

# INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN, 2021

TOGETHER WE CAN END  
GENDER-BASED VIOLENCE AND PROMOTE  
PSYCHOLOGICAL WELL-BEING.



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# INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

25<sup>th</sup> November 2021

## RESPECT, EDUCATE, NURTURE AND EMPOWER WOMEN

Since 1981, 25<sup>th</sup> November of every year has been observed as a day to fight against gender-based violence. However, the United Nations General Assembly formally recognized the day in 2000 as the International Day for the Elimination of Violence Against Women. This act has since invited international organizations, NGO's and governments in a collaborative effort to unify and raise public awareness on the importance of this day every year.

This day is observed to raise awareness on the pertinence of violence against women and girls and the violation of human rights in the world.

Bhutan is joining the world to observe international day for the elimination of violence against women with the theme "**Orange the**

**world: End violence against women now!**" and local theme "**Together we can end gender-based violence and promote psychological well-being.**" The main event is being jointly organized by Paro College of Education (PCE), NCWC and RENEW with the support from UNFPA, UNDP, JICA at Paro College of Education.

Her Majesty the Queen Mother Gyalyum Sangay Choden Wangchuck, the royal patron of RENEW graced the occasion as the Guest of Honour and delivered nationwide address to mark the day.

Her Royal Highness Princess Euphelma Choden Wangchuck attended this event along with national and international dignitaries.

## Highlights of the day

### Launching of:

1. Audio visual – We can do it! Nga Che Gyi Bay Tsub
2. Sexual Harassment Prevention Policy and E-Module on Comprehensive Sexuality Education
3. Impact Assessment report of COVID-19 and Mobile Apps
4. Druk Global Positioning System (DGPS) - a life saving technology
5. Awarding of Prizes for Innovative livelihood Products

The event on the **25<sup>th</sup> November 2021** kick started the observation of **16 days of activism against Gender-Based Violence** and concluded on **10<sup>th</sup> December 2021, the International Human Rights Day**.

This activism is intended to address gender-based violence and promote communal support in combating to end gender-based violence in Bhutan. Violence against women and girls has always been a colossal issue globally and it has intensified since the outbreak of the COVID-19 pandemic.

We saw increasing number of domestic violence cases, child sexual abuse and exploitation, teenage pregnancies especially during the lockdown and the sexual harassment at work place is surfacing. The gender-based violence

therefore continues to be a hindrance in the fight for equality and equity and is a leading cause for mental health issues in the country.

RENEW continues to stand by its commitment to create a society free of discrimination and exploitation of women and children through unite campaign calling out for increased awareness, galvanize advocacy efforts, and share knowledge and innovations.

### Towards this, RENEW is observing the day in 20 dzongkhags and organizing:

- Social Media Art competition
- Workshop exclusively for men and boys
- Promotional interview both in Dzongkha & English

*MSTF-CBSS (Multi Sectoral Task Force under MoH & Community Based Support System under RENEW-Community volunteers' network in the dzongkhags).*

**“Together  
we can end  
gender-based  
violence and promote  
psychological  
well-being.”**

# SEXUAL HARASSMENT: HOW FAR HAVE WE COME?

## **NCWC calls for a harsher penalty for sexual assault perpetrators**

*November 19, 2020*

The National Commission for Women and Children (NCWC) is calling for more effective strategies and interventions in minimising and preventing rape cases in the country, including reviewing legislation.

The call follows statistics of rape the commission compiled and how perpetrators are dealt with when convicted for the crime.

The commission, through a compilation of cases of rape in the country between 2009 and 2020, found about 530 cases of rape. Of that, 70 percent are rape of children.

Their analysis found that about four women and children were sexually assaulted every month in the last 11 years.

A press release from the commission stated there were 372 reported cases of rape and molestation of children in the same period. "Of the total figure, 41 cases are statutory rape, 286 cases of rape of children above 12 years, 20 cases of gang rape of a child and 25 cases of child molestation."

There were also 30 cases of attempts to rape a child, of which 19 are for statutory rape and 11 are for children above 12 years.

The commission cited the example of murder cases of Paro and Dechencholing in 2018 where two minor girls, aged eight and 10, died of

heinous crimes committed against them. That same year, a five-year-old girl was also raped in Dagana, a four-year-old was molested in the CFM at Thimphu and a six-year-old boy was raped in Paro.

Data from the Office of the Attorney General (OAG) showed there were 158 cases of rape of women of which 23 are cases of rape of a woman, 21 are cases of gang rape of a woman, 26 cases of rape of a married woman and 9 cases of gang rape of a married woman.

There were also 59 cases of criminal attempts to rape a woman, 41 cases of attempt to rape a woman and 18 cases of attempt to rape a married woman.

NCWC's analysis revealed that in terms of the sentencing of the cases, 64 percent of the cases were convicted, 22 percent are still pending before court, about six percent have been acquitted. The commission reviewed 45 cases of rape of minors and observed a common pattern where the perpetrators received a minimum sentence.

It found that 71.1 percent of the perpetrators were given the minimum punishment of which 81 percent were for no particular reason. "Over 60 percent of the victims were known to the perpetrators and 16 percent of the victims were related by consanguinity," the commission stated.

The Penal Code of Bhutan recognizes sexual intercourse with a child below the age of 18

years as a penal offence. Section 182 of the Penal Code (Amendment) Act of Bhutan 2011 states that the offence of statutory rape shall be a felony of the first degree.

The commission stated that to deter such crimes, there is a need to raise the penalty to life sentence if the defendant is in a position of authority or trust towards the child, or where a child is in a relationship of dependency or in a relationship that is exploitative of the child.

### **Are we failing our children? (Editorial)**

*Date: 7/10/2018*

The news of the three under-14 girls, who have been facing repeated sexual assault where they ought to have been most safe, is disquieting. The alleged perpetrator of the despicable crime on these minors is their 83-year-old great-grandfather.

The stepmother of the 13-year-old girl believes that the child could have been raped by her maternal great-grandfather since the age of four. A medical examination found that one of the siblings was indeed raped and that the signs were not from recent penetration.

The children were so traumatised that they finally decided to open up to the school counsellors about what lies in wait for them at home after school. It was established that the family with no reliable source of income had to depend of the perpetrator of the crime who seized upon the situation and began ill-treating them. He even threatened the parents of the children using abusive language.

An NCWC assessment found that sixty percent of the perpetrators involved in sexual violence against children are someone known to them; 15.56 percent of the perpetrators included biological father, relatives, and siblings.

The fact that sexual crimes are increasingly being reported may be a sign that counselling and reporting systems are working. The commission has plans to install Toll Free Helpline Services (1098) in October to provide 24/7 counselling and immediate referral services for women and children in need of care and support. Although late to initiate, such initiatives will go a long way in stopping sexual crime against women and children and in helping victims recover from traumatic experiences.

While the mother and the girls are in Thimphu for further medical examinations, it is learnt that the man is walking scot-free. Some are of the view that the man is too old to be brought before the law. Old or young, the perpetrator of the crime must face the law. Otherwise, we would be failing our children.

### **Let things private remain private (Editorial)**

*Date: 8/17/2015*

There is nothing more personal and private than sex. Yet today our society is waking up to a very disturbing reality. One's private life is no longer private. We are talking about sex clips that are being shared on mobile text and voice messaging app WeChat. Even as we talk about this deeply deplorable phenomenon that has come into our otherwise prim and prudish society, somebody somewhere must be sending video files of a couple in intimate rendezvous to friends and colleagues. But, really, what is the point of it all? Encroaching into somebody's private life this way is criminal. Whoever is doing this is being despicably immature and irresponsible. It is someone's private moments that you may be made public this day. It could be yours or your family members' tomorrow. Often it is only when

things get on you that you feel the real pain. Repercussions of such reckless and unfeeling acts can be dangerous. When private matters that should remain private are scooped up and made public, it can cause untold pain and embarrassment to individuals making their existence in society difficult. We have laws that criminalise distributors of sexual content, but they are weak. A group of 2,300 people signed an online petition last year demanding specific and stringent laws against the non-consensual distribution of sexual materials. But stricter laws against a thing as private as sex could give rise to a whole set of new complications. What Indian police are doing with people in hotel rooms should serve as an example. Certainly, we don't want Ayatollahs under our bed sheet. But we can, all of us together can put a stop to it. If anyone is found distributing videos of such private nature, report to the police. All that is needed is a little cooperation among ourselves. Much depends on and should begin with an individual, however.

### **No complaint on sexual harassment at workplace reported to RCSC**

*Date: 2/20/2019*

Except for two verbal complaints of sexual harassment at workplace reported through telephone, the "Go to Person" (GoP) has to date not received any written complaint from civil servants.

The Royal Civil Service Commission (RCSC) instituted GoP on July 3 last year to help civil servants report incidences related to sexual harassment at the workplace including official travels, conferences and meetings.

Senior human resources officer with RCSC's well-being services, Sherab Zangpo said that the two complainants who verbally reported the case did not want to reveal their identity or

the organisation and so the Commission could not take any action. The GoP was established as a response and re-dressal mechanism during the 136th commission meeting to respond and provide timely and effective assistance, and to have zero tolerance to all forms of sexual harassment at the workplace.

Sherab Zangpo who also looks after the GoP said sexual harassment is a complex subject. Any unwelcome behaviours practised at the workplace can be reported to the GoP.

"It could probably be a hesitance to report than the lack of awareness among civil servants," he said. "We sensitised all human resources officers who relayed the information to the civil servants."

According to the standard operating procedure, sexual harassment at the workplace is divided into four categories - verbal or written, physical, non-verbal, and visual.

Sherab Zangpo said an individual could file a written complaint in person to GoP following which the complaint would be registered for review by the well-being committee. If the misconduct was found to be petty, it would be dealt with as per the BCSR while major cases would be referred to NCWC.

The RCSC as a part of the "civil service welfare" set up the civil service support desk (CCSD) and launched the GoP to resolve non-HR action related issues at the workplace.

### **Sex tourism, an emerging vulnerability**

*December 12, 2015*

Although no figures are available, the trend is reported to be rampant in the industry. Bhutan is slowly emerging as a destination for sex with tourists from the West and the sub-continent looking for young girls and boys in Bhutan.

This was one of the emerging vulnerabilities listed in the recently released study on status of vulnerable children conducted by RENEW (Respect, Educate, Nurture and Empower Women) with support from Save The Children.

While there are no figures to support these “invisible findings” the study states that this has been happening for some time.

“This is the area where high-end sex workers also enter,” the study states. “Tourists are preferred due to the monetary incentive and also the fact that they would leave the country, thus protecting identity of the service providers.”

Other emerging vulnerabilities, according to the study are commercial sex workers, which include children besides children born to HIV/AIDS patients but are negative, family and neighbours of children with mental illness and children of parents serving time in prison.

The study also states that there are commercial sex workers below 18 years, whose identity and phone numbers are known by few people. “High-end girls, both children and youth insist on going to hotels of their choice for sex,” it states. The study highlighted those under-age girls, including students being engaged in the trade and attributes this trend to poverty. Those serving high-end customers charge a minimum of Nu 15,000 a night.

Guides Association of Bhutan’s president Garab Dorji said that from what he heard, it was quite rampant. A tour operator said the issue was more prominent among regional tourists than the tariff paying tourists. The study also states social stigma, low self-esteem, single parents and poverty have made children born to HIV/AIDS patients but are negative, more vulnerable.

Lhak-Sam, the study states was not able to bring this group into their family while there is no record on the number of HIV/AIDS patients who are married and have conceived. “Neither is there a record of children who are negative but born to HIV/AIDS parents,” it states.

Mental trauma such children faced has led to attempted suicide among them, the study states.

### **Massage parlours or brothels?**

*September 28, 2021*

Police in Phuentsholing detained two women and a 14-year-old girl in a massage parlour last week in a suspected prostitution racket.

It was learnt that the massage parlour in question, which is owned by a woman in her 30s, was providing sexual services along with massage in Deki Line.

The 14-year-old girl and a 21-year-old woman worked as massage therapists although they aren’t trained and certified massage therapists.

Sources confirmed that the massage therapists charged Nu 1,500 for a one-hour service, Nu 1,000 of which was given to the parlour owner. They kept the remaining Nu 500 from each customer.

Sources said the parlour had a supply of condom packets for customer use.

Meanwhile, a driver is also under police custody. He is in detention due to his connection with the 14-year-old girl. The girl, who is from Tsirang, had come to meet the driver. They met through Facebook. Sources said the driver and the minor have engaged in a sexual relationship. Since the girl is a minor, the driver will be charged for the rape of a minor.

The girl will be handed over to the relevant organisation for counselling and further care.

According to a trade official, there are about 45 registered beauty parlours, spas, and massage and wellness centres.

Due to the pandemic and repeated lockdowns in Phuentsholing, it is also unclear how many are currently operating.

### **Why sexual harassment- an introspection**

*October 5, 2021*

The recent reports of sexual harassment sparked discussion at various workplaces. The data published by the police on their annual statistical yearbooks show that from 2013-2019 more than 47 sexual harassment cases were reported at various police stations across the country, which is just the tip of the iceberg because cases reported to other government and non-government organisation are not reflected. If all the cases were accounted for, the issue might be more alarming than the situation reported. Similarly, a study on factors influencing workplace violence perceived by nurses in Bhutan by Cheki (2020) also reveals that 1.57% of nurses face sexual harassment at workplaces. Further, Chuki (2015) mentioned female public servants at lower levels are the victims often.

These news and study findings clearly show sexual harassment exists at workplaces. The government also acknowledges it exists and has developed legal and policy measures to create a conducive working environment for women. One of such recent initiatives is the internal framework to address gender-related issues at workplaces, eliminate all forms of discrimination, including sexual harassment, and provide an avenue for victims to report cases directly to the committee to resolve

the issue. All agencies adopt the framework as a mandatory indicator under their annual performance agreement (NCWC,2019). However, this framework might not have paved its way across all sectors. However, the central ambiguities foreseen in the framework is complaint management/ committee's set-up in each agency. Do agencies have the right to resolve or take the complaint at first instances if it's criminal in nature? If so, how will they deal? Sexual harassment is classified as a criminal act as per the Penal Code of Bhutan.

These mechanisms have not favoured victims' confidence to report cases to different agencies. Even in the civil service, having a dedicated office "Go To Person", under the Civil Service Support Desk for civil servants, many might not be confident to report it and data indicates civil servants are confronting sexual harassment at workplaces. The main reasons globally for not reporting sexual harassment at workplaces could be lack of recognition of sexual harassment as an issue, double victimisation, social stigma, and lack of confidence in people who deal with such cases, and our society cannot be an exception.

There are numerous factors intertwined with each other contributing to sexual harassment at workplaces. We do have gender insensitive jokes and norms extending to physical contact. This entails sexual harassment, which not only embarrasses and humiliates but also mentally tortures individuals and families at large.

The consequences of sexual harassment at workplaces, faced mainly by women ranges, from health, economic, social, psychological, and personal such as suicide, self-harm, lack of meaningful contribution and low self-esteem at an individual level and cost of treatment, training, education, loss of productivity,



goodwill of the organisation or country and impacting gender equality commitments at national and international level.

So, as a society, we should stand up for each other to protect our mothers, aunts, sisters and daughters to enable them to work in a conducive environment and boost their confidence to return home from work or stay at home safely and happily.

### **Are we normalising sexual harassment?** *September 25, 2021*

Long ago, even today in some rural villages, men and women share crude jokes and even touch each other inappropriately while working in groups in the fields.

This playful age-old culture, many say, is being used to normalise sexual harassment today. The workplace has changed from fields to offices and many now question if Bhutanese society is normalising sexual harassment in the name of culture.

Those following the issue closely say times have changed and with increasing sexual harassment cases, there has to be a holistic policy in every organisation to deal with workplace sexual harassment.

A few years ago, the Royal Civil Service Commission has instituted the "Go to Person" to encourage women to come forward to report sexual harassment cases and the labour ministry mandates all corporations and organisations to have service rules and regulations to address such cases.

But the rules and regulations, going by records, remained only on paper and many women, who faced sexual harassment at workplaces, are not comfortable reporting it. Even if they do, they are not taken seriously.

Sexual harassment, according to Penal Code of Bhutan includes staring or leering, unwelcome touching, suggestive comments, taunts, insults or jokes, displaying pornographic images, sending sexually explicit emails or text messages, and repeated sexual or romantic requests. It also includes behaviours such as sexual assault, stalking or indecent exposure. Many said it was time to change the perception that sexual comments are harmless flirtation or are trivial and that if not done intentionally, cannot be considered harassment. Sexual harassment at workplace is referred to as "unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment."

In most cases, victims are female and it is, often, between a superior male officer and female subordinate. An independent researcher based in Thimphu said that from an academic view, such a concept is known as power relations or power relationships or accommodation of power.

"When a superior makes any kind of nasty remarks or sexual jokes, the subordinate would be forced to accept the joke even if it was in terms of sexual harassment," he said. "This happens because they believe they should not respond while on the other hand the superior feels it's fine to joke."

The academician also said with changing times, the acceptance is changing. "These are emerging problems and we must fix them."

A programme officer with the RENEW, Yangchi Pema, said the society is normalising sexual harassment because it is difficult to prove especially when it requires evidence and witnesses.

"Most victims today face pressure from all sides to mediate and withdraw the case," she said. "Such practice over the years has made women lose trust in the system and do not come forward especially when she is asked to prove the harassment." Experts say there is a need for awareness on sexual harassment at a regular interval in different places if we want to safeguard girls and women. Many say people still do not even know the definition of sexual harassment.

"In our country, sexual harassment is still unclear because of cultural baggage and it's difficult to tackle," Yangchi Pema said.

A researcher said that even if few people speak up, it will deter people from indulging in such behaviour. "Victims need support from the system to fight, including support from female superiors. Our women must gain confidence in the system."

An independent journalist, Namgay Zam, said that in many cases, women are not able to report because the society, in the name of culture, concludes the victim as hysterical or overreacting.

"There are cases where women have been told they are overreacting and they should let it go because they're not raped," she said. "Another is the backlash of discrimination where they are being judged by people."

Namgay Zam said that these are the reasons why women do not come forward. "Only now we begin to understand that women should not accept it if we feel uncomfortable."

### **Sexual harassment rampant in offices?**

*September 18, 2021*

Even as Thimphu police are investigating an alleged sexual harassment case in the Royal

Tutorial Project, Kuensel learned that a female staff member at Bhutan Power Corporation (BPC) has also filed a complaint to the management against a director for behaving inappropriately and harassing her.

Kuensel learned that the incident occurred around 2am on September 15, when the alleged victim and another female colleague were attending to their night shift duties at the company's customer care office. While the two night shift staff members reportedly took turns to attend to customer calls and to sleep, a director walked into the office in a drunken state.

The director, after seeing one of the staff sleeping, reportedly shouted that they would be terminated from their positions.

He shouted at the one who was awake and told her to go into the toilet, a source told Kuensel. But she was uncomfortable with leaving her sleeping colleague alone.

The director kept warning her that he would terminate her for not obeying him. She saw her colleague waking up, and then went outside, but not into the toilet.

At the time, she was more worried about losing her job than anything he did, a source told Kuensel.

The other female staff member who had been sleeping complained to the management that when she opened her eyes, she saw the director standing over her and looking down.

When she woke up and saw the director, he allegedly held her from behind.

She did not know how to react or what was happening until she felt his hands on her, a source said. She had heard many such stories, but never believed them until that night. It was alleged that when the staff member pleaded

with him and told him she needed to go to the toilet, he ordered her to shut her mouth. When she kept insisting, he asked if she would come back.

Kuensel learned the victim then immediately called their supervisor from the toilet and narrated the incident. The supervisor, however, told her they would deal with the case in the morning. She was literally crying because she was so scared and she didn't know what to do. He reportedly kept banging the toilet door and she had to lie to him that she hadn't finished relieving herself.

The woman stayed in the toilet for about an hour, and came out only after the director left. The staff went with the supervisor and complained about the matter to the management.

Kuensel learned that following the victim's complaint, two more female employees have come forward to share similar experiences with the same director.

BPC's chief executive officer said that he was not aware of the incident. "Perhaps I was not informed because of the holidays. If the incident is true, the report will reach me by Monday."

He said they have rules to deal with such cases. "There is a provision that mandates that such cases will be dealt with by a committee led by a female staff member."

Sources from BPC confirmed this is not the first time a sexual harassment case has surfaced within the corporation.

A source, on the condition of anonymity, said women in BPC do not lodge formal complaints to police because the corporation's rules mandate complainants to file cases with the management for resolution first. "Many

women, both supporting staff and officers, have reported the director for sexually harassing them, but they have not reported the matter to police, fearing it is against the company's code of conduct."

Kuensel learned that some women felt they could not lodge complaints out of fear of the director further harassing them. Sources said there is no proper grievance redressal system in place in many offices in Bhutan for when employees are sexually harassed.

"There should be a proper standard operating procedure for the whole nation," a senior manager in one of the corporations said. "Leaving it up to individual offices to review complaints does not address the issues at hand. Most management figures try to cover up these cases."

A law enforcer said many women are scared to report sexual harassment, as it is taken lightly in the country. According to a media release the National Commission for Women and Children (NCWC) issued in 2018, sexual harassment at the workplace is referred to as "unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment."

The commission stated it was the most typical form of harassment and that sexual harassment was rampant and at least 40 to 60 percent of working women have experienced sexual harassment in the workplace at least once in their lifetime. Meanwhile, Kuensel learned that Thimphu police have registered the sexual harassment case against the senior official in the Royal Tutorial Project, and are investigating the case.

*Compiled and summarized by Sudarshan Subedi and Tshering Palden, Kuensel*

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# BCCI SENSITISES ON SEXUAL HARASSMENT AT WORKPLACE

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To enhance understanding on sexual harassment, legal, policy provisions and reporting procedures at workplace, Bhutan Chamber of Commerce and Industry (BCCI) is organising a training among chief executive officers and human resource managers with private and corporate sectors and associations since November 23 to 25 in Paro.

The training conducted as part of the implementation plan of the internal framework to address gender issues at the workplace, is also training senior officials with spa and massage centers, drayangs and hotels. It is also aimed at educating on the consequences of sexual harassment and strategies for prevention of sexual harassment.

The officials said that the involvement of BCCI in the gender mainstreaming in the private sector is a recent initiative.

The BCCI in collaboration with National Commission for Women and Children, funded by United Nations Development Programme has undertaken "Sustainable Development Services Programme on Gender Equality, Diversity and Inclusion in the private sector" with technical assistance from United Nations Development Programme in recent times.

"One of the major activities under this programme is to train and create awareness among its members on sexual harassment and help create a gender friendly and conducive working environment," the official said.

The training is expected to help the agencies in understanding the basic concepts of sexual harassment, legal policies and developing an internal mechanism on reporting of sexual and other forms of harassment at workplace.

Some of the internal mechanisms include appointment of focal person or a committee within the agency to facilitate sexual harassment reporting and other forms of harassment to the management.

Developing or including sexual harassment provisions in the company's service rules, providing gender-friendly facilities at workplace and necessary support to the victim were also expected to be initiated in respective workplaces.

*Chimi Dema, Kuensel*

# PARO COLLEGE OF EDUCATION FRAMES SEXUAL HARASSMENT POLICY

Paro College of Education, in partnership with the United Nations Population Fund (UNFPA) in Bhutan and RENEW, launched the sexual harassment prevention policy on November 25, coinciding with the international day for the elimination of violence against women.

Despite robust legal and policy frameworks, gender-based violence and violence against women and children remains significant. Sexual harassment continues to go unnoticed and unreported as victims are unsure about where to seek help or whether their experience would be considered as sexual harassment.

PCE's dean of student affairs, Ngawang Phuntsho, said that with the rise in sexual harassment cases in the country, especially in schools and colleges, many felt the need for a sexual harassment policy. He said that having a policy would put a precise mechanism to tackle the issues, besides enabling the lecturers to educate and advocate on the prevention of sexual harassment in the college.

Through this policy, he said that the college aims to create a respectful, safe and caring environment for learning within and outside the campus. He said that knowing sexual harassment could occur in any place and under any circumstances, the policy is expected to create an understanding of what sexual harassment is and measures to report and prevent it.

Besides, he said that the policy would highlight 'sexual harassment' as an issue. Both staff and students will become aware of possible harassment on campus, whereby prevention will

be prioritised. **"In any case of sexual harassment on campus, the policy will empower the victims to report the matter instantly."**

With the policy in place, Ngawang Phuntsho said that the college would promptly and more effectively respond to sexual harassment issues, adding that the policy would guide the college in conducting fair investigations into the reported cases.

While the college did not receive any sexual harassment cases, he said that as a DSA, he would have faced challenges in dealing with it fairly without a policy.

He added that the college would pilot the policy for a year and then review and update the approach based on feedback from staff and students. "Finally, we will implement the policy to educate, advocate and eliminate sexual harassment."

Considering the importance of a policy to deal with sexual harassment cases, PCE's assistant professor Ugyen Tshomo, who is involved in framing the policy, said that the policy would ensure that the college staff and students comply with the highest ideals, values and standards required by the university.

She said that the college took the initiative to frame the policy to advocate sexual harassment and assure a respectful and safe environment for all staff and students. "The policy will educate and empower staff and anyone associated with PCE on sexual harassment."

*Phub Dem, Kuensel*



# SURVIVING SEXUAL HARASSMENT IN WORKPLACES

*Not many offices in the country have a system in place to address the issue*

Since her first year in service, Pem (name changed) had to endure unwelcome comments, mostly sexual in nature made by a superior male officer at the workplace.

She works in one of the corporate offices in Thimphu.

The officer would come and start conversations. He would send text messages on the phone and on social media accounts. He even started touching her inappropriately.

"As the boss, I had been respectful and obedient at first," she said. "He then started taking advantage of my obedience. In course of time, he would just come out of nowhere, touch me inappropriately and act as if nothing happened."

She said she was even scared to stay alone in the office. "It really affected me, but I did not

know where to report. I told myself many times I have to stop this, but did not know how."

Although Pem's office is one of the biggest corporate offices in the country, there is no official designated to look into sexual harassment cases. There was no focal person.

She said sexual harassment is mentioned in the service rules, but there is no mechanism to address it.

According to Pem, she thought of reporting to police many times. However, she had to drop the idea, realising providing evidence of sexual harassment would be difficult. "I didn't know the text messages could be used as evidence then."

Besides reporting the issue to authorities, victims also feared societal judgment.

“People judge victims and make them feel guilty. Most people only blame the victim,” Pem said.

When she discussed the matter with her mother, her mother wanted her to stop raising the issue. “As most Bhutanese women grew up accepting whatever men did, my mother was no different. Changing that mentality is difficult.”

Pem’s mother thought she would create more problems by reporting the issue.

Pem suffered from anxiety, depression and trauma. “This can be compounded for someone who can’t afford to leave their unsafe situation,” she said.

As time passed, Pem said that she responded to his inappropriate conduct. “I did not let him abuse me. I stopped him by telling on his face that it is unwelcome.”

But the official was powerful. He avenged her by threatening her and even stopped her official trips.

Pem even reported the matter to the police.

“In the beginning, I did not gain enough courage to report the act as sexual harassment even when I felt uncomfortable with his misbehaviours,” she said. “Because incidents like this are not discussed in open, it was hard to define and then quantify the extent of sexual harassment.”

According to a media release the National Commission for Women and Children (NCWC) issued in 2018, sexual harassment at the workplace is referred to as “unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment.”

Records maintained by the Thimphu Police showed 13 cases of sexual harassment until the first week of November this year.

Meanwhile, with cases of sexual harassment becoming rampant in institutions and workplaces, Pem said that it is important for victims to come forward and report the incident to deter others from committing the crime.

*Chimi Dema, Kuensel*



## BREAKING THE SILENCE OF SEXUAL HARASSMENT

With cases of sexual harassment in colleges and at workplace escalating in recent times, it has been overwhelming for a service provider catering to the needs of the victims. Such unprecedented time is also a reminder for every organization to proactively respond to such situation. Although, Bhutan has procedures and mechanism to deal sexual harassment at workplace, yet regulating the procedures and mechanism remains a daunting challenge for service providers. For the victim social stigma and stereotype remains the key challenge, which is further aggravated by hardship in availing access to justice and reporting. Many a time, the victims are unsure about where they can report. Many say people still do not even know the definition of sexual harassment.

### Challenges

The **Section 205** of the penal code of Bhutan states, "a defendant shall be guilty of sexual harassment, if the defendant makes unwelcome physical, verbal or non-verbal abuse of sexual nature." Likewise, **Section 462** states that "A defendant shall be guilty of the offence of harassment, if the defendant engages in a course of conduct that places

a person in reasonable fear of emotional or mental distress." Both offences amount to petty misdemeanour of criminal nature.

Although the Penal Code of Bhutan explains the distinct difference between sexual harassment and harassment, however, many people still consider both nature at the same level. We often fail to consider sexual harassment has a severe degree of violation of human rights – violation of bodily autonomy and choices which in return has an unbearable ripple effect not only to social life but also to reproductive health. Furthermore, even when victim reports sexual harassment cases, the law enforcement agencies often fail to understand and define sexual harassment. They mostly relate sexual harassment to offences having conduct of sexual in nature. Many think sexual comments are harmless flirtation or are trivial and that if not done intentionally, cannot be considered harassment.

To initiate holistic policy to deal with workplace sexual harassment, a few years ago, the Royal Civil Service Commission instituted the "Go to Person" to encourage women to come forward to report sexual harassment cases. The National Commission for Women and Children (NCWC) instituted the "**Internal Framework for Addressing Gender Issues at the Workplace**" to provide complaint procedure for dealing Sexual harassment within the sector. In addition, service providers



such as RENEW's conduct constant awareness programme on sexual harassment. However, many employees and victims are unaware of where they can report the incident.

In some cases where victims are aware of where they can seek help, they do not come forward fearing disclosure of identity and backlash of discrimination from the society although maintaining confidentiality of the victim is a core principle to every service provider.

It is absolute that victims of harassment undergo mental health and psychological problems. Yet, to prove mental distress in the eyes of law has been the key challenge. Furthermore, due to the lack of evidence, many cases go unreported and also, because of fear of stigma within the community and self-blaming this is encouraging victims to tolerate and encourage the perpetrators. At workplace due to the power imbalance, many victims tolerate such offence as they are afraid of losing either their jobs or legitimate opportunities for career advancement.

### **Recommendations**

To help victims' access justice for sexual harassment, one key recommendation would be to orient all law enforcement body to be more gender sensitive. Dedicating training for law enforcement officials on gender information and human right approach must be instituted. Such specific training could supplement the ongoing efforts of the government such as instituting of family bench court and women and children protection division or desk.

To prevent re-victimization, for instance in some cases, the victims lack the support from their spouses and families, which, in turn stops them

from seeking further support, service providers must continue its awareness programme through digital platforms to disseminate information and reach wider audience.

With the implementation of laws against harassment, there is a lack of redressal and follow up by the concerned agencies. It is important to evaluate and monitor such cases. In line with this, referral is also a huge part of assisting victims to garner proper services. In order for successful completion of cases, strengthening multi-sectoral approaches between relevant agencies is important. Additionally, institutes and organizations need to develop their own internal mechanism to prevent, respond and refer sexual harassment cases.

In Bhutan sexual harassment is still tolerated to this day, harassment is covered under the blanket as staring, leering, unwelcome touching, suggestive comments, taunts, insults or jokes, displaying pornographic images or videos, sending sexually explicit emails or text messages, and repeated sexual or romantic requests, stalking or indecent exposure. Thus, to shed light on what harassment and sexual harassment is, we as service providers need to help make the general public aware of such misconduct.

For any help please reach out to RENEW. RENEW is a civil society organization working to address gender-based violence and sexual violence in the country. We provide counseling services, legal aid and shelter services to victims of gender-based violence and sexual violence.

*Contributed by Dechen Choki,  
Legal Officer at RENEW*



# PUBLIC VIEWS ON SEXUAL HARASSMENT

In an effort to trigger more discussion around the sexual harassment and abuse issues including implementation of laws and policies, and to call for more effective strategies and interventions in reducing and preventing such offences, we have gathered views of people from different walks of life on the subject.

## 1 Sonam Penjor, Youth

Sexual harassment is as pervasive as number of cars in Bhutan. Women are disproportionately victims of sexual harassment. I make this observation as a guy but it is very clear that women feel unsafe to go out on their own.

Catcalling, whistling, passing unsolicited comments, name calling, etc. that on surface does not inflict huge harm -- but is subtly and just as corrosive as violent crimes related to sex. However, there is hardly any discussion on the impacts of such harassment on girls, especially young girls. It happens on the streets, ordinary neighbourhoods, a passing-by car shouting and catcalling women, etc.

As mentioned earlier, one reason why it is tolerated is because of social and cultural failure to understand the inherent power

imbalance, which is the root cause. Sexual harassment is really a show of power by the perpetrator over the victim. By its nature, it has very little to do with sex per se. It is about vindicating or reaffirming a men's place or women's place in society. Sensitize and educate over the long run. It is a pipe dream to hope for enduring change overnight. Change has to be society-wide. Change can be brought when, for example, a director can successfully teach these themes through movies, or when novels explore such ideas. These are just as important mediums as sex counselling classes or textbooks in schools.

Holistic approach is the only way. Outsourcing it to only women, police, men or teacher will not bring about enduring change. There is the need to build coalition among researchers, teachers, student bodies, policymakers and law enforcement. Enduring change for the better will make Bhutan and its social spaces a safe place for women which carries a moral but also a logical benefit for everyone in the end.

## 2 Private Employee

Sexual harassment includes staring or leering, unwelcome touching, suggestive comments, taunts, insults or jokes. I've experienced once when I was in class 12. One day while I was travelling in a city bus, a guy touched my breast. He did not stop until I got his hand off and

changed my sitting position. I was awestruck in the beginning and felt miserable of being a woman at the same time. I did not share the incident with anyone fearing stigmatization from the society. Moreover, it wasn't comfortable to speak out and discuss about sexual harassment that time around. Instead, I maintained distance from the strangers when travelling in public transports.

Sexual harassment is an emerging issue these days. I feel it is rampant in schools and workplaces where there is a hierarchical working system. Factors including position and social status all feed into who harassment affects. Even if the victim wishes to report the matter, he or she fears the immediate job risks such as ostracism and firing. As a result, the victim suffers from trauma and their mental health deteriorates.

More awareness and sensitization on the subject needs to be conducted to encourage victims to come forward and speak out. Agencies concerned must focus on preventive measures by establishing more service centers that would help victims report the incident.

### **3 Pema Choedey, a village resident**

Well, in most of the rural places, oral sexual harassment is visible and a very common thing. It's in fact, injected in the very tradition that men used to mock us with sexual dialogues and they go up to the extent that they insist us to be their sexual partner. But culturally, these things are considered as normal. Well, I had never been the victim of sexual harassment but there are some who has been sexually abused but are afraid to report to concerned agencies.

Firstly, it is very hard to share our problems with other people as it may cost our identity. Sexual activities are associated with shameful act to the extent that it is considered as taboo especially if women are known to be involved in such activities. Moreover, it is very hard to find one who understands our problems and helps us to stay safe from such violence. We heard that there are many agencies that care about rights of the women. However, we do not know where and how we should approach these agencies.

As a parent, we are worried about our children especially our daughters. If they fall victim to such harassment, it will not only hamper them alone. Society might jeopardize the victim's life. Such harsh social stigma can be the worst for the victims.

Sexual harassment can happen anywhere. I heard that there are cases that many women are victims of sexual harassment in many institutions and work place. Such problems are common because women are considered weak physically, everyone is trying to take advantage to such loopholes. Advocacy would be the most important component to change the mindset of the people against any women. Society should respect women and their sexual rights.

Well, I am not sure with the definition. But I think sexual harassment is when powerful people in the society tries to abuse the weaker ones sexually.

*Disclaimer: Names of the interviewees were changed to protect their identity.*

*Interns, Kuensel*

## PROPORTION OF WOMEN EXPERIENCING ECONOMIC AND EMOTIONAL VIOLENCE HIGHER THAN MEN DURING THE COVID-19 PANDEMIC

Gender-based violence against women and children is a serious violation of human rights, which has grave implications on public health, lives and development. Ending violence against women and children is an international commitment, and Bhutan has also been making inroads in addressing this pervasive violation of rights. Nonetheless, women and girls continue to face discrimination due to unequal gender power relations and their differential needs.

This has been further exacerbated by the COVID-19 pandemic, whereby women and girls have faced a disproportionate impact of COVID-19 globally. Strict lockdown measures adopted, and though confined to the homes, it has proven to be not safe for many women and girls. Reports showed an alarming increase in the already existing shadow pandemic against women. Since the outbreak of COVID-19, emerging data and reports from those on the front lines, have shown that all types of violence against women and girls, particularly domestic violence intensified.

The assessment of the impact of COVID-19 on women and children by the National Commission for Women and Children (NCWC) reveals that six percent of adults experienced one or more forms of gender-based violence during the pandemic. While there is no significant difference between women and men experiencing physical and

sexual violence, higher proportion of women and girls experienced emotional and economic violence. However, around 64.8 percent of adults (men and women) feel that physical violence (against women in particular) has increased significantly as a result of COVID-19.

While the findings from the survey revealed that prevalence of non-respondents among those experiencing gender-based violence was significant, the administrative data maintained with different service providers showed an increase in the number of cases reported.

For instance, NCWC received 123 cases in 2020 alone. Likewise, RENEW received 167 cases of emotional, 56 physical and 42 cases of economic abuse and One Stop Crisis Centre recorded 288 cases of GBV, in 2020.

### INTERVENTIONS

The National Commission for Women and Children in collaboration with relevant agencies developed a contingency plan for gender and child protection to address gender and child protection issues during the COVID-19. Through the contingency plan, various activities including provision of specialised services such as shelter services, skills development, counseling and legal services. To mitigate risk of further harm, capacity building of frontline workers, case managers and specialised service providers are provided on responding

to gender-based violence cases and the GBV Standard Operating Procedure.

Under the leadership of Her Majesty the Gyaltsuen, temporary shelter and counseling services were provided to survivors of gender-based violence in all districts.

One of the major initiatives of the National Commission for Women and Children to achieve the target of eliminating all forms of gender-based violence, is to focus on primary prevention to address the root causes of violence. In addition to activities to work with the community and education system, a specific primary prevention project is being implemented in collaboration with the United Nations Development Programme.

### **GAKEY LAMTOEN: BHUTAN GENDER-BASED VIOLENCE (GBV) PREVENTION PROJECT**

With the rising trend of violence against women and children, especially during natural disasters and state emergencies like the COVID-19 pandemic, it has become all the more imperative that we invest in GBV prevention initiatives. We need to move beyond the usual react-and-respond approach and ensure that violence against women and children never occur in the first place.

The initiation and implementation of the *Takey Lamtoen: Bhutan Gender Based Violence Prevention Pilot Project* has thereby been timely and relevant for Bhutan, given the urgent need for Bhutan to address GBV from a preventative approach. It is a dialogue-based and learning-focused participatory primary prevention model. Unlike other interventions,

this project supports envisioning a collective future where hope is based on communities own lived and gendered experience. It supports communities to bring about social norms change from within, by identifying and building on community strengths, critically examining harmful behavior, and supporting positive change.

The project, which is jointly implemented by the National Commission for Women and Children (NCWC) and United Nations Development Programme (UNDP) Bhutan Country Office, was piloted in one school and community in Thimphu in 2019.

Despite the unforeseen interruptions caused by the COVID-19 crisis, the *Takey Lamtoen* Project succeeded in planting seeds of transformative changes amongst the minds and behaviors of the participants and facilitators of this dialogue-based primary prevention initiative on attitudes and perception around gender inequality, gender stereotypes, violence, and discriminatory social norms.

Given the positive results from the pilot within a short span of time, this primary prevention will be rolled out to three more schools and communities in 2022 to expand the positive benefits of this preventative approach to the larger population.

If proven successful, *Takey Lamtoen* may be institutionalized into the education system, which could fulfil the long-term goal of instilling innate GBV and violence rejection attitudes in our Bhutanese society.

NCWC



NCWC shares experiences and challenges in handling sexual harassment issues

1

**As a service provider, what are the main challenges you encounter while handling cases related to sexual harassment and abuse?**

Victims do not come forward due to fear of stigmatization and repercussions from the perpetrators.

Pressure from family and community.

Family and community image protected against survivor's pain and sufferings

Lack of appropriate support mechanisms to ensure the protection of victims and witnesses.

Lack of understanding of legal provisions and support from the agencies in taking forward the cases. There have been incidences in solving sexual harassment/abuse cases internally

resulting in delay in providing required services to the survivors.

No clarity of roles and responsibilities of different stakeholders in providing, including who will provide emergency response, take up case management, provide immediate needs, interim needs, livelihood skills and reintegration.

2

**Do you get enough support and collaboration from other government and non-government agencies?**

There are a number of agencies catering services to women and children in Bhutan. Each agency has been taking responsibilities as per their mandate as women and children issues are cross-cutting. However, most of these agencies were working in silos and often unaware of what other agencies were doing.

This has resulted in duplication of the services for vulnerable groups without any specialized services in place. This not only impedes the service provision but also results in weak coordination among the stakeholders and revictimization of the survivors with lack of clear information and multiple referral.

### **3** What do you think is missing from the government and agencies to address these issues?

Capacity development of service provider and shortage of specialized service provision.

Coordination and systematic mechanism in place to respond to issues.

Inadequate human resources (need enough protection officers).

Need to play proactive roles by all the stakeholders, to support victims of sexual harassment/abuse and ensure timely justice to survivors.

Since sexual harassment is criminal in nature and a penal offence under the Penal Code of Bhutan, government and any other agencies including Civil Society Organizations should only facilitate the victim in informing and availing the required services and get justice and not get into investigation of cases and facilitate to compromise.

Sexual harassment cases are very difficult to prove beyond reasonable doubt and even if proven, the grading under the Penal Code of Bhutan is very minimal (petty misdemeanour). This could be one issue that needs immediate intervention to address the emerging concerns regarding sexual harassment.

The internal frameworks/Service Rules and Regulations of agencies should be reviewed to have clarity between the civil and criminal cases. At present, the sexual harassment provisions under the Labour and Employment Act 2007 mentions the grading of such offence in line with the penal code of Bhutan, however, the Sexual Harassment Regulation, 2009 under the Regulations on Working Conditions 2012 specifies complaint mechanisms where the issues are dealt through establishment of administrative tribunal and cases are treated as civil which contradicts the provision of the Penal Code of Bhutan. Therefore, it requires harmonization of laws to ensure timely justice.

Gender-based violence and sexual harassment are the manifestation of deep-seated patriarchal structure and culture. It is built in people's mindset and attitude and will need a long time for a positive social change. Therefore, we need a continuous and consistent long- and short-time education and advocacy to address it.

Men and boys need to be educated on seemingly accepted but harmful patriarchal culture beliefs and practices. In the same vein, girls, women and other gender need to understand, recognize and act when they face gender-based violence and sexual harassment. Also, gender equality policies and rules must be translated into doable actions at state, market, academia and society levels.

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