National Gender Equality Policy

(Revised Draft)

National Commission for women and Children
Royal Government of Bhutan
# Table of Contents

1 BACKGROUND ........................................................................................................................................... 2  
   1.1 CONTEXT ............................................................................................................................................ 2  
   1.2.1 Alignment with national policies and frameworks .............................................................................. 4  
   1.2.2 Alignment with international policies and standards .......................................................................... 5  
   1.3 RATIONALE ........................................................................................................................................ 5  

2 POLICY VISION AND PURPOSE ................................................................................................................. 6  
   2.2 POLICY VISION ................................................................................................................................... 6  
   2.3 PURPOSE AND OBJECTIVES .................................................................................................................. 6  

3 FRAMEWORK FOR KEY GENDER ISSUES AND POLICY PROVISIONS ...................................................... 7  

4. GENDER EQUALITY IN THE POLITICAL AND PUBLIC DOMAIN .............................................................. 7  

5. GENDER EQUALITY IN THE SOCIAL DOMAIN ........................................................................................ 8  

6. GENDER EQUALITY IN THE ECONOMIC DOMAIN .................................................................................. 9  

7 IMPLEMENTATION PROCEDURES AND OPERATIONAL STRATEGIES ..................................................... 10  
   7.1 NATIONAL PLAN OF ACTION FOR GENDER EQUALITY ...................................................................... 10  
   7.2 NATIONAL DEVELOPMENT PLAN AND PLANNING PROCESSES ..................................................... 10  
   7.5 FINANCIAL AND HUMAN RESOURCE ................................................................................................. 11  
   7.7 GENDER RESPONSIVE PLANNING AND BUDGETING ........................................................................ 11  
   7.8 LEGISLATION ...................................................................................................................................... 11  
   7.9 PARTNERSHIPS .................................................................................................................................... 11  
   7.9.1 Multi-stakeholder partnerships ........................................................................................................... 11  
   7.9.2 Community engagement ..................................................................................................................... 12  
   7.10 COMMUNICATIONS ............................................................................................................................. 12  

8 INSTITUTIONAL STRUCTURES ...................................................................................................................... 12  
   8.1 NATIONAL COMMISSION FOR WOMEN AND CHILDREN (NCWC) ....................................................... 12  
   8.2 GENDER FOCAL POINTS ....................................................................................................................... 12  
   8.3 THE GENDER EXPERT GROUP .............................................................................................................. 13  

9 MONITORING AND ACCOUNTABILITY ...................................................................................................... 13  
   9.1 GENDER EQUALITY MONITORING SYSTEM ....................................................................................... 13  
   9.2 GOVERNMENT PERFORMANCE MANAGEMENT SYSTEM ........................................................................ 13  
   9.3 FIVE YEAR PLAN EVALUATION ............................................................................................................ 13  
   9.4 REPORTING AT THE INTERNATIONAL AND REGIONAL LEVELS ........................................................... 13  
   9.5 REVIEW OF THE NGEP ......................................................................................................................... 13  

10 KEY DEFINITIONS ..................................................................................................................................... 14
1 Background

1.1 Context

Since its successful transition to a Democratic 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. 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 countries 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.

The unemployment rate stands at 3.4% in 2018, with 4.2% women unemployed against 2.7% men. Women have much lower participation in regular paid employment (18.4% as compared to 33.0% for men) and a more substantial engagement in the agricultural sector (63.2% against 46.6% for men). Women’s unpaid care work goes largely unrecognized. Women in Bhutan performs 71 percent of unpaid care work which is 2.5 times more than men and their contribution as a share of GDP is 11 percent, while men’s contribution is 5 percent.

As of December 2018, women comprised 36.99% of the total civil servants, however a further disaggregation would reveal gaps in higher level positions for women pointing towards the ‘glass ceiling’ phenomenon seen across many other countries. To improve women’s participation in the Civil Service and promote women in leadership positions, the Royal Civil

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3 Valuation of Unpaid Household Work and Care Services in Bhutan, NCWC
Service Commission (RCSC) in the 12th Five-Year Plan incorporated two Key Performance Indicators (KPIs), “number of interventions to promote women in leadership positions 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. The NCWC also submitted “Gender Equality Strategy-enhancing women leadership” to the RCSC for adopting various strategies and actions to enhance women's leadership in the civil service.

Bhutan has witnessed impressive achievements in terms of girls’ participation rates with girls making up to 50.5% of the total enrolment in education in 2017. At the primary level, the Adjusted Net Primary Enrolment Rate was 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. 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, there are larger gender gaps in Science, Technology, Engineering and Mathematics (STEM) subjects and technical and vocational fields. The Bhutan Gender Policy Note, 2013 indicated that factors such as poor academic performance due to household obligations and early pregnancy limit girls’ access to tertiary education.

With major investments in facilities and services, health outcomes and indicators have improved significantly. The institutional delivery has increased from 37.7 percent in 2012 to 93.4 percent in 2017 and the Infant Mortality Rate (IMR) per 1000 live births reduced from 40.1 in 2005 to 15.1 in 2017. The Maternal Mortality Ratio has significantly reduced from 560 to 89 between 1990 and 2017. Nevertheless, the issues of high teenage pregnancies, as high as 32% of girls with first pregnancy at the age of 18 and below and the increasing issues of feminization of HIV/AIDS continue to exist. The access and quality of health services that cater to women’s specific sexual and reproductive needs require greater attention as it impacts

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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. Furthermore, 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 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 multi-sectoral 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.

1.2 Current policy and legislations

1.2.1 Alignment with national policies and frameworks
The NGEP is aligned with, and internalizes the values and principles enshrined in the Constitution of the Kingdom 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 section 5) and the Principles of State Policy (Article 9, section 17)⁷.

The Bhutan 2020: A Vision for Peace, Prosperity and Happiness, has the relevant development objectives on human development, equity and governance⁸.

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

⁷Sources: Constitution of the Kingdom of Bhutan, 2008
⁸Bhutan 2020: A Vision for Peace, Prosperity and Happiness. Part 2, pp. 12–1
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.

The policy is also aligned with the Domestic Violence Prevention Act 2013, the Labour and Employment Act 2007, the Penal Code of Bhutan 2004 and (Amendment 2011), the Child Care and Protection Act 2011 and other relevant legislations.

1.2.2 Alignment with international policies and standards
The NGEP 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 10 (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 the 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 NGEP also upholds the values of the Universal Declaration on Human Rights, the UN Charter and other regional and international conventions and agreements.

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 ad hoc, or with inadequate accountability or monitoring approaches. Further, most of the existing policies have minimal reference to gender (gender neutral/gender blind) 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 and gender mainstreaming in legislations, policies, plans and programmes. This policy also aims to address the formal approach to equality as provided in various policies, and guarantee substantive equality by accounting for women’s particular needs and address 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 further states that “it is not enough to guarantee women treatment that is identical to that of men.” The 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”.

2 Policy vision and purpose

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

2.3 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 Royal Government of Bhutan (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.

9 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 the same, and therefore provided with the same treatment.
10 CEDAW General Recommendation No. 25, para. 7.
11 Ibid.
3 Framework for key gender issues and policy provisions

The NGEP 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 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 NGEP. Furthermore, all policy statements under this document is inclusive of persons with disabilities.

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 representation in government and political 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.

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

4.1 Create an enabling environment and provisions for increasing participation of women with an inclusive lens, in decision making (including in the private/corporate sector) and in the workforce.

4.2 Build a coalition of women leaders and aspiring leaders across the spectrum of society to promote women’s participation in political and public offices and encourage male champions as allies and advocates.

4.3 Explore and adopt affirmative and targeted actions to improve women’s representation in the political and public sphere at the national and local levels, including for those with disabilities.

4.4 Continue advocacy and awareness to encourage women’s participation in decision
making and showcase role models that highlight women’s contributions in society.

4.5 Carry out research and assessments on thematic areas of existing and emerging gender equality issues in the political and public spheres.

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 strengthened 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 economic and political domains. The policy seeks to address gender based violence against women and girls, gender gaps in health sector by improving access to and utilization of health services and address gender issues through the vulnerability lens.

The government shall ensure the following policy provisions for addressing gender based violence against women and girls:

5.1 Create a culture of prevention and zero tolerance to gender based violence against women and girls for the current and future generations.

5.2 Strengthen implementation of the DVPA 2013 and its amendment thereof and establish adequate, appropriate and accessible support services for survivors of violence including those with disabilities, that offers them full protection, counselling, rehabilitation and reintegration and legal aid where necessary.

5.3 Strengthen the institutional mechanism and the capacity of relevant agencies to prevent and respond effectively to cases of gender based violence against women and girls (including trafficking in persons).

5.4 Establish and strengthen a coordinated system for the collection and analysis of gender based violence against women and girls related data to support informed decision making and need-based interventions.

5.5 Expand specific health services for women and girls across the country including services for maternal health and adolescent sexual and reproductive health.

5.6 Implement preventive measures and raise awareness on GBV against women and girls, and towards reducing early marriages, feminization of HIV, teenage pregnancies and unsafe abortions.

5.7 Strengthen the implementation of relevant legal provisions on teenage pregnancy, sexual harassment and other forms of gender based violence against women and
girls.

5.8 Carry out thorough research and analysis, develop and implement interventions to address gender issues faced by women and girls due to their varying vulnerabilities, particularly related to trafficking, sexual harassment and employment and also develop measures to protect those that identify themselves outside the traditional gender roles based on specific gender identities.

5.9 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.

5.10 Improve gender friendly infrastructure and facilities in the rural areas.

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. Women and girls’ equal access to and participation in education and training is a prerequisite to their engagement in formal employment.

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

6.1 Strengthen coordination and alignment of the policy efforts of relevant sectors to improve girls’ performance in STEM subjects and increase their employability.

6.2 Strengthen gender friendly school environment including infrastructure and facilities to increase and retain girls’ participation in schools at all levels including for those with disabilities.

6.3 Enhance integration of gender related issues into the education curriculum to change stereotypical gender norms and practices.

6.4 Continue awareness raising to address social barriers to girls’ education including through non-formal education efforts.
6.5 Create a conducive environment to help ease the triple burden of working parents and enable them to participate in formal employment.

6.6 Enhance access to finance and market opportunities, and provide capacity and skills development support for women including rural and socio-economically disadvantaged women.

6.7 Implement interventions to increase women’s employment in under-represented sectors based on situational analysis.

6.8 Recognise the value of women’s care and domestic responsibilities which remains invisible through accounting it into the national economic indicators and allocate certain budget for interventions to reduce these responsibilities.

6.9 Advocate for equal sharing of care and domestic responsibilities between women and men and promote male champions.

7 Implementation procedures and operational strategies

7.1 National Plan of Action for Gender Equality

To support the effective implementation of the NGEP, 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 Development Plan and Planning Processes

The government shall strengthen the coordination across ministries to integrate gender into the national development planning process and the five year development plans of the respective sectors. The dual approach to address gender inequality, by standalone and specific interventions, as well as gender mainstreaming efforts will continue as per the NGEP. All future result areas will be aligned with the priority areas identified in the policy.

7.3 Protocol for policy formulation

There shall be continued effort to integrate gender equality concerns in all government policies through the RGoB’s protocol for policy formulation and policy screening tool. The implementation of this will be strengthened through trainings on gender analysis, identifying gaps and gender mainstreaming.
7.4 Collection and analysis of disaggregated data related to sex, gender and disabilities
The government shall ensure and strengthen the collection and analysis of data disaggregated by sex, age and disabilities 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.

7.6 Strengthening the national capacity on gender
The government shall endeavour to invest in building specialised capacities on related gender issues for all the government and non-government stakeholders to ensure the effective realisation of the policy directives.

7.7 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.

7.8 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”.

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

7.9.1 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.

7.9.2 Community engagement
The government shall support the active community participation during the implementation of the NGEP, 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.

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

8 Institutional structures

8.1 National Commission for Women and Children (NCWC)12
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.

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12 The 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).
8.3 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.

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 implement the Committee’s recommendations. The CEDAW reporting will continue to ensure 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 NGEP
The government shall conduct a five-year review of the implementation of the NGEP to assess the changes in gender equality trends, and to review new emerging areas that may need consideration.
10 Key Definitions

**Basic services** refers to all the essential services that are required by women and girls which includes health, education, finance, justice and protection services.

**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.

**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.

**Inclusive** implies the process of taking into consideration the needs of diverse group of population and ensuring that every men and women, boys and girls benefit equally from the intervention and services.

**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.

**Triple burden** refers to burden/workload faced by women as a result of their engagement in reproductive, productive and community managing roles.