



**New Horizon:  
Possibilities for breakthroughs in  
Nepal albeit increasing cooptation of  
the LGBTIQ grassroots movement**



### **New horizon:**

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This publication is commissioned by ILGA Asia - the Asian Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, representing more than 170 LGBTI organizations in East, South, Southeast, and West Asia. The document has been produced in consultation with member organisations and key partners as suggested by member organisations in the country. Permission to quote or otherwise use the information has been provided by the informants.

The analysis in the report is intended to recommend ILGA Asia to produce a strategic plan for 2021-2025. Positions in the report lie with the participants of the consultations and interviews, and do not reflect the values and viewpoints of the collective network.

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To protect the safety and privacy of members and informants, their names have been omitted from the publication where appropriate.



# Executive Summary

In this country report, a snapshot of the legal and political landscape, religious perspective, and socio-cultural positionality of LGBTIQ people contextualize strategies, movement priorities, and challenges faced by LGBTIQ people, community, and organizations in Nepal. In-depth interviews with 12 seasoned human rights activists and experts provide deeper insights into key barriers and gaps in movement advancement, as well as opportunities for future interventions, which inform and undergird recommendations of this report. Furthermore, recommendations are made paying special attention to the inspiring new developments within the movement and risks of co-optation they may face. The findings and recommendations provide activists, community-based organizations, and other stakeholders efficacious tools to ensure the social protection of LGBTIQ people, safeguard their human rights and promote LGBTIQ movements.

Even though major legal and political advancements favoring LGBTIQ people were achieved in the last two decades, Constitutional rights and Supreme Court verdicts have not been implemented, conditions of LGBTIQ people have not improved while further marginalization of a large segment of the LGBTIQ community continues. While class, caste, geographical privileges, and other socio-cultural capital, protect some segments of the community from outright discriminations and violence, in the public sphere LGBTIQ people wholly lack political space. In the private sphere their sexual orientation, gender identity and expression, and sex characteristics are often shunned and repudiated.

These findings indicate an unequivocal need for robust community organizing and intersectional coalition building, for which alteration in funding mechanism and modalities, as well as its expansion and diversification, is needed. In

this report, the dearth of funds for LGBTIQ activism and advocacy in the Global South is further complicated by the unequal power dynamics in global philanthropy. Exploring the impact of these issues on local organizations, this report urges funders to acknowledge power imbalance and provide flexible and long-term funding that is based on local needs.

All findings in this report overlap with the nine key priority areas/strategies identified by twelve key informants, which are: decentralization of movements; prioritization of intersectionality and coalition building; comprehensive school curricula revision; implementation of laws and Constitutional guarantees; representation in the Parliament; livelihood development; documentation of human rights violation; resource material development; and strategic engagement with the media.

As LGBTIQ people are situated on the margins of heteronormative social arrangements, several recommendations within and between six identified fields in this report are found to be intertwined. LGBTIQ movements have often created a culture that is often at odds with normative social relations and values, and currently, activists are making impressive headways on this front. As these newer meanings and ideas often meet with resistance from the status quo, this report recommends monetary support for the creation of spaces where the exchange of new ideas amongst intergroup activists and leaders about ideological differences can be shared and local knowledge/ideas can be nurtured and further developed. Additionally, building on the spirit of inclusivity, local knowledge must be given space at international fora, with an explicit aim to strengthen mutual learning, solidarity, and movement building.

Concurrently, a clear need to capture the growing interests amongst diverse stakeholders who are willing to advocate for LGBTIQ rights has also been identified, indicating a need to ramp up awareness-raising campaigns amongst allies and organizations. An intersectional approach to solidarity building and community organizing by highlighting structures of dominations and common threads that unite respective movements has been identified as an effective strategy to build broad coalitions. Additionally, by centering voices of those who are most negatively

impacted by socially embedded hierarchies and prioritizing social inclusion of the entire community, solidarity should be channeled to advocate for proportional representation in the political sphere and in private, public, and non-government organizations; economic upliftment of LGBTIQ people through the inclusion in hiring and organizational policies that go beyond tokenism; inclusion of the community in Gender Equality and Social Inclusion policies; ending medical discrimination and disenfranchisement of the community.





# Background

This study provides ILGA Asia with sufficient information about the overall situation of the LGBTIQ community in Nepal, including challenges faced by the community in the areas of advocacy, activism, and movement building. This includes advocacy priorities and strategies employed by local LGBTIQ organizations and activists for the LGBTIQ communities in the next five years.

## Methodology

This report consists of consolidation and analysis of Key Informant Interviews and available literature on LGBTIQ issues in Nepal, with a focus on its history, achievements and gaps in the movement vis-à-vis the legal landscape and socio-cultural environments. An extensive Internet search was conducted to identify resources for the review. The search was organized according to the broad range of relevant keywords as part of the focus of the review using Google and Google Scholar search engines.

Twelve (12) identified Key Informants were consulted between November and December 2020. Nine (9) of the consulting partners were seasoned LGBTIQ activists belonging to various LGBTIQ organizations. Three (3) of the consulting partners – a Network Coordinator of INSEC, a social justice and human rights NGO; Founder of Tewa, a women's rights organization; and Program Director of Beyond Beijing Committee Nepal, a feminist national network – did not identify themselves as LGBTIQ and worked closely with LGBTIQ activists and organizations.



# Country Context

Nepal is a signatory of several international consensual documents such as the International Conference on Population and Development (ICPD), Programme of Action (PoA) 2030 Sustainable Development Agenda, several treaty bodies including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and Convention on the Rights of the Child (CRC), based on which several national policies, guidelines and laws have been formulated.<sup>1</sup>

In 2008, after abolishing the 240-year-old monarchy, the newly elected Constituent Assembly declared Nepal a Federal Democratic Republic. As a country transitioning from a monarchy to a republic, Nepal has taken several steps towards creating a fair and equitable society and a political system “that complies with universally accepted fundamental human rights.”<sup>2</sup> The state’s commitment to human rights garnered international attention in 2007 when Nepal’s Supreme Court issued a landmark decision in *Sunil Babu Pant and others v. Nepal government*, which acknowledged that LGBTIQ individuals should benefit from

<sup>1</sup> UNFPA, *25 Years of the ICPD: Accelerating the Promise (2019)*, <<https://nepal.unfpa.org/en/publications/25-years-icpd-accelerating-promise>>; Ministry of Environment, *Nepal National Adaptation Programme of Action (NAPA)*, Government of Nepal (September, 2010) <[https://www.adaptation-undp.org/sites/default/files/downloads/nepal\\_napa.pdf](https://www.adaptation-undp.org/sites/default/files/downloads/nepal_napa.pdf)> UNDP, *Sustainable Development Goals*, <<https://www.np.undp.org/content/nepal/en/home/sustainable-development-goals.html>> Ministry of Women, Children and Social Welfare, *Fourth and Fifth Periodic Reports, Convention on the Elimination of All Forms of Discrimination against Women*, Government of Nepal (July 2009), <[https://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-NPL-4\\_5.pdf](https://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-NPL-4_5.pdf)>; National Human Rights Commission Nepal. *A Study Of The Domestication Status Of International Covenant On Civil And Political Rights In Nepal*, NHRC (May 2007) <[http://www.nhrcnepal.org/nhrc\\_new/doc/newsletter/ICCPR%20Study%20Report.pdf](http://www.nhrcnepal.org/nhrc_new/doc/newsletter/ICCPR%20Study%20Report.pdf)>

<sup>2</sup> Richard H. Langan II, et. al., UNDP Nepal: *Outcome Evaluation of UNDP Nepal Access to Justice and Human Rights 2001-2010*, UNDP (29 November 2010) 1-15 <<https://un.info.np/Net/NeoDocs/View/4450>>

the same legal rights as other citizens of Nepal.<sup>3</sup> Another significant development as a result of this ruling was the admission of the “third gender” category in the Nepalese legal system.<sup>4</sup> A substantial amount of the decision’s text is dedicated to discussing the rights of third gender citizens, including the right to be recognized on a self-identification basis as third gender on official citizenship documents—the keystone to accessing all state services in Nepal.<sup>5</sup> Another positive step after the decision in *Pant* was the inclusion of a line for sexual and gender minorities in the 2008 federal budget.<sup>6</sup>

Further, there is historical presence, and thus, contemporary cultural acknowledgement of gender-variant people such as *hijras* and *metis*. The local religious traditions contain important third gender (non-male/female gender performing) characters. For example, a “third gender” and references to male and female homosexuality have been acknowledged in Hinduism since Vedic times, for instance, in the great Hindu epics, the Mahabharata and the Ramayana that are described in medieval Hindu temples, scriptures and practices including the Khajurao temple in India and the renowned Kama Sutra texts.<sup>7</sup> The intense media focus on the violence against gender-variant people as the contemporary sexual and gender minority rights movement has also emerged in Nepal.<sup>8</sup>

Despite considerable legal advancement, ongoing human rights violations against LGBTIQ people are widespread and due to several social, cultural and economic barriers such as an unstable government, weak governance, a patriarchal and stereotypical society, and geographical barriers that hinder service access, implementation of current laws and policies remains weak and several barriers persist.

<sup>3</sup> Pant v. Nepal, Writ No. 917 of the Year 2064 BS. 2007. <http://www.gaylawnet.com/laws/cases/PantvNepal.pdf>

<sup>4</sup> It encompasses a wide range of non-binary gender identities, including FTM and MTF transgender persons and intersex persons. See Michael Bochenek & Kyle Knight, ‘Nepal’s Third Gender and the Recognition of Gender Identity’, (Jurist, 23 April 2019) <<https://www.jurist.org/commentary/2012/04/bochenek-knight-gender/>>

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> UNDP & USAID, Being LGBTI in Asia: Nepal Country Report (2014) <[https://www.undp.org/content/dam/rbap/docs/Research%20%20Publications/hiv\\_aids/rbap-hhd-2014-blia-nepal-country-report.pdf](https://www.undp.org/content/dam/rbap/docs/Research%20%20Publications/hiv_aids/rbap-hhd-2014-blia-nepal-country-report.pdf)>

<sup>8</sup> Michael & Kyle (n 4).

## Important Timeline

**1998**

The first case of HIV was diagnosed in Kathmandu City.

**2001**

A group of LGBTIQ individuals registered Nepal's first NGO dedicated to sexual health and rights, the Blue Diamond Society (BDS), with the Social Welfare Council.

**2004**

A lawyer filed a case at the Supreme Court, saying BDS's activities – and the promotion of homosexuality – are illegal under Nepali laws.<sup>9</sup>

**2006**

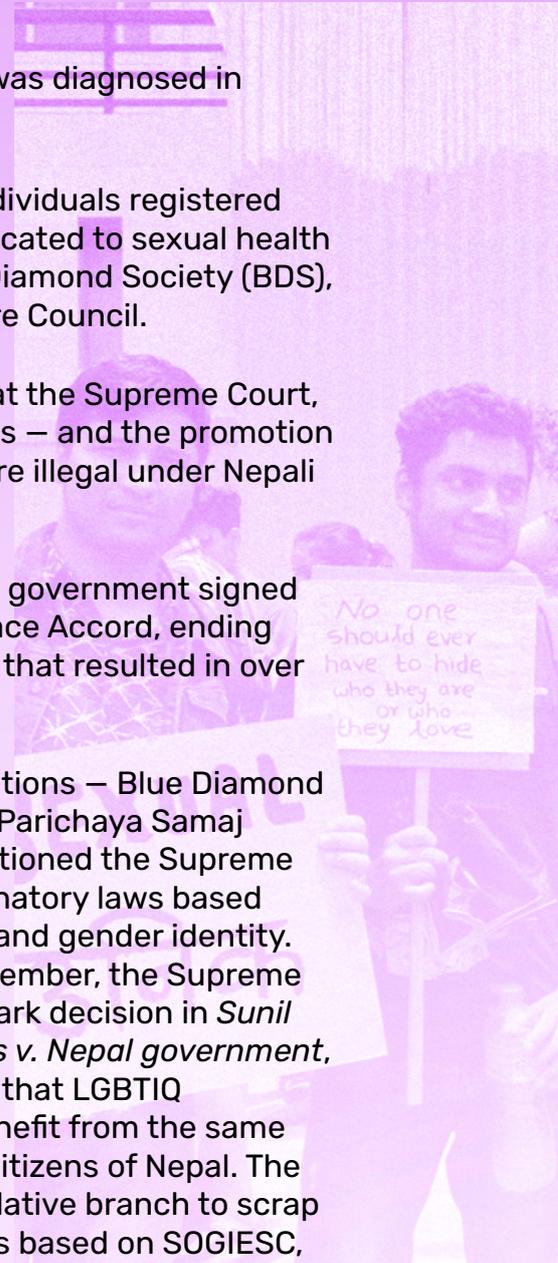
Maoist rebels and the government signed a Comprehensive Peace Accord, ending the ten-year civil war that resulted in over 16,000 casualties.

**2007**

Four LGBTIQ organizations – Blue Diamond Society, Mitini Nepal, Parichaya Samaj and Cruiseaids – petitioned the Supreme Court to end discriminatory laws based on sexual orientation and gender identity. Later that year in December, the Supreme Court issued a landmark decision in *Sunil Babu Pant and others v. Nepal government*, which acknowledged that LGBTIQ individuals should benefit from the same legal rights as other citizens of Nepal. The ruling called the legislative branch to scrap all discriminatory laws based on SOGIESC, to recognize a third gender category, and to establish a committee to explore the legalization of same-sex marriage.

**2008**

Sunil Babu Pant was chosen by the CPN-U (Communist Party of Nepal-United) for a proportional representation seat, making him the first openly gay federal-level official in Asia.



<sup>9</sup> Kyle Knight, *Bridges To Justice: Case Study Of Lgbti Rights In Nepal*, Astrea Foundation (2015) <<http://www.astraeafoundation.org/uploads/files/Astraea%20Nepal%20Case%20Study.pdf>>

**2008**

Nepal's Finance Minister, Dr. Baburam Bhattarai, included sexual and gender minorities in the federal budget.

**2011**

Census gatherers went door-to-door across Nepal attempting to count people by three genders: male, female, and third gender. However, due to administrative unpreparedness, logistical issues, flawed data collection, and a host of other issues, the undertaking fell through and disaggregated data with a total trans population was not published in the 2011 census report.

**2012**

The Government of Nepal officially directed all district offices to begin issuing citizenship documents listing male, female, or other genders without any delay.

**2013**

Nepal hosted a UN Asia-Pacific Seminar on Human Rights, Sexual Orientation and Gender Identity which was organized by the Ministry of Women, Children and Social Welfare.

**2013**

The Supreme Court recognized a live-in relationship between two lesbians despite the efforts of the family of one of the women to separate them.

**2013**

None of the 62 LGBTIQ people who declared their candidacy in the upcoming parliamentary election managed to win a seat.

**2014**

A New Constituent Assembly was formed with zero representation of sexual and gender minorities.

**2014**

The Passport Department of the Ministry of Foreign Affairs proposed to the government of Nepal to amend the Passport Regulation Act in order to include an "Other" category in passports.

**2014**

The Curriculum Department of the Ministry of Education incorporated LGBTIQ issues in the secondary (Grades 6, 7 and 8) and university-level education curriculum.

**2015**

The Supreme Court ordered the government to issue passports for three genders.

**2015**

The same-sex marriage committee released a report recommending policies for the government.

**2018**

A bill to amend the Citizenship Act entered the House of Representatives.

**2020**

Nepal became the second Member State in Asia to become a part of the UN LGBTIQ Core Group.

**2020**

Lawmakers proposed an amendment to the country's citizenship laws, which, if passed, the selection of the "other" category would be conditioned to the presentation of a medical certificate that attested to it, without clarity as to the criteria for the need to produce such a certificate.





# Snapshot

## Laws, Policies and International Treaties

The effort from the legislative branch to scrap out discriminatory laws against LGBTIQ people has been lackadaisical. Thirteen years have passed since the Supreme Court's landmark ruling and yet, of the three areas, only recognizing the third gender category has been implemented. Trans rights activists complained that at the administrative level, implementation of this policy has been extremely shoddy with transgender people at the district level often finding it difficult to get their citizenship card with "other" checked on their citizenship document. The Constitution of Nepal addresses the rights of sexual and gender minorities people in Article 12; right to citizenship in Article 18; right to equality in Article 18; and right to social justice is guaranteed by Article 42.<sup>9</sup> Additionally, the Safe Motherhood and Reproductive Health Rights Act 2018 mentions that there should be non-discriminatory provisions for sexual and gender minorities. While Nepal is the signatory of several international consensual documents and treaties that mandate the protection of LGBTIQ people, rarely any of the policies are implemented at the federal and local levels.

Furthermore, as encouraging as these laws are, the current draft Nepali Civil Code deems any non-heterosexual sex as "unnatural", which concerns many as authorities can use this Code to harass, extort, refuse services to the SOGIESC minority groups. Recently lawmakers proposed an amendment to the Nepal Citizenship Act, which, if passed, the selection of the "other" category would be subjected to the presentation of a medical certificate stating the successful completion of gender affirmation surgery.

## Socio-cultural Practices

Persisting gender norms and policing, and the patriarchal hold on social life ensures that diverse SOGIESC people are

<sup>9</sup> The Constitution of Nepal, 2015 <<https://www.refworld.org/docid/561625364.html>>

marginalized and deprived of their rights including their sexual and reproductive rights. Gender-based violence prevails and is entrenched in patriarchy.<sup>11</sup> Sex is considered in the context of procreation and same-sex marriages are looked down upon and stigmatized as they do not adhere to the heteronormative definitions of sex and relationships. Unfavorable attitudes towards LGBTIQ individuals and social stigma attached with their identity vis-à-vis their non-normative identity are widespread in Nepali society.<sup>12</sup> Values in society are enmeshed with traditional practices and designed to cater to heterosexual families, with a keen focus on procreation. The reproductive-heteronormative bend of society and relationships makes discourse on LGBTIQ issues difficult and often incongruous.<sup>13</sup>

## Religious Perspective

As a Hindu-majority nation with references and acknowledgement to gender-variant deities in Hinduism since Vedic times and local religious traditions containing important third gender (non-male/female gender performing) characters, it is often assumed that LGBTIQ people in Nepal benefit from religious tolerance. However, the ways in which heteronormative bends and patriarchal values embedded in religious practices and texts, as well as non-male/female gender binary, imposes on diverse-SOGIESC remain unexamined.

Furthermore, while religion in Nepal does not condemn nor support non-binary sexual orientation, gender identity, gender expression and sex characteristics, a United Nations Development Program's report indicated that some Hindus perceived homosexuality a taboo because the scriptures make no reference to homosexuality. As a result, LGBTIQ persons are considered to be defying rigid religious and societal gender norms.<sup>14</sup>

<sup>11</sup> Beyond Beijing Committee and the Asian Pacific Resource and Research Centre for Women, *Country Profile on Universal Access to Sexual and Reproductive Rights*, (Nepal 2015).

<sup>12</sup> Sophia Greene, *Gender and Sexuality in Nepal: The Experiences of Sexual and Gender Minorities in a Rapidly Changing Social Climate*, (2015) <[pdfs.semanticscholar.org/2c6f/cbde0b7cd4bdee793fa6f59978a984a4ddca.pdf](https://pdfs.semanticscholar.org/2c6f/cbde0b7cd4bdee793fa6f59978a984a4ddca.pdf)>

<sup>13</sup> United Nations Development Programme. *Being LGBT in Asia: Nepal Country Report*. 2014. [www.usaid.gov/sites/default/files/documents/1861/Being\\_LGBT\\_in\\_Asia\\_Nepal\\_Country\\_Report.pdf](http://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Nepal_Country_Report.pdf).

<sup>14</sup> UNDP & USAID (n 7). ,Gyanu Chhetri, Perceptions about Third Gender in Nepal, DJSA (2017) 11, 96–114. Erin Wilson, SB Pant, Megan Comfort and Maria Ekstrand, Stigma and HIV risk among *Metis* in Nepal, *Cult Health Sex*. 2011 Mar; 13(3): 253–266.



# Challenges

## Funding

Across the board, respondents agree that funding is a major challenge that limits the crucial work they want to do. The precarious conditions amplified by the pandemic have shown the importance of funding to allay vulnerabilities faced by many in the community. Badri Pun, Chairperson of Inclusive Forum Nepal, underscored the impact of acute lack of funds and emergency humanitarian grants made available to the community during the pandemic when he said *“people in our community are going to bed hungry, we can’t even provide them basic necessities like masks. When we ask donors for money to serve our community we hear nothing from them, when we do, we get a paltry amount that is not sufficient.”*

### Problems arising from focus on funding:

- a. Limited funds made available to them by a handful of donors, according to Manisha Dhakal, Executive Director of the Blue Diamond Society (BDS), have led to unhealthy competition among LGBTIQ organizations.
- b. The unequal power distribution between donors and recipients, which is familiar territory in a donor-recipient relationship, is a major challenge according to Rita Thapa, founder of Tewa. She emphasized that the imbalance in power creates a perilous environment where receiving NGOs that are acutely dependent on donors are obliged to run programs and activities per donors’ requirements, forgoing concerns of the people on the ground and with a limited mechanism to voice concerns from the bottom to the top, which effectively muzzles critical voices and undermines ground reality.
- c. Rita Thapa also stressed that the lack of or depletion of core funding to strengthen LGBTIQ organizations and organizational structures is a problem, as many funds do not support capacity development programs, staff

development programs, hire experts, and carry out day-to-day activities, making LGBTIQ organizations less sustainable. Furthermore, dependence on foreign donors has also limited the engagements of some LGBTIQ organizations with the Nepali government and duty-bearers, according to Badri Pun.

- d. When funding is available to strengthen LGBTIQ organizations, it usually goes to those that are well-established or organizations that can hire expensive consultants who write well in English and are fluent in technical jargons that donors want, and less frequently to small organizations with limited technical knowledge, according to Badri Pun, who went on to say that this type of dynamic discourages and stifles many grassroots organizations.
- e. The lack of data on LGBTIQ people and their existing vulnerabilities pose a challenge to strengthen claims made in proposals.

## Lacking Political Will, Representation, and Institutional Awareness

**Political will:** *“From the outside Nepal looks like an LGBTIQ friendly nation, but that is just smokes and mirrors,”* says Esan Regmi, an intersex activist and founder of Campaign for Change, when asked why the government of Nepal has not been able to protect and promote LGBTIQ rights. A consensus amongst several respondents is that the lack of political will is one of the reasons why many things guaranteed in the Constitution and the verdicts passed in favor of the LGBTIQ community have not been implemented. The lack of political will according to respondents mainly come from the:

- lack of representation of LGBTIQ people in the parliament,
- lack of awareness amongst lawmakers about LGBTIQ issues and vulnerabilities faced by them, and
- lack of meaningful engagement and consultation with the LGBTIQ community.

LGBTIQ people are not included in the census; therefore, a lack of data on the number of LGBTIQ people within Nepal was also given as a reason for the government’s inaction.

Lack of political will has disenfranchised LGBTIQ people legally. Esan Regmi said that they could not adopt a child legally. Laxmi Ghalan, a co-founder of Mitini Nepal, added that *“god forbid if something were to happen to me, the legal beneficiary of my assets won’t be my partner, because my marriage is not legal in the eyes of the law.”*

### **Representation in the legislative body and the media:**

The last time LGBTIQ people had representation in the legislative body was in 2008 when Sunil Babu Pant became the first openly gay person to be elected in the Constitutional Assembly. Nepal’s 2015 Constitution mandates that 40.4 percent of all parliamentary seats must be reserved for women and today, women constitute 40.9 percent of the country’s 35,041 local government representatives,<sup>15</sup> but none of those women are trans-women and none of the seats are reserved for gender-variant people under the equal representation scheme. Respondents stressed that because there is no representation of LGBTIQ people in the parliament there has been no effort from the legislative branch of the government to implement existing laws and pass new laws for the betterment of the community.

Lack of representation is problematic not just in the legislative branch but also in other institutions including organizations that are actively working with and for the LGBTIQ community. Many organizations that run programs for the community do not have any representation of people from the community in their staff. Sanjay Sharma added *“even organizations that claim to be wanting to hire LGBTIQ people never hire people from the community. It’s a facade, they will bring us for consultation and that buck stops there.”* Sanila Gurung, Program Manager of Beyond Beijing Committee, mentioned that one of the ways her organization is trying to enhance representation and make organizations more inclusive is by including gender-variant people in their Board of Members.

**Awareness:** An acute lack of knowledge about LGBTIQ people and their issues, coupled with the lack of knowledge about different identities within the LGBTIQ community and a tendency to lump together all different identities as transgender is a major challenge in Nepal. Lack of

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<sup>15</sup> Marie E. Berry & Milli Lake, *When Quotas Come Up Short* (*Boston Review*, 14 September 2020) <<http://bostonreview.net/global-justice-gender-sexuality/marie-e-berry-milli-lake-when-quotas-come-short>>.

awareness about LGBTIQ people is an issue that permeates all institutions in Nepal. It is quite clear from consultation with stakeholders who work with the LGBTIQ community that they are not clear about and the difference between gender expression, gender identity, sexual orientation, and sex characteristics, as they mixed up those terms and used them interchangeably.

## Socio-economic and Medical Disenfranchisement

**Social disenfranchisement:** As stated in the “Socio-cultural Practices” sub-section under Snapshot, social life and practices in Nepal are very heteronormative. Both the public and the private spheres remain unsafe for LGBTIQ people, and the pandemic has amplified those vulnerabilities. Since the beginning of the first government-ordered lockdown which was declared in March 2020, 15 people from the community have already committed suicide, according to Manisha Dhakal. This number may not represent all suicides committed by people in the community as they only include people who have come out. Furthermore, a high number of mental breakdowns and violence from family and partner of choice have plagued the community in these times according to Manisha Dhakal. In the public sphere, bullying of LGBTIQ people persists and non-cisgender people are frequently humiliated and ostracized. LGBTIQ people are often openly referred to as “chhaka” or “hijada”, culturally sanctioned derogatory words that are casually and interchangeably used to put down gender non-conforming people or people suspected to be belonging to the LGBTIQ community. Widespread use of derogatory words and open discrimination against LGBTIQ people can be because the society is deeply patriarchal, and also because, as Esan Regmi added *“in Nepali society it’s a commonly held belief that LGBTIQ people will corrupt society and spread social maladies.”*

The portrayal of LGBTIQ in the media has come a long way, but it remains problematic, as they often lack nuances and diversity that exist in the community, as well as their uniqueness. Rukshana Kapali of Queer Youth Group stressed that misgendering is prevalent in the media and trans people who want to be identified as transgender are labeled as third-gender.

**Economic disenfranchisement:** *“Many LGBTIQ people come to us seeking jobs. We try very hard to find jobs for them within BDS and when we can’t, we try to link them with companies in our network that have vacancies. We don’t always end up finding them jobs or finding placements. When we don’t, some people get disenchanted,”* said Manisha Dhakal. Data on the unemployment rate amongst LGBTIQ people are unavailable, but informants assert that it is very high. Citing findings from an internally circulated document of a survey conducted amongst 250 transgender people in Kathmandu Metropolitan City and Nepalgunj, Manisha Dhakal mentioned that at the time of the survey in 2018, 36.14% transgender people were unemployed and 10.4% were employed on a part-time basis.

Taking the statistics into consideration and the lack of affirmative action for LGBTIQ people in the job market, high rates of stigma amongst the general populace against people in the community, and limited access to education, it is safe to say that unemployment in the LGBTIQ community is extremely high. Simran Sherchan, the National Program Coordinator of Federation of Sexual and Gender Minorities, adds *“high unemployment rate is a challenge for advocacy and lobbying because most LGBTIQ people are constantly worried where their next meal is going to come from and spend a lot of time and energy looking for employment, which consumes a lot of their time, so it is very hard for us to ask them to give their time for activism.”*

Several skills training programs have been rolled out by the Blue Diamond Society with support from INGOs in the past, but there remains a large pool of skilled, unemployed people from the community. Manisha Dhakal states that the reason these people have not been hired is because many employers do not want to hire LGBTIQ people. Esan Regmi added that skills training programs made possible through short-term donor-funded projects aren’t enough. To take this challenge head-on, a deeper engagement is needed through follow-ups with employers and skill recipients.

**Medical disenfranchisement:** Discrimination against transgender people is unlawful according to a 2008 Supreme Court ruling and the Public Health Act of 2008 that states that patients shall not be discriminated against



due to their sexual or gender identity. But this is not practiced in reality as discrimination against the community is rampant in the healthcare sector and different needs of the community are never considered by service providers as well as the Ministry of Health. Esan Regmi emphasized this point by saying that there is no health policy to cater to the specific needs of LGBTIQ people, including programs designed by NGO stakeholders.

Aaditya Rai, a disabled gay rights activist, added *“it is very difficult for disabled gay men to get health insurance because companies don’t accept health insurance application forms from disabled people, if you are a non-cisgender man or a transgender, they will deny your application.”* Even though this practice makes medical treatments extremely expensive for a large segment of the LGBTIQ community, the government has not done anything about this issue.

## Ideological Differences

The LGBTIQ movement has had ideological differences amongst themselves in the past. There is a new wave of conflict emerging where one group of people feel that the other group is not as vocal, stuck in the past, and isn’t representative of a large segment of the LGBTIQ movement. Furthermore, certain groups think that established LGBTIQ organizations get all the attention and territorialize the limited space that is afforded for the movement. Because those organizations have not kept up with evolving Feminist ideas/discourse, they have shunned emerging/differing voices.

Solidarity amongst these groups is needed for a meaningful change, and due to what groups think of as irreconcilable differences, the potential to successfully advocate and lobby is at risk. Mentioning ideological differences within LGBTIQ people, Badri Pun, who established an organization after finding ideological differences with the Blue Diamond Society, said *“differences have always existed in our community, but in the present context, the real challenge is to accept those differences and work for our common cause. We have always looked past our ideological differences and worked with mainstream organizations for the betterment of our community.”* For Esan Regmi, who admits to having ideological differences with mainstream

LGBTIQ organizations, said that the way this gap could be bridged if mainstream organizations are *“willing to update themselves on latest Feminist theories, willing to develop resources for the community, and willing to accept the consensus of the community so that it is reflective of the need of those in the bottom.”*

Laxmi Ghalan of Mitini Nepal, which is an offshoot of the Blue Diamond Society said *“feminist leaders such as Rita Thapa have been instrumental to mediate our ideological differences and work towards a common goal.”*

## Outreach and Grassroot Movements

With local offices in 77 districts, the Blue Diamond Society has a wide reach and an extensive network within Nepal. But Sanjay Sharma cautioned by saying that most outreach work has been done in the Terai districts of Nepal and a large swath of LGBTIQ people in the sparsely populated mountainous regions are left out. Lack of funds is one of the reasons for this limited outreach, and so are difficult geographical terrains that limit access, and the lack of cultural knowledge and context.

Rukshana Kapali said that her collective is working to create literature on all things LGBTIQ in local languages to reach out to communities who feel left out. As dissemination of literature is difficult because of limited access to mountainous and rural areas, the technological shift has the potential to enhance the reach of activists.

However, Manisha Dhakal warned that the focus of relying on access to technology privileges certain groups over others. Those with access to the internet and devices to get online are often people with social capital and money, both of which are often not at disposal of people in the villages. She added that *“we have to be sensitive and mindful about the needs of the most marginalized among us and support organizations in less-privileged and underserved areas, who in many cases are facing the real brunt of toxic masculinity, patriarchy, and homo- and transphobia”*. Organizations based outside of Kathmandu severely lack funding, technical knowledge, and digital knowledge, the latter of which has been proved to be a very important skill to have in the recent past and especially during the COVID-19 pandemic.



# Priority Areas and Strategies

Priority Areas	Strategies
<b>Decentralize movements</b>	Mainstream organizations provide support and strengthen local movements and organizations across Nepal by making them sub-sub-recipients in donor funds, through partnership, and providing other non-financial support.
<b>Prioritize intersectionality and expand networks with other marginalized groups</b>	<p>Extend platform to accommodate emerging voices, especially youth.</p> <p>Form a broad coalition with civil societies that serve other marginalized groups and work towards equality by promoting inclusive platforms and creating reciprocal spaces in each other's movements.</p>

Priority Areas	Strategies
<p><b>Comprehensive school curricula revision</b></p>	<p>Work with the Ministry of Education, Science and Technology to expand the definition of gender and sexuality and include more rigorous and in-depth definitions of diverse-SOGIESC identities in school and college-level textbooks.</p>
<p><b>Implementation of Supreme Court decisions and Constitutional provisions favoring LGBTIQ</b></p>	<p>Launch lobbying campaigns to correctly implement Supreme Court decisions favoring LGBTIQ people from Federal to local administration offices, as well as the implementation of provisions made in the Constitution in all institutions, including the private sector.</p>
<p><b>Livelihood Development</b></p>	<p>Work with the Government of Nepal and international donors to urge them to pivot their focus on livelihood development programs for LGBTIQ organizations and through their implementation. Cross-collaboration with local and international NGOs will also ensure the economic empowerment of LGBTIQ people.</p>
<p><b>Documentation of human rights violation</b></p>	<p>As a signatory of several international treaties and consensual documents, Nepal is legally bound to address any rights violation. Documenting all rights violations against LGBTIQ people and proper follow-up, lobbying will be done to ensure the rights of the community are safeguarded by the state.</p>

Priority Areas	Strategies
<p><b>Resource material development</b></p>	<p>Create LGBTIQ related materials and resources, including terminologies, policy documents, reports, and online content in Nepali and local languages.</p> <p>Increase online presence and use online platforms for activism.</p>
<p><b>Strategic engagement with the media for better, well-informed coverage.</b></p>	<p>Sensitize media about diverse LGBTIQ identities.</p> <p>Use the media to expose rights violations of the community.</p>





# Recommendations

## Funding

- Scope out ways to make organizations sustainable for the long run by identifying funders with a focus on strengthening LGBTIQ organizations and organizational structures, developing their capacity of advocacy and activism, and supporting staff development programs.
- Provide technical support and training on how to write proposals to organizations to ensure they have the in-house knowledge to write successful proposals.
- Fund research programs to generate robust usable data to successfully make evidence-based claims for procurement of new funds, strengthen advocacy and lobbying campaigns, and enhance the effectiveness of existing programs.
- Identify and fund emerging grassroots movements, and provide funds for intergroup dialogues between mainstream and grassroots organizations.

## Lacking Political Will, Representation, and Awareness

- Provide opportunities for meaningful dialogues that go beyond tokenism with stakeholders by involving them at regional conventions, and inoculate and update them on the current Feminist theories.
- Invest in and encourage comprehensive awareness-raising campaigns targeting institutions (government, non-government, and private), the cultural sector, religious leaders, community, and family.
- Launch a regional campaign asking international non-governmental organizations to include LGBTIQ people in their Gender Equality and Social Inclusion policies.

- Support electoral campaigns to ensure representation of the community in the House of Representatives.
- Advocate for and support “nothing about us without us” campaigns across Nepal.

## **Socio-economic and Medical Disenfranchisement**

- Develop package to aid engagement with stakeholders (private and public) in a meaningful manner and resources showing ways stakeholders can become more inclusive by changing organizational policies and including positive discrimination clauses in their organizational and hiring policies.
- Train organizations on how to effectively use online platforms and technology for activism, and provide financial support to small organizations that have limited funding to procure devices to get online and/or buy Internet packages.
- Provide necessary support to local organizations so that they can review and challenge any detrimental gender policies, campaigns and reports by the government, non-government organizations and private sectors.
- Launch media advocacy campaigns to ensure that accurate representation of the community is made in the media and nuances of the community are captured in news reporting.
- Provide funds to organizations for legal campaigns on filing rights violations per the Constitution and Supreme Court decisions in the courts.
- Support and fund organizations to look into violence unleashed against the community by the arms of the state and institutions including the family and partner of choice.
- Push for affirmative action to include LGBTIQ people in the private sector’s Human Resource policies and Gender Equality and Social Inclusion programs.

- Advocate donor organizations to fund long-term livelihood development programs to improve the economic condition of LGBTIQ people.

## Outreach and Grassroots movements

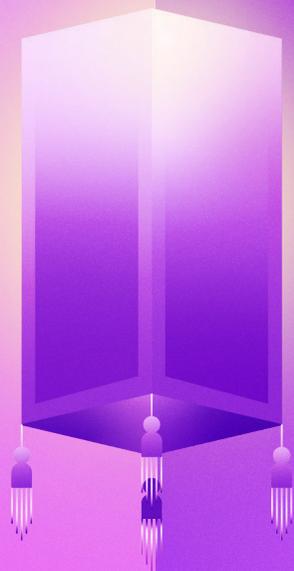
- Promote youths and emerging LGBTIQ organizations by providing space and centering their voice at regional conventions.
- Provide engagement tools using an intersectional approach for better and meaningful involvement with non-LGBTIQ stakeholders that work for marginalized people to form a sustainable and effective coalition for movement building.

## Others

- Foster and facilitate stronger networks and relationships amongst regional LGBTIQ organizations for strategic regional cross-collaboration and partnership to encourage joint programs utilizing each other's strengths.
- Promote and facilitate north-south and south-south peer exchange and knowledge-sharing through dialogues.
- Create inter-country exchange programs to share knowledge and experience to grow a regional movement.



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**ILGA Asia** is the Asian Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, representing more than 170 member organizations in East Asia, South Asia, Southeast Asia and West Asia.

Our vision is a world where Asia is a safe place for all, where all can live in freedom and equality, be properly informed in the nature of sexual orientation and gender identity & expression and sex characteristic (SOGIESC) rights, have access to justice, and diversity is respected.

**Asian Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA Asia)**

Spring Tower, Floor 11, Suite 132 Phayathai Road,  
Phayathai Ratchathewi  
Bangkok 10400  
Thailand



@ilgaasia



[www.ilgaasia.org](http://www.ilgaasia.org)



[info@ilgaasia.org](mailto:info@ilgaasia.org)