

Universal Periodic Review (33rd session, April-May 2019)
Contribution of UNESCO

Bhutan

I. Background and framework

Scope of international obligations: human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	17/10/2001 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	12/10/2005 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	Not ratified			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

Right to Education:

1. The **Constitution (2008) of the Sovereign Kingdom of Bhutan**¹ contains provisions on education but does not explicitly enshrine the right to education. **Article 9 (15)** states that “The State shall endeavour to provide education for the purpose of improving and increasing knowledge, values and skills of the entire population with education being directed towards the full development of the human personality.” **Article 9 (16)** adds that “The State shall provide **free education** to all children of school going age up to tenth standard (...)”. **Article 7 (15)** asserts that “All persons are **equal before the law** and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status”. Bhutan **does not have** a legislative framework on education.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

2. The Constitution of Bhutan in Article 7 guarantees freedom of speech and opinion and the freedom of the press, radio and television and other forms of dissemination of information, including electronic.²

3. Defamation and libel are criminal offences under Articles 317 and 320 of Bhutan Penal Code.³ Under Article 319 and 321, which carry punishment of fines and a maximum of three years of imprisonment. The National Security Act (1992) also forbids criticism of the king and the political system.

4. A freedom of information law was passed in Bhutan in 2014 but it is yet to be cleared by the Upper House.⁴

➤ Implementation of Legislation:

5. The Ministry of Information and Communication and the Bhutan Infocomm and Media Authority, as per the Bhutan Information, Communications and Media Act of 2006 are in charge of regulating the broadcasting and ICT sector in Bhutan. The Minister of Information and Communication appoints the Director of the Authority and its members.⁵

➤ Safety of Journalists:

6. UNESCO recorded no killing of journalists in Bhutan since 2008. Journalists are able to work in a safe environment.

III. Review and specific recommendations

7. A number of recommendations was addressed to Bhutan during the previous UPR cycle concerning the necessity to enhance access to quality education for all. Recommendations stressed

¹ <http://www.unesco.org/education/edurights/media/docs/d99d404ee15ad45d801479351985e460ee524522.pdf>

² <http://gov.bt/wp-content/uploads/2017/08/Constitution-of-Bhutan-Eng-2008.pdf>

³ http://www.nationalcouncil.bt/wp-content/uploads/2011/02/PCode_En_04.pdf

⁴ <http://www.wipo.int/wipolex/en/profile.jsp?code=BT>

⁵ <http://www.asianlii.org/bt/legis/laws/bicama2006402/>

the need to develop measures to address discrimination and strengthen access to quality education for women and girls, children with disabilities, children from lower economic backgrounds and rural areas, and children from ethnic and religious communities. They highlighted the need for increasing human rights education and measures to address harmful practices.

Legislative framework

- In the context of Sustainable Development Goal 4, it should be noted that ratifying the UNESCO 1960 Convention against Discrimination in Education would provide Bhutan with a supportive legal environment for all efforts made towards providing and ensuring “inclusive and equitable quality education and lifelong learning opportunities for all”.
- The **absence of a legislative framework on education** represents a major challenge to the full enjoyment of the right to education. Progress could be made with regard to developing national legislation in the field of education.
- The **Child Care and Protection Act of 2011**⁶ contains provisions on education. Nevertheless, they remain limited, while some of them only consider children to be “in difficult circumstances”.

Education policy

- Bhutan is one of the countries which, between 2010 and 2015, had the highest increase in **education expenditure** as a share of GDP (5.9% of the GDP and 17.8% of total government expenditure in 2014)⁷.
- Bhutan adopted a strategic document on education entitled “**Bhutan Education Blueprint 2014-2024**”⁸. Chapter 4 of the document covers Bhutan’s “*recommended shifts*” in education, Chapter 5 provides insights for these shifts to be implemented.

Access to education

- Bhutan has nearly reached **universal primary education enrolment** (98.5%)⁹. Initiatives have included requirements that every school is not more than an hour’s walking distance away¹⁰.
Concerns were expressed over **the impact of “central schools”** on the child’s development and right to family life¹¹.
- Positive measures include **scholarships** for children from economically disadvantaged families¹².
- Access to secondary and tertiary education remains limited. Although participation in secondary education has increased, the gross enrolment ratio was only equal to 50% in

⁶ <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/98256/116846/F269704338/BTN98256.pdf>

⁷ Global Education Monitoring Report, Education for People and Planet: Creating Sustainable Futures for All, p475.

<http://unesdoc.unesco.org/images/0024/002457/245752e.pdf>

⁸ <https://www.globalpartnership.org/content/bhutan-education-blueprint-2014-2024>

⁹ Consideration of reports submitted by States parties under article 44 of the Convention, Committee on the Rights of the Child, p33, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBTN%2f3-5&Lang=en

¹⁰ Ibid, p32.

¹¹ Concluding observations on the combined third to fifth periodic reports of Bhutan, Committee on the Rights of the Child, p9, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBTN%2fCO%2f3-5&Lang=en

¹² Consideration of reports submitted by States parties under article 44 of the Convention, Committee on the Rights of the Child, p13.

2012¹³. **Adult literacy** remains a big challenge with the adult literacy rate equal to 57% in 2014¹⁴. **Dropout and repetition rates** in primary and secondary remain prevalent¹⁵.

Quality education

- “Under-prepared teachers, lack of appropriate curricula resources, and poor instructional leadership and in-service training (...)”¹⁶ are critical elements underlying **poor quality education**. Education facilities also remain limited¹⁷.
- Bhutan set up the Bhutan Education Endowment Fund in 2013 to improve education quality¹⁸. Bhutan has one of the lowest student-teacher ratios (at 22 students per teacher) in the South-East Asia region¹⁹.

Non-discrimination and inclusive education

- There was improvement in reducing **gender disparity** in primary and secondary education, with 49% students enrolled in primary education who are girls²⁰. If female teachers represented 41% of the teacher staff in 2014, they only made up 39% and 27% of the teaching staff in secondary and tertiary education that year²¹.
- Bhutan **lacks a legislative and policy framework on disability** which inherently affects the provision of adequate educational services to people with special needs. Children at higher risk of disability, especially children with mental impairments, are more likely to be denied their right to education than others²². Among positive measures, Bhutan conducted studies regarding the situation of, and the services available to children with disabilities and endorsed the **Standards for Inclusive Education** at the National Education Conference (2017)²³. Bhutan reported the creation of 14 inclusion schools and the training of 259 teachers on including education as of 2013²⁴.
- The situation of **children of Nepalese ethnic origin** remains problematic, with limited information provided to them on the enjoyment of their rights, and important discrimination against them. The lack of adequate documentation often prevents them from accessing education and enjoying their educational rights²⁵.

¹³ EFA Global Monitoring Report, Education for all 2000-2015 – Achievements and Challenges, p112, <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

¹⁴ Global Education Monitoring Report, Education for People and Planet: Creating Sustainable Futures for All, p455.

¹⁵ Concluding observations on the combined third to fifth periodic reports of Bhutan, Committee on the Rights of the Child, p10.

¹⁶ P16 http://www.nationalplanningcycles.org/sites/default/files/country_docs/Bhutan/ndp_bhutan.pdf

¹⁷ Global Education Monitoring Report, Education for People and Planet: Creating Sustainable Futures for All, p463.

¹⁸ Consideration of reports submitted by States parties under article 44 of the Convention, Committee on the Rights of the Child, p35.

¹⁹ Ibid, p34.

²⁰ Global Education Monitoring Report, Accountability in Education: Meeting our Commitments, p318.

<http://unesdoc.unesco.org/images/0025/002593/259338e.pdf>

²¹ Global Education Monitoring Report, Education for People and Planet: Creating Sustainable Futures for All, p447.

²² EFA Global Monitoring Report, Teaching and Learning: Achieving Quality for All, p56,

<http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

²³ Concluding observations on the combined third to fifth periodic reports of Bhutan, Committee on the Rights of the Child, p7.

²⁴ Consideration of reports submitted by States parties under article 44 of the Convention, Committee on the Rights of the Child, p25.

²⁵ Concluding observations on the combined third to fifth periodic reports of Bhutan, Committee on the Rights of the Child, p10.

Harmful practices & human rights education

- Bhutan took some measures to prevent child marriage through the adoption of the **Adolescent Health Programme and Education on Adolescent Sexual and Reproductive Health**²⁶. It also participated in the regional Action Plan to End Child Marriage of the South Asia Initiative to end Violence Against Children²⁷. Despite these efforts, the prevalence of child marriage, particularly in rural areas continues²⁸.
- The **National Adolescent Health Strategic Plan 2013-2018**²⁹ identifies inclusion of health education as a strategy to empower adolescents to engage in health-promoting behaviours.
- Inclusion of human rights national curricula frameworks was reported to be low between 2005 and 2015³⁰.

IV. Specific recommendations

8. Bhutan should be strongly encouraged to ratify the Convention against Discrimination in Education.
9. Bhutan should be strongly encouraged to intensify its efforts to develop national legislation in order to guarantee the right to education for all.
10. Bhutan should be encouraged to continue its efforts to guarantee access to education for all, especially vulnerable groups including women and girls, children with disabilities, children from disadvantaged backgrounds, rural areas and ethnic minorities.
11. With regard to inclusive education, Bhutan should be strongly encouraged to develop a legislative and policy framework on disability based on a human-rights approach.
12. Bhutan should be strongly encouraged to address discrimination against children from ethnic minorities, in particular of Nepalese origin, and improve their access to educational services.
13. Bhutan should be encouraged to submit comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
14. Bhutan should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education³¹.

Freedom of opinion and expression

15. Bhutan is encouraged to introduce a freedom of information law that is in accordance with international standards and to ensure progress on the Sustainable Development Goal 16.10 concerning public access to information and fundamental freedoms.
16. Bhutan is further encouraged to decriminalize defamation and to place it in the civil code in line with international standards.

²⁶ Ibid, p6.

²⁷ Ibid.

²⁸ Global Education Monitoring Report, Education for People and Planet: Creating Sustainable Futures for All, p447.

²⁹ Consideration of reports submitted by States parties under article 44 of the Convention, Committee on the Rights of the Child, p29.

³⁰ Global Education Monitoring Report, Education for People and Planet: Creating Sustainable Futures for All, p447.

³¹ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

17. Bhutan is encouraged to assess the appointment system for the broadcast licensing authority to ensure that this body is independent.

Cultural rights

18. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)³² and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³³, Bhutan is encouraged to fully implement the relevant provisions that promote access to, and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Bhutan is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
19. Bhutan is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), as a means to promote access to, and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

Freedom of scientific research and the right to benefit from scientific progress and its applications

20. **Bhutan** has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore **Bhutan** is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.

³² Periodic Report available at: <http://whc.unesco.org/document/116967>

³³ Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=37508>

