

## Status and Challenges of LGBTI in Nepal

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### Abstract

*LGBTI stands for lesbian, gay, bisexual, transgender and intersex. Lesbians are women who experience sexual or emotional attraction to other women. Gays are men who feel sexually or emotionally drawn to other men. Bisexuals are those who are sexually or emotionally attracted to both men and women, or to two or more genders among the various gender identities. Transgender individuals have a gender identity or expression that differs from the sex they were assigned at birth. Intersex individuals possess sexual anatomy that does not fit typical definitions of male or female biology. Sexual orientation is a crucial aspect of a person's identity and encompasses lesbian, gay, bisexual, transgender, and intersex identities. This study examines the status of LGBTI individuals in Nepal, utilizing secondary data gathered from literature such as books, journals, and newspapers. The findings indicate that Nepali society is deeply entrenched in patriarchal values. While heteronormativity has historically prevailed, the society is gradually becoming more sensitive to the needs of the LGBTI community. The struggle for equal rights and acceptance for LGBTI individuals in Nepali society is extensive and begins early in life, as heteronormative expectations are imposed from a young age. This research aims to provide a better understanding of the situation of LGBT individuals in the Nepali context.*

**Keywords:** LGBTI, Status, Challenges, Nepal

### Introduction

LGBTI stands for lesbian, gay, bisexual, transgender, and intersex. It is a term commonly used to refer to non-heterosexual individuals. Austrian psychologist Karoly Maria Benkert coined the term 'homosexual' in the late 19th century, coinciding with the beginning of scholarly debate on homosexuality. Historians have found evidence of homosexual activity in nearly all documented cultures and ancient civilizations. Homosexuality was prevalent in ancient Greece, documented among males in prose, poetry, music, and iconic pottery images (Waxman, 2017). In various cultures from Albania to Afghanistan, youths were raised as the opposite sex. In Kenya, 'female husbands' were accepted, as were 'two-spirit' individuals in Native American civilizations. Plato (428-347 B.C.E.) mentioned same-sex desires in his work 'Symposium,' and Sappho (630-570 B.C.E.), an ancient Greek poet, wrote about love between women (Waxman, 2017).

As European colonies expanded, early trans or bisexual community acceptance was challenged. Christian homophobic beliefs were used to correct these 'inhumane vices' in 'backward'

communities, labeling them as diseases, sins, or crimes, rarely discussed until the mid-1900s (Waxman, 2017). In 1864, Karl Heinrich Ulrich theorized homosexuality as natural mental 'hermaphroditism.' German physician Karl Westphal (1869) agreed with Ulrich's idea of genetic abnormality and described a condition of 'contrary' sexuality. German neuropsychiatrist Richard von Krafft-Ebing echoed this view in his work *Psychopathia Sexualis* (1886), describing homosexuality as a 'degenerative' disorder. Celebrated early gay scholar, German-Jewish sexologist Magnus Hirschfeld, suggested homosexuals constituted a 'third' intermediate sex, aligning with the 'theory of normal variation' and advocated for tolerance on medical-genetic grounds. Sigmund Freud (1856–1939) considered homosexuality or bisexuality as a result of undetermined gender development in the womb or an arrested latent stage in heterosexual development (Gay Studies - The Medicalized, Industrialized Nation-state - Homosexuality, Sexual, Homosexual, 2021; Drescher, 2015). Freud believed lesbianism could be treated through heterosexual marriage and male dominance, aligning with the 'theory of immaturity' and offering a psychoanalytic approach to homosexuality. He contradicted Krafft-Ebing's position that homosexuality could not be a 'degenerative condition.' However, Sandor Rado's psychoanalytical theories gained more influence, proposing heterosexuality as the only biological norm and treating homosexuality psychoanalytically as a 'phobic' avoidance caused by inadequate parenting. This concept prevailed in the mid-20th century, leading the American Psychological Association to list homosexuality as a 'sociopathic personality disturbance' in 1952, later reclassified as 'sexual deviation' in 1962 (Drescher, 2015). Michel Foucault's (1979) historical approach argued that 'homosexual' is a distinct identity, not a trans-historical category. Foucault's writings are central to theorizing sexuality and analyzing it with other forms of power (Oswin, 2006; Roseneil, 2000).

Research indicates that gender and sexual minorities in Nepal are highly stigmatized and hidden from the general population (Boyce and Coyle, 2013). Those identifying as homosexual and transgender face isolation, insecurity, and ostracism, struggling to normalize their identity. Social inequality is more pronounced for LGBTI individuals. Despite Nepal being the first South Asian country to recognize transgender identity, the non-heterosexual and trans community faces widespread discrimination, social stigma, and harassment. Numerous cases of violence and human rights violations based on sexual preference and orientation frequently make headlines.

Globalization has increased awareness about individual rights. After 2001, Nepali LGBT community pioneers began organizing and advocating for equal rights and legal recognition, leading to more individuals coming out and challenging stereotypical gender constructs. The community's silent suffering over centuries has gradually come to light. Nepali society remains inequitable, with socio-economic disparities along caste, class, ethnicity, and regional lines. Discrimination against the LGBTI community is often overshadowed by more urgent issues like lawlessness and political instability. The LGBT movement in Nepal gained traction only after the 2000s. Previously, terms like *Metis*, *Kothis*, *Fulumulu*, *Hijra*, and *Ta* were used to denote culturally assimilated representations of non-binary populations (UNDP, Williams Institute, 2014).

### **Statement of the Problem**

Nepali society is deeply rooted in patriarchal values, with heteronormativity being dominant. Although society is slowly becoming more sensitive to the needs of the LGBTI community, progress is slow. Traditional constructs still define gender roles, and women continue to struggle for equal status with men. The LGBTI community's struggle for equality is

compounded, beginning at a young age due to expected adherence to heteronormative norms. A study like this is essential for a better understanding of the conditions of LGBT individuals in the Nepali context.

The following are the research problems for this study:

1. What is the status of LGBTI in Nepal?
2. What are the challenges of LGBTI in Nepal?

### **Objectives**

The specific objectives are as follows:

1. To highlight the status of LGBTI in Nepal.
2. To explore the challenges of LGBTI in Nepal.

### **Limitations of Study**

As this study utilizes secondary sources, the findings may not always be generalizable to the population at large. Definitive conclusions cannot be made about the findings. Though the methods applied will be flexible but the results may not be replicable in the future.

### **Methods**

This study was conducted on the thematic analysis based on the secondary sources. The nature and sources of data were secondary sources which were collected from the different sources such as, books, journals and newspapers.

### **Study Area**

Nepal is a landlocked country surrounded by India in the south, east, and west and China in the north. Nepal has a population of 2,64,94,504 (Census, 2011).

### **Research Design**

This was a descriptive and explorative study to highlight the status of LGBTI in Nepal.

### **Results and Discussions**

#### **LGBTI Movement in Nepal**

Post 1990, many issues related to recognition of minority and underrepresented came to the forefront. Modern governance concepts have promoted a more liberal and open society, addressing the voices of the long-suppressed with the involvement of NGOs and INGOs. Globalization has dismantled barriers worldwide, allowing people across borders to share common beliefs, problems, and solutions, thereby garnering international support on issues like homosexuality and gender diversity. Improved access to resources and communication has gradually united individuals of the 'other gender.'

In 2001, Sunil Babu Pant and other activists founded Blue Diamond Society (BDS) as a formal organization for sexual minorities. LGBT activists played a significant role in the 2006 civil uprising that overthrew Nepal's monarchy and established a republican system. Subsequently, Nepalese political parties included greater inclusion and legal recognition of the LGBT community in their election manifestos for the Constituent Assembly (CA). In the 2008 CA elections, Sunil Babu Pant became Asia's first openly gay parliamentarian (Knight, 2015).

Post-2000, Nepal has witnessed numerous positive developments in LGBTQ advocacy. Since 2006, Nepal has been a secular state that recognizes the LGBTQ community from various

religious and socio-cultural backgrounds. A December 2007 Supreme Court verdict affirmed that LGBT individuals should enjoy equal legal rights as other citizens, aligning with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). Nepal's Three-Year Interim Plan (2007-10) included policies for LGBT inclusion, and the 2008 and 2009 budgets allocated funds for the 'third sex.' The government's Three-Year National Human Rights Action Plan (2010-2013) also included programs and budgets for them. In October 2012, Nepal hosted Asia's first gay sports tournament, and in 2013, the Election Commission recognized third gender in the voter list, with over 60 influential SOGI candidates standing for election (Knight, 2015).

Despite progressive laws, the practical implementation of LGBTQ rights in Nepal remains limited. Society continues to be conservative, adhering to patriarchal values that disregard differences in sexual orientation (UNDP, USAID, 2014).

### **Legal Condition and LGBTI**

The 2015 Constitution of Nepal, considered one of the most progressive globally, explicitly mentions LGBT human rights. Key articles include:

- Article 12: Allows citizens to choose their preferred gender identity on their citizenship documents.
- Article 18: Prohibits discrimination against gender and sexual minorities and allows for special provisions to protect and empower them.
- Article 42: Ensures gender and sexual minorities have the right to participate in state mechanisms and public services (Constitution of Nepal, 2015).

However, the constitution has yet to endorse same-sex marriage, despite groundwork laid by a 2007 Supreme Court verdict. While Nepal's legal provisions are progressive compared to other South Asian countries, the queer community still lacks equal rights in marriage, property, and education.

A 2013 Home Ministry directive mandated an 'other' category in government documents, addressing some issues for sexual minorities. Nonetheless, treating all individuals from the gender spectrum as 'others' is not a comprehensive solution. The citizenship law also requires proof of gender reassignment for transgender individuals to claim citizenship under their new identity, posing a financial and procedural challenge for many (The Kathmandu Post, 2019). In 2017, many LGBTQ individuals were denied citizenship certificates and machine-readable passports under the 'third gender' category (BDS, 2017).

BDS identified four key challenges for the LGBTI community in 2013:

1. Discrimination in healthcare access based on sexual orientation and/or gender identity.
2. Harassment, mistreatment, and detention by Nepali security forces and public officials.
3. Obstacles in obtaining government-issued identification documents for transgender individuals.
4. Legal deficiencies exposing LGBTI individuals to unequal status (BDS, 2013).

## **Employment and LGBTI**

LGBT individuals form a small portion of Nepal's workforce, with few accepted in mainstream jobs. Heteronormative preferences and biases dominate every sector, despite Article 42 of the Constitution ensuring equal participation. In 2007, two women were expelled from the army for lesbianism, highlighting ongoing discrimination. Social attitudes and family ostracism often lead to high dropout rates from school, limiting education and job opportunities. Many resort to sex work, increasing their risk of HIV and other STDs (BDS, 2014).

## **Education and LGBTI**

Bullying and exclusion in schools are common for sexual minorities, leading to mental health issues and educational setbacks. A study among 112 respondents from Gender and Sexual Minorities Forum Nepal and BDS in Kathmandu found that 80.5% experienced verbal harassment, 33.3% were bullied, 20.7% left school, and 10.3% were expelled (Ghimire, 2019).

## **Health and Sanitation and LGBTI**

Discriminatory laws and societal stigma impede LGBTI individuals' access to healthcare, increasing their vulnerability to HIV and other health issues. In Nepal, gay men, transgender women, and MSM account for a significant percentage of HIV cases. Mental health issues such as depression, anxiety, and substance abuse are prevalent. The lack of privacy and sensitivity in healthcare settings deters many from seeking medical help. Economic challenges and unsupervised hormone therapies pose additional health risks (UNDP, USAID, 2014).

## **Violence and Discrimination against LGBTI**

LGBTQ issues are relatively new in research, making it challenging to gather reliable data. A 2019 Mitini Nepal study found that 51% of LGBT individuals faced discrimination, with many experiencing verbal harassment, exclusion from religious activities, and family rejection. Reports of violence and abuse are common but often go unreported. The national domestic violence law excludes protections for LGBTI people, exposing them to various forms of abuse, including physical assault, forced marriage, and corrective rape (The Himalayan Times, 2019).

## **Conclusion**

Sexual orientation is a fundamental aspect of a person's identity and encompasses lesbian, gay, bisexual, transsexual, and intersex individuals. Despite being considered modern and progressive, today's society has yet to fully embrace sexual diversity as natural. The LGBTI community frequently encounters discrimination within their families, workplaces, and governmental policies. Many people within this community struggle to lead normal lives. Globally, gender fluidity often leads to discrimination, and Nepali society is also guilty of bias against gender minorities. In Nepal, strict social norms, poverty, unsupportive legal frameworks, and general insensitivity towards different identities hinder the easy integration of the LGBT community.

Individuals who identify as LGBTI face isolation, insecurity, and ostracism. They continue to be distinguished as a separate social group and are fighting to normalize their identities. Social inequality is especially severe for the LGBTI community. Their daily experiences are plagued by social stigma and harassment, with numerous instances of violence and human rights

violations based on sexual preference and orientation frequently reported in the media. I hope this study ensure better understanding of the status of LGBTI in Nepali context.

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### **Conflict of Interest**

No conflict of interest

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