



**Remarks by Jyoti Sanghera, Representative of OHCHR-Nepal
On the Occasion of an Interaction on
Equal Rights to Sexual Minorities: Right to Citizenship Certificate
Hotel Everest, Kathmandu
Thursday, 7 July 2011**

Honorable Constituent Assembly Members, NHRC, NWC and NDC Commissioners, representative of the Office of the Prime Minister-Council of Ministers, representatives from the international community, Friends and Colleagues from media and civil society:

I am very pleased to speak today at this event. I would also like to welcome the joint efforts of the Durban Review Conference Follow-up Committee-Nepal and Blue Diamond Society to organize this interaction and bring together participants from different regions of Nepal and from Kathmandu to this important discussion.

We all recall the ground breaking decision on gender identity and sexual orientation issued by the Supreme Court in December 2007, recognizing equal rights of sexual minorities, including equal recognition before the law. The decision, *inter alia*, directs the Government to enact laws protecting and promoting those rights, to review and amend legislation discriminating against sexual and gender minorities. The decision reiterated the principle of equality and non discrimination for gender and sexual minorities, including access to citizenship and identity certificates.

Under the recent Universal Periodic Review in January and June 2011, the Government of Nepal has also made specific commitments on the elimination of discrimination, including on the basis of gender identity and sexual orientation, and on the implementation of the Supreme Court decision. The Government has agreed to “Enact legislation to ensure that the citizenship rights of members of LGBTI community are consistent with the equal rights enumerated in the 2007 Supreme Court decision” and to “Take steps to ensure non-discrimination based on sexual orientation and gender identity including in the proposed civil and criminal laws”.¹

Through its commitments under the Supreme Court decision and the UPR review, Nepal is uniquely placed as the only South Asian country recognizing equal rights to lesbian, gay, bisexual, transgender and intersex persons. However, a series of challenges still have to be overcome to ensure protection and promotion of the human rights of sexual and gender minorities and to ensure their equal treatment.

If there is one group of people who are not only seriously discriminated against but in addition who face enormous stigma, it is the sexual minorities. Often socially ostracised, driven out, forced to lead closeted lives, delegitimized and discredited, deemed abnormal, unnatural, perverse or deviant, the discrimination and stigma faced by this group leads to a denial of multiple rights including right to freedom from violence and abuse, right to family, livelihood,

¹ Recommendation 106.5 and 106.23 of Human Rights Council, Working group on the Universal Periodic Review, Tenth session, Geneva, 24 January – 4 February 2011.
<http://www.ohchr.org/EN/HRBodies/UPR/PAGES/NPSession10.aspx>.



housing, education and health, right to bodily integrity and even the right to life. There are ample examples from every part of the globe where members of sexual minority groups have been hounded to death simply because they have different sexual preferences and gender identities. Lesbian women have been subjected to ‘corrective rapes’ and gay men denigrated in other horrific ways. Non acceptance of alternative sexual ways of being and the ensuing stigma are the biggest shame clouding so-called modern societies and modern ways of thinking.

Despite the order of the Supreme Court, as earlier highlighted by some of the interventions, sexual minorities continue to face problems to acquire citizenship certificates according to their identity. The LGBTIs who, on the basis of their sexual orientation and gender identity, have been subjected to discrimination, are deprived of equal opportunities and of the full enjoyment of human rights.

It therefore remains paramount to ensure an effective implementation of the Supreme Court Order and of the commitments made by the Government of Nepal under the UPR process. National Human Rights Institutions and civil society also have a major role to play in the protection and promotion of the rights of LBGTIs, including through the UPR process.

Today I would also like to recall the recent ground breaking resolution of the Human Rights Council, the first-ever resolution on Sexual Orientation and Gender Identity, adopted on 17 June 2011. Under this resolution, the Office of the High Commissioner for Human Rights has been asked by the Council to carry out a study by December that details “discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world”. OHCHR-Nepal will contribute to this study and will consult with partners through the process. Our Office will also continue to provide support on relevant international human rights practices and best practices related to the protection and promotion of the rights of LBGTIs, within the constitution drafting process and the review of discriminatory laws and policies.

In closing, I would like share a quote from Navjot Singh Gill, High Commissioner for Human Rights, included in the video message that we will watch shortly “No one is entitled to treat a group of people as less valuable, less deserving or less worthy of respect. Each and every one of us is entitled to the same rights, to the same respect and ethical treatment, regardless of our sexual orientation or gender identity”.

Thank you.