



# THE NATIONAL COMMISSION FOR WOMEN AND CHILDREN

## MANDATE AND RULES OF PROCEDURE

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The National Commission for Women and Children, Royal Government of Bhutan,  
Thimphu

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## 1. Background

The Constitution of the Kingdom of Bhutan, under Article 7 and 9 (17) and (18) articulates the State's commitment to uphold the fundamental rights of all citizens and eliminate all forms of discrimination against women and children respectively.

Bhutan ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and the SAARC Convention on the Regional Arrangements for the Promotion of Child Welfare in South Asia on 4<sup>th</sup> September 2003. The SAARC Code for the Protection of Breastfeeding and Young Child Nutrition was ratified in August 2003.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations General Assembly in December 1979. Bhutan signed the CEDAW in July 1980 and ratified it without any reservations on 31<sup>st</sup> August 1981.

The Convention on the Rights of the Child (CRC) was adopted by the United Nations General Assembly in 1989. Bhutan ratified the CRC on 1<sup>st</sup> August 1990. The two Optional Protocols to the CRC on the Sale of Children, Child Prostitution and Child Pornography (SC) and Involvement of Children in Armed Conflict (CAC) were signed on 25<sup>th</sup> October and 9<sup>th</sup> December 2009 respectively. Further, The National Assembly ratified the United Nations Convention Against Transnational Organized Crime (UNTOC) and its subsidiary Protocol on TIP in December 2022. Recognizing the importance of the implementation of the provisions especially women and children.

In keeping with its obligations to submit periodic reports to the UN CEDAW Committee on the implementation of the two conventions, Bhutan submitted its Combined Initial to 6<sup>th</sup> Periodic Reports in 2002; 7<sup>th</sup> Periodic Report in 2007; 8<sup>th</sup> and 9<sup>th</sup> Periodic Report in October 2016 and advanced list of issues in relation to 10<sup>th</sup> CEDAW periodic report. The CRC Initial Periodic Report was submitted to the UN CRC Committee in 1999; 2<sup>nd</sup> Report in 2007 and the Combined 3<sup>rd</sup> to 5<sup>th</sup> Periodic Report and the Initial Report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and Optional Protocol on the Involvement of Children in Armed Conflict in May 2017 and the Secretariat is preparing its response to the list of issues prior to submission of combined 6<sup>th</sup> to 7<sup>th</sup> report to the UN committee on the rights of the child due in June 2023.

In reaffirmation of its commitment to promote and protect the rights of women and children, the Royal Government of Bhutan established the National Commission for Women and Children (NCWC) under the Ministry of Health vide order No. COM/03/04/487 on 29<sup>th</sup> January 2004. The NCWC was granted full autonomy vide Government Order No. Lhenzhung/CAD-03/08/344 on 12<sup>th</sup> September 2008.

The NCWC was guided in its operational and policy framework by the first Commission, which consisted of eleven members and was chaired by the Secretary of Health. The second Commission was instituted vide Government Order No. C-2/368 on 12<sup>th</sup> October 2009 and a cabinet minister (Minister for Education) appointed as the Chairperson, followed by another cabinet minister (Minister for Works and Human Settlement) as the Chairperson from 2014-2018. In 2019, recognizing the importance of the Commission, the Government reconstituted the NCWC Commission vide Government Order No.C-2/07/46 on January 14, 2019 and appointed two Cabinet Ministers as Chairperson (Minister for Foreign Affairs and External Trade) and Vice-Chair (Health

Minister).

## **2. Vision, Mission and Objectives**

### **2.1 Vision**

A happy nation of children, women and men living in harmony with equality and respect in all spheres of life.

### **2.2 Mission**

2.2.1 To protect and promote the rights of women through gender responsive interventions.

2.2.2 To protect and promote the rights of children through child responsive interventions.

### **2.3 Objectives**

2.3.1 To review, reform, initiate and support legislations, policies, plans, programs and interventions from a gender equality perspective.

2.3.2 To review, reform, initiate and support legislations, policies, plan, programs and interventions from a children sensitive perspective.

2.3.3 To establish a well-coordinated, effective and sustainable protection system for women and children in the country.

## **3. Members of the Commission**

The NCWC shall consist of the following members:

1. Secretary, Cabinet Secretariat
2. Secretary, Ministry of Foreign Affairs and External Trade.
3. Secretary, National Land Commission (Secretary, Social Cluster)
4. Deputy Chief of Police, Royal Bhutan Police
5. Representative, National Assembly of Bhutan
6. Registrar General, Royal Court of Justice
7. The Head, The Pema Secretariat
8. Executive Director, RENEW
9. Director, (Department of Education Programme) National Commission for Women and Children (Member Secretary).

## **4. Secretariat**

The Women and Children Division (WCD) shall serve as the Secretariat to the Commission.

## **5. Code of Conduct**

The members of the Commission shall:

- a) Strive to maintain the highest standards of integrity, loyalty, dedication and endeavor to promote professional excellence in fulfilling the objectives of the Commission.
- b) Refrain from unauthorized communication of information, which shall be detrimental to the smooth and efficient functioning and integrity of the Commission.
- c) Maintain official decorum and refrain from indulging in actions that may tarnish the image of the Commission.

## **6. Powers and Duties of Chairperson**

- a) Endorse the agenda and date for the Commission meetings proposed by the Secretariat.
- b) Convene and close the sessions of the Commission, direct the discussions, ensure observance of rules, accord the right to speak, raise questions for decisions and announce such decisions.
- c) Rule on points of order and, subject to the rules in force, have control of the proceedings and the maintenance of order.
- d) Invite special invitees to attend the sessions as and when deemed necessary.

## **7. Powers and Duties of Vice Chairperson**

In the absence of the Chairperson, the Vice- Chair shall assume the powers and duties of the Chairperson.

## **8. Functions of the Commission**

The members of the Commission will provide the overall stewardship in guiding the NCWC towards achieving its mandate by fulfilling the following roles and responsibilities:

- a) Propose, discuss and endorse policy advice to the Government;
- b) Guide, advice and approve legislations, policies, plans and programs proposed by the NCWC Secretariat as per its mandate;
- c) Support and facilitate the redressal of grievances on improving the lives of women and children;
- d) Steer and support the implementation of the Acts to which the NCWC is the Competent Authority and ensure effective coordination amongst all stakeholders and service providers;
- e) Provide support to initiatives and events organized and coordinated by the Secretariat;
- f) Advocate and recommend policy interventions and legislations critical to the upliftment of the rights of women and children;
- g) Monitor implementation of the recommendations by Treaty Bodies, particularly the CEDAW and CRC;
- h) Direct and initiate gender equality and child protection interventions in one's sector in

- collaboration with NCWC and respective focal persons;
- i) Provide support and strengthen efforts to prevent violence and discrimination against women and children; and
  - j) Monitor and evaluate the performance of the Secretariat.

## **9. Functions of the Secretariat**

The National Commission for Women and Children Secretariat shall have the following functions:

### Monitoring

- 1) Monitor the situation of gender and children including violation of their rights
- 2) Monitor and evaluate all interventions on gender and children including implementation of the relevant acts and policies
- 3) Ensure the implementation of CO from international treaty bodies

### Reporting

- 1) Report on the situation of gender and children at the national, regional and international levels
- 2) Coordinate the preparation and timely submission to government, regional and international treaty bodies

### Policy and legislations

- 1) Draft policies and legislations on gender equality and child well-being and protection
- 2) Review policies and legislations from gender equality and child-sensitive perspectives
- 3) Advocate for gender equality and child-sensitive legislations, policies and plans

### Mainstreaming

- 1) Mainstream gender and children's perspectives into the sectoral plans, policies and interventions
- 2) Coordinate and collaborate with stakeholders on issues pertaining to women and children

### Resource mobilization and advocacy

- 1) Partner with relevant agencies for the mobilization of resources for addressing women and children's issues in the country;
- 2) Develop, propose and support gender and child sensitive programs and activities
- 3) Conduct awareness and advocacy on gender and children's issues

### Capacity building

- 1) Build national capacities on gender, and child rights and protection

### Research and Data management

- 1) Conduct studies/assessments on gender and children
- 2) Collect, analyze and manage data and information on gender and children

## **10. Rules of Procedure**

## **10.1 Selection Criteria**

The members of the Commission shall be appointed based on the following criteria:

- a. Ex-officio members of the relevant organizations
- b. Personal interest and commitment towards the situation of gender and children.
- c. Represent key stakeholder organizations.
- d. High moral standing and integrity.
- e. Adequate educational background and expertise in the field of gender and children.

## **10.2 Appointment**

The NCWC Secretariat shall recommend the list of Commission members to the Cabinet. The Cabinet shall review the list and endorse for appointment.

## **10.3 Tenure of Appointment**

- a. A member of the Commission shall serve for a period of five years, which may be extended for another term considering the extent of contribution and relevance.
- b) b) If a member of the Commission remains absent for three consecutive meetings, the member shall be relieved from the responsibilities and a replacement identified for approval by the Cabinet except in the event of unavoidable circumstances upon the approval of the Chairperson.
- c) The Members of the Commission shall be present during all the commission meetings. However, in the event of unavoidable circumstances, an alternative member shall represent the Commission with the approval of the Chairperson.

## **10.4 Resignation**

A member of the Commission intending to resign from the Commission shall communicate in writing to the Chairperson one month prior to resignation.

## **10.5 Entitlements**

Financial entitlements shall be permissible to the Commission members as per the government rules and regulations.

## **10.6 Frequency of Sessions and Quorum**

The Commission shall meet half yearly, additional meetings may be called by the Chairperson as and when required or upon the request of one-third of the members. A simple majority of the members shall constitute a quorum.

## **10.7 Venue of Sessions**

The sessions of the Commission shall be held in the Conference Hall of the NCWC Secretariat Office or in a convenient venue depending on the circumstances.

## **10.8 Notification of Sessions**

The Secretariat shall notify all the members of the time, date and venue within two weeks of the meeting, except when emergency meetings are required to be held..

## **10.9 Agenda, Reference materials and Minutes**

- a. The Secretariat shall draft and compile the agenda and necessary attachments for the meeting.
- b. NCWC Secretariat or Members shall submit agenda items in writing to the Chairperson at least two weeks in advance.
- c. Reports, explanatory memoranda and supporting documents required for discussion, shall be distributed with the agenda at least one week before the meeting.
- d. The Secretariat shall draft the minutes and circulate it within one week of the conclusion of the meeting.

## **10.10 Attendance**

- a. Attendance shall be mandatory.
- b. Members who cannot attend the sessions shall inform the Chairperson in writing giving clear reasons about their inability to attend the session.

## **10.11 Statement by Members**

Any statement made by any member on the issue tabled for discussion shall be confidential. Any member may address the Commission after obtaining the permission of the Chairperson. The Chairperson may call a speaker to order, if his/her remarks are not relevant to the subject under discussion.

## **10.12 Closure of Debate**

During the discussion, a member may move the closure of the debate on the item under discussion. If supported by a majority of the members present, the debate on that item shall be closed.

## **10.13 Proposals and Amendments**

Proposals for discussion and amendments to the earlier resolutions shall be submitted in writing to the Secretariat, which shall in turn circulate copies to the Chairperson and other members for discussion in the next session.

## **10.14 Withdrawal of Proposals and Motions**

A proposal or a motion may be withdrawn by the proponent at any time before a decision is taken.

## **10.15 Suspension or Adjournment of a Session**



During the discussion, a member may move the suspension or the adjournment of the session. The session shall be adjourned or suspended if the motion is supported by a two-third majority of the members present.

#### **10.16 Reconsideration of Proposals**

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the majority of members present so decides.

#### **10.17 Equally Divided on Motions**

All decisions of the Commission shall be by consensus, and where the Commission is equally divided on a motion, the Chairperson shall exercise the power of arbitration.

#### **10.18 Establishment of Task Forces**

The Commission may establish such task forces as it deems necessary for the performance of specific functions. The membership, terms of reference and duration of the assignment shall be specified whenever a task force is established.