



Convention on the Rights of the Child

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Committee on the Rights of the Child

List of issues prior to submission of the combined sixth and seventh periodic reports of Bhutan*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 February 2023. The replies should take into consideration the Committee's recommendations contained in its concluding observations on the combined third to fifth periodic reports of the State party,¹ adopted on 2 June 2017. The Committee may take up all aspects of children's rights set out in the Convention and the Optional Protocols thereto during the dialogue with the State party.

I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, that are significant for the implementation of the Convention, the Optional Protocol thereto on the involvement of children in armed conflict and the Optional Protocol thereto on the sale of children, child prostitution and child pornography;

(b) Information on the measures taken to ensure the protection of children's rights in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse impacts of the pandemic, in view of the Committee's statement of 8 April 2020 on the effects of the COVID-19 pandemic on children;

(c) Any other information that the State party considers relevant and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation, monitoring and evaluation of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and data collection, and how such measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

* Adopted by the pre-sessional working group on 1 October 2021.

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's concluding observations on the combined third to fifth periodic reports of the State party ([CRC/C/BTN/CO/3-5](#)).



II. Rights under the Convention and the Optional Protocols thereto

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

4. Please explain the measures taken to:
 - (a) Revise the Child Care and Protection Act to include all the rights enshrined in the Convention and encompass all children, not only those in difficult circumstances;
 - (b) Harmonize national legislation, including the Child Adoption Act, the Penal Code, the Marriage Act and the Citizenship Act, with the Convention.

Comprehensive policy, strategy and coordination

5. Please provide information on the measures taken to:
 - (a) Evaluate the implementation of the National Plan of Action for Child Protection of the eleventh Five-Year Plan (2013–2018) and integrate a child rights approach into the twelfth Five-Year Plan (2019–2023);
 - (b) Adopt the national child policy and the revised youth policy, designate the entity responsible for its implementation and ensure adequate resources therefor;
 - (c) Establish a government entity with a clear mandate, authority and sufficient human, technical and financial resources to coordinate and monitor all activities related to the implementation of the Convention.

Allocation of resources

6. Please describe the measures taken to:
 - (a) Increase the budget allocated to child protection and social protection measures, including for children in monastic schools and nunneries;
 - (b) Incorporate a child rights-based approach into the State budgeting process, including by implementing a tracking system for the allocation and use of resources for children and assessing how investments in all sectors serve the best interests of children;
 - (c) Ensure transparent and participatory budgeting processes in which civil society and children, including girls and children in disadvantaged situations, can participate effectively.

Data collection

7. Please provide an update to the Committee on efforts to improve the collection, quality and sharing of disaggregated data for all areas of the Convention, including on violence, online sexual exploitation, child labour, trafficking, children with disabilities, health, and asylum-seeking and refugee children.

Independent monitoring

8. Please update the Committee on the measures taken to establish an independent institution, in particular in relation to the role of the National Commission for Women and Children, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), for monitoring children's rights that is able to receive, investigate and address complaints regarding violations of the rights of the child.

Dissemination and awareness-raising

9. Please provide information on the following:

(a) Awareness-raising programmes for children, including children in remote areas, children with disabilities, children of ethnic Nepalese origin (Lhotshampa) and children living in monastic schools and nunneries, on the Convention and the Optional Protocols thereto;

(b) Training of relevant professional groups, including the judiciary, education professionals, health workers and the media, on children's rights;

(c) Incorporation of human rights education into the official curriculum at all levels of education.

Cooperation with civil society

10. Please explain the measures taken to systematically engage with civil society organizations working in the field of children's rights through all stages of implementation of the Convention and provide such organizations with the support necessary to implement their activities relating to the promotion and protection of children's rights.

Children's rights and the business sector

11. Please describe the measures taken to ensure that the business sector, including private education providers and the tourism industry, complies with international and national human rights standards with respect to environmental, health, labour and other standards.

B. Definition of the child (art. 1)

12. Please explain the measures taken to raise the minimum age of marriage to 18 years for girls.

C. General principles (arts. 2–3, 6 and 12)**Non-discrimination**

13. Please describe the measures taken or envisaged to:

(a) Explicitly prohibit all forms of discrimination, including on the basis of national or ethnic origin, disability, and socioeconomic, residence or other status;

(b) Combat discrimination against girls, children with disabilities, Lhotshampa children, lesbian, gay, bisexual, transgender and intersex children, children deprived of a family environment, children of single parents and undocumented children, including with regard to access to nationality, education and health services.

Best interests of the child

14. Please provide information on measures taken and progress achieved in:

(a) Amending the Marriage Act to ensure that decisions concerning the custody of children are made on the basis of the best interests of the child;

(b) Ensuring that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated into and consistently applied in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are relevant to children;

(c) Developing standard operating procedures and guidelines by the National Commission for Women and Children on determining the best interests of the child, and conducting relevant capacity-building and training for professionals working for and with children.

Respect for the views of the child

15. Please describe the measures taken to:

(a) Ensure the right of the child to be heard and that children's views and opinions are given due consideration in decisions affecting them in relevant legal and administrative proceedings;

(b) Promote the meaningful participation of children within the family and the community, at school and in the realm of local and national policymaking and decision-making affecting children;

(c) Provide training to professionals working with and for children, including law enforcement personnel, members of the judiciary and social workers, on ensuring that due weight is given to the views of children during administrative and judicial proceedings.

D. Civil rights and freedoms (arts. 7–8 and 13–17)

Birth registration and nationality

16. Please describe the measures taken to:

(a) Revise the Citizenship Act, 1985, to disassociate birth registration from citizenship, simplify the birth registration procedure, ensure that single mothers can register their children and extend citizenship to children born to at least one Bhutanese parent;

(b) Prevent statelessness among children.

Right to privacy and access to appropriate information

17. Please describe the measures taken to:

(a) Ensure digital inclusion for children and promote equitable access for children to online services and connectivity, including for rural children and children with disabilities;

(b) Enhance the digital literacy of children, teachers and families and protect children from harmful information and material;

(c) Protect the privacy of children in the digital environment.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

18. Please provide information on the following:

(a) Measures taken to explicitly prohibit corporal punishment of children in all settings, such as in the home, schools, day care, alternative care settings and penal institutions, including by reviewing articles 109 to 112 of the Penal Code, the Child Care and Protection Act, the Child Adoption Act, the Domestic Violence Prevention Act and other relevant legislation;

(b) Measures taken to prevent the use of corporal punishment in schools, including monastic schools and nunneries;

(c) Any High Court decisions, investigations and administrative and legal proceedings in relation to cases of corporal punishment of children;

(d) Awareness-raising programmes for parents and professionals working with and for children to promote positive, non-violent and participatory forms of child-rearing and discipline.

Violence, including sexual exploitation and abuse

19. Please describe the measures taken to:

(a) Adopt a comprehensive strategy for preventing and combating all forms of violence against children, including online child sexual exploitation and abuse, and conduct awareness-raising programmes with the involvement of children;

(b) Prevent and combat all forms of violence against and among children, including mental violence, abuse, neglect and sexual exploitation, as well as in the context of domestic service, local businesses and online sexual exploitation;

(c) Implement the Domestic Violence Prevention Act and strengthen mechanisms for monitoring the cases and extent of violence;

(d) Strengthen the capacity of relevant professionals, such as teachers, social workers, child protection focal points, medical professionals, law enforcement authorities and members of the judiciary, to report and address cases of violence, including sexual exploitation and abuse, affecting children;

(e) Establish mandatory reporting, multiagency intervention, investigation and prosecution of all cases of violence, including abuse and sexual exploitation, against children, and prevent the revictimization of such children;

(f) Ensure that children who are victims of violence have access to child-friendly and multisectoral remedies and comprehensive support, including forensic interviews, psychological therapy and social integration assistance;

(g) Provide treatment programmes for children with sexually inappropriate behaviour – that is, children who have committed sexual offences;

(h) Revise the Penal Code, in particular article 414, to define the crime of torture and other cruel, inhuman or degrading treatment or punishment;

(i) Ensure the availability of a toll-free 24-hour helpline for children that is adequately resourced and ensure that children know how to access the helpline.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**Family environment**

20. Please describe the measures taken to:

(a) Facilitate the equal sharing of parenting responsibilities between mothers and fathers, including through the harmonization of public and private maternity leave and early childhood care and development policies;

(b) Address discriminatory stereotypes regarding the roles and responsibilities of women and men in the family.

Children deprived of a family environment, and adoption

21. Please provide information on the following:

(a) Measures taken to ensure the periodic review of the placement of children in alternative care settings, to facilitate the reintegration of children into their families and to provide aftercare support, including for children in disadvantaged situations;

(b) Monitoring of monastic schools, nunneries and residential homes, including through unannounced visits, with a view to ensuring that they:

(i) Adhere to minimum norms and standards regarding the care, development and education of children;

(ii) Protect children from violence and abuse;

(iii) Enable the reporting, monitoring and remedying of maltreatment of children;

- (iv) Provide an avenue for children to make complaints concerning violations of their rights;
- (c) Scope and implementation of the Alternative Care Guidelines of 2018;
- (d) Regulations and guidelines for all stakeholders in matters of domestic and intercountry adoptions, such as the Child Adoption Guidelines of 2017, and the measures taken to ensure that all adoptions are registered, regulated and monitored;
- (e) Any regulatory framework for surrogacy.

G. Children with disabilities (art. 23)

22. Please provide information on the following:

- (a) The legal human rights-based framework for children with disabilities, including any measures envisaged to revise the Child Care and Protection Act and ratify the Convention on the Rights of Persons with Disabilities;
- (b) The action plan and the resources allocated for the implementation of the national policy for persons with disabilities, as well as the national entity responsible for its implementation and monitoring;
- (c) The implementation of national standards for inclusive education, including measures taken to ensure the accessibility of schools and to train teachers;
- (d) Mechanisms for ensuring the early identification and diagnosis of children with disabilities;
- (e) Measures taken to ensure access for children with disabilities to health and support services and their full inclusion in society;
- (f) Awareness-raising programmes aimed at combating the stigmatization of and discrimination against children with disabilities.

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services, including adolescent health

23. Please describe the measures taken to:

- (a) Enhance the quality of health-care services, including by strengthening human resources and improving vaccine management in line with relevant cold-chain requirements;
- (b) Ensure access for children, in particular those living in rural and poor urban areas, to quality health-care services;
- (c) Effectively implement the national nutrition strategy and end chronic malnutrition among children;
- (d) Promote breastfeeding and implement the International Code of Marketing of Breast-milk Substitutes;
- (e) Ensure access to sexual and reproductive health services for adolescent girls and boys, including through the effective implementation of the national adolescent health strategy;
- (f) Prevent teenage pregnancy and increase access for children to contraceptives and information about the harmful effects of teenage pregnancy;
- (g) Decriminalize abortions in all circumstances and review national legislation in order to ensure access for girls to safe abortion and post-abortion care services;
- (h) Develop a national policy on child mental health, ensure access for children to mental health services and prevent suicide among children;

(i) Prevent substance abuse, including dependence on tobacco, alcohol and solvents (sniffing), among children and provide accessible and child-friendly drug dependence treatment.

Impact of climate change on the rights of the child

24. Please provide information on the measures taken to:

(a) Ensure that children's needs and views are taken into account in developing the national climate change policy, the third national adaptation programme of action and other policies and programmes addressing climate change and disaster risk management;

(b) Strengthen children's awareness and preparedness for climate change and natural disasters;

(c) Develop sustainable systems for water management and supply to prevent children from having to carry water to help their families owing to the drying up of spring water sources.

Standard of living

25. Please describe the measures taken to:

(a) Ensure an adequate standard of living for children from economically disadvantaged families, including through access to adequate and equitable sanitation and hygiene;

(b) Provide support to children in street situations, including children of migrant informal workers allegedly living on roadsides and at construction sites.

I. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

26. Please explain the measures taken to:

(a) Adopt comprehensive legislation and policies, including the draft national education policy and the Bhutan Education Blueprint, 2014–2024, on the right to education, to ensure that primary education is compulsory and applicable to both public and private educational institutions, as well as to monastic schools and nunneries, and that private education is regulated;

(b) Ensure access for all children, including children living in remote areas, children with disabilities, migrant children and children born to a foreign parent, to primary and secondary education;

(c) Ensure that children living in remote areas can attend school from home whenever possible, and provide adequate support for children attending boarding schools, including support for their cultural and emotional needs;

(d) Address dropouts and repetitions in primary and secondary education and develop and promote quality vocational training for children and young people who drop out of school;

(e) Ensure equal access for girls to all levels of education, including tertiary education, and promote gender-sensitive education to redress gender-related gaps in education;

(f) Combat violence, sexual harassment and bullying in schools, including against lesbian, gay, bisexual, transgender and intersex children;

(g) Provide early childhood care and education to all children and ensure that it is funded by the national education budget.

J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**Asylum-seeking and refugee children and Lhotshampa children**

27. With reference to the Committee's previous recommendations (paras. 20, 39, 42 and 44), please update the Committee on the measures taken to:

- (a) Ensure the return or resettlement of Bhutanese children still living in refugee camps in Nepal, with particular attention given to reunification with their families;
- (b) Consider ratifying the Convention relating to the Status of Refugees;
- (c) Protect Lhotshampa children from discrimination and ensure their rights to nationality, to health and to education, as well to enjoy their own culture and to practise their religion or belief freely.

Economic exploitation, including child labour

28. With reference to the Committee's previous recommendations (para. 46), please update the Committee on measures taken to:

- (a) Review labour legislation and regulations, with a view to preventing and eliminating child labour, in particular in agriculture, domestic work and the informal sector, and ensure independent monitoring, accountability and rehabilitation mechanisms;
- (b) Ensure adequate support to families in socioeconomically disadvantaged situations in order to prevent their children from engaging in child labour and sexual exploitation activities;
- (c) Develop programmes and policies for the protection, recovery and social reintegration of girls working in *drayang*s (entertainment centres).

Trafficking

29. Please explain the measures taken to:

- (a) Revise article 154 of the Penal Code to specify the exploitative nature of trafficking and define it as organized crime;
- (b) Conduct capacity-building for law enforcement officials on investigating cases of trafficking of children and prosecuting and sanctioning perpetrators;
- (c) Identify and address the root causes of trafficking of children;
- (d) Ensure the identification, referral and recovery of children who are victims of trafficking.

Administration of child justice

30. Please explain the measures taken or envisaged to:

- (a) Ensure child-friendly justice and legal representation for children who are alleged to have infringed, or accused of or recognized as having infringed, criminal law;
- (b) Promote non-judicial measures, such as diversion, probation, mediation, counselling or community service, and the use of non-custodial sentences for children accused of criminal offences;
- (c) Ensure that deprivation of liberty is used as a measure of last resort and for the shortest possible period of time, including measures to reform the Penal Code regarding sentencing of children;
- (d) Ensure that, in cases where detention is unavoidable, children are not held together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;

(e) Provide rehabilitation and reintegration support for children leaving the child justice system.

K. Optional Protocol on the sale of children, child prostitution and child pornography

31. Please provide information on measures taken to implement the recommendations of the Committee contained in its concluding observations on the report of the State party submitted under article 12 (1) of the Optional Protocol,² including measures to:

(a) Explicitly define and criminalize all acts related to the sale of children as defined in articles 2 and 3, respectively, of the Optional Protocol;

(b) Prevent, prosecute and eliminate the exploitation of children working in *drayangs* and the tourism industry;

(c) Establish extraterritorial jurisdiction over offences covered by the Optional Protocol that are committed outside the territory of the State party when the alleged offender or the victim is a national of the State party or a person whose habitual residence is in its territory;

(d) Establish mechanisms and procedures for the early identification of child victims and the prompt processing of cases of offences under the Optional Protocol and ensure that victims have access to adequate procedures to seek compensation for damages from those legally responsible;

(e) Protect the rights of children who are victims of offences covered by the Optional Protocol by ensuring that they are treated as victims rather than offenders by law enforcement and judicial authorities and have access to adequate legal assistance, remedies and support for their recovery and social reintegration.

L. Optional Protocol on the involvement of children in armed conflict

32. Please provide information on measures taken to implement the recommendations of the Committee contained in its concluding observations on the report of the State party submitted under article 8 (1) of the Optional Protocol,³ including measures to:

(a) Ensure that the Optional Protocol is widely known among members of the armed forces, including through capacity-building for relevant professionals and public awareness-raising activities;

(b) Explicitly prohibit and criminalize the recruitment of children under 18 years of age by armed forces, non-State armed groups and private military and security companies.

III. Statistical information and data

33. The statistical information and data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and the Optional Protocols thereto. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status, as well as by year or other relevant time frame.

34. The provision of tables presenting trends over the reporting period is recommended, and explanations of or comments on significant changes that have taken place over the reporting period should also be provided.

² CRC/C/OPSC/BTN/CO/1.

³ CRC/C/OPAC/BTN/CO/1.

A. General measures of implementation (arts. 4, 42 and 44 (6))

35. Please provide information on the budget lines regarding children and the social services sectors, indicating the amount allocated to each budget line and its proportion in terms of the total national budget.

B. Definition of the child (art. 1)

36. Please provide data, disaggregated as described in paragraph 33 above, on the number and proportion of children who have been subjected to child marriage.

C. General principles (arts. 2–3, 6 and 12)

37. Please provide data, disaggregated as described in paragraph 33 above, on:

- (a) Cases of discrimination affecting children, prosecutions brought before the courts under legislation governing non-discrimination, and sanctions imposed on perpetrators;
- (b) Cases of unexpected deaths of children due to violence, abuse, neglect, suicide and accidents, including traffic accidents.

D. Civil rights and freedoms (arts. 7–8 and 13–17)

38. Please provide data, disaggregated as described in paragraph 33 above, on:

- (a) The birth registration rate;
- (b) Stateless children living in the State party;
- (c) Information and communications technology-related violations of children's rights and the number of such cases that have been investigated and prosecuted.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

39. Please provide data, disaggregated as described in paragraph 33 above, on:

- (a) Children who have been victims of violence, including abuse, neglect, domestic violence, and sexual exploitation and sexual abuse in and outside the home, in schools, in monasteries, in workplaces and in alternative care settings, the cases that have been reported to the authorities, investigated and prosecuted and the sanctions that have been imposed on perpetrators, disaggregated by type of offence;
- (b) Children who have had access to protective measures and multidisciplinary remedies for children who are victims and witnesses of violence.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

40. Please provide data, disaggregated as described in paragraph 33 above, on:

- (a) Children in residential care, the number of such institutions and their size and the length of stay;
- (b) Children in unregulated alternative care, including monasteries and nunneries;
- (c) Children adopted domestically and internationally.

G. Children with disabilities (art. 23)

41. Please provide data, disaggregated as described in paragraph 33 above, on children with disabilities:

- (a) Receiving economic and other types of support services;
- (b) Living with their families;
- (c) Living in residential care and the length of stay;
- (d) Attending regular schools and separate schools;
- (e) Reporting violence and abuse, including sexual violence, the number of investigations and prosecutions carried out and the sentences imposed on perpetrators.

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

42. Please provide data, disaggregated as described in paragraph 33 above, on:

- (a) Overweightness, obesity and malnutrition among children;
- (b) Teenage pregnancy;
- (c) Children diagnosed with a mental illness;
- (d) Children who attempted or completed suicide;
- (e) Drug, alcohol and tobacco abuse among children;
- (f) Children living below the poverty line;
- (g) Children living in informal housing or in street situations.

I. Education, leisure and cultural activities (arts. 28–31)

43. Please provide data, disaggregated as described in paragraph 33 above, on:

- (a) Children attending early childhood education and primary and secondary schools;
- (b) Children attending boarding schools;
- (c) Dropout and repetition rates in primary and secondary education;
- (d) Bullying, sexual harassment and violence in schools.

J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

44. Please provide data, disaggregated as described in paragraph 33 above, and further disaggregated by accompanied or unaccompanied status, on:

- (a) Children living in refugee camps abroad;
- (b) Asylum-seeking and refugee children who have resettled in the State party.

45. Please provide data, disaggregated as described in paragraph 33 above, and further disaggregated by type of crime, on:

- (a) Children in detention and length of stay;
- (b) Children detained together with adults and the length of stay;
- (c) Children referred to diversion and non-custodial sentencing options;
- (d) Children who have received rehabilitation and reintegration support.

K. Optional Protocol on the sale of children, child prostitution and child pornography

46. Please provide data, disaggregated as described in paragraph 33 above, on:
- (a) Cases of the sale of children, sexual exploitation of children in prostitution and child sexual abuse material that have been reported, investigated, prosecuted and sanctioned;
 - (b) Child victims of such crimes who have been provided with recovery assistance or compensation;
 - (c) Children working in *drayangs* and the tourism industry.

L. Optional Protocol on the involvement of children in armed conflict

47. Please provide data, disaggregated as described in paragraph 33 above, on:
- (a) Asylum-seeking and refugee children and children in situations of migration entering the State party from areas where children may have been recruited or used in hostilities;
 - (b) Children within the State party's jurisdiction who have been recruited or used in hostilities abroad.
-