



National Human Rights Commission of Nepal

**REPORT TO THE REGIONAL NATIONAL HUMAN RIGHTS  
INSTITUTIONS PROJECT ON INCLUSION, THE RIGHT TO  
HEALTH AND SEXUAL ORIENTATION AND GENDER IDENTITY**

Presented at the National Partnership Dialogue • 5 October 2012





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This Report was prepared for the Regional National Human Rights Institutions Project on Inclusion, the Right to Health, and Sexual Orientation and Gender Identity (SOGI), implemented by the International Development Law Organization (IDLO) and the United Nations Development Program (UNDP) in partnership with the Asia Pacific Forum and SAARCLAW (the Regional NHRI SOGI Project). The Project was designed to build an understanding of the response of National Human Rights Institutions (NHRIs) in South Asia and Southeast Asia to SOGI-related human rights issues.

The Project advocates for greater employment of the Yogyakarta Principles; builds upon the outcomes of the South Asia Roundtable Dialogue: Legal and Policy Barriers to the HIV Response (Kathmandu, 2011); and supports the commitments of the Economic and Social Commission for Asia and the Pacific (ESCAP) under Resolutions 66/10 and 67/9.

The Project is a direct response to the recommendations of the Report of the Asia Pacific Forum (APF) Advisory Council of Jurists: Human Rights, Sexual Orientation and Gender Identity, 2010 (ACJ Report). Specifically, the ACJ Report recommends that NHRIs:

- undertake an internal dialogue on issues relating to the human rights of people of diverse SOGI and build the capacity of the institution to understand the issues and to react appropriately;
- build relationships with people of diverse SOGI, including civil society organizations, in order to inform the work of the NHRI; and
- research, identify and document human rights violations against people of diverse SOGI, and the impact of discriminatory laws and practices.

In participating in the Regional NHRI SOGI Project, the National Human Rights Commission of Nepal took part in two dialogues with representatives of the SOGI community with a view to building NHRC representatives' sensitivity to, and understanding of the rights and specific vulnerabilities of people of diverse SOGI; as well as a series of internal meetings and research activities.

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February 2013

## FOREWORD

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The National Human Right Commission of Nepal (NHRC) is the constitutional, independent and autonomous human rights institution established for promotion and protection of human rights in Nepal. The role of the NHRC is to ensure the respect, protection and promotion as well as effective implementation of human rights; and it has taken a special interest in the rights of LGBTI people.

I would like to express my sincere thanks to the report writing team for their efforts in carrying out the research and in preparing the report. Likewise, I am thankful to the United Nations Development Programme and the International Development Law Organization for supporting this report. I believe this report will be an important instrument to facilitate all stakeholders, both from the government sector as well as from civil society, to play their respective roles in ensuring rights of LGBTI people.

Mr Bed Prasad Bhattarai  
Acting Secretary  
NHRC Nepal

## 1. INTRODUCTION

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### *LGBTI People in Nepal*

Lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Nepal are discriminated against and stigmatized on the basis of their sexual orientation and gender identity (SOGI).<sup>1</sup> There is widespread intolerance of LGBTI persons in Nepalese society. LGBTI people are a marginalised minority, and are the victims of ongoing human rights violations including harassment, physical violence, sexual assault, physical and psychological threats as well as exclusion from their family and society. Due to fear of rights violations, stigma and discrimination, LGBTI people in Nepal commonly hide their sexual orientation or gender identity. LGBTI people have the same human rights as all individuals, including the right to non-discrimination in the enjoyment of these rights. This principle is enshrined in numerous international human rights instruments including Universal Declaration of Human Rights.

The community of people of diverse SOGI began to organize themselves in 2001 under a non-governmental organization called Blue Diamond Society. Blue Diamond Society has lobbied and raised awareness about rights violations against LGBTI people. The violation of the rights of LGBTI people starts from within walls of their own homes and extends to society and the State. The landmark decision of the Supreme Court of Nepal in 2007 which upheld the rights of transgender people has gone some way in enhancing recognition of SOGI-related rights in Nepali society.

The National Human Rights Commission of Nepal (NHRC) has taken a special interest in protecting and promoting the rights of LGBTI people through its plans, policies and activities. For example, the NHRC has expressly included LGBTI rights in its Strategic Plan. The NHRC has actively monitored and investigated human rights violations against LGBTI people and conducted activities developing capacity, raising awareness and advocating for the rights of LGBTI people. In order to undertake these activities, the NHRC has appointed an LGBTI focal person.

This report aims to review and highlight the NHRC's efforts in protecting and promoting the rights of LGBTI people, in accordance with its mandate and powers. This report will also make recommendations in respect

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<sup>1</sup> LGBTI people and people of diverse SOGI are terms used interchangeably for the purpose of this report. Females who are emotionally, physically and psychologically attracted to other females are known as lesbians. Males who are emotionally, physically and psychologically attracted to other males are known as gay or homosexuals. People who are emotionally, physically and psychologically attracted to both sexes are known as bisexuals. Transgender people are females or males of any age who are unhappy living in the gender identity ascribed to them at birth. Transgender people often assume an alternative gender identity. Intersex people are those who are born with both male and female sexual organs.



of stakeholder roles, responsibilities and coordination for the protection and promotion of the LGBTI rights in Nepal.

## 2. BACKGROUND

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The NHRC is the national human rights institution in Nepal. It was established in 2000 as a statutory body and elevated to a constitutional body by the Interim Constitution of Nepal, 2007. Article 132 of the Interim Constitution of Nepal vests primary responsibility on the NHRC to protect and promote the human rights of the Nepalese people.

## 3. MANDATE AND POWERS

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In order to perform this responsibility, the Commission can conduct inquiries and investigations on its own, upon a petition or when a complaint is filed in relation to the violation of human rights. A complaint can be submitted by an interested party or third party on behalf of a victim of rights violation. The Commission can visit and observe any authority, prison and detention centers or any organization or agency under the Government of Nepal and can submit necessary recommendations to the Government of Nepal on the reformation to be made on the functions, procedures and physical facilities which may be made necessary for such an organization for the protection of human rights.

According to the Article 132 of the Interim Constitution of Nepal, the NHRC has the following mandates and powers:

- Receiving complaints and conducting inquiries or investigations upon them;
- Making recommendations for prosecution or departmental action against the perpetrators and compensation to victims or their kin;
- Conducting rescue, research and seizure operations at suspicious places, if so required;
- Monitoring the implementation of international human rights treaties and the human rights situation;
- Reviewing law and policies relating to human rights, and making recommendations for reforms;
- Working with NGOs and civil society for the promotion of human rights;
- Making the name of human rights violators public, if so required; and
- Entering into any official house or premises without prior information, if so required.

## 4. AFFILIATIONS

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The NHRC is an independent and autonomous body that complies with the Paris Principles of independence and autonomy of NHRIs. Since inception, NHRC has been accredited with A-status by the International Coordinating Committee of NHRIS (ICC).

## 5. NHRC AND INTERNATIONAL HUMAN RIGHTS MECHANISMS

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Nepal is a party to 22 international human rights related conventions which include seven core conventions. Nepal treaty law defines that all those conventions ratified by Nepal are equal to the statutory law. Some efforts have been made to internalize treaty provisions by the Government of Nepal, parliament and the

judiciary in recent years. For example, the Supreme Court of Nepal has issued directives to the government for the amendment of discriminatory laws. The core human rights treaties ratified by Nepal are as follows:

- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic Social and Cultural Rights;
- The Convention on the Rights of the Child;
- The Convention on the Elimination of Racial Discrimination;
- The Convention on the Elimination of Discrimination Against Women;
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and
- The Convention on the Rights of Persons with Disabilities.

## 6. NHRC AND DOMESTIC MECHANISMS

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The Interim Constitution of Nepal and the laws of Nepal have enshrined civil and political rights, including the right to equality. The right to equality and the right to non-discrimination are fundamental rights under the Interim Constitution. Discrimination on the basis of religion, caste, sex, language, nationality, origin, beliefs are not permitted. Despite such constitutional provisions, people of diverse SOGI, Dalits, people with disabilities, women and rural populations experience discrimination and exclusion from mainstream development processes.

In recent years, the judiciary and the Government of Nepal have made efforts to advance LGBTI rights. The Supreme Court of Nepal has issued directives to the government for the enactment of a law to ensure the equal rights of the LGBTI people, including in respect of same sex marriage. In June 2012, the Supreme Court of Nepal ordered the government to issue passports with provision for the third gender, so that transgender people no longer have to inaccurately describe themselves as male or female.

The Government of Nepal has put in place guidelines to manage the citizenship certificate distribution procedures for people of the third gender (the issue of appropriate citizenship certificates), in accordance with the 2007 Supreme Court order in the case of *Sunil Babu Pant v. Government of Nepal*.<sup>2</sup> Additionally, the Government of Nepal has amended the *Nepal Citizenship Regulation*, 2006. These steps demonstrate the government's commitment to the enforcement of law and policy for the protection and promotion of human rights of sex and gender minorities and the creation of a positive environment to ensure enjoyment of all human rights for the LGBTI people.

The incorporation of LGBTI rights issues in the National Human Rights Action Plan (NHRAP) and the Action Plan for the implementation of the Universal Periodic Review also represent significant steps taken by the Government of Nepal to mainstream LGBTI issues. Representation of LGBTI advocates and human rights defenders in the 2008-2012 Constituent Assembly of Nepal is another important achievement for the LGBTI rights movement in Nepal.

Civil society has played a vital role in advocating for the rights of LGBTI people. Blue Diamond Society, in particular, has worked through advocacy, lobbying, coordination and empowerment of the LGBTI community.

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<sup>2</sup> *Sunil Babu Pant v. Government of Nepal* Writ No. 917 of the year 2064 BS (2007 AD).

## 7. POLICY AND INITIATIVES RELATED TO SOGI AND HIV

The NHRC is in the process of implementing its 2011-2014 Strategic Plan. The Strategic Plan was developed as a tool to assist the NHRC Nepal to work in a systematic, organized, programmed and planned way. The Strategic Plan defines the core values of the NHRC as: diversity, impartiality, integrity, independence, autonomy, equality and equity. The Strategic Plan also defines the NHRC's operational values as: accessibility, accountability, participation, social inclusion and transparency.

Relevant to LGBTI rights is Section 7 of the Strategic Plan which includes provisions about the protection and promotion of minority rights and collective rights (under the Collective Rights Division). LGBTI people are included in this category:

*Section 7, NHRC Strategic Plan 2011-2014: The rights of minorities based on ethnicity, culture, religion, language, origin, sex and caste is an important human rights issue. Respect of their rights would help ensure equality and equity among them. The NHRC primarily plans to monitor and advocate on the rights of minorities, rights of people with disabilities and SOGI groups.*

Under the Strategic Plan, the NHRC executes Annual Work Plans. Annual Work Plans set out specific programs and activities for minorities, including LGBTI people.

### *Investigation*

The NHRC has initiated investigations related to LGBTI rights through its Investigation and Monitoring Division. The Interim Constitution and the *Human Rights Commission Act, 1997*, set out the NHRC's broad powers of investigation, equal to that of courts.

### *LGBTI Focal Point*

In 2005, the NHRC assigned a focal point for LGBTI issues within the Investigation and Monitoring Division. The LGBTI focal point is responsible for complaint handling, investigation, monitoring, reporting, lobbying and advocacy on the rights of LGBTI people.

The Collective Rights Division shares responsibility for advocacy and campaigning on LGBTI issues.

### *Complaint Handling*

Complaint handling is a core function of the NHRC. In accordance with Article 132 of the Interim Constitution of Nepal and the Human Rights Commission Act, 1997 (NHRC Act), the NHRC can receive and investigate the complaints. According to the NHRC Act and the *National Human Rights Commission (Complaint, Action and Determination of Compensation) Rule, 2013*, the NHRC can receive complaints from the victims and any other sources. The NHRC maintains an accessible complaints procedures including: in person submission at NHRC offices, a 24 hour hotline service and an online complaint form facility. Complaints can also be submitted orally or by telephone. Staffed NHRC offices are open from Sunday to Friday.

The NHRC encourages civil society and Blue Diamond Society to lodge complaints in the case of the occurrence of any LGBTI-related human rights violations.

Since 2000, the NHRC has received more than ten thousand complaints; most cases are conflict related (enforced disappearances, killings, torture and forceful displacement). The NHRC has received seven complaints related to LGBTI rights. These complaints are related to discrimination, torture, inhuman and degrading treatment, illegal detention, the right to freedom of association, and rights related to citizenship and identification.

The NHRC has conducted thorough investigation on the LGBTI cases with due priority. One such investigation resulted in the NHRC issuing an order to the Nepal Police to investigate and prosecute security personnel involved in torture, inhuman and degrading treatment.



The NHRC has also amended its complaint form in favor of a more LGBTI-friendly format, by adding space for complainants to specify “other gender” as an alternative to male or female. This will also enhance NHRC data management.

The following are examples of NHRC responses on LGBTI complaints.

- 2013: A complaint was lodged in relation to the refusal of the Chief District Office (CDO) to renew the registration of Blue Diamond Society (as part of regulatory, periodic renewal undertaken by all non-governmental organizations in Nepal). It was suspected that discrimination was the basis for the CDO's refusal. The NHRC conducted an investigation then directed a letter to both the Ministry of Home Affairs and Chief District Officer requesting that the CDO to renew the mandate of Blue Diamond Society without delay. The CDO subsequently renewed the registration of Blue Diamond Society, allowing it to continue operations.
- 2013: A complaint was lodged in relation to torture and harassment of LGBTI people by police officers. The complaint was substantiated by evidence, including a medical examination report. Following investigation, the NHRC directed a letter to the Human Rights Cell of the Nepal Police seeking investigation and action against the accused. The Nepal Police have responded indicating that investigation and appropriate departmental action is underway.
- 2012: A complaint was received in relation to an alleged case of torture against a woman of diverse SOGI. The NHRC, in collaboration with the Human Rights Cell of the Nepal Police, Blue Diamond Society and partner NGOs, intervened and mediated a consensus between the woman and her husband. Blue Diamond Society and NGO partners supported the woman to move to a safe house.
- 2007: A complaint was lodged in relation to the arrest and detention of 26 LGBTI people on 18 March 2007. With the support of Blue Diamond Society, the NHRC Complaints Handling Officer gathered statements from a majority of the victims. The NHRC appointed a high level team to monitor the situation, including the LGBTI focal point and two NHRC Directors.

At the time of preparing this report, three LGBTI cases were under investigation by the NHRC. All three cases were lodged in early 2013 and pertained to the alleged torture of transgender people by the police officers, following arrest and detention on charges of sex work. The NHRC issued a letter to the Nepal Police expressing its concern over the allegations.

LGBTI detainees have also informed the NHRC of discrimination occurring in administrative and quasi-judicial processes. For example, it was reported that the Chief District Office sought higher bail fees for LGBTI people than heterosexual people in similar cases. A further complexity and challenge arises in relation to the refund of bail. Where an LGBTI person submits their commonly used name (usually a nickname reflecting their preferred gender or sexual orientation), this name usually does not correspond with formal identification documents. The police will refuse to refund bail where the name provided does not match identification documents.

### *Monitoring*

The NHRC is committed to human rights monitoring. The issue of LGBTI rights arises through the NHRC's national monitoring activities. NHRC monitoring activities are comprised of monitoring government plans, policies and regulations.

- *Monitoring of National Human Rights Action Plan of Nepal Government, 2010-13:* The National Human Rights Action Plan reaffirms the government's commitment to existing human rights initiatives and highlights new priority areas. The third (three year) National Human Rights Action Plan was recently concluded and process of enactment of new action plan is under way. The NHRC monitors the Government of Nepal's implementation of the National Human Rights Action Plan. The recently concluded National Human Rights Action Plan included the following activities related to LGBTI rights:

- Provide scholarships to children of LGBTI parents;
- Conduct workshops in ten different districts of Nepal to ensure respect and recognition of sexual and gender minorities;
- Launch an income generation, skill development and awareness program for people of diverse SOGI in order to enhance self-dependency.
- Prepare a database of LGBTI people who were forced to leave home or abandoned; provide shelter, food, education, health and employment; establish a rehabilitation center.
- Create awareness of LGBTI rights and deliver punishment to the perpetrators of rights violations by establishing human rights cells in all police stations, in order to eliminate harassment and ill treatment of LGBTI people.

On the basis of monitoring efforts, the NHRC concluded that the overall implementation of the National Human Rights Action Plan was poor; almost all implementing agencies were unaware of the enactment of the National Human Rights Action Plan.

As the three year term of the National Human Rights Action Plan completed in July 2013, the NHRC is working closely with the Government of Nepal to formulate the next National Human Rights Action Plan. In this regard, the NHRC has recommended that the rights of LGBTI people be included in the National Human Rights Action Plan.

- *Monitoring of Detention:* Detention monitoring is a high priority for the NHRC. The NHRC has identified human rights violations experienced by LGBTI people in detention and police custody on multiple occasions. In these cases, LGBTI people were arrested and charged on the allegation of involvement in sex work. The NHRC has documented discriminatory behavior on the part of security personnel in charge of detention facilities. The NHRC has received complaints alleging illegal detention, torture and ill treatment. In most cases, LGBTI victims complain that police officers and security personnel call them inappropriate names and behave in a discriminatory manner.

Finally, the NHRC has identified an additional logistical challenge in protecting the rights and dignity of LGBTI people in detention facilities. Nepali detention facilities and police stations generally have the resources to segregate detainees by male and female gender only. Transgender detainees tend to be detained according to their gender at birth, which undermines their dignity and makes them vulnerable to violence. Gay men and lesbian are also vulnerable to violence in detention if their sexual orientation is known. Additional cells are required to protect the rights of people of diverse SOGI, in particular transgender people.

- *Monitoring of Universal Periodic Review (UPR) - Recommendations about LGBTI Rights:* The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the United Nations Human Rights Council which provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges for the enjoyment of human rights.

As the UPR is equally applicable to each and every member state of the UN, Nepal was duly reviewed in the first UPR cycle on the 25th January 2011 during the 10th Session of the Human Rights Council. The report prepared by the National Human Rights Institutions led by the NHRC Nepal was submitted in July 2010. This report included commentary on the human rights violations experiences by people of diverse SOGI.

During the review of Nepal's submission, 55 states provided 135 recommendations. Nepal accepted 120 recommendations. The following recommendation related to LGBTI rights: *106.5 Enact legislation*

*to ensure members of the lesbian, gay bisexual, transgender and intersex (LGBTI) community have citizenship rights, consistent with the equal rights enumerated in the Nepali Supreme Court's 2007 decision.* The Government of Nepal has prepared action plan to implement all accepted recommendations. On LGBTI rights, the action plan mentions the following points:

- Adopt required measures for the implementation of programs contained in the Human Rights Action Plan;
- Formulate LGBTI friendly policies;
- Facilitate, formulate and enact laws relating to LGBTI rights;
- Ensure adoption of measures ensuring enforcement of Supreme Court decision on citizenship rights LGBTI people.

The monitoring of the implementation of UPR recommendations is a priority of the NHRC. In August 2012, the NHRC prepared the UPR Implementation Mid-term Report. The NHRC reported on the implementation of LGBTI-related action points, noting progress as follows: the amendment of the *Nepal Citizenship Regulation, 2006*; the enactment of guidelines for the issue of citizenship certificates to LGBTI citizens; and the commitment of the Government of Nepal to incorporate LGBTI rights in the National Human Rights Action Plan. Law and policy relating to LGBTI rights are yet to be formulated.

### *Advocacy*

The NHRC is committed to advocacy as an effective method for enhancing the implementation of human rights. The NHRC has been advocating at local, national and regional level for LGBTI rights. The NHRC organized a number of interactive programs with different stakeholders on LGBTI issues. Such programs have helped to increase sensitization at different levels.

The rights of LGBTI people have been incorporated in almost all capacity development programs organized by the NHRC. In addition, the human rights concerns of LGBTI people have been incorporated into various reports published by the National Human Rights Commission.

The NHRC advocated for LGBTI rights in the lead up to the November 2013 elections. Based on advice from the Blue Diamond Society, the NHRC wrote to the Electoral Commission noting the security issues and harassment that transgender people experience when voting (voting queues are gender segregated – male and female) and expressed its concern that the Electoral Commission provide a safe and secure environment for all voters.

Likewise, based on another request from Blue Diamond Society, in 2012 the NHRC wrote a letter to the Ministry of Finance urging budget allocation for income generation and capacity building for the empowerment of LGBTI citizens.

### *NHRC Participation in the Same Sex Marriage Committee*

In 2007, the Supreme Court of Nepal ordered the Government of Nepal to form a Same Sex Marriage Committee to undertake a study on the issues of same sex marriage, examining the legal provisions of other countries.<sup>3</sup> The Same Sex Marriage Committee is comprised of seven members: a representative of the NHRC; a specialist medical doctor as designated by the Ministry of Health; a representative of the Ministry of Law, Justice and Parliamentary Affairs; a sociologist as designated by the Government of Nepal; a representative of the Nepal Police (a specialist on the issue of LGBTI rights); a representative of Ministry of

<sup>3</sup> *Sunil Babu Pant v. Government of Nepal* Writ No. 917 of the year 2064 BS (2007 AD).

Population and Environment; and Advocate Mr Hari Phuyal.<sup>4</sup> The Same Sex Marriage Committee has not yet submitted its final report.

The Supreme Court further directed the Government of Nepal to make legal provisions after considering the recommendations of the Same Sex Marriage Committee.

### *Strong Engagement with Civil Society*

At Article 132(2)(d), the Interim Constitution provides that the NHRC should *work jointly and in a coordinated manner with civil society to enhance awareness of human rights*. In this regard, the NHRC has been working closely with civil society organizations for the promotion of human rights. A number of formal and informal meetings between the NHRC and LGBTI human rights defenders have been conducted. Such meetings have helped to respond to LGBTI-related rights issues through rapid actions, formation of policies and ongoing interventions.

The NHRC and Blue Diamond Society commenced an institutional relationship in 2006 and have since worked to build and strengthen this relationship, for example:

- *Meeting with Blue Diamond Society, 2012:* the NHRC and Blue Diamond Society held a two day meeting on 24 and 25 February, 2012 in Lalitpur, Nepal. Thirty four members of the NHRC participated together with members of Blue Diamond Society. NHRC members were from the central office, the Regional Offices of Pokhara, Biratnagar, Nepalgunj, Dhangadi and Janakpur, and the Sub-Regional Offices of Butwal and Khotang and Jumla. The NHRC Secretary attended the meeting and addressed participants on the Yogyakarta Principles and SOGI-related rights issues in Nepal. The achievements of the meeting include:
  - The initiation of an internship for a representative of the LGBTI community at the office of the NHRC;
  - Enhanced coordination for complaint registration regarding violation of human rights of the LGBTI community;
  - A commitment to amend the NHRC Complaint Form incorporating “other gender” (in the past, the form only provided for male and female);
  - Enhanced familiarization of the LGBTI human rights defenders about mandate, powers and activities of the NHRC;
  - Sensitization of NHRC staff about the issues and rights of the LGBTI community;
  - An NHRC commitment to endeavor to encourage LGBTI participation in all NHRC advocacy programs, workshops, seminars and conferences organized;
  - Improved coordination in monitoring, including information sharing in detention monitoring.

### *NHRC Internship Initiative*

The NHRC has a record of facilitating internships for young people in its offices. The internship policy has special provisions to provide priority to the people from marginalized and vulnerable groups including Dalit, Janajati, Madheshi and women.

Following the abovementioned NHRC-Blue Diamond Society meeting, the NHRC welcomed a representative of the LGBTI community to intern at the NHRC central office in Kathmandu. The NHRC plans to replicate this internship arrangement in the future.

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<sup>4</sup> Mr Phuyal represented the complainant in the case of Sunil Babu Pant v Government of Nepal.

## 8. CONCLUSIONS AND RECOMMENDATIONS

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### *Conclusions*

Lesbian, gay, bisexual, transgender and intersex people constitute a vulnerable group and continue to be the victims of human rights violations. LGBTI people have the same human rights as all individuals, including the right to non-discrimination in the enjoyment of these rights. However, people of diverse SOGI are being discriminated against and experience rights violations both at family level and in broader society. The major human rights violations experienced by LGBTI people are discrimination, sexual harassment, abuse, forced marriage, restrictions upon freedom of movement, torture, illegal detention, inhuman behavior and degrading treatment.

The NHRC has actively monitored and investigated human rights violation against LGBTI people. The NHRC has accomplished programs of capacity development, advocacy and awareness about the rights of LGBTI people. The NHRC has incorporated LGBTI people in its Strategic Plan.

The efforts made by the NHRC and Blue Diamond Society have enhanced the awareness of LGBTI rights in Nepal. The decision of the Supreme Court of Nepal in 2007 recognizing the identity of transgender people was a milestone, and accelerated the Government of Nepal's action in respect of same sex marriage. Likewise, recent amendments to the *Nepal Citizenship Regulation*, 2006 and the formulation of guidelines for the issue of citizenship certificates detailing appropriate gender, are a significant step forward in LGBTI rights.

### *Recommendations*

The following recommendations aim to enhance the rights of people of diverse SOGI. The leadership of the Government of Nepal is essential.

- Respect the dignity of LGBTI people and enhance recognition of diverse SOGI through law and policy reform; for example, the accessibility of citizenship certificates reflecting a person's chosen gender identity is a key issue.
- Implement the recommendations and directions made by the Supreme Court of Nepal and the NHRC.
- Promptly address all discrimination, torture, inhuman and degrading treatment of LGBTI people; take appropriate action against perpetrators.
- Incorporate recognition of LGBTI rights issue in National Human Rights Action Plan; take action to ensure the effective implementation of this plan.
- Increase advocacy, lobbying and awareness raising on LGBTI rights, in cooperation with the government, judiciary, NHRC and civil society.
- Ensure the right of LGBTI people to participate in policy formation is upheld; ensure such policy is implemented.
- Ensure that LGBTI rights are recognized in the new Constitution of Nepal and in law, as a minority group in Nepali society.







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