

*The President
37th Session of the Human Rights Council
Declaration from Mitini Nepal,
Declaration read by Sarita K.C*

Dear President

The following declaration is also read on behalf of the LGBTIQ people of Nepal.

We would like to thank Nepal for its ongoing engagement with the UPR process and to commend Nepal for accepting almost all recommendations it received on LGBTI issues in the first two cycles. Namely, to protect LGBTI people from discrimination, and implement the infamous 2008 Supreme Court decision and the 2015 Constitution accordingly.

Regrettably, there are several outstanding issues faced by our communities today, which have worsened during the COVID-19 pandemic. LGBTIQ 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.

The 2008 Supreme Court decision called on the government to introduce marriage equality and the 2015 Constitution established in Article 18 that all citizens enjoy equal recognition before the law without discrimination, including “gender and sexual minorities”. However, the government has stalled the process to establish marriage equality and several laws remain in contradiction with the ruling and the Constitution.

Mitini calls 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 LGBTIQI persons in the governmental, military, and private sectors; non-discrimination safeguards
- amend the 2018 Social Security Act to include LGBTIQI people
- ensure the systematic inclusion of LGBTIQI issues in the agenda of all government agencies and the inclusion of LGBTIQI people in decision making processes throughout.

In addition, we urge the government to effectively include LGBTIQI 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 LGBTIQI community.

Thank you!