

47<sup>th</sup> session of the Human Rights Council

8 July 2021

**Item 6 – UPR Outcome Nepal**

Statement by International Lesbian and Gay Association

*Delivered by: Sarita KC*

Thank you, Madam President,

This statement is drafted in consultation with Blue Diamond Society and Mitini Nepal, regarding the human rights of sexual and gender minorities of Nepal.

We welcome the Government's acceptance of recommendations from 3<sup>rd</sup> cycle of UPR to end sexual and gender-based harassment and violence at all levels of society, including against LGBTI persons. We regret, however, that the Nepal's government noted recommendations concerning marriage equality rights of LGBTIQ people.

Nepal is yet to achieve marriage equality despite it being guaranteed by the new constitution of 2015. In fact, marriage equality seems further away than ever due to regressive new legal provisions (civil codes) enacted by the government. These legal provisions have made it even more difficult for lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) to get legal recognition and live in dignity. Furthermore, in 2007 the Supreme Court had ordered the government to form a same-sex marriage committee to examine and introduce a same-sex marriage law.

Regrettably, there are several outstanding issues faced by our communities today, which have worsened during the COVID-19 pandemic. LGBTI people had already been socially and financially vulnerable before, due to discrimination and violence they face. Family rejection and their inability to stay in a safe home increased their risk of contracting the virus. The increased isolation from supportive communities worsened their mental health state, with many experiencing heightened levels of depression and anxiety. Many have committed suicide. In lack of economic, emotional, and social support from family, society and the government, their vulnerability has increased.

We urge the Government of Nepal to accept the recommendations regarding marriage equality which will be helpful to play a proactive role and legislate, without delay, for marriage equality and we call on the Government of Nepal to effectively implement the ruling and the Constitution regarding sexual and gender minorities, by:

- implement Article 12 of the Constitution guaranteeing that trans individuals can change their gender marker on their Citizenship Certificate without the requirement for sex change surgery certificates
- amend section 67 of the 2017 Civil Code to ensure that the definition of marriage is not limited to a union between “men and women”, but that it establishes marriage equality regardless of gender
- amend the 2017 Labor Act to ensure gender equality at work, including through equal pay between all genders; affirmative action and quota systems for LGBTI persons in the governmental, military, and private sectors; non-discrimination safeguards

- amend the 2018 Social Security Act to include LGBTI people
- ensure the systematic inclusion of LGBTI issues in the agenda of all government agencies and the inclusion of LGBTI people in decision making processes throughout.

In addition, we urge the government to effectively include LGBTI people in all COVID-related policies and measures, and to put in place specific and targeted plans and programs for those most marginalized in the LGBTI community.

Thank you Madam President