



NATIONAL GENDER EQUALITY POLICY

2020



National Gender Equality Policy

2020

National Commission for Women and Children
Royal Government of Bhutan

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Chairperson

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ROYAL GOVERNMENT OF BHUTAN
རྒྱལ་ཡོངས་ཨམ་སྲུང་ལ་ལོ་ལོ་ལྷན་ཚོགས།
NATIONAL COMMISSION FOR WOMEN AND CHILDREN
Making a difference



FOREWORD

Gender equality is inherently linked to sustainable development and the philosophy of Gross National Happiness. It is vital to the realization of rights for all people and promoting full potential of women and men, boys and girls. There is conclusive evidence showing that greater gender equality stimulates economic growth of the countries which is crucial for developing countries like ours.

The Constitution of the Kingdom of Bhutan provides an overarching framework and foundation within which gender equality is enshrined. It provides the overall legal framework for women's empowerment where in: the fundamental rights are equally bestowed on men and women; fundamental duties mandate every Bhutanese not to tolerate abuse of women and principles of state policies intend and guide actions to eliminate discrimination against women and children.

The Royal Government of Bhutan made remarkable efforts in promoting gender equality with the development of numerous frameworks, plans and programs and also establishing a sustainable protection and institutional mechanism. However, we still believe that there is a need for renewed determination and direction to strengthen and promote gender equality at all levels and spheres of life. Therefore, the National Gender Equality Policy is developed to provide an overarching policy directive for the government to promote gender equality and gender mainstreaming in legislations, policies, plans and programmes. The Policy explores gender equality through three domains-

1. Gender equality in the political and public domain,
2. Gender equality in the social domain and
3. Gender equality in the economic domain

The Policy is an outcome of contribution from various stakeholders and provides a clear and coherent strategic framework, accountability and operational strategies and a way to foster deeper collaboration across sectors towards a common vision of gender equality. I on behalf of the National Commission for Women and Children, would like to wholeheartedly appreciate the support received while formulating the Policy and would like to urge for similar cooperation during the implementation of the Policy.

Tashi Delek!

(Dr. Tashi Dorji)
Chairperson

National Commission for Women and Children

1. BACKGROUND

1. Context

Since its successful transition to a Democratic Constitutional Monarchy, Bhutan has adopted multiple legal and policy frameworks to provide women and men 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 realisation of gender equality. Bhutan ranks 131 out of 153 countries¹ in the Global Gender Gap Report 2020, 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 every Bhutanese citizen the fundamental right to vote and to participate in any lawful profession. The composition of woman voters 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% of women candidates was elected as local government leaders. Likewise, only 14.9% and 16% of woman candidates were elected in the National Assembly and the National Council respectively in 2018.

The unemployment rate stood at 3.4% in 2018, with 4.2% of women unemployed against 2.7% of men. Women have much lower participation in regu-

¹ http://www3.weforum.org/docs/WEF_GGGR_2020.pdf

lar paid employment (18.4% as compared to 33.0% for men) and more substantial engagement in the agricultural sector (63.2% against 46.6% for men)². Women’s unpaid care work goes largely unrecognised. Women in Bhutan perform 71 percent of unpaid care work which is 2.5 times more than what men perform and their contribution as a share of GDP is 11 percent, while men’s contribution is 5 percent.³

As of December 2018, women comprised 36.99%⁴ of the total civil servants. However, a further disaggregation of data would reveal gaps in higher level positions for women which indicates 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 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 prescribes conditions to enable women’s participation in the civil service, which include support to create a positive, enabling environment for women to enter and remain in the service. The NCWC 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.

² Labour Force Survey Report 2018, <http://www.nsb.gov.bt/publication/files/pub3td3256de.pdf>

³ Valuation of Unpaid Household Work and Care Services in Bhutan, NCWC

⁴ <https://www.rcsc.gov.bt/wp-content/uploads/2019/04/Annual-Report-2018-19.pdf>

Bhutan has witnessed impressive achievements in terms of girls' participation rates, with girls making up 50.5%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 an 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% of boys). Besides, 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 1,000 live births decreased from 40.1 in 2005 to 15.1 in 2017. The Maternal Mortality Ratio has significantly decreased from 560 to 89 between 1990 and 2017. Nevertheless, the issues of high teenage pregnancies, as high as 32%⁶ of girls with first pregnancy at the age of 18 and below and the increasing issues of feminisation of HIV/AIDS continue to exist. The access to and the quality of health services that cater to women's specific sexual

⁵ <http://www.education.gov.bt/wp-content/downloads/publications/aes/Annual-education-Statistics-2017.pdf>

⁶ <http://www.nsb.gov.bt/publication/files/pub10cy1467vt.pdf>

and reproductive needs require 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 the prevalence of violence against women and girls in 2017 revealed that more than half (53.4%) of women agreed that the men are justified in hitting their partners 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 recognises women’s vulnerability as victims of violence and provides for the establishment of appropriate procedures and services 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.

2. Current Policy and Legislation

2.1. Alignment with National Policies and Frameworks

The NGEF is aligned with and internalises 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 mes-

sage 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.

The 12th FYP strives to achieve a “**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 legislation.

2.2. Alignment with International Policies and Standards

The NGEF is aligned with the international agreements that the RGoB has 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. Bhutan ratified the CEDAW

⁷Sources: Constitution of the Kingdom of Bhutan, 2008

⁸Bhutan 2020: A Vision for Peace, Prosperity and Happiness. Part 2, pp. 12–1

on 31 August 1981. Article 10 (25) of the Constitution states that existing International Conventions, Covenants, Treaties, Protocols and Agreements entered into by Bhutan shall continue in force. This recognises the CEDAW as a 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 strategic objectives and actions. The critical area on institutional mechanisms for the advancement of women, in particular, provides for formulation of 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.

3. Rationale

Currently, there is uneven mainstreaming of gender issues across laws, policies, programmes and projects. While there are several provisions in place, they are either ad hoc or without adequate 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 legislation, policies, plans and programmes. This policy also aims to address the formal approach to equality⁹ as provided in various policies, guarantees substantive equality by accounting for women's needs and addresses existing gender gaps and inequalities. The policy takes into consideration the Constitution of the Kingdom of Bhutan 2008 which guarantees the protection of the rights of women and girls. 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."¹⁰ The Committee emphasised 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"¹¹.

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 the same treatment.

¹⁰ CEDAW General Recommendation No. 25, para. 7.

¹¹ Ibid.

2. POLICY VISION AND PURPOSE

2.1. Policy Vision

The NGEP envisions a society where substantive equality is practised, providing equal opportunities for women and men, and boys and girls 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 laws, 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 document 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 for the government's priority on gender equality.
- Strengthen accountability and operational strategies to address priority gender issues.
- Facilitate stronger collaboration across sectors and stakeholders towards a common vision of gender equality.

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 benefit from the ability of both women and men to develop their capabilities and realise 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 gender stereotypes and practices across all the domains. Removing the barriers to gender equality will require a multi-sectoral approach underlined in the operational strategies of the NGEF. Furthermore, policy statements in this document are 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 homes. However, this has not translated into their representation in the public sphere, namely in the government, political offices and the private sector. Improving women's participation and leadership in decision-making is aligned with the overall development and good governance principles, whereby all individuals can engage in and be part of the development of the country.

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

1. Create an enabling environment to increase the participation of women, with an inclusive lens, in decision-making (including in the private/corporate sector) and in the workforce.
2. Build a network 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.
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. Continue advocacy and awareness to encourage women's participation in decision-making and showcase role models who highlight women's contributions to society.
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 effective implementation of gender responsive policies, sensitisation and awareness around gender issues need to be strengthened for changing mindsets and attitudes is a long process. Several aspects in the social domain, if addressed holistically, will create positive impacts in the economic and political domains. The policy seeks to address Gender-based Violence (GBV), gender gaps in the health sector by improving access to and utilisation of health services, and gender issues through the vulnerability lens.

The government shall ensure the following policy provisions to achieve gender equality objectives under the social domain:

1. Create a culture of prevention and zero tolerance to GBV for the current and future generations.
2. Strengthen the 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 offer them full protection, counselling, rehabilitation and reintegration and legal aid, where necessary.
3. Strengthen the institutional mechanism and the capacity of relevant agencies to prevent and respond effectively to cases of GBV (including trafficking in persons).
4. Establish and strengthen a coordinated system for the collection and analysis of GBV-related data to support informed decision-making and need-based interventions.
5. Implement preventive measures and raise awareness on GBV towards reducing early marriages, feminisation of HIV, teenage pregnancies and

unsafe abortions.

6. Strengthen the implementation of relevant legal provisions on teenage pregnancy, sexual harassment and other forms of GBV.
7. Develop and implement evidence-based interventions to address gender issues faced by women and girls due to their varying vulnerabilities, particularly those related to trafficking, sexual harassment and employment besides developing measures to protect those who identify themselves outside the traditional gender roles based on specific gender identities.
8. Expand specific health services for women and girls across the country, including maternal, adolescent, sexual and reproductive health.
9. Mainstream gender in all disaster and climate change related initiatives by acknowledging the differential impacts of disasters and climate change on women and men, and highlight the positive roles women can play in adaptation and mitigation efforts.
10. Improve gender-friendly infrastructure and facilities in 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 encourages their participation in the formal economy and recognises their contribution to the informal segment of the economy. Gender stereotypes continue to permeate the economic sectors in which men and women are employed. Greater engagement and contribution of women in the economic domain will directly contribute to the development and productivity of the country, thereby augmenting the vision of sustainable economic growth. Women's and girls' equal access to and participation in education and training are 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 policy efforts of relevant sectors to improve girls' participation in the tertiary education, including technical training institutes.
- 6.2. Strengthen gender-friendly school environment, including infrastructure and facilities, to increase and retain girls' participation in schools at all levels, including 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 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 a detailed situational analysis.
- 6.8. Implement interventions to reduce the burden of care and domestic responsibilities and advocate for equal sharing of such responsibilities within the family.

7. IMPLEMENTATION PROCEDURES AND OPERATIONAL STRATEGIES

1. National Plan of Action for Gender Equality

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

2. National Development Plan and Planning Processes

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

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 training on gender analysis, identifying gaps and gender mainstreaming.

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 by addressing data gaps.

5. Financial and Human Resource

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

6. Strengthening the National Capacity on Gender

The government shall endeavour to invest in building specialised capacities for gender-related issues for all the government and non-government stakeholders to ensure effective realisation of the policy objectives.

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. The training and guidelines for the same will be developed in close consultation with the NCWC.

8. Legislation

The government shall encourage provisions in the national legislation that explicitly recognise women's specific needs and address any form of discrimination by broadening the approach to include substantive equality. Gender equality terms such as "equal benefits", "equal opportunities",

“equal access” or “equality in practice” beyond just “equality before the law” and/or “the equal protection of the law” shall be included in the legislations.

9. Partnerships

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

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. Such multi-stakeholder platforms will also help build a collective agenda, support resource sharing for gender-responsive plans and programmes, and allow for new emerging areas to be discussed.

9.2. Community Engagement

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

10. Communications

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

8. INSTITUTIONAL STRUCTURES

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

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

The NCWC will continue to play its role to advocate and lobby for addressing gender issues. It will benefit from enhanced capacity to generate new research, use and socialise data to highlight existing gender gaps which, in turn, will inform and influence policy makers.

2. Gender Focal Points

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

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

3. The Gender Expert Group

The government shall provide additional provisions to strengthen the technical and advisory capacity of the Gender Expert Group (GEG) through the

¹²The 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 issues related to children being addressed by the Children's Division. The NCWC coordinates action and monitors the implementation of the following Acts: Child Care and Protection Act of Bhutan 2011 (CCPA), Child Adoption Act of Bhutan 2012 (CAA), and Domestic Violence Prevention Act of Bhutan 2013 (DVPA).

introduction of quality assurance measures such as certification processes for the completion of courses and training.

The government will strengthen the relationship between the GFPs and GEG through a twinning or mentoring process to provide the GFPs 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 Gender Equality Monitoring System (GEMS) to consolidate reporting of gender-related initiatives in the country. 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 its 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 International and Regional Levels

The government shall continue to report its progress regularly to the CEDAW Committee and implement the Committee's recommendations. The CEDAW reporting will continue to ensure the accountability of the State for its commitments to gender equality. The government will strengthen its coordination across sectors, ministries and organizations to consolidate reporting of progress on 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 emerging areas that may need consideration.

10. KEY DEFINITIONS

Basic services refer to all the essential services women and girls require which include 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 socialisation 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, recognising the diversity of different groups of women and men. Gender equality is not women's issue but should concern and fully engage men as well as women. Equality between women and men is seen as a human rights issue as well as a precondition for, and indicator of, sustainable people-centric development.

Inclusive implies the process of taking into consideration the needs of diverse members of the population and ensuring that every man and woman, boy and girl benefits equally from interventions 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 in the same way irrespective of

their race, ethnicity, sex, age etc. which do not recognise diversity and are insufficient for promoting social inclusiveness.

Substantive Equality takes into account fairness and equity in providing a broader framework of equality, which recognises 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.



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