

ADVANCE QUESTIONS TO BHUTAN-Add.1

ARGENTINA

1) Género

Igualdad de oportunidades entre hombres y mujeres en el mercado laboral

- La Argentina observa con beneplácito la creación de la Comisión Nacional de la Mujer y el Niño, así también como el reconocimiento del derecho a la igualdad en la Constitución Nacional recientemente sancionada.
Sin embargo, se desea preguntar a Bután que medidas concretas evalúa el Estado adoptar o está adoptando a fin de reducir las desigualdades de facto entre hombres y mujeres en el acceso al trabajo, especialmente en zonas rurales, y a fin de garantizar una mayor participación de las mujeres en el acceso a la educación.

Estereotipos de género y participación femenina

- La Argentina celebra la realización del estudio piloto en materia de género en Bhután y desea conocer si el gobierno de Bhután considera la posibilidad de implementación de medidas afirmativas para modificar los estereotipos femeninos y, en ese caso, de cuáles.

Violencia contra las mujeres

- La Argentina desea conocer cuáles son los avances en la redacción e implementación de normativa en materia de violencia doméstica.

Participación pública y económica

- La Argentina desea conocer cuáles han sido hasta ahora los resultados más relevantes en materia de transversalización del enfoque de género a partir de la implementación del décimo Plan Quinquenal (2008 – 2013).

2) Derechos de los niños.

- Bután ha ratificado la Convención sobre Derechos del Niño, sin embargo la Argentina desea preguntar a Bután qué medidas adoptará el Estado a fin de adecuar su legislación interna a los compromisos internacionales asumidos en materia de prevención de la violencia física, psíquica, abusos sexuales, maltrato y explotación de menores.¹

¹ Conforme información del Comité Internacional de la Convención sobre Derechos del Niño y UNICEF.

CZECH REPUBLIC

- Does the Government of Bhutan intend to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the 1951 Convention on the Status of Refugees and its 1967 Protocol?
- Has the Government of Bhutan considered issuing a standing invitation to the Special Procedures of the Human Rights Council?
- We appreciate that the Government of Bhutan has banned corporal punishment in schools. Which further steps is the Government of Bhutan taking or preparing to counter violence against children and in particular of unaccompanied and separated refugee children?
- What specific measures has the Government of Bhutan adopted or is preparing to ensure national implementation of its international obligations from the international human rights treaties as e.g. to ensure protection of the right to privacy and non-discrimination, in particular of women and persons of minority sexual orientation or gender identity. How is ensured effective access of possible victims to remedial mechanisms as was recommended i.a. by Committee on the Elimination of Discrimination against Women?

DENMARK

- Recognize transformation from monarchy to democracy. Strongly urge the Government to ratify the four remaining core UN conventions on human rights (civil and political rights (ICCPR), economic, social and cultural rights (ICESCR), torture (CAT) and racial discrimination (CERD)). Denmark and the EU attach great importance not only to the ratification of international human rights instruments, but to the implementation of these, and the continued improvement of respect for human rights violations on the ground
- How will the Government continue to work on improving the equal treatment of all ethnic groups, which also is part of institutionalizing the Bhutanese democracy? Ensuring the Bhutanese citizenship of children, if the father is not recognized or being non-Bhutanese? Urge the Cabinet Committee and the Parliament's Human Rights Committee to continue the liberalization of the requirement of No Objection Certificates for higher education or employment.
- How to revitalize the process of repatriation, including considerations of inception of processing genuine humanitarian cases, e.g. of orphans and elderly people?

LATVIA

- According to the information by the Office of the UN High Commissioner for Human Rights, 66 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council.

- Considering previous cooperation of Bhutan with special procedures mandate holders and despite two still pending requests by Special Rapporteurs to visit Bhutan - would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

NEPAL

- The Working Group on Minorities in 2005 received a report alleging that the Lhotsampa minority community had been most affected by the policies of assimilation, exclusion, and eviction and that those policies had resulted in the expulsion of one-sixth of Bhutan's population. A 2005 report of the Working Group on Minorities indicated that the Lhotsampa suffers religious intolerance, and that under *Driglam Namza* many southern Bhutanese were 'encouraged' to follow Buddhist teachings and practices while the few Hindu religious institutions like *Pathsalas* in the southern belt were closed down. Bhutan has heavily relied its arguments in the national report on the urgency of protecting their distinct culture and national identity and sidelining the issues of their obligations under international human rights laws to provide equal protection to all of its citizens without discrimination. This goes contrary to the basic and fundamental rights of the minority populations as enshrined in the UDHR.
- What measures has Bhutan taken so far and will take in the near future to address the alleged violations of the rights of the minorities as raised in the report of the Working Group on Minorities?
- CRC was concerned about the number of refugee children who have been separated from their family in Bhutan and over the lack of measures to achieve family reunification. It recommended that Bhutan enhance efforts to find a prompt solution for the return of Bhutanese refugee, with particular attention to children and women and reunification with their families; and ensure the transparency of the procedure for the determination of the nationality of refugees, based on the right to a nationality and the right to leave and return to one's country, with due consideration of the best interests of the child. It also recommended that Bhutan seek assistance from UNHCR and the International Committee of the Red Cross with regard to refugee children, return, resettlement and family reunification.
- What measures has the Government of Bhutan taken to implement those recommendations and, if not done so far, what timeframe it envisions to implement those recommendations of the CRC?
- As outlined in the summary of stakeholder's submission, Lhotshampas in Bhutan are divided into seven categories and then such categorization has been used as a tool to evict Lhotshampas or to declare them non-national in an arbitrary manner. In some cases members of the same family have been placed in different categories. Following a nationwide census carried out in Bhutan in 2005, in which 81,976 of its population were declared as "non-national residents". All of those classified as "non-national residents" are said to be Lhotshampas and their children whose citizenship status was eroded by various measures taken since the end of the 1980s. As reported in the summary, Bhutan's existing citizenship laws has no adequate provision for a

child to acquire a nationality at birth in accordance with article 7 of the CRC. For those people who through the F1-F7 categorization process have been marginalized and rendered *de facto* stateless in their own country, the provisions of the 1985 Citizenship Act make it difficult to regularize their status.

- What plan does the Government of Bhutan have to correct such anomalies in its legal regime and within what timeframe?
- The stakeholder's submission states that it would be impossible for Bhutanese refugees seeking repatriation to their own country to fulfill the conditions set out in the 1985 Citizenship Act. The option of repatriation for those refugees who wish to and have the right to return to their country depends on a proper resolution of the nationality status of those people in Bhutan who are currently denied citizenship. It also states that the Bhutanese Government has not only succeeded in the mass expulsion and de-nationalization of a large proportion of its Lhotshampa population but also in systematically denying the rights of the refugees to return to their own country. Stakeholders further noted that in 2003, Bhutan agreed to accept the return of a limited number of refugees who were verified as genuine citizens of Bhutan. However, it failed to implement this policy and no refugees were allowed to return.
- When would the Government of Bhutan allow its people now living as refugees abroad to return home in dignity and honour and participate in national political life?
- The commitment of Bhutan as expressed in paragraph 87 of the National Report, "to finding a lasting solution through the bilateral process, based on agreements already reached between the governments of Bhutan and Nepal" appears misleading. After Bhutan abruptly walked out of the bilateral process in December 2003, it has never returned to the table. Nepal's sincere attempts to reopen talks over the repatriation of verified refugees and finding a lasting solution to the protracted refugee situation have failed to materialize due to the policy of evasion adopted by Bhutan.
- Does Bhutan have any timeframe to return to dialogue to initiate the process of taking back the already verified refugees?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please elaborate further on the role civil society in Bhutan played in the preparation of your national report for this process?
- What plans does the Bhutanese Government's have to decriminalise homosexuality?
- We understand that steps have been taken to promote gender equality, can you expand on steps that have been taken to actively promote full, active and equal female participation in parliament and at all levels of government?
- It has been stated that independent human rights organisations are not allowed to register in Bhutan. Could you please clarify whether a national human rights institution in Bhutan currently exists and whether or not it complies with the Paris principles?

- The UK notes that the new Constitution has increased religious tolerance in Bhutan. Are there plans to amend the Marriage Act of Bhutan that prohibits a non-Bhutanese married to a Bhutanese citizen from promoting any other religion than Buddhism?
- How does the Bhutanese Government plan to address the issue of Bhutanese refugees living in camps?
- What steps are being taken by the Bhutanese Government to promote minority rights in Bhutan, including the right to freedom of religion or belief?
