



National Gender Equality Policy

(Draft)

National Commission for women and Children

Royal Government of Bhutan

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1 Background

1.1 Context

Since its successful transition to a constitutional monarchy, Bhutan has adopted multiple legal and policy frameworks to provide women and men with the right to full and equal participation in political, civil, economic, social and cultural life at all levels. The Constitution of the Kingdom of Bhutan 2008 provides an overarching framework and foundation within which gender equality is enshrined. However, despite guarantees of formal equality, structural and cultural norms continue to pose barriers to the broader realization of gender equality. Bhutan ranks 122 out of 149 countries¹ in the Global Gender Gap Report 2018, which uses indicators of political empowerment, health and survival, educational attainment, and economic participation and opportunity to assess the extent of gender parity.

In terms of women's political participation, the Constitution provides the right to vote and to participate in any lawful profession as a fundamental right of every Bhutanese citizen. The female voter composition in the general elections has been quite high, but the election results have been less favourable for women. In the 2016 local government elections, only 11% women candidates were elected as local government leaders. Likewise, only 14.9% and 16% of women candidates were elected in the National Assembly and National Council respectively in 2018.

As per the Population and Housing Census of Bhutan 2017, the unemployment rate stands at 2.4% in 2017, with 2.9% female unemployed against 2.1% male. The youth unemployment rate is 10.6% with 12.9% female and 9.2% male unemployment rate. Women have much lower participation in regular paid employment (25.0% as compared to 41.3% for men) and a more substantial engagement in agricultural sector (59.3% against 34.2% for men). Women's unpaid and domestic labour goes largely unrecognized.

As of 2017, women comprised 36.42%² of the total civil servants, however a further disaggregation would reveal gaps in higher level positions for women pointing towards the 'glass ceiling' phenomena seen across many other countries. The recent civil service data also reveals a high attrition rate among women. To improve women's participation in the Civil Service and promote women in leadership positions, the Royal Civil Service Commission (RCSC) in the 12th Five-Year Plan incorporated two Key Performance Indicators (KPIs),

¹http://www3.weforum.org/docs/WEF_GGGR_2018.pdf

² <https://www.rcsc.gov.bt/wp-content/uploads/2018/05/RCSC-Statistics-2017-final.pdf>

“number of interventions to promote women in leadership position in the civil service” and “number of gender interventions in the civil service”. Furthermore, the Bhutan Civil Service Rules and Regulations (BCSR) 2018 prescribe conditions to enable women’s participation in the civil service, which includes support to create a positive enabling environment for women to enter and remain in the service.

Bhutan has witnessed impressive achievements in terms of girls’ participation rates with girls making upto 50.5%³ of the total enrolment in the education system in 2017. At the primary level, the Adjusted Net Primary Enrolment Rate of 98.9% for girls as compared to 98.7% for boys and the Gender Parity Ratio was also in favour of girls with 103 girls for every 100 boys at the primary level. The survival rate for girls at the primary level stands at 95.3% exceeding that of boys at 86.5%. Furthermore, there is equal representation of girls at the secondary level including in the private schools with Gross Enrolment ratio of 101.4% girls as compared to 90.2% boys. Despite such parity at the primary and secondary level, the enrolment of girls at the tertiary level remains low (19.1% as compared to 23.7% boys). In addition, technical and vocational fields, and Science, Technology, Engineering and Mathematics (STEM) subjects in particular see larger gender gaps. The Bhutan Gender Policy Note, 2013 indicated that factors such as academic performance due to household obligation and early pregnancy limit girls access to tertiary education.

Gender issues within the health sector point to critical areas of need, with high percentage of teenage pregnancies, as high as 30% of girls getting married before the age of 18, the increasing issue of HIV (among the youth), and the feminization of HIV. The access and quality of health services that cater to women’s specific sexual and reproductive needs greater attention as it impacts all aspects of their lives. Women in rural areas in particular face vulnerabilities and lack of opportunities to access comprehensive health services.

The study conducted on prevalence of violence against women and girls, 2017 revealed that more than half (53.4%) of women agreed that the men are justified in hitting their wives under certain circumstances. 44.6% of women and girls experienced one or more forms of partner violence during their lifetime with 9.3% and 3.7% of them experiencing severe forms of physical and sexual violence respectively. The Domestic Violence Prevention Act (DVPA), 2013 recognizes women’s vulnerability as victims of violence and provides for the establishment of appropriate procedures and services that are required to adequately support

³ <http://www.education.gov.bt/wp-content/downloads/publications/aes/Annual-education-Statistics-2017.pdf>

the victims and hold the perpetrators accountable. It also defines the act of domestic violence and its scope.

Trafficking in Persons (TIP) particularly women and children is an emerging issue which requires multisectoral responses. The Study on “Human Trafficking Situation in Bhutan, 2011” reveals the prevalence of human trafficking and recommends concerted efforts by all sectors. Likewise, several incidences were reported by various media. Preliminary assessments have been conducted to map different actors under the prevention, protection and prosecution categories that could work together to prevent and combat human trafficking in Bhutan. Much more targeted awareness and capacity building programs need to take place. A Legal and Policy Review Report on TIP was also developed and numerous training and awareness programs were conducted for key stakeholders including law enforcement agencies. A National Prevention Strategy on TIP is planned to be developed.

1.2 Current policy and legislations

1.2.1 Alignment with national policies and frameworks

The NGEF is aligned with, and internalizes the values and principles enshrined in the Constitution of Bhutan and other important legal and policy documents.

The **Constitution of the Kingdom of Bhutan** conveys a powerful message for gender equality through the articles on fundamental rights (Article 7), fundamental duties (Article 8), and the Principles of State Policy (Article 9)⁴.

The Bhutan 2020: A Vision for Peace, Prosperity and Happiness, has the relevant development objectives on human development, equity and governance⁵.

The concept of **Gross National Happiness (GNH)**, provides a people centric approach to development.

The **12th FYP** strives to achieve, “**just, harmonious** and sustainable society through enhanced decentralisation”. The National Key Results Area (NKRA) 10 in particular intends to promote gender equality and empower women and girls.

⁴Sources: Constitution of the Kingdom of Bhutan. 2008; and Planning Commission. 1999.

⁵Bhutan 2020: A Vision for Peace, Prosperity and Happiness. Part 2, pp. 12–1

The policy is also aligned with the **Domestic Violence Prevention Act, Labour and Employment Act, Penal Code of Bhutan, Child Care and Protection Act** and other relevant legislations.

1.2.2 Alignment with international policies and standards

The NGEF is aligned to the international agreements that the RGoB has agreed to and ratified.

The **Convention on the Elimination of all Forms of Discrimination Against Women** (CEDAW) is an international treaty adopted in 1979 by the United Nations General Assembly and Bhutan ratified the CEDAW on 31 August 1981. Article 9 (25) of the Constitution provides that “existing International Conventions, Covenants, Treaties, Protocols and Agreements entered into by Bhutan, shall continue in force”. This recognizes CEDAW as deemed law of the country.

The **Beijing Platform for Action** (BPfA) was agreed by governments of the world in 1995 at the United Nations Fourth World Conference on Women in Beijing, China. The document includes 12 critical areas of concern, each with its own strategic objectives and actions. The critical area on institutional mechanisms for the advancement of women in particular provides for formulation a visible national policy on gender mainstreaming.

The Sustainable Development Goals (SDGs) were adopted in September 2015 by all countries as a set of goals to end poverty, protect the planet, and ensure prosperity for all over the next 15 years. Gender equality is a key tenet for all the SDGs, and of particular relevance is goal 5 that focuses exclusively on achieving gender equality and empowering all women and girls.

The NGEF also upholds the values of the **Universal Declaration on Human Rights** and the **UN Charter**.

1.3 Rationale

Currently there is uneven mainstreaming of gender issues across legislations, policies, programs and projects . While there are several provisions in place, they remain either adhoc, or with inadequate accountability or monitoring approaches. Further, most of the existing policies have minimal reference to gender (-neutral-) or seek to address gender issues through the formal approach. Therefore, the National Gender Equality Policy (NGEP) is envisaged to provide an overarching policy directive for the government to promote gender equality. This

policy also aims to address the formal approach to equality⁶ as provided in various policies, and towards guaranteeing substantive equality by accounting for women’s particular needs and addressing existing gender gaps and inequalities. The policy takes into consideration the Constitution of the Kingdom of Bhutan 2008 whereby the protection of the rights of women is guaranteed. The CEDAW Committee’s General Recommendations 25 which states that “it is not enough to guarantee women treatment that is identical to that of men”.⁷The Committee emphasized that “a purely formal legal approach is not sufficient to achieve women’s de facto equality with men, which the Committee interprets as substantive equality”⁸.

2 Policy statement and purpose

2.1 Policy Statement

The NGEP envisions a society where substantive equality is practiced providing equal opportunities for women and men to achieve their full potential and benefit equitably from the social, economic and political development in the country.

2.2 Purpose and objectives

The purpose of the NGEP is to provide an effective framework within which legislations, policies, programmes and practices ensure equal rights, opportunities and benefits for women and men in the family, community, workplace and in society at large. The Policy serves as a guiding framework which echoes and reaffirms the commitment of the RGoB to ensure the achievement of substantive equality through gender responsive policies, plans and programmes.

The key policy objectives of the NGEP are to:

- Provide a coherent strategic framework of the government’s priority towards gender equality.
- Strengthen accountability and operational strategies to address priority gender issues.
- Facilitate deeper collaboration across sectors and stakeholders towards a common vision of gender equality.

⁶ Under the formal approach to equality, biological, social and cultural differences between men and women including social perceptions and their impact on women are ignored. Men and women are seen as similar or same, and therefore provided with the same treatment.

⁷ CEDAW General Recommendation No. 25, para. 7.

⁸ Ibid.

3 Framework for key gender issues and policy provisions

The NGEF is premised on the belief that all individuals, families, communities and society at large will stand to benefit from the ability of both women and men to develop their capabilities and realize their full potential, without the limitations of gender stereotypes and discrimination. The Policy explores gender equality through the lens of three domains- **political, social and the economic**. A change in any one of these domains is likely to influence the others, and have positive impacts on broader manifestations of gender equality. The policy will strive to address the gender stereotypical mindsets and practices across all the domains. Removing the barriers to gender equality will require a multi-sectoral approach that is emphasized in the operational strategies of the NGEF.

4 Gender equality in the political and public domain

Women in Bhutan generally enjoy positions of influence and decision making within their households. However, this has not translated into the public sphere, in terms of gender parity in the political representation in government structures or in the private sector. Improving women's participation and leadership in decision making is aligned with the overall development and good governance principles, wherein all individuals can engage in and be part of the development of the country.

4.1 Women's participation in decision making

The government shall ensure the following policy provisions for improving women's participation in decision making across sectors and at all levels:

- 4.1.1** Continue advocacy and dialogue to set minimum policy targets for increased number of female candidates in local and national elections
- 4.1.2** Develop a cadre of young women in public office as the next generation of women leaders
- 4.1.3** Build a coalition of women leaders, across party lines and across government, private sector and civil society and promote male champions as allies and advocates for gender equality within such a coalition.
- 4.1.4** Institutionalize a gender discussion/session in annual high-level forums for decision makers to dialogue on strategic gender considerations in the country.
- 4.1.5** Design strategies and media campaigns to showcase role models.
- 4.1.6** Create the enabling environment and provisions for increasing women's

participation in decision making and in the workforce including an assessment of attrition rates.

- 4.1.7** Explore and adopt affirmative actions to improve women’s representation in the political sphere.
- 4.1.8** Design strategies with business associations that can help increase female representation at senior management levels in businesses, including on the Boards of larger private companies.
- 4.1.9** Improve women’s local level engagement and participation by:
 - targeted skills building for women to participate as Mangmis and Tshogpas, which could gradually position them for higher posts
 - using village meetings as a platform to target women for leadership skills training to improve their engagement at the community level.

5 Gender equality in the social domain

To influence changes in society and ensure real implementation of gender responsive policies sensitization and awareness around gender issues needs to be bolstered, as changing mindsets and attitudes is a long process. Several aspects in the social domain, if addressed holistically will also be able to create positive impacts in the other domains (economic and political).

5.1 Addressing Violence Against Women and Girls (VAW/G)

VAW/G remains one of the most serious impediments to the realisation of gender equality and women’s empowerment. It limits the choices of women and girls and restricts their ability to reach their full potential in the economy or in decision making.

The government shall ensure the following policy provisions for addressing VAW/G:

- 5.1.1** Create a culture of prevention and zero tolerance to VAW/G, for the current and future generations, such that every individual regardless of their gender is treated with equal respect and dignity.
- 5.1.2** Establish and strengthen a central database and a coordinated system for the collection and analysis of VAW-related data, both quantitative and qualitative that requires multi-sectoral attention and disseminate the findings.
- 5.1.3** Ensure effective implementation of the DVPA 2013 through establishment of appropriate procedures and services that are required to adequately support the victims and hold the perpetrators accountable.

- 5.1.4** Establish adequate shelters and support services for survivors of violence, that offers them full protection, counselling and rehabilitation, and create economic opportunities for their financial independence and reintegration.
- 5.1.5** Strengthen the capacity of relevant agencies to respond effectively to cases of VAW/G.
- 5.1.6** As required by the CCPA 2013, CAA 2012 and DVPA 2013 appoint adequate social workers at the national and local government levels.
- 5.1.7** Promote high-quality reproductive health services, including maternal health and reproductive health, adolescent sexual, HIV/AIDS, gender-based violence life-skills education.
- 5.1.8** Raise awareness on the affects VAW/G, the legal provisions and related support services.
- 5.1.9** Create initiatives and media campaigns using role models to engage men and boys.

5.2 Addressing gender issues through a vulnerability lens

Cultural norms and traditional gender roles tend to create specific vulnerabilities for women and girls, from physical, mental to economic, which further intersect with factors of age, location/region, and (dis)ability. The manifestation of these, play out in several realms and place different types of risks for women and girls.

The government shall ensure the following policy provisions to address specific gender vulnerabilities:

- 5.2.1** Conduct a thorough research and analysis to understand the systemic issues and vulnerabilities of women (trafficking, prostitution and working in Drayangs amongst others) and implement the findings.
- 5.2.2** Advocate and uphold the rights of commercial sex workers.
- 5.2.3** Develop strategies for health education and health promotion models to be upscaled to address issues such as the feminization of HIV, sexual and reproductive health, early marriage and teenage pregnancies.
- 5.2.4** Improve infrastructure for women to access basic services, especially in remote and rural areas.
- 5.2.5** Develop new initiatives to empower women and girls with disabilities, and consider their special vulnerabilities.

- 5.2.6** Develop measures to protect those that identify themselves outside the traditional gender roles, based on specific gender identities.
- 5.2.7** Mainstream gender in all disaster and climate change related initiatives through acknowledgment of the differential impacts of disasters and climate change on women and men, and the positive roles that women can play in adaptation and mitigation efforts.

6 Gender equality in the economic domain

As women continue to shoulder the burden of home, care-work and employment, there needs to be an ecosystem that allows for their participation in the formal economy, and a greater recognition of their contribution in the informal segment of the economy. The persistence of gender stereotypes continues to permeate the economic domain of the types of sectors that men and women are employed within. With greater engagement and contribution of women in the economic domain, it will directly contribute to the development and productivity of the country, thereby aligning with the vision of sustainable economic growth.

6.1 Achieving gender parity in education

The government shall ensure the following policy provisions to address gender gaps in education:

- 6.1.1** Gain better insights into why certain subject areas like STEM have much lower number of girls, and address those gaps through appropriate measurements
- 6.1.2** Coordinate and align the policy efforts of relevant sectors to improve girls' performance in STEM subjects and increase their employability.
- 6.1.3** Continue special measures to enroll and retain girls in schools, and integrate issues of family planning, sexual and reproductive rights into the education curriculum to continue awareness raising in areas that tackle social barriers to girls' education.
- 6.1.4** Create awareness on the importance of girls education including efforts to integrate gender into the school curriculum
- 6.1.5** Create enabling environment including infrastructure and facilities to increase and retain girls' participation in schools.
- 6.1.6** Bolster non-formal education efforts, and connect closely with other measures being undertaken to build awareness and capacity of women at the local level.

6.2 The employment sector

The government shall ensure the following policy provisions to increase women's engagement in employment:

- 6.2.1** Create an enabling environment which can help ease the triple burden that women have, acknowledge and provide for women's sexual and specific reproductive needs, make provisions for new and working mothers to be part of the workforce, and provide for a violence and harassment free life.
- 6.2.2** Institutionalize six months maternity leave to new mothers and design incentives for the private sector to follow suit. Encourage longer paternity leave to inspire work sharing at home between men and women.
- 6.2.3** Ensure implementation for zero tolerance to sexual harassment in the workplace, including staff trainings and accountability mechanisms.
- 6.2.4** Support women and girls by providing access to finance, skills development, knowledge of markets, business development and communication and negotiation skills.
- 6.2.5** Conduct targeted skills training and support the transition of women from the agricultural sectors into others which are gradually going to become more prominent in the new economy.
- 6.2.6** Conduct gender sensitive analysis to identify opportunities for women's employment in under-represented industries, and prioritize training and hiring of women and men in fields where they are under-represented.
- 6.2.7** Improve capacity of women in rural areas and small business owners to access markets, and create platforms to showcase products and services.

6.3 Recognizing the value of women's unpaid work

The government shall ensure the following policy provisions to account for women's unpaid work:

- 6.3.1** Develop formal recognition of the multiple roles that women play, and create costing of women's unpaid care work, which remains invisible and account into the national economic indicators.

6.3.2 Improve data gathering and analysis of women's employment and entrepreneurship trends including women's economic contributions through home-based and informal work.

6.3.3 Create campaigns and work with the media to increase the visibility of women and men contributing to families and the society in non-gender stereotypical ways.

7 Implementation procedures and operational strategies

7.1 National Plan of Action for Gender Equality

To support the effective implementation of the NGEF, the government will develop a new National Plan of Action for Gender Equality (NPAGE) for the period coinciding with the 12th Year Plan. The NPAGE will be guided by the overall policy statements and supported with outcomes, outputs and activities as well as indicators and targets.

7.2 National Key Result Areas and Agency Key Result Areas

The government shall strengthen the coordination across ministries on their AKRAs towards the NKRA for gender equality. This dual approach to address gender inequality, by standalone and specific interventions, as well as gender mainstreaming efforts will continue as per the NGEF. All future result areas will be aligned with the priority areas identified in the policy, and the Agency Key Performance Indicators (AKPI) on gender will be aligned with, and integrated with the Gender Equality Monitoring System (GEMS).

7.3 Protocol for policy formulation

The RGoB's protocol for policy formulation using the GNH Policy Screening Tool by the proponent sector and the GNHCS shall continue to examine gender mainstreaming efforts. The implementation of this will be strengthened through trainings on gender analysis, identifying gaps and being able to develop gender-responsive interventions within each sectoral policy.

7.4 Collection and analysis of sex-disaggregated data

The government shall ensure and strengthen the collection and analysis of sex-disaggregated data for evidence-based interventions to address gender equality issues. This shall be further supported by the development of gender indicators and addressing of data gaps.

7.5 Financial and Human Resource

The government shall provide adequate financial and human resources to achieve gender equality in the country.

8 Institutional structures

8.1 National Commission for Women and Children (NCWC)⁹

The government shall strengthen the technical capacity and allocate adequate human and financial resources to the NCWC as the nodal agency for the implementation of the policy.

The NCWC will continue its role to advocate and lobby for addressing gender issues, and will benefit from increased capacity to generate new research, use and socialize data to highlight existing gender gaps to inform and influence policy makers.

8.2 Gender Focal Points

The government shall institutionalize and strengthen the Gender Focal Points (GFPs) network across sectors and organizations by ensuring that this function is integrated in their job description, as well as reflected in the Individual Work Plan.

The government shall support the institutionalization of capacity efforts by anchoring gender sensitization modules within existing institutes. Trainings for GFPs will be strengthened and monitored through the introduction of experiential and adult training methodologies.

8.3 The Gender Expert Group

The government shall provide additional provisions to strengthen the technical and advisory capacity of the Gender Experts Group (GEG) through the introduction of quality assurance measures such as certification processes for the completion of courses and trainings.

The government will strengthen the relationship between the GFPs and GEG through a twinning or mentoring process, to provide the GFPs with the necessary support to fulfil their responsibilities.

⁹The NCWC has the status of an autonomous agency, with its capacity and mandate strengthening over the years. The Women's Division is responsible for initiatives related to women's equality and gender mainstreaming, with the issues related to children being addressed by the Children's Division. The NCWC within its ambit coordinates action and monitors implementation of the following Acts: Child Care and Protection Act of Bhutan 2011 (CCPA); Child Adoption Act of Bhutan 2012 (CAA); Domestic Violence Prevention Act of Bhutan 2013 (DVPA).

8.4 Gender Responsive Planning and Budgeting

The government shall implement Gender Responsive Planning and Budgeting (GRPB) through the introduction of mandatory gender analysis and encouraging a minimum percentage of budget allocation to ensure the integration of gender at the time of submission of budgetary proposals. The Ministry of Finance shall be a key proponent of the GRPB and trainings and guidelines for the same will be developed in close consultation with the NCWC.

8.5 Legislation

The government shall encourage provisions in the national legislation that explicitly recognize women's specific needs and addresses any forms of discrimination by broadening the approach to include formal and substantive equality, by including terms of "equal benefits", "equal opportunities", "equal access" or "equality in practice" beyond just "equality before the law" and/or "the equal protection of the law".

8.6 Partnerships

Since gender is a cross-cutting issue, partnerships and engagement will be a key tenet for the implementation of the NGEF.

8.6.1 Multi-stakeholder partnerships

The government shall create multi-stakeholder platforms that encourage open dialogue and discussion on gender issues within and across sectors, keeping critical issues on the agenda and visible. Such a multi-stakeholder platform will also help to build a collective agenda, support resource sharing for gender responsive plans and programs and allow for new emerging areas to be discussed.

8.6.2 Community engagement

The government shall support the active community participation in the implementation of the NGEF, especially the unreached rural population. Measures will be introduced to ensure the local populations are better informed about the provisions of the policy, and are able to voice their issues.

8.7 Communications

The government shall develop a range of communications and messages for a diverse audience that will help create awareness on the NGEF to duty bearers (government agencies, civil society organizations) and the rights holders (local communities and direct beneficiaries).

9 Monitoring and accountability

9.1 Gender Equality Monitoring System

The government shall strengthen the use of the GEMS to consolidate the reporting of each ministry's gender related initiatives. The GEMS will be used to effectively coordinate monitoring of indicators, as well as reporting on results across sectors.

9.2 Government Performance Management System

The government shall strengthen the monitoring and accountability of gender mainstreaming interventions through the Annual Performance Agreements.

9.3 Five Year Plan Evaluation

The government shall evaluate the implementation progress of gender mainstreaming initiatives during the FYP mid-term and terminal evaluations

9.4 Reporting at the International and Regional Levels

The government shall continue to report regularly on its progress to the CEDAW Committee, and in turn track areas which receive positive endorsement and those that are recommended for improvement. The CEDAW reporting will continue to serve as an accountability of the State on its commitments to gender equality. The government will strengthen its coordination across sectors, ministries and organizations to consolidate reporting of progress towards gender equality in the country. Similarly, the government shall report to various regional and international bodies in keeping with its commitments.

9.5 Review of the NGEF

The government shall conduct a five-year review of the implementation of the NGEF to assess the changes in gender equality trends in Bhutan, and to review new emerging areas that may need consideration.

10 Key Definitions

Gender refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.

Gender Equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.

Formal Equality is also known as legal equality. This implies that one law should be applied to all people, wherein social and personal characteristics do not play a role. Formal equality treats people the same and does not account for factors of race, ethnicity, sex, age etc, which often fails to recognize diversity and is insufficient for promoting social inclusiveness.

Substantive Equality takes into account fairness and equity in providing a broader framework of equality, which recognizes differences and disadvantages. Substantive equality looks at the root causes of inequality, and focuses on removing barriers, thereby giving individuals the equality of opportunity.