official research report regarding these issues, however, with almost all youth not returning to the villages after their education, this scenario is inevitable.

51 Many of the educated rural youth move to the urban areas in search of better employment opportunities. However, the job market is limited and mostly concentrated in the service sector. Rural youth have to compete for the same job opportunities with those from urban areas. It would be wonderful if these village youth's creative and innovative project proposals to help inspire rural development

Article 11: Employment

52 Government positions still remain the popular choice but the openings are limited. Bhutan already has a higher civil servant to population ratio due to the small overall population. The business sector is nascent and while the potential for growth is there, it has been slow in picking up. The industry and production sector is very small with only a handful of women industrialist.

53 The Award winning documentary maker and a strong advocate of women and children's rights, Ms. Kesang Chuki Dorjee, took on the task of implementing a project to nurture adolescent girls as future leaders. She made "La Aum Lyonchhen" (Yes, Madam Prime Minister), an initiative to document the new developments in gender empowerment.

54 She has produced an educational resource book titled “Bhutan’s First Elected Women Leaders” and a documentary called “Bhutan Women Forward” She is currently one of the eminent members of the National Council, an honour bestowed by His Majesty the King for all the work she has undertaken in promoting the participation of women in elected offices and in inspiring the next generation.

55 There is equal opportunity in the job market. However, most private sector hiring is geared toward recruiting young men. The recent maternity leave policy is bound to negatively impact the hiring of young women initially. It is hoped that the Government will be able to subsidize the maternity leave of women working in the Civil Society and the private sectors. The extension of the maternity leave from three to six months will mean increasing the cost two folds. The extension of flexi-time to allow for breast feeding for two years, will also add to why private businesses may hire more men. At this stage it is the people’s perception and without government’s intervention, this scenario could unfold.

56 Many women also choose to be self-employed as it gives them the flexibility of managing their homes too. Many of the successful small and medium businesses are owned and operated by women. There are only a handful of women heading large businesses, thus when the stakes are high, men seem to be able to take bigger risks and succeed.

57 Many rural women are farmers with a few enterprising ones also marketing their produce, they are in the informal sector and their contribution to nation building is not accounted for. While women may work on the farms, when it comes to collecting the bigger sums for the sale of cash crops, men seem to take over.

Article 12: Health

58 Early detection of cervical cancer was given priority and oncologists trained, vaccines administered to adolescent girls in coordinated efforts to reduce the incidence of cancer. Mammography equipment was purchased but in the absence of trained technicians, the service is not yet available. Technicians are currently being trained.

59 Her Majesty the Queen of Bhutan laid the foundation stone for the first Mother and Child Hospital in the country last year. It is hoped that the training of adequate nursing staff and technicians are being simultaneously taken up so that the hospital will be fully functional as soon as the construction is completed. Not much is known of the special mother and childcare programme that may be implemented.

60 The Jigme Dorji Wangchuck National Referral Hospital (JDWNRH) in Thimphu started fee based after hours clinics to reach out to patients who cannot avail of the services during the working hours. There are two other regional referral hospitals, one in the east and the other in south central region. There has been a change in the management and the new head of JDWNRH has brought about several small changes that have improved service delivery.

61 Kidney Care Centre is in the pipeline to be managed by the Kidney Foundation, a registered CSO. This centre will have sufficient dialysis equipment so that the necessary thrice a week procedure will be available to all those with kidney failure issues. Research on the kidney failure patients might be able to throw more light on preventive measures and needs to be given priority so as to prevent kidney failures. Likewise several lifestyle diseases like diabetes and hypertension also need attention as these affect both men and women equally. Weekly diabetes clinics have been started in all hospitals and in all BHU Grade I in efforts of early detection and management of this non-communicable disease that is growing along with hypertension. Both conditions that can result in very bad outcomes for pregnant mothers if left untreated.

62 While pilot studies have been undertaken for the use of mobile technology in reaching out to young mothers and pregnant women, the programme is yet to be taken to scale. Many pregnant women in rural areas still have limited access to professional guided delivery. As mentioned earlier, there is a need for better coordination of services like the provision of room and board for the mother and the caregivers during hospital delivery in the rural areas. Most BHUs are stand-alones and do not have lodges or restaurants nearby.

63. There is yet no facility for the special need groups like people living with disabilities, aging senior citizens in general and for senior women in particular. In the absence of hospices and old age homes, aged parent and dependents continue to live at home. While this is not a bad thing in itself, the changing times requiring double incomes just to make ends meet, means that these special needs senior citizens are often by themselves the whole day. No day boarding facilities for people with disabilities and senior citizens are available so the women in the household continue to be tasked with care provision to a wide range of individuals.

There is urgent need to put in place such facilities so that the quality of life is improved for our senior citizens in general and for women in particular.

64 JDWNRH has been set up as a teaching hospital under the aegis of the Khesar Gyalpo University of Medical Sciences of Bhutan and will start residency programmes soon. The Dean and the Vice-Dean were nominated in early March 2016. It is hoped that the required

manpower including specialists in the Health Services areas will be enhanced significantly in the near future.

Article 13: Economic and Social Benefits

65 There is no separate government run welfare programme to help destitute and individuals passing through a difficult patch. There are no direct cash transfers nor are there any welfare benefits from the state. Healthcare and education are free. His Majesty's Welfare Programme provides a small monthly stipend to senior citizens and people in difficult circumstances. There is no crop insurance much less retirement benefits for farmers and rural custodians of our traditional knowledge base.

66 Women own property and land in their names, transfer property, transact business deals etc. on their own without the consent of their father or husband. Hence women in Bhutan enjoy great economic freedom and can also reap the benefits of their own efforts. There are currently more than 78,000 land registrations deeds own by women against approximately 92,000 male land deed holders. Data on jointly owned property and land was not available at the time of writing this report. More than 71,000 females have a saving account with the Bank of Bhutan as of September 2016 while there are approximately 147,000 saving accounts listed for male clients. Men (15,182) also have more loans and advances when compared to women (5,636) at this bank. Information from other banks were not sought.

Article 14: Rural Women

67 Rural women are blessed with more independence and dignity. They are equal stakeholders and take active part in providing for their family. The 'Nangi- Am' (Matriarch) decides the farm activities for the day, including hiring extra help, labour exchange and who attends the village meetings on behalf of the family. They have skills like weaving, basket making, knitting, food-processing etc. in addition to farming and traditional ethnobotanical knowledge that enhance their self worth and keep them gainfully engaged. Rural women in Bhutan are feisty, confident, shy and innocent all at the same time. There is an endearing quality in them that spells dignity and equality without having to fight for their rights. However, they also face alcohol related violence and abuse that often goes unreported and the trauma never treated.

68 A courtship custom called "Bomena" practiced in rural villages in eastern and central Bhutan, has been 'ethnocentrically and ignorantly translated as night hunting' according to Dorji Penjore, Researcher, Centre for Bhutan Studies and Gross National Happiness

Research, in a paper he wrote as a Visiting Research Fellow at Kyoto University, Japan and was published in *Asian and African Area Studies*, 10:1 (2010), pp. 1-12.

69 The Researcher states that the ‘Bomena’ is an institution through which young people find their partners and get married. It is in recent years that the custom has been in the headlines for the wrong reasons. According to Penjore, “it is understood as a form of sexual exploitation of rural people by urban people, and of women by men, and of encouraging promiscuity, spreading venereal diseases, and increasing the number of illegitimate children, teenage pregnancies and single motherhood. It has been labeled as a ‘primitive’ culture by the urban Bhutanese population.”

70 He adds further “That this custom is misunderstood is not accidental. Because of the nature of the subject and stigma attached to the practice, it is seldom discussed openly. Barth and Wikan (1990) in writing a few pages to this custom, provide only one reason for the custom, i.e. to find compatible partners. They link the high frequency of promiscuity, unstable marriage and the large number of illegitimate children to this custom, but do not discuss its other roles. Tourists make the custom exotic, further exacerbating its misrepresentation and misinterpretation. It is misunderstood by Bhutanese and non-Bhutanese alike.”

71 He further undertook an anthropological study of this misunderstood custom as practiced in Wamling village in Zhemgang, Central Bhutan, to bridge the gap between popular perceptions and actual practice. He notes that the practice has decreased considerably. This decrease is attributed to increased awareness about the revised marriage act; decreasing number of young boys in the village; increased parental vigilance. One could also add that there are more direct ways of communication available these days including more accepted social spaces where courtship can take place. Electricity and improved connectivity might have also contributed to the reduction in the need for this traditional custom.

72 It is felt that the custom needs to be understood for what it meant to these remote small communities that are close knit and known to each other. It becomes a problem when the custom is exploited by ‘non-village residents for reasons other than courtship’. Outsiders mostly visiting civil servants and government functionaries who misuse this traditional custom to deceive young village girls into having sex often accompanied by false marriage promises. Awareness creation and empowering young girls and women are essential to ensure that they understand their rights and responsibilities better.

73 Feeder and farm roads have now linked many of the rural villages and there is a significant reduction in the perception of isolation. They have been able to take on several programmes and projects for the growth and development of the community.

Article 15: Law

74 Gender equality is guaranteed by the Constitution wherein men and women are equal in the eyes of the law. Bhutanese women continue to enjoy great freedoms and traditionally enjoyed greater privileges in property inheritance.

75 One open-air prison was set up on a pilot basis and some female inmates were rewarded for good behaviour and were shifted to this facility. There is a need for separate correction facilities for girls who are convicted instead of them being sent to adult detention centres. The provision of facilities for vocational training as well as opportunities for continuing education would go a long way in rehabilitating girls instead of marginalizing them.

Article 16: Marriage and Family Life

76 Marriages may be both arranged or love. Traditionally women married whom they fancied and it was only in the elite families that certain level of arranging would be attempted. There is no stigma attached to divorce should the marriage not work out and remarriage is not frowned upon. Widow remarrying is allowed and there is generally greater acceptance of children born out of wedlock. Because of the ease with which divorce is sought and received many innocent children are affected. These children from broken homes face several challenges in these fast changing times and end up very often on the wrong side of the law. There are however, no family courts and marriage counselor to provide advice.

77 Women do not necessarily take their husband's surname. A name is given to every baby born and that is the personal identity of the child. The surname is a fairly recent phenomenon. Widows can re-marry should a suitable suitor come along. Mothers contribute equally to family decisions and in many occasions she may be making most of the decision for the family, starting with what to plant, sell, harvest or give.

Bibliography

1. Dem, Chhimi, 2014, Estimating the Gender Gap of Adults' Education and Health in Bhutan
2. Penjore, Dorji, 2016: *Bomena, a Misunderstood Culture: Contextualizing a Traditional Courtship Custom Practiced in the Villages of Bhutan*
contextualizing-a-traditional-courtship-custom-practiced-in-the-villages-of-bhutan-2/ <https://dorjipenjore.org/2016/06/20/bomena-a-misunderstood-culture->
3. Annual Report, RENEW 2015
4. Bank of Bhutan, 2016, www.bob.bt
5. Bhutan National Legal Institute
6. CSO Act, 2007
7. Food, Nutrition Security Policy of the Kingdom of Bhutan, 2014
8. Staff and Students Statistics, 2009-15, University graduates who attended National Graduate Orientation Programme from 2009 till 2016, The Royal University of Bhutan Website: <http://www.rub.edu.bt>
9. KCD Productions, <http://dipd.dk/partnerships/bhutan/documentary-bhutan-women-forward/>
10. Labour and Employment Act of Bhutan, 2007
11. Marriage (Amendment) Act of Bhutan, 2009
12. National Health Survey, Summary of Findings Handbook, 2012
13. National Health Policy of Bhutan
14. National Land Commission, <http://www.nlcs.gov.bt/>
15. The Constitution of the Kingdom of Bhutan (2008), RGoB
16. The Child Care and Protection Act, 2011
17. The Domestic Violence Prevention Act, 2013
18. The Economic Development Policy of Bhutan, 2010
19. The National Human Resource Development Policy, 2010
20. The Penal Code (Amendment) Act of Bhutan, 2011
21. The Renewable Natural Resource Research Policy of Bhutan, 2011
22. The Cottage, Small and Medium Industry Policy, 2012
23. Financial Inclusion Policy, Royal Monetary Authority, 2015
24. The National Employment Policy, 2012
25. The Kidney Foundation, <http://www.bhutankidneyfoundation.org/>
26. 8th and 9th Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) Periodic Report of the Kingdom of Bhutan, National Commission for Women and Children, Bhutan, 2015