



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Kingdom of Bhutan and welcome the constructive engagement of your Government during the 33<sup>rd</sup> session of the UPR Working Group in May 2019.

As the final outcome report on the review of Bhutan has been recently adopted by the Human Rights Council at its 42<sup>nd</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Bhutan – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 94 delegations and the presentation made and responses provided by the delegation of Bhutan. I have also considered the actions taken by the Government to implement the 109 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome that Bhutan has expressed its commitment to institute a national mechanism with technical assistance from OHCHR to monitor the progress of the implementation of the recommendations from the third cycle UPR. In this regard, I welcome the work of the National Commission of Women and Children that could be strengthened to act as a national mechanism for reporting and follow-up.

I also welcome the various legislative and policy measures taken by your Government, which aimed at better protecting the human rights of the Bhutanese people in line with Bhutan's international obligations under international human rights treaties. These include laws on the Office of Attorney-General, access to information, bio-safety, and tobacco control, as well as anti-corruption measures adopted by the Anti-Corruption Commission, among others. I also commend your Government for the adoption of the Rules of Procedure for Treaty Making aimed at streamlining the treaty making process and the ratification of conventions.

I am concerned, however, at the low level of ratification of the core international human rights treaties and related human rights protection challenges affecting individuals and groups. I, therefore, encourage ratification of the remaining core human rights treaties, which would help the Government to address human rights concerns affecting individuals and groups more effectively.

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H.E. Lyonpo (Dr) Tandi Dorji  
Minister for Foreign Affairs  
Kingdom of Bhutan

I encourage Bhutan to adopt a new implementation matrix for the recommendations received during the 3<sup>rd</sup> cycle of the UPR and to effectively implement it in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Bhutan's fourth cycle of the UPR. My advice to all Member States is to implement national action plans in close consultation and cooperation with all stakeholders, in particular all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Bhutan to make further efforts to strengthen the existing National Commission of Women and Children into a functioning national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Bhutan to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Bhutan in relation to the areas identified in this letter and its annex, and welcome the request already made for technical assistance.

Please, accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet  
High Commissioner for Human Rights

## Annex

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

- Ratifying the core international human rights instruments to which Bhutan is not yet a party, including the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.
- Ratifying the Convention on the Prevention and Punishment of the Crime of Genocide; the Rome Statute of the International Criminal Court; the Additional Protocols to the Geneva Conventions; the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189); and the UNESCO Convention against Discrimination in Education.
- Extending a standing invitation to all Special Procedures mandate holders of the Human Rights Council.

### **National human rights framework**

- Establishing an entity with the mandate of coordinating all activities related to the implementation of human rights treaties, to which Bhutan is a party.
- Establishing an independent national human rights institution in full compliance with the Paris Principles.

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

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Amending relevant anti-discrimination legislation so as to include discrimination based on sexual orientation, gender identity and expression and sex characteristics.
- Decriminalizing same-sex sexual conduct between consenting adults.

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

- Elaborating targeted interventions along with the existing good practices, aimed at reducing the income disparity and other forms of inequalities.
- Continuing efforts to fight corruption.

- Continuing to implement policies and measures aimed at strengthening environmental conservation efforts, as well as expanding the actions of preparedness for natural disasters, emergency situations and adaptation to climate change.
- Enabling of greater inclusion and participation of women, children, persons with disabilities, and other marginalized communities in devising holistic strategies towards managing climate change and its impact on livelihoods.

## **B. Civil and political rights**

### *Fundamental freedoms*

- Intensifying efforts to protect and promote freedom of religion or belief and the rights of persons belonging to religious minorities.
- Preventing the misuse of defamation laws to unduly constrain freedom of expression both online and offline.

### *Prohibition of all forms of slavery*

- Developing a national action plan on trafficking in persons, through wide consultation with governmental and non-governmental stakeholders.
- Continuing its engagement to ensure the rehabilitation and social integration of victims of trafficking, including through provision of access to shelters, and legal and medical assistance.

## **C. Economic, social and cultural rights**

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

- Continuing to expand rural access to quality education and enhancing the job prospects of the youth, including through technical and vocational education training, as well as continuing efforts to address the issue of youth unemployment, including through creation of productive and gainful employment.

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

- Continuing to promote social policies aimed at increasing the quality of life of the Bhutanese people.
- Accelerating efforts towards effective solutions for the provision of basic services in rural areas such as health, education and potable water.

### *Right to health*

- Further strengthening public healthcare system, including by enhancing physical infrastructure and allocating resources to healthcare facilities benefiting rural communities.
- Adopting a comprehensive health policy and increasing support to reproductive health and family planning services.

### *Right to education*

- Continuing to improve the quality and access to education for all children, especially children from the rural communities and children with disabilities.
- Continuing interventions targeting the right to education, including through non-formal education and access to technical and vocational training.
- Taking all appropriate steps to encourage and facilitate women's participation in tertiary education.

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

### *Women*

- Continuing its efforts to promote gender equality and empower women and girls through enhanced participation of women and girls in political, economic and social activities.
- Revising the 1980 Marriage Law to increase the age of marriage for women to 18 years of age in line with SDG target 5.3.
- Preparing a national action plan to prevent all forms of violence against women and allocating sufficient resources for its implementation.
- Taking measures to better protect women and children from domestic violence, in particular through legislative reform.
- Continuing efforts to improve women's participation in political and public life and strengthen their representation in decision-making bodies.

### *Children*

- Explicitly defining and criminalizing the sale of children and developing mechanisms to address child trafficking.
- Eradicating child and early forced marriage, by providing incentives to girls and their families to remain in school and by addressing rural poverty.
- Reviewing the laws, including the Penal Code, the Child Care and Protection Act, the Child Adoption Act and the Domestic Violence Prevention Act with a view to prohibiting all forms of corporal punishment in all settings.

### *Persons with disabilities*

- Expediting the development of an action plan for the National Policy for Persons with Disabilities.
- Adopting the legislative and policy framework for disability, aimed at providing adequate educational services to persons with special needs, children with a higher risk of disability and with mental disorders.



*Refugees and asylum seekers*

- Enhancing its efforts in negotiations to find peaceful and prompt solutions for either the return or resettlement of children living in refugee camps in Nepal, with particular attention to reunification with their families.
- Ensuring the transparency of the procedure for the determination of the nationality of child refugees based on the right to a nationality and the right to leave and return to one's country, with due consideration to the best interests of the child.

*Stateless persons*

- Reviewing the Citizenship Act (1985) to extend citizenship to children born to at least one Bhutanese parent.
- Identifying and correcting practices that might discriminate against children of ethnic Nepalese origin who lacked adequate documentation to access education and health services.
- Recognizing the rights of children of ethnic Nepalese origin to enjoy their own culture, practise their religion and use their language.