
The Need for LGBTIQ+ Movement in the Society of Nepal

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Abstract

A range of terminologies is used by LGBTIQ+ individuals to express themselves and their community. Equality and discrimination-free treatment are essential human rights that apply to all people, regardless of sexual orientation or gender identity. In most societies, LGBTIQ+ people are persecuted, marginalized, or at risk. The LGBTIQ+ movement is simply a social movement advocating gender equality and acceptance of all genders. In Nepal, this movement is extremely necessary as sexual minorities are sometimes not treated as humans and they face discrimination, oppression, violence, abuse, and biasness. This article is written to introduce sexual minorities as an important section of society and highlight the importance of LGBTIQ+ acceptance for a better society. The objective of this study is to explore the existing laws and create a sense of better awareness among the readers. Explorative, qualitative, and descriptive designs and secondary data have been used to satisfy the objectives of this research. This article composes of a short description of the role of laws, state policies, and mechanisms of the legal courtroom in assuring LGBTIQ+ rights in Nepal. The resume of this research is to conclude that every society should cherish and respect every gender, and the legislation should act likewise.

Keywords: LGBTIQ+, sexual minorities, sexual orientation, homosexuality, human rights

Introduction

The acronym "LGBTIQ+" represents a diverse group of identities related to sexual orientation and gender identity. Each letter stands for a different aspect of this spectrum:

L: Lesbian - Refers to women who are primarily attracted to other women.

G: Gay - Often used to describe men who are primarily attracted to other men. It can also be used more broadly to refer to all individuals attracted to members of the same gender.

B: Bisexual - Describes individuals who are attracted to people of both their own gender and other genders.

T: Transgender - Refers to individuals whose gender identity differs from the sex they were assigned at birth. Transgender people may identify as male, female, both, neither, or another gender entirely.

I: Intersex - This term pertains to individuals whose biological or physical characteristics (such as genitalia, chromosomes, or hormone levels) don't fit typical definitions of male or female.

Q: Queer or Questioning - "Queer" is an umbrella term that encompasses various non-heteronormative sexual orientations and gender identities. "Questioning" indicates that an individual is uncertain about their sexual orientation or gender identity and is in the process of exploring it.

The "+" sign at the end of the acronym is inclusive and acknowledges that there are many more diverse identities and experiences beyond the ones explicitly mentioned in the acronym.

The interpretation of sexual orientation and gender identity varies widely on an individual, regional and cultural level. Individuals of LGBTIQ+ are referred to as sexual minorities. Sexual minorities can simply be defined as individuals whose sexual identity, orientation, or behavior varies from that of society as a whole.

The LGBTIQ+ movement can be characterized as a social movement, or merely a campaign in favor of the individuals in this community to change society's outmoded

structure or beliefs of sexual minorities. It is the assemblage of persons whose connections are not determined by rules and processes, but who simply have a similar vision of sexual minorities.

If we seek into traditional society, we can observe that both gender and sexual orientation are divided into male and female only also, gender and sexual orientation are used interchangeably as synonyms while they are not. In hetero-normative societies, the male-female polarity has caused chaos in the lives of sexual minorities, disguising the fact that they, too, are members of the human race (Tamang, 2003).

We all currently live in the 21st century, which is riddled with ongoing social, economic, and political challenges. In Asia, LGBTIQ+ rights are limited in comparison to other areas of the world. In some countries, homosexual activists are even punished to death the others have very little recognition. Many countries do not have recognition of same-sex marriage, lack basic human liberties like adoption, job opportunities, and access to basic education for sexual minorities, and some even lack anti-discriminatory laws concerning sexual orientation and laws concerning gender expression (UNDP, 2014).

In Nepal, not a long time ago, the individuals of the LGBTIQ+ community were treated as non-humans and were openly regarded as 'social pollutants. With the thorough progress in society now these members enjoy social, legal, and political rights (Adhikari, 2018). However, they are discriminated against on some sort of basis. Even though Nepal's political and social landscape has changed over the years, the legislation regarding LGBTIQ+ rights have not been advocated at the community level. The need for the LGBTIQ+ movement in Nepal is crucial for social development and ending gender inequality from its roots.

Literature Review

Although there are ample works of literature that assist the introduction of the LGBTIQ+ community, there is little literature on the situation and movement of LGBTIQ+ people. As a result, this article has sought to contain a fundamental introduction to LGBTIQ+, their importance in the progress of society, and the obligation

of society and the constitution to uplift and embrace sexual minorities as integral members of society.

This review has been done under two headings. The first heading deals with the concept and situation of the LGBTIQ+ community in Nepal and the second deals with the necessity of the LGBTIQ+ movement in Nepal:

Concept and situation of the LGBTIQ+ community in Nepal

UNDP (2014) talks about the context of LGBTIQ+ in Nepali society being complex which is based on the political and societal environment and the tolerance of sexual minorities is perceived to be high. It also discusses the two major religions of Nepal i.e. Hinduism and Buddhism and evaluates them to be non-homophobic. Likewise, (Chhetri, 2017) discusses the perception of Nepalese society towards the LGBTIQ+ community in which it is stated that Lesbian, Gay, Bisexual, and Transsexual (LGBT) individuals have a small footprint in Nepal. Many people associate it with something unnatural, a bad impact of modernism, or cultural exploitation. Nepal, on the other hand, is one of the most advanced countries in terms of LGBT rights.

The necessity of the LGBTIQ+ movement in Nepal

Cassel (2013) refers to Nepal as the beacon of LGBTIQ+ rights. It counts in law as a crucial game player but society is said to be bounded by a patriarchal legal system for which the LGBTIQ+ movement becomes of extreme necessity. Similarly, Becker (2013) mentions the necessity of the LGBTIQ+ movement in especially developing countries in Nepal, for social justice and protection of human rights. As all humans are born free and have the fundamental right to live with dignity and freedom, they have the chance to choose their gender identity, and who they love.

Research gap

A few knowledge gaps were identified while exploring the available studies. The research that is taken for this study is taken as a strong foundation for this study. Every research should be advised by a particular theory or theories. This research is also not exceptional to the rule. The literature has provided clear guidelines for this research. There are ample studies that highlight the concept of the LGBTIQ+ community and the

conditions and miserable situations faced by sexual minorities in their daily life however, there are only very few or no studies that seek the solution to this desolate situation. Henceforth, this study focuses on movement of LGBTIQ+ community as the main concern of this study.

Similarly, there are hardly any studies that evaluate the laws and constitutional arrangements for the enhancement of this community, and the necessity of making new laws, amending and abolishing old and outdated laws for the protection of this liberal LGBTIQ+ community. Henceforth, this study highlights the necessity of laws for the protection and preservation of the LGBTIQ+ community.

The reports of Nepal's figures included here are authentic sources of data. In the present study, all of these data have been retrieved from authentic articles, the constitution of Nepal, the reports of NGOs and INGOs, and many others and hence they are evaluated as per necessary headings and sub-headings.

Objectives

The following points have been developed as the research objectives of this research:

- To explore the need and awareness of the LGBTIQ+ movement in Nepal.
- To inspect the constitutional and legal provisions that advocate for LGBTIQ+s.
- To look through the problems faced by the members of the LGBTIQ+ community and seek solutions.

Research Questions

To satisfy the objectives of this research, the following questions are generated to answer the aims of this study:

- What is the need for a growing LGBTIQ+ movement in Nepal?
- What are the guaranteed legal and constitutional provisions regarding the rights of the LGBTIQ+ community?
- What movements have been conducted in Nepal advocating for LGBTIQ+ rights and to what extent have the movements aided in raising community awareness regarding this?

Methodology

Research methodology is a common research technique that describes the way how research should be undertaken (Melnikovas, 2018). The methodology is simply the situation with why, what, from where, when, and how data of the study were collected and evaluated. (Guba & Lincoln, 1994). The proposed methodology is organized under the following headings:

In this research, qualitative research design has been employed hence forth, the research consists of textual rather than numerical data. This research will incorporate descriptive analysis, interpretation, and non-statistical analysis. This study will employ an explorative research design, as only very few studies and data regarding the LGBTIQ+ movement in Nepal were found. Because of this exploratory method, this study is flexible and open-ended in nature. By identifying the factors that determine the electoral system, an exploratory approach was taken to shed more light on the topic. The descriptive design will be engaged to evaluate the data. It will be used to trace the solutions to the problem of this research design and what measures are or can be taken to ensure the social movements. It will be used to explore real-life situations.

The research on these academic references has exclusively used primary data. Therefore, it is grounded in secondary data. Since surveys and direct interviews with individuals aren't extensively employed, it has saved time and effort. Thus, this study focuses on the source's validity and dependability. The study is primarily based on the secondary information collected from the various constitutions, laws, offices, organizations, individuals, and their publications. Library searching for books, reports, websites, and others materials are consulted and read extensively before the descriptive writing is conducted. Information collected is manually tabulated. Simple statistical tools are used to analyze the information as per necessity.

For this study sample, no exact number of participants was taken. All the members of this sample are members of the LGBTIQ+ community who represent this sphere.

Result and Discussions

Global LGBTIQ+ movement

As lesbian, gay, bisexual, transgender and Queer (LGBTIQ+) activists around the world have campaigned for rights and equality, their collaborative efforts and collective action has given rise to a worldwide LGBT movement. Around the last century, advocates from all over the globe have acknowledged shared aims and coordinated in official and unofficial ways to advance the global issue of sexual equality (Liechty, 2005). As a result, there has been a steady trend forward into global recognition of LGBT rights, with all these rights gaining momentum in formal policy and legislation as well as popular sentiment and the objectives of activists campaigning for social justice and human rights. The movement's goals have also broadened, with an emphasis on new issues and coordination with other campaigns for personal integrity and equality. While policies and perceptions towards the LGBT community have changed over time, prejudice remains prevalent and can manifest itself in subtle ways.

Problems faced by the People of LGBTIQ+

Growing up in a society where heterosexuality is typically promoted as the only respectable and acceptable sexuality and homosexuality is perceived as immoral, LGBTIQ+ members confront enormous challenges. Throughout the world, they continue to face prejudice and isolation in all areas of their life. Because of their sexual orientation, a community that is part of the largest liberal community often suffers humiliation, prejudice, and the possibility of assault. Numerous members of this group suppress their orientation out of shame. They suffer detachment from family and friends, as well as invisibility and persecution in both private and public areas of their lives. Young LGBT persons are especially vulnerable because they face estrangement from friends and family connections, bullying at school, and obscurity, which can even result in self-harm (Adhikari, 2018). Societal marginalization frequently eliminates LGBT individuals from numerous support systems, including their own families, leaving them with limited access to resources that most others take for granted, such as medical care, justice and legal services, and education (Lopez & Chism, 1992).

The need for the LGBTIQ+ movement in Nepal

Human rights are essential. However, discussing human rights without recognizing specific populations subjected to violence and prejudice is meaningless. When it comes to the rights of sexual minorities, Nepal does not compose of a significant number of progressive legislation and policies, primarily when contrasted with the rest of other nations of South Asia (Becker, 2013). However, for several individuals in the LGBTIQ+ community, these legislations do not extend far enough, and sexual and gender minorities continue to face challenges in achieving equitable legal treatment. Moreover, these regulations have not caused shifts in the broader community, which continues to remain extremely conservative. Despite constitutional provisions ensuring equal rights, opportunities, and treatment without any gender discrimination by the state and policies, the reality is sadly different (Balachandran, 2004). The members of the LGBTIQ+ community are still deprived of same-sex marriage, education, adoption, jobs, and property rights, and they still encounter a high number of abuse, harassment, and attacks based on their gender which sometimes even result in threats to their lives (Cassell, 2013). This paints a clear picture which evaluates that how the state policies have failed in assuring fundamental rights to LGBT members. Because sex work is still prohibited in Nepal, it exposes workers to a broader range of persecution and mistreatment, particularly at the hands of the police, thus it proves that LGBT community members are unwilling to request assistance from the security forces whenever they are in crisis.

Henceforth, the LGBTIQ+ movement is a major need of the nation. The LGBT community's situation is an excellent real test for the state of human rights in society more generally, specifically as it is such a vulnerable minority (Sen, 2020). When the rights of LGBTIQ+ individuals are violated, one can assume that the rights of other minorities and vital members of civil society will follow this example. To provide every individual member with equal rights and opportunities, to clear the confusion in society about sexual orientation and identity, to eliminate all the discriminatory provisions, to make government acknowledge the diversity of the members of LGBTIQ+, which now

is only referred to as 'others'. Likewise, it is extremely crucial to help every individual come up openly with their sexual orientation and cherish their gender identity (Knight et al., 2013).

The major aim of the LGBT movement is to promote gender acceptance. We all have imagined a discrimination and bias-free society which is not possible without recognizing and accepting all sexual orientations. In many places including Nepal, the LGBTIQ+ community is at risk (Chhetri, 2017). For protecting human rights principles, norms and standards it is very necessary to ensure LGBTIQ+ rights for which the pride movement is extremely necessary.

The Constitutional Provisions

The constitution is the main law of the land. In Nepal, in 2072 B.S., the Constituent Assembly of Nepal overwhelmingly enacted a remarkable new constitution after nearly eight years of discussion and often heated debate. This constitution has been among the first constitutions in Asia to mention the human rights of sexual minorities. Our present constitution contains several crucial articles that cherish the protection of the LGBTIQ+ community as follows:

Article 12 of our constitution has provisioned about citizenship, in which it is stated that the citizens are given the privilege to choose their gender identity as either male or female or other. Similarly, Article 18 talks about the Right to Equality which elaborates that gender and sexual minorities will not face discrimination in the execution of laws by the state or the judiciary. It also states that the government may enact specific legislation to safeguard, empower, and advance the rights of gender and sexual minorities, as well as other marginalized and minority groups. Likewise, in Article 42 of our constitution gender and sexual minorities are listed as groups with the right to engage in state structures and public services aimed at promoting inclusion.

The Muluki Criminal Code of Nepal, in section 219 has a provision against rape however, it miserably fails to address the rape of male individuals, and hardly imagines a female as a perpetrator, which puts the sexual rights of LGBTIQ+ members in danger and strictly deprives them of seeking legal aid.

The Role of the Judiciary

Judiciary plays a greater extent of role in justifying the rights of sexual minorities. In case the individuals face abuse, bias, and harassment are threats to life, the legal mechanism especially the judiciary acts as a support system (Majid, Marksamer, & Reyes, 2009). Nepal is the first country in South Asia to accept identities of the sexual minorities. In 2007, Nepal's Supreme Court issued a decision in favor of LGBTIQ+ community members. The Nepalese government since then has taken considerable initiatives to ensure equality in the aftermath of the verdict for persons who identify as lesbian, gay, bisexual, transgender, or intersex. The following case might be considered crucial in uplifting and protecting the rights LGBTIQ+ community:

Sunil Babu Pant and Others v. Government of Nepal

In the political arena, the LGBTIQ+ community was ignored and left out of the box after the establishment of democracy. Hence the members of LGBT filed a writ petition in the Supreme Court to officially recognize them as the third gender, to abolish laws that were gender discriminatory, and so on. On this Supreme Court gave the verdict to amend the laws safeguarding sexual minorities and decriminalizing same-sex marriage. However, no laws in Nepal yet address same-sex marriage.

The Role of Blue Diamond Society in Uplifting LGBTIQ+ Rights

Blue Diamond Society is an organization in Nepal formed to protect LGBT rights which contributes to advocating for the rights of LGBT. It also awakes people about their community, sexual health, against violations of the LGBTIQ+ community, and for the better expression of sexual minorities. The major aim of this organization is to create an environment where sexual minorities are valued and respected and to create equal rights, dignity, and opportunities for sexual minorities (Tanaka, 2011). It plays a great role in conducting the LGBT movement in Nepal.

Conclusion

For the execution of these granted human rights and to end all forms of inequality people face for their choice of gender, sexual orientation, and gender identity, the LGBTIQ+ movement plays a large part. No one should face harassment, abuse, and bias

for their sexual orientation. Especially for a developing country like Nepal, it is extremely important to bring these social movements to life especially at the community level not just for awareness but to acknowledge the pride movement and to attract the parliamentarians to make and amend laws to focus on the progression in rights and privileges of the LGBTIQ+ community. It is also extremely crucial to advocate for laws and policies that protect every individual's dignity to ensure a space where everyone can enjoy their rights. Nepal has introduced progressive and liberal laws that ensure the rights of all sexual minorities, yet there are still loopholes. The members of the LGBTIQ+ still face societal discrimination hence a lot is to be done at the community level.

References

- Adhikari, A. (2018). Attitude towards transgender among college level students. *Indian Journal of Research*, 9(2), 45-58.
- Balachandran, C. S. (2004). *A Preliminary Report on Emerging Gay Geographies in Bangalore, India*. Sage Publications.
- Becker, J. (2013). *Campaigning for Justice: Human Rights Advocacy in Practice*. Stanford University Press
- Cassell, H. (2013). *Nepal's LGBT community under attack*. San Francisco: The Bay Area Reporter.
- Chhetri, G. (2017). Perceptions about the "Third Gender" In Nepal. *Dhaulagiri Journal of Sociology and Anthropology*, 2(2), 34-45.
- Guba, E. G., & Lincoln, Y. S. (1994). *Completing paradigms in qualitative research*. NK.
- Knight, K., M., Thapa, K. B., Khadka, D., & Limbu, P. (2013). *Global LGBTI Human Rights Partnership Bridges to Justice: Case study of LGBTI Rights in Nepal*. Astraea Lesbian Foundation for Justice.
- Liechty, M. (2005), *Carnal Economies: The Commodification of Food and Sex in Kathmandu*. Social Justice Foundation.
- Lopez, G., & Chism, N. (1993). *Classroom concerns of gay and lesbian students: The invisible minority*. University of Chicago Press.

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- Majid, K., Marksamer, J., & Reyes, C. (2009). *Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts*, US Department of Justice.
- Melnikovas, A. (2018). Towards and Explicit Research Methodology: Adapting Research Onion Model for Future studies. *Journal of Future Studies*, 7(3), 24-40.
- Muluki Criminal Code (2074). International Labour Organization.
- Sen, S. (2020). *People from LGBT community suffering from stress*. The Himalayan Times.
- Tamang, S. (2003), *Patriarchy and the production of homo-erotic behavior in Nepal*. Nepal: Studies in Nepali History and Society.
- Tanaka, M. (2011). The Changing Roles of NGOs in Nepal. Nepal Studies.
- The Constitution of Nepal* (2072), Nepal Law Commission.
- United Nations Development Programme (2014). *Being LGBT in Asia: Nepal Country Report*.

Websites visited:

<http://www.bds.org.np/>

<http://www.pahichan.com>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3093259/>

https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Nepal_Country_Report.pdf