UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: *Fourth Cycle, 47th Session*

BHUTAN

I. BACKGROUND INFORMATION

Bhutan is not a party to the *1951 Convention relating to the Status of Refugees and its 1967 Protocol (hereinafter jointly referred to as the 1951 Convention)*, the *1954 Convention relating to the Status of Stateless Persons (the 1954 Convention)* nor the *1961 Convention on the Reduction of Statelessness (the 1961 Convention).* However, Bhutan has ratified international human rights instruments that are relevant to the protection of refugees, asylum-seekers and stateless persons, including: the *Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW)*; the *Convention on the Rights of the Child (the CRC)* and its *two Optional Protocols on the Involvement of Children in Armed Conflict* and the *sale of Children, Child Prostitution and Child Pornography*.

UNHCR is not aware of the precise number of asylum-seekers in Bhutan nor whether others have been deported or travelled onwards to other countries, as there is no established regular information sharing between UNHCR and the Government of Bhutan.

Although UNHCR is not aware of the number of asylum-seekers on the territory of Bhutan, in Nepal UNHCR has been involved in the provision of assistance and protection of more than 120,000 refugees originating from Bhutan that have been hosted in refugee camps in Nepal's Eastern regions since 1992. After these refugees spent nearly 16 years in refugee camps, third country resettlement on a large scale was implemented as agreed upon by the Government of Nepal. UNHCR assisted to resettle some 113,500 Bhutanese refugees from Nepal between 2007-2016. As of March 2024, 6,365 Bhutanese refugees remain in two settlements in Eastern Nepal. Based on an intention survey carried out by UNHCR in 2019, 741 households or 2,418 individuals (38% of the remaining Bhutanese population) have expressed an intention to return, most having employable skills and family ties in Bhutan. Of the 2,418 individuals, 1,090 (45%) are female and 1,328 (55%) are male. Of the 741 households, 689 households (93%) have property in Bhutan with just over half continuing to possess ownership papers for their properties and 441 households (60%) have family members living in Bhutan. The majority of the heads of households are of Lhotshampa ethnicity and were born in one of the following districts: Sarpang, Tsirang, Samtse, Dagana and Samdrup Jongkhar. Most would like to return to their district of origin.

Despite high-level and ongoing advocacy by the Government of Nepal, UNHCR, and member states of the (Bhutanese) Refugee Core Group, the Royal Government of Bhutan does not allow Bhutanese refugees to return to Bhutan.

UNHCR continues to support the option of bilateral negotiations between the Government of Nepal and the Royal Government of Bhutan in order to facilitate the voluntary return of refugees to Bhutan.

UNHCR is also not aware of the precise number of stateless persons in Bhutan. The legislative acts containing provisions related to nationality and statelessness are the *Bhutan Citizenship*

Act of 1985, the *Immigration Act of 2007*, the *Constitution of Bhutan of 2008,* and other relevant laws.

II. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 3rd cycle UPR recommendations

Issue 1: Accession to the *1951 Refugee Convention* and its *1967 Protocol*

Linked to 3rd cycle UPR recommendation no. 158.4: "Consider ratifying core human rights instruments to which it is not yet a party." (Côte d'Ivoire)

Bhutan is not a party to the *1951 Convention* nor its *1967 Protocol*. Accession to these instruments would establish a clearer framework for the Government of Bhutan to provide refugees with international protection should anyone seek asylum in the country.

The Government of Bhutan is also encouraged to routinely provide UNHCR with access to those individuals who may be in need of international protection so that UNHCR may provide support to assess their international protection needs, in accordance with its mandate.

Recommendations:
UNHCR recommends that the Government of Bhutan:

(a) Accede to the *1951 Convention Relating to the Status of Refugees* and its *1967 Protocol*;
(b) Strengthen cooperation with UNHCR in respect of UNHCR's mandate for refugees and asylum-seekers, through the provision of statistics and acceptance of UNHCR's technical support for assessment of individuals' international protection needs; and
(c) Establish a domestic legal framework and administrative policies that will ensure the country is in full compliance with international standards of treatment and protection of refugees and asylum-seekers.

Issue 2: Ratification of the Statelessness Conventions and prevention of statelessness

Linked to 3rd cycle UPR recommendation no. 158.4: "Consider ratifying core human rights instruments to which it is not yet a party." (Côte d'Ivoire); **and recommendation no. 158.63**: "Enable women to transmit Bhutanese nationality to their children under the same conditions as men." (France); **and recommendation no. 158.65**: "Ensure that children of Nepalese origin are aware of their rights under the law, and that these rights are explained in an accessible manner, including in schools and in official documents." (United Kingdom of Great Britain and Northern Ireland)

Bhutan is also not a party to the *1954 Convention Relating to the Status of Stateless Persons* nor the *1961 Convention on the Reduction of Statelessness*. Accession to the statelessness conventions would establish a stronger framework to prevent and reduce statelessness as well as to avoid the detrimental effects of statelessness on individuals and society by ensuring identification and provision of minimum standards of treatment for stateless persons.

The legislative acts containing provisions related to nationality and statelessness are the *Bhutan Citizenship Act of 1985*, the *Immigration Act of 2007*, the *Constitution of Bhutan of 2008* and other relevant laws.

The current legal and policy framework on nationality still contains provisions that do not prevent all cases of statelessness from arising. In accordance with the existing *Bhutan*

Citizenship Act of 1985, for a child to qualify for citizenship, both parents must have Bhutanese citizenship, resulting in significant risks of statelessness for a child born to one Bhutanese national parent where the other parent is either stateless or a foreign national who is incapable of conferring nationality to the child. Bhutan does not allow for nationality at birth to be conferred automatically under the *jus sanguinis* principle on the basis of having at least one parent who is a national of the country. Children would also be at risk if they are born to a Bhutanese national mother who is unable to establish the paternity of the child, a risk that arises in situations of sexual violence and exploitation, but which can also be present in situations of abandonment or family separation.

According to this law, only children born to parents who are both citizens of Bhutan can register their birth in the national civil registration system. This leaves all children born in the country in other circumstances, as well as children born to a Bhutanese parent (or parents) who lack nationality documentation, at risk of being unregistered and unprotected, which generally contravenes Bhutan's obligations to provide for the registration of all births in its territory "without discrimination of any kind" under Articles 2 and 7 of the *Convention on the Rights of the Child*.

The citizenship law also features several provisions that raise risks of statelessness in other contexts.

The *Bhutan Citizenship Act of 1985* poses risks of statelessness for the spouse (either the wife or husband) and children of any Bhutanese national who acquires a different nationality. Under Article 6(a) of this *Act*, the spouse and children of such an individual will only "have the right to remain as citizens of Bhutan" if "they are permanently domiciled in Bhutan and are registered annually in the Citizenship Register." First, the law does not condition the possible loss of nationality for the spouse and children on first establishing that they have also acquired another nationality, which is the applicable safeguard against statelessness in this context.[1] Secondly, as a practical matter, the ability to remain permanently domiciled in Bhutan and to be registered annually in the Citizenship Register of Bhutan, may be out of the control of minor children and the spouse concerned. Indeed, this provision also raises concerns as to Bhutan's compliance with its obligations under the *Convention on the Elimination of All Forms of Discrimination Against Women*, which at Article 9(1) calls upon States parties to ensure that where there is a "change of nationality by the husband during marriage", this shall not automatically "change the nationality of the wife" nor "render her stateless".

In addition, under Article 6(c) of the *Citizenship Act*, a naturalized citizen may be deprived of nationality "if that person has shown by act or speech to be disloyal in any manner whatsoever to the King, Country and People of Bhutan". This provision creates risks of statelessness arising from the exercise of fundamental human rights – notably freedom of opinion and expression – which would generally contravene international standards.[2]

[1] See Article 6 of the 1961 Convention on the Reduction of Statelessness.

[2] See, e.g., UN Secretary General, Human rights and arbitrary deprivation of nationality, 19 December 2013, A/HRC/25/28 (noting that "[S]ome nationality laws explicitly allow for the deprivation of nationality for a show of disloyalty 'by act or *speech*' (emphasis original). States must avoid applying such provisions in a manner which would infringe other human rights norms and standards, such as freedom of expression").

The law also stipulates that anyone who has been imprisoned for criminal offenses in Bhutan or elsewhere, or has spoken or acted against the King, country and people of Bhutan is not eligible to apply for citizenship.

While States are responsible for developing and promulgating their own rules governing the acquisition, loss and deprivation of nationality, these should adhere to international standards, particularly with respect to the prevention of statelessness.

The *1961 Convention* establishes a range of standards to prevent statelessness at birth and later in life, in particular that States shall grant nationality to children who would otherwise be stateless and have ties with them through either birth on the territory or descent.

Stateless persons who satisfy the refugee definition contained in the *1951 Refugee Convention* must be afforded the necessary international protection associated with that status. However, the international refugee protection regime does not specifically address the rights of non-refugee stateless persons. Stateless children often require specific protection measures. The *1954 Convention* is an important instrument to ensure non-discrimination in the enjoyment of human rights by stateless persons, including children, with undetermined nationality. Accession to the *1954 Convention* establishes a framework to protect stateless persons without discrimination.

Birth registration is among the Sustainable Development Goals (SDG) of the 2030 Agenda for Sustainable Development (Target 16.9: legal identity and birth registration for all by 2030) and it is a tool to reduce and prevent statelessness. To achieve universal birth registration by 2030, all children born in Bhutan should be registered at birth in the national civil registration system without discrimination.

Recommendations:
UNHCR recommends that the Government of Bhutan:

(a) Accede to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*;
(b) Provide for the acquisition of nationality by descent (*jus sanguinis*) from having at least one parent who is a Bhutanese national, regardless of the identification or nationality of the other parent;
(c) Adopt dedicated safeguards against statelessness, as outlined in the *1961 Convention on the Reduction of Statelessness*;
(d) Put in place mechanism to identify stateless persons on the territory and provide public statistics on the number and profile of stateless persons residing in Bhutan and statistics on the number of stateless persons who are unable to acquire nationality, disaggregated by age, gender, ethnic origin and other relevant characteristics;
(e) Strengthen cooperation with UNHCR in respect of UNHCR's statelessness mandate through the provision of statistics and acceptance of UNHCR's technical support on statelessness; and
(f) Ensure universal and equal access to birth registration for all children born in Bhutan, without distinction, in line with its obligations under Article 7 of the *Convention on the Rights of the Child*.

Issue 3: Voluntary return of Bhutanese refugees from two settlements in Eastern Nepal

Linked to 3rd cycle UPR recommendation no. 158.67: "Take all necessary measures to enable Bhutanese refugees who wish to return to do so in a safe manner and in conditions respecting their rights." (Switzerland); **and recommendation no. 158.69**: "Take the

measures necessary to guarantee effective procedures to determine the nationality of refugee children based on the right to a nationality, in particular Nepalese boys, girls and adolescents." (Argentina); **and recommendation no. 158.70**: "Give favourable consideration to the return of Nepali-Bhutanese refugees from Nepal, particularly those with urgent humanitarian needs." (Australia); **and recommendation no.158.71**: "Continue efforts, together with Nepal, to find a lasting solution to the situation of refugees formerly resident in Bhutan and currently living in Nepal." (Germany); **and recommendation no. 158.68:** "Resume discussions with the Government of Nepal on the status of individuals in Nepal who assert claims to Bhutanese citizenship or residency." (United States of America)

Fifteen rounds of Nepal-Bhutan bilateral talks were held between 1993-2003 for the dignified return of the Bhutanese refugees. However, the bilateral talks ended without any outcomes amidst the international pressure on Bhutan to take back its citizens. The right to return is being raised regularly at various international fora by the Nepal Government – most recently during the Global Refugee Forum in Geneva in December 2023.

Recommendations:

UNHCR recommends that the Government of Bhutan:

(a) Resume talks and efforts with the Government of Nepal in order to uphold the right to return and facilitate the voluntary and dignified return of those remaining Bhutanese refugees who wish to return to Bhutan.

(b) Guarantee returnees' access to rights in the same way as other all Bhutanese nationals.

UNHCR
April 2024

UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

ANNEX

Excerpts of relevant Recommendations from the 3rd cycle Universal Periodic Review and Concluding Observations from UN Treaty Bodies

BHUTAN

We would like to bring your attention the following excerpts from the 3rd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Bhutan.

I. Universal Periodic Review (Third Cycle – 2019)

Recommendation[3]	Recommending State/s	Position[4]
Trafficking		
157.14 Develop a National Action Plan on Trafficking in Person, through wide consultation with governmental and non-governmental stakeholders	Seychelles	Supported
157.17 Continue training for law enforcement on trafficking in persons	Jordan	Supported
157.34 Further intensify efforts to address root causes of trafficking in persons, especially women and children	Philippines	Supported
157.35 Step up efforts in conducting capacity-building activities for duty bearers in the areas of combating trafficking in persons and violence against women and children	Philippines	Supported
157.36 Explicitly define and criminalize the sale of children and develop other mechanisms to address child trafficking	Portugal	Supported
157.37 Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking in persons	Qatar	Supported
157.38 Tighten the normative framework that prohibits human trafficking and sexual exploitation, but also the awareness and sensitization of the population in this regard	Spain	Supported
157.39 Intensify efforts to prevent trafficking, through bilateral, regional and international cooperation	Timor-Leste	Supported
157.40 Strengthen legislation and public policies to eradicate trafficking in persons, in particular of girls and boys	Mexico	Supported

[3] All recommendations made to Bhutan during its 3rd cycle UPR can be found in: "*Report of the Working Group on the Universal Periodic Review of Bhutan*" (3 July 2019), A/HRC/42/8, available at: g1919860.pdf (un.org)

[4] Bhutan's views and replies can be found in: "*Report of the Working Group on the Universal Periodic Review - Bhutan – Addendum"* (3 September 2019), A/HRC/42/8/Add.1, available at: https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/HRC/42/8/Add.1&Lang=E

157.41 Redouble efforts to address the root causes of trafficking in women and girls, and ensure rehabilitation and social reintegration of victims	Côte d'Ivoire	Supported
158.57 Develop a new national action plan for combating trafficking in persons, which includes the ratification of the UN Convention against Transnational Organised Crime	United Kingdom of Great Britain and Northern Ireland	Noted
SGBV		
157.118 Address violence against women and girls, including the perception that domestic abuse is normal, by raising awareness of the Domestic Violence Prevention Act and by providing additional services to victims	Canada	Supported
157.122 Enhance the combat against gender-based violence, taking into account the results of the Violence against Women and Girls Study Report by UNDP	Austria	Supported
Child marriage		
157.131 Eradicate child and early forced marriage by providing incentives to girls and their families to remain in school and by addressing rural poverty	Canada	Supported
157.132 Combat early marriage and sexual exploitation of children by raising public awareness	France	Supported
158.64 Take all necessary measures to end the practice of child marriage and define child marriage as an offence in the Criminal Code	Belgium	Noted
Refugees, asylum-seekers and IDPs		
158.67 Take all necessary measures to enable Bhutanese refugees who wish to return to do so in a safe manner and in conditions respecting their rights	Switzerland	Noted
158.69 Take the measures necessary to guarantee effective procedures to determine the nationality of refugee children based on the right to a nationality, in particular Nepalese boys, girls and adolescents	Argentina	Noted
158.70 Give favourable consideration to the return of Nepali-Bhutanese refugees from Nepal, particularly those with urgent humanitarian needs	Australia	Noted
158.71 Continue efforts, together with Nepal, to find a lasting solution to the situation of refugees formerly resident in Bhutan and currently living in Nepal	Germany	Noted
Stateless persons		
158.63 Enable women to transmit Bhutanese nationality to their children under the same conditions as men	France	Noted

158.65 Ensure that children of Nepalese origin are aware of their rights under the law, and that these rights are explained in an accessible manner, including in schools and in official documents	United Kingdom of Great Britain and Northern Ireland	Noted
158.68 Resume discussions with the Government of Nepal on the status of individuals in Nepal who assert claims to Bhutanese citizenship or residency	United States of America	Noted
Migrants		
158.25 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Senegal	Noted

II. Treaty Bodies

Committee on the Rights of the Child

Concluding Observations on the combined second and third periodic reports, (5 July 2017), CRC/C/BTN/CO/3-5

Birth registration, name and nationality

18. Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee urges the State party to:

- **(a) Review the Citizenship Act of 1985 to dissociate birth registration from citizenship, simplify the birth registration procedure after the 12-month period, ensure that single mothers can register their children and ensure that children born to either a Bhutanese mother or father, including in cases when the identity of the father cannot be ascertained, are granted Bhutanese citizenship;**
- **(b) Consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;**
- **(c) Seek technical assistance from UNICEF and UNHCR in the implementation of these recommendations.**

Asylum-seeking and refugee children

42. The Committee reiterates its previous recommendation (see CRC/C/BTN/CO/2 para. 65) and urges the State party to:

- **(a) Enhance 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;**
- **(b) Ensure 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;**
- **(c) Consider acceding to the 1951 Convention relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Children of ethnic Nepalese origin (Lhotshampas)

43. The Committee remains seriously concerned about the situation of children of Nepalese ethnic origin in the State party and regrets the limited information provided on the enjoyment of rights by such children, and in particular in relation to their right to a nationality, to education, to health and to enjoy their own culture, practise their own religion and use their own language.

44. The Committee urges the State party to:

(a) Review the Citizenship Act of 1985 to extend citizenship to children born to at least one Bhutanese parent;
(b) Identify and correct practices that may discriminate against children of ethnic Nepalese origin who lack adequate documentation in their access to education and health services;
(c) Recognize the rights of children of ethnic Nepalese origin to enjoy their own culture, practise their religion and use their language;
(d) Seek the technical assistance of UNICEF in the implementation of these recommendations.

Trafficking
47. The Committee is concerned about the insufficient measures taken to address child trafficking and recommends that the State party:
(a) Review article 154 of the Penal Code (Amendment) of 2011 to harmonize it with article 224 of the Child Care and Protection Act of 2011, and in particular to specify the exploitative nature of the act and define it as organized crime, in accordance with international standards;
(b) Carry out training and capacity-building of law enforcement officials, including police, border police, prosecutors and judges, to ensure effective investigation of cases of trafficking of children and the prosecution and sanctioning of the perpetrators, paying particular attention to cases involving children subjected to forced labour and sex trafficking;
(c) Develop and implement standard operating procedures for the adequate identification and referral of child victims of trafficking;
(d) Strengthen its efforts towards relevant government agencies and officials to collect data on trafficking of children, identify and address the root causes and government responses and report on the situation of child trafficking;
(e) Ensure child victims of trafficking are provided with adequate assistance and protection, including the provision of temporary safe housing and gender-sensitive and psychological recovery;
(f) Consider ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Committee on the Elimination of Discrimination against Women
Concluding Observations, (14 November 2023), CEDAW/C/BTN/CO/10

Visibility of the Convention and the Committee's general recommendations
9. The Committee notes with appreciation that the Convention has been referenced in judgments of the High Court and the Supreme Court and that it has served as guidance for the formulation of several laws. The Committee notes, however, the lack of clarity on whether the Supreme Court's power of judicial review as established in Opposition Party v. The Government of Bhutan (2019) can also be used to interpret national laws in conformity with the Convention and other human rights treaties. It also notes with concern:
(a) The lack of specific capacity-building on the Convention for the judiciary, prosecutors and law enforcement officers and its absence in the curriculum for law students;
(b) The lack of a comprehensive implementation mechanism for recommendations by the Committee and other human rights mechanisms.

10. The Committee recommends that the State party:
(a) Ensure that the Supreme Court has the power of judicial review of legislation to ensure its conformity with the Convention;

(b) Include the Convention and the Committee's general recommendations in all capacity-building programmes, including through judicial colloquia, for the judiciary and in the curriculum for law students;

(c) Accelerate its efforts towards the establishment of a national mechanism for reporting, implementation and follow-up, taking into account the four key capacities of engagement, coordination, consultation and information management of such a mechanism, and ensure that civil society organizations that promote women's rights and gender equality are consulted in its work.

Gender-based violence against women

29. The Committee welcomes the conduct of awareness-raising programmes on gender-based violence against women; the integration of a special procedure for victims with disabilities in the national Standard Operating Procedures for Gender-Based Violence Prevention and Response; the Gender and Child Protection Emergency Preparedness and Response Plan and related capacity-building for front-line workers and case managers; and the increase in women and child protection desks within the police. However, it notes with concern that:

(a) Marital rape is starkly underreported and classified as a petty misdemeanour, carrying a maximum sentence of one year's imprisonment, whereas rape outside of marriage is criminalized as a third-degree felony, which carries a higher prison sentence;

(b) Compensation must be paid to the husband following the rape of a married woman, treating the woman as the property of her husband based on patriarchal notions of so-called "honour";

(c) The introduction of evidence relating to the sexual history of a rape victim during trial continues to be permissible;

(d) Existing cases of so-called "night hunting", a vanishing but still continuing, albeit infrequent, tradition of "courting" women whereby men (locals or, in some cases, civil servants and others visiting the rural villages for official and personal purposes) enter their house at night, often resulting in sexual harassment and assault, is prevalent in rural and remote areas;

(e) Section 22 of the Domestic Violence Protection Act of 2013 allows for mediation in domestic violence cases classified as misdemeanours;

(f) Notwithstanding the criminalization of statutory rape, the Penal Code maintains a reference to "consensual sexual act with a child";

(g) Corporal punishment remains legal under the Penal Code;

(h) There are only two shelters in operation for victims of gender-based violence in the State party, run by civil society;

(i) According to a 2017 nationwide study of violence against women and girls, 53 per cent of women and girls agreed that a man was justified in hitting his partner under certain circumstances and 29 per cent of women and girls who had experienced sexual and/or physical violence believed that men were superior to women.

30. The Committee, recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, recommends that the State party, without further delay:

(a) Align the classification of marital rape in the Penal Code with the classification of rape outside of marriage as a third-degree felony and consider increasing the sentences for rape in a manner that is commensurate with the gravity of the crime;

(b) Abolish any legislative provisions that treat women as their husband's property, conduct corresponding awareness-raising and ensure that compensation for rape is paid to the victim only;

(c) Ensure that the introduction of a victim's sexual history in trial is inadmissible as evidence under any circumstances and that the prohibition of such evidence is strictly enforced;

(d) Ensure that so-called "night hunting" is prosecuted and punished as under the relevant Penal Code provisions, such as on rape, sexual harassment and trespassing, as applicable;
(e) Amend the Domestic Violence Protection Act to ensure that no form of gender-based violence against women is qualified as a misdemeanour, that prosecution is given priority over mediation, that mediation can be used only when explicitly requested by the victim following a realistic choice between the use of legal proceedings and mediation and that its use does not place the victim at a disadvantage or risk, and allow for prosecution in the event that mediation fails;
(f) Amend the Penal Code, removing any reference to consensual sexual acts with children, as well as all forms of corporal punishment in all circumstances;
(g) Allocate sufficient resources to ensure that adequate shelters are accessible to women and girls who are victims of gender-based violence, including women with disabilities, throughout the State party, and adopt legislation providing for effective protection orders, including expulsion orders, against violent partners, allowing victims to stay safely in their home;
(h) Carry out awareness-raising for the general public, in cooperation with different media, and include, in the school curriculum at all levels, education on equality of women and men and girls and boys and on the criminal nature of gender-based violence.

Trafficking and exploitation of prostitution

31. The Committee welcomes the adoption of the National Prevention and Response Strategy on Trafficking in Persons in 2020 to strengthen international cooperation on the protection of trafficking victims, the development of specialized victim identification procedures, the promulgation of guidelines for child protection, including child trafficking, and the opening of a legal aid centre to provide assistance to trafficking victims. However, the Committee is concerned that the State party remains a source and destination country for trafficking in persons, in particular women and girls, mainly for purposes of sexual exploitation and forced labour. It also notes with concern:

(a) The lack of victim identification and protection measures, which are furthermore conditional upon the willingness of victims to cooperate with the prosecution authorities;
(b) The limited knowledge among the judiciary and law enforcement officials about both internal and transnational trafficking and the lack of effective and gender-sensitive investigation procedures;
(c) That section 224 of the Child Care and Protection Act, while criminalizing child trafficking, maintains the requirement of force, fraud or coercion for child sex trafficking offences, thereby not criminalizing all its forms.

32. The Committee, recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, recommends that the State party:

(a) Strengthen awareness-raising and social protection and employment opportunities to decrease women's and girls' risk of trafficking, and establish safe and easy-to-understand complaint procedures for victims of trafficking that do not expose them to a risk of expulsion;
(b) Strengthen capacity-building for law enforcement officers, border police, labour inspectors and health personnel on the early identification of victims and their referral to appropriate services and protection, irrespective of their ability or willingness to cooperate with the prosecution authorities;
(c) Strengthen the investigation capacity of the judiciary and law enforcement authorities in trafficking cases, as well as cooperation and information exchange with the prosecution authorities in neighbouring countries;
(d) Amend section 224 of the Child Care and Protection Act to remove the requirement of force, fraud or coercion for child sex trafficking offences.

33. The Committee welcomes the provision of alternative employment opportunities and skills training to women formerly employed in drayangs (entertainment centres), which were recently closed because women were exposed to sexual abuse and exploitation. It notes with concern, however, that:

(a) Not all women formerly employed in drayangs have been able to benefit from reintegration and retraining initiatives;

(b) Economic hardship resulting from the COVID-19 pandemic has driven a significant number women into prostitution.

34. The Committee recommends that the State party:

(a) Assess the situation of women formerly employed in drayangs as well as women currently in prostitution, to ensure the provision of effective reintegration and retraining programmes tailored to their needs;

(b) Strengthen social protection for women in prostitution as well as exit programmes and alternative income-generating opportunities for women wishing to leave prostitution and to prevent women from having to enter prostitution;

(c) Ensure that women in prostitution are not punished by administrative fines and/or criminal charges.

Nationality

39. The Committee notes that pursuant to article 6 of the 2008 Constitution, the acquisition of citizenship is conditional upon Bhutanese citizenship of both parents, upon having been officially domiciled in Bhutan on or before 31 December 1958 or upon naturalization under certain conditions. It is concerned that:

(a) These requirements affect in particular single mothers and their children when the father is not Bhutanese or when his whereabouts are unknown, until the children successfully participate in a naturalization procedure, attemptable after 15 years of residency;

(b) Ethnic Nepali Bhutanese women who were legal citizens under previous laws or were forced to leave Bhutan in the early 1990s are ineligible for citizenship unless they have documentation from 1958 or before that proves that they or their descendants were legally domiciled in Bhutan.

40. **The Committee notes the indication of the State party that the regulation of citizenship is a sovereign matter; however, it reminds the State party that article 27 of the Vienna Convention on the Law of Treaties provides that a party to a treaty may not invoke the provisions of its internal law as a justification for its failure to perform a treaty. It recommends that the State party consider reviewing article 6 of the Constitution to ensure that all Bhutanese have the right to transmit their nationality to their children, irrespective of the other parent's nationality or whereabouts, and that ethnic Nepali Bhutanese women are eligible for Bhutanese nationality, recognizing their strong links with the State party.**

41. The Committee notes that the State party plans to introduce a digital identification system. While noting its advantages, the Committee is concerned that such a system carries risks for women, given the gender digital gap, the possibility of women's identification being controlled by male relatives or the risks of violation of women's right to privacy.

42. The Committee recommends that the State party carry out a thorough assessment of any potential gender impact in the introduction of a digital identification system and design adequate safeguards, with support from experts in the field of gender equality and information and communications technology.

Disadvantaged groups of women
Women belonging to ethnic minorities

59. The Committee is concerned about the structural inequalities experienced by women belonging to ethnic minorities, including in accessing land. It also notes with concern that many ethnic Nepali Bhutanese women and girls continue to live in refugee camps in bordering Nepal, where they are reportedly exposed to numerous rights violations.

60. The Committee recommends that the State party:

(a) Strengthen its efforts to eliminate intersecting forms of discrimination and structural discrimination against ethnic minority women in all areas of life, including access to land;

(b) In line with its obligation under international law, allow for voluntary return to the State party.

Refugee and asylum-seeking women

61. The Committee is concerned about the absence of a legal framework in line with international standards to protect asylum-seeking and refugee women and girls in the State party.

62. Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party accede to the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967, the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.