

National Parallel Report B +25: Issues, Achievements, Gaps and Recommendations of LGBTQ of Nepal 2019

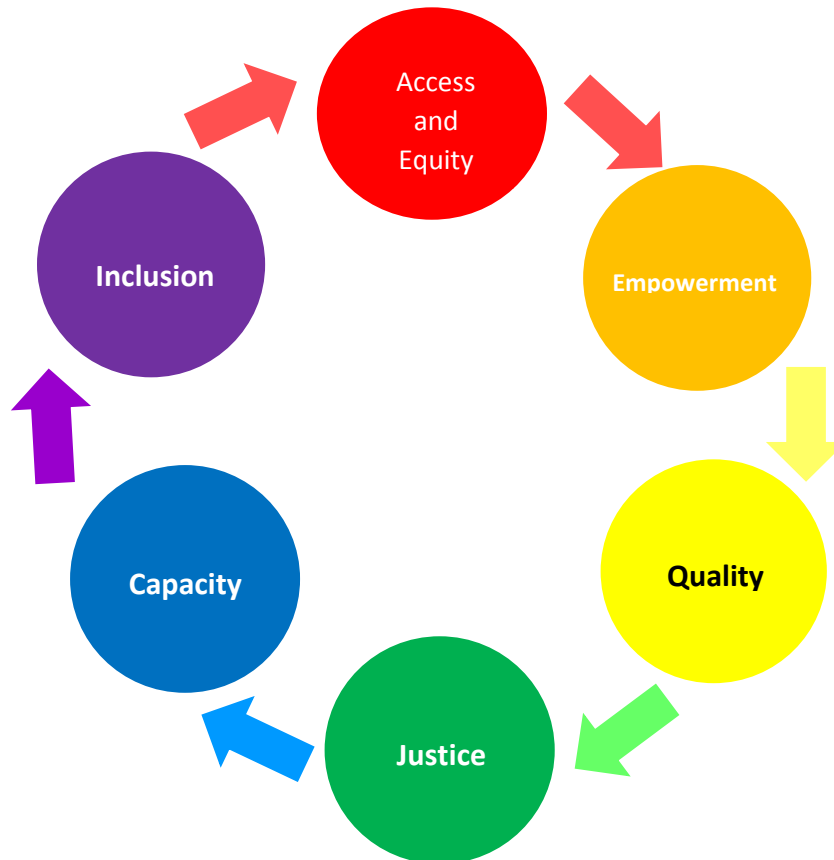
“25th Anniversary of the fourth World Conference on Women and the Beijing Declaration and Platform for Action (1995)”



Mitini
N E P A L

“About Sexual Orientation and Gender Identity”

“LBTQ Q Rights are Human Rights- Envisioning Global LBTQ Human Rights”



Publisher :



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Foreword

This parallel report on Beijing+ 25 has been prepared in a participatory manner with involving and representation of different networks working for the sexual and gender minorities. The report is prepared by Mitini Nepal as the lead in consultation with other networks and organizations working on the issues of sexual and gender minorities.

The 64th session on the Commission on the Status of Women will focus on the Beijing Declaration and Platform for Action, and the current challenges that affect its implementation and the advancement of gender equality and empowerment of women. It is primarily important for CSOs to review the national status of the implementation of BPFA regards to accountability as well as to streamline the way forward.

As the civil society space is shrinking and issues of exclusion of the feminist organizations are becoming more prevalent, groups representing minorities of different fronts are discriminated against because of their gender identities, sexual orientation, geography, caste, class, race, ethnicity and religion. The separate parallel report is required as this is a part of the global advocacy and also to hold stakeholders accountable to implement the BPFA, the legal binding treaty like CEDAW and UN agenda of Sustainable Development Goals 2030. In regards to strengthening the feminist and women's movement collective, it is necessary to prepare our own parallel national report and raise independent voices at the United Nations. This report traces the situational analysis, the achievements at different fronts, gaps and challenges of the planning and the implementation and the recommendation for future actions. Thus, the CEDAW general recommendation for Nepal, especially for the gender and sexual minorities are also incorporated in this report.

In preparation for this parallel report, the organization adopted own independent process to report on the progress made, challenges and recommendations. The NGO Guidelines for Parallel Reports template was referred but there have been adaptations as per the context and the information received for the better reflection. The major components of the situation, gaps, challenges, achievements, and recommendations have been drafted taking the two specific critical areas of Violence against LGBTQ and Human Rights of LGBTQ. The areas and questions addressing the respective critical areas in line with the CEDAW articles and SDG goals were also reviewed. The thematic areas under the different topics were also accounted while the information was collected and the groups were consulted. The relevant sub themes related to the human rights and violence was classified under the six major thematic areas i.e. Inclusive development, shared prosperity and decent work; Poverty eradication, social protection and social services; Freedom from violence, stigma and stereotypes; Participation, accountability and gender responsive institutions; Peaceful and Inclusive societies; Environmental conservation, protection and rehabilitation. The information on two distinct thematic areas of National Institutions and Processes and Data and Statistics were collected and incorporated within the report.

As to ensure the inclusive participatory process to prepare this report, different participatory tools were adopted, the wide geographical ranges were covered and stakeholders were reached out. Mitini Nepal organized provincial level consultations ensuring the participation from districts within the respective provinces. Altogether 7 provincial consultations were carried out- 1 in each of the provinces of Nepal. Information on violence against LBTQ and human rights issues of LBTQ were discussed using the BPFA +25 NGO guideline frame. The final provincial consultation of province 3 was conducted in Kathmandu where different networks, organizations and groups working for the rights of LBTQ were invited and a wider validation of the information and discussion was held.

The sessions were lively and informative by the use of methods of sharing, group works, and presentation where the inputs for the parallel report was received extensively. The contribution of the experience, technical expertise from organizations and institutions were received while most importantly living experiences of people from LBTQ Q were of high value, which was generated through the provincial level consultations, national level consultations and constructive feedbacks. *Mitini Nepal team is grateful to Gyanbodh Research and Development Pvt. Ltd for the sharing of expertise in facilitation and for the preparation of this report and Womankind Worldwide for the financial support catered during the whole process of parallel report writing. Nevertheless, Mitini Nepal is thankful to the LBTQ community members, executive board members, staff, volunteers, network partners for all the support and solidarity throughout the movement.* Together we will move forward better, envisioning a better world for LBTQ with fulfillment of human rights.

Laxmi Ghalan
Chairperson
Mitini Nepal

Abbreviation

BPFA:	Beijing Platform for Action
CEDAW:	Convention on Elimination of Discrimination against Women
HIV:	Human Immunodeficiency Virus
LBTQ :	Lesbian, Bisexual, Transgender and Queer
LBTQ :	Lesbian, Bisexual, Transgender, Intersex and Queer
LGBTIQA:	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and Asexual
NGO:	Non-Governmental Organization
OHCHR:	Office of the High Commissioner for Human Rights
SDG:	Sustainable Development Goal
SOGI:	Sexual Orientation and Gender Identity
STD:	Sexually Transmitted Disease
UDHR:	Universal Declaration of Human Rights
UPR:	Universal Periodic Report
UN:	United Nations

LBTQ and the situational analysis

LBTQ is an initial that stands for lesbian, bisexual, transgender and intersex. These initials have been adopted by a majority of sexuality and gender based identity communities to emphasize the diversity of sexuality and gender identity based cultures. The discrimination and the violence based on sexual orientation and gender identity is rampant as the misguided perception of gender and sexual orientation are only confined to heterogeneity.

Discrimination results in many issues for the LBTQ community, exploiting their human rights and dignity and it leads to them facing different forms of violence. The most common reality for LBTQ is that they are commonly targeted, harassed, and punished for their sexual orientation. Most of the LBTQ are often subjected to police harassment, extortion, arrests, unreported and arbitrary detention. Most of the community members have been detained in hospitals and forced to receive treatment against their will. LBTQ are also suffering from domestic violence, wrong tradition and cultural malpractices. Some awful examples of violence are: sex corrective treatment, forceful marriage to opposite sex, rape to correct the identity, sexual violence, trafficking & forced prostitution, sexual harassment, suicide, killings, and domestic violence, still prevailed. They are still accused in the name of sin. Several researches in Nepal have reported that LBTQ have endured verbal abuse, emotional abuse and physical abuse from perpetrators who were close family members. Violence against LBTQ is happening day by day but the government and the other civil society members are doing their best. However, there is much work to do to control these forms of violence against LBTQ .

The issue of LBT persons' rights is often discussed in the framework of The Universal Declaration of Human Rights, Adopted by the UN General Assembly Resolution 217A(III) of 10 December 1948. UDHR which proclaims the "inherent dignity and... the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world. Similarly Nepal's constitution has recognized LGBT community. Legally our country has decriminalized same-sex relationships and introduced new laws strengthening the community, which is commendable. However, there are still many legal constraints forbidding the LBTQ community from having a dignified life.

In June 2011, the Human Rights Council adopted resolution 17/19 which is the first United Nations resolution on sexual orientation and gender identity – expressing "grave concern" about violence and discrimination against individuals based on their sexual orientation and gender identity. Its adoption paved the way for the first official United Nations report on the issue prepared by the Office of the High Commissioner for Human Rights. Likely, the report of OHCHR on 15 December 2011 documenting the patterns of human rights violations against LGBTI community also demanded response.

The GoN has accepted the recommendations made by the UPR committee, also the CEDAW recommendation 2018 also had referred to the way forwards on the issues of sexual orientation

and gender identity. LBTQ in Nepal are witnessing changes through development initiatives but the social security, affirmative action, participation, income generation, decision-making, access to policy making, and enjoying other human rights is still out of reach.

There is however a lot of work to be done in terms of furthering the rights of LBTQ people if we compare it to what the global movement for LBTQ struggle has achieved. One of the biggest leap forward for the LBTQ movement was when the World Health Organization was able to cancel this notion that homosexuality is a mental health disease in 1990. Countries like the USA and the strong movements there have been able to legalize same sex marriage, have Queer representatives at the Congress level, have access to free sex-change surgeries, access to free hormones and has also managed to produce health workers who are trained in more gender inclusive practices. The government of California has made gender neutral restrooms mandatory in public spaces because of the strong organizing of queer communities.

Achievements

In 2007, the government of Nepal introduced a policy that allowed same sex couples to live in a live-in relationship. The Supreme Court of Nepal decriminalized homosexuality in 2006 after a landmark civil case, "*Sunil Babu Pant and others vs. the government of Nepal*". He also became the first openly gay person to have a voice in the parliament in 2008. On 21 December 2007, the Supreme Court of Nepal ruled a landmark verdict that LGBTI people should be allowed to enjoy fundamental rights in their own identity. This ruling also overturned the article 16 of the National Civil Code 1963, which criminalized "unnatural sexual acts". On 18 November 2008, the Supreme Court directed the government to enact the laws enabling equal rights to LBTQ citizens. While not explicitly legalizing same-sex marriage, the ruling instructed the government to form a committee to look into same-sex marriage.

The government has taken some leaps over the years in terms of securing the rights of LGBTI communities. The constitution of Nepal promulgated in 2015 has included rights of the LGBTI community to some extent. Article 12, 18 and 42 has mentioned LGBTI communities and their rights. Article 12 guarantees the right to citizenship according to their gender identity, Article 18 of the Constitution of Nepal guarantees the protection, empowerment and development of LBTQ communities along with other socially oppressed groups and Article 42 of the constitution of Nepal says, "LBTQ communities along with other minority communities have the right to participate in state bodies on the basis of inclusive principle". A bill introduced in 2017, validated the fact that there can be violence caused by women against women. This has played a huge role and has challenged the conversation around violence from a rigid binary spectrum to a more gender fluid perspective. The constitution has prohibited discrimination on any ground and has amended gender discriminatory legal provisions. The government also added a separate category "O" for LBTQ people on the citizenship certificate. A separate category for LBTQ people was also added to the 2011 census by the Central Bureau of Statistics.

In 2010 Nepal's election commission has provisioned people to register to vote as a third gender "purely on the basis of self-identification". The Maoist party was the first political party to include sexual and gender minorities in their manifesto. Other parties such as CPN UML and Nepali Congress soon followed the lead of the Maoist Party. There was an allocation of 3.5

million NRS towards LGBTI communities during Baburam Bhattarai's tenure as the Prime Minister from 2011 to March 2013.

At the community level, LGBTI people have achieved quite a few visible things in the past few years. They have gained freedom to openly identify as LGBTI, which has also helped increase visibility of the LGBTI community. This has helped increase physical mobility for LGBTI community in public spaces, which helps them protect themselves from hate crimes. Advocacy is supporting a cause on behalf of an organisation, community or an individual. LBTQ community has also focused itself on advocacy where they were able to introduce a pride march in Kathmandu 2019 for the first time, which is a huge achievement for the movement in terms of visibility for the LGBTI community. Also, there is a regular pride march organized by BDS where networks and organizations like Mitini Nepal participate on the day of "Gai Jatra" for more visibility as well as to commemorate the deceased members of the LBTQ community.

There has also been positive changes around representation of LBTQ communities in media and other communication networks. In the recent past, ride sharing companies like Pathao has added a separate category for LGBTI communities. LBTQ communities have been able to secure a place within insurance policies. They cannot be discriminated on the basis of their sexual orientation by insurance companies anymore, which in itself is a significant step because having access to health insurance can be a matter of life and death for LGBTI communities. Gender neutral restrooms have been introduced in Bardiya and Nepalgunj and this is a direct result of the advocacy work of organizations like the Blue Diamond Society, Mitini Nepal and organizations working in the issues of LBTQ communities.

Similarly in the education sector, LBTQ organizations have been able to push for scholarships for LBTQ students that has led to Times International College allocating a separate scholarship up to 50 percent for LGBTI students. Inclusion of Sexual Orientation and Gender Identity (SOGI) content in class 6, 7 and 8 of health and physical education curriculum.

This directly contributes to mobility of LBTQ communities in public spaces. The fight for the legalization of same sex marriage is getting more visibility and attention. The past few years have seen an increase in organizations that advocate for the rights of LGBTI communities. In B+20, report the theme of SOGI was introduced as the emerging issues and after 5 years from then, the issues of LBTQ in Nepal has been more visible and the movement is growing stronger.

Gaps / Challenges

The Constitution of Nepal has stated LBTQ communities as minority communities in Article 12, 18, and 42 but in a very broad sense and without the specific provisions, the rights of LGBTI communities are difficult to be addressed. Within the vague definition of minority, it is difficult to have a clear addressal to the issues of sexual and gender minorities. There is an absence of definition of discrimination against women in line with the definition of discrimination with Article 1.3. The indirect forms of discrimination has not been addressed by the law explicitly.

On 18 November 2008, the Supreme Court directed the government to enact the laws enabling equal rights to LGBTI citizens. While not explicitly legalizing same-sex marriage, the ruling

instructed the government to form a committee to look into same-sex marriage. The Supreme Court of Nepal on 18 November, 2008 had instructed the government to form a committee to look into same-sex marriage but this has not been followed up or updated. Although the Constitution of 2015, provides equal rights to women, the negative stereotype exists due to lack of understanding and awareness on SOGI at all levels, including the grassroots level. New drafted civil code and the criminal code of Nepal needs to be revised so that discriminatory laws and practices against LGBTI community can be amended. The LBTQ communities still today in 2019 does not have access to adopting children and that keeps them from having continuity in their family. Adoption laws in Nepal have been built around heterosexual couples and only they can adopt children in Nepal. There is still a lack of accountability around the right to own ancestral property because of their sexual orientation for LBTQ individuals. All of these denial to rights have ceased to the right to dignified life for LBTQ individuals. One of our members at Mitini Nepal shared their experience.

“Although it has been a bit easier for me to open about my identity and my identity and my family has accepted for who I am, the property rights has not been easy at my house. The share of the property that my brother and I should have claimed equally, I am not getting the property at my house.”- Bijay Kumal (Trans women)

The government budget and programs are not allocated to gender and sexual minorities. There are no LBTQ centered programs at the local, provincial and federal level. There was a funding allocated for LGBTI community of 3.5 million rupees during the tenure of Prime Minister Dr. Baburam Bhattarai as special support. There has been no updates regarding other allocations besides this. So, the provisions and commitment couldn't be institutionalized as programs on the long term basis.

The access and the representation of LBTQ individuals in the decision making position is not accounted for. The affirmative action is not ensured for the LBTQ community for the public service commissions, and in any other positions at the government level. Also regarding the political participation, it is difficult to get the quota in the positions within the different political committees. During the election, either on the first past the post or on the proportional representation, the quota for people from LBTQ community is not specified. The only representation from LBTQ community was Sunil Babu Pant through proportional representation in the first Constituent Assembly. Besides this, there hasn't been any representation at the decision making level.

The separate categorization of LBTQ communities in the census and citizenship certificate is not enough. The government needs to be more accountable to implement it and independent agencies need to be formulated to make sure what the constitution says is protected. One of our participants in the regional workshop in Kathmandu shared that their father denied them citizenship because of their sexual orientation and their father was able to influence the local officials too.

At the awareness level, there is a high need for the acceptance of people who are gender non-conforming, and those who do not confine themselves to the gender binary. Heteronormativity is the general understanding in the family, community, school, workplaces, hospitals and the

institutions and agencies of the society. The rooted concept of stigmatization of homosexuality has resulted in the marginalization of LGBTQ from private to public domain. The hatred and the violence thus perpetrated on LGBTQ is very severe from physical, sexual, mental, economic, emotional, political sphere. One of our members at Mitini Nepal shares this testimony.

“I and Subashna together told my family about us. They didn't accept us as I had expected. They did not allow us to meet outside. Only in the morning zumba class I could get to see her and meet her. I tried my best ways to convince my father but he did not even try to understand. Then on Friday morning, I was cheated and taken to a rehabilitation centre. I tried looking for ways to run away from there, but I simply failed. Every single movement of the clock would burn me and tear me up.” - Shradha Gurung (Lesbian Identifying)

In the medical sector, access to hormones and medicines are not only limited but also very expensive for LGBTQ people since most of them come from financially marginalized communities and/or are abandoned by their families. There is still a lack of resources around sex-change surgeries for LGBTQ people in Nepal as the legal provision demands the sex change surgeries to claim citizenship as per the choice of gender they confirm and also for to enjoy the right to nationality. Besides that, lack of human resources on health makes it difficult for LGBTQ to have access to quality health service. One of the participants from our provincial consultations shared, how they were discriminated against by health workers at a hospital they were taken to after they got into an accident. The trauma of how they were treated at the hospital years ago still haunts them to this day.

In the education sector, the process of scholarship for LGBTQ students has started in few colleges in Kathmandu but it is limited and that makes it very inaccessible to the larger LGBTQ community within and outside Kathmandu. There are still cases of LGBTQ people being bullied in school and being expelled because of them not catering to gender norms and for dressing “inappropriately”. This is a testimony from one of our members at Mitini Nepal.

“During my schooling as I always would wear the boy's uniform I got beaten up at class 7. The concerned authority of the school started pressuring me to put on the girl's uniform being a girl myself and not to break the rules of the school. When I told the school authority that I cannot put on the girl's uniform instead I would prefer wearing the boy's uniform, they accused me of breaking and disobeying the school rules and regulations, they scolded me badly and closed the doors of the school forever for me after handing out the certificate of school as a passed out student. Due to my sex orientation I already had enough problems going on in my life and this event added new problem to my life and so the condition of my depression started worsening. I was in no condition to do anything. I started losing consciousness of what I did and how I did it.” - Arsu Shrestha (Trans man)

Another member of Mitini Nepal shared this testimony.

“My teachers never treated me equally in classroom. My teachers mostly misbehaved with me in school. The fear of discrimination and the fear of being discriminated and being out-casted deep-seated in me, I could never open up about my identity.” - Bipin Kadayat (Intersex)

There are still cases of LBTQ people being discriminated in the job market because of their sexual orientation. Urban or rural areas in Nepal are still not ready to accept the concept of LBTQ . Discrimination happens because of personal prejudice, lack of awareness on sexual diversity and weak laws. Similarly, there needs to be a way to make sure that insurance companies are held accountable around the issue of having an inclusive policy for LBTQ communities. One of our members shared her experience of being discriminated against in the job market because of her sexual orientation.

“Few years back, when I went in search of job, I was insulted and verbally abused. The educated and civilized people working in the higher positions at the corporate insulted and abused and that was more brutal than the pain of not getting the job. This pain when became intolerable, I used to try hurting and injuring myself.- Nilam Paudel (trans women)”

There is still a lot to be done in terms of media representation and media accountability. The stereotypical portrayal of queer people has lessened over the years but there is still a lack of representation in media and that keeps LBTQ communities from being at the forefront of representation. One of our participants shared how one of their friends’ photos/videos were used by the media without their consent. They felt they were vulnerable to the situation as they were not ready to come out as queer. There is still no accountability and laws to regulate that kind of behavior at the national level.

There is still lack of assigned seats for LBTQ identifying people in public spaces like buses and other public transportation. There are still cases of LBTQ people being harassed in public spaces, which leads to hate crimes against LBTQ communities. There is still lack of visibility and political education around LBTQ communities that leads to sexual, physical and other forms of violence inside their own families. For example, one of the participants at our provincial workshop shared a personal testimony of how they were raped by their own father to “test” their sexuality.

Way forward / Recommendations

- Access to quality health services for LBTQ communities should be enhanced through human resources and by working on adding trained health workers trained in maintaining confidentiality and due respect. Besides, the sexual and reproductive health services such as taking hormones, treatment of other medical conditions, mental health support should also be a priority.
- Acknowledge the efforts in terms of visibility and advocacy of the LBTQ community and also extend support to mainstream it throughout other movements for gender equality. The lobby, advocacy should be supported by concerned agencies and the gender equality movement without any prejudice.
- Ensure the anti-discrimination policies and protection policies for the LBTQ , in private and public spheres such as schools/colleges, workplaces with counseling services to reduce drop outs, safer working environment at the offices with legal actions and prosecutions as required. At the public spaces and public institutions gender neutral toilets should be encouraged. The public domains like media should also recognize the

changing gender dynamics and bodily autonomy and gender fluidity to accept the different roles and responsibilities with right to choice and with respect.

- For the LBTQ violence survivors, protection mechanisms should be ensured. The safe houses and shelter services accommodating, rehabilitating LBTQ violence survivors should be operated in all the 77 districts of the country and should be managed by skilled service providers.
- Improve coordination between CBOs, NGOs, networks and the government to establish referral linkages between facilities including government (police, hospitals, Gender Unit at the OPMCM, National Women Commission, Inclusion Commission, Election commission, National Human Rights Commission, DRC, Shelters/Service Centers), NGO shelters, legal aid, awareness campaigns for stronger response towards LBTQ community.
- Authentic data and statistics are mandatory to know the status and way forward. Since, the disaggregated database for LBTQ communities is missing, the government should include the section and questions in the CBS formats to collect disaggregated data in the upcoming census 2021.
- Introduction of inclusive policies for LBTQ communities in every state mechanism from local to federal level. The Inclusion Commission should prioritize the demands and work to address them. The other commissions such as the National Women Commission, National Human Rights Commission, and Election Commission should adopt policies that enhance access to the human rights of LBTQ regards to the right to participation in public and political life as an individual.
- Conduct legal literacy campaigns, scholarships for the students of LBTQ community, introducing comprehensive sexuality education in the school curriculum as part of the initiation for the behavioral attitude of community towards LBTQ community and also to reduce the dropout rates of LBTQ due to stigmatization.
- The Citizenship Act Amendment Bill does not ensure the rights of gender minorities i.e. Transgender, Intersex who acquired the citizenship before as male or female, to amend their gender and name in the citizenship certificate. The government should ensure right to change the gender and name in the citizenship certificate by gender minorities without undergoing any mandatory medical documents of sex change operation.
- The definition of marriage should be broadened not limiting it to the recognition between man and a woman accepting each other as husband and wife. The age bar could be maintained just as heterosexual couples, the right to adopt child, transfer of the property among one another should prevail.
- Allocate funding and independent bodies to organize awareness campaigns to combat the social stigmatization and violence against LBTQ persons. Implementation of anti-discrimination legislation that prohibits discrimination on the basis of sexual orientation in the areas of employment, education and political participation ensuring inclusive and equal participation.

Annex:

The questions discussed throughout the themes are here below:

Theme 1: Inclusive development, shared prosperity and decent work

1. What are the initiatives taken to increase political influence in decision/policy making in the Nepalese government?

Freedom to mobility and collective work is still questionable/ Advocacy for Pension, ancestral property, right to partner/husband/wife property after their death/ Access to important health services is minimal / More visibility through mainstream television like TV, Documentary, Film, Awareness program are lesser/ Marriage and property inheritance issues

Theme 2: Poverty Eradication, Social Protection and social services

1. Social Protection Programs
2. Health workers trained in gender inclusive practices
3. Data related to LBTQ health conditions
4. Revision/Review of books and educational curriculum to change the problematic material
5. Security for LBTQ folks in the interwebs and technical mediums.

There are awareness programs, scholarship opportunities but there is no allowance arrangements/ there is no working doctors that address their sexual orientation/ there are no data related to the LBTQ health problems / because even when they file a case there is no response from the legal system and they are still being trolled. /There is LGBTQI representation in curriculums from grades 6-10 but there is still not enough visibility.

Theme 3: Freedom from Violence, stigma and stereotypes

1. Are their laws, enforcement, and implementation against any particular group?
2. Safeguarding- Safe spaces for safety, consultation and quality services for legal support.
3. Is there any accountability for the violence caused by media/mainstream portrayal of LGBTI communities?

No, there are no such laws known/ There are so many cases of LGBTQIA folks not getting their basic human rights/ Discriminated, Underestimated /Health and education problem /Lack of shelter homes/ problem inside police custody as well/ Specialized mental health treatment is not available to the LGBTIQ /No accountability and anti LGBTQIA content normalized. /LGBTQIA characters are always stereotypical/negative and only for comedic humor. /There is no media coverage/ /There is no attention paid to LGBTQIA related complaints/ media using

videos/photos/ stories of LGBTQIA individuals without their consent and there seems to be no accountability around that, which is harming the community.

Theme 4: Participation, Accountability and gender responsive institution

1. Representation/consumption in conferences/international platforms/ foreign services
2. LGBTI representation and reach in decision making level as well power structures
3. Is there an action plan from the government to address LGBTI communities?

Lack of representation from the LGBTQIA community /there is lack of LGBTQIA individuals in decision making positions. /There is no action plan or policies to address LGBTI issues/ Not aware of such action plan / doubtful about the implementation even if it has existed/ There aren't any elected member of parliament from LGBTQ community/ There are no quota or any affirmative action targeted for the public jobs, services / The political parties do not have provisions within the system to encourage the candidates from this community/ Almost zero percent representation at the decision making position of academic institutions, diplomatic roles, security forces, governance etc.

Theme 5: Peaceful and Inclusive society

1. HIV/STDs transmission
2. Policies to address sexual violence and other forms of violence

There are medicinal resources available free of cost to people affected by HIV/STDs.- org/ There are no specific laws/policies to address hate crimes and violence against LGBTI communities./ due to limited job opportunity people of this community are engaged in the informal economy and many are engaged in prostitution making them vulnerable to STDs and HIV AIDS

Theme 6: National Institutions and Processes

1. What are the different forms of mechanisms that have been helpful to further LGBTIQ rights?
2. Consultation processes- inclusive or not

It has been addressed in the constitution and that has helped us represent our genders/ Consultation processes have been included/ Not known of any such mechanisms/ Inclusion Commission is responsible to ensure the inclusion of LGBTIQ but there is no concrete plan/ LGBTIQ is not much mainstreamed in the movement of gender equality and not addressed in the national plans and policies specifically/ lesser access to the consultation process that happens

Theme 7: Data and Statistics

1. Statistics: Are there organizations/research- Yes/No
2. CBS and government led statistics documentations
3. Are there enough press releases and declarations? If yes what kind?

It has been addressed/included in the 2011 census but there is still a lot of work to be done towards that/There is representation and visibility within LGBTQIA organizations but not in government institutions/ The press meets, releases are limited / Some organization working in the issues of LBTQ have submitted declaration to concerned agencies but not able to drag attention strongly/ The initiation for the disaggregated data of LGBTQIA in the upcoming census is very important.

Photos from the Provincial consultations held by Mitini Nepal

Province 1



Province 2



Province 4



Province 5



Province 6



Province 7





Province 3 and National Consultation in Kathmandu



Some Group work and presentation



Participant list

Workshop with LBT Community at Province 1 Morang Biratnagar

S.N	Name	Sex & Gender	Ethnicity	Organization
1	Sonu Mukhiya	Transman	Rai	Sahara Samaj
2	Kabita Tamang	Bisexual	Tamang	Mitini Nepal
3	Chinu Chaudhary	Transman	Chaudhary	Manab Kalyan Samaj
4	I.P Sharma	Bisexual	Brahmin	Samridhi Samaj, Pathari Morong
5	Sunny Rai	Transman	Rai	Mitini Nepal
6	Jhumka Khatung	Transman	Janajati	Pariwartansil Samaj Biratnagar
7	Satama Begam	Transman	Begam	Pariwartansil Samaj
8	Dipendra Yadav	Bisexual	Yadav	Pariwartansil Samaj
9	Mahir Mirja	Bisexual	Mirja	Pariwartansil Samaj
10	Sudhan Chaudhary	Transman	Chaudhary	Pariwartansil Samaj
11	Aajaya Paswan	Transman	Paswan	Pariwartansil Samaj
12	Shree Prasad Chaudhary	Transman	Chaudhary	Pariwartansil Samaj
13	Surendra Prasad	Transman	Prasad	Pariwartansil Samaj
14	Bikram Paswan	Taswoman	Paswan	Pariwartansil Samaj
15	Roshani Chaudhary	Bisexual	Janajati	Sahara Samaj
16	Sanam Rai	Transman	Janajati	Sahara Samaj
17	Agin Shrestha	Transman	Janajati	Sahara Samaj

18	Suman Tamang	Transman	Janajati	Sahara Samaj
19	Sonam Gurung	Transman	Gurung	Mitini Nepal
20	Yunish Rai	Transman	Rai	Mitini Nepal
21	Ramila Rai	Lesbian	Rai	Mitini Nepal
22	Kamala Khadka	Bisexual	Chhetri	Mahila Sahayogi
23	Kiran B.K	Female	B.K	Individual
24	Dinesh Shrestha	Male	Janjati	North South Collectives
25	Chanchal Limbu	Transman	Limbu	Mitini Nepal
26	Bhage Chaudhary	Transman	Chaudhary	Mitini Nepal
27	Shanti Chaudhary	Lesbian	Chaudhary	Grain
28	Samrat Chaudhary	Transman	Chaudhary	Sahara Samaj
29	Laxmi Ghalan	Lesbian	Janajati	Mitini Nepal
30	Sarita K.C	Bisexual	Chhetry	Mitini Nepal
31	Prabina Karki	Female	Chhetri	Mitini Nepal
32	Sabina Rai	Female	Mongalian	Mitini Nepal

Workshop with LBT Community at Province 2 Janakpur 30 September 2019

S.N	Name	Sex & Gender	Ethnicity	Organization
1	Priyanka Pandey	Lesbian	Baramin	Individual
2	Nisha Sunar	Lesbian	Sunar	Individual
3	Anita Sunar	Lesbian	Sunar	Janaki Health Care
4	Aasha Kumari Dhami	Lesbian	Dhami	Individual
5	Kabita Yadav	Lesbian	Yadav	Janaki Health Care
6	Kalawati Devi	Lesbian	Devi	Masala Factory
7	Bibek Kumarmi Thakur	Transman	Thakur	BDS
8	Laxmi Das	Transman	Das	DANS
9	Junu Chaudhary	Transman	Tharu	BDS
10	Yogendra Ram	Transman	Ram	Individual
11	Rani Rawat	Bisexual	Rawat	BDS
12	Rambabu Sah	Lesbian	Sah	Individual
13	Mahesh Yadav	Transman	Yadav	Sunaulo Bihan Samaj
14	Ram Ishwor Rawat	Transman	Rawat	Sunaulo Bihan Samaj
15	Suresh Mandal	Transman	Mandal	Individual
16	Dilip Paswan	Transman	Paswan	Sunaulo Bihan Samaj
17	SukhiLal Yadav	Transman	Yadav	Sunaulo Bihan Samaj
18	Chalita Mandala	Bisexual	Mandala	Nachgan
19	Parichan Mushaha	Transman	Mushaha	BDS
20	Laxmi Ghalan	Lesbian	Janajati	Mitini Nepal
21	Sarita Kc	Bisexual	Chhetri	Mitini Nepal
22	Prabina Karki	Female	Chhetri	Mitini Nepal
23	Sabina Rai	Female	Mongalian	Mitini Nepal

Workshop with LBT Community at Province 4 Pokhara

S.N	Name	Sex & Gender	Ethnicity	Organization
1	Binita Ranabhat	Lesbian	Chhetri	Individual
2	Bima Bishokarma	Lesbian	Bishokarma	Individual
3	Khima Thapa	Lesbian	Thapa	Individual
4	Subasna Pun	Lesbian	Pun	Individual
5	Kazee Gurung	Lesbian	Gurung	Individual
6	Sakshyam Gurung	Lesbian	Gurung	Individual
7	Yangzie Tamang	Transman	Tamang	Individual
8	Raj Silwal	Transman	Chetri	Paribartan Nepal
9	Ritu Kumal	Lesbian	Magar	Individual
10	Anita Gurung	Lesbian	Gurung	Individual
11	Usha Badual	Female	Badual	Nari Chetana Kendra
12	Sarita K.C	Bisexual	Chhetri	Mitini Nepal
13	Sabina Rai	Female	Mangolian	Mitini Nepal
14	Prabina Karki	Female	Chhetri	Mitini Nepal

Workshop with LBT Community at Province 5 Dang Lamahi

S.N	Name	Sex & Gender	Ethnicity	Organization
1	Fagwonti Kumal	Lesbian	Kumal	Mitini Nepal
2	Umita Kumal	Lesbian	Kumal	Mitini Nepal
3	Gangaram Chaudhary	Transman	Chaudhary	Manab Swasta Samaj
4	Monika Chaudhary	Transman	Chaudhary	Manab Swasta Samaj
5	Laxmi Chaudhary	Transman	Chaudhary	Individual
6	Salina Chaudhary	Transman	Chaudhary	Individual
7	Bimal Hamal	Transman	Hamal	Individual
8	Xotu Magar	Lesbian	Magar	Mitini Nepal
9	Ganga Kumal	Lesbian	Kumal	Mitini Nepal
10	Laxmi Ghalan	Lesbian	Janajati	Mitini Nepal
11	Prabina Karki	Female	Chhetri	Mitini Nepal
12	Sabina Rai	Female	Mongolian	Mitini Nepal
13	Bijaya Kumal	Lesbian	kumal	Mitini Nepal
14	Nirmala Loadh	Lesbian	Loadh	Individual
15	Kamal Roka	Lesbian	Roka	Mitini Nepal
16	Anu Giri	Transman	Giri	Mitini Nepal

Workshop with LBT Community at Province 6 Nepalgunj

S.N	Name	Sex & Gender	Ethnicity	Organization
1	Shila Gurung	Transman	Gurung	Naulo Sirjana Nepal Nepalgunj
2	Sony shrestha	Lesbian	Shrestha	Naulo Sirjana Nepal
3	Sita Rana	Lesbian	Rana	Naulo Sirjana Nepal
4	Sabitri Sapkota	Lesbian	Sapkota	Naulo Sirjana Nepal
5	Dropati Gurung	Transman	Gurung	Naulo Sirjana Nepal
6	Kivan malla	Transman	Malla	Naulo Sirjana Nepal
7	Chandra Pariyar	Transman	Pariyar	Individual
8	Saru B.K	Lesbain	B.K	Individual
9	Ashma Gurung	Lesbian	Gurung	Individual
10	Ashmita gurung	Lesbian	Gurung	Individual
11	Shanti Sirish	Transman	Sirish	Nepali Police
12	Narayani koirala	Transman	Koirala	National player
13	Roshan Shrestha	Transman	Shrestha	Naulo Sirjana Nepal
14	Ankit Pun	Transman	Pun	Naulo Sirjana Nepal
15	Sarita K.C	Bisexual	Chhetri	Mitini Nepal
16	Prabina Karki	Female	Chhetri	Mitini Nepal
17	Sabina Rai	Female	Mangolian	Mitini Nepal
18	Laxmi Ghalan	Lesbian	Janajati	Mitini Nepal

Workshop with LBT Community at Province 7 Dhangadhi

S.N	Name	Sex & Gender	Ethnicity	Organization
1	Sharmila Tamang	Lesbian	Tamang	Yeakata Nepal
2	Kriti Chaudhary	Lesbian	Janajati	Yeakata Nepal
3	Pushpa Bhandari	Transman	Chhetri	Ekata Nepal
4	Sabina poudel	Lesbian	Brahamin	Ekata Nepal
5	Sandip Bhujel	Transman	Chhetri	Ekata Nepal
6	Durga Thapa	Transman	Chhetri	Ekata Nepal
7	Subum Sharma	Transman	Brahamin	Individual
8	Raj Chaudhary	Transman	Janajati	Ekata Nepal
9	Mina Gharti Magar	Transman	Janajati	Ekata Nepal
10	Manish B.K	Transman	Dalit	Sahayatra Nepal
11	Gita Chand	Transman	Thakuri	Sahayatra Nepal
12	Raj K.C	Transman	Janajati	Ekata Nepal
13	Ashok Chaudhary	Transman	Janajati	Ekata Nepal
14	Anuja Kumari Chaudhary	Lesbian	Janajati	Ekata Nepal
15	Sarita K.C	Bisexual	Chhetri	Mitini Nepal
16	Sabina Rai	Female	Mongalian	Mitini Nepal
17	Laxmi Ghalan	Lesbian	Janajati	Mitini Nepal

National Consultation

S.N	Name	Sex & Gender	Ethnicity	Organization
1	Sirjana Akheli	Female	Chhetri	Mitini Nepal
2	Shrada Gurung	Lesbian	Janajati	Mitini Nepal
3	Subashna Gurung	Lesbian	Janajati	Mitini Nepal
4	Swostika Pariyar	Lesbian	Dalit	Mitini Nepal
5	Chadani Karki	Trans man	Chhetri	Individual
6	Tika Kafle	Lesbian	Janajati	Individual
7	K.c Chauhan	Trans man	Janajati	Individual
8	Monika Tamang	Lesbian	Janajati	Mitini Nepal
9	Biswal Neupane	Trans man	Brahamin	Mitini Nepal
10	Dia Yomon	Queer	Janajati	Individual
11	Prabina karki	Female	Chhetri	Mitini Nepal
12	Dimple Khadgi	Trans man	Janajati	Individual
13	Doma Lama	Lesbian	Janajati	Individual
14	Sanjana Sherpa	Trans man	Janajati	Individual
15	Sonam Sherpa	Lesbian	Janajati	Individual
16	Zoe Tamang	Trans man	Janajati	Individual
17	Minayenchang Lama	Lesbian	Janajati	Individual
18	James Tamang	Trans man	Janajati	Individual
19	Luckey Buda	Trans man	Janajati	Individual
20	Sabina Rai	Female	Mongolian	Mitini Nepal
21	Sarita K.C	Bisexual	Chhetri	Mitini Nepal
22	Laxmi Ghalan	Lesbain	Janajati	Mitini Nepal
23	Susan Danuwar	Trans man	Janajati	Individual
24	Pritam Rai	Trans man	Janajati	Individual
25	Apekshia Dahal	Lesbain	Brahamin	BDS
26	Nilam Tamang	Trans women	Brahamin	Individual
27	Arshu Shrestha	Trans man	Janajati	Individual
28	Nilam Rai	Lesbian	Janajati	Individual
29	Sumeera Shrestha	Female	Janajati	Gyanbodh Research and Development Services.
30	Bidhya Shah	Female	Janajati	Individual
31	Yamur Rai	Trans man	Janajati	Individual
32	Rewan Lamaual	Trans man	Janajati	Individual
33	Aaditya Rai	Male Gay	Janajati	Individual
34	Yesung Rai	Trans man	Janajati	Individual
35	Sabin Shrestha	Trans man	Janajati	Individual
36	Anuj Peter Rai	Male Gay	Janajati	Individual
37	Sikha Gurung	Male Gay	Janajati	Individual
38	Luckey Gurung	Male Gay	Janajati	Individual
39	Samir Shrestha	Male	Janajati	Liberation Logistics, Oakland
40	Simran Sherchan	Trans Women	Janajati	Individual
41	Krishna Shrestha	Lesbain	Janajati	Individual

42	Bhakti Shah	Trans man	Janajati	BDS
43	Binita Neupane	Bisexual	Brahamin	Individual

Name of Organizations working for the LBTQ and part of the larger consultation process for parallel report of B+25 in all 7 provinces are:

1. Sunaulo bihani samaj
2. Pariwartan Nepal
3. Sahara Samaj
4. Mitini Nepal, Sunsari
5. Manab Kalyan Saman
6. Samridha saman pathari
7. Pariwartan sil samaj
8. Mahila Sahayogi
9. Blue diamond society, Janakpur
10. Ekata Nepal
11. Sahayatra Nepal
12. Manab swastha samaj
13. Mitini Nepal, Dang
14. Mitini Nepal, Jhapa
15. Naulo Srijana Nepal
16. Federation of sexual and gender minorities of Nepal
17. Queer youth group
18. Blue diamond society
19. Sexual and gender minorities student Nepal

References:

1. BBC and National Network for Beijing-review Nepal (2014). Empowering women, Empowering Humanity: Picture it. Civil Society Report on Beijing +20 Nepal.
2. CEDAW SRPC (2018). Shadow report on the sixth periodic report of Nepal on CEDAW
3. Constitution of Nepal: Article 12, 18 and 42
<http://www.lawcommission.gov.np/en/archives/category/documents/prevaling-law/constitution/constitution-of-nepal?fbclid=IwAR1EFn2KJDH9xF3yUX6RtfGhEaW4xnssEbn6UKjvpeHYn209pvLxyIIEN5M>
4. Rajbhandari, Sambida (Ed.). (2019) Spectrum: LBTQ stories and Call For Justice and Protection. Kathmandu: *Mitini Nepal* <http://mitininepal.org.np/read-spectrum-book-online/>
5. Provincial workshops with LBTQ community on Beijing +25 (2019), *Mitini Nepal*
6. UNDP, USAID (2014). Being LGBT in Asia: Nepal Country Report. Bangkok
7. United Nations Resolutions-Sexual and Gender Identity. Human Rights Council (June 2016): *Protection against violence and discrimination based on sexual orientation and gender Identity.*
https://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/RES/32/2
8. United Nations Resolution- Sexual and Gender Identity. Human Rights Council (June 2011): *Human Rights, sexual orientation and Gender Identity.*
https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/17/19