

# How Can Society Protect Children?

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“This place is under CCTV surveillance” declares shining new signs flanking the gates of a Thimphu school. About 1,200 students file by the closed circuit TV -- a tool to ensure safety and keep outsiders out. Roads around the capital carry larger signs warning peddlers and users against alcohol and substance abuse.<sup>1</sup> But are any of the thousands of students and residents who go by these signs paying heed? Or understand their implications to society?

Youth, under 25 years, make up nearly half of Bhutan’s population. What they do today -- their aspirations and concerns -- matters, as an evolving democracy grapples with global concerns like climate change, the COVID pandemic, political and economic upheavals. Concerns at home are important as Bhutan experiences an upsurge in crime, substance abuse, inequity, employment and emerging mental health problems directly affecting the younger generation. Social disruptions were -- at one stage -- making youth sound almost synonymous with problems, catching the attention of the press, police, and policy makers. Today, stories of children living in difficult circumstances and youth in conflict with the law feature regularly in the media.

How is Bhutan, a GNH country, addressing these socially disruptive developments? What works? What else can be done? This article explores the current situation and shares suggestions from educators, police, social workers, lawyers, CSOs and researchers about ways to address the situation of “children in difficult situations” (CIDC) and “youth in conflict with the law” (CICL).

## **Then and Now ---The Situation of CIDC and CICL**

In 1994, there were a dozen or so youth in police detention.<sup>2</sup> The authorities estimated not more than 30 youth offenders - with pickpockets operating in Thimphu and some youth caught abusing medication as drugs. Then

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<sup>1</sup> Set up by the Bhutan Narcotics Control Authority (BNCA)

<sup>2</sup> Figures from an old video titled ‘A Generation in Change’, tracking the situation of youth in Thimphu who were succumbing to pickpocketing, and the beginnings of substance abuse. The film was made in 1994 for the then Youth Association of Bhutan

began the brawls and youth gangs that were dismantled by the Royal Bhutan Police (RBP) with careful negotiation and handling. But negative trends involving the youth continued to increase.

Bhutanese society is encountering more children living in difficult circumstances (CDC). This is a term used to describe vulnerable children who are identified as orphans, children without homes, out-of-school and single parent children not getting adequate care and protection, and those who are susceptible to being abused or exploited.<sup>3</sup> Children in these circumstances are at risk of getting into unlawful activity and delinquent behaviour.

Stakeholders involved in child protection in Bhutan<sup>4</sup> provide a consistent picture of underlying causes of vulnerable children: they usually come from dysfunctional families and are prone to psychosocial pressures such as negligence or are exposed to alcoholism and/or substance abuse. Some are orphans. Vulnerable children experience bullying and are victims of molestation or, worse, rape. Family poverty, lack of education, and an acute shortage of wholesome recreational and family services and facilities add to the challenge.

Nazhoen Lamtoen<sup>5</sup>, a civil society organisation, conducted a rapid assessment of 412 children in difficult circumstances (CIDC)<sup>6</sup> and drew this scenario in 2018:

- 28.2 percent of respondents were orphans; of this cohort, 20 percent said they experienced poorer grades in school, and 15.4 percent said they had inadequate food and money as a family.
- 7.7 percent of the respondents had divorced parents.
- 40.6 percent of their guardians consumed alcohol (although it is unclear how serious the alcohol intake is).
- 7.9 percent of the children were staying with guardians who abused drugs.
- 8.7 percent of the children (about 36 children) reported drinking alcohol and 6.6 percent (27 children) reported taking drugs.

<sup>3</sup> Described in Bhutan's vulnerability baseline assessment, 2016

<sup>4</sup> The RBP, Nazhoen Lamtoen, legal officers and the National Commission for Women and Children (NCWC)

<sup>5</sup> Nazhoen Lamtoen's mission is to advocate for and serve children in difficult circumstances by providing timely intervention, empowerment and re-integration into communities.

<sup>6</sup> Nazhoen Lamtoen's Children in Difficult Circumstances assessment in 5 districts, 2018, provides the views of some young offenders and children from difficult circumstances. The study was carried out amongst 412 potential CIDC under 18 years of age in Thimphu, Zhemgang, Paro, Monggar, and Chukha.

- 88.3 percent of the children needed some kind of help -- 53.9 percent reported needing help in studies, 23.8 percent needed clothing, 18.7 percent wanted shelter.
- 59 children said they know of other children who are facing similar situations.

## Youth Crime

Royal Bhutan Police records show that 4,942 youth were arrested in connection with drugs, alcohol, and other crimes in the years 2010 to 2015. The number of youth arrested doubled from 754 in 2013 to 1,563 in 2017. This correlates with the overall crime rate that increased from 2,055 offenders in 2015 to 4,310 offenders in 2018.<sup>7</sup>

Forty percent of youth crimes are attributed to the influence of alcohol (NSB 2015 report).<sup>8</sup> Peer pressure, drug use, poverty, the often-used term “broken” families, unemployment, and other social problems are other reasons leading to children in conflict with the law. Although Bhutan’s poverty rate is said to have reduced to about 12 percent<sup>9</sup>, inequities are widening.

A National Statistics Bureau (NSB) study shows that the social environment, such as weak, dysfunctional family connections, hostility towards school and community, or unfavourable social and economic conditions trigger criminal behaviour amongst youth. “In my experience, both parents are working and don’t have time for their children; their friends become their world and peer pressure takes over,” says Lt. Colonel Karma Rigzin of the Royal Bhutan Police who is a mother.

COVID times have reduced petty crime but children today experience increasing levels of anxiety and stress from lockdowns, studying online and the pressures of an urbanising society. Bhutan’s high rural-urban migration, with about 40 percent of the population having moved in search of jobs or to be with family, has changed the social environment and created more nuclear families. The phone and social media are the new nannies. When children attend boarding schools, especially at the primary level, they are believed to be deprived of the love and care of family upbringing.

<sup>7</sup> NSB statistics

<sup>8</sup> With data from the Royal Bhutan Police (RBP), the youth delinquent monitoring system and qualitative discussions, NSB confirmed that family disruption, unemployment, peer pressure and poverty were causes of crime involving youth.

<sup>9</sup> The share of population living on less than USD 3.20 a day fell from 14.7 percent in 2012 to 12.2 percent in 2017 ( Bhutan World Bank data bank)

## What is being done?

Foreign Minister Lyonpo Tandin Dorji, who was involved in drafting Bhutan's National Youth Policy in 2011, said that problems concerning youth, and their causes, have not changed, but they have accelerated over the years.<sup>10</sup> He said the government has plans to foster greater collaboration in child protection measures that will be prioritised once COVID challenges are dealt with. But this is something that needs focused attention now.

A number of steps have been taken in recent years to rehabilitate and reintegrate CDC and CICL into society.

Bhutan enacted the Child Care and Protection Act (CCPA) 2011 with provisions and good practices required by the Convention on the Rights of the Child.<sup>11</sup> The Child Adoption Act was endorsed in 2012 followed by the Domestic Violence Prevention Act, 2013.

The Thimphu District Court established a family and child bench in 2017 as required by the CCP Act. The National Commission for Women and Children (NCWC) is the lead authority for child protection matters. A network of child welfare committees are required to be set up in every district and *thromde* (municipality). The district legal officer has become the interim child welfare officer to facilitate child protection cases, but not all the posts are filled.

Active among those who provide support services are civil society agencies like Nazhoen Lamtoen, RENEW (Respect, Educate, Nurture and Empower Women), and Chithuen Phendhey.<sup>12</sup> Addiction rehabilitation services are provided at the Serbithang and Tshaluna centres in Thimphu, and Samzang in Paro run by Bhutan Narcotics Control Authority (BNCA), the Youth Development Fund and Chithuen Phendhey. BNCA also manages seven drop-in centres where counselling is offered.

<sup>10</sup>The Minister said this at a Youth Initiative event hosted by Bhutan Centre for Media and Democracy on Sept 24th, 2021

<sup>11</sup>Bhutan ratified the Convention on the Rights of the Child in 1990

<sup>12</sup>RENEW is a non-profit organization dedicated to the empowerment of women and children in Bhutan and promoting Sexual Reproductive Health and Rights, with specific attention to the survivors of domestic violence (DV) and Sexual & Gender Based Violence (SGBV). Chithen Phendey Association works in Social reintegration and relapse prevention for people recovering from addiction.

Nazhoen Lamtoen opened the first shelter for youth<sup>13</sup> in difficult circumstances, such as children without a stable family environment, in Thimphu in 2019. In mid 2021, there were 17 youth living there, one of them a teenage mother with her baby. “We had no one to support us at home. Here, everyone supports us and they care for us,” says a shelter resident. A 17-year old girl is looking forward to reuniting with her father when he’s released from prison. Those who do not go to school are trained in various skills to prepare them for jobs. Similarly, RENEW manages a women’s home, Gawiling, in Thimphu where women suffering domestic violence are given shelter along with their children.<sup>14</sup>

An effective measure of dealing with young offenders is the Diversion programme mandated by the Child Protection Act. “Diversion” refers to the channeling of CICL away from judicial proceedings, through the development and implementation of alternative measures that enable many to be dealt with by non-judicial bodies, “thereby avoiding the negative effects of formal judicial proceedings and a criminal record.”<sup>15</sup> The Judiciary, the office of the Attorney General (OAG), the Police, NCWC, and BNCA drafted guidelines with procedures for Diversion in 2019.

Stakeholders say it is less traumatic for a young offender to undergo diversion. “We’re keeping them away from the court environment and affording him or her an opportunity for a second chance in life if they realise their mistakes. They learn to reintegrate into society. And, if successful, their criminal records will be expunged,” says a lawyer involved in the programme, Jamyang Tenzin. Children undergoing diversion return to school, receive counselling and are offered skills training.

The RBP’s Youth Development and Rehabilitation Centre (YDRC) in Tsimasham has seen fewer in youth rehabilitation since the diversion programme began. There are today 14 youth at YDRC; some attend day school and others receive vocational training in hair cutting, tailoring, catering, and cooking to prepare them for a livelihood. YDRC figures show

<sup>13</sup> The shelter was opened with support from Save the Children, Bhutan and additional assistance from Helvetas and UNICEF.

<sup>14</sup> RENEW’s Happy Home is a shelter for an individual/family who may stay for up to six months but in some incidences may remain longer if there are no other secure or suitable alternatives. The Home offers counselling, legal aid (where needed), emergency medical aid, crisis intervention, meditation practices, education for the children and livelihood training.

<sup>15</sup> National Commission for Women and Children, CICL standard operating procedures for case management for children in conflict with the law.

that 358 youth in conflict with the law have completed rehabilitation and reintegrated with their families and community since 1999.

Since 2018, Nazhoen Lamtoen has reintegrated 77 children into society from various programmes; it has supported 250 children in difficult circumstances and 102 young offenders. But there are relapses due to a lack of funding and staff to provide continued counselling and monitoring of youth who have undergone diversion or rehabilitation.

## Elsewhere

Youth problems are not unique to Bhutan and there are countries that have effectively overcome some of them. Two decades ago, teenagers in Iceland<sup>16</sup> were among the heaviest consumers of alcohol and drugs among youth in European countries. Based on scientific evidence, the government introduced a combination of incentives and penalties that saw a dramatic impact on youth behaviour.

They established sports facilities and offered music, dance, art, martial art and various classes. They changed laws and it became illegal to buy tobacco under the age of 18, and alcohol under the age of 20. They implemented a strict curfew regime, prohibiting children between 13 to 16 from being outside after 10 pm in winter, and midnight in summer. Parents patrolled neighbourhoods to check on youth, and kept in touch with schools. School-Parent organisations encouraged parents to spend time with their children and to keep them home at night.

The results were telling. The percentage of teens who had been drunk plummeted from 42 percent in 1998 to five percent in 2016. The percentage who had used cannabis reduced from 17 percent to seven percent. Those smoking cigarettes every day fell from 23 percent to three percent.

Singapore, another small country, has invested heavily in community centres with public facilities to promote a healthy society. Sports facilities, gyms, walking and running tracks, and public parks promote inter-generational activities. The centres offer regular yoga, tai chi, martial arts, dance, IT, crafts and cooking courses, apart from public services. A wide choice of quality public services and facilities exists as alternatives to expensive private facilities.

<sup>16</sup> The Iceland case is reported on several online sites.

## Challenges

A decade after the CCP Act was endorsed, stakeholder agencies are still awaiting funding and support for essential posts to implement the Act, such as the requirement for protection, probation, and child welfare officers for districts and *thromdes*. As the main agency for child protection, the NCWC has just five such officers and counsellors to address a growing situation.

The Act requires new posts that are not on the approved list of civil service occupations so interim adjustments have been made using counsellors<sup>17</sup> or lawyers in place of social workers. The role of social workers is not well appreciated and Bhutan's only social work degree course offered at the Samtse College of Education is being stopped, at a time when Bhutan's social problems are on the rise.<sup>18</sup>

The records of youth who have completed their rehabilitation at YDRC are to be expunged six months after detention. But there are cases where youth cannot attain a security clearance even after completing rehabilitation, affecting their ability to get jobs and move on with life.

A short-sighted attempt at reducing youth brawls is the Thimphu Thromde's extension of the opening hours of dance clubs from 1 am to 5 am (before COVID times). This decision, taken without consulting parents, has the dire consequence of driving more youth and young parents into an environment of alcohol and night-life. This move seems to be a reaction to the symptoms of a disruptive society, rather than focusing on the causes; as we are reminded daily that alcohol is a cause of many malfunctioning families and a trigger for youth crime.

These are tangles in the system that need immediate attention.

## Changing the Social Environment

- “The state has to commit to the diversion programmes and activities so that CSOs and communities can improve services. Punishing youth in conflict with the law alone does not help -- there'll be

<sup>17</sup> Counsellors are persons trained to give guidance on personal or psychological problems. Social workers are trained to help people solve and cope with daily problems.

<sup>18</sup> The social work masters course has about 72 students that can easily find employment in the districts, CSOs, hospital and all the agencies dealing with children, women and other social cases.

recurrence as long as the causes are not removed and the environment is not changed,” says an OAG lawyer. Child protection is a long-term commitment. There is an urgent need to support and recruit social workers and other staff in agencies responsible for child protection. CSOs and agencies that support such work also need funding.

- Local governments (LGs) must look beyond the provision of infrastructure like roads, bridges, and trainings for staff and divert more support towards services, facilities, and programmes for the best interests of the child and the well-being of society.
- Bhutan tried a curfew to reduce youth crime and brawls; Mongar town placed a curfew on youth being in the town after 8 pm. The police in Thimphu imposed a similar curfew with later hours for youth in 2015. Youth moving around in a group were frisked and breathalyser tests stepped up. While this helped during that particular period, it did not continue. Parents ought to be roped in to ensure their teenage children are safe when out in the town at night.
- “The community can demand services -- ask for a library, counselling centres to minimise community problems” says Nazhoen Lamtoen’s Director, Thinley Tobgay. Towns like Paro and Samdrup Jongkhar are asking for more recreational facilities that are affordable, and local CSOs are initiating activities to fill the gaps.<sup>19</sup> The government can engage more partners to develop a comprehensive re-intergration programme for children in conflict with the law.
- Sound social solutions require people to take action and it is time to involve parents. “Communities have to realise that collective action is needed to reduce children in conflict with the law. Crime prevention is a collective responsibility -- RBP can’t achieve this on its own, we need the community,” says a police officer. “The lack of parental engagement with their children is the cause of many problems. We have to make parents more responsible.”
- “Our children are mostly good. Those who get into trouble have similar backgrounds, such as divorced, negligent parents. We’ve never tried to seriously rope in parents to work with us, we should start,” says a high school principal. A YDRC officer suggests regular parenting awareness programmes in schools or in rural communities to improve children’s well-being and protection.

<sup>19</sup> Community mapping projects undertaken in these two towns with Thromde, dzongkhag and BCMD support have enabled CSOs, youth and local communities to undertake some local activities to address social-recreational needs such as a youth centre in Dewathang, the development of tennis, volleyball and other facilities in Paro where youth are said to need more sports and alternative facilities.



- Nazhoen Lamtoen believes in creating a conducive environment at home as “many of our children do not get basic family care”. A shared concern from those involved in child protection points to the liberal attitudes in society towards marriage, single parenting and raising families. The rising divorce rates and separation of families are negatively impacting children and society. Improving parental literacy and parenting skills to build positive family relationships is a basic need today.
- Introduce socio-emotional health programmes to enable families to learn how to deal with the stress and conflicts of increasingly disruptive times -- from pressures of work and study, to rising costs of living and the pandemic. This will help lower the risk of escalation of abuse or neglect of children. The Courts can refer couples for marriage counselling.<sup>20</sup>
- Increase funding for organised sports, music, art, and other clubs to give youth and parents alternatives to lead healthier, more engaging and fun lives. Find a balance between quality, affordable public facilities and private sector models.
- Encourage youth and family engagement to model a strong community, and enable youth to understand their potential to be productive citizens. Just like the common pastime of family picnics, encourage families to engage in shared sports and community service activities together.

Many countries have social and family centres or dedicated agencies for social welfare matters. Bhutan has the regulations and the institutions, but is weak in implementation. Installing CCTV and warning signs are short-term measures. Parents and community members must step in now to work with the government to foster a caring social environment for the well-being of children and the society.

As a former Member of Parliament says: “What can government do? The 700,000 of us Bhutanese will have to do it.”

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<sup>20</sup> Marital issues such as divorce is among the top two most common cases in the Judicial system in Bhutan. In 2019- the judiciary handled 1,184 matrimonial disputes, 1,266 in 2018, and about 1,400 in 2017. These figures represent only the cases that seek legal redress.

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