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Item 6 – UPR Nepal
Statement by
International Lesbian and Gay Association
Joined by:
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Delivered by Arvind Narrain

Mr. President,

The following statement has been made in consultation with the Blue Diamond Society.

We welcome the progress made by Nepal on its democratic reform that led to the inclusion in the constitution of the right to equality in article 18, including specific protection for sexual and gender minorities.

Nepal has taken important steps towards the realization of the human rights of sexual and gender minorities. In 2013, Nepal's Supreme Court found in the Rajani Shahi case that two adult persons are free to live together as couple if they so wish.

For the first time in the history of South Asia, our country is on the cusp of achieving marriage equality. The same sex marriage committee formed by the Government has already submitted a progressive report to Nepal's government. However, we the sexual and gender minority community of Nepal, question the government's delay in carrying-out the committee's recommendations. Granting this right would result in the ultimate recognition of human rights of sexual and gender minorities.

Mr. President,

Despite of all these advances in recent years, sexual and gender minorities still face marginalization in our laws. For example the terms "wife" and "husband" are used throughout the *Muluki Ain* (General code of Nepal) as well as in a number of legislative instruments enumerating civil rights. This reference to 'wife' or 'husband' rather than a gender neutral term such as 'spouse' or 'person' means that many sexual and gender minorities are excluded from legal protections.

Mr. President,

Despite many advances, sexual and gender minorities still face violence in their daily lives. We call on the Nepalese government to commit itself to performing proper investigations into acts of violence against individuals based on their sexual orientation and gender identity and expression and to implementing the constitutional provisions for sexual and gender minorities.

Finally, we urge the government to monitor and evaluate the implementation of the recommendations made by Spain, Sweden, Brazil and Israel on sexual orientation and gender identity issues, which we stand ready to work with the government to implement.

Thank you, Mr. President