

# The reality of Transgender Rights in Nepal



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# Promotion

- Grassroot movement and network
- Supreme court decision
- Constitution of Nepal
- Inclusion in curriculum
- Media mobilization
- Provision of citizenship and passport



# Supreme Court Decision, 2007

- Identified all sexual and gender minorities as natural persons.
- The law shall be considered as discriminatory which does not allow the people to enjoy their fundamental rights and freedoms with their own identity .
- SC ordered the government of Nepal to reform any legislation referring exclusively to men and women and not LGBTQI+.
- Directions to form a seven-member committee whose task would be to explore the institutions regulating same sex marriage in other countries, and to subsequently recommend appropriate institutions for Nepal.

## Supreme Court decision and amendment of citizenship guideline, 2013

2 adults can stay together regardless of Sexual and Gender minorities.

Government has issued Citizenship ID for TG as “Other” category. ( But only for those who apply for citizenship first time).

## Supreme Court Decision, 2017

Spouse Visa on the right of Sexual and Gender Minorities.

Legal Gender recognition as per self determination.

## Constitution of Nepal, 2015

Article 12 - Right to Citizenship

Article 18 - Right to Equality

Article 45 - Right to Proportional Representation alongside all 31 fundamental rights.

This makes Nepal only country in Asia and handful countries in the world guaranteeing rights on the basis of Sexual Orientation and Gender Identity.



# Acts & Regulations

- Citizenship 2013 and Passport 2015 for Gender Minorities as “Other” category.
- Safe Motherhood and Reproductive Health Right (SRHR Act) that in its article 29 adds sexual orientation and gender identity as ground of non-discrimination all other major act such as Election, Local Governance Act, and civil and criminal code failed to address any LGBTQI+ issue.
- Education ministry includes SOGI issues in school level and education level curriculum. SOGI included in school curricula in class 6,7 and 8 in health and physical education.
- Transgender are addressed in National Youth Policy.
- National Human Right Commission has LGBTQI+ focal person and desk.
- ECN Gender and Inclusion Policy has highlighted the need of the policy to address right to participation of gender and sexual minorities.



# Challenges

- Gender still refers to “ Male” and “Female”, Gender Binary System is deeply rooted
- Civil and Criminal codes has several discriminatory provision for LGBTIQ people
- Same sex marriage report is with MWCSW and it is not moving forward
- Police harassment against TG sex workers
- Recently introduced citizenship bill include provision of sex change evidence to amend citizenship for those who which to change their name and gender
- People still do not aware on LBGTIQ terminologies and its diversity. Lack of awareness on gender & sexuality
- Lack of policy and laws to address GBV targeting to sexual & gender minorities
- Weak implementation of constitutional provisions, Supreme Court Decisions and UPR recommendation
- Minimum investment & Minimum research & Study



# Thank You

